

MINUTES

May 7, 2010

Minutes of the meeting of the State Board of Education held May 7, 2010, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 7:35 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 Douglas J. Holmes
Member Michael Jensen
Member Tamara Lowe
Member Denis R. Morrill
Member Carol A. Murphy
Member C. Mark Openshaw
Member Tami Pyfer
Member David L. Thomas

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
Steven Shurtz, Utah Technology Council
Bill Reynolds, LDS Humanitarian Center
Bart Hill, LDS Humanitarian Center
Gerald Brown, Refugee Services Office, Department of Workforce Services
Gopal Paudel, LDS Humanitarian Center Student
Myint Oo, LDS Humanitarian Center Student
Catherine Barnhart, English Skills Learning Center
Amanda Thorderson, English Skills Learning Center
Claudia Thorum, Granite Peaks/Granite School District

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Utah State Office of Education Staff:

Syd Dickson, Student Achievement and School Success
Shannan Buchanan, Student Achievement and School Success
Marty Kelly, Student Achievement and School Success
Sandra Grant, Student Achievement and School Success
Richard Gomez, Law, Legislation, and Educational Services
Cory Kanth, Law, Legislation, and Educational Services
Natalie Grange, Administration

Vice Chair Dixie L. Allen called the meeting to order and excused Board Members Rosanita Cespedes, Robert DePoe, Greg Haws and Meghan Holbrook.

Welcome

Board Member Douglas J. Holmes led the Board in the Pledge of Allegiance.

Deputy Superintendent Martell Menlove offered a prayer.

Best Practices

Utah Futures Program - Mary Shumway, Director, Career and Technical Education, Dawn Stevenson Comprehensive Counseling and Guidance Coordinator, Lillian Tsosie Jensen, Specialist and Chris Hart, Mountain Crest High School, Cache School District presented the Utah Futures Program. Ms. Stevenson indicated that this is a collaboration between the Utah State Office of Education, the Department of Workforce Services, the Utah System of Higher Education, and the Statewide Gear Up Grant. They have all worked together for over two years to put together a Request for Proposal and they had a response from the University of Oregon who has developed this system and we have customized it for Utah. The soft launch for the program was held last October. The official launch will take place later this year. The usage of the program since last October has been more than a quarter of a million site visits, and we receive monthly reports which are passed on to the districts for the schools to use. They shared a scope and sequence document that was developed by the school counselors in Davis District under the direction of Pam Jacobsen, showing them how to use the tools and resources inside Utah Futures as they help their students go through a SEOP process. (For complete details see General Exhibit No. 11179.)

Chris Hart shared how the program works in a school. She also indicated that parents can access this program from home to help their children.

Dawn Stevenson indicated that the success of the program is that it follows the student from level to level and it can begin in the 7th grade through high school.

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Mary Shumway reported that they are planning a big announcement via the media in conjunction with DWS and the SL Chamber in September.

Public Participation/Comment

Oak Norton, Utah's Republic, commented that it has been reported by the media that the Texas State History Standards had removed Washington, Jefferson and Lincoln from their standards, this was false. Their standards are very fact based. Some of the things that have been removed from their standards are references to democratic societies and democratic republics, which have been replaced with references to representational government and constitutional republic. There are also numerous references to primary sources.

Mr. Norton reported that on March 8 he received a letter from Lynne Greenwood, Curriculum Director, Utah State Office of Education, and she indicated that the State Office was going to open up the 8th and 11th grade history standards to review the treatment of our country as a republic. He expressed his appreciation for this. She also indicated they could invite someone to serve on the curriculum development for constitution day programs and that person has been invited, David Cox. Mr. Norton noted that he had submitted names of six or seven people including their biographies with the hope that someone could serve on the standards review as well. He requested that Mr. Cox be invited to participate in the review process on the standards; or one of the other people he had submitted. Also, he encouraged the State Office to look at the Texas Standards. He felt they had done significant work to go through and insure that the treatment of our form of government and our constitutional background was well addressed.

Mr. Norton commented on the National Math Standards and Common Core Standards that are being developed. He has been very involved in math education the last few years and the reviews of the new national math standards are showing they are not up to par with California or Massachusetts. He requested that before we accept these national standards we make sure it is the right thing for Utah. He suggested Utah just adopt Massachusetts' standards rather than accept a national standard. He questioned once we turn our standards over to the federal government what becomes of them?

Mr. Richard Nelson of the Utah Technology Council commented that they would like to try to find ways they could move the three proposals forward that were presented to the Board in February. These proposals were from the Math Steering Committees Recommendations. The following members of the Utah Technology Council commented on the need to move the math

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and STEM literacy forward as well as the three recommendations from the Math Steering Committee presented by the Council in March: Hall Widlansky, CEO Mangia Technologies, Joyce Peters, Hill Air Force Base, Tim Miller, Echelon Bioscience, Phil Johnson, L3 Communications, Steve Shurtz managing director for a law firm, and Paul Mayfield, Microsoft. Mr. Nelson stated their urgent request to get the recommendations moved forward and asked the Board to do so. (For complete details see General Exhibit No. 11180.)

