

MINUTES

June 5, 2009

Minutes of the meeting of the State Board of Education held June 5, 2009, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:00 a.m. At the request of Chairman Debra G. Roberts, Vice Chairman Dixie L. Allen presided

Members present were:

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

Board Members Michael Jensen and Charlene Lui were excused.

Also present were:

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

Members of the Press:

Chris Onan, Standard Examiner
Lisa Schencker, Salt Lake Tribune
Amy Stewart, Deseret Morning News
Holly Langton, Utah PTA
Barry Walker, Utah School Superintendents Association

Utah State Office of Education staff:

Cory Kanth, State Charter Schools

Vice Chairman Dixie L. Allen called the meeting to order. She excused Board Members Michael Jensen and Charlene Lui.

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Welcome

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

Board Member Kim R. Burningham welcomed everyone to the meeting and shared the “Lessons of the Geese,” and then offered a prayer.

Board Chairman Debra Roberts acknowledged the retirement of, and expressed appreciation to Superintendent Patti Harrington. She presented her with a traditional school bell.

Superintendent Harrington expressed her love, appreciation and respect to those on the board who give their time. She expressed her love to the people in the office, and her respect of the people across the state. She indicated she feels the same about the administrators and teachers in the schools and the children. She stated that she hoped our paths will cross often. She will be watching from a distance for the success of the children.

Board Chairman Debra Roberts introduced Larry K. Shumway as the new State Superintendent of Public Instruction effective July 1, 2009. She indicated she was pleased with the positive reaction across the state with his appointment.

Dr. Shumway expressed his appreciation to Superintendent Harrington and for the opportunity to work with her, and he has learned some important lessons from her. He expressed appreciation for the opportunities she has provided him. He also expressed appreciation for the Board Members and their sacrifices and time, and the employees at the State Office of Education. He stated that he felt that across the state people want us to succeed. He expressed his appreciation for the support shown for him, and he looks forward to the opportunity of working together.

The Board recessed into Standing Committee Meetings at 8:15 a.m.

The Board reconvened at 10:35 a.m.

Achievement Spotlight

The Board recognized four “heros” who learned as part of the health curriculum “What to Do When Every Minute Counts.” This curriculum teaches emergency skills to high school students.

Mark Moore, a student at Taylorsville High School, Russ Henrie, a health teacher at Delta High School, Casey Gaboldon, student at Copper Hills High School, and Chelsea Pearson, a student at Copper Hills High School were recognized and honored for their heroic efforts in

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savings lives due to the emergency training received in their health classes. Each was presented an Excellence Certificate from the Board.

Utah Basic Skills Competency Test (UBSCT)

The Utah state Office of Education (USOE) developed the UBSCT and implemented its administration for graduating students starting with the class of 2006. Students must pass each subtest in order to receive a high school diploma designated with a “UBSCT Completion.

_____ Associate Superintendent Judy Park introduced John Jesse, the new Assessment Director. Mr. Jesse presented the UBSCT results for the State of Utah. (For complete details see General Exhibit No. 10926.) The Board received the UBSCT results for the graduating classes of 2009, 2010 and 2011.

New USOE Website

This past winter four USOE personnel were reorganized into the Web Management and Development (WMD) Team and assigned to the development, deployment and support of the USOE’s public website, as well as its internal and partner intranets. Along with other Website development tools, they are also using an advanced development and support platform, Microsoft Office SharePoint Services, to make more Web services available in a more robust and efficient manner. At the USOE Spring Data Conference on April 23-24, a session was conducted during which the USOE staff solicited input from LEAs. The Data Governance Policy Board monthly meeting provides input and monitors the new Website.

The Board received a presentation on the new public USOE Website which will become available in July.

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

Superintendent Harrington asked Associate Superintendent Judy Park to update the Board on Digital Sams and what other data might be available to collect with this program. Also, who will collect it, how are they going to collect it and do we have the resources to collect it.

Dr. Harrington summarized the following information items:

- Letter from Wyoming withdrawing their offer to create a Western States Standards Consortium. They will support the effort currently underway through the Council of Chief State School Officers.

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- An Agreement to move forward on the development only of national common state standards signed by the Governor and Superintendent Harrington
- We have convened a statewide leadership meeting on the American Recovery and Reinvestment Act (ARRA) for all school and district leaders as well as representatives of the legislature and Governor's staff.

Discussion Items:

- Superintendent Harrington asked Associate Superintendent Todd Hauber to review how we have handled our budget cuts. Mr. Hauber presented a summary of the budget reductions taken place at the Utah State Office of Education, Utah Schools for the Deaf and the Blind and the Utah Division of Rehabilitation for both the 2009 and 2010 years.
- There will be a Charter School funding meeting June 17 with Representative Bigelow in the Legislative Fiscal Analysts Office at 2:00 p.m. She invited board members to attend if they were available.

(For complete details see General Exhibit No. 10927.)

Public Participation/Comment

The Board received public comment from the following:

Liz Zentener, Utah PTA Health Commissioner spoke in support of the current Health Core Curriculum. Ms. Zentener shared an informal survey taken by the PTA at their convention last month relative to the Health Core Curriculum and Teen Sexual Involvement. (For complete details see General Exhibit No. 10928.)

