

MINUTES

November 6, 2009

Minutes of the meeting of the State Board of Education held November 6, 2009, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:05 a.m. At the request of Chairman Debra G. Roberts Vice Chairman Dixie L. Allen presided.

Members present were:

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

Members Laurel Brown and Charlene Lui were excused.

Also present were:

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

Associate Superintendent Brenda Hales was excused.

Members of the Press:

- Chris Onan, Standard Examiner
- Lisa Schencker, Salt Lake Tribune
- Amy Stewart, Deseret Morning News
- Holly Langton, Utahns for Public Schools
- Sue Carey, Utah PTA
- Steve Noyce, Superintendent, Utah Schools for the Deaf and Blind
- Mark Cluff, Citizen
- Courtney White, Utah Education Association
- Robyn Roberts, Granite School District
- Mike Kjar, Governor's Office of Planning & Budget
- Christine Kearl, Governor's Office

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Board Member Leslie B. Castle led the Board in the Pledge of Allegiance.

Board Member Denis R. Morrill welcomed everyone to the meeting and shared a story about his 102 year old mother-in-law having a mini stroke yesterday and the possibility of her passing away. However, she recovered once again. He spoke of the beginning of life and the end of life and what is in between, it occurred to him that we are really important and what happens in between is our mission. The children that we have a responsibility to take care of are so important and he hopes that in this state we could all focus on the children and forget ourselves so they can have the opportunities they need to have. He then offered a prayer.

Issue of the Month

Superintendent Larry K. Shumway presented information from an article entitled "Into the Eye of the Storm: Assessing the Evidence on Science and Engineering Education, Quality, and Workforce Demand." He indicated this article was interesting because it challenges some commonly held assumptions. It is interesting to see an article that so directly attacks things that are presumed to be true. The Board discussed the two questions he posed relative to this research indicated in the report. Does a statement repeated often enough become a fact? What should we do to make certain that our policy decisions are based on accurate data? (For complete details see General Exhibit No. 11043.)

Dr. Shumway shared an example from a meeting yesterday where the Utah School Boards Association and the Utah State Superintendents Association in their legislative committee meeting voted to support the State Board proposed budget. He indicated that one of their concerns was that the proportion of state funds in the state budget continues to shrink as it is appropriated to public education. He has asked Associate Superintendent Hauber to do some work on this. In 1985 of all state funds 48% was appropriated to public education; in 2002, 44%, 2005, 48% and fiscal year 2010 it is 50%. If you include medicare and medicaid funding in the total state budget, we have gone from 1995, 34% of the total state budget to 30%. The data is different from the commonly held assumption. This creates a challenge in knowing exactly what the facts are.

Dr. Shumway concluded that at a certain level numbers get used to support beliefs, and they get structured to support beliefs so we do have to decide what we believe

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and work towards it. We also need to look at data with two perspectives, one to be open to data that does not agree with what we thought we believed and second, to always ask ourselves about the data. What question was asked that led to this data? What was the perspective of the person collecting the data, etc. We should be careful with data and not grab the data that we believe and misuse it. Careful that when data is presented it is critical that we disregard it and generally keep a healthy skepticism about a lot of data.

Public Participation/Comment

No requests were submitted.

The Board recessed into Committee Meetings

The Board reconvened at 10:35 a.m.

Achievement Spotlight

In keeping with the efforts to celebrate the accomplishments of the unsung educational heroes in our state, the Board honored the dedicated members of two of our state's finest teacher support teams. The Granite District ARL Support Team, with Annette Brinkman, Robin Roberts, Tim Frost, Sandi Hemmert, Thom Olsen and Janet Thorpe. The Nebo District Mentor Program, with Members: Nedra Call and Rick Nielsen.

The Granite District New Teacher Support Team focuses on classroom management support and on courses designed for ARL teachers. The novice teachers take a series of required classes taught by the team. The teachers are observed to ensure that ideas from coursework are being incorporated in their class as well as determining the specific support each new teacher might need. Excellent retired teachers have been hired and trained to serve as coaches for ARL teachers.

Over the past five years, Nebo's Mentor Program has evolved into a highly-effective program where 83 proactive mentors offer support to over 400 teachers. One of the best elements of Nebo's program is the Mentor Academy. Several sessions are offered each year, including foundations of mentoring, beginning coaching for new mentors and advanced topics for returning mentors. Mentors also meet at monthly support seminars to discuss mentoring strategies and skills. Perhaps the best feature of the Nebo Mentor Program is the formation of New Teacher Learning Communities in every school.