The Board recessed into committee meetings at 8:10 a.m.

The Board reconvened at 10:45 a.m.

Achievement Spotlight

Associate Superintendent Brenda Hales commented that we are extraordinarily fortunate to live in a place that is a true land of freedom and opportunity. Globally, however, other nations struggle with devastating and brutal social conditions such as civil war, genocide, and political persecution. Sometimes people are able to escape those places and come to live here in the United States as a refugee. But just living in this country does not automatically guarantee wealth and knowledge. Though they may no longer live in fear of being killed, life is often still very difficult. Language and educational barriers are difficult to overcome, and can stand in the way of gainful employment.

The Board recognized a group of people that are working to overcome those barriers and help refugees improve their lives. This one-of-a-kind effort is coordinated by Granite School District Adult Education, the English Skills Learning Center, the Department of Workforce Services, the LDS Humanitarian Center, and people that are the focus of this organization.

Through the efforts of this cooperative organization, refugees are matched with job coaches and receive on-the-job training for four hours a day. They also receive ESL instruction, both business and conversational, for four hours a day. They also receive a full day's pay for doing this.

The Board recognized the chief collaborative partners and two of the very successful students of this program: Dr. Claudia Thorum, Granite School District Adult Education Director, Dr. Alison Tanner, Granite School District Associate Director; Jennifer Christiansen, Granite School District Adult Education Lead Teacher of the partnership; Catherine Barnhardt, Director, English Skills Learning Center; Gerald Brown, Director of Refugee Services Office, Department of Workforce Services; Bill Reynolds, Manager, LDS Humanitarian Center; Bart Hill,

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Development Manager, LDS Humanitarian Center; and students Myint Oo, a refugee from Burma and Gopal Poudel, a refugee from Bhutan. Each were presented an Excellence Certificate from the Board.

Executive Officer Report

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

- Superintendent Shumway reported that we are in the midst of field trip season in the schools, we have students seeing industry and transportation to those. He shared a picture of students in 1917 in Salt Lake City going to the Cullen Ice and Beverage Company.
- Assessment Consortium part of the Race to the Top Program we are one of 27 states in a consortium preparing an application to participate in the common core standards. Dr. Judy Park has been selected as a co-chair of this consortium. Our being in the lead will help determine our future. Dr. Park shared a one-page summary of the SMARTER Balanced Assessment Consortium. The focus is on English/Language Arts and Math. There is a heavy focus on teacher involvement.
- Core Standards - Standards are being developed for career and college ready. We are making sure when we speak about college ready we are talking about post secondary and all the ranges offered there. We are participating in a movement of states and trying to avoid being nationalized.

Associate Superintendent Brenda Hales commented that these are not federal standards, the movement is made up of the National Governors Association and the Council of Chief State School Officers. The reviews from the various organizations has been exceptional.

Dr. Shumway shared an article by Paul Barton from *National Education Standards: To Be or Not to Be?* Educational Leadership, April 2010.

- USOE Leadership Outreach - This year we have been meeting with local superintendents regionally to help them build stronger connection to us. Also we had a solid presence at the USBA Regional Meetings. The document we prepared summarizing the legislative session has been a strong documents. Member Tamara Lowe complimented staff on their participation and their presentations at the local regional meetings.

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- Spring assessments - CRTs and CTE Skills Testing. Associate Superintendent Judy Park updated the Board indicating that 80% of these tests are being administered via computers. Mary Shumway reported on the CTE Skills Testing - end of course tests. They assess 200,000 students annually.
- Deputy Superintendent Martell Menlove reported on the Performance Based Pay Pilot Programs. He indicated that we are comfortable that all five schools will move forward with their plans next year.
- CCSSO Executive Board appointment. Superintendent Shumway has been invited to serve on the CCSSO Executive Board. This will not mean a significant increase in travel for him. After concurring with Board leadership he has accepted the appointment.
- Shared a listing of district superintendent turnover this year.
- Shared a copy of Utah's Comprehensive Reform Plan.

(For complete details see General Exhibit No. 11181.)

Board Chair Report

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

- Meeting with higher education raising the bar. She indicated that very little of that seemed to apply to us. It was very helpful for her to participate.
- Met with USBA leadership which was very positive, and will be meeting again on May 11.
- Meeting with Greg Bell talking about governance and shared Promises to Keep. He seemed to be very quiet.
- Continuing to meet with the Governor's Education Excellence Commission. This last meeting was a status report from all the groups reporting on where they are with education. She requested that we have time at the next meeting to share what our goals are with Promises to Keep.
- Thanks to those that attended USBA dinners.
- Interesting meeting with Clay Christensen, he would like to see more parental training. He also shared that one of the pieces he missed in his book was student motivation and felt this was vital.

