

MINUTES

September 12, 2008

Minutes of the meeting of the State Board of Education held September 12, 2008, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:15 a.m.

Chairman Richard Sadler presided.

Members present were:

Chairman Richard Sadler
Vice Chairman Mark Cluff
Member Dixie L. Allen
Member Laurel O. Brown
Member Kim R. Burningham
Member Janet A. Cannon
Member Rosanita Cespedes
Member Bill Colbert
Member Thomas Gregory
Member Greg W. Haws
Member Meghan Holbrook
Member Charlene Lui
Member Randall Mackey
Member Denis R. Morrill
Member Richard Moss
Member Debra G. Roberts
Member Teresa L. Theurer

Member Michael G. Jensen was 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:

Ben Fulton, Salt Lake Tribune
Amy Stewart, Deseret Morning News
Beth Young, Standard Examiner
Jan Ferre, Legislative Coalition for People with Disabilities
Debbie White, AFT Utah
Leslie Gertsch, Utah Schools for the Deaf and the Blind Institutional Council
Donna McCormick, Utah Schools for the Deaf and the Blind Institutional Council
Kris Fawson, Utah State Independent Living Council
John Schmidt, Legislative Coalition for People with Disabilities
Tim Smith, Superintendent, Utah Schools for the Deaf and the Blind
Patrick Lee, Legislative Fiscal Analysts Office

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Michael Kjar, Governor's Office of Planning and Budget
Ann M. Miller, Weber School District
Patty Wintle, Weber School District
Amy Peters, Weber School District
Vik Arnold, Utah Education Association
Melanie Austin, Utah Schools for the Deaf and the Blind
Jennifer Howell, Utah Schools for the Deaf and the Blind
Michael Sears, Utah Schools for the Deaf and the Blind
Kimberley Smale, Utah Schools for the Deaf and the Blind
Kim Coleman, Monticello Academy
Linda Turner, Monticello Academy
Jennie Turner, Monticello Academy
Jade Turner, Monticello Academy

Utah State Office of Education Staff:

Peggy Milligan, Student Achievement and School Success Division
Richard Gomez, Law, Legislation and Educational Services Division
Chris Timothy, Student Achievement and School Success Division
Karl Wilson, Student Achievement and School Success Division
Von Horton, Business Services Division
Nan Gray, Student Achievement and School Success Division

Welcome and Student Achievement Spotlight

Chairman Richard Sadler called the meeting to order. He excused Member Michael Jensen.

Board Member Janet A. Cannon lead the Board in the Pledge of Allegiance.

Board Member Bill Colbert offered opening remarks commenting on governance. He quoted Mark Twain about school boards. "In the first place God made idiots, this was for practice. Then he made school boards." We have had a lot of concern over governance issues over the last few years and we haven't been liked or understood for a long time. The public is confused by our purpose. We need to do a better job helping people understand what our role is. He stated that the times he has been most disappointed in his decision process is when he doesn't proper information. He felt that last month the Board made a decision on less than full information. When we are unsure and don't have the right staff here we make sure we get the information we need even if we have to put the issue off until we can get the information. He indicated we may have done Monticello Academy a disservice.

Oath of Office

Chairman Sadler issued the Oath of Office to Meghan Holbrook, newly appointed representing the Board of Regents.

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The Board recognized two exceptional special education teachers who work with pre school children with autism spectrum disorders through the Partners for Success Program in Weber School District. Amy Peters and Patty Wintle were each presented an Excellence Certificate for their outstanding work with children who have autism spectrum disorders.

Utah Schools for the Deaf and the Blind
Legislative Workgroup Report

During the 2007 Utah legislative session, concerns were raised about the purpose and services of the Utah Schools for the Deaf and the Blind (USDB). H.B. 291 was proposed that would have broadened the scope of USDB to include services to students with disabilities who are not blind/visually impaired, deaf/hard of hearing, or deafblind. Although the bill did not pass in the legislature, a number of concerned legislators expressed a desire to have the statute reviewed to consider possible amendments.

In August 2007, a USDB legislative workgroup made up of stakeholders, began meeting to address the perceived need to amend Utah Code that governs the USDB. That legislative workgroup has considered key policy issues regarding the USDB that are to be recommended in draft language for statutory change in the 2009 legislative session. The Utah State Office of Education has hosted seven public input meetings to provide stakeholders the opportunity to provide input concerning the recommendations.

Interim Superintendent Tim Smith and Jennifer Howell of the Utah Schools for the Deaf and the Blind presented information on the services and enrollment at the Schools. (For complete details see General Exhibit No. 10644.)

Karl Wilson, Director of Title 1 presented the report from the workgroup along with the following key policy recommendations: 1) future administrative structure of USDB; 2) eligibility and admissions to USDB; 3) funding of USDB; and 4) relationships between USDB and local education agencies. (For complete details see General Exhibit No. 10645.)

Motion was made by Member Randall A. Mackey and seconded by Mark Cluff to accept the report and move forward with the recommendations. Motion carried unanimously.

Mr. Wilson reported on the developments for the Salt Lake area facility. He indicated that things have not been finalized relative to the prioritization of the building with the Building Board. The USDB is using the Libby Edwards School for office and the Connor Street facility for classrooms as a temporary arrangement. Negotiations are in process with the Granite

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School District to purchase the Libby Edward School with a guarantee through DFCM of \$150,000 to proceed. \$56,000 will be given to them until the legislature makes a decision.

