

## MINUTES

September 10, 2010

Minutes of the meeting of the State Board of Education held September 10, 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 Robert R. DePoe  
Member Greg W. Haws  
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 David L. Thomas

Member Tami Pyfer was excused.

Also present were:

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

Members of the Press:

Molly Farmer, Deseret Morning News  
Lisa Schencker, Salt Lake Tribune  
David Forbush, CCSD  
Peter Yeager, ETS  
Steven Shurtz, UTC/Brinks Hufer  
David Wright, UTC/BYU Math  
Kory Holdaway, Utah Education Association  
Michael Sears, Utah Schools for the Deaf and the Blind

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Holly Langton, UTPS-PTA  
Eric Stoker, Citizens  
Karla Stoker, Citizens

Utah State Office of Education Staff:  
Natalie Grange, Internal Auditor, Administration  
Cory Kanth, State Charter Schools  
Jeannie Rowland, State Charter Schools

Chair Debra Roberts called the meeting to order and excused Board Member Tami Pyfer.

### Welcome & Best Practices

Board Member Greg W. Haws led the Board in the Pledge of Allegiance.

Board Member Michael Jensen welcomed everyone to the meeting and noted the emotions we may feel with the upcoming anniversary of 911. He then read a short Native Cherokee Tale entitled “Two Wolves: “A native American grandfather was talking to his grandson about how he felt. He said ‘I feel as if I have two wolves fighting in my heart. One wolf is the vengeful, angry, violent one. The other wolf is the loving, compassionate one.’ The grandson asked him which wolf will win the fight in your heart? The grandfather answered: ‘The one I feed.’” He then offered a prayer.

Susan Loving, Coordinator in the Special Education shared the Project PEER, a post high program located on the USU campus that serves students with disabilities, ages 18-22, in Logan and Cache School Districts. Each district pays a proportionate share of the special education teacher’s salary and provides paraprofessionals for the students from their district.

Marcie Belnap, Dave Forbush and Bob Morgan shared the basics of the program and information about the students and what they are learning and doing as disabled students in a college setting.

They noted that transportation is provided by the district in which the student is registered.

The primary objectives of Project PEER is employability training, with students working in job sites on campus and in the community with paraprofessional support as needed, and development of recreational interests and social relationships. Recreational interests and social relationship are addressed by a program paraprofessional who recruits peer tutors from the USU student body.

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A joint district advisory meeting is held monthly. Agency representation includes Directors of Special Education and coordinators from each district, personnel from the USU Disability Resources Center USU Special Education Faculty, Vocational Rehabilitation, and a variety of personnel from the USU Center for persons with Disabilities.

#### Public Participation/Comment

The Board received comments from Richard Nelson, Utah Technology Council and David Wright relative to the Board moving forward on the recommendations from the Math Steering Council. They requested that the Board keep in touch with those that participated on the Council as to the progress of the recommendations.

#### Executive Session

Motion was made by Member Laurel O. Brown and seconded by Member Dixie L. Allen to move into an executive session for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 8:30 a.m.

Motion was made by Member Laurel O. Brown and seconded by Member Dixie L. Allen to reconvene into open meeting. Motion carried unanimously.

The Board reconvened at 8:35 a.m., and recessed into Committee Meetings.

The Board reconvened at 10:45 a.m.

#### Achievement Spotlight

The Board recognized Eric Stoker who describes himself as “an enthusiastic, motivated individual.” Eric attended West Jordan High School and South Valley School in the Jordan School District. He received a diploma from Southpointe High School in 2009. While a student, Eric volunteered at local businesses and elementary schools as part of his special education transition program. He was selected “Top Scholar” in 2006 and was a commencement speaker at both West Jordan and South Valley graduation ceremonies. Along the way, Eric found time to earn his Eagle Scout.

The Board recognized Eric for his advocacy for individuals with disabilities. In 2008, Eric was a presenter at the National SABE (Self Advocates Becoming Empowered) Conference in Indianapolis. He represents individuals with disabilities on two state-level boards; the Utah Special Education Advisory Panel and the Utah Developmental Disabilities Council. Eric is also employed at Cinemark Movie Theaters as a movie usher. He also volunteers in the University of

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Utah Neurobehavioral Home Health Department as an office assistant and in the West Jordan branch of the Salt Lake County Library as a library aide.