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- Met with Severe District about their system. They had some interesting things to share with us.
- Schools to the Future. Interesting things from NASBE. The day before the August Board meeting she would like a report from Board Members who are participating on NASBE study groups.
- Shared a calendar of upcoming dates.
- Our meeting with the Board of Regents June 25, we will be talking about Promises to Keep and our point of view from the study session the day before and make the meeting applicable to where we come together with the K-16 alliance.
- We have been visiting about how we react to public participation. We have made it a policy not to react at that moment. She requested the Board's feedback on how we can do a better job of making sure we are reacting to public participation and letting them know we hear, we agree and will move on the issue, or maybe we disagree. Member Janet Cannon commented when this was implemented the general idea was that if we were to react at the time we could throw off our schedule. However, if an individual board member was interested in taking the issue further or proceeding in some way, they could make that recommendation to leadership who would then schedule it in at an appropriate time. Member Denis Morrill commented that it is important for people who are coming the make comment that just because they come and talk about it we will do something. Member Dave Crandall suggested that we provide some type of feedback to these people. Member Carol Murphy commented that it would be nice to recognize we heard it, and will take it under consideration. It is also important that any feedback given is Board feedback and not individual feedback.

Associate Superintendent Brenda Hales reported that she and Syd Dickson have met at least a dozen times with the UTC group over the course of the last six months and have gone into great detail, both in written and verbal form as to the process. Last month we presented the math pathways, but these people were not in attendance. We have talked with them, and sent them to them. We agree math is very important and we are making substantive changes, but it is taking a little longer than they would like. Part of it is with the "perfect storm" with the

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common core and assessment which all needs to be organized together. Dr. Hales indicated that we have been working on the pathway part for at least two years. Chair Roberts suggested that we may want to suggest to UTC that they come up with positions in technology companies where students can have job shadowing opportunities so the students can see engineering and technology positions in the business world.

- Chair Roberts reported that we may be seeing a charter school appeal and we will have to put together a committee of board members to hear the appeal. She requested those interested in serving on this committee to let her know by the end of the day if possible. We will need five members.
- If there are Board members who may have some good connections with people who might be willing to provide items for NASBE goody bag please get the information to Twila.
- Chair Roberts shared an idea that in addition to looking at language arts and math we also need to look at the social studies piece. She suggested that all high school seniors take the citizenship exam.
- Shared a Board Self Evaluation and requested members to fill out and return it to leadership. She indicated it was preferred this year not to do a 360 degree evaluation but leadership has discussed the possibility of doing a survey to local boards and superintendents as to how they perceive we are doing. The Board agreed that a survey be sent to local boards and superintendents.
- There are a number of Open houses for local district superintendents who are retiring or moving to another district.
- Board Members have been invited to participate in the Huntsman Awards on May 14th.
- Audit Committee Report - Natalie Grange, Internal Auditor, presented an update on the action we have received from the audit follow-up letters sent. The reason for sending the letters is because we are required as a subrecipient monitor of all the school districts and charters. She sent out about 112 letter and received 12 back. Most of the ones received thus far have adequately addressed the issues identified.

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- She attended a training requested by the Grand County School Board where they presented their plan for financial recovery and steps they have taken regarding their expenditures and property tax revenues. They have established an audit committee who will be reviewing their policies and coming up with ways to implement adequate internal control.
- Ms. Grange reported that she is also working on ARRA monitoring the state office is responsible to monitor the social security and retirement monies that came through the ARRA grant. She will be pulling samples of the reimbursement requests and monitoring those by the end of the summer.
- Ms. Grange reported that she is working on risk assessment which is a little more intense than she first anticipated. She hopes to not only encompass operating and programs that are run out of USOE, but also take some information from a sample of districts and sample of charters to implement some questions and send out surveys that will not take a lot of time, but will give us some information of where our risks are. She should have a draft of this by June.

Chair Roberts expressed appreciation to Ms. Grange for here work and the auditing process. (For complete details see General Exhibit No. 11182.)

Executive Session

Motion was made by Member Carol A. Murphy and seconded by Member Janet A. Cannon to moved into executive session for the purpose of discussing personnel issues and pending and/or potential litigation. The Board was polled and by unanimous consent of those present the Board moved into executive session following lunch at 12:35 p.m.

Motion was made by Member C. Mark Openshaw and seconded by Member David L. Thomas to reconvene into open meeting. Motion carried. The Board reconvened at 2:00 p.m.