Matt Frandsen, Rings True Coalition presented information relative to the Single Rate Income Tax Repeal and Graduated Tax Rates Revision. Long term policy of income tax increase for schools. He asked the Board's support for a vote of confidence the next time it meets for this constructive solution in restoring Utah public education funding.

Leeann Webster, Planned Parenthood Action Committee Field Coordinator spoke to the Board encouraging giving more information to students about comprehensive sex education. She asked everyone to get involved at their local level and with their legislators to support comprehensive sex education.

Emma Waitzman, Salt Lake City Youth City Government on the Health Core Curriculum discussed a survey they had taken at West High School and Clearfield High School

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which indicated that a high percentage of students are sexually active. She encouraged the Board to provide more adequate instruction on this subject in the schools.

Executive Session

Motion was made by Member C. Mark Openshaw and seconded by Member Leslie Castle that the Board move into an executive session following lunch for the purpose of discussing personnel issues, purchase, exchange or lease of real property, and/or pending or reasonably imminent litigation issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 12:25 p.m.

Motion was made by Member Debra G. Roberts and seconded by Member Denis R. Morrill to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:35 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Denis R. Morrill and seconded by Member David L. Thomas that the Board concurs in the recommendation of the Utah Professional Practices Advisory Commission and the hearing panel following a hearing for consideration of reinstatement of a license, in Case No. 03-652, that the license of a former educator in the Davis School District be reinstated. The license was previously suspended as a result of the educator's accessing pornographic and inappropriate web sites using his school computer during school time. It was noted that the hearing report was shared with the Board in Executive Session. Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Members Cannon and Locke opposed.

Motion was made by Member Denis R. Morrill and seconded by Member David L. Thomas that the Board accept the recommendation of the Commission and a stipulated agreement, including conditions of the agreement in Case No. 08-881 whereby a former educator at Provo Canyon School, voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension of her license for two years from the date of formal action by the State Board of education. The educator must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted. The suspension results from the educators exchanging inappropriate written communications, including sexual content, with a student. Motion carried unanimously.

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Motion was made by Member Denis R. Morrill and seconded by Member David L. Thomas that the Board accept the recommendation of the Commission and a stipulated agreement, including conditions of the agreement, in Case No. 09-885, whereby a former educator in the Uintah School District voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension of her license for two years from the date of formal action by the State Board of Education. The educator must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted. The suspension results from the educator failing to provide proper care for an injured student, physically and verbally harassing the injured student, falsely accusing another employee of harming the student, failing to follow proper procedures regarding student medications, and providing medications to students without proper authorization. Motion carried unanimously.

Motion was made by Member Denis R. Morrill and seconded by Member David L. Thomas that the Board accepts the recommendation of the Commission and a stipulated agreement, including conditions of the agreement in Case No. 09-887, whereby a former educator in Ogden School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license for 18 months from the date of formal action by the State Board of Education. The educator must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted. The suspension results from the educator discussing issues of a sexual nature with students, receiving a written reprimand for initiating and discussing sexual topics and storing and accessing a sexually-explicit story on his school computer. The story was viewed by students. Motion carried unanimously.

(For complete details see General Exhibit No. 10929.)

Board Standing Committee Reports

Law & Policy Committee

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

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

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

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Lake Powell School. Lake Powell School is in a very remote location, approximately 280 miles from the District Office in Kanab. The school serves 44 children.

The District requests permission to adopt a four-day school week calendar at the Lake Powell School. 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. The Kane School District Superintendent presented data in support of the District's request. (For complete details see General Exhibit No. 10930.)

The Committee reviewed the request and moves that the Board grant a waiver of R277-419-3, *Minimum School Days* to Kane School District for a four-day school week calendar at the Lake Powell School. Motion carried unanimously.

Educator Licensing Renewal and Timelines, R277-501 - Amended

The recently released audit that identified background check offenses for both licensed and non-licensed public education employees provided several recommendations. One recommendation was that the Department of Public Safety (DPS) and the Utah State Office of Education (USOE) work together to expeditiously develop a public education employee data base. This rule directs the USOE to provide DPS with demographic information on licensed Utah educators. The information currently exists in the Computer Aided Credential of Teachers for Utah Schools (CACTUS) database. The final piece of identifying information on licensed educators will complete the database as educators renew their licenses.

The following amendments to R277-502 were reviewed by the Committee: (1) directs the USOE to provide CACTUS information to DPS no later than July 1, 2009; and (2) requires all licensed educators seeking license renewal after July 1, 2009 to have criminal background checks as a part of the license renewal process. (For complete details see General Exhibit No. 10931.)

The Law & Policy Committee approved the amendments to R277-501, Educator Licensing Renewal and Timelines on first reading and moves that the Board approve R277-501 on second reading.

Member Dave Thomas suggested further amendments to lines 3, 4 and 7 add the word "criminal" in front of background checks. The suggestion was agreed to by the Board.

Motion carried unanimously.

Education Employee Required Reports

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

R277-516 *Education Employee Required Reports of Arrests* was approved by the Law and Policy Committee on first reading and by the Board on second reading on May 1, 2009. The recently completed Legislative Audit “A Performance Audit of Public Education Employees’ Criminal Background Check Procedures,” recommended that school districts and charter schools have policies requiring periodic background checks of non-licensed public education employees. Based on the recommendations of the audit, a new Section 4, Non-licensed Public Education Employee Background Check Policies, has been added to the rule. The title of R277-516 is changed to include the background check policy requirement for non-licensed employees language. (For complete details see General Exhibit No. 10932.)

