

## MINUTES

March 6, 2009

Minutes of the meeting of the State Board of Education held March 6, 2009, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:00 a.m.

Chairman Debra G. Roberts presided

Members present were:

Chairman Debra G. Roberts  
Vice Chairman Dixie L. Allen  
Member Laurel O. Brown  
Member Janet A. Cannon  
Member Leslie B. Castle  
Member David L. Crandall  
Member Greg W. Haws  
Member Michael G. Jensen  
Member Shelly Locke  
Member Charlene Lui  
Member Denis R. Morrill  
Member Carol A. Murphy  
Member C. Mark Openshaw  
Member David L. Thomas

Board Members Kim R. Burningham, Rosanita Cespedes, Meghan Holbrook and Richard Moss 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:

Loretta Park, Standard Examiner  
Lisa Schencker, Salt Lake Tribune  
Amy Stewart, Deseret Morning News  
Barry Walker, Superintendent South Summit School District  
Randy Merrill, Superintendent Provo School District  
Holly Langton, Utah PTA  
Natalie Gordon, Utah PTA

Utah State Office of Education Staff:

Cory Kanth, Charter Schools  
Jeannie Rowland, Charter Schools  
Margaret Bird, School Children's Trust

March 6, 2009

Paula Plant, School Children's Trust  
Tim Donaldson, School Children's Trust

Chairman Debra Roberts called the meeting to order. She excused Board Members Kim R. Burningham, Rosanita Cespedes, Meghan Holbrook and Richard Moss.

#### Welcome

Board Member Charlene Lui led the Board in the Pledge of Allegiance.

Board Member Carol Murphy welcomed everyone to the meeting and offered an Irish blessing.

#### Issue of the Month

Superintendent Patti Harrington shared Powers of the Utah State Board of Education and Duties of the State Superintendent of Public Instruction. (For complete details see General Exhibit No. 10837.)

The Board discussed the various aspects of the information presented. Further discussion of this issue may be a part of a Board study session.

The Board recessed into Standing Committee Meetings at 8:25 a.m.

The Board reconvened at 10:30 a.m.

#### Achievement Spotlight

Cancelled

#### Legislative Update

Deputy Superintendent Larry Shumway presented a status report of selected education legislation. Legislation reviewed was HB 66, Property Tax Amendments, HB 150 (S1) State Board of Education Member Election Process Amendments, HB 207(S1) Concurrent Enrollment Amendments, HB 264 (S1) Educator Evaluation Amendments, HB 296 (S1) School for the Deaf and Blind Amendments, HB 328, Teacher Quality Amendments, HB 334 Writing Assessment and Instruction, HJR 13 Joint Resolution - Teacher Performance Pay, SB 81 (S1) Concurrent Enrollment Program Amendments, SB 159 (S1) Math Education Initiative, and SB 185 Federal Education Agreements Requirements Amendments.

Dr. Shumway reviewed the following legislation:

HB 296 (S1) Schools for the Deaf and Blind Amendments.

Karl Wilson provided a brief synopsis of what the bill includes.

March 6, 2009

Carol Murphy commented that she will not be voting on this issue because of her employment at the Disability Law Center.

Motion was made by Vice Chairman Dixie L. Allen and seconded by Member Janet A. Cannon to support the legislation.

Member Dave Thomas commented that we should ensure it remains under the cap set by the Board. It was clarified that the funding is coming from existing education money.

Motion carried with Members Allen, Brown, Cannon, Crandall, Haws, Jensen, Locke, Morrill, Openshaw, Roberts and Thomas voting in favor; Member Murphy declared conflict of interest and did not vote on the motion.

#### SB 64 Administrative Rules Review Committee

Dr. Shumway identified the addition to Administrative Rules Committee powers. He noted that it tries to restrict authority whether or not it was in the expressed intent. He indicated that this is a significant expansion of the oversight powers given to this single committee. This committee has, at times, taken upon itself to do things that seem to be not as collaborative as some would hope.

Member Denis Morrill commented that coming from a position of a lawyer he would hope they would express their intent in the bill rather than someone coming in later.

#### SB 153 County and Municipal Land Use Amendments

Dr. Shumway reported that this bill is passed and on its way to the Governor for his signature.

Member Dave Thomas commented that this is a continuation of assaults on school districts. He recommended that the Board send a letter to the Governor asking him to veto this legislation because it is not in the best interest of school children.

Motion was made by Vice Chairman Dixie L. Allen and seconded by Member Carol A. Murphy that the Board send a letter to the Governor requesting him to veto this bill. Motion carried unanimously.

#### SB 195 Public Employee Defined Contribution Amendments

Dr. Shumway reported that this is a budget issue. Employers contribute 1.5% to the employees 401K, in addition to the 15% from the state. This would be a \$11 million savings for agencies across the state.