The Board presented each teacher with a Certificate of Excellence.

State Board of Education Bylaw Amendments

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The State Board of Education Bylaws direct that they be reviewed annually. Proposed amendments delete repealed USDB Board responsibilities, update terminology, provide for a UCAT member as a non-voting Board member, delete "Audit Committee" language and replace with "Finance Committee," and recommend other changes. The Law and Policy Committee reviewed the bylaws briefly at the October Board meeting and determined that they should be revised, including minor changes made by the Committee and Board Member Janet Cannon's version showing changes from the original, prior to discussion at the November Board meeting.

The Board reviewed the recommended amendments to the Bylaws. (For complete details see General Exhibit No. 11044.)

Member Carol Murphy recommended eliminating E under compensation on page 8. She did not feel this would be enforceable.

Member Greg Haws commented that on page 3, 9 and 10, in light of what has been discussed in the Audit Committee, particularly putting the responsibility of local school districts choosing their auditors and making sure they are qualified and we have the responsibility to verify these audits. Not sure we are doing it, and not sure we should put ourselves responsible to do that. He has been making the point that it is the duty of the State Auditor to supervise the auditing of all entities in the state and it is their responsibility.

Member Denis Morrill commented that he has a basic problem with the bylaws reciting rules and statutes. The bylaws are supposed to be an operative thing as to how the board operates.

Vice Chair Dixie Allen commented that it was to make it clear so that all board members knew exactly what they were accountable to without having to go through the statutes to find it

Member Mark Openshaw commented that he appreciated it enumerated this way.

Member Dave Thomas clarified that with regard to the auditor issue the statute indicates that the State Board and the State Auditor are in charge of making sure that the local school boards have acceptable auditing standards.

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Motion was made by Member Carol Murphy and seconded by Member David L. Thomas to remove Item E under Compensation for Services. Motion carried unanimously.

Motion was made by Member Greg W. Haws and seconded by Member David L. Thomas that in Section III, Duties and Responsibilities B.9 remove the words "in conjunction with" and replace it with and. Motion carried unanimously.

Member Kim Burningham commented that he felt there is a lack of clarity at the end of III C with regard to a statement about ethics. He would like this to be a part of the bylaws.

This would add "C" to III, Duties and Responsibilities: Board members are required, under the Utah Public Ethics Act, U.C. § 67-16-7, to disclose any known conflicts of interest. Each year, Board members shall sign a Conflict of Interest and Ethics Statement and disclose, on a form provided by the Board:

1. Any employment, ownership, or directorship by the Board member within a public school district or charter school, including work as a paid consultant.

2. Any employment, ownership, or directorship by the Board member with a business or organization which competes for educational contracts awarded by the Board.

3. Any membership by the Board member on a board or committee working under the authority or supervision of a public school district or charter school within the state of Utah.

4. Any employment, ownership, or directorship by the Board member with a business or organization that provides goods or services to the State Board or the State Office of Education.

5. Board members shall file the statement annually or whenever employment or ownership changes, with the Executive Secretary of the Board.

6. Board member Conflict of Interest Statements shall be public information and shall be accessible on the Utah State Board of Education website.

Motion was made by Member Shelly Locke and seconded by Member Kim R. Burningham to separate section III.C. Prior to the sentence beginning Each year,... and make that sentence III.D and proceed it with "In addition". III.D. would then read: **In addition, each year board members shall sign a Conflict of Interest and Ethics**

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Statement and disclose, on a form provided by the Board. Motion carried unanimously.

Member Kim Burningham commented on section III, B, 8 and the new language added, he felt this was offensive.

Motion was made by Member Kim R. Burningham and seconded by Member David L. Thomas for this section to read: "The Board shall submit to the Legislature a budget based on the needs of public education."

Member Carol Murphy stated that with this wording change it doesn't say anything different that it did originally.

Substitute Motion was made by Member David L. Thomas and seconded by Member Carol A. Murphy to strike the new last sentence and amend 8 to read: The Board shall prepare and submit to the Governor, and the Legislature, the budget for the operation of the institutions and agencies under the Board.

Member Kim Burningham requested that they amend the motion to include the wording based on the needs of public education.

Members Thomas and Murphy accepted the amendment into their substitute motion.

Member Haws commented that he liked the original version because we have never done nor will we submit a budget for adequate funding. If we are going to say that then we should do it.

Members Thomas and Murphy withdrew their agreement to include the amendment into their substitute motion.

