

MINUTES

January 7, 2010

Minutes of the meeting of the State Board of Education held January 7, 2010, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:00 a.m. At the request of Chair Debra G. Roberts, Vice Chair 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 Leslie B. Castle
- Member Rosanita Cespedes
- Member Craig E. Coleman
- Member David Crandall
- Member Robert R. DePoe
- Member Greg W. Haws
- Member Meghan Holbrook
- Member Douglas J. Holmes
- Member Michael G. Jensen
- Member Tamara Lowe
- Member Denis R. Morrill
- Member Carol A. Murphy
- Member C. Mark Openshaw
- Member David L. Thomas

Member Janet A. Cannon was excused.

Also present were:

- Superintendent Larry K. Shumway
- Deputy Superintendent Martell Menlove
- 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:

- Lisa Schencker, Salt Lake Tribune
- Amy Stewart, Deseret Morning News
- Richard Nelson, Utah Technology Council
- Steven Shurtz, Brinks Hofer Gilson & Lione
- Heather Bennett, Salt Lake City Schools
- Kaaron Jorgen, President, Grand County School Board

Board Member Laurel O. Brown led the Board in the Pledge of Allegiance.

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Board Chair Debra G. Roberts welcomed everyone to the meeting and talked about sports and about team work. She indicated there is a little desire to take the State Board and turn it into a partisan board - two teams. She felt this is offensive because of the idea of team work. The strength of the Board lies in the fact that it becomes a team and every individual members contribution to that team is what makes it so valuable. She expressed appreciation to the Board Members for the strength they each bring to the table to make us a strong team.

Chair Roberts indicated that a few weeks ago we received a "Top Ten List" from Commissioner Bill Sederburg of what the State Board of Regents had accomplished. She then shared a "Top Ten List" of what has been accomplished by Public Education, a lot of which were accomplished because we are a great team, some were accomplished because we have individuals who went out as individuals and as a member of the Board and accomplished great thing, but still recognized they were part of a team. Top Ten for 2009 by the Utah State Board of Education:

- Hiring a new superintendent
- Adopting mission and vision for public education Promises to Keep
- Re-defining our relationship with legislators
- Adopting and moving forward with concise goals under the direction of Promises to Keep - which includes moving forward with a new approach to statewide assessment practices
- Redoing audit rule and procedures and hiring auditor
- Adopting a new budget strategy
- Beginning the road to Common Standards
- Bringing a local board member advisor on to the board
- Having a board member officially represent the board at the State Charter School Board
- Hiring a new USDB superintendent and redefining our relationship with USDB

She stated that we have accomplished some amazing things. She expressed appreciation to all for all the hard work and all that has been accomplished. She then offered a prayer.

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Oath of Office to New Board Members

Chair Debra G. Roberts issues the Oath of Office to Robert DePoe and Tamara Lowe, both as Advisory Members of the State Board of Education. Mr. DePoe represents

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the Coalition of Minorities Advisory Committee (CMAC) and Ms. Lowe represents the Utah School Boards Association (USBA).

Utah School Boards Association, Director Election

Vice Chair Dixie Allen reported that at the last Board Meeting we neglected to elect a member of the Board to the Utah School Boards Board of Directors. Solicitation was made and Member Kim R. Burningham was the only one showing an interest in serving another two years.

Motion was made by Member Greg W. Haws and seconded by Member C. Mark Openshaw to elect Kim R. Burningham to represent the Board on the Utah School Boards Board of Directors. Motion carried unanimously.

Issue of the Month

Vice Chair Dixie Allen reported that at the legislative dinner last night we had 38 legislators and board members attend. It was a very productive meeting, but there was also a little controversy from Speaker Clark. Deputy Superintendent Martell Menlove shared some information and there was a marvelous speech by Lane Beattie.