March 6, 2009

Reauthorization of R277-470-12(b) and (c)

The Board discussed a proposal to request the Governor to reauthorize R277-470-12(b) and (c) dealing with Charter Schools. This would be a mechanism for the Governor to intervene in this rather than asking him to veto SB 64, Administrative Rules Review Committee.

Dr. Shumway reviewed the reasons for this request and a proposed letter to the Governor.

(For complete details of the legislative report see general Exhibit No. 10838.)

Trust Lands Bills

Margaret Bird, Specialist, School Children's Trust, updated the Board on the changes in the language that eliminates the concept of taking all the fees by agencies. She indicated that this will be a part of the interim study meetings.

Extra Curricular Activities Internal Audit Report

Internal Auditor Tim Salazar presented a Survey Report on Extracurricular Activity. He reported that he used a random sampling of schools across the state. (For complete details see General Exhibit No. 10839.)

The report was provided as information. No action was required.

Public Participation/Comment

Natalie Gordon, Utah PTA Trust Land Appointee shared concerns on the Consent Calendar relative to Trust Lands Rule, R277-477 and School Community Council Rule R277-491. (For complete details see General Exhibit No. 10840.)

She requested that these rules be taken from the consent calendar and amended as indicated in her report.

Executive Session

Motion was made by Member Denis R. Morrill and seconded by Member Janet A. Cannon to move into an executive session following lunch for the purpose of discussing personnel and property and lease issues. The Board was polled and by unanimous consent of those present the Board moved into executive session at 12:15 p.m.

Motion was made by Member Laurel O. Brown and seconded by Member C. Mark Openshaw to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 2:10 p.m.

March 6, 2009

### **Utah Professional Practices Advisory Commission Recommendations**

Motion was made by Member Denis R. Morrill and seconded by Member Dixie L. Allen to accept the recommendation of the Utah Professional Practices Advisory Commission in Case No 07-811 and revoke based upon default the educator license of a former educator in the Weber 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 entering into a plea in abeyance to lewdness and violating the terms of an existing stipulated agreement. The educator did not respond to written correspondence from the office, several telephone calls to both he and his attorney also resulted in no response. Motion carried unanimously.

Motion was made by Member Denis R. Morrill and seconded by Member C. Mark Openshaw to accept the recommendation of the Utah Professional Practices Advisory Commission as well as the hearing panel in Case No. 08-855 that the educator license of a former teacher in the Weber School District be suspended for one year from the date of formal action by the State Board of Education. The educator must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted. The suspension results from his use of multiple school computers to access, store, and view pornographic images. It was noted that the hearing report was reviewed by the Board in Executive Session.) Motion carried unanimously.

Motion was made by Member Denis R. Morrill and seconded by Member David L. Thomas to accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 08-868 and permanently revoke, based on default, the educator license of a former educator at Thomas Edison-South School, a charter school. This action is taken as a result of the educator pleading guilty to two second degree felony counts of aggravated sexual abuse of a child. The educator did not respond to written correspondence to him. Motion carried unanimously.

(For complete details see General Exhibit No. 10841.)

### **Superintendent Patti Harrington Retirement Announcement**

Superintendent Patti Harrington announced in a letter to the Board her retirement effective July 1, 2009. (For complete details see General Exhibit No. 10842.)

March 6, 2009

Superintendent Harrington commented that she felt this was a good time to look at doing some other things with her life. She would like to spend more time with her family, like to try writing and would like to be of service to other parts of education and to her church. She indicated she has loved her service and the Board. The last five years as superintendent have been a joy for her.

When some have asked what she is most pleased with it is the K-3 Reading Program which almost guarantees that no child will leave Utah schools without knowing how to read. The people in office are wonderful. She calls them all leaders whether they are called associate superintendents or administrative assistants. They are great people and good friends. Kids are a joy and the love and respect she feels for educators is real.

Dr. Harrington stated that her mother was a fourth grade teacher and when she would come home and correct papers all night long she swore she would have nothing to do with education. As she watched herself go through college and looked at a journalism major, she still found herself going back to teaching. She first ended up in special education with an English Certificate. She owes a great deal to her mother and to her father who at a very important time in her life when she was considering law school but offered an opportunity for advanced employment in education said one thing I have learned over the years is be loyal to your boss or organization. With that good advice she decided to stay with education and take the assistant principals job that was offered to her. Her life has changed because of that moment in time and her dad's good advice.

Dr. Harrington expressed appreciation to the Board for letting her serve. It is a joy to watch things come about after having weighed them over many months and a great deal of consideration and thought. This is a very considerate board. Its empathy and compassion is real and desire to improve the lives of children is very much something she has noticed at every meeting and on every decision.