Member Kim Burningham offered an amendment to the Substitute Motion that the beginning read: The Board, based on the needs of public education, shall prepare and submit to the governor and legislature the budget for the operation of the institutions and agencies under the Board. The amendment was accepted and deemed as a friendly amendment. Motion carried unanimously.

Motion was made by Member Denis R. Morrill and seconded by Chair Debra G. Roberts to remove the green writing [present at a meeting to vote] under VI Meetings C.1. Motion carried unanimously.

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Motion was made by Member Janet A. Cannon and seconded by Member David L. Thomas to delete the red wording in IV.A. [The Board may elect, by affirmation, its current officers in any given year]. Motion carried unanimously.

Member Cannon voiced concern under VII. Appointments C.1. the new wording in red, and suggested that the wording "desiring to serve" be put back in.

Motion was made by Member Janet A. Cannon and seconded by Member Shelly Locke to eliminate what is in red under VII, C.1 and to put back in the words "desiring to serve."

Member Denis Morrill spoke against the motion feeling that to make all of those meetings public would be disastrous and may discourage some from applying.

Member Dave Crandall indicated that you could notice the meetings and then close the meeting.

Member Leslie Castle commented that it is also very difficult to get a time for everyone to meet on a regular basis. The number is to make it functional and not run an agenda of some sort.

Member Kim Burningham spoke in favor of the motion.

Considerable discussion ensued and different option of how a committee could be chosen were offered.

Substitute Motion was made by Member Shelly Locke to leave the language as written in No. 1 and strike the red wording. Further to add b. to reflect the process in one or two sentences how that is to be done. There was no second to the substitute motion.

Member Carol Murphy called a question on the original motion. Motion failed.

Member Doug Holmes clarified that this is a nominating committee not a selection committee. It should be worded this way.

Substitute Motion was made by Member David L. Thomas and seconded by Chair Debra G. Roberts for C.1. to read: The Board shall solicit information from each Board member and create a Superintendent nominating committee comprised of board members desiring to serve. A maximum of seven board members selected by lot shall be selected to serve.

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Member Kim Burningham spoke against the substitute motion stating that the only issue against a large group is the question of open meeting. As long as we post the meeting then close it is appropriate.

Substitute motion failed with Members Burningham, Cannon, Castle, Crandall, Haws, and Murphy opposed, Members Allen, Jensen, Locke, Morrill, Openshaw, Roberts and Thomas in favor.

Original motion failed.

Motion was made by Member David L. Thomas seconded by Member Carol A. Murphy to table this item until the next board meeting. Motion carried unanimously.

Promises to Keep

The Board at its September work/study and Board Meetings reviewed and identified some of the next steps for the Promises to Keep. Board Members were asked to continue the process of review and identify areas they feel comfortable with for next steps. The Board has established specific steps for goals ensuring literacy and numeracy, providing high quality instruction, and establishing curriculum with high standards and relevance.

Vice Chair Dixie Allen reported that in the absence of Associate Superintendent Brenda Hales the Board was asked to rank their priorities and reword any of the items if they want, but all needs to be turned in to her by the end of the day.

(For complete details see General Exhibit No. 11045.)

Lunch Discussion with Lt. Governor Bell and State Treasurer Richard Ellis, and Kevin Carter, Director, SITLA

Lt. Governor Bell commended the Board for the spirit of its budget proposal.

Lt. Governor Bell proposed a question as to whether or not we could address the needs of non-traditional students with the current class size and model.

Lt. Governor Bell commented that the frustration in the legislature is with the local boards. He feels that local boards should have more power than they do and they should exercise their power. Local voices need to be heard.

Lt. Governor Bell stated that Governor Herbert wants to have an open dialog with the board.

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The Board expressed appreciation to Lt. Governor Bell for coming to lunch and meeting with them and his spirit of cooperation.

Richard Ellis, State Treasurer, shared information on the investments of the School Trust Lands monies and the current condition of the funds.

Kevin Carter and John Ferry of the State and Institutional Trust Lands outlined the traditional sources of revenue for the school trust lands.

Executive Session

Motion was made by Member Janet A. Cannon and seconded by Member C. Mark Openshaw that the Board move into an executive session for the purpose of discussing personnel issues and pending litigation. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 1:35 p.m.

