

MINUTES

August 3, 2007

Minutes of the meeting of the State Board of Education held August 3, 2007, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:25 a.m.

Chairman Kim R. Burningham presided.

Members present were:

- Chairman Kim R. Burningham
- Vice Chairman Janet A. Cannon
- Member Dixie L. Allen
- Member Laurel O. Brown
- Member Rosanita Cespedes
- Member Mark Cluff
- Member Bill Colbert
- Member Thomas Gregory
- Member Greg W. Haws
- Member Michael G. Jensen
- Member Cyndee Miya
- Member Denis R. Morrill
- Member Richard E. Moss
- Member Josh Reid
- Member Debra G. Roberts
- Member Teresa L. Theurer

Members Randall Mackey and Richard Sadler were excused.

Also present were:

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

Members of the Press:

- Jennifer Toomer-Cook, Deseret Morning News
- Julia Lyon, Salt Lake Tribune
- Amy Stewart, Standard Examiner
- Brian Dawes, Ferron Elementary School, Emery School District
- Holly Langton, Utah PTA
- Debi Tabor, Utah PTA
- Cheryl Phipps, Utah PTA
- Darlene England, Utah Eagle Forum
- Mike Butterfield, Citizen
- Layne Goodsell, Citizen
- Helen Goodsell, Citizen

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Baitha W. Butterfield, Citizen
Darrell Butterfield, Citizen
Pat Butterfield, Citizen
Kris Fawson, Utah Independent Living Council
Barbara Kuehl, Salt Lake City School District
David Miller, Davis Parent Organization

Utah State Office of Education Staff:
Sue Okroy, Curriculum & Instruction
Marlies Burns, Utah State Charter Schools

Welcome and Student Achievement Spotlight

Chairman Kim R. Burningham called the meeting to order and shared an antidote relative to “The Gate Is Not Locked.”

Chairman Burningham excused Members Randall Mackey and Richard Sadler.

Board Member Teresa Theurer lead the Board in the Pledge of Allegiance.

Vice Chairman Janet A. Cannon offered opening remarks paying tribute to the parents and teachers of Utah. She shared a story about her grandmothers teaching experience in Tabiona, Utah.

Associate Superintendent Brenda Hales reported that the Utah State Office of Education desires to provide support for improving student achievement through a series of systematic tutorial programs. “Four” researched-based tutorial programs have been produced by the Utah State Office of Education in the last two years. She provided a short description of each of these programs: STAR, STAR Parent, STAR Advanced and Cross-age. She indicated that the STAR tutoring programs are to be used with Tier II and Tier III students as additional practice to support not supplant tiered instruction. The programs are based upon current research and practices. The STAR tutoring programs have been extremely well received by students, teachers, and parents statewide. Schools using STAR have reported significant gains in student achievement which they attribute, in part, to the tutoring programs.

The Board recognized the following educators who have been highly involved with both the STAR tutoring program and the Cross-age tutoring program: Stephanie Roper, Title I Coordinator, STAR and Cross-age Coordinator, Ferron Elementary, Emery District; and Gaitha Butterfield, Tutor in the STAR program, Green Acres Elementary, Weber School District. Each were presented a Certificate of Excellence.

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Oath of Office

Chairman Kim R. Burningham issued the oath of office to newly appointed Rosanita Cespedes.

Chairman Burningham expressed concern with the change in the agenda placing the Executive Officer Report and the Chairman Report at the beginning of the meeting rather than at the end. He enumerated the reasons for his concerns.

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

Dr. Harrington shared information on major events that have taken place since the last Board Meeting: First Annual State Charter School Conference; Closing the Implementation Gap Conference; Council of Chief State School Officers Annual Meeting; and the Utah Legislature Administrative Rules Committee.

Dr. Harrington introduced Luke Peterson, an intern working with her through the end of August.

Dr. Harrington shared other information items:

- the charter school formula;
- Utah High School Activities Association and the charter school issues;
- Utah School Boards Association and Utah School Superintendents Association financial priorities draft;
- Three audits underway requested by the Utah Legislature
- Diploma issues in the school districts.

Board Member Teresa Theurer shared information from the Utah High School Activities Association relative to a concern and difficulties of participation of charter school students at regular public schools and the fees charged.

Member Theurer further reported that in the audit committee meeting yesterday she had requested an audit of the costs of students attending activities at the public schools.

Dr. Harrington shared the following discussion items:

1. An update on the \$2500 per teacher payment
2. "A Window of Opportunity" dealing with Adaptive and Formative Testing.

They would like to request seed money to get a pilot program going in the Logan School District.

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Dr. Harrington provided an update relative to the American Academy Agreement. She noted that there are still two areas of change we would like to have addressed. We would like to keep the legislature informed of the desire of the Board to move in this direction and Jim Jardine, American Academy's attorney has met with President Valentine and has a meeting scheduled with Speaker Curtis. President Valentine was supportive and encouraged with the move on this issue.

Dr. Harrington reported that there has not been any request to the Governor for a special session on the capital equalization issue.

(For complete details see General Exhibit No.10294.)

Board Chairman Report

Chairman Kim R. Burningham presented the following items of information:

Chairman Burningham expressed sympathy to Member Richard Moss in the death of his mother.

Member Laurel Brown presented information Utah Adolescent Literacy Network grant received by Utah from NASBE and the role and responsibilities of the Board. (For complete details see General Exhibit No. 10295.)

NASBE items:

- Mark Cluff announced the new president-elect and Western Area Director of NASBE.

- Member Michael Jensen attended the NASBE New Board Member Institute in July. He reported it was interesting meetings. The question as to whether or not they were elected or appointed was a round-table discussion. One of the speakers addressed the issue of paper testing.