Chairman Debra Roberts commented that our loss today is not only the loss for the State Board but for education across the state. Dr. Harrington will continue to do some things for us because she is greatly valued and needed in the educational system in Utah. Chairman Roberts noted that Dr. Harrington came into the office the same time she became a board member. As she participated in the interviews when Dr. Harrington was chosen it was obvious that this was the right woman for the right time. We have never regretted that decision, she has

March 6, 2009

been tremendous for the state of Utah. She expressed her great appreciation and respect to Dr. Harrington.

Chairman Roberts reported that the Board will be putting together a selection committee which was not an easy decision because there are many great board members with wonderful talents. Leadership has asked that Member Denis Morrill serve as the chairman of the Search/Selection Committee with Members Dixie Allen, Leslie Castle, Dave Crandall and Debra Roberts. The advertisement will go out this coming week. It will close in late April and begin interviews in early May and hopefully have a superintendent hired around the end of May.

Chairman Roberts indicated that the Board would be having a retirement party for Superintendent Harrington where Board Members could express at that time their feelings about Dr. Harrington.

#### State Charter School Board Scoring Rubric

Marlies Burns, Executive Director of the State Charter School Board presented the scoring rubric prepared by the State Charter School Board for its use when determining which new school applicants and existing school amendments to recommend to the State Board of Education. This tool will be used in conjunction with the quality of the application itself, input from staff, and possibly other items board members wish to discuss and consider. (For complete details see General Exhibit No. 10843.))

This is our first attempt and once we use it we may make modifications to the process.

Motion was made by Member Dixie L. Allen and seconded by Member Michael Jensen to accept the scoring rubric as presented from the State Charter School Board. Motion carried unanimously.

#### Board Standing Committee Reports

##### **Law & Policy Committee**

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

##### Garfield School District Four-Day Week Waiver Request

R277-419-3 *Minimum School Days* requires that LEAs conduct school for at least 990 instructional hours and 180 days. The Garfield School District has requested a variance to this

March 6, 2009

rule to allow a four-day school week in the district. The procedure for consideration of a waiver requires that the Board conduct a thorough review of available data and make a “data driven decision.”

The Committee considered the request for waiver from Garfield School District. The District presented data that supports their request. (For complete details see General Exhibit No. 10844.)

The Committee did not see what would happen with a four-day week that is not already happening now, none of circumstances met the criteria in rural areas. Therefore, the Committee voted unanimously to deny their waiver requests. Motion from the Committee that the board deny the request of Garfield School District request. Motion carried unanimously.

Member Cannon noted that if they wanted to rework the information and if it better met the grounds for the waiver the committee would look at it again.

#### Jordan School District Waiver Request

R277-419-3 *Minimum School Days* requires that LEAs conduct school for at least 990 instructional hours and 180 days. The Jordan School District has requested a variance to this rule to allow elementary year-round schools to be dismissed for the observance of Independence Day.

The Committee considered the request for waiver. Jordan District presented data to support their request. (For complete details see General Exhibit No. 10845.)

The Committee approved the Jordan School District’s request for a waiver and moves that the Board approve the waiver request for 32 elementary schools on Tracks B C and D. Motion carried unanimously.

#### East Hollywood High School Request for Waiver from R277-419-3 Minimum School Days

East Hollywood High School opened in 2004 with a mission to prepare its students, who have been identified as being “at risk”, to meet the challenges of life with confidence and skill and to prepare them for high school graduation. After nearly five years of operation, the school seeks to waive the requirement of 180 school days based on a desire to provide longer class periods for several courses and use Fridays to complete off-campus film projects. East Hollywood agrees to complete a minimum of 144 school days and the required 990 hours of instruction.



March 6, 2009

The State Charter School Board unanimously voted to recommend that East Hollywood's waiver request be approved by the State Board of Education for a pilot period of one school year (2009-2010). East Hollywood High School is required to report to the State Charter School Board in July 2010 on the outcomes of the pilot program. Specifically, the school shall provide disaggregated test scores, disaggregated attendance, financial impacts, student grades in courses, enrollment changes, graduation rate, Friday project participation, and the staff/student survey regarding a 4-day week. (For complete details see General Exhibit No. 10846.)

The Committee considered the recommendation from the State Charter School Board and felt there is nothing preventing them from doing their core classes the other four days, and did not feel a need to give them 34 Friday's off. They also did not feel that they met the criteria previously established by the Board. Motion from the Committee that the Board deny the request. Motion carried unanimously.

#### Education Employee Required Reports of Arrests, R277-516

In its meeting of February 6, 2009, the Law and Policy Committee discussed a proposed rule relative to employee reporting. The proposed rule led to a discussion and the assignment to staff for further investigation and development.

Staff reported the results of their investigation over the last month and meetings with stakeholder representatives. (For complete details see General Exhibit No. 10847.)

The Committee discussed the results of the investigation. They asked that Carol Lear look at the rule and refine it, and bring it back to the committee with input from UEA and school employees so it is good for everyone and keeps the interest of the children at the forefront of the discussion. No action was required.

