

MINUTES

June 4, 2010

Minutes of the meeting of the State Board of Education held June 4, 2010, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:05 a.m. Chair Debra G. Roberts 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 Rosanita Cespedes
Member Meghan Holbrook
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

Members Robert R. DePoe and Greg Haws 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
Steven Shurtz, Utah Technology Council
Phil Johnson, L-3 Communications/Utah Technology Council
Peter Giles, The Leonardo/Utah Technology Council
Hugo Rossi, University of Utah
Richard Nelson, Utah Technology Council
Michael Sears, Utah Schools for the Deaf and the Blind
Steve Noyce, Superintendent, Utah Schools for the Deaf and the Blind
Don Yates, Superintendent, Piute County School District

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Barry Walker, Superintendent, South Summit School District
Jay Blain, Utah Education Association
Ryan Lunt, Bear Canyon High School
Bart Thompson, Utah High School Activities Association

Chair Debra G. Roberts called the meeting to order and excused Board Members Robert DePoe and Greg Haws.

Welcome

Board Member Craig E. Coleman led the Board in the Pledge of Allegiance.

Board Member Meghan Holbrook read a poem “Our Deepest Fear” taken from Nelson Mandela’s inaugural speech.

“Our deepest fear is not that we are inadequate. Our deepest fear is that we are powerful beyond measure. It is our light, not our darkness that most frightens us. We ask ourselves, Who am I to be brilliant, gorgeous, talented, fabulous? Actually, who are you *not* to be? You are a child of God. Your playing small does not serve the world. There is nothing enlightened about shrinking so that other people won’t feel insecure around you. We are all meant to shine, as children do. We were born to make manifest the glory of God that is within us. It’s not just in some of us; it’s in everyone. And as we let our own light shine, we unconsciously give other people permission to do the same. As we are liberated from our own fear, our presence automatically liberates others.”

Best Practices

Ann White, Specialist, Title I introduced the High Quality Extended Learning Time best practice at Monroe Elementary School and principal Mrs. Launa Harvey. Monroe Elementary School is located in West Valley City in the Granite School District. Monroe has some of the highest rates of poverty and diversity in the state of Utah (84% of students eligible for free or reduced priced lunch, 70% English Language Learners, and a mobility rate of 36%).

As a Title I school, Monroe has outperformed many of Granite School District’s non-Title I schools. As a result of its outstanding academic achievement for both the entire school and for its disaggregated groups, the school was awarded the National Title I Distinguished School recognition in 2008 and again in 2010. The school works to identify individual student learning strengths and needs, participates in targeted professional development, provides quality research-based instruction, and delivers interventions for struggling students.

Monroe Elementary School uses multiple funding resources to provide additional learning opportunities outside the regular school day that enable students to further accelerate their learning and success. The after-school program incorporates both academic support and

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enrichment activities. Immediately after school, tutoring takes place in math and literacy for 45 minutes. Following the academic tutoring sessions, the school has organized enrichment activities for students that include: intramural sports, parent/child aerobic classes, music, visual arts, theater, cultural dances, broadcasting/podcasting, chess and checkers, quilting, and science exploration. The program creates a safe and nurturing environment, encourages children to be creative and inventive, further develop character and social skills, work habits, and multicultural appreciation. Monroe also includes a parent component to the after-school program.

Public Participation/Comment

The Board received comments from the following:

Richard Nelson, Executive Director Utah Technology Council expressed appreciation to Superintendent Shumway for spending three hours with several CEO's from different companies from around the state. He again encouraged the Board to get serious about STEM and the math curriculum. Other members of the Utah Technology Council spoke in favor of STEM and increasing the math standards.

Sandy Packard, former member of the Provo School Board presented information to the Board relative to funding of school districts on the basis of the number of students enrolled in those districts and the disparity among some of the schools in the districts. She encouraged the Board to abolish the exceptions to the general rule. (For complete details see General Exhibit No. 11212.) Superintendent Shumway indicated he would provide a response on behalf of the Board to Mrs. Packard, with copies to the Board Members.

Member Meghan Holbrook thanked the members of the Board for their attendance at the Higher Education Commencement exercises.

The Board recessed into Committee Meetings.

The Board reconvened at 10:45 a.m.