The Committee made the following further amendments: R277-516-1 B to read: “Licensed educator” means an individual who holds a valid Utah educator license and has satisfied all requirements to be a licensed **educator** in the Utah public school system (examples are traditional public school teachers, charter school teachers, school administrators, USOE and school district specialists)....

R277-516-4 A. School districts and charter schools shall **adopt policies for non-licensed public education employee background checks that** include at least the following components:

R277-516-6 A. A public education employer that receives arrest information about a licensed **public education** employee shall review arrest information and assess the employment status

Add B. **A public education employer that receives arrest information about a non-licensed public education employee shall review arrest information and assess the employee’s employment status considering the non-licensed public education employee’s assignment and consistent with a local board-approved policy for ethical behavior of non-licensed employees.**

Add C. **Local boards shall provide appropriate training to non-licensed public education employees about the provisions of the local boards’ policy for self-reporting and ethical behavior of non-licensed public education employees.**

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The Law and Policy Committee reviewed R277-516-4 *Non-licensed Public Education Employee Background Check Policies* and made further amendments listed above approved the amendment on second reading and moves that the Board approve R277-516 *Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees*, in its entirety on third and final reading.

Member Dave Thomas suggested two additional amendments: R277-516-3 D. Delete USOE in this paragraph, and R277-516-5 B. Strike by the deadline in this paragraph.

Motion with the two additional changes above carried unanimously.

Returning Educator Relicensure, R277-502-6 - Amended

R277-502-6 *Returning Educator Relicensure*, was established as a pathway for previously licensed educators to return to teaching while renewing their license through an individual professional development plan based on the needs of the educator and the school. This program has been helpful in providing a pathway for over 100 teachers to reenter the teaching workforce. However, the rule has some loopholes that have made managing the program difficult. Applications continue to come in as late as mid-April with only one month to complete the plan. The proposed amendments will clarify timelines for application and completion of the plan. (For complete details see General Exhibit No. 10933.)

Following review of the rule the Committee made the following amendments:

R277-502-6 A3(f) delete the word “district” in the last line of the paragraph; (4) put a period after the word hire in the second line and delete the remainder of that line of the paragraph; (6) add charter school after school district; 7B, add following school district/**charter school**.

The Committee approved the amendments to R277-502-6 on first reading and moves that the Board approve the amendments to Returning Educator Relicensure on second reading.

Member Dave Thomas suggested restructuring R277-502-6(4) to read: **Filing the professional development plan with the USOE within 30 days of hire.**

The suggested restructuring of R277-502-6(4) was accepted by the Board. The motion as amended carried unanimously.

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Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program, R277-477

Member Cannon explained that the Law & Policy Committee held hearings on this rule and on R277-491.

The findings of the hearings was putting in a definition of “most critical need” was aligned with the law, so both were amended to put in a definition of “most critical academic needs.” In addition, because of the audit that was done, changes were also made relative to examples of programs where the expenditures were appropriate to meet those most critical academic needs and examples of things that would not meet those most critical academic needs.

R277-477 Distribution of Funds from the Interest and Dividend account and Administration of the School LAND Trust Program was approved by the Board and published in the *Utah state Bulletin*, subject to a 30-day comment period. Consistent with Section 63G-2-302, a public hearing was held on May 5, 2009 to allow concerns raised by the Utah PTA to be heard. Following the hearing, the Board Hearing Panel recommends that the rule be amended to change the definition of “critical academic needs” to most critical academic needs.” The Panel also recommends other minor rule changes. These amendments will ensure that local school community councils and governing boards of education have clear guidance when identifying critical academic needs and using the funds consistent with the law. The Hearing Panel Report was reviewed by the committee. (For complete details see General Exhibit No. 10934.)

The Committee reviewed the amendments to R277-477 and since the Board has reviewed multiple amendments to this rule previously, the Law & Policy Committee approved the rule on second reading and moves that the Board approve R277-477, Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program on third and final reading. Motion carried unanimously.

School Community Councils, Definitions R277-491-1, Amended

R277-491 School Community Councils was approved by the Board and published in the *Utah State Bulletin*, subject to a 30-day comment period. Consistent with Section 63G-3-302, a public hearing was held on May 5, 2009 to consider concerns raised by the Utah PTA on R277-491 and R277-477. The only change to R277-491 recommended by the Board hearing

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Panel and USOE staff was to delete R277-491-D. The definition is not found in the rule. (For complete details see General Exhibit No. 10935.)

The Law & Policy Committee reviewed the deletion of the definition and since the Board has reviewed the multiple amendments to R277-491 previously, the Law & Policy Committee approved R277-491-1 *School Community Councils, Definitions* on second reading and moves that the Board approve the rule on third and final reading. Motion carried unanimously.

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

The 2009 Legislature passed SB 36 *Charter and Online Schools - Participation in Extracurricular Activities*. The statute requires that the Board make rules establishing fees for public charter school and public online school students to participate in extracurricular activities. A fee schedule was established in 2008. Review of the statutory method for determining the fee has led staff to recommend revision of the schedule.