- October 10-14 Annual Conference in Philadelphia this year. Anyone contemplating going to that conference needs to contact Twila in the next month.

Chairman Burningham reviewed several calendar items noting that the September Board meeting will be held in St. George. He reviewed the tentative agenda for the two-day meeting.

Chairman Burningham reported that there will be a meeting with the Attorney General's Office soon.

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Chairman Burningham noted the Board Leadership meeting on August 21, which will include a meeting with the standing committee chairs.

Chairman Burningham reported that the K-16 Alliance continues to meet, and its next meeting is Tuesday, September 18. He indicated that there is some interest by members of that group to begin an investigation of requiring a foreign language for higher education in the state.

Chairman Burningham reported that there will be a Citizens for Excellence Committee meeting on September 18 which will focus on ELL and minority issues. At their last meeting they took a position on ProExcel.

Chairman Burningham distributed a Proposed Meeting Schedule for next year's meetings. He asked everyone to review it and to get back with any concerns. He noted that it will be in the September General Consent Calendar for a vote.

Chairman Burningham indicated that there will be a Native American Conference in Cedar City, September 11 and 12. He encouraged board members to attend if their schedule allowed.

Chairman Burningham reported that we have been asked for two Board members to sit on the Governor's Child, Family Cabinet Council. They will meet three to four times per year. He asked if anyone was interested in serving on this council to please let him know today.

Teacher Training for Critical Shortage
Areas - U of U Proposal

Dr. David Pershing, Senior Vice President of Academic Affairs, University of Utah presented a proposal that the University of Utah is interested in providing trained teachers for public education in critical shortage areas. They are committed to working with public education suggesting things such as student incentives to students in terms of scholarships. The U of U has increasing standards. They have made a commitment in strengthening their teacher training programs. Teachers tied to the strengths of the university. Particularly in math, science, fine arts and continue to do what they have been doing in social studies. Changed deans in both the College of Education and the College of Science and the two new people are committed to this idea. Also they have hired new faculty to train teachers for the public school system. Also, they will be offering more summer programs for existing teachers. He asked the board to continue discussion of financial incentives in the teaching area.

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Public Participation/Comment

Cindy Davis, Principal, Shelley Elementary School, Alpine School District addressed the Board as a parent of a child attending a neighborhood public school and also as a principal of a neighborhood public school, but clarified that she is representing herself and not the school or the district. She thanked the Board for all they do for educators and the support they give to public education. She shared some information of the impact on the neighborhood public schools that the legislation on charter schools and possibly private school vouchers in the future. She asked the Board to advocate for greater accountability. She further requested the Board advocate for guidelines or understandings on enrollment and time line guidelines, especially where charter schools and private schools are concerned. She indicated she was okay with choice and competition, but on the buttons that people wear for school choice, they forgot the second half of the slogan which needs to say and accountability which would be much better for all of the children in the state. She stated she has had many great experiences working in public education in a high school, junior high school, elementary school and at the district office. She loves the children and feels they need all the support one can give. She stated that as a parent she is there 100% in our neighborhood public schools and she will always send her children to the schools who open their doors to all children, where children come and enroll and not where children come and apply and will give her volunteer hours not just for her children, but also for the child sitting next to her daughter whose parents can't come and give the hours required. She is committed as an employee, always be committed as a parent. She applauds the efforts to support our neighborhood public schools where 90+% of the parents are sending their children. Thank you for doing the hard job and for listening.

No Child Left Behind (NCLB) Update on School Support

In an earlier Board meeting, Member Dixie Allen requested further information on how Utah's schools were doing in meeting Adequate Yearly Progress (AYP) per No Child Left Behind (NCLB); how school improvement plans were being authorized; and how the state was assisting schools having AYP concerns.

Karl Wilson, Director, Title I Programs, provided information on the support system at the Utah State Office of Education that addresses the concerns of schools identified as needing improvement. (For complete details see General Exhibit No. 10296.)

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Executive Session

Motion was made by Member Laurel O. Brown and seconded by Member Richard Moss to move into an executive session during lunch for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present {Members Cluff, Theurer absent} the Board moved into an executive session at 1:10 p.m.

Motion was made by Member Dixie L. Allen and seconded by Member Teresa L. Theurer to reconvene into open meeting. Motion carried with Members Allen, Brown, Cluff, Colbert, Gregory, Haws, Jensen, Morrill, Moss, Roberts and Theurer voting in favor; Member Cannon absent.

State Rehabilitation Council

Motion was made by Member Denis R. Morrill and seconded by Member Mark Cluff to appoint the following to the State Rehabilitation Council (terms to expire 9/10): Ralph Glathar, Holly Williams, Betty Bennalley, Tim Tiernan, Vickie Brenchley; and to reappoint Delena Fish, Rebecca Wassem, Melanie Bike, Susan Loving and Kraig Stephens. Motion with Members Allen, Brown, Cluff, Colbert, Gregory, Haws, Jensen, Morrill, Moss, Roberts and Theurer voting in favor; Member Cannon absent.

Division of Services to the Deaf and Hard of Hearing Advisory Council

Motion was made by Member Denis R. Morrill and seconded by Member Mark Cluff to appoint Von Jones to the Deaf and Hard of Hearing Advisory Council, term to expire 6/30/08. Motion carried unanimously.

Utah Professional Practices Commission Recommendations

Motion was made by Member Greg W. Haws and seconded by Member Bill Colbert that in Case No. 95-359 that the recommendation of the Commission to reinstate the educator license be denied.