Achievement Spotlight

The Advanced Placement Program offered in our high schools provides students with the opportunity to take college-level courses while attending secondary school. AP courses are invariably more rigorous than other high school offerings. Such intellectual training inevitably helps students succeed in college where these skills are essential. A recent U.S. Department of Education study shows that participation in AP and other challenging high school courses is one of the strongest predictors of college success.

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The Board recognized Robert J. Malcolm the recipient of the College Board's 2009-2010 State AP Scholar Award. This award is based on outstanding performance on the Advanced Placement Exams. Out of the 1.7 million students who took 2.9 million AP exams in 2009, only 109 students received the award last year, two from each state. Unfortunately, we were unable to locate the other Utah recipient, Alice Lin, since these two shining examples of academic success are already attending college.

Executive Officer Report

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

- Shared a final report from the U.S. Department of Education on State and Local Implementation of the No Child Left Behind Act.
- Associate Superintendent Judy Park provided updates on the following:
 - Assessment Consortium - She commented that the Consortium is very committed to state flexibility.
 - Student Longitudinal Data System Grant - Utah has received the \$9.6 million grant for the Student Longitudinal Data System.
- Race to the Top - Associate Superintendent Brenda Hales reported that we have completed our Race to the Top Application and submitted it earlier this week. We will know within two or three weeks if we will be a finalist in receiving the award. She indicated that this reflects the Board's *Promises to Keep* in every way.
- Deputy Superintendent Martell Menlove provided an update report on the following:
 - Performance-based Compensation Pilots which include five schools: Ashman Elementary, Sevier District; Canyon Rim Academy, Charter School; Manila Elementary, Alpine District; Midway Elementary, Wasatch District; and Wasatch Peak Academy, Charter School.
 - UCA 53A-14 dealing with the State Instructional Materials Commission is scheduled to sunset in July 2011. He shared the report which he gave to the Legislative Interim Committee at their June 2010 meeting and suggested that the legislature repeal the sunset act relative to this.

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- Interim Committee Report - shared the list of the various reports that are scheduled to be made to the Legislative Interim Committee over the next six months.
- Visits to employers - Superintendent Shumway reported that he has been visiting employers to learn about their business and what is required for their workforce. He has also been able to build a relationship with these companies. The following employers have been visited: Rocky Mountain Power, IM Flash, Boeing, UPS, L3 Communications, Questar and MediConnect Global.
- U.S. Achievement Comparisons - Superintendent Shumway reported he had a conversation with Board Member Thomas where he shared his experience relative to his comparison of American students with others in the world. We are in the top ten. The reality is that we should be very optimistic about our future.

(For complete details see General Exhibit No. 11213.)

Board Chair Report

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

- Audit Committee Report - Ms. Grange is in a hearing with Beehive Academy so she is excused. This report will be coming to the Board in a couple of weeks. Chair Roberts indicated that Ms. Grange is incredible in all of the things she is accomplishing, but we will need to hire a second auditor to help her as she is spending 80% of her time on charter school issues. Motion was made by Member David L. Thomas and seconded by Member C. Mark Openshaw that the Board approve hiring of a second auditor to serve under Ms. Grange. Motion carried unanimously.
- Member Denis Morrill reported that CMAC is very concerned about things how you describe race and others now required. They have put together a brochure that tries to explain how to deal with provide information on ethnicity issues as now provided by law for every study.

Motion was made by Member Denis R. Morrill and seconded by Vice Chair Dixie L. Allen that the Board approve this brochure to go out with the attached letter. Motion carried unanimously.

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- NASBE
 - New Board Member Institute in July - Member Tami Pyfer will attend and possibly Member Carol Murphy will also attend.
 - The Board Leadership proposes that Carol Murphy be nominated to serve as the Western Area Director on the NASBE Board of Directors. Motion was made by Member Laurel O. Brown and seconded by Member Dave L. Thomas to nominate Carol Murphy as the Western Area Director for the NASBE Board of Directors. Motion carried unanimously.
 - NASBE Dues will be on the General Consent Calendar in August.
- Chair Roberts noted that she has signed the Testing Consortium Applications.
- Chair Roberts reported that she had attended the following meetings during the month of May: USBA, K-16 Alliance, St. George Chamber of Commerce, and the Governors Commission on Excellence in Education. She encouraged Board Members to make presentations to their chambers of commerce or if they would like her to do the same presentation she did she would be happy to as well as the State Superintendent.
- Calendaring: Chair Roberts noted meetings of interest to the Board during the remainder of the month of June.

(For complete details see General Exhibit No. 11214.)

