

## MINUTES

March 5, 2010

Minutes of the meeting of the State Board of Education held March 5, 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 Janet A. Cannon  
Member Leslie B. Castle  
Member Craig E. Coleman  
Member David Crandall  
Member Robert R. DePoe  
Member Greg W. Haws  
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

Members Rosanita Cespedes, Meghan Holbrook and Tami Pyfer were 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  
Oak Norton, Utah's Republic  
Peter Yeager, ETS  
Amy Jensen, Westminster College  
Kendall Benson, Iron County Schools  
Kay Sorenson, Iron County Schools, Cedar Middle School  
Racquel Augat, South Hills Middle School  
Janette Milano, South Hills Middle School  
John Milano, South Hills Middle School

March 5, 2010

Dixie Ozowther, South Hills Middle School

Vice Chair Dixie L. Allen called the meeting to order and excused Board Members Rosanita Cespedes, Meghan Holbrook, and Tami Pyfer.

#### Welcome

Board Chair Debra G. Roberts led the Board in the Pledge of Allegiance.

Board Member Greg W. Haws welcomed everyone to the meeting and offered a prayer.

#### Best Practices

Lynne Greenwood, Curriculum Director, introduced Richard Holmes, Curriculum Director in Washington County School District who shared information on their Staff Development Practices, Professional Learning Communities. (For complete details see General Exhibit No. 11137.)

#### Public Participation/Comment

Oak Norton, UtahsRepublic, stated that when he came to the last Board meeting in February and presented the petition there were 255 names. The petition has now grown to over 600. He questioned if he was following the proper procedure in presenting the petition to the Board. He indicated that there is no other body that a petition should be presented to on this subject since it is a modification of state standards. He requested confirmation to know when he could expect a reply as to whether the five changes will be made in the standards or not. He also requested an official answer as to why public input was largely ignored when the K-2 standards were reviewed and approved. He then cited examples of how to one might properly teach the U.S. Constitution to K-2 students. (For complete details of Mr. Norton's concerns see General Exhibit No. 11138.)

Mr. Norton was told that the Board will respond in the very near future.

Member Craig Coleman commented that he supports Mr. Norton's with the use of the word republic.

Richard Nelson Utah Technology Council expressed appreciation to Superintendent Shumway for his meeting with him. He presented each Board Member with a "Silicon Scope" a map of Utah companies that need help with employment.

The Board recessed for a break and Committee Meetings.

The Board reconvened at 10:40 a.m.

March 5, 2010

### Achievement Spotlight

Associate Superintendent Brenda Hales reported that Cedar Middle School, Iron School District, Fort Herriman Middle and South Hills Middle School, Jordan School District all have received the Schools to Watch Award. The “Schools to Watch” is a national initiative by the National Forum to Accelerate Middle-grades Reform. To achieve the designation as a School to Watch, the Forum looks at three criteria: academic excellence, developmental responsiveness, and social equitability – to determine whether a school meets their very high standards. Each school is unique in the challenges they face and the tools they use to meet the needs of their students and educators. For example, at Cedar Middle School, Principal Kendall Benson and his staff believe in a holistic approach to education, understanding that every contact in a student’s life has an impact on their education. At Fort Herriman Middle School, Principal Rodney Shaw and his staff work hard to implement best practices and programs that are developmentally appropriate for middle level students. At South Hills Middle School, Principal Janette Milano and her staff have implemented a framework of collaboration that serves as a model for other schools in the district. The Board recognized these school Principals for their recognition as a “School to Watch” with a Certificate of Excellence.

### Executive Session

Motion was made by Member C. Mark Openshaw and seconded by Member Laurel O. Brown that the Board move into an executive session for the purpose of discussing personnel items and potential and/or pending litigation. The Board was polled and by unanimous consent of those present the Board moved into an Executive Session at 10:50 a.m.

Motion was made by Member David L. Thomas and seconded by Member C. Mark Openshaw to reconvene into open meeting. Motion carried unanimously.

The Board reconvened at 11:50 a.m.

### Executive Session Actions

#### **Division of Services to the Deaf and Hard of Hearing**

Motion was made by Member Carol Murphy and seconded by Member Leslie B. Castle to appoint Anna Joe, Title 121 Projects, to the Division of Services to the Deaf and Hard of Hearing. Motion carried unanimously.