Motion was made by Member Janet A. Cannon and seconded by Member Debra G. Roberts that the Board reconvene into open meeting. Motion carried unanimously. The Board reconvened at 2:25 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Janet A. Cannon and seconded by Member Carol A. Murphy to adopt the recommendation of the Professional Practices Commission and hearing panel following a hearing in Case No. 06-762 and reinstate the license of a former teacher in the Jordan School District. It was noted that the hearing report was provided and reviewed in Executive Session. Motion carried with Members Cannon, Castle, Crandall, Haws, Jensen, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Locke opposed. (For complete details see General Exhibit No. 11046.)

Coalition of Minorities Advisory Committee (CMAC)

Motion was made by Member Denis R. Morrill and seconded by Member Shelly Locke to appoint the following to the Coalition of Minorities Advisory Committee (CMAC): Freddie Cooper, African American; Charee Varella and Clara Helen Bedonie, American Indian; Jean Irwin and Jeanette Misaka, Asian; Christina Morales, Hispanic; June Wilson-Wright and Coulee L.K.O. Stroud Pacific Islander. Motion carried unanimously.

Governor's Committee on Employment for People with Disabilities

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Motion was made by Member Janet A. Cannon and seconded by Member Carol A. Murphy to appoint Eric Schulz to represent Business and Industry on the Governor's Committee on Employment for People with Disabilities. Motion carried unanimously.

Division of Services to the Deaf and Hard of Hearing

Motion was made by Member Janet A. Cannon and seconded by Member Carol A. Murphy to appoint Elizabeth Perkins to represent Southern Utah Deaf and Hard of Hearing on the Services to the Deaf and Hard of Hearing Advisory Committee. Motion carried unanimously.

State Rehabilitation Council

Motion was made by Member Janet A. Cannon and seconded by Member Carol A. Murphy to appoint Sachin Pavithran to represent the DSBVI Advisory Council on the State Rehabilitation Council. Motion carried unanimously.

State Standing Committee Reports

Audit Committee

Chairman Debra Roberts reported that the Audit Committee met this morning and noted that we are very pleased with our new auditor and what she has been able to accomplish thus far.

She reported that Ms. Grange had spent two days in the Grand County School District and a report from her with recommendations will be released soon. She has also been working with the School Land Trust Audit and Adult Education and Youth In Custody.

Finance and Operations Committee

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

Lakeview Academy Request for Waiver from R277-549-3 Classroom Supplies Appropriation

Lakeview Academy requests a waiver from R277-459-3 *Classroom Supplies Appropriation, Distribution of Funds*. The school would like to distribute funds as explained in H.B. 2 S1 (2009 General Session), Section 14. Specifically, it seeks to allocate \$7.5 million consistent with the law and \$2.5 million will be split among all teachers as the school sees fit.

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The State Charter School Board unanimously voted to recommend that Lakeview Academy's waiver request be approved by the State Board of Education. Lakeview Academy is required to submit a classroom supply distribution plan to the charter school section for approval. (For complete details see General Exhibit No. 11047.)

The Finance and Operations Committee reviewed the recommendation from the State Charter School Board and approved the waiver from R277-459-3 for Lakeview Academy and moves that the State Board of Education approve the waiver to allow some flexibility giving consideration for first year teachers. Motion carried with Members Burningham, Cannon, Castle, Crandall, Haws, Jensen, Locke, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Morrill opposed.

Budget Proposal, FY 2011

During the October 2009 Board meeting, several budgetary concepts were presented for Board review and discussion. The concepts have been presented to the Governor, legislative leadership and other education stakeholders. Feedback has been collected and used to refine a budget proposal for the 2010 general session of the legislature.

The Committee discussed a budget proposal containing the following concepts:

1. Maintain the same total funding level as FY2010 at \$2,497,199,956
 - a. Requires \$293,523.800 in one-time funding
 - I. Use \$100 million from Student Growth Account
 - ii. Use \$100 million from State's Rainy-Day Fund
 - iii. Negotiate final balance needed to fund MSP
2. Fall enrollment growth within current funding levels for WPU driven programs
 - a. Devalue WPU by 2.6% to \$2,510
 - b. Devalue Charter School Local Replacement by 2.6% to \$1,390
 - c. Devalue Board and Voted Leeway State Guarantee by 2.6% to \$23.72.
3. Any additional cuts will be spread across both WPU driven and non-WPU driven programs at the same percentage rate.
4. Continue to fund Social Security & Retirement Program with one-time funds.

Member Haws reported that last month the Board approved a budget with the conceptual frame work being presented now as the final budget with the recommendation to go forward. (For complete details see General Exhibit No. 11048.) This budget, in order

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to balance, requires four items of revenue. The major point of interest is Fiscal Year 2011 and the recommendations on what we are doing with the WPU. (For complete details see General Exhibit No. 11049.) Funding growth out of the 2010 budget estimating 11,000 new students. This is a remarkable effort and requires everyone to put forth their greatest efforts.