The statute requires that the school participation fee is the amount of the state and local tax revenue expended (except for capital facilities) divided by the total enrollment of the school district. The fee schedule adopted in the original rule was based on the total cost of the activity rather than the statutory formula. (For complete details of the amendments see General Exhibit No. 10936.)

The Committee received data collected related to setting an online and charter school participation fee. The Committee reviewed the amendments to R277-494 and made the following further amendments:

R277-494-1 [D]. “Co-curricular activity” means a **school district or** school activity, course or experience that includes a required; [F](1) that provides the same number of classes consistent with the requirement of similar resident public schools; [K] “School participation fee” means the fee paid by the charter/online school to the traditional **boundary**; [L] “Student participation fee” means the fee charged to all participating charter/online and traditional school students by the resident **boundary** school for designated; R277-494-2 B. Add at the end of the paragraph **at a student’s boundary school**; R277-494-4 A. delete traditional and add **boundary**; also in B. Add **boundary** prior to school.

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The Committee approved the rule on first reading and moves that the Board approve R2770-494, *Charter School and Online Student Participation in Extracurricular Activities* on second reading. Motion carried unanimously.

Novice Teacher Research Study

The State Board of Education and the Board of Regents are working collaboratively to review the current practice of teacher preparation programs to determine their effectiveness in providing quality teachers for Utah students. “A longitudinal study is underway to track new teachers by preparation institution/route to licensure and determine if there is value added impact on student performance.”

Dr. John Bennion is working with a collaborative team of higher education and public education members to conduct this multi-year, longitudinal study.

The Law & Policy Committee received an update on the progress of the study. (For complete details see General Exhibit No. 10937.)

No action was required.

Finance Committee

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

Charter School Revolving Loan Subcommittee Recommendations

Legislation (2007 HB 164S3) created the Charter School Revolving Loan Subcommittee to review and make recommendations regarding loans to charter schools. The State Board of Education is charged with approving loans to Charter Schools per Utah Code Annotated §53A-21-104(5)(c) School Building Revolving Account, specifically the Charter School Building Subaccount to pay for the costs of: (i) planning expenses; (ii) constructing or renovating charter school buildings; (iii) equipment and supplies; or (iv) other start-up or expansion expenses. The Charter school Loan Committee was established and is chaired by Michael Anderson with Michael Kjar, Richard Tolley, Sterling Orton, Michael Jensen and Marlies Burns (non-voting) as committee members. They developed the criteria and a loan application process. There was \$6,000,000 allocated by the Legislature for this account, to be disbursed at a maximum of \$2,000,000 per year.

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The Finance Committee reviewed and approved the recommendations from the Revolving Loan Committee and State Charter School Board, and moved that the State Board of Education approve the loans for:

Guadalupe Schools	\$160,000
Maria Montessori Academy	\$184,254
Quail Run Primary School	\$108,025
Weilenmann School of Discovery	\$300,000

Motion carried unanimously.

(For complete details see General Exhibit No. 10938.)

USOE Internal Audit Procedures, R277-116

An amendment to R277-116, USOE Internal Audit Procedure, was presented to the Finance committee and was approved on first reading by the Finance Committee in its May 2009 meeting with the caveat that there was still clarification needed on several points, two of which are defining who the Agency Head should be and defining who would be an employee without any administrative accountability within USOE. The full Board was instructed to study this rule so it could be brought back for discussion at the June 2009 meeting.

The Board Audit Committee discussed the rule at its meeting on May 29, 2009 and amendments were made to the rule and distributed to the Board. Member Dave Thomas reviewed the changes from the Audit Committee indicated in blue on the rule. (For complete details see General Exhibit No. 10939.)

The Finance Committee reviewed the rule considering the proposed changes by the Audit Committee and added additional amendments as follows:

R277-116 [C] include at the end the following sentence: **The Chair of the Audit Committee shall be either the Board Chair or Board Vice Chair.**

R277-116-04 [B] The Internal Auditor shall report **initially to the Superintendent. Following the Superintendent's response, the Internal Auditor reports to the Audit Committee and ultimately to the Board.**

[C] The Internal Auditor's work shall be determined primarily by a risk assessment developed by the Internal Auditor and **approved** by the Audit Committee at least annually. The risk assessment shall:

(1) consider **all** public education programs for which the Board has responsibility;

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R277-116-4 I. Audit Committee members, Board members and USOE employees shall maintain information acquired in the audit process in the strictest confidence consistent with the Public Employee Ethics Act, Section 67-14-4.

J. Add to the end of the paragraph: **All public education entities shall cooperate fully with Internal Auditor requests; The Internal Auditor is not required to issue subpoenas or make GRAMA requests under Section 63G-2-202 to receive requested information from public education entities.**

R277-116-5 B. The Internal Auditor shall submit the audit plan first to the Superintendent for review, next to the Audit Committee for review, modification, update, and approval. Each audit plan shall expressly state an anticipated completion date.

(3) report significant audit matters that cannot be appropriately addressed by the Audit Committee **and the Board** to either the office of Legislative Auditor General or the Office of the State Auditor;

Vice Chairman Dixie Allen reported that Board Leadership has looked at suggesting changing the name from USOE Internal Audit Procedures to Utah State Board Internal Audit Procedures.