Motion was made by Member Randall A. Mackey and seconded by Member Dixie L. Allen that the Board go on record that this purchase be made one of its highest priorities and ask that the Building Board move it up on its priority list. Motion carried with Members Allen, Brown, Cannon, Cluff, Colbert, Gregory, Haws, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Member Burningham absent.

The Board requested a regular report on the status of this project. The Board further requested that a letter be drafted to the members of the committee expressing appreciation for their work to be signed by the Board Chairman and the State Superintendent. Further that the Board be provided a map of the permanent site and the number of students served individually.

Jan Ferre Legislative Coalition of People with Disabilities and a member of the workgroup and pleased with the report today and the way the Board has responded to it. She indicated that the workgroup was handled in a very good manner. She also attended the August Legislative Interim Committee meeting and the point of view expressed was just the view of the individual. She commended the leadership at the USDB, especially that of Interim Superintendent Smith and his administrative abilities.

Leslie Gertsch a member of the USDB Institutional Council commented on the discussions held by the workgroup relative to the separation of the schools. She indicated that many would like to see it done, but in reality and the political atmosphere the decision was the most beneficial for the current time. She asked that there be serious consideration of the recommendations made by the committee. She further indicated that there are many students in the state who could benefit from the services provided by the Utah Schools for the Deaf and the Blind but they don't know about them because of the distance of the schools from the districts.

One-time Performance-based Compensation Plans

In its July 2008 meeting, the Board reviewed One-time Performance-based Compensation Plans from districts and charter schools. Eighty-seven plans were received; the Board approved all but eight. These eight were asked to provide additional information for the Board's consideration and further Board action. Additionally, the Board gave provisional approval to districts and charter schools in some cases where local governing board action was

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pending. A list was provided of those districts and charter schools that have now met that requirement. (For complete details see General Exhibit No. 10646.)

The Board considered the One-time Performance-based Compensation plans that were resubmitted and additional information.

Motion was made by Member Teresa Theurer and seconded by Member Dixie Allen to approve the plans from Kane School District, Legacy Preparatory Academy, Monticello Academy, Noah Webster Academy, Providence Hall, Venture Academy, and Weber School District that have met the requirements of the statute. Further, that provisional approval pending local board approval be given to Odyssey Charter School and Paradigm High School. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Gregory, Haws, Morrill, Moss, Roberts and Theurer voting in favor; Member Colbert opposed; Member Mackey absent.

Para-educator to Teacher Scholarships

In its 2008 General Session, the Utah Legislature established the Par-educator to Teacher Scholarship Program (SB2). In May 2008, the Board adopted R277-526 *Para-educator to Teacher Scholarship Program* and appointed a committee to consider the applications of interested para-educators. Over one hundred applications were received.

Based on the appropriation of \$25,000 made by the Legislature, seventeen applications were selected to receive scholarships. (For complete details see General Exhibit No. 10647.)

Motion was made by Member Debra G. Roberts and seconded by Member Tom Gregory that the Board receive the list of recipients as information and express appreciation to Representative Rhonda Menlove for her efforts in this regard. Motion carried unanimously.

Public Participation/Comment

Comments on the Utah Schools for the Deaf and the Blind Legislative Workgroup were heard at the conclusion of that report. No further participation or comments were received.

Executive Session

Motion was made by Member Dixie Allen and seconded by Member Janet A. Cannon that the Board move into an executive session following lunch for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 12:25 p.m.

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Motion was made by Member Debra G. Roberts and seconded by Member Thomas Gregory that the Board reconvene into open meeting. Motion carried. The Board reconvened at 1:45 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Thomas Gregory and seconded by Member Mark Cluff to adopt the Commission's recommendation and that of the hearing panel following a hearing in Case No. 07-801 that the educator license of an educator most recently employed at Diamond Ranch Academy, be suspended for five years from the date of formal action by the State Board of Education. The educator must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted before his license is reinstated. The educator's suspension results from his inappropriate sexual conduct with an adoptive daughter while she was a minor. It was noted that the hearing report was reviewed in the executive session. Motion carried with Members Allen, Brown, Cannon, Cluff, Gregory, Mackey, Morrill, Roberts and Theurer voting in favor; Members Burningham, Colbert, Haws and Moss absent

Motion was made by Member Thomas Gregory and seconded by Member Mark Cluff to adopt the Commission's recommendation and accept a stipulated agreement, including conditions of the agreement in Case No. 07-848, whereby a former educator in Utah, voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension of her license for three years or until termination of her court-ordered probation, whichever occurs earlier and from the date of formal action by the State Board of Education. The former Utah educator must apply, have a reinstatement hearing, and the State Board of education must determine that reinstatement is warranted prior to the reinstatement of her license. The suspension results from her conviction of a second degree felony for fraudulently obtaining housing benefits. She has been sentenced to 36 months probation with the Fifth District Court with additional terms and conditions. Motion carried with Members Allen, Brown, Cannon, Cluff, Gregory, Mackey, Morrill, Roberts and Theurer voting in favor; Members Burningham, Colbert, Haws and Moss absent

Motion was made by Member Thomas Gregory and seconded by Member Mark Cluff to adopt the Commission's recommendation and accept a stipulated agreement, including conditions of the agreement in Case No. 08-851, whereby a former educator in the Granite School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of revocation of his license for five years from the date of formal action by the State Board of

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Education. The educator must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted before his license will be reinstated. The revocation results from accessing and possessing pornographic material over the course of several years using a school computer. Motion carried with Members Allen, Brown, Cannon, Cluff, Gregory, Mackey, Morrill, Roberts and Theurer voting in favor; Members Burningham, Colbert, Haws and Moss absent.