- Board Self Evaluations - Chair Roberts shared the results from the Board Self Evaluation. Thirteen responses were received and reviewed by she and Vice Chair Allen. She stated that there are some things learned that we may want to put into the Bylaws. It was noted that there needs to be clarification of the email policy of the board. The Board Secretary was asked to provide copies of the current policy to the Board Members. She highlighted some of the outcomes from the evaluation. One area they felt the Board was the very lowest was in public relations and information. They suggested they put together a temporary ad hoc committee to look at this issue and come back to the full board with ways to improve. She requested that Board Members phone or email one of them if they are interested in serving on this committee. Another low area was how to work better with federal officials. She asked that Board Members provide some

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feedback on how they would suggest this be strengthened. Another area she asked for suggestions is to provide input on how there may be a better way for the Board to accomplish their workload. Leadership has discussed actually putting into place six work-study sessions per year. These would be scheduled the day prior to board meeting. She questioned if this was something the members would be interested in and if a majority of the board feels this is important it will be scheduled along with the meeting schedule. Another low area was a board policy on who speaks for the board. There may be a way to put this into policy or the bylaws and to how we communicate.

Relative to improvement for individual board members it was suggested that NASBE has just put out a Boardsmanship Review in their recent mailing for the Board Members to review.

(For complete details see General Exhibit No. 11215.)

Executive Session

Motion was made by Member Carol A. Murphy and seconded by Vice Chair Dixie L. Allen 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 to discuss personnel issues at 12:15 p.m. The Board recessed executive session for lunch at 12:40 p.m. and reconvened at 1:00 p.m.

Motion was made by Member Tami Pyfer and seconded by Member Leslie Castle to reconvene into open meeting. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Jensen, Morrill, Murphy, Openshaw, Pyfer and Thomas voting in favor; Member Crandall absent. The Board reconvened at 1:30 p.m.

Chair Debra Roberts was excused from the remainder of the meeting and Vice Chair Dixie L. Allen presided.

Executive Session Actions

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Denis R. Morrill and seconded by Member Tami Pyfer to adopt the recommendation of the Utah Professional Practices Advisory Commission in Case No. 10-956 and accept a stipulated agreement, including conditions of the agreement, whereby a former teacher in Sevier School District voluntarily surrenders his educator license in lieu of a

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hearing for purposes of suspension from the date of formal action by the State Board of Education Motion carried unanimously.

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 following a hearing that the educator license of a former teacher in the Salt Lake City School District be suspended from the date of formal action by the State Board of Education. The educator cannot apply for a reinstatement hearing until all conditions of the hearing report are satisfied and for at least six months from formal action by the State Board of Education. The hearing report was reviewed during Executive Session. Motion carried unanimously.

(For complete details see General Exhibit No. 11216.)

Utah Schools for the Deaf and the Blind Advisory Council

Motion was made by Member Carol A. Murphy and seconded by Member Leslie Castle to appoint Cheralyn Braithwaite Creer, Von Hortin, Scott Michael McAward, and Michelle Tanner to the Utah School for the Deaf and the Blind Advisory Council, terms to expire June 30, 2012. Motion carried unanimously.

Utah State Charter School Building Subaccount Committee

Motion was made by Member Carol A. Murphy and seconded by Member Leslie Castle to reappoint Michael Anderson and Sterling Orton (terms to expire June 30, 2011) and Richard Tolley, (term to expire June 30, 2012), and to appoint Tim Leffel (term to expire June 30, 2012) to the Utah State Charter School Building Subaccount Committee. Motion carried unanimously.

Public Education Governance Chart

Over the past year the State Board has created the Mission and Vision statement, “Promises to Keep.” The Board is working to clarify its understanding of its constitutionally defined governance role in Public Education. At the May 7, 2010 meeting the Board Members provided input on a possible Public Education Governance Chart. The Board agreed to continue the discussion at future meeting.

The Board reviewed the draft of the proposed Public Education Governance Chart stated by the Board at the May 7, 2010 meeting. (For complete details see General Exhibit No. 11217.)

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The Board added different entities to the chart and discussed where the Charter Schools relationship fits in. Discussion of this will be continued at the work/study meeting on June 24, 2010.

Baer Canyon High School Reconsideration

Motion was made by Member Tami Pyfer and seconded by Member Mark Openshaw to lift the item from the table. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Jensen, Openshaw, Pyfer and Thomas voting in favor; Member Morrill and Murphy opposed all others in favor.