Member Denis Morrill noted that the State Charter School Board is not mentioned in the rule. Member Thomas indicated that the rule covers the public education systemwide so it would be included.

Motion Denis Morrill to delete section 3 seconded by Janet Cannon. Line 243-246 from the rule.

Member Denis Morrill voiced concern about the Internal Auditor voicing his concerns to the Legislative Auditor General. It was noted that this process is in the statute.

Carol Lear noted that the statute is an executive agency language statute and she did not like including too much of the statute in this rule because of the constitutional authority of the Board versus an executive agency. However, the change the committee made today that the Board would be informed prior to the Auditor going to the Legislative Auditor.

Member Dave Thomas argued that he did not see how the Board could get around this not being in the rule.

Discussion further ensued as to whether or not this section R277-116-5C should be included in the Board's rule. It was suggested that C(3) be changed to include the word **may** at

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the beginning of the paragraph. It was noted that the issue is already covered in the statute and does not need to be in the rule.

Motion was made by Member Denis R. Morrill and seconded by Member Janet A. Cannon to delete R277-116-5 C (3). Motion failed with Members Brown, Burningham, Cannon, Castle, Morrill and Murphy voting in favor; Members Crandall, Haws, Locke, Openshaw, Roberts and Thomas opposed.

Motion was made by Member Kim R. Burningham and seconded by Member C. Mark Openshaw to delete item 3, place it at the bottom of that section making it a new D to read: The Internal auditor may report significant audit matters that cannot be appropriately addressed by the Audit Committee and the Board to either the Office of Legislative Auditor General or the Office of the State Auditor. Motion carried with Members Brown, Burningham, Crandall, Haws, Locke, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Members Cannon and Castle opposed.

Motion from the Finance Committee that the Board approve R277-116 and retitle it to Utah State Board of Education Internal Audit Procedures as amended on third and final reading. Motion carried unanimously.

Updated Standards for Utah School Buses and Operations

The Standards for Utah School Buses and Operations is the governing standard for all school buses in the State of Utah. The section covering financial and statistical data reporting and the school district funding formula, applies only to school districts. The foundation of the Utah Standards is taken from the national School Transportation Specifications and Procedures that is updated every five years by the National Congress on School Transportation with input from a Utah delegation along with delegations from all other states. Historically, Utah Standards for School Buses and Operations has been updated about every ten years. The previous two editions were published respectively in 1999 and 1987. The current process has included the careful review of over 400 pages that have been divided into five separate writing sub-committees with representatives from small, medium, and large school districts as well as representatives from the Utah Highway Patrol, School Bus Manufacturers, Utah Department of Highway Safety, the Utah State Office of Education, and the Utah Department of Transportation. Final approval of Standards for Utah School Buses and Operations is granted by the Utah Department of Transportation.

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The Finance Committee received reports from three of the sub-committees of the Utah Pupil Transportation Advisory Committee, namely the Instruction/Certification Standards Committee, the Bus Body/Chassis and Technician Standards Committee, and the Special Needs and Pre-School Standards Committee regarding current revisions to the Utah Standards for School Buses and Operations. (For complete details see General Exhibit No. 10940.)

Curriculum Committee

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

Secondary Health Education Core Curriculum

The revised Secondary Health Education Core Curriculum was presented to the Utah State Board of Education at its April 2009 meeting. The Board approved the document for public review at several regional sites.

The Committee received a report on the public review process and considered possible changes to the core curriculum document as suggested through the public hearings. (For complete details see General Exhibit No. 10941.)

Member Brown reviewed the changes to the document noting that they were minimal. (For complete details see General Exhibit No. 10942.)

The Committee, after hearing from the PTA, modified Objective 3, c under Standard 5 to add **the need for early detection**.

The PTA also requested a modification under Standard 6, Objective 3 b. Describe the benefits of sexual abstinence **before marriage**

Member Brown reported that CMAC reviewed the document and asked that diversity terminology be added to the Glossary. Also, they wanted the Parent/Teacher Resource Manual updated to reflect the changes in the health core.

The Committee approved the Secondary Health Education Core Curriculum and moves that the Board approve the Secondary Health Education Core Curriculum as amended for implementation in Utah's schools beginning in September 2011.

Member Denis Morrill voiced concern with Standard 6, Objective 4: c, identifying means of prevention (e.g., abstinence, disease prevention. Contraception/condom use). He commented he did not think teachers were to do this. Member Brown clarified that they are not

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to encourage or demonstrate the use, but can identify and explain under the umbrella that it is abstinence only.

Member Carol Murphy voiced concern with the modification to *Responsibilities of the Local Education Agency (LEA)* as to whether or not a local board could provide less, such as no instruction.

Member Murphy suggested a change under Standard 6, Objective 4 to Understand the **option** rather than importance of abstinence. It was noted that this is a curriculum and not a rule and looking at it from that perspective makes the word importance relevant.

Member Leslie Castle voiced concern that to allow a human sexuality curriculum and not allow teachers to talk about contraceptives, when students are sexually active, seems like it should not be an option. She indicated that some of these children are in a sexual relationship that they may not necessarily want to be in, i.e., incest, and to leave this information out is unconscionable.