Motion was made by Member Thomas Gregory and seconded by Member Mark Cluff to adopt the Commission's recommendation and accept a stipulated agreement, including conditions of the agreement in Case No. 08-856, whereby a former educator in South Sanpete School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license 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 prior to the reinstatement of his license. The educator's suspension results from repeatedly sending text messages to students despite multiple verbal and written warnings to stop, using MySpace to contact a female student, and engaging in inappropriate discussions with a student via MySpace. Motion carried with Members Allen, Brown, Cannon, Cluff, Gregory, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Members Burningham, Colbert and Haws absent.

Motion was made by Member Thomas Gregory and seconded by Member Mark Cluff to adopt the Commission's recommendation and accept a stipulated agreement, including conditions of the agreement in Case No. 08-861, whereby a former educator in the Nebo School District, voluntarily surrenders her educator license in lieu of a hearing for purposes of permanent revocation of her license from the date of formal action by the State Board of education. The educator's revocation results from her conviction of two third degree felony counts of attempted forcible sexual abuse. Her conviction results from illegal sexual activities with a minor. Motion carried with Members Allen, Brown, Cannon, Cluff, Gregory, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Members Burningham, Colbert and Haws absent.

(For complete details see General Exhibit No. 10648.)

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Utah Statewide Independent Living Council

Motion was made by Member Janet A. Cannon and seconded by Member Teresa L. Theurer to reappoint Ted, Loosli, Tammy Wood, and appoint Mark Miller and Sonya Evans to the Utah Statewide Independent Living Council, terms to expire September 2011. Motion carried with Members Allen, Brown, Cannon, Cluff, Gregory, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Members Burningham, Colbert and Haws absent.

State Rehabilitation Council

Motion was made by Member Janet A. Cannon and seconded by Member Teresa L. Theurer to reappoint Linda Collins and to appoint Stephen E. Carnegie, Richard Eversall, Noni Lancaster, Suzanne Reese, and Stephanie Benally to the State Rehabilitation Council, terms to expire September 2011. Motion carried with Members Allen, Brown, Cannon, Cluff, Gregory, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Members Burningham, Colbert and Haws absent.

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

Motion was made by Member Janet A. Cannon and seconded by Member Teresa L. Theurer to appoint Mistie Owens to the Division of Services to the Deaf and Hard of Hearing Advisory Council, term to expire June 2011. Motion carried with Members Allen, Brown, Cannon, Cluff, Gregory, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Members Burningham, Colbert and Haws absent.

Board Standing Committee Reports

Curriculum Committee

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

Future Direction Regarding S.B. 81 - Illegal Immigration

The Office of Legislative Auditor General has completed a Performance Audit of Adult Education Services at the request of Senators Stephenson and Dayton focused on the potential duplication of services by adult education, the Department of Workforce Services and UCAT.

Among the preliminary recommendations was that adult education services provide standards for complying with residency requirements. Recommendations went further to ask that the USOE “establish documentation standards for legal residence in the United States in

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addition to the standards for state residency” based on S.B. 81, Illegal Immigration, passed by the 2008 Legislature, dealing with the provisions related to the immigration status of individuals within the state.

S.B. 81 has educational implications for persons (ages 16 and older) seeking admission to an adult education program. The bill states that an “...agency or political subdivision of the state shall verify the lawful presence in the United States of individuals at least 18 years of age who have applied for state or local public benefit or a federal public benefit...” (Line 428-434). In supporting documentation 8.U.S.C., Sec 1621 and 8.U.S.C., Sec 1611, a public benefit; among other things, is defined as “post-secondary education.” The definition of adult education is “services or instruction below the post-secondary level for individuals: (a) who are 16 years of age; (b) who are not enrolled or required to be enrolled in secondary school under state law; (c) who lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society, do not have a secondary diploma or its recognized equivalent, and have not achieved an equivalent level of education, are unable to speak, read, or write the English language.” (Workforce Investment Act of 1998-Section 203 - 1.) By state statute, Section 53A-15-404, adult education services are open to every person 18 years of age or over and to any person who has completed high school. Further in Section 53A-17a-119-1, money appropriated to the Board in Section 53A-171-104 for adult education shall be allocated to local school boards for adult high school completion and adult basic skills programs.

Staff discussed the following questions with the Curriculum Committee:

- 1) Given the definition of an adult education student, is the person, regardless of age, subject to this law as these persons are academically receiving education services below a post-secondary level?
- 2) What are the implications for 16 year old out-of-school youth since minor students are not subject to proof of residency?
- 3) What are the implications for 16-18 year old youth who are participating in concurrent enrollment programs.

(For complete details see General Exhibit No. 10649.)

Motion from the Committee that the Boards definition of adult education is secondary education; and that the rules and other documents be amended to make sure adult education is clearly defined as secondary education. Further, that a study group be formed that will talk

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about the impact of S.B. 81 on education as a whole. The Committee made suggestions for those that should participate on the study group.

Vice Chairman Mark Cluff spoke in opposition to the motion indicating that he is not sure he is ready to support this at this time, although may do so in the future. He would like to see what the committee may come up with in this regard to the federal definition. He supports the idea of the committee looking at it and discussing it.