March 5, 2010

**Nominating Committee for the School and Institutional Trust Lands  
Board of Directors**

Motion was made by Member Carol A. Murphy and seconded by Member C. Mark Openshaw to appoint Board Members Denis R. Morrill, Laurel O. Brown, and David L. Thomas to the Nominating Committee for the School and Institutional Trust Lands Board of Trustees, terms to expire March 2014. Further, that Margaret Bird be assigned as staff to the Nominating Committee. Motion carried unanimously.

Lunch & Legislative/Budget Update

Deputy Superintendent Martell Menlove reviewed proposed legislation with the Board and the Board took actions as noted.

***Funding Bills***

**HB 117 - Public Education Capital Outlay Act**

Motion was made by Member Kim R. Burningham and seconded by Chair Debra G. Roberts to support as written. Motion carried unanimously.

**HB 137 - Public School Funding**

No action was taken.

**1SHB 295 - Expanded Uses of School District Property Tax Revenue**

Motion was made by Member Janet A. Cannon seconded by Member David L. Thomas to support. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Haws, Jensen, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Morrill opposed explaining that he did not feel it solved the problem, only postpones it.

**2SSB175 - School District Capital Outlay Equalization Amendments**

A great deal of discussion ensued relative to whether or not it would help one district and not others and also the fact that the greater number of students served live along the Wasatch Front and therefore it would be a State Board issue. Further, the districts that gain are in favor and those that do not are not in favor of the legislation. Member Kim Burningham commented that equalization should happen on a very broad scale so it involves all people and should only take place in good economic times so you bring the bottom up. The devastation of this legislation is we have bad economic times and are taking some down.

It was clarified that the legislation only requires reporting with action by the interim committee and it sunsets or repeals all of the legislation dealing with the current legislation on the equalization in Salt Lake County in 2014.

March 5, 2010

Superintendent Shumway stated that he is going to have the State Office develop an equalization model that would meet the principles described to bring the bottom up and have the Board take the initiative to present something to the legislature as a model we would like. This is will be completed by early summer.

**Representative Ron Bigelow & Senator Lyle Hillyard**

Representative Bigelow stated that with public education they have not used the term “hold harmless” but have strived to achieve parity with last year. In doing so they are putting ongoing funds back in. This will create a structural imbalance for the state that is unprecedented. They believe that in the near future they will probably be able to actually put this into place. By doing it this way it illustrates their commitment to public education that they are willing to say it is ongoing. We are not at 100% of keeping at the current fiscal year. There is talk of reducing that by \$21 million or a little less than 1% with other agencies of state government it is significantly higher. The \$21 million is under intense discussion and negotiation at the moment. When they restore the ongoing funds there has been a lot of discussion about how to do it and that is also currently under discussion. The Committee wanted to put all of it into the weighted pupil unit, others are say no let it float down to the actual amount. A lot of people are weighing in on this issue and they hope to have it resolved by Monday. He continued that they are still talking about some reductions below the line and exactly what to do with the \$21 million. There is no consensus that everyone has agreed to yet.

Representative Bigelow expressed appreciation to the Board for what it has done and the way it has been done to keep our education system functioning in its most effective manner under the circumstances. They want to try to do the least amount of damage possible because they long ago crossed that point. They will come back with what they believe will be the least impact as possible. He noted the cuts across the different state agencies that have growth and we don't have money to fund them, in many cases programs will be cut.

Senator Hillyard stated that they held education harmless for FY10, the Governor proposed a 3% cut to everyone else that was \$39 million and it ended up \$70 million they actually did and then they filled the rest of it with other funds including \$86 million from the Rainy Day Fund. Their goal to leave \$210 million in rainy day fund. The way the budget is structured, with the structural imbalance we have, we have enough rainy day funds and enough

March 5, 2010

money in the estimate tax that we can cover the backfill. This is very important because it means that if next year the economy stays the way it is we will have money to cover the backfill.