Frank Wojtech indicated that the only districts that are not teaching this curriculum are Nebo and Provo who have opted for abstinence only.

Associate Superintendent Brenda Hales clarified that the portion of the Health Core Curriculum dealing with human sexuality follows the state statute as does the Board rule that instructs districts and teachers on how to teach it. One of the things that is built into rule to help this is that all new health teachers in the state receive mandatory training on the core. It instructs local districts to have refresher courses at least once every three years.

Member Dave Thomas questioned what diversity means as a definition. CMAC has given staff a list of diversity terms they use for the REACH Training in the State of Utah.

Member Thomas indicated that it is not referred to anywhere in the body of the curriculum but we are defining anal and oral sex and he questioned why it was in the definitions. It was pointed out that the glossary is for the teachers and there are some that need to know the definition of these terms because of questions. We want people to use correct terms in describing any of the aspects of human sexuality.

Motion was made by Member David L. Thomas and seconded by Member Shelly Locke to not put the diversity piece in until we know the definitions. Motion carried with Members Burningham, Cannon, Castle, Crandall, Haws, Locke, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Brown opposed.

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Motion was made by Member David L. Thomas and seconded by Member Shelly Locke that under Objective 2 e, add at the end with parental input. Motion failed with Members Crandall, Locke, Openshaw, Roberts and Thomas voting in favor; Members Brown, Burningham, Cannon, Castle, Haws, Morrill, and Murphy opposed.

Motion to approve the Secondary Health Education Core Curriculum as amended carried unanimously.

Comprehensive Guidance and Counseling Program

The Comprehensive Guidance and Counseling Program is designed to facilitate student development and competencies through the four components of guidance curriculum, individual planning, responsive services, and system support. Over the past 25 years, Utah's schools have worked to implement the program consistent with national standards, State Board rule, and Northwest Accreditation standards.

The Curriculum Committee received information and suggestions of options for schools to meet Comprehensive Guidance and Counseling expectations. (For complete details see General Exhibit No.10943.)

The final discussion in the committee centered around again not granting the request but have the school come to us with a plan in terms of how they could implement the rule for their unique circumstances with their unique ways to implement the rule.

Vice Chairman Dixie Allen clarified that another waiver came to the Board Leadership and it was determined that the curriculum committee was the proper place to see if we could define whether we want an overall waiver or better define for them what we are asking for instead of them having the file for a waiver.

Member Janet Cannon reported that one of the things charters are doing is looking at requiring all of their elementary schools as well as their secondary schools to undergo an accreditation process. We could find ourselves in a position where Northwest has gone in and looked at the services and determine they have met their needs in terms of counseling. They may find alternative way of meeting the counseling needs.

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Refugees in Utah - Impact on Education

The Committee did not have time to receive this Report.

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Full Board

Issues from Study Session

Promises to Keep

Member Laurel Brown commented that she is committed philosophically to ensuring literacy for all students. But the reality portion of her says that not every student is going to. In terms of what is going to come out at the end is they are not all going to have literacy. She did not feel we could commit, ensure literacy for all student, but we can commit to ongoing opportunities K-12.

Member Carol Murphy commented that in the U-PASS report the concern was on math and we don't address it here. She is committed to ensuring literacy but is wondering if we are ready to walk the walk, look at the data and internalize it and say we need some work in math. Maybe incorporate that into 3, look at the data and internalize it and say we need some work on math.

Chairman Debra Roberts commented that we need to work on overall concepts and we have not yet created the. Her concern is that these are more complicated than what we need for the foundational principals. We need to come down to three words or phrases.

Deputy Superintendent Larry Shumway suggested:

- Success for Every Student
 - Literacy
 - High Quality Instruction
 - Relevant and Rigorous Curriculum

Member Dave Thomas commented that the Board needs to have its agenda for the legislature and we need to start moving it now. He has talked to members of the leadership in the legislature and they would like us to have an agenda. If we have to pass these things foundationally before we start talking about an agenda is a monumental task.

Member Thomas suggested that the Board move in the direction of adaptive testing which may include getting an update in the August meeting from Juab.

Motion was made by Member David L. Thomas that the board move forward with changing the statute from U-PASS to a more adaptive model.

Member Denis Morrill commented that one thing that was not heard yesterday is how much does it cost to move to a different testing system?

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Member Thomas indicated that some dollars can be shifted, however, the real expense is those districts that don't have adequate computers for the tests. Part of the move is a phase-in plan and possibly use incentives.

Vice Chairman Dixie Allen reported that the recommendation from the Blue Ribbon Committee was to do away with several tests. One of the things the Board needs to make a decision on rapidly is whether or not to get rid of the Iowa Test. UBSCT is another as well as core testing. There would be some overlap but we don't need the Iowa and we could do away with UBSCT if the legislature would let us and replace it with something they felt good about.

Member Carol Murphy reiterated that we need to walk the walk we are asking the districts to do. UBSCT has been an altering of the way instruction is delivered at the high school level. So why do we want to give that up for something else.

Vice Chairman Dixie Allen reported that the Blue Ribbon Committee was made up of several people. One of whom, Dade Douglas in Sever indicated he would never give up the core curriculum and then yesterday we heard him say this test does both. Part of it is a learning curve. UBSCT was a wonderful thing and gave schools something to measure up to.