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

Direction Requested on GED as a Diploma Equivalency

Historically, (30 years +) adult education students have always been afforded the opportunity to earn a high school diploma based on the completion of the Board graduation requirements. Adult education students who take and pass the General Education Development Test (GED) have been able to continue in adult education with the benefit of “cleping” up to 5.0 credits for their successful outcomes of passing all components of the GED test toward their diploma. (Note: the GED is normed so that 40 percent of all graduating seniors would not be able to pass the test). The practice of awarding high school completion credit has come into question by GED Testing Services as a practice that must cease. Nationally, the majority of adult education programs issue a high school diploma based on a student’s successful completion of the GED alone. This diploma is issued as a high school equivalency diploma. Most persons leave adult education programs based upon successful completion of the GED. However, this past program year, 222 persons used their GED successes towards the completion of their high school diploma. The state of Utah has not considered the passing of the GED as a diploma equivalency.

Adult education has just completed a performance audit by the Office of the Legislative Auditor General. A recommendation was made that the funding formula used in adult education for distributing program funds be adjusted to combine the GED and the high school diploma into one outcome rather than two as is the present formula.

In Utah, no one under 17 may take the GED test. Those that are eligible must be 18 and their class must have graduated. The exception is that the student is: 17, officially withdrawn from K-12, has letter from the school district so stating and a letter from their

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parent/guardian. If the student is married, the school district letter and a copy of their marriage certificate is required. Nationally, the GED may be taken at the age of 16. This practice around the country is minimal. Adult education programs may be accessed by 16 and 17 year out-of-school youth. (For complete details see General Exhibit No. 10650.)

Staff discussed the following questions with the Curriculum committee:

- 1) Does the Board support an adult education diploma for the successful passing of the GED?
- 2) Given the value of education and the completion of a “traditional” Carnegie unit of credit diploma, should this approach to education remain, or should there be an either/or option given to the adult student?
- 3) Should the age for taking the GED in Utah be lowered to 16 or 17?
- 4) Presently, an out-of-school youth (16/17) may return to a K-12 high school and continue their education in order to complete the traditional K-12 diploma, but the GED may not be counted toward the completion of graduation requirements. If an out-of-school youth were to take the GED, could they return to K-12 and continue with the requirements toward their K-12 diploma or should they be precluded based upon successful completion of the GED and the awarding of an equivalency diploma?
- 5) Should the successful completion of the GED at age 16 or 17 be an option for a k-12 student who may be disinterested in K-12 and be a “dropout” candidate?

The Curriculum Committee provided input to staff for amendments to the rule and requested staff contact the districts relative to the input and bring it back to the committee next month.

Secondary Career and Technical Education, R277-911

In 2006 the Federal Carl Perkins Career and Technical Education Act provided emphasis on articulated CTE career pathways from public education to higher education. CTE directors have worked with USOE staff over the past year to update the definitions and disbursements of state funds to include emphasis on pathways.

The revisions to R277-911 include CTE pathways as part of the funding for school districts, and revises the administrative funding of CTE for school districts and charter schools. (For complete details see General Exhibit No. 10651.)

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The Curriculum Committee reviewed the amendments to R277-911, Secondary Career and Technical Education, made several suggestions on definitions that were included in line 311-360; and tabled the rule.

Comprehensive Counseling and Guidance Program, R277-462

R277-462, Comprehensive Counseling and Guidance Program, is amended to include the requirement that policies and practices in school districts and charter schools are in place to free licensed school counselors for appropriate activities with students. This will ensure that licensed school counselors are not devoting significant time to non-school counseling activities.

Specifically, the rule requires a minimum ratio of counselors to students for all schools. Schools that do not comply will not receive comprehensive guidance funds and will be penalized proportionally through minimum school program funding. (For complete details see General Exhibit No. 10652.)

The Curriculum Committee reviewed the amendments and because this relates to the prior rule it was also tabled. They would like to form another committee including superintendents, counselors and others to consider a phase in of this over several years and to provide provisions for variance requests.

Motion from the Committee that Board Leadership and the Superintendent put together a committee to discuss and review the suggestions made by the committee. It was noted that the Committee still feels committed to the target. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Gregory, Haws, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Member Colbert absent.

Board Members to serve on the committee: Tom Gregory and Kim Burningham.

Applied Technology Education Licenses R277-518

R277-518, Applied Technology Education Licenses, has never been revised to change the term “Applied Technology Education,” to “Career and Technology Education.” The amended rule will reflect the terminology used in other Board rules and which is the language currently used for these specific types of programs. (For complete details see General Exhibit No. 10653.)

The Committee reviewed the amendments to R277-518 and with the same type of concerns as in R277-911, tabled this rule until the next meeting.

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Carl D. Perkins Career and Technical
Education Five-Year State Plan

The Carl D. Perkins Career and Technical Education Improvement Act of 2006, was reauthorized for six years beginning July 1, 2007. The Board is the Eligible Agency under the law and is required to develop and implement a 6-year state plan. The state plan was approved by the Board March 2008 with direction given to the Career and Technical Education (CTE) Section to submit the plan to the federal office and report on the approval process and any other follow up issues at a future meeting. The legislation requires that the Board meet at least four times annually in its role to oversee the implementation of the state plan.