Executive Session Actions

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Denis R. Morrill and seconded by Member Janet A. Cannon to adopt the recommendation of the Utah Professional Practices Advisory Commission in Case No. 09-923 and accept a stipulated agreement, including conditions of the agreement,

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whereby a former teacher in Carbon school District voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension from the date of formal action by the State Board of Education. (For complete details see General Exhibit No. 11183.) Motion carried with Members Burningham, Cannon, Castle, Coleman, Crandall, Morrill, Murphy, Openshaw, Pyfer, Roberts and Thomas voting in favor; Members Brown and Jensen absent

Utah Statewide Independent Living Council

Motion was made by Member Janet A. Cannon and seconded by Member Tami Pyfer to appoint Troy R. Justesen and Debra Mair to the Utah Statewide Independent Living Council, terms to expire 9/2013. Further to appoint Claire Mantonya, Georgia Baddley and Thomas England as Ex-Official members of the Utah Statewide Independent Living Council, terms to expire 9/2013. Motion carried unanimously.

Utah State Charter School Board Nomination

Motion was made by Member Janet A. Cannon and seconded by Member Denis R. Morrill to submit the name of John Pingree as a nominee to the Utah State Charter School Board to the Governor.

Member Dave Thomas noted that he would be voting against this not because of Mr. Pingree but that philosophically a member of the elected state board should be a nominee. Motion carried with Members Brown, Burningham, Cannon, Coleman, Morrill, Murphy, Openshaw, Pyfer, and Roberts voting in favor; Members Castle and Thomas opposed, Member Jensen absent.

Motion was made by Member Janet A. Cannon seconded Leslie Castle to submit the name of Carol A. Murphy as a nominee to the Utah State Charter School Board to the Governor. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Morrill, Murphy, Openshaw, Pyfer, Roberts and Thomas voting in favor; Member Jensen absent.

It was noted that the Governor will choose one of the nominees for appointment to the State Charter School Board.

Public Education Governance Chart

Over the past year as the State Board has created a long-term Mission and Vision statement, *Promises to Keep*, the Board has attempted to clarify its constitutionally defined governance role in Public Education. This has become imperative as discussion in the state and nation focus around the transformation of the public education landscape. The leadership of

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public education in Utah must be clarified and understood first by present and future members of the State Board before the Board can effectively lead in that transformation process. Board member Dave Thomas has seen the need in his role as Government Liaison for that clarification process and has thus created several charts in an attempt to create that understanding.

Chair Debra Roberts shared answers to questions posed by Member Carol Murphy.

Member Dave Thomas facilitated a discussion by the Board on the need for defining its powers and members gave their views on a possible Public Education Governance Chart. Member Thomas indicated he would try to develop a governance chart based upon the discussion. It was noted that this should be more about responsibilities than power.

The Board agreed to continue the discussion at a future work/study meeting.

(For complete details see General Exhibit No. 11184.)

No action taken.

Board Standing Committee Reports

Finance and Operations Committee

Member David L. Thomas, Vice Chair of the Finance and Operations Committee presented the following recommendations from the Committee:

Classroom Supplies Appropriation, R277-459

Senate Bill 2 of the 2010 Legislative session made changes to the Classroom Supplies Appropriation. The rule is amended to reflect the changes in statute. (For complete details see General Exhibit No. 11185.)

The Committee reviewed the amendments to R277-459 and approved the rule on first reading and moves that the Board approve R277-459, Classroom Supplies Appropriation on second reading. Motion carried unanimously.

Special Transportation Levy, R277-600

In the 2010 legislative session, HB 166 made changes to Utah Code that need to be reflected in board Rule R277-600, Special Transportation Levy. Previous restrictions to the use of the local Special Transportation Levy were eliminated to permit broad use of funds of “transporting students and for the replacement of school buses” as determined locally. (For complete details see General Exhibit No. 11186.)

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The Committee reviewed the proposed amendments to R277-600-10 and approved the rule on first reading. Motion from the committee that the Board approve R277-600 as amended on second reading. Motion carried unanimously.

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:

Administrative License Areas of Concentration and Programs, R277-505-4(7)

R277-505-4(7) outlines the requirements for universities recommending a candidate for an administrative license to be accredited by NCATE or TEAC, or one of the major regional accrediting associations as defined under R277-503-1L. Allowing regional accreditation allows for many substandard and unregulated programs to qualify as administrative licensure programs in Utah. The proposed amendments will provide regulation of administrative preparation programs. (For complete details see General Exhibit No. 11187.)

The Committee reviewed the amendments and approved R277-505-4(7) on first reading and moves that the Board approve R277-505-4(7) Administrative License Areas of Concentration and Programs on second reading. Motion carried unanimously.