Motion from the Committee that the Board adopt the budget presented for FY 2011.

Member Kim Burningham commented that is it difficult for him to decide how to vote on this. One motivation is he would like to support the work that has been done by board leadership and feel an inclination to do so. However, he is troubled that it does represent a retraction of our role in advocating for the needs of children in the long-run. Secondly, he is uncomfortable that we are proposing a budget that calls for a reduction in the WPU. Third, it seems the bottom line is a pretty reasonable approach. There are those that are saying we need to look for new funding and this is not the time to undercut education. Therefore, the \$93 million is an absolute minimum. If we lose this we will cut into programs significantly.

Member Leslie Castle reported that both her superintendent and board president voted against this recommendation because the school children they are serving can't take a cut. Don't dismiss their concern, they are right. It is not just about the economy being bad they have cut \$400 million taxes and for them to say we are victims of the economy when we are really victims of the legislature cutting taxes. If she votes in favor it isn't because she does not believe in the stand her superintendent and board chairman took.

Member Dave Thomas commented on the sales tax on food and other areas in the legislature. The intent of this budget is to get a seat at the table.

Member Carol Murphy commented that this is a good year to test this.

Motion from the committee to approve the budget carried with Members Cannon, Castle, Crandall, Haws, Jensen, Locke, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Burningham opposed.

Flexibility to Transfer Fund
Balances Across Statutory Funds

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The unprecedented reductions in public education have spawned a number of discussions on how best to reduce budgets while maintaining services. One area of discussion has been the use of fund balances of various funds. Many of the fund balances are restricted to statutory purposes and are therefore unavailable to offset budget reductions in the General (Maintenance and Operation or M&O) Fund of school districts. Several funds have been suggested as a resource to offset budget reductions to the maintenance and operation fund: Building Reserve Fund established in UCA 53A-23-101, Capital Outlay Levy established in UCA 53A-16-107, Tort Liability Levy established in UCA 63G-7-704, Recreation Levy established in UCA 11-2-7, and 10% of Basic Levy established in UCA 53A-17a-145. All these levies, except 10% of Basic, would require statutory language changes to allow fund transfers across funds. The 10% of Basic contains language that several districts contend allows, not for transfer, but actual posting of operational expenditures to the fund. This contention comes from a new interpretation of the statute.

The Committee ran out of time on this item and will bring it back again next month. Member Haws gave an example of your household budget you have one for groceries, maybe another for college. You buy something at the grocery store that is not really food so you need some flexibility in your budget to pay for your child's college fund. This will be to define what goes into the flexibility of the accounts in the districts.

(For complete details see General Exhibit No. 11050.)

Student Achievement & School Success Committee

Member Michael Jensen, Vice Chair of the Student Achievement & School Success Committee presented the following recommendations from the committee:

Sharing of Curriculum Materials by Public School Educators, R277-111

On October 2, 2009, the Student Achievement and School Success Committee approved R277-111 *Sharing of Curriculum Materials by Public School Educators* on first reading and directed staff to provide the rule to the Utah Education Association and to school districts requesting opinions and comments. The Board approved the rule on second reading.

Staff summarized comments received and proposed changes to the rule as appropriate. The proposed changes included adding a new definition of "personally

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developed materials” and adding clear language creating a presumption for teachers that materials may be shared. (For complete details see General Exhibit No. 11051.)

The Committee approved R277-111 Sharing of Curriculum Materials by Public School Educators with the proposed amendments on second reading and moves that the Board approve R277-111 on third and final reading. Motion carried unanimously.

K-2 Social Studies Core Curriculum - New

The K-2 Social Studies Core Curriculum has been completed. This is a new document. The Committee reviewed the new K-2 Social Studies Core Curriculum. (For complete details see General Exhibit No. 11052.)

Motion from the Committee that the Board authorize Curriculum and Instruction to provide public hearings on the K-2 Social Studies Core Curriculum. Public hearings will be conducted to solicit comments prior to final Board approval. Motion carried unanimously.

Direct Writing Assessment Results 2009 Review

The Direct Writing Assessment (DWA) was administered in the spring of 2009 to Utah’s 6th and 9th grade students. The total test scores and individual writing trait scores have been aggregated to the state level and disaggregated by AYP subgroups. The DWA data is used in calculations of the U-PASS reports. In the spring of 2010, the paper/pencil based administration of the DWA will be replaced by an online version for 5th and 8th grade students.