Superintendent Shumway commented that it is important for us to recognize the commitment the legislature has shown. It is his hope that as we talk, and we look at the rest of state government, there is no question that public education has received the focus of the legislature to come as close as possible to last year's funds and he hopes that all of us together as we move forward will not be in the camp that is criticizing Senator Hillyard and Representative Bigelow indicating "how could you do this to us." He expressed his personal appreciation to the Committee for the effort that has been made.

Chair Debra Roberts expressed appreciation for the work and the effort. She stated that as the Board submitted their budget it saw the reality of the world the Committee has to function in and although public education is our priority we also recognize there are huge needs out there and those needs have to be met. Many of them have a direct reflection on what happens in our schools. She expressed appreciation for the work that has been done and for working so closely with Superintendent Shumway and Deputy Superintendent Menlove and Associate Superintendent Hauber.

Senator Hillyard commented that presenting the budget as the Board did this year made it a player. Dr. Shumway has been intimately involved in the discussions with the Governor's office, and the appropriations chairs. Having this kind of approach has made a whale of a difference.

Member Laurel Brown questioned the Representative and Senator for their sense of where they are with the addition of tax on tobacco. It was noted that the legislation has passed the House and the Senate passed a slightly different version. The concern both bodies had was the escalation clause that was put into the bill and that will be deleted, but tobacco will go up \$1 per pack.

Vice Chair Dixie Allen expressed appreciation to Senator Hillyard and Representative Bigelow for taking time to meet with the Board.

Deputy Superintendent Martell Menlove continued to review legislation for possible action by the Board.

March 5, 2010

*Education Mandates*

**HB 1S166 - Reduction to Education Mandates**

Member Denis Morrill commented that this is a slippery slope and if they quit doing all these things the legislature is going to suck back the money they were going to do these things with.

Superintendent Shumway indicated that the State Office will be reviewing mandates that are not required by statute. One that is not in statute, is a report on the 350 students per counselor ratio. Most of our reports are some state statutes and then federal regulations.

Associate Superintendent Todd Hauber reported that at the Utah School Boards Association and the Utah School Superintendents Association Joint Legislative Committee Meeting, Representatives Dougall and Menlove were there talking about this bill and what needed to be done in order to gain their support and get through the session. The Joint Committee took the position that the mileage limitation language should be taken out of the bill but that the transportation levy language be left in. This would allow the districts to manage their transportation and also have the ability to use the levy for to and from transportation rather than for hazardous routes and field trips. They also made the commitment that they would be working with the sponsor of the bill to coordinate any language that has to do with the mileage limitation based on the reduction that executive appropriations takes from transportation. This would be a way to coordinate the mileage with the actual reduction by executive appropriations.

Member Dave Thomas voiced concern with the legislation indicating that you cross the line when you basically mandate a separate body whose independent authority that constitutionally you can't legislate around and tell them to do something. They are not telling us to take away any rules, but to review them. He suggested that we ask the representative to come to a board meeting and ask the board to do that, rather than put it in statute. This seems counterproductive to the relationship that we have tried to have with the legislature. He suggested we recommend to the sponsor that they take the mandate out of the bill and come to the state board meeting and ask us to do it.

Member Dave Thomas commented that as long as the mandates to the State Board language is in the bill, the Board take a position of opposition. He felt this would allow the Superintendent to visit with the sponsor and indicate that the Board likes what the bill does in terms of getting rid of the requirements, but that part went too far.

March 5, 2010

Superintendent Shumway felt it might be a good to separate the idea from the bill and he could just carry the message in letter from he and Chair Roberts and personally deliver it. The letter would indicate that when you have a concern rather than sending the message in statute it would be nice for you to personally deliver it, from time to time.

Motion was made by Member David L. Thomas and seconded by Chair Debra G. Roberts that the Board support concept of the bill with reservations, and ask Superintendent Shumway and Chair Roberts to put something together to deliver to the sponsor to convince the sponsor to take out those provisions that mandates to the state board.

Member Janet Cannon voiced concern that part of the bill removes the requirement to do the UBSCT test. She supports the Blue Ribbon Commission on Assessment in replacing the UBSCT with the ACT.