Standards for School District, School and Charter School Discipline Plans, R277-609

The 2010 Utah State Legislature passed Senate Bill 59. This bill requires the State Board of Education to adopt rules that require a local school board or governing board of a charter school to enact gang prevention and intervention policies for all schools within the board's jurisdiction.

R277-609 is amended to include gang prevention and intervention policies. The amendments will meet the legislative language of 53A-15-603. This will require districts to put in place Gang Prevention and Intervention Policies which will more effectively aid the districts/charter schools efforts in preventing gang issues in their area. (For complete details see General Exhibit No. 11188.)

The Committee reviewed the amendments and approved R277-609 on first reading and moves that the Board approve R277-609, Standards for School District, School and Charter School Discipline Plans on second reading. Motion carried unanimously.

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Instructional Materials Commission Operating Procedures, R277-469

The Utah Instructional Materials Commission is mandated to make recommendations of curriculum materials to be considered for use in Utah schools. Members of the Commission serve four-year terms, which by Board Rule are to be staggered.

R277-469-1 defines instructional materials as text materials. Publishers are producing more curriculum materials in digital format which do not clearly meet this definition. For the past two years, independent reviews were required for materials that were Recommended Primary in the adoption process. House Bill 166 passed in 2010, suspends the requirement for independent reviews of these materials until the 2012-2013 school year. Also, the rule has language stating instructional materials shall be consistent with U-PASS requirements. Some U-PASS requirements were eliminated or suspended in S.B. 16 and H.B. 166 and appropriate amendments are required. (For complete details see General Exhibit No. 11189.)

The Committee reviewed the amendments and approved R277-469 as amended and made one additional amendment under R277-469 removing the word “required” under Definition G. on first reading and moves that the Board approve R277-469, Instructional Materials Commission Operating Procedures on second reading. Motion carried unanimously.

Foreign Exchange Students, R277-612

The 2010 Utah State Legislature passed House Bill 433. This bill requires a school district or charter school to accept a student participating in a foreign exchange program if another student from the same school is participating in the same exchange program outside the country.

Amendments to R277-612 include the requirements outlined in H.B. 433. (For complete details see General Exhibit No. 11190.)

The Committee reviewed the amendments and approved R277-612 as amended on first reading and moves that the Board approve R277-612, Foreign Exchange Students on second reading. Motion carried unanimously.

Student Reading Proficiency and Notice to Parents, R277-403

The 2010 Utah State Legislature passed Senate Bill 150. This bill requires schools to notify parents of first, second and third grade students, by the midpoint of the school year, if their child is below grade level in reading. The legislation requires that Board to create a rule defining

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how LEAs will use “multiple assessments” to determine “grade level,” and how they will report to the USOE the number of students reading below grade level, and how many of those students received intervention. (For complete details see General Exhibit No. 11191.)

The Committee reviewed the new proposed rule R277-403 and made amendments to Definition E to read: “Reading below grade level” for the purposes of this rule means that a student **requires** additional instruction beyond that provided to a **typically developing peers** in order to close the gap between their current level of reading achievement and that expected of all students in that grade as determined by valid and reliable assessments; and in F, deleting the word “grade-level”

The Committee requested there be more discussions on this and it needs to come back to the Committee. Senator Morgan understands our concerns on this legislation and she has agreed to come back in January and seek to change her statute anyway we would like her to. This is a nice interim rule which will be in place until further changes in legislation are made.

The Committee read the rule on first reading and it will come back to the Board for second and third reading in June.

Education for Homeless and Emancipated Students and State Funding for Homeless and Disadvantaged Minority Students, R277-616

In October 2007, the U.S. Department of Education released *Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education* requiring school districts and states to follow new standards in maintaining collecting, and reporting race and ethnicity data to the U.S. Department of Education beginning with the 2010-2011 school year. R277-616 has been amended so that it is consistent with federal policy.

The Committee reviewed the amendments to R277-616 which changes the definition of an ethnic minority student from meaning non-Caucasian to a student belonging to one or more of the following categories: American Indian or Alaskan Native, Hispanic or Latino, Asian, Native Hawaiian or other Pacific Islander, Black or African American. (For complete details see General Exhibit No. 11192.)

The Committee approved the amendments to R277-616 on first reading and moves that the Board approve R277-616, Education for Homeless and Emancipated Students and State Funding for Homeless and Disadvantaged Minority Students on second reading. Motion carried

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

Testing Procedures, R277-473

The 2010 Utah Legislature passed H.B. 166 and S.B. 16 which eliminated the requirement to administer a Norm-Referenced Test and postponed administration of the Utah Basic Skills Competency Test in high schools for two years. R277-473 has been amended to reflect the changes required by law. (For complete details see General Exhibit No. 11193.)