This item was postponed until next month

Instructional Materials Commission Operating
Procedures, R277-469

R277-469, Instructional Materials Commission Operating Procedures, is amended to include the requirement that all publishers of textbooks and text materials purchased by traditional and charter public schools are required to provide electronic files of instructional materials to the national Instructional Materials Access Center (NIMAC), consistent with federal regulations. Authorized users will be able to download and convert the files into accessible instructional materials for students with print disabilities. This will ensure that all students have all necessary textbooks, workbooks, and other student materials and supplements to fully participate in coursework.

This item was postponed until next month.

K-3 Reading Improvement Program

Funding for the K-3 Reading Improvement Program, implemented in the fall of 2004, has supported literacy professional development, full-day kindergarten programs, the purchasing of reading and assessment materials, the implementation of intervention programs, support for tutoring, and the hiring of literacy coaches.

Staff reviewed with the Committee the K-3 Reading Improvement Program, including longitudinal scores and evaluation data. (For complete details see General Exhibit No. 10654.)

The Committee received the report as information.

Criterion-Reference Test (CRT) State Results

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The Criterion Reference Tests (CRTs) were administered in the spring of 2008. The tests have been scored and the state results have been prepared. (For complete details see General Exhibit No. 10655.)

Overall results showed an increase in the percentage of students proficient in the areas of language arts, math, and science, though the increases were quite small. Achievement gaps persist. Female students outperform male students in language arts while the reverse is true in math and science though the gap in math is less than 1 percent.

The state CRT results were received by the Board as information.

Law and Policy Committee

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

School Community Councils, R277-491

School Community Councils, R277-491 is a new rule to provide direction to school districts and schools in establishing and maintaining school community councils. The primary focus of school community councils is improving educational excellence through team decision making by elected representatives of parents, staff, and the principal. The new rule provides for school community council school/school administrator responsibilities; provisions for school community council member elections; and parent rights and responsibilities criteria.

The rule was passed on first reading by the Law and Policy Committee and on second reading by the full Board in August, with the intent of placement on the September general consent calendar. Since the August meeting, changes have been made that merit review by the Law and Policy Committee. The changes allow for community council elections to take advantage of the technology of secure on-line voting (added to R277-491-3). (For complete details see General Exhibit No. 10656.)

The Committee made further amendments to change policies to procedures throughout; added the word consistent with state law and board rules; and noted that this will allow for electronic voting for school community councils.

The Law and Policy Committee approved the changes to R277-491, School Community Councils on second reading and moves that the Board approve the changes to R277-491 on third and final reading. Motion carried with Members Allen, Brown, Burningham,

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Cannon, Cluff, Gregory, Haws, Mackey, Morrill, Moss, Roberts and Theurer voting in favor;
Member Colbert absent.

Rich County School District Four-Day School Week

R277-419-3 Minimum School Days, requires that LEAs conduct school for at least 990 instructional hours and 180 days. The Rich County School District has, under a variance granted by the State Board, operated with a four-day school week since the 2006-07 school year. The 2008-09 school year is the last year for which the variance was extended. The District Superintendent and Rich School District Board of Education attended the Law and Policy Committee meeting on August 1, 2008 and presented information to the Board about the effects of the calendar on the District. All State Board members in attendance received copies of the Rich School District report.

The Rich County School District requests permission to continue a four-day school week calendar at all district schools through the 2011-12 school year. It is anticipated that the district will continue to report on the effects of this calendar.

The Law and Policy Committee reviewed the request and moves that the State Board of Education approve the Rich County School District request for continuation of a four-day school week calendar through the 2011-12 school year with a review in two years. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Gregory, Haws, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Member Colbert absent.

Garfield School District Request for
Waiver of R277-419-3 Minimum School Days

R277-491-3 Minimum School Days requires that LEAs conduct school for at least 990 instructional hours and 180 days. Garfield School District requested a variance to this rule for Boulder School. Boulder School is in a very remote location, more than one hundred miles from the District Office in Panguitch. The school serves 15 children; the teacher at the school travels one hundred forty miles round trip each day to the school.

Garfield School District requests permission to adopt a four-day school week calendar at Boulder School to make it possible to retain the services of a highly qualified teacher. The district intends that the school calendar will meet the 990 hour requirement. All other schools in the district will continue to meet the 990/180 requirement. (For complete details see General Exhibit No. 10657.)

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The Law and Policy Committee reviewed the request and moves that the State Board of Education grant the request of the Garfield School District to provide a waiver of R277-419-3 for the Boulder School for a two year basis with a signed contract with a report at the end of the first year. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Gregory, Haws, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Member Colbert absent.

Teacher Exit Survey

Beginning at the end of the 2007-08 school year, the Utah State Office of Education began surveying educators leaving their positions. The purpose of the survey is to better understand the reasons for educators leaving schools, with the intent of this information guiding the continuing development of policy and practice in the State. The results of this first year's survey have been compiled. About 750 educators completed the survey, a response rate of approximately 20 percent.

The Law and Policy Committee reviewed the results of the survey and discussed the data. (For complete details see General Exhibit No. 10658.)

No action was required.

Required Policies for Electronic Devices in Public Schools, R277-495, (new draft rule) and Model Electronic Devices Policy

In its 2008 general Session, the Utah Legislature considered legislation regarding cellular telephones in public schools. Falling prices for telephones and cellular service has led to the ubiquitous presence of cellular telephones in schools. These phones can, if not properly regulated, lead to the disruption of instruction in classrooms, to significant invasions of student and teacher privacy, and can interfere with the orderly operation of schools in other significant ways. After the session, the Board gave direction to staff to develop a Board rule related to cellular telephones in schools, along with a model policy for school districts and charter schools to consider.