Substitute motion was made by Member Denis R. Morrill and seconded by Member Richard Moss to approve the recommendation of the Commission in Case No. 95-359 and reinstate the educator license of a former educator in the Tooele School District. It was noted that the license was previously revoked for misuse of public funds and that the educator had repaid the misappropriated funds to Risk Management's satisfaction. Further the hearing report was reviewed by the Board in Executive Session. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Gregory, Morrill, Moss, Roberts and Theurer voting in favor; Member Colbert, Haws and Jensen opposed.

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(For complete details see General Exhibit No. 10297.)

Motion was made by Member Teresa L. Theurer and seconded by Member Dixie L. Allen to have Twila contact Utah State Charter School Board and request that the principal who addressed the Board in the Public/Participation Comment portion of the meeting (Cindy Davis) be given a chance to take some time at a future Charter School Board meeting to express the concerns she expressed to us. Motion carried unanimously

Board Standing Committee Reports

Finance Committee

Member Mark Cluff, Chairman of the Finance Committee presented the following recommendations from the Committee:

Transportation Formula Revision
Approval for Submission to the Legislature

The 2007 Legislature directed USOE to study and recommend changes to the formula for distributing state monies for transporting children to and from school. USOE has been meeting with district business officials and transportation directors this summer to review and revise the formula. The goal of the committee was to develop a formula that was simpler, more transparent, more verifiable, and more equitable.

The new formula will use the following elements:

- Miles Allowance
- Minutes Allowance
- Depreciation Allowance
- In-Lieu-Of Allowance
- \$30,000 Base Allowance
- 100% Funding Cap
- Funding above 100% used to increase funding levels of other districts.

The Transportation Formula Change was presented. (For complete details see General Exhibit No. 10298.)

The Finance Committee approved the new transportation formula and moves that the Board approve the new formula and it be presented to the legislature. Motion carried unanimously.

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Options for Increasing Per Pupil Funding in Utah

The Committee put this item off until the next meeting.

Federal Funds Followup - No Child Left Behind (NCLB) Formula Funds

In its June meeting the Finance Committee started reviewing federal funds that flow to and through USOE. The Committee focused specifically on NCLB funding (which makes up 32% of USOE/USOR federal funds). (For complete details see General Exhibit No. 10299.)

The Committee received the information and no action was taken.

Foods of Minimal Nutritional Value Child Nutrition Programs

In June of 2006, the Center for Science in the Public Interest gave Utah (along with 21 other states) a failing grade with regard to its policies for food and beverages sold out of vending machines, school stores, and other venues outside of school meals. The grade was based on the fact that Utah has no more stringent policies than those required by the United States Department of Agriculture.

Since November, 2006, the Child Nutrition Section has been visiting with districts and others regarding implementing a rule regulating food and beverages sold from vending machines.

The Committee considered options in eliminating junk food in our schools. (For complete details see General Exhibit No. 10300)

The Committee recommended the following:

- Ban foods of minimal nutritional value, exceptions for items with less than 10 calories per serving, container or amount served, campus wide during normal school hours (after-school activities exempted). (FMNV not allowed for sale in the meal service area during meal times by regulation.) Rule applies to all grade levels.
- Schools must sell foods meeting these requirements per container, package or amount served:
 - no more than 250 calories
 - no more than 35% fat
 - no more than 10% of total calories from saturated fat
 - zero trans fat

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- no more than 20 grams of carbohydrate
- Nuts, seeds, real cheese, yogurt, fruit, 100% fruit or vegetable juice must not exceed 300 calories per package, container or amount served.
- Beverages (except water) may not be sold in larger than 12 ounce containers.

The Committee gave directions to staff to develop a rule based on the above recommendations. It was noted that once the rule is passed by the Board districts will have time to come to the end of their vendor contracts prior to having to implement the rule.

Member Teresa Theurer suggested that vendors can provide other items if they are on contract at this time.

Law & Policy Committee

Member Debra G. Roberts, Chair of the Law & Policy Committee presented the following recommendations from the Committee:

Early Childhood, Elementary, Secondary,
Special Education (K-12) Communication
Disorder and Special Education (Birth-Age 5)
Certification, R277-504 Amendments

Utah public schools have experienced a critical shortage of Communication Disorders Specialists (Speech Language Pathologists) for a number of years.

The State Board of Education requested that a committee bring recommendations to the Board for actions that would help address the shortage. The Committee has reached a consensus on recommendations for certain revisions of R277-504 as well as a draft handbook as part of the committee's work toward addressing the critical shortages. The Committee has had a three-pronged approach that they are looking at.

The proposed changes are included in R277-504.3, Sections K and L. (For complete details see General Exhibit No.10301 It was noted that other changes to the rule will come at another time.

The Law and Policy Committee approved the changes on first reading and will bring it back to the Board in October for second and third reading.

K-16 Alliance Report and Utah
Foundation Report

The Board has been considering the K-16 Alliance report and recommendations. The Alliance report contained five policy directions:

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1. To maximize use of existing K-12 teachers and capital facilities by significantly modifying the traditional school year and/or school day;
2. To maintain market competitiveness by significantly increasing teacher compensation generally and by implementing differentiated compensation for critical shortage and hard-to-staff positions;
3. To increase scholarships and loans for those preparing to teach;
4. To enhance the training capacity of public colleges of education; and
5. To provide greater flexibility in licensing and hiring.

The context for these recommendations has been recently added to by the publication of the Utah Foundation report on "Teacher Attrition." (For complete details see General Exhibit No. 10302)

The Committee reviewed and discussed staff recommendations and reviewed the Utah Foundation Report for action and progress in these areas.