Deputy Superintendent Menlove reported that the fiscal note for the bill indicates that enactment of the bill delays implementation of the Utah Basic Skills Competency Test for two years saving the state an estimated \$1.5 million one time in both FY 11 and FY 12. Associate Superintendent Todd Hauber indicated that they are looking to take \$1.7 million.

Associate Superintendent Judy Park noted that the bill also eliminates the U-PASS accountability system for the next two years.

Member Dave Thomas noted that there is a \$6 million cut which needs to be brought to the attention of executive appropriations. It is one thing to do away with the mandates, but another to also take away the money in doing so.

Member Thomas and Chair Roberts withdrew their motion.

Motion was made by Member David L. Thomas and seconded by Member Janet A. Cannon to oppose because it makes a cut to the budget of \$6 million and this is not part of the deal we have worked out with executive appropriations. Further, to voice the concern that with the mandate put on the state board. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Haws, Jensen, Morrill, Openshaw, Pyfer, Roberts and Thomas voting in favor; Member Murphy opposed.

### ***Public Lands Litigation***

#### **1SHB 324 - Public Lands Litigation – Public Lands Litigation**

This Bill appropriates funds from the Land Exchange Distribution Account (\$1,000,000 per year for three years). None of the Land Exchange Distribution Account goes into the Trust

March 5, 2010

Land Fund that goes to schools. However, it will result in a net loss of funding that comes into the State Office of \$16,800.

Member Janet Cannon commented that Representative Sumsion has stood by what he said he was going to do to take this money from a different source that would not damage the trust. The money will no longer go straight to the Attorney General's office but to a Constitutional Defense Restricted Account. The limit has been put back in which appropriates \$1 million from the Land Exchange account for three fiscal years.

Motion was made by Member David L. Thomas and seconded by Member C. Mark Openshaw to support HB 1S324, Public Lands Litigation.

Vice Chair Dixie Allen commented that the monies will come from the districts that she serves and they need this money. She will be voting against the motion because she did not believe we are at a point in time where we can afford to do that.

Member Denis Morrill spoke against the motion because we don't have money to fund teachers but we have money to fund some specious lawsuit. He expressed appreciation to the Representative for doing what he said he would do, but it sends a message that we should not be sending.

Chair Debra Roberts suggested adding to the motion the Board's concern that eminent domain is a message, and we are not comfortable spending money on a message suit that we have little chance of winning. Member Thomas agreed to add that we support the legislation with a concern that the one area they will use the money outside of the quiet title is a long shot.

Member Carol Murphy also indicated she would be voting against it because she felt there was better ways to spend money in a year when every penny counts.

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

(For complete details on the legislation see General Exhibit No. 11139.)

#### Board Standing Committee Reports

##### **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:

March 5, 2010

K-2 Science Core Curriculum, Approval  
for Public Hearings

The Curriculum and Instruction section recently completed a revision of the Kindergarten through Second Grade Core Curriculum in Science. The Core was revised to give more explicit direction in Science for K-2 teachers in place of the very limited set of science objectives in the K-2 Integrated Core.

The Committee reviewed the revised Core Curriculum. (For complete details see General Exhibit No. 11140.) Staff was asked to take this back and it will be back to the committee next month.

Time Periods for Administering and  
Returning Materials - Adjustments, R277-473-3

R277-473-3 states the Utah Basic Skills Competency Test (UBSCT) shall be given the Tuesday, Wednesday, and Thursday of the third week of October. The Fall Break in Tintic, Piute, Millard, and Kane School Districts conflicts with the first day of the designated testing window. The districts are requesting a one-day adjustment to administer the October UBSCT on Wednesday, Thursday and Friday.

The Committee reviewed the request and approved recommendation to the Board that the Tintic, Piute, Millard, and Kane School Districts adjust the administration of the October UBSCT to Wednesday, Thursday and Friday.

Motion from the Committee that the Board approve Tintic, Piute, Millard, and Kane School District adjusting the administration of the October UBSCT to Wednesday, Thursday and Friday. Motion carried unanimously.

Mathematics and Reading Tests  
for Teachers in Elementary Education

The recommendations of the Math Steering Committee, the Utah Science and Math Education Consortium, and the Utah Technology Council have all listed increasing mathematics preparation and testing requirements for elementary education teachers as a priority.