Associate Superintendent Todd Hauber reported that Speaker Clark used some numbers last night about how the state had supported education and that population had grown about 27% and the education portion of the states budget had grown by 179%. He had received an email last month noting those figures and he has had a chance to do some research on whether or not the numbers are accurate. It turns out that the overall budget that used is in those calculations was about \$3 billion higher than what the budget is for the State of Utah. It looked as though the uniform school fund and general fund were being combined together and being represented as funding for public education, which is not the case. The general fund is used to fund general operations of the state and the uniform school fund is used to fund public education and portions of higher education. As he reworked the numbers to make the presentation he came up with the following. He agreed that the population grew about 27% based on a report given by the DEA section of the Governor's office. He then went to the annual reports of the legislature to see what their reported budgets were for 2000 and then for 2010, the overall state budget grew 72% in that ten year period from a \$6.2 billion budget to a \$11.4 billion budget. Of that, the general fund grew about 19% and the uniform school fund grew 45%, and in that same period was when the education fund became part of the funding mechanism for education and that

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grew about 80%. If you take the uniform education funds and put them together for that period, it grew about 48%. The underlying message Speaker Clark was making was accurate in that the population grew 27% and public education grew much more than the population. His message was not so much that it was disproportionate, but that the legislature has been making efforts to fund public education. The 179% was much too large for what is really happening which is about 48%.

Deputy Superintendent Martell Menlove reported that he will make contact with Speaker Clark about the WPU below the line and you can't have it both ways. He is not sure what Speaker Clark meant by that comment, but he felt that what he was saying was that we have heard for all these years that whatever you do don't let the value of the WPU float down. Our proposal this year actually proposes that the WPU float down. The reflection of what actually happens in funding is reflected in the value of the WPU is a more transparent and easily understood concept of funding, but a little more complicated than what simply happened last year where there is approximately \$170 million less dollars and 14,000 more students, but the WPU remained constant.

Dr. Menlove also commented that he was concerned about Speaker Clark's comments concerning charter schools. The initial numbers that came out in a very preliminary budget did not treat charter schools as they are now being treated in the current budget. Therefore, the growth of charter schools is in the budget, but in areas where there are allocations per student, the amount per student has been decreased just like anywhere else. The number of students has been increased. We have treated charter schools equitably and in the same manner as everyone else.

Member Carol Murphy commented that the process bothers her in that Speaker Clark's comment that he had met secretly with a group of business administrators who were unhappy with some rules. She felt this was a "dumb" way to do business. She felt if there are problems we can work on fixing it or explain why it can't be fixed. Associate Superintendent Todd Hauber commented that the one particular item Speaker Clark mentioned that has come out of the southern part of the state has been an issue of how we define supplies in the 10% of basic program. However, last month we aired that issue and we were given direction on how to understand the statute and so this should be a done issue. We will not be as strict in its interpretation now. She further commented that The one particular item is how we define supplies in the basic program. We are cracking down

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on that issue. Last month gave direction and how to understand that statute we will not be as strict in that. He indicated that he was not sure what the other items on the list were but will be trying to ascertain the information so we can respond back in an open way.

Member Dave Thomas commented that in his conversations with Speaker Clark, he thinks that his concerns focus on the allowance of more flexibility specifically the ability to transfer money from the capital funds for operating expenses, especially during the down-turn in the economy. He noted that this is an item on the Finance Committee agenda today to discuss a possible change to the statute to allow additional flexibility.

Member Haws requested a list of the legislators who attended the meeting last night. He indicated we need to make sure Speaker Clark understands the issues. Member Haws reported that at a recent Board of Regents meeting Speaker Clark came after us and he felt the issues were resolved. If they are not resolved we need to meet with him and clear the air.

Chair Roberts reported that there are issues he has that we have taken care of, however, we may not have communicated the information back to him. Deputy Superintendent Menlove noted that the Board has a meeting scheduled with the Speaker and the President on the 21st of January at 11:00 a.m. Dr. Menlove indicated it was his intent to do some preliminary work ahead of this meeting so the Speaker understands where we are coming from.