#### One-time Performance-based Compensation Program

The 2008 Legislature created the One-Time Performance-based Compensation Program (OTPBCP). SB 3 *Current School Year Supplemental Minimum School Program Budget Adjustments* passed in the 2009 General Session reduces the appropriation for the OTPBCP from \$20 million to 45 million and directs the Board to select approximately one-fourth of the plans for continued full funding.

March 6, 2009

The Committee discussed possible approaches to fulfilling the requirements of SB 3 as it relates to the OTPBC. The staff presented possibilities gathered from meetings with superintendents, teachers, and other.

The Committee directed staff to look at the applications and choose some of them to receive the compensation based on the plan that are well developed and have substantial details, represent variety of approaches and variety of districts and charter schools, suburban and rural. Input and information from that will turn out to be a \$5 million experiment. They asked for volunteers to meet with Dr. Shumway. Members Janet Cannon and Dave Thomas requested they be part of the committee to determine who would receive a portion of the \$5 million. (For complete details see General Exhibit No. 10848.)

#### **Finance Committee**

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

##### Standards for Utah Buses and Operations, R277-601

In the January 8, 2009 State Board of Education meeting, amendments to R277-601, Standards for Utah Buses and Operations dealing with the use of electronic and telecommunication devices on school buses and the end of bus route inspection were approved.

Subsequently, additional clarification regarding the use of electronic and telecommunication devices on school buses requires this rule be amended again. (For complete details see General Exhibit No. 10849.)

The Finance Committee reviewed and approved the amendments to R277-601 on first reading and moves that the Board approve the amendments to R277-601, Standards for Utah Buses and Operations on second reading. Motion carried unanimously.

##### RDA Annual Report to the Board

Laurence R. Newton, School Finance Director and Catherine A. Dudley, Property Tax Specialist, Taxing Entity Committee Representatives for the State Board of Education presented to the committee the RDA Annual Report. (For complete details see General Exhibit No. 10850.)

The Committee received the report and moves that the Board adopt the Redevelopment Taxing Entity Committee March 2009 Annual Report. Motion carried unanimously.

March 6, 2009

R277-719, Standards for Selling Foods Outside  
of the Reimbursable Meal in Schools, Report

The Finance Committee heard a report relative to the school districts and charter schools compliance with R277-719 in furnishing a copy of their policy to the State Office of Education. They reported that Seventy districts/charter schools participating with the National School Lunch Program (NSLP) responded. Twenty-four charter schools not participating in the NSLP responded. Twenty-six charter schools have no vending. Fourteen school districts do not allow vending in elementary schools. One school district does not allow vending at the middle school level. One school district does allow vending at the elementary level, but no beverages may be sold.

(For complete details of the report, see General Exhibit No. 10851.)

Committee asked staff to go back to the districts and charter schools who did not respond ask them to do so, and report back to the Committee in the next month or two.

The committee received the report as information and no action was required.

Addendum - State Board of Education Consultation  
with School Districts and Charter Schools on  
Appropriation Reductions - SB 4

With the passage of Senate Bill 4 *Current School Year Supplemental Minimum School Program Budget*, the State Board of Education will need to make a decision on how it will proceed under UCA 53A-17a-146 *Reduction of district allocation based on insufficient revenues* as amended by Senate Bill 4.

The stricken language required the State Board to consult with school districts and charter schools before allocating reductions to the Minimum School Act. The consultation was necessary as the State Board needed to know which programs to reduce by school districts and charter schools in administering bank transfers and accounting for MSP programs. The new language under Senate Bill 4 retains the consultative role of the State Board; however, the reduction is limited to a specific program newly added to section 104 of Title 53A “ongoing locally determined reduction.” The language now reads:

“The State Board of Education, after consultation with each school district and charter school, shall allocate the ongoing locally determined reduction provided in Section 53A-17a-104 for fiscal year 2008-09 among school districts and charter schools in proportion to each school district’s or charter school’s percentage share of Minimum School Program funds.”

March 6, 2009

The consultation under the new language has taken on a new focus. The reduction will be taken in a specifically identified program of the MSP, much different than in the old language where specific MSPs were not identified. The Board needs to decide on a process to review a school district or charter school plan to balance its budget in anticipation of the reduction allocation directed by this new language, or to receive reports from school districts and charter schools after the fact at some future meeting or delivery procedure.

Also considered is that school districts have been advocating similar flexibility in reductions to the FY 2010 budget. This section of code does not apply to FY 2010. The Board will want to determine its role to exercise any oversight in the reduction implementation for FY 2010 and into the future. The balance of oversight and autonomy will hinge on the principles of accountability and flexibility.