A draft rule and model policy was presented and reviewed by the Law and Policy Committee. The Committee provided direction to staff for further development. (For complete details see General Exhibit No. 10659.)

No action was required.

Differentiated Compensation Work Group Report

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In March, the Board appointed a Differentiated Compensation Work Group. This group is co-chaired by Board Member Debra Roberts and Deputy Superintendent Larry Shumway. The group has been meeting regularly since that time. Members of the Work Group include Board members, USOE staff, teachers, principals, superintendents, CMAC representatives, and parents.

The co-chairs of the Differentiated Compensation Work Group presented the preliminary work and conclusions of the Group to the Committee. The Committee discussed the work of the Group. (For complete details see General Exhibit No. 10660.)

No action was required. There will be an update provided to the Board on a monthly basis.

Finance Committee

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

Grants to Purchase or Retrofit Clean School Buses, R277-606

The Utah State Office of Education worked with the Utah Division of Air Quality and several other organizations and groups to determine how to best leverage the \$100,000 from HB-146 to provide the maximum grant funding benefit for school districts. Because potential funding grants come from several different sources with differing requirements, a universal application form has been developed to meet all needs. A system of identifying the best use of funding sources has also been established.

The Finance Committee discussed the amendments to R277-606, Grants to Purchase or Retrofit Clean School Buses to permit the flexibility necessary to maximize the grant funding available from various sources now identified as up to \$2.3 million. (For complete details see General Exhibit No. 10661.)

The Finance Committee approved the amendments to R277-606, Grants to Purchase or Retrofit Clean School Buses on first reading and moves the Board approve the amendments to R277-606 on second reading. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Gregory, Haws, Mackey, Morrill, Moss, Roberts, and Theurer voting in favor; Member Colbert absent.

Set Fiscal Priorities for the WPU Increase in Fiscal Year 2010

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As the Board continues to prioritize budget requests for FY 2010, included in the priorities was a proposal to increase the value of the WPU. At the August Board meeting an estimate for a 1% increase in the value of the WPU was not available. The estimate for a 1% increase in the value of the WPU, excluding the compounding effect of enrolment growth estimates, is \$22,649,297. This estimate can now be applied to funding priorities the Board identifies for FY 2010.

The Finance Committee discussed budget priorities and possible strategies for presentation in the 2009 Legislative general session. The committee also reviewed the estimated cost of a 1% increase in the value of the WPU. (For complete details see General Exhibit No. 10662.)

Motion from the Committee that the Board approve a 4.8% increase in the WPU for FY 2010 not including the growth element. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Gregory, Haws, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Member Colbert absent.

Charter School Revolving Loan Committee Report

The Charter School Revolving Loan Committee was created by statute in the 2007 Legislative session. They have been operating for some months and are beginning to see needs for policy decision related to their work.

Mike Anderson, Charter School Revolving Loan Committee chair, presented the actions of the committee to date and also raised policy concerns related to Charter School loans.

The Committee requested Mr. Anderson return to his committee and come back with suggestions to address the policy concerns. Further, that they also get with the Charter School Board for suggestions.

Charter Schools, R277-470 Amendment

The Charter School Revolving Loan Committee was established by the 2007 Legislative session to administer the Charter School Building Subaccount within the School Building Revolving Account. Board Rule R277-470, Charter Schools, was adopted to govern the application process for loans. Upon the original writing of the rule, the concept of staggered terms was developed and tied to the availability of the original legislative appropriation remaining in the account. Terms were to be staggered by increasing the committee membership by two persons in June 2008 if funds were remaining.

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Currently the committee membership is five representing the Governor's office, USOE, financial, professional and Charter Schools. The committee has worked effectively in recommending 20 loans and committing over \$2 million of the \$6 million appropriated by the Legislature. The desire of the committee is to retain the current level of membership and devise a different mechanism to stagger terms, which meets the original intent of the Board rule. (For complete details see General Exhibit No. 10663.)

The Finance Committee approved the amendments to R277-470, Charter Schools, on first reading and moves that the State Board of Education approve the amendments to R277-470 on second reading. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Gregory, Haws, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Member Colbert absent.

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

- Utah School Boards Association/Utah School Superintendents Association/Utah Association of School Business Officials agreement on legislative issues.
- Agenda for the September 22 Governor's Conference on Principal Leadership.
- Utah System of Higher Education report title "Development Education Report."
- Executive Summary document from the National Council of Teacher Quality, *No Common Denominator – The Preparation of Elementary Teachers in Mathematics by America's Education Schools.*

Discussion Items:

- Governor's Blue Ribbon Panel on Assessment
 - They have one more meeting on September 23rd. They have not come to closure on any matter. They have moved forward with the pilots approved by the Board.
 - The U.S. Department of Education request is in process for the pilot districts: Sevier, Juab, and Logan.
 - "Blended model" of computer-adaptive assessment is now available.
 - Legislative intent is strong to move forward on this matter with the revision of U-PASS Assessment.