With regard to maximizing the K-12 teachers and year-round schedule, we can't move forward until the many questions are answered. Associate Superintendent Shumway has talked to many superintendents who have expressed interest generally in the idea, but there has been no commitment until they see the details of the plan. We are working with the Southwest Comprehensive Center (WestEd) to help answer some of these questions to see how to best move forward with this situation.

Superintendent Shumway indicated that in terms of implementing a program in a school, if there were funding for a pilot in the 2008 legislature, it would be difficult for a school to see that come into availability in March and be prepared with a calendar by the end of July.

No action was taken by the committee.

ProExcel Update

ProExcel is among the "Tier One" priorities selected by the Board for the 2008 session of the Legislature. The plan proposes action in three general areas:

1. The development of increased capacity for leadership among education administrators in the public school system.
2. The expansion of efforts to provide adequate mentoring and induction of novice teachers, strengthening of alternative routes to licensure programs, and strengthening of teacher preparation programs in institutions of higher education; and

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3. Increasing overall teacher compensation and implementing differentiated compensation plans.

The Committee reviewed and discussed staff recommendations for action in these areas. (For complete details see General Exhibit No. 10303.)

Legislative Relationships

The Board Members are working with Superintendent Harrington and other staff relative to the one-on-one visits with legislators. It is planned that we will also do a legislative meeting similar to last year with legislators on September 18th at 6:30 p.m. with approval from Board Leadership.

Curriculum Committee

Member Teresa Theurer, Chairman of the Curriculum Committee, presented the following recommendations from the Committee:

Secondary Mathematics Core Curriculum

The Secondary Mathematics Core Curriculum has undergone revisions and public hearings were held to seek input. Organizational and content modifications were made to the document based on input from an external review committee. Further modifications were made based on e-mail, telephone, public hearings, and teacher response during professional development meetings. The Secondary Mathematics Core Curriculum standards provide a comprehensive outline of subject specific content in middle and high school mathematics. (For complete details see General Exhibit No. 10304.)

The Committee discussed the e-mail Board Members received from legislators on this issue. They suggested a letter be sent from the Board in response, and a draft was presented for review. (For complete details of the e-mail see General Exhibit No. 10305.)

Staff presented a summary of the input received from public hearings and the Committee approved the revised Secondary Mathematics Core Curriculum and moves that the Board approve the Secondary Mathematics Core Curriculum and approve the letter.

Member Bill Colbert suggested that the letter be toned down and be more positive.

Motion from the Committee to approve the core curriculum as recommended carried unanimously.

Motion from the Committee to send out letter in response to e-mail received.

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Following discussion relative to the tone and content of the letter, it was agreed that the letter would be redrafted by Superintendent Harrington, Chairman Burningham and others and e-mailed to the Board for response then mailed.

Elementary Physical Education Core Curriculum Revision

In April 2007, the Curriculum and Instruction Committee reviewed the Elementary Physical Education Core Curriculum. This curriculum has been out for review at public hearings since that time. Revisions or modifications from the public hearings were reviewed with the Committee. (For complete details see General Exhibit No. 10306.)

The Curriculum and Instruction Committee approved the Elementary Physical Education Core Curriculum as presented and moves that the Board approve the curriculum. Motion carried with Members Allen, Brown, Cannon, Cluff, Colbert, Haws, Jensen, Morrill, Roberts and Theurer voting in favor; Members Gregory and Moss absent.

Testing Procedures, R277-473

Currently, Board Rule R277-473 allows for a five week testing window that begins five weeks prior to the last Monday of the school year. R277-473 Testing Procedures is being amended to provide a six week window for two key reasons:

1. The current window makes it difficult for year round schools to test, clean and submit the answer documents, and receive and correct their CRT error reports by the deadline necessary in order to include their data in the warehouse and receive accurate scaled score CRT reports.
2. The goal to reach 100% Computer Based Testing (CB) is challenging to many of the larger districts. A longer window is needed to allow more students to test using a CBT format. Many schools do not have a high enough ratio of computer per students and will need a longer testing window in order to allow all students to access their CRTs via CBT. Testing within the window will still remain a LEA decision. By increasing the testing window by one week, districts would have an additional five school days to assess students.

A second amendment to Board Rule R277-473 would require USOE developed training materials to be used for the required annual training for assessment administration. The training materials include a pamphlet, a PowerPoint and a Testing Ethics Policy Sign Off. These

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materials were previously reviewed by the Curriculum Committee. (For complete details see General Exhibit No. 10307.)

The Committee amended the rule to delete lines 89-92, R277-473-3 C.

The Committee approved the amendments to R277-473, Testing Procedures as amended above on first reading and moves that the Board approve R277-473 as amended on second reading. Motion carried with Members Allen, Brown, Cannon, Cluff, Colbert, Gregory, Haws, Jensen, Morrill, Roberts and Theurer voting in favor; Member Moss absent.

High School U-PASS

Utah Code 53A-1-605 requires the State Board of Education to develop a state accountability plan. The U-PASS State Accountability Plan for elementary and middle schools was implemented for the 2004-05 school year. The U-PASS State Accountability Plan for high schools is finalized for implementation for the 2006-07 school year. In the June Curriculum and Instruction Committee meeting the committee reviewed the High School U-PASS Accountability System. The High School U-PASS Committee met June 27, 2007 to set the proficiency and progress required to achieve the State Level of Performance. (For complete details see General Exhibit No. 10308.)