Vice Chair Dixie Allen expressed appreciation to all who attended the dinner last night. She cautioned that we have to be very careful we don't blame the legislature for things we are responsible for.

Superintendent Shumway expressed appreciation to all the staff, especially Deputy Superintendent Menlove and his staff for their good work last night. He also expressed his appreciation to the entire office, indicating this is a great office with many wonderful people who work so hard. He noted that Associate Superintendent Brenda Hales took an hour and a half off Christmas morning and the rest of her time has been spent on the Race to the Top application.

Superintendent Shumway reported that he began reading a relatively newly published work in the Oxford US History series, " Empire of Liberty" by Gordon Wood. Gordon Wood is a scholar of the Revolution. This begins with the very early days of our nation, the challenge of getting from the end of the Revolution to the Constitution, and once

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you have the Constitution, how do you form a nation from that. One of the first things Congress did in its first session, was to form land ordinances of 1789 which laid out the survey structure of our country. This made him think that the grid system (land ordinance) contains within it the nations initial commitment to public schools, which was to set aside one section of every township for public education. There are those who think our nations commitment to public education is a modern phenomenon and it is part of what our founders were thinking. He reminded everyone that as they fly across this great country to look out the window of the plane and be reminded of one of the first actions ever taken under the authority of the new Constitution was setting aside a resource to fund public schools with the acknowledgment that a system of public schools open to every citizen was essential for the preservation and success of our democracy.

Public Participation/Comment

There were no requests received.

The Board recessed to Standing Committee meetings at 8:35 a.m.

The Board reconvened at 10:45 a.m.

Achievement Spotlight

Postponed until February.

Utah's Comprehensive Reform Plan and Application for Race to the Top

The Board at its September meeting, directed the USOE administration to apply for a federal Race to the Top grant. The administration has prepared an application that is based on *Promises to Keep*. The grant requires states to develop and implement a comprehensive reform plan, obtain LEA commitments and stakeholder support, and receive approval from the Board of Education and the governor. The application must be completed and ready to submit to the U.S. Department of Education by January 13, 2010.

Associate Superintendent Brenda Hales presented the application and the comprehensive reform agenda. (For complete details see General Exhibit No. 11085.)

Motion was made by Member David L. Thomas and seconded by Member C. Mark Openshaw that the State Board of Education support the application for Race to the Top. Motion carried unanimously.

Commendation was expressed to Associate Superintendent Brenda Hales for her diligent work on this project.

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Executive Session

Motion was made by Member Denis R. Morrill and seconded by Member C. Mark Openshaw that the Board move into an executive session following lunch for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 12:45 p.m.

Motion was made by Member Laurel O. Brown and seconded by Member Carol A. Murphy to reconvene into open meeting. Motion carried. The Board reconvened at 1:15 p.m.

Executive Session Actions

Motion was made by Member Denis R. Morrill and seconded by Member Leslie Castle to adopt the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 08-877 and accept a stipulated agreement, with conditions, whereby a former educator in Salt Lake City School District voluntarily surrendered his educator license in lieu of a hearing for purposes of suspension of his license for two years from the date of formal action by the State Board of Education. It was noted that the educator must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted prior to the reinstatement of his license. Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Jensen, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Coleman absent.

(For complete details see General Exhibit No. 11086.)

Board Standing Committee Reports

Law & Policy Committee

Member Denis R. Morrill, Vice Chair of the Law & Policy Committee presented the following recommendations from the Committee:

Waiver from R277-470-15B(2) Satellite School for Approved Charter Schools and R277-470 Charter Schools - Amended

The State Charter School Board recommends that American Preparatory Academy be granted a waiver from R277-470-15B(2) which requires that "The Applicant charter school shall include at least two elected voting parent members representing the parents of students at the satellite school on its governing board"

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In August 2009 the Board, in response to H.B. 197, amended R277-470-12 removing the requirement that charter schools include elected parent representatives on their governing boards. At the last State Charter School Board meeting, Senator Howard Stephenson expressed that the intent of the 2009 legislation was to remove all requirements in state law or Board of Education rules for elected parents to serve as members on charter school governing boards. The amendments to this rule will satisfy the intent of the legislation per Senator Stephenson.