Eric was presented an Acrylic Flame Plaque for his advocacy for people with disabilities.

#### Executive Officer Report

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

- (1) Report of the Utah Advisory Commission to Optimize State Government.
- (2) Demonstration of the Data Dashboard / Data Display.
- (3) Reported on the AYP Report.
- (4) News Release on 31 State Consortium Awarded RTTT Assessment Grant.
- (5) Race to the Top Winners and SWCC States.

(For complete details see General Exhibit No. 11278.)

#### Congressman Jim Matheson

Lunch - The Board was pleased to have Congressman Jim Matheson as a guest for lunch. Items discussed were the No Child Left Behind Act, and whether or not it will be acted upon in the upcoming congress. Congressman Matheson indicated that there is broad agreement that as NCLB is written, people do not like it, but there is no broad agreement as to how to change it. Also discussed was the school and institutional trust lands and the possibility of proposed federal legislation on this issue, inadequate federal funding, and the reauthorization of IDEA. At the request of Superintendent Shumway Congressman Matheson indicated he would encourage Secretary of Education Duncan to make a visit to Utah.

#### Executive Session

Motion was made by Member David L. Crandall and seconded by Member Dixie L. Allen to moved into an executive session following lunch for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present the Board moved into executive session following lunch at 1:30 p.m.

Motion was made by Member David L. Thomas and seconded by Member Laurel O. Brown to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:35 p.m.

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Executive Session Action

**Appointment of State Board Secretary**

Motion was made by Vice Chair Dixie L. Allen seconded by Member Janet A. Cannon to appoint Lorraine Austin as Secretary to the Board effective October 1, 2010. Ms. Austin succeeds Twila Affleck who had announced her retirement at the August Board meeting, effective January 1, 2011. Motion carried unanimously.

**Utah Professional Practices Advisory Commission Recommendations**

Motion was made by Member Denis R. Morrill and seconded by Member C. Mark Openshaw to adopt the Professional Practices Advisory Commission recommendation in Case No. 10-949 and accept a stipulated agreement, including conditions of the agreement, whereby an administrator in Granite School District voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension of her license from the date of formal action by the State Board of Education. The educator must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted. Motion carried unanimously.

Motion was made by Member Denis R. Morrill and seconded by Member C. Mark Openshaw to adopt the Professional Practices Advisory Commission and accept a stipulated agreement, including conditions of the agreement, whereby an educator in Nebo School District voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension of her license from the date of formal action by the State Board of Education. The educator must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted. Motion carried unanimously.

(For complete details see General Exhibit No. 11279.)

**Utah Statewide Independent Living Council**

Motion was made by Member Carol A. Murphy and seconded by Member Janet A. Cannon to appoint Andrea Pitts and Augustine Montoya to the Utah Statewide Independent Living Council, terms to expire 9/2013. Motion carried unanimously.

**Division of Services to the Deaf and Hard of Hearing Advisory Council**

Motion was made by Member Carol A. Murphy and seconded by Member Janet A. Cannon to appoint Scot Ferre and Philippe Montalette to the Division of Services to the Deaf and Hard of Hearing Advisory Council, terms to expire 6/2013. Motion carried unanimously.

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**Coalition of Minorities Advisory Committee (CMAC)**

Motion was made by Member Carol A. Murphy and seconded by Member Janet A. Cannon to appoint Charmaigne Costley to the Coalition of Minorities Advisory Committee (CMAC), term to expire 12/2011. Motion carried unanimously.

**Utah Schools for the Deaf and the Blind Advisory Council**

Motion was made by Member Carol A. Murphy and seconded by Member C. Mark Openshaw to appoint Kathryn Udell McCarrie to the Utah Schools for the Deaf and the Blind Advisory Council, term to expire 6/30/2012. Motion carried unanimously.

Board Chair Report

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

**Audit Committee Report**

Natalie Grange, Internal Auditor introduced Jamie Barrett as a new internal auditor who will be working with Ms. Grange.

Ms. Grange reported that they have been working on updating the internal auditor web pages with one tab related to the hot line which will include the process for that including an updated form and secondly a resource tab of things related to federal grants for those administering federal grants.