Educator Quality and Licensing, in collaboration with Curriculum and Instruction, has been working with Educational Testing Service (ETS) to explore the possibilities of revamping

March 5, 2010

our current 0014 multi-subject test for elementary educators. Peter Yeager from ETS discussed with the Committee this option and other initiatives that will impact teacher licensure. Hoping to put together a proposal not only for Utah but other states that will align with common core standards.

This was a discussion items and no action was required.

#### Senior Year Mathematics Requirement

The Mathematics Steering Committee Report was presented to the Board in November 2009. One recommendation by the Board was the additional requirement for mathematics in the senior year of high school.

The Committee received various secondary mathematics pathways and research regarding the pros and cons of requiring mathematics in the senior year, including research on fiscal and human resources impact. (For complete details see General Exhibit No. 11141.)

The Committee received the report. No action was required.

#### **Law & Policy Committee**

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

#### State Charter School Board Recommendations

The State Charter School Board reviewed two requests for amendments to charter schools in its January Board Meeting. Staff reviewed with the Committee the amendment requests for Mountainville Academy to add grade nine with 75 additional students in 2011-2012. This will bring Mountainville Academy's grade configuration in line with Alpine School District.

Motion from the Committee that the Board approve the amendment to Mountainville Academy. Motion carried unanimously.

Providence Hall, reduction of Spanish instruction from four days to two days per week. This is based on an International Baccalaureate (IB) consultant philosophy, and does not immerse students in Spanish. Motion from the Committee that the Board approve the amendment to Providence Hall. Motion carried unanimously.

(For complete details see General Exhibit No. 11142.)

March 5, 2010

Addendum

Educator Licensing Renewal and  
Timelines, R277-501 - Amended

The Utah Bureau of Criminal Identification (BCI) conducted a name check review of licensed educators in summer 2009. The name check revealed licensed educators with criminal offenses. The USOE proceeded to confirm the name check results with fingerprint checks. This amendment provides procedures for appropriate licensing consequences for license holders who have not responded to the USOE's fingerprint background check requirement in a timely manner.

The Committee reviewed the amendments to R277-501, Educator Licensing Renewal and Timelines. (For complete details see General Exhibit No. 11143.)

The Committee approved the amendments to R277-501 on first reading and moves that the Board approve the amendments to R277-501, on second reading. Motion carried unanimously.

Legislative Update

Discussed in full board Meeting.

**Finance & Operations Committee**

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

Classroom Supplies Appropriation, R277-459 Amended

Teachers and legislators believe that funding provided under the legislative appropriation for classroom supplies and materials should be available for supplies and materials that protect the health and safety of teachers during the course of instruction, in addition to other commonly applied definitions of supplies and materials.

This rule is amended to provide language to clarify that supplies and materials purchased to protect the health and safety of teachers for instructional purposes are acceptable purchases under the legislative appropriation and this rule. Some of the health and safety related uses may be for items that cannot practically be retained by the school. School districts and charter schools may have policies outlining appropriate uses for supplies and materials funding. (For complete details see General Exhibit No. 11144.)

The Finance & Operations Committee made one amendment taking out the word safety

March 5, 2010

and approved the amendments to R277-459, Classroom Supplies Appropriations on first reading and moves that the Board approve the amendments to R277-459, Classroom Supplies Appropriations on second reading. Motion carried unanimously.

#### Executive Officer Report

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

- “A Review of Professional Conduct in Utah’s Public Schools Report”  
Superintendent Shumway reviewed the Executive Summary with the Board. He noted that the data do not show an upward trend in misconduct among our public education employee workforce. There is, however, a heightened media coverage over the past few years. He indicated that there are opportunities for us to improve policies and practices to insure high standards of conduct. He further indicated that over the next several months staff will be bringing rules and recommendations to the Board as deemed appropriate to address educator conduct. He expressed appreciation to Dr. Harrington for the report. Dr. Shumway reviewed some of the more important recommendations.
- Race to the Top - Out of the 41 states that submitted applications the Department announced 16 states as finalists in phase I and only one was west of the Mississippi, Colorado. He expressed appreciation to Associate Superintendent Hales on her hard work on this project. Dr. Shumway indicated that we will look at the applications of successful bidders and reassess whether or not we apply in phase 2.  
Associate Superintendent Brenda Hales reported that although it is disappointing to not get the money, it was still a wonderful process and we have a plan that can be used. The only difference is that with the money it was a four to five year plan and without it is a ten to fifteen year plan. In terms of poverty, ten out of the 16 winner were in the top half of states with poverty and all of them have big urban centers. Dr. Hales explained some of the major issues of the winning states. She thanked everyone who helped the state with the application and the Board.
- We are participating in the Assessment Consortium and the Common Core, both of which are part of the ARRA monies. Associate Superintendent Judy Park updated the Board that as of this morning it appears that we now have two consortiums going on in the country. The last we heard the application will be