Baer Canyon High School was one of the four charter applications approved earlier by the State Charter School Board and considered by the State Board in April 2010. The State Board approved three new charters but took no action on Baer Canyon High School. Following the April meeting, Marlies Burns notified Baer Canyon High School that they were not approved and Deputy Superintendent Menlove sent a letter to the school outlining some of the concerns that were expressed by the State Board during the April meeting.

Ryan Lunt, Baer Canyon High School's Board Chair has responded to Superintendent Menlove's list of questions and has requested that the Board review the additional information provided and again consider approving the recommendation of the State Charter School Board that Baer Canyon High School be approved to begin operations with the 2011-2012 school year. (For complete details see General Exhibit No. 11218.)

Deputy Superintendent Martell Menlove reminded the Board that the Utah Code indicates "the State Board of Education shall by majority vote within 60 days of action of the State Charter School Board approve or deny an application approved by the State Charter Board or hear an appeal if an application denied by the State Charter Board." This application was approved by the State Charter School Board and we are now pushing that 60 day timeline to approve or not approve this application. The code also notes that the State Board of Education, under this section, is final action subject to judicial review.

After considering the new information provided by Baer Canyon High School motion was made by Member Janet A. Cannon and seconded by Member Craig E. Coleman to approve the Baer Canyon High School Charter.

Member Dave Thomas commented that he is an advocate for charter schools, but spoke against the motion because he felt Baer Canyon is just an elite athletic school.

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Member Denis Morrill spoke against the motion because it seems to be promoted as some kind of medical preparation school and he cannot see this to be true, the curriculum is not much different than any other high school.

Member Janet A. Cannon spoke relative to the response provided by the school on the elite athletic school. She commented that there is still a lottery system for participation in the school. Member Dave Thomas commented that even though there was a lottery it was only the elite athletes that applied in the school in the Virginia that he is familiar with.

Member Leslie Castle commented that they are representing themselves as one thing and yet there is an underlying plan for athletics. This has very little to do with sports medicine and more of an athletic program.

Member Laurel Brown also gave the same kind of concerns as Member Castle emphasizing the labs and other curricular areas that do not seem to be there.

Member Craig Coleman voiced concern that by not approving this we would be putting these people in a catch 22. They already have the building for their fitness portion of the curriculum, but need the charter in order to attract the funding to build the other building to the instruction that you would normally find in a high school. He sees their focus on sports medicine and fitness and a career pathway but does not necessarily mean athletics. They have also indicated that competitive sports is not their focus.

Member Dave Thomas questioned if the Utah High School Activities Association decide who their members are. Superintendent Shumway responded that an individual member applies for a membership and has to meet certain conditions. The High School Activities Association then decides if a person is eligible for membership and then they place them into a classification. Typically the requirements are availability of facilities.

Superintendent Shumway commented that the Utah High School Activities Association has struggled mightily in dealing with transfers - everyone trying to transfer to the high school that is going to win the state football championship so they will be chosen by a particular college to play football. In this they encounter parents who will do anything to move their child to a school that will lead them to a championship college in a particular sport. He further commented that there was a discussion at the last legislative interim committee meeting about a rule the Utah High School Activities Association has put into place regarding transfers. There are some who think that market forces should be what determine whether or not high

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schools succeed or fail. He indicated he was personally troubled by the idea that we want to introduce market forces into high school activities. The Utah High School Activities Association over long experiences has dealt with this and has created a rule intending to limit transfers and a school like this with no boundaries that some people think is being created with an athletic purpose primarily would be a significant challenge to the Utah High Activities Associations way of doing things.

Carol Murphy spoke against the motion indicating it was her feeling that this was a week application.

Member Dave Thomas requested to hear from a person from the Utah High School Activities Association with what their perspective is relative to whether or not they feel this will be an elite athletics school.

Mark Thompson, Assistant Director UHSAA responded conceptually that they get nervous about this because of the potential for the creation of that type of team which really destroys the ability for those that participate with the schools to have a good experience with that. Whether Baer Canyon is attempting to do that or not, he was not sure other schools, whether Baer Canyon is attempting to do that is not sure. The thing that does concern him based on the discussion here and what he has heard about their application is that in creating a sports sciences specific charter school that will provide training facilities, trainers, nutritional programs and all the things they are talking about which are legitimate areas of study, but at a particular high school that would give that high school possibly an advantage in participating within a league.