The committee reviewed the 2009 Direct Writing Assessment Results for 6th and 9th grade students. They also reviewed the new online writing assessment tool for 5th and 8th grade students. (For complete details see General Exhibit No. 11053.)

The Committee received the reports. No action was required.

National Assessment of Educational Progress Math Data 2008 Review

The national Assessment of Education Progress (NAEP) is administered every odd year for math. In the winter of 2007, the NAEP math assessment was administered to a sampling of 4th and 8th grade students across the nation. Scores for the nation and each state have been generated and released.

The Committee reviewed the 2008 NAEP math scores for 4th and 8th grade students. (For complete details see General Exhibit No. 11054.)

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The Committee received the report. No action was required.

Law & Policy Committee

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

Boulder School (Garfield School District) Four-day School Week

Prior to the 2008-2009 school year the State Board gave permission to the Garfield School District to begin a two-year pilot four-day week schedule at Boulder Elementary. Boulder Elementary is located in the rather isolated community of Boulder Utah. It is a school of 14 students and one certificated teacher. Twelve of the fourteen students are transported to school with some of them on the bus as long as 25 minutes each way. The original proposal indicated that the quality of instruction would be consistent with a four-day week and the district could realize significant savings by reducing utility costs, transportation costs, school lunch related expenses and classified employee expenses. The Agreement included stipulations that the school would meet the 990 hours of instruction requirement, but be allowed to do that in 150 days instead of the mandated 180 days. The Agreement also required a report from the district at the end of each of the pilot years.

The Committee reviewed the 2008-2009 report submitted by Janice Hatch, Acting Superintendent. Administrative changes in Garfield School District, including the appointment of an acting superintendent, helps explain missing the timeline (June 30, 2009) outlined in the original Agreement. (For complete details see General Exhibit No. 11055.)

Other than the timeliness of the report and the failure to meet the 150 day minimum requirement for the first year of the two-year pilot, it appears that the other objectives of the four-day week proposal are being meet. The calendar has been modified for the 2009-2010 school year to meet the 150-day requirement and additional cost-saving measures are being implemented in year two of the pilot.

The Committee reminded the Garfield School District of the reporting requirements in the Agreement and that if the report due June 30, 2010 is not submitted on time with the required data, the 180-day waiver will be reviewed carefully for non-renewal. Report in April of 2010 with changes in the agreement that fit the district and

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not the Rich District one. Parental survey asking if they want the school to run on a 4 day or 5 day school week. Previously asked for CRT scores end number is very small. More anecdotal data. Go ahead for this school year.

The alternative is to close the school or bus them on scary roads to another school.

Motion from the Committee that the Board accept the first year report from Garfield School District, notify the District that continuation of the 180-day waiver is contingent on a complete report by May 2010 and action by the Board following review of the report. More realistic information. Motion carried unanimously.

Utah Schools for the Deaf and
Blind (USDB) Advisory Council
Bylaws

The State Board of Education Rule R277-800 *Utah Schools for the Deaf and the Blind*, approved in September on first and second reading, notes that the "Board shall assist the Advisory Council (USDB) in developing and passing bylaws. . . ." The USDB Advisory Council has been amending the bylaws and now seek State Board assistance.

The Committee reviewed the USDB Advisory Council recommended Bylaws. They made recommendations under their Membership ask them to go back and make it align with the state code. Their bylaws are reflective of current practice and they should align with the law and gives the board a little more input into the membership of the council. Gave them a few other recommendations which will go back to them for review. (For complete details see General Exhibit No. 11056.) No action is required.

Legislative Agenda, 2010

The 2010 Utah Legislature will convene on January 25, 2010 for their 45-day session. Several education related organizations have established or are beginning to establish their legislative agendas. (For complete details see General Exhibit No. 11057.)

The Committee reviewed the legislative agendas of various groups and organizations to better understand legislative issues of others. They began discussion of the process of establishing State Board legislative initiatives, proposals, priorities, etc.

The Committee discussed moving our Friday legislative meetings to Thursdays. In terms of those legislative meetings was having bill sponsors come and speak with us.

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They discussed reserving a room at the capitol now to hold the meetings in which would facilitate the legislators attendance.

No action is required.

Executive Officer Report

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

(1) State of Education Address - appreciate the discussion and passion associated with conversation around the budget. Some things he hoped he said last night were meaningful and at some point you need to identify the difficulties and challenges we are experiencing. What we need and what we have accomplished. Need the work of the panel on educator quality to be quick and meaningful.