The Committee reviewed the final cut scores and approved them for the U-PASS State Accountability Plan for high schools and moves that the Board approve the final cut scores. Motion carried with Members Allen, Brown, Cannon, Cluff, Colbert, Gregory, Haws, Jensen, Morrill, Roberts and Theurer voting in favor; Member Moss absent.

Online Testing, R277-402

HB 160 uses language which addresses both the funding and future of online testing. The current board rule does not reflect the language of this new law. The current Board rule R277-402, directs the creation and awarding of an RFP to support a single system for online testing. The Utah State Office of Education has met that directive and has in place a current contract to support on-line testing for the CRTs. During the past two years districts have increased their use of online testing for CRTs. In the meeting the objectives of the 2007 legislation, the Utah State Office of Education proposed that 50% of the CRTs are tested online by 2008 and 100% by 2009.

The Utah State Office of Education also supports an online testing system for formative assessment. This system is known as the Utah Test Item Pool Service (UTIPS).

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UTIPS has provided a means for teachers and districts to create formative assessments with items aligned to the state core. USOE owns the items in the USOE item pool. These items are valuable and have been created by teachers and USOE staff collaborating during multiple workshops. The size of the item bank is unique to Utah, roughly 12,000 items for language arts, math and science. Other content areas are developing items to be incorporated into the USOE item pool. To protect the interests of Utah teachers' work in the development of the item bank and assessments, and to ensure that consistent, high-quality access to these items is available to all educators in Utah, a uniform system must be required for access. (For complete details see General Exhibit No. 10309.)

The Committee made the following amendments:

Lines 86-88 the new wording should be eliminated, R277-402-3 (1) last sentence.

Line 14 and 15 removing dates, R277-402-1.C.

Line 100-101 remove dates, R277-402-3.B.(1)

Member Theurer commented that there was concern raised as to whether or not individual districts could use the items in alternate systems rather than using the software the Utah State Office of Education has provided. Julie Quinn, Data and Assessment Specialist, reported that there are three arguments staff has put together to say why we want to keep UTIPS as a package that is both the non-secure item pool from USOE and the software that it is currently housed in. She reported that every teacher in Utah has access to this instrument. In the development of the software efforts were not put into place to make the data readily exportable to other systems. Given resources and time it is the intent of the UTIPS steering committee to expand that ability to use the data from UTIPS.

The Committee reviewed and approved the amendments to R277-402 on first reading and moves that the Board approve R277-402, Online Testing on second reading. Motion carried unanimously.

Data Standards, Deadlines and Procedures, R277-484

The Utah State Office of Education Information Technology Security Plan has recently been updated. Three major changes are included in this update.

1. All new USOE employees will be required to participate in computer security training prior to being assigned a network account and existing employees will attend a refresher course at least once every two years.

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2. All USOE employees will be required to sign a Confidentiality Agreement and Acceptable Use Policy each year.
3. Individuals wishing data access for research purposes must:
 - a. Comply with FERPA regulations;
 - b. The research being done must have been commissioned by the Utah State Board of Education;
 - c. Those not commissioned but desiring data must access the publicly available data on USOE Web sites or request the Researcher Data Disk. The Researcher Data Disk is a generic disk that will be prepared once a year.

Board Rule R277-484, Data Standards, Deadlines and Procedures has been amended to include the section for “Individuals wishing data access for research purposes.” The new section is R277-484.9 Disclosure of Data for Research. (For complete details see General Exhibit No. 10310.)

The Committee reviewed and approved R277-484.9 Disclosure of Data for Research on first reading and moves that the Board approve R277-484-9 on second reading. Motion carried with Members Allen, Brown, Cannon, Cluff, Colbert, Gregory, Jensen, Moss, Roberts and Theurer voting in favor; Member Haws absent

State Special Education Rules

In December 2004, President Bush signed into law the Individuals with Disabilities Education Act of 2004 (IDEA 2004) that the United States Congress had reauthorized. IDEA 2004 provides the statutory requirements that ensure that children with disabilities have access to a free appropriate public education and provides for the provision of special education services. IDEA 2004 went into effect July 1, 2005. The accompanying Federal Regulations followed with their final release in August of 2006. Since that time the Special Education Section has worked closely with stakeholders to draft a new version of the State Special Education rules

Nan Gray, Director of Special Education, presented the draft of the newly developed rules. (For complete details see General Exhibit No. 10311.)

The Committee made the following changes:

Page 9 - definition of a parent - the Committee asked that within the next 30 days there be an addition indicating court ordered parenting that is part of the federal law that was not

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included in the revised document. The Committee also asked that the document come to the committee again rather than just be part of the General Consent Calendar next month.

Page 28 - the top line, lack of appropriate instruction in math.

Page 29 - change under b. (3) Asperger syndrome and pervasive development disorder, so instead of “delay” the word should be “disorder.”

Pages 33-33, an employees from USDB had concerns with the definition of vision loss and hearing loss for deaf/blind children. Under 2, b, 4, ii, to read: functional blindness such as cortical vision impairment or central visual impairment. The remainder of the paragraph deleted. Same change on page 33, under 2.b.(4)(b)(ii), to read: Functional hearing loss, such as cortical deafness or central auditory processing dysfunction. The remainder of the paragraph deleted.

Page 33, I, should be ii, functional hearing loss such as cortical deafness, or central auditory processing dysfunction. The remainder of that paragraph is deleted.

Page 37 - b Eligibility Criteria - (4) amended to read: “Before classifying a student as having an emotional disturbance, the team must determine that the inappropriate behaviors are not due to an intellectual disability, vision or hearing impairments, other medical conditions or inappropriate classroom management.”

Page 47 - c Evaluation (3) changing word “effect” to relationship.