Brian Allen, State Charter School Board Chairman clarified that the State Charter School Board vetted this whole athletic issue in the initial round of applications and they had some concerns at first, but became convinced after talking with the people who are going to be operating the school that they really are interested in fitness. There was some question in the original application about how they were going to use the facility, the agreement between them and the facility worked and was there an arms length transaction, was there clearly a separation. The State Charter School Board recognized that there was not a facility in that building for labs, classrooms, etc. He indicated that every application that comes to the State Charter School Board does not have a building, but they have a plan or a conceptual idea. This school has a building plan and an idea of how they are going to build their building that will include classrooms, labs, etc. Also they wanted to make sure their financial plan was in line and felt that

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they met that test. He clarified that the \$81,000 includes the lease purchase for the new building they will have to build it is not just for the facility.

Question on the motion was called by Member C. Mark Openshaw. Motion carried unanimously.

Motion to approve Baer Canyon High School carried with Members Allen, Burningham, Cannon, Coleman, Crandall, Jensen, Openshaw and Thomas voting in favor; Members Brown, Castle, Morrill, Murphy, and Pyfer opposed.

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:

Career and Technical Education Licenses, R277-518

Rule 277-518 currently defines the licensing requirements for Career and Technical Education (CTE) providers. The amendments to this rule will clarify the licensing requirements for adult education CTE providers. (For complete details see General Exhibit No. 11219.)

The Committee reviewed the amendments to R277-518 and made the following amendments: R277-518-1 the word “second” on line10 changed to secondary; line 26 delete the word “Occupational”; line 81 change “An” to A; line 102 replace “career connections” with restore work based learning. The Committee approved the rule as amended on first reading and moves that the Board approve Career and Technical Education Licenses, R277-518 as amended, on second reading. Motion carried unanimously.

Mathematics Preparation for Utah Elementary Education Teachers

As part of the USOE endeavors to adopt the Math Steering Committee Recommendations, we are examining elementary teacher preparation programs. The Utah Council of Education Deans have been working together to ensure that elementary teachers are adequately prepared to provide high quality instruction in mathematics.

Education deans representing Utah teacher preparation programs presented information to the Committee regarding their mathematics coursework, field experiences and research. (For complete details see General Exhibit No. 11220.)

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The Committee received the information which will be used as the committee considers and deliberates the Math Steering Committee recommendations and Common Core implementation.

Adoption of Common Core of State Standards, Final Version

Governors and state commissioners of education from 48 states, two territories and the District of Columbia committed to developing a common core of state standards in English-language arts and mathematics for grades K-12.

The final version of the common core of state standards was presented and received by the Student Achievement and School Success Committee. The Committee adopted the final version of the common core of state standards. (For complete details see General Exhibit No.11221.)

Motion from the Committee that the Board adopt the Common Core of State Standard as a framework on first reading, between now and the next meeting the Board Members study the standards, and then come back to the Board for second and third reading.

Motion carried unanimously.

Law and Policy Committee

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

Charter Schools, R277-470

R277-470 is being amended to (1) remove two sections now in new rules; (2) update old terminology and delete unneeded dates; (3) make minor changes to accommodate SB 55 (2010 legislative session); and add a couple of provisions, primarily due to charter school reviews by the Board auditor. (For complete details see General Exhibit No. 11222.)

There are two sections of the rule that have been removed because they have been replaced by a new rule. The Committee moved to remove those two sections and that the remainder of the rule come back with other amendments to the Committee for further work.

Motion from the Committee to remove the language in the rule as indicated in R277-470-6 concerning the Transfer Student Criteria and R277-470-17 Charter School Building Subaccount on second reading. Motion carried unanimously.

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

S.B. 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 rule has been reviewed and approved by the State Charter School Board with no changes. The rule has also been reviewed by the district and charter special education directors. A final section was added to students in small school districts with more limited transfer options. (For complete details see General Exhibit No. 11223.)

The Committee amended R277-472-6 (E), to read: A change in location for a student with disabilities may not result in a change of placement as determined by the students IEP and consistent with the Individuals With Disabilities Education Act.

The Committee reviewed the new rule R277-472 and approved it, with the additional amendment, on second reading and moves that the Board approve R277-471, Charter School Student Enrollment and Transfers and School District Capacity Information as amended on third and final reading. Motion carried unanimously.