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- Superintendent Harrington reported that she and Deputy Superintendent Shumway met with Representative Brad King. Our intent on all of these visits is to get acquainted and get an understanding of what is coming up for the session and their view on it. Because of it being an election year there wasn't a lot he wanted to share, however, he did say that his best understanding right now of the projected revenue to support this year's education, there is an \$85 million shortfall. He felt this will define the session. This will decrease expectations of new money this year.
- Superintendent Harrington reported that she has been contacted by four or five districts over concerns that the School LAND Trust program requirements are getting too onerous. Concerns include:
 - Overreach in specificity of reports
 - Rules are far more prescriptive than statutory language
 - Accountability has been wrested away from the local superintendent, the School Community council, and the local board and moved to the School LAND Trust office at the USOE
 - Clarification needed for SCCs as they relate to Open Meetings Act and Executive Sessions.
- Superintendent Harrington requested that the School LAND Trust rule just passed in August on 3rd reading, be brought back to the Law and Policy Committee for review.

The Board requested that Superintendent Harrington assemble superintendents and have them give some specific suggestions as well as how we compare that with the policy passed in August.

- Licensure Award – We just received notification that today we are receiving The Digital Education Achievement Award in Hollywood, California. This award is given by the Center for Digital Government and National Research based on the work of the electronic method in place for educator licensure services.

Motion was made by Member Debra G. Roberts and seconded by Member Kim R. Burningham that Senator Jones' Ten Year Plan be brought back to the Board in October to take action to create such a committee to move forward with a plan.

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Member Randall Mackey felt the Board should take some time to determine what they would like to accomplish and who should be on the committee.

Member Denis Morrill commented that the Board has tried many times to have a long-term plan but until we get long-term funding we will not be successful with a plan.

Member Dixie Allen suggested we may want to wait until after the SMART Sessions have completed their work

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

(For complete details see General Exhibit No. 10664.)

Board Chairman Report

Chairman Richard Sadler presented the following items of information:

- The Board Study Session yesterday we had a very good discussion on the 21st Century Workforce. Also planning for public and higher education presented by Senator Pat Jones. She wants us to be very much a part of it. Finally, a good discussion, which should be one of several, that we have with Commissioner Sederburg on higher education and public education. One item that in our board meetings on a regular basis we should have our Regents and our Board Members who represent us at the Regents meetings take some time to bring us up to day. He commended Member Cannon for her reports on the Regents meetings. Chairman Sadler expressed his appreciation to the Board for their participation in the 21st Century Workforce SMART Sessions.
- Audit Committee Report - Kent Mohlman has been reporting to Leadership on a monthly basis of his actions. The Audit Committee met yesterday and the communications seems to be much better. The monthly reports will be good when Board leadership changes so that a new board leadership can go back and see what has been happening.
- Monticello Academy - Over the past two weeks there has been a great deal of phone calls and e-mails relative to the Monticello Academy and the process that took place at the last Board meeting. In a variety of kinds of correspondence and suggestions and pressures to do something about this, he and Superintendent Harrington have discussed the direction we might want to go. There is a rule,

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R277-470-18 that deals with appeals criteria and procedures, but this is only for appeals to a decision made by the Charter School Board. He felt it would be well for the Board to consider a procedure for a charter school to have a rehearing or an appeal from our Board if there is new information. Staff was requested to draft something in this regard. Alternatively. In our discussions it was decided that in order to get all in information and to have things fairly represented to the Board it would be best to wait until our October meeting. He felt it would be appropriate that someone who voted in the last meeting on the affirmative side make a motion that we rehear the Monticello Academy request with new information coming from the Monticello Academy, the Charter School Board as put together by the Superintendent.

There has been an appointment made with the director of the Monticello Academy to meet at 4:00 p.m. to further discuss this.

Motion was made by Member Kim R. Burningham and seconded by Member Dixie L. Allen that the Board reconsider the Monticello Academy action for the October 3, 2008 meeting. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Gregory, Haws, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Member Colbert absent.

- Chairman Sadler reviewed a calendar of events for September and October.
(For complete details see General Exhibit No. 10665.)

General Consent Calendar

Motion was made by Member Greg W. Haws and seconded by Member Dixie Allen to approve the General Consent Calendar as presented. Motion carried Bill absent.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held August 1, 2008..

2. Contracts

The following contracts were approved by the Board:

(A) Art Access/VSA Utah. \$40,000. 7/1/08-6/30/09 - Fed.

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To ensure integrated arts for students with disabilities. Train and recruit professional artists to provide direct service to students and provide inservice raining to teachers, aides, parents and administrators.

- (B) Utah Parent Information and Training Center. \$465,000. 7/1/2008-6/30/2013. - Fed.

The Utah Parent Information Center (UPC) is the only center in the State which serves as a statewide clearinghouse for parents with disabled children. UPC provides information, referral, training and positive peer support to parents of children and youth with all disabilities. The UPC represents parents as team members on the State Level Validation Teams and parent focus groups.

- © Jensen & Keddington, P.C. \$113,076. 10/1/08-9/30/09 - Amend. - Fed.

To provide services for audit requirements and comply with Federal regulations. Not to exceed 38 primary sites @ \$2,570.00 = \$97,660 and 8 secondary sites @ \$1,927.00 = \$15,416.00.

- (D) Washington County School District. \$27,693.33. 7/1/2008-6/30/2009. - 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.

- (E) Kane County School District. \$9,219.67. 7/1/2008-6/30/2009. Amend. Fed.

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

- (F) Dynamic Internet Solutions LLC. \$605,466. - 7/18/08-4/25/2010. - Amend.