Member Haws reported that this came down to a definition of consultation and the requirement to report and evaluate the cuts at the district level and then report that on to the legislature as it applies to FY 2009. The Committee concluded that we have consulted with the districts and declared that has occurred and will continue to occur, but we are not requiring that we have formal hearings where the districts would come in and report in a hearing style format. We will compile the information we receive once they have completed their budget adjustments and then we will distribute the funds according to their budget and will report to the Board how that has been done. The Committee did not feel it met the requirements of the consultation, that is the reporting. The consultation with the districts, in our opinion, has occurred over a period of time and we will declare that we have met that requirement.

The is only an information and reporting item. No action was required.

### **Curriculum Committee**

Member Laurel O. Brown, Chairman of the Curriculum Committee presented the following recommendations from the Committee:

#### Procedures for the Utah General Educational Development Certificate, R277-702

R277-702 Procedures for the Utah General Educational Development Certificate is amended to define the same parameters defined, as recent amendments, in R277-733, Adult Education Programs.

March 6, 2009

Specifically, defining parameters associated with youth (16 years of age or older) who may choose to exit a K-12 program of instruction and seek admission to take the GED Tests; and upon successfully passing the GED Tests receiving a Utah High School Completion Diploma.

The Committee made additional amendments to the rule and distributed a copy of the newly amended rule. Member Brown reviewed the further amendments made by the Committee. (For complete details see General Exhibit No. 10852.)

The Committee reviewed and approved the amendments to R277-702 on first reading and moves that the Board approve R277-702, Procedures for the Utah General Education Development Certificate on second reading. Motion carried with Members Allen, Brown, Castle, Crandall, Haws, Jensen, Locke, Morrill, Murphy, Openshaw and Thomas voting in favor; Member Cannon absent.

It was noted that the new title of R277-702 will be, Procedures for the Utah High School Completion Diploma.

#### Curriculum and Instruction Section Mission and Duties

Staff provided an overview of the Curriculum and Instruction Section of the Utah State Office of Education's Mission and Duties. They provide leadership in advancing the achievement and lifelong learning of all Utah students by: 1) Maintaining and implementing comprehensive Core Curricula; 2) Providing leadership in research-based instructional practices; 3) Designing and delivering effective professional development; 4) Communicating and collaborating with all stakeholders; and 5) Supporting compliance with statutes and rules. (For complete details see General Exhibit No. 10853.)

The Curriculum and Instruction Committee received the report as information. No action was required.

#### Carl D. Perkins and Technical Education Improvement Act of 2006

The Carl D. Perkins Career and Technical Education Improvement Act of 2006 was re-authorized for six years beginning July 1, 2007. The Board is the Eligible Agency under the law. A six-year state plan was developed for Utah and approved by the U.S. Department of Education. The legislation requires that the Board meet at least four times annually in its role to oversee the implementation of the State Plan.

The Committee received a brief update on the Perkins State Plan by the CTE staff. (For complete details see General Exhibit No. 10854.)

March 6, 2009

This update was provided as information. No action was required.

USOE Mathematics Steering Committee

The Curriculum and Instruction Section of the Utah State Office of Education has initiated a Utah Mathematics Steering Committee. The purpose of the committee is to better prepare today's high school graduates with the mathematical knowledge, understanding, and skills necessary for life, employment, and the pursuit of higher educational opportunities in the area of mathematics.

The Committee received an overview of the Mathematics Steering Committee's progress and pending recommendations. (For complete details see General Exhibit No. 10855.)

No action was required.

Legislative Items Continued

SB 64 - Administrative Rules Review Committee

---

Motion was made by Vice Chairman Dixie L. Allen and seconded by Member Michael Jensen to oppose for SB 64, Administrative Rules Review Committee.

Following some discussion the motion was amended by the makers of the motion to oppose, and if it happens to pass that the Board request the Governor veto the bill. Motion carried with Members Allen, Brown, Castle, Crandall, Haws, Jensen, Locke, Morrill, Murphy, Openshaw and Thomas voting in favor; Member Cannon absent.

R277-470-12

Motion was made by Vice Chairman Dixie L. Allen and seconded by Member David L. Thomas to ask the governor for declaration to continue our rule in full force my letter as described.

Member Dave Crandall, spoke against that motion, commenting that it is better handled during the approval process for new charter schools and expansions with the new rubric to look at the parent involvement then and score them accordingly than it is to have rule that does not have the desired effect of what our intent might be.

Motion carried with Members Allen, Brown, Castle, Haws, Jensen, Locke, Morrill, Murphy, Openshaw and Thomas voting in favor; Member Crandall opposed, Member Cannon absent.

March 6, 2009

SB 195 - *Public Employee Defined Contribution Amendments*

Motion was made by Vice Chairman Dixie L. Allen and seconded by Member Laurel O. Brown to oppose SB 195. Motion carried with Members Allen, Brown, Castle, Crandall, Haws, Jensen, Locke, Morrill, Murphy, Openshaw and Thomas voting in favor; Member Cannon absent.