Kane School District - Lake Powell Elementary School Four-day Week Report

Lake Powell Elementary School, Kane School District, was originally authorized by the Board to implement a four-day school week through the 2011-2012 school year, with a waiver of the relevant parts of R277-419 *Pupil Accounting*. As part of the authorization, the District is required to make a report of the effects of the school calendar on student achievement, district budget and other related issues.

Superintendent Robert Johnson of the Kane School District reported to the Committee on the implementation of the four day school week program and responded to questions. (For complete details see General Exhibit No. 11224.)

The Committee will work on requirements for reports and bring this process back to the Board.

No action was required.

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Finance and Operations Committee

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

Standards for Utah School Buses and Operations
Standards for Utah School Buses and
Operations, R277-601-3

The Legislative Performance Audit of School Busing in November of 2008 recommended the Utah State Office of Education strengthen and enforce Standards for Utah School Buses and Operations. Five writing committees were formed with seasoned representatives in areas of expertise. Each committee carefully reviewed portions of the National School Transportation Specifications and Procedures and made recommendations for Utah's Standards along with recommendations for strengthening and enforcing Standards for Utah School Buses and Operations to meet the needs of legislative audit recommendations. Support documentation highlights key changes. Input was supplied by the Utah Department of Public Safety as per R277-601-3. The Utah Department of Transportation (UDOT) is in the process of reviewing and approving the Standard for Utah Code.

The Committee reviewed the changes to the updated Standards for Utah School Buses and Operations 2010. They also reviewed the amendments to R277-601-3 to reflect the date change of the Standards' edition. (For complete details see General Exhibit No. 11225.)

The Committee amended the rule in Section R277-601 B, Standards for Utah School Buses and Operations adding a second exception for a mounted voice GPS system.

The Committee approved the Standards for Utah School Buses and Operations and the amendments to R277-601-3 on first reading. Motion from the Committee that the Board approve the Standards for Utah School Buses and Operations; further to approve R277-601-3 on second reading. Motion carried unanimously.

Adoption of FY 2011 Operating Budgets
for USOE, USOR and USDB

During the 2010 legislative session, the legislature appropriated over \$417 million to USOE and its programmatic line items, \$72 million to USOR, and nearly \$29 million to USDB. This does not include funding for the Minimum School Program and Capital Outlay programs. Starting July 1, 2010, the USOE and its divisions will begin expending appropriated funds according to Board instruction, statutory requirements, and federal regulation. The budgets presented will provide funding and resource allocation information at the section level. The

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USDB budget was reviewed by the Advisory Committee according to UCA 53A-25b-203(9) in April.

The FY 2011 operating budgets were reviewed with the Committee (For complete details see General Exhibit No. 11226.)

Motion from the Committee that the Board approve the USOE budget for 2011. Motion carried unanimously.

Motion from the Committee that the Board approve the USOR budget for 2011. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Jensen, Morrill, Murphy, Openshaw, Pyfer and Thomas voting in favor; Member Crandall absent.

Motion from the Committee that the Board approve the USDB budget for 2011. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Jensen, Morrill, Murphy, Openshaw, Pyfer and Thomas voting in favor; Member Crandall absent.

Charter School Revolving Loan
Subcommittee Recommendations

Legislation (3007 HB 154S3) created the Charter School Revolving Loan Subcommittee to review and make recommendations regarding loans to charter schools. The State Board of Education is charged with approving loans to Charter Schools per Utah Code Annotated §53A-21-104(5)© School Building Revolving Account, specifically the Charter school Building Subaccount to pay for the costs of: (I) planning expenses; (ii) constructing or renovating charter school buildings; (iii) equipment and supplies; or (iv) other start-up or expansion expenses.

The Finance and Operations Committee reviewed and approved the recommendations from the Revolving Loan Committee and State Charter School Board for the following Charter Schools:

Oquirrh Mountain Charter School	\$297,778
Channing Hall Charter School	\$160,000
Aspire Online Charter School	\$300,000

Motion from the Committee that the Board approve the revolving loans for the Oquirrh Mountain Charter School in the amount of \$297,778. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Jensen, Murphy, OPenshaw, Pyfer and Thomas voting in favor; Members Crandall and Morrill absent.

Motion from the Committee that the Board approve the revolving loan for the Channing Hall Charter School in the amount of \$160,000. Motion carried Denis Morrill absent.