March 5, 2010

released March 8, 2010. The consortium we are involved and are sort of the leaders, includes states from around the country, but mostly in the west. The basic differences in the consortiums – the ARCHIVE Florida Consortium is focused on more traditional testing, even though they acknowledge technology is the future, and they know they need to move in the directions of technology, they are recognizing that the majority of their states are not ready to move in that direction, so they are focused on pencil/paper type tests. The one we are in is focused totally around technology; we have no intent to do paper/pencil. It is focused around adaptive testing. Both systems are comprehensive and focused around formative, interim and summative testing. The consortium Utah belongs to originally was called Smarter, it started with Summative; and we have now tentatively merged with two other consortiums, the Mosaic [formative] and Balanced Assessment.

- Dr. Hales reported that we just finished getting final approval from the federal government on the second phase of the stabilization funding for public education in the amount of \$97 million (which has already been spent). The down side to this is that it will require additional federal funding reporting.
- Pilot Assessment Program - Associate Superintendent Judy Park provided an update on receiving federal approval. We need to go through the federal peer review with the NWEA assessments that will allow the pilot districts to no longer double test and administer our CRTs. The application has been moved back and we will be doing our formal application in September. NWEA is working very hard to prepare for that. In order to do that we have had to involve other students and schools in taking the spring NWEA testing in addition to the pilots because NWEA has to have a certain number of students to be able to do their statistical studies.
- School Data Community - Associate Superintendent Judy Park reported that beginning with failed Digital SAM's project. The Statewide Data Community brings everyone together in the state to share and help one another and to maximize what we are already doing. There are a lot of good data tools in the state but they are not being used to their full capacity. This will help everyone understand what we can do with what we have.

March 5, 2010

Member Mark Openshaw who participates in the School Data Community shared that this is a really an impressive group. It is fun to see the best practices that are already being used and this helps to share with everyone. He indicated that there is a little bit of paralysis in the Digital SAMS arena. There are a lot of our people who would really like to have that code, and they think this will be the end all be all. Most likely it is not. It would be nice to have the code just to put this to bed to see if it is really what it is taunted to be. This is an opportunity for the Board and State Office to take a leadership position on how data exchange is going to work. Associate Superintendent Judy Park reported that to date Digital Bridge is not responding to the Attorney General's office and they are not giving us the code. Time is essential and she is very concern they are so unwilling to give that to us. Member Openshaw said it would be very useful if we could just look at the code so we know what we have or don't have.

- Common Core - Associate Superintendent Brenda Hales reported that they have a final draft and have asked us for comments and they took the comments seriously so it is no longer the final draft, and they are fixing it. Their reading/ language arts is almost completely ready, the math is a little behind. We expect any day to receive a copy of the report and when we have it we will get it to the Board. Superintendent Shumway noted that the preliminary work looks terrific and will provide an umbrella for us. We can adopt it and use it immediately as we move forward. It does not require that we revoke anything but simply we adopt this and understand that underneath this umbrella is all of our work from the past and we will then eventually need to line up.