The Curriculum and Instruction Committee approved the State Special Education Rules on first reading and moves that the Board approve the rules on second reading, understanding that it will come back to the Committee for third reading. Motion carried unanimously, Chairman Burningham asked that his vote be an abstention.

Utah Academic Language Proficiency Assessment (UALPA)

Districts/charters administered the UALPA statewide for the first time during the 2006/07 school year. At the end of June, a panel of 38 teachers met for three days to set interim cut scores to delineate English Language Learner (ELL) students’ proficiency levels. The panel consisted of District Alternative Language Service (ALS) Directors, District Assessment Directors, school administrators, teachers and representation from various ethnic groups. The UALPA will continue to be reviewed and improved during the coming years. The cut scores will be adjusted as needed during this process.

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The interim cut scores were reviewed by the Committee. (For complete details see General Exhibit No. 10312.) No action was taken but the Committee asked for a discussion at a later date.

District Student Information Systems

During the June 7, 2007 presentation of the Data Systems RFP, the Curriculum Committee requested that Judy Park approach the District Superintendents with the request that all of the districts use the same Student Information System (SIS). Currently there are ten SIS in use in the state of Utah. This request was due to the concern that multiple SIS result in a duplication and increased expenditure of resources to develop, maintain, and provide different systems. The current systems are:

- SIS 2000 (20 Districts, 45 Charters)
- 15 Powerschools (13 districts, 2 charters)
- Skyward/PS (1 district)
- SASI (1 district)
- Oracle (1 district)
- EDS Discovery (1 district)
- Local Developed (1 district)
- Gradequick, eSIS (1 district)
- Redeker (1 charter)
- 4 charter schools are unknown for a total of 92 (40 districts and 52 charters).

The Committee recommended that a task force be formed to study what it means for all districts to get onto the same system and to come up with recommendations by February next year. (For complete details see General Exhibit No.10313.)

The Committee recommended that a task force be formed with several members of the board to talk about getting everyone on the same system. The task force would study what that means, the time line to get to such a point, etc. Also, it might have recommendations to improve what we have with our present SIS System. The task force report would be made to the Board in February.

Member Teresa Theurer indicated that if we combined all the money that all the districts are paying for their own data system we could all be on one system.

Superintendent Harrington clarified that the task force would be charged with investigating the potential of going to one system and plan for one system.

Motion from the Committee that a task force be formed to investigate going to one system as identified above carried unanimously.

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FY 2009 Tier II Budget Priorities

In its June 2007 meeting, the Utah State Board of Education named its top three Tier 1 budget priorities for the FY 2009 Legislative session as:

- An overall increase in the weighted pupil unit (WPU) tied in with the Board's Pro Excel program on teacher pay differentiation and administrative and teacher mentoring
- Increased emphasis on mathematics
- Increased support for English Language Learners

On August 2, 2007 in a Board Work/Study meeting staff presented their Tier II budget requests to the Board for their consideration.

Associate Superintendent Patrick Ogden distributed a feedback form (blue) and requested that Board Members take a few minutes prior to leaving today fill out their feelings of the budget process and how staff might improve it next year.

Mr. Ogden presented and reviewed the rankings from the Board following the study session yesterday. (For complete details see General Exhibit No. 10314.)

Dixie Allen suggested we lump items together such as "Achievement Gap" and put everything into that category rather than presenting a long list of items. Mr. Ogden responded that procedurally we could easily do that, but the larger the request the harder it is to justify it to the legislature.

Vice Chairman Janet Cannon suggested the items be reorganize from a financial point of view. State Board of Education Budget then having prongs for USOR, USDB and make the interest of the State Charter School Board another prong , have them prioritize their items and make a recommendation to the Board. Further, look at things that are new programs seeking funding or were new programs last year and need continuation of funding, then items that have never had an increase but need one to keep them operating.

Member Teresa Theurer spoke in favor of presenting the entire list in priority order.

Member Greg Haws suggested that the items be divided into \$25 million blocks and placing the items related in columns.

Chairman Burningham noted that the Board has two audiences for presenting the budget, the legislature and the governor. He indicated that the Governor has taken very heavily our prioritization when developing his prioritization.

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Member Debra Roberts spoke in favor of the process described by Member Haws.

Member Tom Gregory suggested cutting the dollar amounts down about 30%.

Another idea would be to get a rough estimate from the legislature as to what monies would be available for us and then make a priority list to fit that number.

Motion was made by Member Teresa L. Theurer and seconded by Member Dixie L. Allen to pick the top 15 items, not in categories, pulling out the charter school requests, and submit priorities including stated items with the final decision by the September Board meeting. Motion carried unanimously.

Member Debra Roberts would also like to see something described by Member Haws. It was agreed that this would be included as well.

General Consent Calendar

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Greg W. Haws to pull Items E, Student Enrollment Options, R277-437; and O, Board Staff Salary Increase from the General Consent Calendar and approve the remainder of the Calendar as presented.

1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education held May 29, 2007, and June 7, 2007.

2. Contracts

The following contracts were approved by the Board:

(A) Code Greene, LLC. \$24,014.95. 7/1/07-6/30/08 - Amend.

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

(B) iAssessment. \$75,000. 8/1/07-7/31/08. - Fed.

Licensed software for program and grant management.

© Crane National Vendors. \$200,000. 5/14/07-5/14/08 - Amend.

Purchase of vending machines for the Business Enterprise Program.

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(D) Utah Department of Health. \$123,589. 4/7/07-8/9/08. - Amend. - Fed. - RECEIVABLE.