**Other Items**

- Member Carol Murphy updated the Board on the Board of Regents planning meeting last month, and the document from that indicates there are a number of issues that are in common with ours. Two of their major goals that we share is the number of students they get into the higher education system. She indicated that the number of people in this country who have a higher education is going down instead of up. Their second goal is not only getting students to enroll, but keeping them there successfully.

Member Doug Holmes commented that there seems to be a push to have all high school students receive a higher education degree. Only about 25 percent or less of the jobs in Utah require a bachelors degree or higher. Member Murphy indicated that this was never a part of the discussion but rather to understand what that transition looks like to a system of higher education, whether it is a four or two year degree or a certificate program. She indicated that the standard the

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Regents talk about is 55% and there has been discussion nationwide that the number should be 64% or 65%.

- Governor's Education Excellence Committee - She shared the different subcommittee report and then referred the Board to the Vision and Mission subcommittee who would like to leave the Governor's Education Excellence Committee adopting a goal that 66% of the population would receive post secondary education certification.

Superintendent Shumway noted that there are two pieces to this. The Governor talks about his emphasis on the economy and education. Two things have to happen, one our economy has to change to demand this kind of workforce and our education system has to ramp up to achieve these goals. The fundamental premise is we have to have a higher value added economy in Utah in order to support the kind of programs we want for public education and the rest of state government. A higher value added economy is one that requires that employees be trained and prepared whether it is a short certificate, a two-year degree or four-year degree of Ph.D.

Member Leslie Castle requested that this issue be discussed at a later time to target groups of children in K-12 as groups who do not attend college. Children from rural areas and minorities who need services but are being left behind.

Member Rosanita Cespedes commented that the Board of Regents talked about this at their retreat in Cedar City. If we were to continue to look at the numbers in participation rates and graduation rates as they are we would never meet the 55% goal for 2020. Another issue is the push of having an X percentage of persons completing higher education, i.e. a bachelors degree. There is an error in this information because when we talk about higher education that also includes certificates.

Member Greg Haws commented that having representation on the Board of Regents and UCAT help us all to focus that we are all partners in this overall process, and there are options and every student needs to realize they have options and unlimited possibilities and no one should sell themselves short of what their options and opportunities are. In the meeting with the Regents it was discussed about increasing the number of students who are inclined to go on to additional education to be

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encouraged to do so. Our message for the future is that we are preparing students so their options are not limited.

Member Tamara Lowe commented that we need to promote the concurrent enrollment and CTE courses in the high schools which set up an opportunity for students to do a variety of things.

- State Office of Education Monthly Update - Leadership has requested of the State Office a monthly update. There is a monthly leadership briefing for executive leadership and those will be condensed for the Board and sent via email.
- Nomination to the Federal Education Commission's Equity and Excellence Commission. Motion was made by Member Laurel O. Brown seconded by Vice Chair Dixie L. Allen that Carol Murphy be nominated. Motion carried unanimously.
- Tami Pyfer's invitation to the State Superintendent's visit to Logan in August. She shared an article from the *Logan Herald Journal*. Chair Roberts encouraged the other Board members to do the same type of outreach in their districts.
- Meeting with the Deans of Education - We have invited the Deans Council to lunch in October. We would like to have questions to the Deans prior to their visit with us. Chair Roberts requested that Board Members send questions they would like as part of the discussion with the Deans to her by Friday, September 17. Member Murphy suggested the ones we discussed with the Board of Regents.
- Education Commission of the States Meeting in Portland, Oregon - She attended several different sessions, some on data and what is happening across the nation in this area. There was an interesting one on how the brain functions. One piece was a group that gives books, "We Give Books" and they have October 7 set aside where they would like to set a world record of everyone reading the same book on the same day. This may be a fun PR opportunity. If there are Board Members who would like to pursue this, packets were made available which included web sites. Maybe set up something with Board Members to go in with groups of children to read the book. Member Meghan Holbrook suggested that we invite KSL to be a partner in this effort. Chair Roberts indicated that Representative Newbold accompanied them on the trip and indicated she is trying to go through

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legislation and look at areas where there may be some we could eliminate.