#### Board Chairman Report

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

- Member Dave Thomas reported that he was asked to speak at the 911 or 912 Project in Weber County. He distributed copies of our Promises to Keep. His speech was basically to outline the structure of public education, how it is financed, the goals of the State Board and what we are doing to achieving those. They liked the idea of formative adaptive computerized testing.
- Audit Committee Report - Chair Roberts reported that Ms. Grange is working on at least 12 items. She reported that the Audit Committee today received from

March 5, 2010

State Auditor their annual report on the State Office of Education. There were a few material weaknesses that were serious. This does not mean there is any kind of fraud or anything of that nature, but there are some problems with controls and making sure we are reporting things correctly. We also received responses from the State Office and the Office of Rehabilitation in how they will be handling this. Superintendent Shumway will report back to the Audit Committee in the next meeting relative to concerns expressed by Audit Committee members. She noted that it is unusual to receive the kind of material weaknesses we received this year. Some training that needed to go on will happen so these do not continue.

Ms. Grange is continuing to work on the federal audit in terms of monitoring our plans from the federal government and ARRA which is an extremely rigorous process. She has reviewed all of the district and charter school audit letters and reacting to those audits, and sending out letters indicating the problems or kudos . Ms. Grange has contacted Steve Peterson offering audit training to all local school boards and districts relative to their responsibilities in understanding the finances and making sure adequate controls are in place. Hopefully in the near future have that training take place.

Ms. Grange is continuing to review the situation in Garfield and she will be visiting with them again next week. There continues to be some pretty serious concerns that we need to look into.

- Chair Roberts distributed a calendar of meetings for the coming month. Reminding those that are up for reelection they need to file if they are going to do so between March 12 and March 19.
- Reported that Leadership met with the Editorial Boards of the Deseret Morning News and Salt Lake Tribune. They shared Promises to Keep and she felt they maybe needed to share the next level.
- Met with the Governor.
- Chair Roberts gave a huge thank you to everyone, Superintendent Shumway, Deputy Menlove, Associate Superintendent Hauber, Carol Lear, Member Dave Thomas for the many hours they have spent on the hill. She expressed appreciation for the fine job they have done. She commented that we know the \$21 million will have a profound effect on students. We have in the past had

March 5, 2010

people who, when they look at education, are a little like a young person looking in the mirror with anorexia. It does not matter to them that they are very slim, they still see a fat person in the mirror. She believes the vast majority of legislators understand that we are not the fat person in the mirror. We are sucked down to where we are really affect the core education that our children receive. At the same time we are realistic and understand that they have done the very best they could possibly do for public education they could do. There are huge needs that had to be met. We hope people understand what we are trying to say and the appreciation we have for the work they have done on the hill to try to hold us harmless.

- Chair Roberts expressed appreciation to all of the Board Members especially for their participation in the monthly legislative meetings. It is important for Board Members to attend these meetings.
- NASBE Nominations - Leadership has discussed who the Board should nominate for these positions. The following are recommendations from Board Leadership:
  - Greg Haws Distinguished Service
  - Christine Durham - Policy Leader of the Year
  - Lane Beattie - Friend of Education
- Leadership also talked about the need for us to do a better job of public relations and letting people know the great things that are happening in public education. The State Charter people do a great job of that. We tend to sell the program while the charters sell student accomplishments. We need to do more in sharing what great things our students are accomplishing. In a visit with Board Member Tami Pyfer she indicated that we are a state of choice, which is okay, but the vast majority of parents are choosing their neighborhood schools. In this light, we are hoping to take a day on the hill next year where we would have the districts bring in some of their students who have succeeded in wonderful ways.
- Vice Chair Dixie Allen suggested another idea to share quality programs every Friday during the legislative session pinpointing the quality programs such as visual arts, history, etc. from public schools. She did not think one day would be adequate but use many days.

March 5, 2010

- Member Leslie Castle reported that she received a lot of feedback when Dr. Shumway was on with Ted Capener, and the positive effect that had. This kind of getting education to the public so they see a face such as places in the community where the Board Chair or Superintendent can talk. We need to put a face to public education.
- Member Janet Cannon suggested the list of those that have been spotlighted during Board Meetings.
- Reminder that the May Board meeting is on May 7 and not April 30. Also, for work meeting on the day before the June and August Board meetings.
- Member Denis Morrill suggested that those requesting time on public participation that they one do so once a year.
- Vice Chair Dixie Allen reported that all should have received from NASBE information site with common core standards which are to be public by Monday. They were there yesterday. She encouraged Board Members to look at them and be ware of what they are before the Board takes action on them.
- Member Craig Coleman reported on there was a math recognition night held on the campus of Brigham Young University. This is an international mathematics exam that is given to school children grades 5 through 8. They all take the exam and then you compute a score based on how many you get right. All of those that got ten out of 24 questions right were honored this night. There was one student who got 23 out of 24 right. No one in the United States got a perfect score. He indicated that he had his children take it in his home and shared their scores. He indicated that it is a tough test.
- NASBE - Member Greg Haws reminded Board members to mark their calendar for October 14-16 when NASBE will hold its annual meeting in Salt Lake City. He indicated that he is serving as Secretary/Treasurer for two years and his term on the State Board will end this year. He suggested that Chair Roberts write a letter to NASBE indicating that Utah will not participate in the travel costs for him to attend meetings after December 2010.