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) Utah Department of Workforce Services. \$70,000. 7/1/07-6/30/08. Amend. - Fed. - RECEIVABLE

To provide funding for a Pre-K-To-Kindergarten Literacy Specialist to perform the tasks identified in the Scope of Work and to assist the Utah Department of Workforce Services in improving the quality of education in Utah.

(F) Boyer BDO Office L.C. \$364,545.50. 7/1/07-6/30/12. - Fed.

To lease office space for the Department of Rehabilitation office located at 1150 S Depot Drive, Suite 275, Ogden, Utah.

(G) Questar Assessment, Inc. \$27,355.00. 6/15/07-2/28/11. - Amend. - Fed.

Amendment is to extend the scope of work to be completed by Questar for the UALPA. The expanded work includes test-item analysis, preparation of assessment reporting files, development of score reporting files, and creation of an additional technical report.

(H) Utah State University/Mt. Plains Regional Resource Center. \$3,309. 6/1/07-9/30/07. - Amend. - Fed.

The Regional Assessment System, (RAS) will provide the framework for consortium states to have access to a system of assessment for educational interpreters. The RAS is unique in that it does not establish "standards" but instead leaves it up to each individual state to determine their own standard for "Qualified Personnel."

(I) Dynamic Internet Solutions LLC. \$495,796. 7/1/07-1/25/10. - Amend.

To provide computer package/database for administration of USOE Child Nutrition Programs, including site-based claiming.

(J) Code Greene, LLC. \$33,650.72. - 7/1/07-6/30/08. - Amend.

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

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(K) Utah Education Network. \$48,000. 7/1/07-6/30/09. - Amend.

To pay EDNET site/system fees associated with USOE - Originated video conferences.

(L) Kane County School District. \$9,186. 7/1/07-6/30/08. - Amend. - Fed.

To provide funding for a Transition Facilitator to provide for transition services to Special Education and 504 students in the Kane County School District. This target population is comprised primarily of Vocational Rehabilitation clients and potential Vocational Rehabilitation clients.

(M) Washington County School District. \$25,923. 7/1/07-6/30/08. - Amend. - Fed.

To provide funding for a Transition Facilitator to provide for transition services to Special Education and 504 students in the Washington County School District. This target population is comprised primarily of Vocational Rehabilitation clients and potential Vocational Rehabilitation clients.

(N) Department of Administrative Services (DFCM). \$5,950. 1/1/07-6/30/07. - Fed.

The operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Division of Rehabilitation Brigham City Office, 695 South Main Street, Suite 4, Brigham City, Utah.

(For complete details of the Contracts see General Exhibit No. 10315.)

3. Truancy Prevention, R277-607

The 2007 Legislature, in H.B. 207, amended the compulsory education law relating to student truancy issues. Because the new language of the rule is significantly different from the language within the existing rule, the rule is being repealed/reenacted to reflect the amended law. The reenacted rule directs schools/school districts and charter schools to establish procedures for informing parents about compulsory education laws, to encourage and monitor school attendance consistent with the law, to provide firm consequences for noncompliance, and also directs school districts and charter schools to establish ongoing truancy prevention procedures in schools especially for students in grade 1-8. The reenacted rule also encourages meaningful incentives for parental responsibility. The Board approved the repeal and reenact of R277-607 at the June 7, 2007 Board Meeting. There have been no substantive changes to the rule since that time. The Board approved R277-607, Truancy Prevention on third and final reading. (For complete details see General Exhibit No. 10316.)

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

Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program was amended to make the criteria for charter schools applying for School LAND Trust Program funds in R277-477 consistent with the criteria provided for in R277-470, Charter Schools. The amended rule provides for a committee consisting of a majority of parents designed to make decisions when applying School LAND Trust Program Funds.

The Board approved the amendments to R277-477 on second reading at the June 7, 2007 Board Meeting. There have been no substantive changes to the rule since that time. The Board approved R277-477, Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program on third and final reading. (For complete details see General Exhibit No. 10317.)

5. Provo School District Request for a Variance from R277-419-3A

State Board Rule R277-419-3A states that “School districts are required to conduct school for at least 990 instructional hours and 180 school days each year.” For kindergarten, the requirement is for 450 instructional hours. Wasatch Elementary School in the Provo School District has held afternoon kindergarten for only four days per week. Morning sessions have been five days per week. Wasatch has an early release day on Friday and the afternoon students have not come to school on that day. Both morning and afternoon kindergarten sessions meet the 450 hour minimum requirement. Wasatch Elementary has had this practice for the last eighteen years. The Wasatch Community Council and Parent Association have been supportive of this practice. Ray Morgan, Assistant Superintendent, Provo City School District is requesting on behalf of the district that Wasatch Elementary School in the Provo City School District be granted a variance to R277-419-3A and allowed to continue this afternoon kindergarten practice. (For complete details see General Exhibit No. 10318.)

The Board approved the variance to R277-419-3A for Wasatch Elementary in the Provo City School District relative to afternoon kindergarten.

6. Administrative Rule Review

Under provisions of 63-45a-9, U.C.A. 1953, all administrative rules shall be reviewed every five years. There may be minor non-substantive changes within these rules. It is recommended that the following rules were reviewed and approved:

R277-101. Public Participation in Utah State Board of Education Decisions.

R277-103. USOE Government Records and Management Act.

R277-112. Prohibiting Discrimination in the Public Schools.