(2) Leadership Roundtables - held many engaging about 400 people. We should have a report of all that work compiled and will be sharing it with the Board. These have been productive in building relationships and providing wealth of information of where we go with our mission and vision. Expressed appreciation to staff for their work in facilitation of these meetings, specifically naming Lorraine Austin, Twila Affleck and Tina Morandy and the many specialists who sacrificed their time.

(3) CCSSO and NASBE meeting on common core standards. This is a state movement. About 400 people from several states attended this meeting with only one federal person in the back just taking notes. It is clearly a group of states intending to get together so we can insure we have clear and relative high standards so students are ready to compete in the higher education realm or in career training. This is a state driven movement not a federal movement.

Kim Burningham commented that the Gates Foundation is hosting a conference for the Western Region Board Members on February 1 and 2 on common standards. All expenses will be paid for four members of the Utah State Board to attend. Board members and a superintendent.

(4) Superintendent Shumway reported on his opportunity to introduce Secretary Arne Duncan. At this meeting he had an opportunity to re-invite him to our state. The Secretary committed that he would get us on his schedule. It is hoped that he will see the fiscal circumstances in our schools that will help him understand them in a more intimate way.

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(5) Received a letter from the chairs of Executive Appropriations who tell us that revenue for the current year forecasts are not generally positive. It is somewhere in the range of \$100 million. This does not change our benchmark for our success. He will be sending a letter to all superintendents to be very conservative this year and organize themselves that if there are cuts they will be prepared.

Board Chairman Report

Chairman Debra G. Roberts presented the following items of information:

- NASBE Auction Items - shared what the Utah auction items gained for the NASBE Foundation. She reminded Board members to please pay Twila. Vice Chairman Dixie Allen reported on the NASBE Annual Meeting. She reported that Kim Burningham was elected Senior Western Area Director; Greg Haws re-elected as Treasurer, and Laurel Brown elected to serve on the Nominating Committee. Wonderful meetings and received a great deal of information. Secretary Duncan spoke to us and his message was pro active and supportive. They are looking for change but not with a heavy hammer. There was also a presentation relative to creating the Common Standards and it was interesting to see their take on where it is going. They have done a multitude of research. Also, the need in our school community for support systems for dropouts. Also, a summary of the assessment program, which mirrors what we are doing, was also presented. This is moving to assessment to inform student growth and instruction instead of accountability only.
- We will be sending out information looking for nominations for Board Leadership that we will be electing. Election will be held in the December meeting.
- Chair Roberts reported on the Common Core Standards meeting in Chicago which she attend and was also attended by Member Laurel Brown, Superintendent Shumway, Lynne Greenwood from the State Office and Chris Kearl from the Governor's Office. She emphasized the need for Utah to send people to Las Vegas in February. We will need to decide whether to send different people or the same people that went to Chicago.

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- Carol Murphy reported on attending the USSA meeting. She indicated that it is interesting. One of the discussions was on the budget and they were very thoughtful and some were different from ours. More housekeeping items as well. She questioned the role of a Board member in attending these meetings. Do we listen or participate, or gather information?
Chair Roberts indicated that it would be nice to have one or two board members rotating - part to look at agenda to see what is there. Their next meeting is in December.
- Kim Burningham reported on the meeting with USBA Leadership. He encouraged all Board members to have on their calendar January 7-9 for the USBA convention. One of the workshop sessions will be conducted by Superintendent Shumway and Chair Roberts. There is a dinner meeting Thursday evening for our board and their board of directors - good idea to go and have a discussion with the Board of Directors of USBA. Twice our leadership has had meetings with USBA and hopefully will be regular meetings. Shared a copy of the USBA.
- Chair Roberts reported that leadership is trying to establish a new procedure that information items will be sent out every other Friday and not take time at the Board meetings.
- Chair Roberts reported that she was invited by her local person in the health department to attend a statewide conference on Prevention. She indicated that the information she received fits into our Promises to Keep. She shared a definition that was approved by the board several years ago of High Quality Instruction. Prevention is to create a safe and caring environment for students. This was a very informative and positive conference. This included prevention of drugs, alcohol, etc. but also bullying including every form. She encourage all to look at the data of what is going on in our schools. She shared data relative to what is happening in the schools. Also, Kevin Jennings from the Federal Department of Education gave a really excellent power point describing why these things are so important. (For complete details

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see General Exhibit No. 11058.) She complimented the State Office and Vern Larson on what is being done.