The Committee reviewed the amendments and approved R277-473 as amended on first reading and moves that the Board approve R277-473, Testing Procedures on second reading. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Morrill, Murphy, Openshaw, Pyfer, Roberts and Thomas voting in favor; Member Jensen absent.

Online Testing, R277-402

The 2010 Utah Legislature passed H.B. 166 which eliminated the requirement to administer the Criterion-Referenced Tests in second grade and postponed administration of the Utah Basic Skills Competency Test in high schools for two years. R277-402 has been amended to reflect the changes required by law. (For complete details see General Exhibit No. 11194.)

The Committee reviewed the amendments and approved R277-402 as amended on first reading and moves that the Board approve R277-402, Online Testing on second reading. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Morrill, Murphy, Openshaw, Pyfer, Roberts and Thomas voting in favor; Member Jensen absent.

Secondary School Completion and Diplomas, R277-705

House Bill 166 passed by the Utah Legislature in 2010 postponed administration of the Utah Basic Skills Competency Test in high schools for two years and redirects the funds for UBSCT to the high school pilot program.

Amendments to R277-705 reflect the changes required by laws. (For complete details see General Exhibit No. 11195.)

The Committee reviewed the amendments and approved R277-705 as amended on first reading and moves that the Board approve R277-705, Secondary School Completion and Diplomas on second reading. It was noted that the rule would be changed to reflect LEA in place of schools and/or charter schools. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Morrill, Murphy, Openshaw, Pyfer, Roberts and Thomas voting in favor; Member Jensen absent.

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Class Size Reporting, R277-463 (Repeal)

Class Size Average and Pupil-teacher

Ratio Reporting, R277-463 (Reenact)

During the 2010 Legislative Session, Senate Bill 56 was passed modifying 53A-1-301 and the way the Utah State Office of Education calculates class size averages and pupil-teacher ratios. Board Rule R277-463 needs to be repealed and reenacted to align class size averages with current law and practice and to include pupil-teacher ratios.

The existing Board Rule R277-463 no longer reflects current collection and calculation practices regarding class size averages and does not include pupil-teacher ratios. The alterations made to class size averages and pupil-teacher ratios in Senate Bill 56 match current practice. The modifications to R277-463 align board rule to current law and to how the Utah State Office of Education currently collects and calculates class size averages and pupil-teacher ratios. (For complete details see General Exhibit No. 11196.)

The Committee repealed R277-463, Class Size Reporting and approved on first reading enactment of Class Size Average and Pupil-teacher Ratio Reporting, R277-463, and moves that the Board repeal R277-463, Class Size Reporting and approve the reenactment of R277-463, Class Size Average and Pupil-teacher Ratio Reporting on second reading. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Morrill, Murphy, Openshaw, Pyfer, Roberts and Thomas voting in favor; Member Jensen absent.

Private School, Home School, Electronic
High School (EHS), and Bureau of Indian
Affairs (BIA) Student Participation in Public
Schools Achievement Tests, R277-604

The 2010 Utah Legislature passed H.B. 166 which postponed administration of the Utah Basic Skills Competency Test in high schools for two years. R277-604 has been amended to reflect the changes required by the legislation. (For complete details see General Exhibit No. 11197.)

The Committee reviewed the amendments to R277-604 and approved the rule on first reading and moves that the Board approve the amendments to R277-604, Private School, Home School, Electronic High School (EHS), and Bureau of Indian Affairs (BIA) Student Participation in Public Schools Achievement Tests on second reading. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Murphy, Openshaw, Pyfer, Roberts and Thomas voting in favor; Members Jensen and Morrill absent.

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Disposal of Textbooks in the Public Schools, R277-433

The Utah State Board of Education is currently charged with making rules about the disposal of reuse of textbooks in the public schools, as well as providing procedures for said reuse and disposal. The proposed amendments will require school districts and charter schools to develop local policies regarding the reuse or disposal of textbooks and the establishment of procedures in negotiating the exchange of textbooks, until the 2013-2014 school year as required by the 2010 Utah State Legislature. (For complete details see General Exhibit No. 11198.)

The Committee reviewed the amendments to R277-433 and approved the rule on first reading and moves that the Board approve R277-433, Disposal of Textbooks in Public Schools on second reading. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Murphy, Openshaw, Pyfer, Roberts and Thomas voting in favor; Members Jensen and Morrill absent.

K-2 Science Core Curriculum

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. Public hearing has been held and revision made based on public input. (For complete details see General Exhibit No. 11199.)

The Committee reviewed the revised K-2 Science Core Curriculum and received the information gleaned from the public input.

The Committee approved the K-2 Science Core Curriculum and moves that the Board approve the K-2 Science Core Curriculum. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Morrill, Murphy, Openshaw, Pyfer, Roberts and Thomas voting in favor; Member Jensen absent.