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Motion from the Committee that the Board approve the revolving loan for the Aspire Online Charter School in the amount of \$300,000. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Jensen, Murphy, OPenshaw, Pyfer and Thomas voting in favor; Member Morrill absent.

(For complete details see General Exhibit No. 11227.)

Daggett School District Request to
Transfer Fund Balances per UCA
53A-19-105(3) and (6)(d)

Daggett School District will be retiring its bond this school year. Under provisions of UCA 53A-19-105 the local school board must seek authorization from the State Board of Education to transfer residual balances in the debt service fund to the capital projects fund after all general obligation debt has been retired.

The Committee reviewed the request from Daggett School District to transfer funds under provisions of UCA 53A-19-105 and approved their request to transfer \$16,000 from the debt service fund to the capital projects fund. (For complete details see General Exhibit No. 11228.)

Motion from the Committee that the Board approve Daggett School Districts request to transfer \$16,000 from the debt service fund to the capitol projects fund per UCA 53A-19-105(3) and (6)(d). Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Jensen, Murphy, Openshaw, Pyfer and Thomas voting in favor; Member Morrill absent.

Board Meeting

Utah State Office of Rehabilitation Presentation

The Utah State Office of Rehabilitation serves people with disabilities throughout the state of Utah with various programs. The Board received a presentation of information regarding the divisions and services provided by the Utah State Office of Rehabilitation. (For complete details see General Exhibit No. 11229.)

No action was required.

General Consent Calendar

Motion was made by Member Mark Openshaw and seconded by Member Michael Jensen to approve the General Consent Calendar as presented. Motion carried with Members

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

1. Minutes of Previous Meetings

Minutes of the Meetings of the State Board of Education held May 7, 2010.

2. Contracts

The following contracts were approved by the Board:

(1) OPTIONS for Independence. \$436,138. 7/1/10-6/30/11. - Fed.

To provide Independent Living, Assistive Technology services, Older Blind and Nursing Home Transition services to individuals with severe disabilities residing in the Northern Utah Independent Living Rehabilitation District.

(2) Red Rock Center for Independence. \$449,752. 7/1/10-6/30/11. - Fed.

To provide Independent Living, Assistive Technology services, Older Blind and Nursing Home Transition services to individuals with severe disabilities residing in the Southern Utah Independent Living Rehabilitation District.

(3) Active Re-Entry. \$471,431. 7/1/10-6/30/11. - Fed.

To provide Independent Living, Assistive Technology services, Older Blind and Nursing Home Transition services to individuals with severe disabilities residing in the Eastern Utah Independent Living Rehabilitation District.

(4) Digital Media Consulting, LLC. \$60,000. 7/1/10-6/30/11. - Amend.

To provide management, hosting, continued development and modifications of the interactive School LAND Trust Program website.

(For complete details see General Exhibit No. 11230.)

3. Administrative Rule Review

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

R277-107 Educational Services Outside of Educator's Regular Employment

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R277-459 Classroom Supplies Appropriation
R277-464 Highly Impacted Schools
R277-474 School Instruction and Human Sexuality
R277-475 Patriotic Education
R277-476 Incentives for Elementary Reading Program
R277-520 Appropriate Licensing and Assignment of Teachers

(For complete details see General Exhibit No. 11231.)

4. R277-402, Online Testing

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.

The Board approved the amendments to R277-402, Online Testing on second reading at its May 7, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-402, Online Testing on third and final reading. (For complete details see General Exhibit No. 11232.)

5. 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.

The Board approved the amendments to R277-433, Disposal of Textbooks in the Public Schools on second reading at its May 7, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277- 433, Disposal of Textbooks in the Public Schools on third and final reading. (For complete details see General Exhibit No. 11233.)

6. 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.

The Board approved the amendments to R277-459, Classroom Supplies Appropriation on second reading at its May 7, 2010 meeting. There have been no

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substantive changes to the rule since that time. The Board approved R277-459, Classroom Supplies Appropriation on third and final reading. (For complete details see General Exhibit No. 11234.)

7. Class Size Average and Pupil-Teacher Ratio Reporting, R277-463

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.

At the May 7, 2010 Board Meeting the Board repealed R277-463, Class Size Reporting and reenacted on second reading R277-463, Class Size Average and Pupil-teacher Ratio Reporting to align with current law and practice and to include pupil-teacher ratios. There have been no substantive changes to the rule since that time. The Board approved R277-463, Class Size Average and Pupil-Teacher Ratio Reporting on third and final reading. (For complete details see General Exhibit No. 11235.)