The Committee reviewed the waiver request from American Preparatory Academy, and the proposed amendments to R277-470-15B(2). (For complete details see General Exhibit No. 11087.)

Motion from the Committee that the Board grant the American Preparatory Academy's request for waiver, but not amend the rule. It was felt that the State Charter School Board understand what this does to charter schools based on federal funding startup monies. Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Jensen, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Coleman absent.

Legislative Update

The Board has requested that a brief update of legislative activity be given in each board meeting between now and next March. The update is intended to ensure that Board members are adequately informed of the critical issues that are or may be before the Utah Legislature. Additionally, Legislative Board meetings will be held in January and February to provide for timely information and Board decisions during the legislative session.

Administrative staff presented key bills and issues currently on file with the Utah Legislation. (For complete details see General Exhibit No. 11088.)

No action was required.

Corrective Action and Withdrawal or Reduction of Program Funds, R277-114 (New)

Directors, coordinators, and program specialists spend significant time monitoring the programs for which they have responsibility. This monitoring includes verification of compliance with program objectives and outcomes as well as ensuring that funds are expended for allowable program purposes. In some cases, program monitoring

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results in findings of noncompliance with program objectives and/or that funds are not being used in accordance with program requirements. Currently there is no rule or policy that prescribes a protocol by which program monitors can place a program on corrective action and, if necessary, reduce or withdraw state funding. Program monitors should have the ability to carry out their charge to monitor programs and direct funding to programs what will comply with requirements. R277-114, Corrective Action and Withdrawal or Reduction of Program Funds provides guidance for program monitors and notice to program recipients with respect to monitoring activities, corrective action plans, and ultimate funding decisions. The State Board Audit Committee reviewed R277-114, Corrective Action and Withdrawal or Reduction of Program Funds at its December 4, 2009 meeting and recommended that the rule be forwarded for further Committee and Board consideration.

The Committee reviewed the new R277-114, Corrective Action and Withdrawal or Reduction of Program Funds. (For complete details see General Exhibit No. 11089.)

The Committee made minor modification including changing the definition of recipient and removing the term subrecipient.

The Committee approved R277-114, Corrective Action and Withdrawal or Reduction of Program Funds as amended on first reading and moves that the Board approve R277-114 as amended on second reading. Motion carried with Member Brown, Burningham, Castle, Crandall, Haws, Jensen, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Coleman absent.

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

R277-800 Utah Schools for the Deaf and the Blind states that the "Board shall assist the Advisory Council in developing and passing bylaws..." Drafts of the USDB Advisory Council Bylaws have been discussed multiple times by the Law and Policy Committee and the Committee has made recommendations to the Advisory Council concerning their bylaws. On December 10, 2009 the Advisory Council adopted their bylaws. The bylaws include all of the basic recommendations offered by the Law and Policy Committee.

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The Law and Policy Committee reviewed the USDB Advisory Council Bylaws and commended the Advisory Council for their work and their willingness to respond positively to the recommendations offered by the Committee. (For complete details see General Exhibit No. 11090.)

Audit Committee

Chair Debra Roberts reported that the Audit Committee met this morning and some of the current projects that Ms. Grange is working on are: ARRA Audit Assistance monitoring of audit funds; a payroll coding project; drafting a new rule dealing with auditors that go to the local districts; our ability from USOE to review all of the audit work papers that come in from those audits. Ms. Grange has spent a great deal of time reviewing the 2009 audits and is giving us some troubling and intriguing insight into some of the things we need to react to on the audits. She is also drafting training materials for USBA to use in training their new board members on auditing issues. Chair Roberts commended Ms. Grange on the incredible job she is doing in moving forward on audit issues.