Executive Officer Report

Superintendent Patti Harrington presented the following items of information and discussion.

Information Items

- Shared How Utah Schools Compare to the Nation using the Iowa Tests of Basic Skills. Judy Park highlighted the results for Utah.
- Board Members had earlier received an audit report by Auston Johnson. Dr. Harrington shared the USOE response to correct inadequacies to that audit.
- SITLA senior management team bonus amounts for FY 2008. This information was presented in response to Member Morrill's request.
- Shared the short and long term goals from each board member for use in the planning for *Promises to Keep*. She indicated that not all board members responded by the February 15 deadline and requested that if the board members would like they may still respond.

Discussion Items

- Implementation of the American Reinvestment and Recovery Act (ARRA) Dr. Harrington reviewed the information she received at the Council of Chief State School Officers meeting with the Secretary of Education last week.
- Vision and leadership assignments of the State Superintendent

(For complete details see General Exhibit No. 10856.)

Board Chairman Report

Chairman Debra Roberts presented the following items of information and discussion.

- Member Mark Openshaw has been asked to serve on the Governor's Workforce Alliance.

March 6, 2009

- Reported that every Board Member has indicated their willingness to do the small salary cut of one extra meeting pay. Also, we have provided the General Consent Calendar electronically. Also, we have traditionally travel to other locations in the state for our meeting once a year and we will not be doing that this year.
- Leadership met with the Governor and discussed the budget. He has worked very hard on our behalf. The numbers will be much better than we first expected. She expressed appreciation to the Governor and the legislators who have worked with him on the budget. They also discussed the stimulus monies.
- Board members received in the mail notification of requests for NASBE Awards. She recommended that any suggestions be made at the next board meeting.
- K-16 Alliance meeting was excellent. She gave her impression that the great things that are happening is it is a reporting meeting. The great thing is getting the staff members together for the discussion. One important one reported at this meeting was the concurrent enrollment and the math alignment reports. A report was also made on Latino educators which is a group of young people in the Provo District and are helping them turn out to be educators. Chairman Roberts indicated she would like to see this group expanded to include other minority groups.
- State Teacher Policy Yearbook – These grades to do not reflect our criteria and not how we would grade our teacher quality. We can and should learn as we read, but some of the things listed for their criteria she personally did not agree with. Larry Shumway shared one example in the report where we get an F for not having a statewide teacher salary schedule.
- Legislative Process – Chairman Roberts indicated that there would be more of a summation and conversation in the next board meeting. However, she asked board members to think about: an approval to send thank you letter to all legislators and the governor for all good things that have happened. Also, to the editorial boards sharing our appreciation for what they have done. Everyone indicated they would be comfortable with doing this. She suggested that we change our March board meeting date to convene the day after the legislative session. Chairman Roberts also questioned the need for a tracking sheet during



March 6, 2009

the legislative session. The Board has said we should only address the ones that are of priority to the Board. She suggested that she would like to see the Board create a “brand name.” Any bill that is not passed by the Board after receiving input from the sponsor of the legislation. The Board would give input and then they would know if the Board was in accord with the legislation. One suggestion was that it be a “stamp of approval.” The categories would be: unseen or unreviewed, support concerns, and oppose. She indicated this was just a few ideas for further conversation.

- Work study session the day prior to the June meeting will be June 4 prior to the regular board meeting June 5<sup>th</sup>.
- Board leadership is March 18<sup>th</sup> any issues you want discussed get them to Patti, Dixie or Debra.
- She has been involved with History Fairs and they are having problems with funding. Comfortable with her going to support National History Fair. The Board agreed for her to participate with no funding attachment.

#### General Consent Calendar

Motion was made by Member Laurel O. Brown and seconded by Member Michael Jensen to approve the General Consent Calendar with the exception of Item D, R277-477, Distribution of Funds from the School Trust Lands Account and Administration of the School LAND Trust Program, Section 3, Distribution of Funds - Determination of Proportionate Share for discussion at a later time.

Member Denis Morrill voiced concern that the Law & Policy Committee went over this rule very carefully the same young lady gave us the same pitch and they included some of her suggestions, but others they did not feel were appropriate. If it goes back to the Law and Policy Committee it will get the same recommendation that it did last time.

Motion only on consent calendar. Motion carried with Members Brown, Castle, Crandall, Haws, Jensen, Locke, Morrill, Murphy, Openshaw and Thomas voting in favor; Members Allen and Cannon absent.

#### 1. Minutes of Previous Meetings

Minutes of the Meetings of the State Board of Education held January 30, 2009, February 6, 2009, February 13, 2009, and February 20, 2009.

March 6, 2009

2. Contracts

The following contracts were approved by the Board:

(A) Utah Restaurant Association. \$350,000. 9/1/08-9/30/09.