Representative Newbold challenged Chair Roberts to go through Board Rules to see if there are any mandates we could eliminate. She asked if there were Board Members who would have the time to go through and read the rules to see if there might be some suggestions as to which might be eliminated.

Member Janet Cannon requested that there be some kind of search button on the web site as we look up board rules that would be by subject not just a number.

- Changes in the tax structure - Member Burningham has requested that we talk about the changes that have taken place in the tax structure. This would not fit into a finance committee meeting but in a work/study session and Associate Superintendent Todd Hauber would be leading the discussion. We have looked at the upcoming schedule and we don't see one popping out in the next few months. She requested members to suggest a time they would like to have another work study session, and possibly include it as part of the training for new board members.

Member Kim Burningham, Doug McDonald formerly from the Tax Commission and some others have taken some time to put together some excellent analysis on what has happened over the past several years to our tax structure that has changed our ability to support school adequately. It was suggested that the day prior to the December board meeting included with the orientation of new board members.

- Creativity Crisis article from Tami Pyfer. Chair Roberts suggested this is a part of engaging in our classrooms. When we discuss the high quality instruction definition she suggested that we change the definition to include "engages students in high quality curriculum based activities in such a way as to spawn questions and creativity." Member Leslie Castle commented that there are many talents like creativity that should be addressed in an education system. Vice Chair Allen commented that creativity in education is allowing students to go out beyond the concrete wall. Education makes things so structured that we tend to not allow this.

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- Oak Norton Letter Social Studies issues. Chair Roberts shared an email she had sent to Oak Norton relative to the Social Studies issues. She also received an email talking about a forum in Salt Lake City at the Tabernacle which will include Senator Robert Bennett talking about history and then Elder Dallin H. Oaks of the Church of Jesus Christ of Latter-day Said is going to be speaking on the Constitution. She felt that maybe the Board should sponsor a forum that asks the specific questions of “what do we want to have happen in social studies in the State of Utah?” What kind of assessment system as part of our Promises to Keep ought to be put into place to make sure that social studies learning is taking place and why not also include the Senator Bennett or the Elder Oaks or whom ever has that expertise to be a part. She asked the Board if they would support such a forum be held in April or May. There was not objection.
- Spring Planning Session - As we move forward on Promises to Keep and we need take the time for planning on what questions we need to ask and when to ask them. We maybe should create a timeline that says that Common Core will be in place in 2014-2015 - the next year the question to ask would be? Etc. Do we want to put in some kind of incentive for competency-based learning? Do we need to re-look at science, continue with the CRT in science or do we want something else. Is what we do in art sufficient? We need to have some time as a board with Promises to Keep as the foundation and say: what are the questions we should be asking of what we want to happen in these areas in the state of Utah.
- Reviewed upcoming calendar events.

(For complete details see General Exhibit No. 11280.)

#### Board Standing Committee Reports

##### **Finance & Operations Committee**

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

State Supported Voted Leeway, Local Board-  
Approved Leeway and Local Board Leeway  
for Reading Improvement Programs, R277-422

Senate Bill 2 of the 2010 General Legislative Session added language to UCA 53A-17a-133 and 134 that needs to be included in R277-422 - State Supported Voted Leeway, Local

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Board-Approved Leeway and Local Board Leeway for Reading Improvement Programs. In addition, language is to be added to this rule to clarify the funding formula for the K-3 Reading Achievement distribution to school districts and charter schools.

The amendments includes adding:

- language that states for a voted leeway approved or modified on or after January 1, 2009, the proposition submitted to the electors contains the following statement: “A vote in favor of this tax means that (name of school district) may increase revenue from this property tax without advertising the increase for the next five years”;
- a statement that will clarify when an increase in a voted or board leeway will be effective in order for a school district to receive the state guarantee monies; and
- language that will clarify what data elements to use for the state K-3 Reading Achievement funding distribution.

(For complete details see General Exhibit No. 11281.)

The Committee approved the amendments to R277-422 on first reading and moves that the Board approve the amendments to R277-422, State Supported Voted Leeway, Local Board-Approved Leeway and Local Board Leeway for Reading Improvement Programs on second reading. Motion carried unanimously.