Finance and Operations Committee

Member Greg W. Haws, Chair of the Finance and Operations Committee presented the following recommendations from the Committee:

Legislative Directed Budget Reductions for FY 2010 and FY 2011

A report on December 15, 2009, to the Executive Appropriations Committee (EAC) indicated revenue estimates continue to decline for FY 2010, but at a slower rate. During the December meeting of the EAC, legislative leadership directed sub-appropriation committees to prepare 4% reduction lists for FY 2010 for consideration during the general session beginning this month. The EAC also allocated budgets to each subcommittee for FY 2011 at 95% of current year's funding levels. The FY 2010 reductions amount to \$84,448,031 for the Minimum School Program, Capital Outlay Programs and education entities. The FY 2011 reduction amounts to \$105,560,039 for the same programs and entities. These reductions do not align with the Governor's recommendation of keeping state funding for FY 2011 at the same level as FY 2010. Also, these reductions do not include replacing over \$293 million in one-time funds the Board had proposed for FY 2011.

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The Committee reviewed the Executive Appropriations Committee budget allocations for FY 2011 and sub-appropriation directions to reduce FY 2010 budgets by 4%. (For complete details see General Exhibit No. 11091.) No action was required.

Reduction of District Allocation Based
on Insufficient Revenues, Amendment
Language to UCA 53A-17a-146

School districts and charter schools managed mid-year budget reductions in fiscal year 2009 under the authority of UCA 53A-17a-146. The flexibility to manage Minimum School Program (MSP) allocations across state supported programs, however, was limited during the 2009 general session to state fiscal year 2009 only. Previous to this session the flexibility to manage MSP allocations was not limited to any fiscal year, but was available in any fiscal year in which legislative appropriations were reduced after the general session of the legislature. Both school districts and charter schools have requested a return to the former, unrestricted language of this provision.

The Finance and Operations Committee directed staff in its December meeting to review the current language of UCA 53A-17a-146 and propose amendments to this provision. The Committee wanted amendments that would lift the one-year restriction to this provision of code, clarify the responsibility of the State Board of Education to “consult” with school districts and charter schools before allocating reductions, and broaden the flexibility under this provision to allow one-time fund transfers from capital related fund balances.

The Committee reviewed the proposed language changes to UCA 53A-17a-146. (For complete details see General Exhibit No. 11092.) The Committee also reviewed the school districts and charter schools applications of flexibility under UCA 53A-17a-146 during fiscal year 2009. The committee made minor changes to the proposed language changes.

Motion from the Committee to approve language changes to UCA 53A-17a-146. Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Jensen, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Coleman absent.

Member Dave Thomas indicated the committee discussed the possibility of having the board chair make contact with Speaker Clark to sponsor this change in legislation. This was accepted by the Board.

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Superintendent Shumway suggested there may be other items for which more flexibility may be possible.

Member Kim Burningham suggested that the finance committee be asked to look at other areas relative to flexibility.

Superintendent Shumway indicated that (5) gives the Board authority to allow these interfund transfers but does not require that the Board use that authority. If you add other funds the Board could authorize one but not another. Flexibility could be built in that would empower the Board without requiring that action if there were reasons not to.

It was noted that the list of other funds was very lengthy and some may not be appropriate to include.

It was suggested that 1(b) needs to be made number 2 and reference that if (2) occurs that these others may take place.

Flexibility was given from the Board for those adjustments to be made as this goes through the bill writing process.

Grand County School District Proposed
Financial Recovery Plan for 2010-2011

During the October meeting of the Utah State Board of Education, Grand County School District applied for and was granted financially distressed school district status under R277-420, *Aiding Financially Distressed School Districts*. This status allowed Grand County School District to make one-time transfers from fund balances to offset the deficit in the general fund. These transfers are one-time in nature and are not available to offset the ongoing, operating deficit in the general fund. The Grand County School District will now make operational reductions to balance the district budgets with revised revenue estimates.