March 5, 2010

General Consent Calendar

Motion was made by Member C. Mark Openshaw and seconded by Member Greg W. Haws to approve the General Consent Calendar as presented. Motion carried unanimously Janet cannon absent.

1. Minutes of Previous Meetings

Minutes of the Meeting of the State Board of Education held January 28, March 5, March 11 and March 18, 2010.

2. Contracts

The following contracts were approved by the Board:

(A) Harland Technology Services. \$37,032. 11/1/09-10/31/10.

Support and maintenance of scanners.

(B) Imagine Learning. \$2,700,000. 12/29/09-11/01/10.

To increase parent involvement and communication of those parents that are not proficient in English with the ultimate goal of increasing student achievement in literacy and language skills.

© SRI International. \$904,700. 2/1/10-1/31/11. - Fed.

To renew for one year to continue assistance in applying PADI and ECD for alternate assessments in mathematics.

(D) Public Service Commission of Utah. \$401,064.67. 1/1/10-12/31/11. RECEIVABLE

The Division of Services to the Deaf and Hard of Hearing, Utah Interpreter Program, will provide interpreter training and mentoring services utilizing funds regulated by the Public Service Commission. The goal is to increase the number of qualified, certified sign language interpreters for relay services, community and educational settings within the state of Utah.

(For complete details see General Exhibit No. 11145.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the school districts were approved by the Board. (For complete details see General Exhibit No. 11146.)

4. Charter Schools, R277-470

March 5, 2010

HB 197 Reauthorization of Administrative Rules, 2009 Legislative General Session, removed language from State Board Rule R277-470-12. The new legislation specifically did not reauthorize R277-470-12(B) and ©, Education, Administration, Charter School Parental Involvement, which required charter schools to have a prescribed number of parent members with one elected. In December, a legislator made it clear that their intent was to remove all language mandating parental involvement on governing boards, which would include language in R277-470-15(b)(2). In addition to this, several minor amendments are also included.

Amendments to R277-470, Charter Schools was approved by the Board on second reading at its February 5, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-470, Charter Schools on third and final reading. (For complete details see General Exhibit No. 11147.)

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. 11148.)

6. Advisory Committee Notice of Vacancy

Instructional Materials Committee has three vacancies: (2) lay citizens and (1) secondary teacher.

Utah Statewide Independent Living Council has two vacancies: (1) representing people with disabilities in Southern Utah, and (1) representing people with disabilities in Northern Utah.

Utah State Charter School Board has one State Board of Education nomination vacancy.

7. WestEd Board of Directors Appointment

As a signatory agency to WestEd, the Utah State Board of Education can fill two positions on WestEd's Board of Directors. No action is required for the [position currently filled by Superintendent Larry Shumway.

However, action is needed regarding the position currently filled by Dr. W. Bryan Bowles. Dr. Bowles was appointed to represent the "Utah Public School Districts," and his term will end on May 31, 2010.

The Board reappoint Dr. W. Bryan Bowles to serve on the West Ed Board of Directors, term beginning on June 1, 2010 and ending on May 31, 2013.

March 5, 2010

8. 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. 11149.)

9. Claims Report

The Claims Report in the amount of \$237,306,784.86 for January 31, 2010 was approved by the Board. (For complete details see General Exhibit No. 11150.)

Motion was made by Member David L. Crandall and seconded by Member Michael Jensen to adjourn. Motion carried.

Meeting adjourned at 3:50 p.m.