Member Carol Murphy commented that a missing piece is that the full Board has not been apprised of everything being done by the Blue Ribbon Committee.

Associate Superintendent Brenda Hales commented that the future of testing for the state is going to be adaptive testing. She cautioned, however, that the evaluation is not done yet. One of the things the Board has talked about and the Blue Ribbon Commission has as well is making sure we had an evaluation completed. There are a lot of components besides adaptive testing that were included in the recommendations. She noted that the infrastructure, when UEN took the hits this spring, they did not get backfilled on completing the internet backbone that goes to the elementary schools throughout the state.

Member Dave Thomas commented that this is an ideal time to work with the legislature for funding for this. Some legislators who were wed to the UBSCT were on the Blue Ribbon Committee and now would be willing to make the change.

Associate Superintendent Judy Park indicated she would be happy to provide a workshop on Blue Ribbon Committee for the Board.

Chairman Roberts suggested that a part of that workshop include Logan and Juab School Districts who are part of the pilot program. She suggested we may want to pull back a

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little and call it a vast expansion of the pilots and take another year before we eliminate U-PASS. We will use a phase in process.

Member Dave Thomas suggested that the Board get the legislation passed now to begin the process then everyone has the same goal.

Chairman Roberts indicated it is not just adaptive but includes online and formative assessment.

Member Kim Burningham commented that we should start now and begin the process when the economy will allow.

Chairman Roberts commented that we began the process trying to create a long-term ten-year plan. She suggested that we begin with the list below, she will send it out to the Board Members and if anyone would like to add to that do so, but rank those listed. We will take the top three and that will be our long-term goal. The Board will turn that over to staff and they will put the Board's agenda to that. The list:

- Evaluation of Educators
- Literacy/Numeracy
- High Quality Instruction
- Relevant Rigorous Curriculum
- Formative Adaptive Assessment
- Individualized Learning Options (Technology)

Chairman Roberts said she would send an e-mail to the Board by Tuesday and asked that the Board respond back to her by Friday, June 12 with their suggestions.

Vice Chairman Dixie Allen provided an explanation of how the Blue Ribbon Committee was started. She commented that it went to the Governor because the Board does not move fast enough to make things happen. She expressed her frustration with the word-smithing battle that goes nowhere.

Board Chairman Report

Chairman Debra Roberts presented the following items of information.

- She indicated that most of the past month has been spent on the selection of new superintendent.
- Leadership has met with the Board of Regents leadership.

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- K-16 Alliance - interesting piece on mathematics, Richard Kendell pushing a consortium through the colleges and universities where they will create places where scientists will come together and create science consortiums to develop how they would like to teach science.
 - UCAT been added to the K-16 alliance.
- Met with the State Auditors and that was a positive meeting and they are supportive of where we are going with the rule.
 - We will have approval of an internal auditor recommendation from the State Superintendent in August.
- She has called the Lt. Governor relative to the selection of the new State Superintendent and some of his education concerns and issues. He asked that after the next 30 days to call him to make an appointment and to bring whomever she would like to that meeting.
- Next Monday she and Dixie have an appointment to meet with minority senate leadership. She invited other board members to attend at 11:00.

Chairman Roberts expressed appreciation for all the Board does. There are diverse personalities, but she has appreciated the way they have come together with a lot of humor and we have been able to work together and visit together and create some friendships and some positive things. She encouraged everyone to move forward.

General Consent Calendar

Motion was made by Member Carol Murphy and seconded by Member Mark Openshaw to approve the General Consent Calendar as presented. Motion carried unanimously.

1. Minutes of Previous Meetings

Minutes of the Meetings of the State Board of Education held May 1, 2009.

2. Contracts

The following contracts were approved by the Board:

(A) Crane National Vendors. \$300,000. 5/15/2009-5/14/2010 - Amend. - Fed.

Contract renewal for (1) year. Vendor has implemented an additional 1.5% price increase to original contract pricing and previous amendment. Price includes the new Currenza C2 Recycler package on all equipment purchased.

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(B) Old Dominion Freight Line Inc. \$320,000. 8/1/2009-7/31/2010 - Amend.

Transportation of USDA Dry and Temperature controlled commodities to recipient agencies statewide.

(C) College Board Examination Board. \$57,960. 5/1/2009-3/15/2010. - Fed.

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

(For complete details see General Exhibit No. 10944.)

3. Online Testing, R277-402

During the 2009 Legislative Session, HB 334, effective July 1, 2009, was passed and modifies requirements for statewide writing assessments. These provisions include modifying the Utah Performance Assessment System for Students (U-PASS) by requiring online writing assessments in grades 5 and 8, encourages schools, districts and charter schools, as applicable, to administer an online writing assessment to students in grade 11, and allows the State Board of Education to award a grant to a school district or charter school for an online writing assessment and instruction program that may be used to assess the writing of students in grade 11.

The Curriculum Committee reviewed and approved on first reading the amendment to R277-402, and the Board approved the amendments to R277-402, Online Testing on second reading at the May 1, 2009 Board meeting. There have been no substantive changes to the rule since that time. The Board approved R277-402, Online Testing on third and final reading. (For complete details see General Exhibit No. 10945.)