Grand County School District officials presented a budget plan to bring the district expenses in line with revised revenues for the 2010-2011 school year. Elements of the plan include reductions in staff, hours worked, contract days, consolidation of buildings, sale of assets, and promotion of a June 2010 Voted Leeway. In addition, the school district will request that the State Board approve a four-day school week and a reduction of instructional days. (For complete details see General Exhibit No. 11093.)

Member Haws noted that he refers to this as a "pilot program" but it is not necessarily a good thing. He suggested that every Board member take the time to read the

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materials presented. This shows what happens to a district when there are substantial cuts. This could also happen across the state.

The Grand County Board did not like the idea of moving to a four day week. The Committee was also uncomfortable with the request.

The Committee reviewed the Grand County School District's request and moved that the Board approve a one-year authority to schedule up to five instructional furlough days for the 2010-2011 school year and permission as part of their financially distressed school district status to use the transfer of funds as a panning strategy to balance the 2010-2011 budget.

It was noted that there will be a voted leeway in Grand County in June of 2010. There is support from the business community and parents.

Ms. Kaaron Jorgen, President, Grand County School Board, expressed appreciation to everyone for their help in Grand County to help with his deficit. She expressed appreciation to their superintendent and all she has done to work through this including a salary cut.

Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Jensen, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Coleman absent.

Student Achievement and School Success Committee

Member Laurel O. Brown, Chair of the Student Achievement and School Success Committee presented the following recommendations from the Committee:

Data Standards, R277-484 and
Pupil Accounting, R277-419

The United States Department of Education has made a new rule that requires No Child Left Behind AYP Reports for schools/LEAs in program improvement to be released to the public 14 days prior to the beginning of the new school year. These changes in reporting requirements and processes are requiring adjustments to deadlines for data submissions in R277-484, Data Standards, and R277-419-3, Pupil Accounting, Minimum School Days, LEA Records, and Audits.

The Committee reviewed and discussed the proposed changes to R277-484 and R277-419.3. The changes include the annual July 15 collection date to occur earlier in the

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yearly cycle and allowing the membership counts of the first and last five days of the year to be inferred. (For complete details see General Exhibit No. 11094.)

The Committee approved the amendments to R277-484, Data Standards on first reading and moves that the Board approve the amendments to R277-484, Data Standards on second reading. Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Jensen, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Coleman absent.

R277-419, Pupil Accounting was reviewed by the Committee. The Committee modified the amendment to include school days, and approved them on first reading and moves that the Board approve the amendments to R277-419 on second reading. Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Jensen, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Coleman absent.

Counselor to Student Ratios Report Approval

Changes made to R277-462, Comprehensive Counseling and Guidance, in January 2009 require USOE staff to gather information regarding counselor to student ratios by LEA and report this information to USBE. LEAs not meeting the recommended school counselor to student ratio of 1/350 or better, as an average, are required to submit a plan for how they intend to meet this ratio.

Staff presented the Committee with data on school counselor to student ratios that have been collected using October 1, 2009 student and licensed FTE counts. Recommendations were presented regarding which ratio improvement plans have been submitted, which are recommended for acceptance, and which LEAs have not yet submitted plans. (For complete details see General Exhibit No. 11095.)

Member Brown reported that the Committee decided to have a subcommittee of the committee review the plans in detail.

Motion from the Committee that the Board accept the report as amended.

Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Jensen, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Coleman absent.

Report of Accreditation Summary

In accordance with State Board Rule R277-413, schools in Utah that grant credit toward high school graduation and/or diplomas must be accredited by Northwest

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Association of Accredited Schools (Northwest). The recommendations of the Utah State Accreditation Committee and Northwest reflect the status of schools with respect to the state and Northwest standards. The Utah State Accreditation Committee has reviewed the Annual Northwest Report as submitted by member schools and determined an accreditation status.