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

(B) SRI International. \$904,700. 2/1/2009-1/31/2010. - Fed.

To provide the Utah State Office of Education with assistance in applying Principled Assessment Designs for Inquiry (PADI) and evidence-centered design (ECD) to the state's development process for alternate assessments in mathematics.

(C) West Broadway JDJ, LLC. \$3,360. 2/1/2009-1/31/2013. - Amend. - Fed.

Lease office space for the Division of Rehabilitation Services located at Chase Tower Building, 50 West Broadway for the Downtown Office.

(D) Questar Assessment, Inc. \$250,702. 1/10/2009-2/28/2011. - Amend. - Fed.

Amendment is to provide scoring on constructive responses to get valid and reliable data.

(E) Utah Statewide Independent Living Council. \$3,000. 10/1/08-9/30/09. - Amend. - Fed.

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

(F) Payson I, L.C. \$1,603. 12/1/08-4/30/2013. Amend. - Fed.

Lease office space for the Division of Rehabilitation Services located at 914 E 200 N, Payson, Utah.

(G) Waterford Institute, Inc. \$2,350,000. 3/1/09-2/28/2010.

Pilot project for a home-based education technology program to develop school readiness skills of pre school children (UPSTART program).

March 6, 2009

(H) Hugh Craig Bunker. \$50,000. 11/5/08-11/4/2011.

To serve as hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

(I) Ron Gardner. \$87,500. 3/2/2009-2/1/2010.

DSBVI will collaborate and provide funding to assist in the implementation of a statewide mentoring program based on the National Center for Mentoring Excellence (NCME) Program model operated by the National Federation of the Blind of Utah (NFBU).

(J) Utah Department of Health. \$426,000. 1/1/09-12/31/2010. RECEIVABLE. Fed.

An agreement between UDOH and USOR in the area of employment of people with disabilities through the provision of technical assistance and training to benefits planners throughout the State of Utah and support to businesses in hiring and retaining of employees with disabilities.

(For complete details see General Exhibit No. 10857.)

3. Educator Licensing Requests for Temporary Authorization

Requests for Temporary Authorizations as submitted by the school districts were approved by the State Board of Education as submitted. (For complete details see General Exhibit No. 10858.)

4. School Community Councils, R277-491

School Community Councils are charged with a variety of planning and other responsibilities, under the direction and approval of local boards of education or, for state-sponsored charter schools, the State Charter School Board. These councils are of particular importance in the implementation of the School LAND Trust Program. School Community Councils must have board approval for four plans: 1) school improvement plan, 2) reading achievement plan, 3) professional development plan, and 4) child access routing plan. Local control of these funds is an essential guiding principle in the implementation of this program.

The amendments are to ensure that local school community councils and boards of education have the entire flexibility provided for in statute relative to decision making processes. Further amendments were made by the Law and Policy Committee at the February 6, 2009 meeting.

The Board approved R277-491 on second reading at its February 6, 2009 meeting. There have been no substantive changes to the rules since that time. It

March 6, 2009

is recommended that the Board approve R277-491, School Community Councils on third and final reading. (For complete details see General Exhibit No. 10859.)

5. Educator Licensing and Data Retention, Section 4, License Levels, Procedures and Period of Validity, R277-502-4

R277-502-4 Educator Licensing and Data Retention, currently provides that a Level 3 license may be issued by the Board to a Level 2 license holder who has achieved National Board Professional Teaching Standards Certification or who holds a current Certificate of Clinical Competence from the American Speech-Language-Hearing Association, or who holds a doctorate in the educator's field of practice. The amendment to the rule provides language that requires Level 3 license holders to remain current on these certification requirements in order to renew a Level 3 license.

The Board approved the amendments to R277-502-4 on second reading at its February 6, 2009 meeting. There have been no substantive changes to the rule since that time. It is recommended that the Board approve R277-502-4, Educator Licensing and Data Retention, Section 4, License Levels, Procedures and Period of Validity on third and final reading. (For complete details see General Exhibit No. 10860.)

6. Comprehensive Counseling and Guidance Program, R277-462

R277-462, Comprehensive Counseling and Guidance Program was amended effective February 24, 2009. Since the amendment, two minor changes for clarification purposes are proposed:

R277-462-4C - Four year [P]plans shall be completed for students prior to the beginning of their ninth grade years.

R277-462-6E - Funds may be used for personnel costs [for] including clerical positions that support the SEOP process.

The Board approved the above minor changes noted above for clarification purposes. (For complete details see General Exhibit No. 10861.)