4. Testing Procedures, R277-473

During the 2009 Legislative Session, HB 334, effective July 1, 2009, was passed and modifies requirements for statewide writing assessments. These provisions include modifying the Utah Performance Assessment System for Students (U-PASS) by requiring online writing assessments in grades 5 and 8, encourages schools, districts and charter schools, as applicable, to administer an online writing assessment to students in grade 11, and allows the State Board of Education to award a grant to a school district or charter school for an online writing assessment and instruction program that may be used to assess the writing of students in grade 11.

The Curriculum Committee reviewed and approved on first reading the amendment to R277-473, and the Board approved the amendments to R277-473, Testing Procedures on second reading at the May 1, 2009 Board meeting. There have been no substantive changes to the rule since that time. The Board approved

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R277-473, Testing Procedures on third and final reading. (For complete details see General Exhibit No. 10946.)

5. Secondary School Completion and Diplomas, R277-705

During the 2009 Legislative Session, HB 334, effective July 1, 2009, was passed and modifies requirements for statewide writing assessments. These provisions include modifying the Utah Performance Assessment System for Students (U-PASS) by requiring online writing assessments in grades 5 and 8, encourages schools, districts and charter schools, as applicable, to administer an online writing assessment to students in grade 11, and allows the State Board of Education to award a grant to a school district or charter school for an online writing assessment and instruction program that may be used to assess the writing of students in grade 11.

The Curriculum Committee reviewed and approved on first reading the amendment to R277-705, and the Board approved the amendments to R277-705, Secondary School Completion and Diplomas on second reading at the May 1, 2009 Board meeting. There have been no substantive changes to the rule since that time. The Board approved R277-705, Secondary School Completion and Diplomas on third and final reading. (For complete details see General Exhibit No. 10947.)

6. Annual Assurance of Compliance by Local School Boards, R277-108

R277-108-5 Assurance, was amended to provide the following additional assurances of local school boards/school districts or charter school governing boards/charter schools:

- The local school board or charter school governing board has presented and implemented an electronic device policy
- The school district or charter school has posted collective bargaining agreements consistent with Section 53A-3-428; and
- By May 15, 2010 the school district or charter school has posted required public financial information consistent with Sections 63A-3-401 through 67A-3-404.

The Curriculum Committee reviewed and approved the amendments to R277-108, Annual Assurance of Compliance by Local School Boards, Section 5, Assurances on first reading and the Board approved the amendments to R277-108 on second reading at the May 1, 2009 Board meeting. There have been no substantive changes to the rule since that time. The Board approved R277-602, Annual Assurance of Compliance by Local School Boards on third and final reading. (For complete details see General Exhibit No. 10948.)

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7. Concurrent Enrollment of High School Students in College Courses, R277-713

The Legislature in its 2009 session passed S.B. 81, Concurrent Enrollment Program Amendments. R277-713, Concurrent Enrollment of High School Students in College Courses, is amended so that the rule will conform to 2009 legislation. Changes to the rule include:

- Adding language that provides an appropriate assessment prior to participation in mathematics and English courses;
- Adding language that provides that courses typically offered in grades 9 or 10 may not be included in concurrent enrollment; and
- Modifying the distribution of concurrent enrollment appropriations.

The Curriculum Committee reviewed and approved the amendments to R277-713, Concurrent Enrollment of High School Students in College Courses on first reading and the Board approved the amendments to R277-713 on second reading at the May 1, 2009 Board meeting. There have been no substantive changes to the rule since that time. The Board approved R277-713, Concurrent Enrollment of High School Students in College Courses on third and final reading. (For complete details see General Exhibit No. 10949.)

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 rules were reviewed and approved:

R277-402	Online Testing
R277-609	Standards for School District, School and Charter School Discipline Plans
R277-800	Administration of the Utah School for the Deaf and the Utah School for the Blind
R280-150	Adjudicative Proceedings Under the Vocational Rehabilitation Act.

(For complete details see General Exhibit No. 10950.)

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

An invoice for the National Association of State Boards of Education Dues for Fiscal Year 2010 in the amount of \$27,497, and the NCOSEA Dues for School Year 1020 in the amount of \$130.00; and subscription to the Standard in the amount of \$20; for a total of \$27,647.00. The State Board of Education approved

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payment of the 2010 dues in the amount of \$27,647.00. (For complete details see General Exhibit No. 10951.)

10. Council of Chief State School Officers Dues

An invoice for the council of Chief State School Officers Dues for Fiscal Year 2010 in the amount of \$33,419.00. The State Board of Education approved payment of the 2010 dues in the amount of \$33,419.00. (For complete details see General Exhibit No. 10952.)

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. 10953.)

12. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2009 is provided for information to the Board. (For complete details see General Exhibit No. 10954.)

13. Advisory Committee - Notice of Vacancy

Two vacancies occur on the State Rehabilitation Council. The vacancies include representation from Advocate, and Business, Industry and Labor.

14. 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. 10955.)

15. Claims Report

The Claims Report in the amount of \$228,061,182.53 for April 30, 2009 was approved by the Board. (For complete details see General Exhibit No. 10956.)

Motion was made by Member Greg W. Haws and seconded by Member David Crandall to adjourn. Motion carried unanimously. Meeting adjourned at 4:30 p.m.