Mid level and junior high schools are accredited by the Utah State Office of Education using the Northwest standards and "*Collaborating for Student Achievement*," Utah's accreditation process for school improvement. The accreditation process provides an important vehicle for school accountability regarding student achievement, compliance with state rules and regulations, regional standards, and school wide improvement.

The Committee reviewed the list of the Utah State accreditation schools and accepted the summary report of the accreditation status for all Northwest accredited schools in Utah and those middle level and junior high schools accredited by USOE. (For complete details see General Exhibit No. 11096.)

Motion from the Committee that the Board approve the recommendations of the Utah State Accreditation Committee and the Northwest Association of Accredited Schools. Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Jensen, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Coleman absent.

Executive Officer Report

Superintendent Larry Shumway presented the following items of information:

1) In the Governor's proposed budget he recommended to the legislature a recommendation of 3% reduction state agencies in the current fiscal year. We are operating on the assumption that if the Governor recommends 3% it is going to be awfully hard for the legislature not to do at least that. We have begun planning for that and we feel we are in pretty good shape to make that without long-term harm. We have kept some positions open with a soft hiring freeze so we have some savings there, we have some small carry forward amounts, and it is very likely that we will be giving strong consideration to some number of furlough days. We don't think we will have to do the six days the Governor talked about in his budget presentation, but at this point, given the Governor's recommendation of making this a single cut not an ongoing cut, that would be preferable to eliminating positions.

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2) We have chosen to discontinue the security contract which results in a savings of just under \$50,000 per year. We are taking a small amount of those savings to upgrade the entrance into the office. We hope this will make the office somewhat more professional and inviting. There is new lighting and wall coverings. We are also opening the front North entrance to make it more inviting to visitors. Among the changes in the front hall we are going to have a Board Seal made which will be quite nice which will sit just on the other side of the wall of the Board Room. We will be replacing some of the bulletin board notices with an electronic television display by the reception area. Again, these are a small reallocation of monies from the security contract with most the contract going into savings.

3) Just before the holidays he had a very productive meeting with Commissioner Sederburg. There have been some strong feelings from higher education about the concurrent enrollment program and the large number of offerings. Part of what happens is there have been courses offered in concurrent enrollment that are not offered on any campuses. The message we have tried hard to communicate to the Commissioner is that concurrent enrollment is crucial to many of our schools, especially in the rural areas where it offers a breadth of curriculum that would not otherwise be available that we cannot afford to lose. Our commitment is to work together to make sure we have a coherent program of concurrent enrollment and also accompany that with a goal that makes the range of concurrent offerings available to all students in the state. He will report on the progress of this project.

Dr. Shumway further reported that he and Commissioner Sederburg also discussed their assignment from the K-16 Alliance to insure strength of local K-16 alliance groups.

4) Dr. Shumway noted that the Board had received a calendar of the upcoming legislative session which begins on February 25 and ends at midnight on March 11. The Board will also be meeting weekly. He also hoped that during the session, to the extent it is possible, board members to make themselves available at the legislature. The more times they are present in legislative committee and appropriations meetings, both before and after to let legislators know you are there, the more effective the Board's agenda will move forward. The Board Members presence has a weight in the minds of legislators There is no time when they are in session that the boards presence on the hill and the opportunity for

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them to visit with legislators and legislative leaders won't be important. Dr. Shumway noted that the shuttle service will be available from the State Office to and from the Capitol. Tina Morandy's cell number is 801-707-8597. Dr. Shumway further encouraged Board Members to visit one-on-one with their own legislator or others they may know personally.

5) Dr. Shumway noted that he has been asked to speak at the NASBE Common Standards meeting in Las Vegas on February 1, 2010.