- Chair Roberts publically complimented the State PTA for their work on the state's health core curriculum and the issue of sex education.
- Chair Roberts reported on a meeting she had with Beverley Sorenson and the things they are doing in their arts education program. It was a frank and open discussion about ways they may be able to find funding from a dedicated source.
- Leadership and Superintendent Shumway, Brenda Hales met with Brad Jupp and Helen Littlejohn from the Federal Department of Education. These people walked away very impressed with what we are doing here and what we are accomplishing and with our people here in the office.
Out of that came an invitation to Judy Park and Brenda Hales to participate in a meeting in Boston next week.
- Expressed appreciation to the Utah State Office of Education personnel for all of the summits, especially to Tina Morandy who has worked very hard in getting these all set up.
- Expressed appreciation to the Board members who attended the Interim Committee meetings earlier in the month.
- One of the issues discussed in the Interim Committee meeting was equalization. She asked if there was sufficient interest from the Board to hold a work/study meeting outside of our board meeting where Associate Superintendent Hauber would present these issues. It was decided that on December 3 the Board would hold a work/study meeting on equalization from 4:00 p.m. to 6:00 p.m. followed by a Board Social from 6:00 p.m. to 8:00 p.m.
- We are looking toward the second week of January for the legislative dinner.
- Tonight is the Teacher of the Year Banquet and encouraged all Board members to attend.
- The proposed 2010 meeting schedule has been handed out and it will appear on the General Consent Calendar in December.

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General Consent Calendar

Vice Chair Dixie Allen noted that Item D, State Charter School Board Recommendations, the Thomas Edison Charter School South has been pulled.

Motion was made by Member Janet A. Cannon and seconded by Member Michael G. Jensen to approve the General Consent Calendar with the exception of Thomas Edison Charter School under Item D as presented. Motion carried unanimously.

1. Minutes of Previous Meetings

Minutes of the Meeting of the State Board of Education held October 2, 2009.

2. Contracts

The following contracts were approved by the Board:

(1) Sky Harbor Apartments. \$9,120. 01/01/10 - 12/31/10. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the training and adjustment and learning maximum independent living skills classes.

(2) Sky Harbor Apartments. \$9,120.00. 1/1/10-12/31/10. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the training and adjustment and learning maximum independent living skills classes.

(3) Sky Harbor Apartments. \$9,120. 1/10/10-12/31/10. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the training and adjustment and learning maximum independent living skills classes.

(4) Sky Harbor Apartments. \$9,120. 1/10/10-12/31/10. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the training and adjustment and learning maximum independent living skills classes.

(5) Measured Progress. \$8,735,060. 10/15/09-10/14/14. - Fed.

To provide development and related support services for statewide public English Language Arts and Mathematics CRTs.

(For complete details see General Exhibit No.11059.)

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3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the school districts were approved by the State Board of Education as submitted. (For complete details see General Exhibit No. 11060.)

4. State Charter School Board Recommendations

The State Charter School Board met on October 8, 2009 and unanimously approved to recommend to the State Board of Education the following:

- **Providence Hall**, increase its governing board to include up to nine members. Providence Hall opened in 2008.
- **Aspire Online Charter School**, be tentatively approved to open in fall 2011 pending final Board approval in April 2010 following the legislative session. Aspire will serve 500 students in grades K-8 in the Granite, Ogden, Salt Lake, Weber, Provo and Canyons School Districts.
- **Good Foundations Academy** be tentatively approved to open in fall 2011 pending final Board approval in April 2010 following the legislative session. Good Foundations will serve 474 students in grade K - in the Davis School District.

The State Board of Education approved the above recommendations from the State Charter School Board with the exception of Thomas Edison Charter School South .

(For complete details see General Exhibit No. 11061.)

5. 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. 11062.)

6. 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. 11063.)

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7. Ratifications

Shannon Buchanan was ratified as an Educational Specialist in the Student Achievement and School Success Division.

Lillian Tsosie-Jensen was ratified as the Comprehensive Counseling and Guidance Specialist in the Student Achievement and School Success Division.

8. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved. (For complete details see General Exhibit No. 11064.)

9. Claims Report

The Claims Report in the amount of \$245,517,836.41 for September 30, 2009 will be available at the meeting in accordance with Board policy for perusal by members of the Board. It is recommended that the Board approve the Claims Report. (For complete details see General Exhibit No. 11065.)

Motion was made by Member David L. Thomas and seconded by Member Mark Openshaw to adjourn.

Meeting adjourned at 4:10 p.m.