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- R277-115. Copyrighting Material Developed with Funds that Flow Through the Board.
- R277-116. USOE Internal Audit Procedure.
- R277-400. School Emergency Response Plans.
- R277-401. Child Abuse-Neglect Reporting by Education Personnel.
- R277-407. School Fees.
- R277-410. Accreditation of Schools.
- R277-411. Elementary School Accreditation.
- R277-412. Junior High and Middle School Accreditation.
- R277-433. Disposal of Textbooks in the Public Schools.
- R277-445. Classifying Small Schools as Necessarily Existent.
- R277-502. Educator Licensing and Data Retention.
- R277-505. Administrative License Areas of Concentration and Programs.
- R277-506. School Psychologists and School Social Workers Licenses and Programs.
- R277-514. Board Procedures: Sanctions for Educator Misconduct.
- R277-608. Prohibition of Corporal Punishment in Utah's Public Schools.
- R277-703. Centennial Scholarship for Early Graduation.
- R277-713. Concurrent Enrollment of High School Students in College Courses.
- R277-720. Child Nutrition Programs.
- R277-750. Education Programs for Students with Disabilities.
- R277-911. Secondary Career and Technical Education.

(For complete details see General Exhibit No. 10319.)

7. Utah Schools for the Deaf and the Blind Negotiated Agreement

At its June 27, 2007 meeting, the Utah Schools for the Deaf and the Blind (USDB) Institutional Council approved the USDB Negotiated Agreement. This agreement is negotiated annually between the USDB Administration and the USDB Education Association. It covers employment practices, salary schedules, etc. (For complete details of the agreement see General Exhibit No. 10320.)

The Board approved the Utah Schools for the Deaf and the Blind Negotiated Agreement for the School Year 2007-2008

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

The invoice for the National Association of State Boards of Education Dues for Fiscal Year 2008 in the amount of \$21,842.00, and the NCOSEA Dues for School Year 2008 in the amount of \$130.00; and subscription to the Standard in the amount of \$20; for a total of \$21,992.00 was reviewed and approved. (For complete details see General Exhibit No.10321.)

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9. Utah School Boards Association Dues

The invoice for the Utah School Boards Association Dues for Fiscal Year 2008 in the amount of \$1,500.00 was reviewed and approved. (For complete details see General Exhibit No. 10322.)

10. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2007 was provided for information to the Board. (For complete details see General Exhibit No. 10323.)

11. 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. 10324.)

14. Ratification of Employment

Gregg Roberts was ratified as an Educational Specialist - Student Achievement and School Success Division.

Jennie K. DeFriez was ratified as an Educational Specialist - Assessment in the Data and Assessment Division.

Nolan Fawcett was ratified as an Educational Specialist - Assessment in the Data and Assessment Division.

Brenda Shaw-Hedden was ratified as an Educational Specialist - Student Achievement and School Success Division.

Melinda M. Fatani was ratified as an Educational Specialist - Charter Schools.

Margaret A. Young was ratified as an Educational Specialist - Assessment in the Data and Assessment Division.

15. State Charter School Board Recommendations for Charter School Amendments

In its June 31, 2007 Board meeting the State Charter school Board unanimously approved the following recommendations to the State Board of Education:

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Odyssey Charter School - amend its charter to include 9th grade and increase its ultimate allowable enrollment to 525 students. Odyssey has been open since 2005.

Liberty Academy - amend its charter to reorganize its governance structure to include a Board of Trustees, Head Master, and School Community Council. This streamlined governance structure is appropriate for the size of the school and the number of individuals willing to volunteer to serve in these capacities. Liberty has been open since 2006.

The State Board of Education approved the amendments to the above charter schools.

16. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was reviewed and approved by the Board. (For complete details see General Exhibit No.10325.)

17. Claims Report

The Claims Reports for May 31, 2007 in the amount of \$211,360,556.90, and June 30, 2007 in the amounts of \$194,442,625.16, \$3,373,572.62, \$47,059,572.60, and \$30,495,470.61 were approved. (For complete details see General Exhibit No. 10326.)

Student Enrollment Options, R277-437

In May, the Finance Committee directed changes to be made to R277-437. The rule defines “school capacity” or “maximum capacity” as the total number of students who could be served in a given school building if each of the building’s instructional stations were to have the following enrollment:

- Elementary Schools: equal to the district’s average class size for each particular grade.
- Middle, Junior, Senior High schools: equal to the district’s average class size for like classes.

(For complete details see General Exhibit No. 10327.)

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Motion was made by Member Mark Cluff and seconded by Member Greg W. Haws to change the wording on Page 3, R277-437-3 E. replace the wording to: A local board of education may limit open enrollment options following the provisions in 53A-2-208(2)(a), and to pass the rule with this amendment on third and final reading.

Member Denis Morrill voiced concern that districts will have difficulty in interpreting the statute.

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

Board Staff Salary Increase

As outlined in Utah Code (53A-1-302) it is the responsibility of the State Board of Education to set the salary of the State Superintendent of Public Instruction, Board Secretary and Internal Auditor.

It is recommended that the Board authorize a salary range increase for the State superintendent of Public Instruction from \$59.85-\$85.00 to \$59.85-\$90.40.

It is further recommended that the Board approve a 2.75% increase for the State Superintendent of Public Instruction; and the Board Secretary; and a 6.15% increase for the Internal Auditor, effective June 30, 2007.

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Richard Moss to amend the third paragraph to read: The Board approve a 2.75% increase for the State superintendent of Public Instruction; and a 5.5% increase for the Board Secretary; and a 6.15% increase for the Internal Auditor, effective June 30, 2007. Motion carried with Members Brown, Cannon, Cluff, Colbert, Haws, Jensen, Morrill, Moss, Roberts and Theurer voting in favor; Member Gregory opposed, Member Allen absent.

Motion to adjourn was made by Member Teresa Theurer. Meeting adjourned at 4:10 p.m.