World Class Instructional Design and Assessment
(WIDA) English Language Proficiency (ELP)
Standards

The Curriculum and Instruction section recently completed a series of public hearing throughout the state regarding WIDA ELP Standards. It was determined that the WIDA ELP Standards appropriately align with the current Utah Core, as well as the Common Core, while meeting the ongoing needs of educators and their students. (For complete details see General Exhibit No. 11200.)

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The Committee reviewed the WIDA ELP Standards and public comment received during the public hearings, and approved them for implementation. Motion from the Committee that the Board approve the WIDA ELP Standards for implementation. Motion carried with Members . Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Morrill, Murphy, Openshaw, Pyfer, Roberts and Thomas voting in favor; Member Jensen absent.

Law & Policy Committee

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

State Charter School Board Recommendations

The State Charter School Board recommended approval of three amendment requests to charter schools from its March and April Board meetings.

The Committee reviewed the recommendations for amendments to Legacy Preparatory Academy, Spectrum Academy and Weilenmann School of Discovery. (For complete details see General Exhibit No. 11201.

Legacy Preparatory Academy

Motion from the Committee that the Board approve the amendment to Legacy Preparatory Academy to accelerate the growth plan to add an additional 100 students in the 2010-2011 school year, serving 1014 students total with 78 students per grade in K-7 and 77 students per grade in 8-11. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Morrill, Murphy, Openshaw, Pyfer, Roberts and Thomas voting in favor; Member Jensen absent.

Spectrum Academy

Motion from the Committee that the Board approve the amendment to Spectrum Academy to add 220 students in grades K-12 in the 2011-2012 school year, serving 558 students total with 36 students per grade in K-2 and 45 students per grade in 3-12. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Morrill, Murphy, Openshaw, Pyfer, Roberts and Thomas voting in favor; Member Jensen absent.

Weilenmann School of Discovery

Ms. Weilenmann shared why they have requested the amendment to their charter is because the students in the 7-8 grade would like to continue in the higher grades.

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The Weilenmann School of Discovery is a new school and they are not requesting an increase in the number of students but the grade levels. The amendment to their charter also includes removal of the references to eMints standards.

Motion from the Committee that the Board approve the amendment to Weilenmann School of Discovery to amend their charter to regarding the references and advertisements to eMint standards.

It was noted that the amendment request to expand to add grades 7 and 8 in 2010-2011 failed in the committee.

Member Denis Morrill commented that the school is not in alignment with the schools in Park City, and they jumped the gun in enrolling students when they didn't have approval for the 7th and 8th grades. He was also opposed to the amendment because of the late application leaving Park City in difficulties in trying to align their schedules.

Deputy Superintendent Martell Menlove commented that there were a couple of things that were not known during the committee meeting that have now surfaced. There will be 550 students at Weilenmann, and at the request of Board Chair Roberts he has had a conversation with Superintendent Timothy in Park City and they anticipated the approval of this request so if this were not approved it would cause more of a scramble for Park City.

Member Laurel Brown voiced concern not so much with the timelines but about the 7th and 8th grade students, and the ability of a school that hasn't been open yet to be able to gear up for those 7th and 8th grade students.

Motion on eMints carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Morrill, Openshaw, Pyfer, Roberts and Thomas voting in favor; Members Jensen and Murphy absent.

Motion was made by Member David L. Crandall and seconded by Member Janet A. Cannon to approve the accelerated expansion in grades 7 - 8.

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

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Charter School Student Enrollment and Transfers and School District Capacity Information, R277-472

Senate Bill 188, 2010 Legislative Session directs the Board to write rules and describe procedures for students who transfer between traditional schools and charter schools during the school year. The law also requires that the rules provide requirements for LEAs to post transfer procedures, opening dates, and timelines for students desiring to transfer.

The Committee reviewed the new rule R277-472. (For complete details see General Exhibit No. 11202.) The Committee made non-substantive changes and approved the rule on first reading and requested that they have an opportunity to look at students with an IEP and have rule go to the State Charter School Board, and come back for second and third reading next month.

Utah State Board of Education Bylaws

The 2010 Utah Legislature passed two bills, H.B. 27, Per Diem and Travel Expense Modifications, which modifies per diem and travel expense language used for boards, commissions, councils, and committees and S.B. 188, Charter School Amendments, which expands the membership of the Board to include a member of the State Charter School Board as a nonvoting member. The Utah State Board of Education Bylaws are amended to reflect the 2010 legislation. (For complete details see General Exhibit No. 11203.)

The Committee reviewed the amendments to the Utah State Board of Education Bylaws and approved them. Motion from the Committee that the Board approve the amendments to the Utah State Board of Education Bylaws. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Morrill, Openshaw, Pyfer, Roberts and Thomas voting in favor; Members Jensen and Murphy absent.