Board Chair Report

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

- 1) Shared a calendar for upcoming events.
- 2) Distributed a Conflict of Interest Statement and asked each Board Member to fill it out, sign it and return it to Twila.
- 3) She reminded the Board Members to get their financial disclosures into the Lieutenant Governor's Office.
- 4) Chair Roberts suggested that Board Members go out and meet with their Chambers of Commerce and present Promises to Keep and some of the Race to the Top information.
- 5) Expressed appreciation to the Board Members who attended the Governor's Summit last month. There was also another meeting as well on the 14th with the Governor relative to his budget.

Dave Thomas noted that the Governor is putting together a broad based committee of education stakeholders and would like the State Board to participate. He will chair that committee and he wants at least one member of the State Board on that committee.

- 6) Chair Roberts reported that she had an opportunity to meet with Southern Utah legislators listening to their thoughts and concerns. She noted that SB 16 is our bill, and encouraged Board Members to please call all your senators and representatives and encourage their positive vote for this legislation.
- 7) Last month leadership met with Board committee chairs which was positive. Also distributed a copy of the committee structure for 2010.
- 8) Member Kim Burningham reported that one of his assignment is to participate in the Coalition of Citizenship, Character and Service Learning. It is the group that sponsored the Dialogue on Democracy. They have invited Sandra Day O'Connor to be a

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participant this year. They are valuable to our teachers as well as they have sponsored the Three Branches of Government workshop where teachers from all over the state come and participate and get training to improve their ability to teach civics. He is not sure this agency will be continuing because the funding for it has dried up. There is also the Commission on Civic and Character Education which still exists which has appropriation from the legislature and is chaired by the Lt. Governor. The Coalition chaired by Chief Justice Durham which is the one in serious financial difficulties.

9) Chair Roberts expressed appreciation to everyone who participated in the legislative dinner last night.

General Consent Calendar

Member Denis Morrill voiced concern that he was not aware that the Board had passed a motion to allow certain things to be put on the consent calendar relative to charter schools. He would like to see the ones on the current consent calendar go through a committee. His concern was with the increase in enrollment.

Deputy Superintendent Martell Menlove noted that in April 2008 the Board approved a process for approval of recommendations from the State Charter School Board. We have been following this process.

Motion was made by Member Denis R. Morrill and seconded by Member Laurel O. Brown to approve the General Consent Calendar with the exception of Item E, State Charter School Board Recommendations. Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Jensen, Morrill, Murphy, Openshaw and Roberts voting in favor; Member Thomas opposed and Member Coleman absent.

1. Minutes of Previous Meetings

Minutes of the Meeting of the State Board of Education held December 4, 2009.

2. Contracts

The following contract was approved by the Board:

(A) Sponsored Projects/Gary Gledhill, \$21.139. 2/1/2009-3/31/2010. Amend.

Economic Impact Study for USOR - Date Extension.

(For complete details see General Exhibit No. 11097.)

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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 Board as submitted. (For complete details see General Exhibit No. 11098.)

4. Administrative Rule Review

Under provisions of 63-45a-9, U.C.A. 1953, all administrative rules shall be reviewed every five years. There may be minor non-substantive changes within these rules. The following rule was reviewed and approved:

R277-501 Educator Licensing Renewal and Timelines

(For completed details see General Exhibit No. 11099.)

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. 11100.)

6. 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. 11101.)

7. Claims Report

The Claims Report in the amount of \$242,541,836.10 for November 30, 2009 was approved by the Board. (For complete details see General Exhibit No. 11102.)

Motion was made by Member Morrill and seconded by Member Laurel O. Brown that the Recommendations from the State Charter School Board be addressed by the Law and Policy Committee next month carried with Members Brown, Burningham, Castle, Haws, Jensen, Morrill, Murphy, Openshaw and Roberts voting in favor; Members Crandall and Thomas opposed, and Member Coleman absent.

It was clarified that this delay will not affect their next year's enrollment.

The Law & Policy Committee was asked to reevaluate the guidelines for recommendations from the State Charter School Board.

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Motion was made by Member David L. Crandall and seconded by Member Laurel O. Brown to adjourn.

Meeting adjourned at 3:15 p.m.