To provide computer package/database for administration of USOE Child Nutrition Programs, including site-based claiming. The amendment adds functions to 1) create Sponsor claim automatically when entering site claims; 2) modify BASE interface for Section 4 and Section 11; 3) implement eligibility verification worksheets; 4) update site eligibility from October Survey.

- (G) Utah Department of Workforce Services. \$25,000. 7/1/08-6/30/09. RECEIVABLE. Fed.

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To provide funding for a Pre-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.

(H) Utah Education Network. \$119,833. 7/1/08-6/30/09. - RECEIVABLE. - Fed.

Provide funds to cover the salary, benefits, and program budgets for George Miller, Educational Specialist/EDNET.

(For complete details see General Exhibit No. 10666,)

3. Dual Enrollment, R277-438

The rule was amended to reflect the directive of SB 36, 2008 Legislative Session, which provides for Utah charter school students and Utah online school students to participate in extracurricular activities in compliance with a fee schedule in their resident traditional public school. The amended rule references the fee schedule discussed and approved by the Board at the June meeting in R277-494 Charter School and Online Student Participation in Extracurricular Activities. R277-438 and R277-494, specific to charter and online students are now consistent.

The Board approved R277-438, Dual Enrollment on second reading at the August 1, 2008 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-438, Dual Enrollment on third and final reading. (For complete details see General Exhibit No. 10667.)

4. Classroom Supplies Appropriation, R277-459

For many years, the legislature has appropriated one-time funding for classroom supplies and materials of \$7.5 million. In the 2007 General Session, an additional amount of \$2.5 million was appropriated for first through fifth year teachers. Administrative Rule R227-459, Classroom Supplies Appropriation, was revised in 2007 to reflect that change, to give direction and more clarification of the distribution of these funds. During the 2008 General Session the legislature has continued this one-time funding. The rule was amended to reflect the change showing (1) this appropriation came from SB2, (2) an amended date for the CACTUS data, and (3) further clarification for the distribution of funds including the funds for the second through fifth year teachers.

The Board approved R277-459, Classroom Supplies Appropriation on second reading at the August 1, 2008 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-459 Classroom Supplies Appropriation on third and final reading. (For complete details see General Exhibit No. 10668.)

5. Standards for School District, School and Charter School Discipline Plans.

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R277-609

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

The Board approved R277-609, Standards for School District, School and Charter School Discipline Plans on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-609, Standards for School District, School and Charter School Discipline Plans on third and final reading. (For complete details see General Exhibit No. 10669)

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

The 2008 Legislature passed SB 2 that directs the Board to make rule amendments to the instruction of financial and economic literacy education. The legislation created a financial and economic literacy passport that tracks mastery of financial and economic literacy concepts and the completion of specific competencies and activities in grades kindergarten through 12th grade. In addition, the legislation requires the Board to work with private and non-profit entities to create the financial literacy passport, coordinate financial literacy instruction with existing instruction, create staff development programs and assessments, and makes rule related to financial literacy and economic education.

Amendments were made to the rule at the August 1, 2008 Board meeting, and the Board approved R277-704, Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-704 Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports on third and final reading. (For complete details see General Exhibit No. 10670.)

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

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

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recruitment and retention strategies that would help to address the critical shortage.

The Committee believes that the American Speech-Language-Hearing Association's (ASHA) Certificate of Clinical Competence (CCC) in terms of rigor and requirements to the National Board of Professional Teaching Standards (NBPTS) Certification which the Utah State Office of Education currently recognizes as eligible for Level 3 licensure. Recognizing the ASHA CCC as a certification beyond a master's degree would improve the recruitment and retention of SLPs in the public school system and better compete with the private sector.

R277-502-4 was amended to make a SLP holding a CCC eligible for a Level 3 Utah Educator license upon completion of all other Level 3 licensing requirements. This modification will help public schools recruit and retain qualified SLPs within the public school system.

The Board approved R277-502-4 on second reading at the August 1, 2008 Board meeting. There have been no substantive changes to the rule since that time. The Board approved R277-502-4, Educator Licensing and Data Retention, Section 4, License Levels, Procedures and Period of Validity [Speech-language pathology CCC eligibility for Level 3 License on third and final reading. (For complete details see General Exhibit No. 10671.)

8. 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. The following rule was reviewed and approved:

R277-106. Utah Professional Practices Advisory Commission Appointment Process.

(For complete details see General Exhibit No. 10672.)

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

Each October, the state delegate assembly meets during the NASBE Annual Conference at the business meeting to vote on proposed changes and public education positions. The proposed changes to the NASBE Bylaws and the Public Education Positions were reviewed and approved by the Board. (For complete details see General Exhibit No. 10673.)

10. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2008 was provided for information to the Board. (For complete details see General Exhibit No. 10674.)

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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. 10675.)

12. Ratifications

Darrell Andelin was ratified as an Educational Specialist in CTE in the Student Achievement and School Success Division.

William Warner was ratified as an Educational Specialist in the Student Achievement and School Success Division.

Jeffrey Ojeda was ratified as an Educational Specialist in the Student Achievement and School Success Division.

13. 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. 10676.)

14. Claims Report

The Claims Reports in the amount of \$39,823,287.85 and \$242,827,865.86 for June 30, 2008 and July 31, 2008 respectively was approved by the Board. (For complete details see General Exhibit No. 10677.)

Motion was made by Member Teresa Theurer and seconded by Member Debra Roberts to adjourn. Meeting adjourned at 3:25 p.m.