Utah Professional Practices Advisory Commission (UPPAC) Proposed Materials and Practices

In the March and April 2010 Board meetings, Superintendent Shumway discussed recommendations from the Harrington Ethics Report. One of the recommendations was that UPPAC staff develop controlling presumptions for use by UPPAC panel members and staff in hearing UPPAC cases and making subsequent recommendations for educator discipline. Documents were provided to the Committee for discussion that laid out presumptions for the various UPPAC practices and hearings. (For complete details see General Exhibit No. 11204.)

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The Committee responded with suggestions and/or directions allowing UPPAC to implement the new practices. No action was required.

General Consent Calendar

Motion was made by Member C. Mark Openshaw and seconded by Member David L. Crandall to approve the General Consent Calendar as presented. Motion carried Members Jensen, Morrill and Murphy absent.

1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education held April 9, 2010.

2. Contracts

The following contracts were approved by the Board:

(A) I Assessment dba TrueNorthlogic. \$150,000. 4/1/10-3/31/11 - Fed. - Amend.

Licensed software for program and grant management.

(B) Questar Assessment, Inc. \$270,737.00. 3/1/2010-2/28/2011 - Fed. Amend.

Amendment is to extend Scope of Work to include constructed response scoring for 2010.

(C) Educational Research & Training Corporation. \$119,000. 2/18/2010-2/17/2011. Fed.

To provide on-line Migrant Achievement and Performance system (MAPS)/ State Migrant Education Program Comprehensive Needs Assessment/State Service Delivery Plan/Migrant Education Program Evaluation/Prospective Re-interview.

(For complete details see General Exhibit No. 11205.)

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. 11206.)

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4. Charter Schools, R277-470; and Charter Schools School Building Subaccount, R277-480

In the February Board meeting the Charter School Revolving Loan Committee proposed changes to board rule R277-470-17, *Charter School Building Subaccount*, to limit the inherent risk of making loans to pre-operational charter schools and to improve the review process of loan applications. In addition Senate Bill 188, *Charter School Amendments*, passed in the 2010 General Session of the Legislature, changed the nomination process for members of the loan committee.

The proposed amendments will: (1) create a tiered distribution schedule; (2) limit loan amounts; (3) define the nomination process; (4) stagger committee member terms, and (5) clarify the loan recommendation process. The Finance and Operations Committee made additional amendments regarding the a maximum amount of the loan and that the maximum would be a school that has at least 300 students, along with a tier system.

R277-Charter School Building Subaccount, R277-470-17 was approved by the Board on second reading at its April 9, 2010 meeting. The charter school rule was becoming so long and diverse that a rulemaking decision was made to make Section 17 an independent rule. The Board approved the language on first and second reading.

R277-472, Charter School Student Enrollment and Transfers and School District Capacity Information, is a new rule required under S.B. 188, 2010 Legislative Session. This new rule will replace Section 6, Transfer Student Criteria, in R277-470, Charter Schools.

The two new rules replace Section 6, Transfer Student Criteria and Section 17, Charter School Building Subaccount, in R277-470 Charter Schools. R277-470 is on the General Consent Calendar because the changes merely delete the two sections and renumber the rule as appropriate.

The Board approved R277-472 and R277-470 on third and final reading. (For complete details see General Exhibit No. 11207.)

5. State Board of Education Administrative Rule Repeal

The following rules are being repealed due to 2010 legislation and/or funding has been discontinued:

R277-109 - One-time Signing Bonuses
R277-517 - Athletic Coaching Certification
R277-603 - Basic Skills Education Program

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The Board repeal the above listed rules. (For complete details see General Exhibit No. 11208.)

6. 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. 11209.)

7. Advisory Committee - Notice of Vacancy

Eleven vacancies occur on the State Rehabilitation Council. The vacancies include representation from: VR Counselor, Consumer, Service Provider/Consumer, Business, Industry & Labor, UILC Representative, Advocate, DSDHH Representative, Workforces Service Board.

Seven vacancies occur on the Utah Schools for the Deaf and the Blind Advisory Council that will occur June 30, 2010. The vacancies include one member who is blind, two members who are deafblind or parents of a deafblind child, and three additional individuals who have interest in and knowledge of the needs and education of students who are deaf, blind, or deafblind. The nonvoting member is a representative of USDB educators.

8. Ratification

Robyn Roberts was ratified as an Educational Specialist in the Student Achievement and School Success Division.

9. 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. 11210.)

10. Claims Report

The Claims Report in the amount of \$246,885,517.63 for March 31, 2010 was approved by the Board. (For complete details see General Exhibit No. 11211.)

Motion was made by Member C. Mark Openshaw and seconded by Member Laurel

O. Brown to adjourn. Motion carried.

Meeting adjourned at 4:25 p.m.