7. Utah State Plan for Vocational Rehabilitation, FY 2010

For the State of Utah to receive a grant under 34 CFR 361.10, the designated State agency (Utah State Office of Rehabilitation) must submit to the Secretary of Education, and obtain approval of, a State Plan that contains a description of the State's vocational rehabilitation services program, the plans and policies to be followed in carrying out the program, and other information requested by the Secretary, in accordance with the requirements of this part. The Utah State Office of Rehabilitation and the State Rehabilitation Council hereby submit the 2010

March 6, 2009

Utah State Plan for Vocational Rehabilitation to the State Board of Education for review and consent.

Pages 1 through 16 are federal preprint and assurances, sections that are unchanged. Substantive changes in annual updates have been made to Attachment 4.2 beginning on page 17, and Attachment 4.11 sections (b), (c)(1), and (e)(2).

The Board reviewed and approved these sections and approve the Utah State Plan for Vocational Rehabilitation, FY 2010. (For complete details see General Exhibit No. 10862.)

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. 10863.)

9. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2009 was provided as information to the Board. (For complete details see General Exhibit No. 10864.)

10. 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. 10865.)

11. Claims Report

The Claims Report in the amount of \$234,963,674.31 for February 28, 2009 was approved by the Board. (For complete details see General Exhibit No. 10866.)

Distribution of Funds from the School Trust Lands Account and Administration of the School LAND Trust Program, Section 3, Distribution of Funds - Determination of Proportionate Share, R277-477

The School Land Trust Account provides funding to local schools through the School LAND Trust Program. Local school community councils prepare four plans for the use of these funds: 1) school improvement land 2) reading achievement plan 3) professional development plan and 4) child access routing plan. School plans require approval by district or charter school governing boards of education. Local control of these funds is an essential guiding principle in the implementation of this program.

R277-477-3 was amended to ensure that local school community councils and governing boards of education have the entire flexibility provided in statute to determine the uses

March 6, 2009

of these funds in ways which best serve local needs. Amendments were also made to the rule at the February 6, 2009 Board meeting.

The Board approved the amendments to R277-477 on second reading at its February 6, 2009 meeting. There have been no substantive changes to the rule since that time.

Member Carol Murphy voiced the same concerns as shared by Member Morrill that if this were to go back to the Law & Policy Committee it was probably not likely to be another end. She summarized that you can give people long lists or short lists and guidelines. What the final decision of the Law & Policy Committee was that there be some guidelines and at a certain point you have to trust that people on community councils have no ill will towards learning and achievement for students. The Committee felt the policy was in line with the statutory language and the list is much shorter than it was

Member Laurel Brown commented that having served on Trust Lands Committee and heard story after story we are short on staff and they spent a lot of time going to districts and training them on trust land issues and how to expend those funds. They are constantly having problems with people wanting to use the trust lands for other than they were meant to be. Little by little moving farther and further away from core objective of critical academic issues. If the funds are not used correctly more people in power can begin to think they can be used for other reasons. They may also come back to the Board and the State Office reporting that they are not living up to their duty in using those funds appropriately. She felt there are risks involved in being able in the future to have the funds to use if they are not used correctly now. She would like to see it opened up for more discussion.

Member Denis Morrill reported that the Law and Policy committee went through aborations in the committee and they did not hear very many. He specifically asked the question of what are you concerned about? They did not come up with long list of bad things. The committee opted to give local flexibility whether you have to have a black line long, you can't possibly have one long enough to cover all the possibilities what they can do with the money. We left it with a set of principles and asked they follow them.

Carol Lear commented that if through more discussion we could come up with more training information that is in the rule or requirements or something that is a mutually satisfactory amendment or change that would keep the PTA and the State Board working together it would be a good thing.

March 6, 2009

Deputy Superintendent Larry Shumway shared the feelings of the local superintendents as they reviewed the rule. He indicated that they felt exactly as stated that the rule provides flexibility and respect decision making. The key training is local boards and the rule as it was carefully rewritten was intended to provide just that.

Superintendent Harrington indicated that the other matter is timeliness. In two weeks we will be meeting with the superintendents to review the entire legislative agenda and the impact on education. As it is, she has had to hold off the Trust Lands Section from inservice on the application all through the month of March hoping that we could finalize it with Superintendents and the Trust Lands people and get it started in April. If the Board chooses to delay it may delay the filing for monies from Trust Lands for next fall.

Motion was made by Member Denis R. Morrill and seconded by Member Carol A. Murphy to approve R277-477, Distribution of Funds from the School Trust Lands Account and Administration of the School LAND Trust Program, Section 3, Distribution of Funds - Determination of Proportionate Share, on third reading. Motion carried with Members Allen, Castle, Crandall, Haws, Jensen, Locke, Morrill, Murphy, Openshaw and Thomas voting in favor; Member Cannon absent, Member Brown opposed. (For complete details see General Exhibit No. 10867.)

Chairman Roberts encouraged Carol Lear to work with PTA on this issue.

Motion was made by Member Michael Jensen and seconded by Member C. Mark Openshaw to adjourn. Meeting adjourned at 4:15 p.m.