8. 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.

The Board approved the amendments to R277-469, Instructional Materials Commission Operating Procedures on second reading at its May 7, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-469, Instructional Materials Commission Operating Procedures on third and final reading. (For complete details see General Exhibit No. 11236.)

9. 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 was amended to reflect the changes required by law.

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The Board approved the amendments to R277-473, Testing Procedures on second reading at its May 7, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-473, Testing Procedures on third and final reading. (For complete details see General Exhibit No. 11237.)

10. Administrative License Areas of Concentration and Programs, R277-505

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 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 provide regulation of administrative preparation programs. 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 provide regulation of administrative preparation programs.

The Board approved the amendments to R277-505, Administrative License Areas of Concentration and Programs on second reading at its May 7, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-595, Administrative License Areas of Concentration and Programs on third and final reading. (For complete details see General Exhibit No. 11238.)

11. Student Transportation Standards and Procedures, 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.

The Board approved the amendments to R277-600, Student Transportation Standards and Procedures on second reading at its May 7, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-600, Student Transportation Standards and Procedures on third and final reading. (For complete details see General Exhibit No. 11239.)

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

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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.

The Board approved the amendments to R277-604, Private School, Home School, Electronic High School (EHS), and Bureau of Indian Affairs (BIA) Student Participation in Public School Achievement Tests on second reading at its May 7, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-604, Private School, Home School, Electronic High School (EHS), and Bureau of Indian Affairs (BIA) Student Participation in Public School Achievement Tests on third and final reading. (For complete details see General Exhibit No. 11240.)

13. 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 was 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.

The Board approved the amendments to R277-609, Standards for School District, School and Charter School Discipline Plans, on second reading at its May 7, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approve R277-609, Standards for School District, School and Charter School Discipline Plans on third and final reading. (For complete details see General Exhibit No. 11241.)

14. 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.

The Board approved the amendments to R277-612, Foreign Exchange Students on second reading at its May 7, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-612, Foreign

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Exchange Students on third and final reading. (For complete details see General Exhibit No. 11242.)

15. 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 Board 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 and approved the amendments to R277-616 on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-616, Education for Homeless and Emancipated Students and State Funding for Homeless and Disadvantaged Minority Students on third and final reading. (For complete details see General Exhibit No. 11243.)

16. 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.

The Board reviewed and approved the amendments to R277-705 which reflect the changes required by law on second reading at its May 7, 2010 meeting. Further, it was also noted that the rule would be changed to reflect LEA in place of schools and/or charter schools where appropriate. There have been no substantive changes to the rule since that time. The Board approved R277-705, Secondary School Completion and Diplomas on third and final reading. (For complete details see General Exhibit No. 11244.)

17. 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. 11245.)

18. Advisory Committee - Notice of Vacancy

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Two vacancies occur on the Division of Services to the Deaf and Hard of Hearing Advisory Council. The vacancies include representation from: Consumer and Service Provider.

Eleven vacancies occur on the State Rehabilitation Council. The vacancies include representation from: 1 VR Counselor, 2 Consumers, 2 Service Providers/Consumer, 2 Business, Industry & Labor, UILC Representative, DSDHH Representative, Workforce Service Board, and 1 Advocate.

19. Ratification

Greg P. Richins was ratified as an Educational Specialist in the Student Achievement and School Success Division.

20. Utah State Instructional Materials Commission Recommendations

The Instructional Materials Commission is charged with the responsibility of overseeing the process of reviewing instructional materials and recommending that the Utah State Board of Education approve the materials.

On May 20, 2010, the Utah Instructional Materials Commission met and approved 937 Titles for recommendation to the Board. The Commission also recommended that the Board accept the bids received from the publishers and direct staff to award contracts to the publishers to furnish instructional materials to the schools of Utah. A complete printout of the recommendations was available in the office of the Board Secretary for perusal by members of the Board. The Board adopted the recommendations by the Utah State Instructional Materials Commission and directed staff to award contracts to the various publishers. (For complete details see General Exhibit No. 11246.)

21. 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. 11247.)

22. Claims Report

The Claims Report in the amount of \$239,153,835.91 for April 30, 2010 was approved by the Board. (For complete details see General Exhibit No. 11248)

Motion was made by Member Carol A. Murphy and seconded by Member Michael Jensen to adjourn.

Meeting adjourned at 4:25 p.m.