#### Charter School Revolving Loan Subcommittee Recommendations

The State Board of Education is charged with approving loans to charter schools per Utah Code Annotated §53A-21-104(5)c, School Building Revolving Account. Soldier Hollow Charter School requested funds in April of 2010 for \$155,250. The Charter School Revolving Loan Committee chose to meet with Soldier Hollow for additional review prior to advancing its decision and required the completion of a USDA project loan prior to Board approval of this loan. The State Charter School Board offered its recommendation to approve the loan on June 10, 2010.

The Finance & Operations Committee reviewed Soldier Hollow Charter Schools' request for a revolving loan of \$155,250. (For complete details see General Exhibit No. 11282.)

Motion from the Committee that the Board approve the recommendation from the Revolving Loan Subcommittee and the State Charter School Board for Soldier Hollow Charter School in the amount of \$155,250. Motion carried unanimously.

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Office Budget Approval for FY 2012

In anticipation of limited new revenues in FY2012 for public education, the State Board of Education will be in a challenging position to recommend to the Governor and State Legislature a fiscal strategy that will address the pressures of enrollment growth, charter school financing, and educational program priorities. The Governor has released his budgetary guidelines for the 2011 legislative session and, given the weakening economy, we need to prepare for FY 2012 revenue growth being weaker than in previous years. The guidelines suggest several restrictions in budget proposals.

The Finance and Operations Committee discussed the Governor's budget guidelines and their own budget priorities, fee schedule and possible strategies for presentation in the 2011 legislative general session. (For complete details see General Exhibit No. 11283.) They also discussed the Schedule of Fees. An issue was also raised that some of the school districts have not been paying the fees for the Utah Schools for the Deaf and the Blind.

The Finance and Operations Committee adopted a new fee schedule as presented.

Motion from the Committee that the Board adopt the new fee schedules as presented. Further that the fees need to be paid by the districts and staff was directed to work with the districts relative to the fees required of them for USDB services.

Member Carol Murphy voiced a concern that this may mean that students not receive services if the fees are not paid by the districts.

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

**Student Achievement & School Success Committee**

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

Annual Optional Extended Day  
Kindergarten Report

Utah Code 53A-1a-902 requires an annual report on the progress of the Optional Extended Day Kindergarten Program to the State Board of Education and the Education Interim Committee. The Committee received the report and discussed whether or not the Board should make the Optional Extended Day Kindergarten program a legislative funding priority. (For complete details see General Exhibit No. 11284.)

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Motion from the Committee that the Board consider making the Optional Extended Day Kindergarten program a legislative funding priority. Motion carried unanimously.

Annual Teacher Quality Report

Utah Code 53A-6-102 calls for an annual report of teacher quality to the Education Interim Committee regarding strategies and data on teacher recruitment, preservice, licensure, induction, professional development, and evaluation. The report was presented to the Student Achievement and School Success Committee. (For complete details see General Exhibit No. 11285.)

No action was required.

Title I American Recovery and Reinvestment Act (ARRA) School Improvement Grant (SIG)

The U.S. Department of Education has awarded \$14.7 million to the state of Utah to support specific school improvement efforts under the Title I ARRA School Improvement Grant (SIG). To qualify for the funding, the Utah State Office of Education developed a Title I ARRA SIG State Plan. Local educational agencies that desired to receive grants on behalf of their eligible schools participated in a competitive grant process that was completed in May 2010. The Title I ARRA SIG recipients have been selected for the 2010-2011 school year.

The Committee received a report outlining the purpose of the funding, the application process, and specific requirements for the local education agencies that have been awarded funds on behalf of their schools. (For complete details see General Exhibit No. 11286.)

No action was required.

Requirements for Assessments of Student Achievement; Accountability and Data Reporting Systems for Student Achievement and Instructional Quality, and Requirements for Assessment of Instructional Quality, Draft Rules

Utah is a member of the SMARTER Balanced Assessment Consortium which has applied for a federal grant to develop a comprehensive assessment system that will be operational in the 2014-2015 school year. Current state law has provided two assessment pilots, the K-12 pilot and the high school pilot, that are providing schools/LEAs the opportunity to participate in computer adaptive testing and college and career readiness testing. These assessment movements will result in a new Utah comprehensive assessment system that will be in place for all students in the state in the 2014-2015 school year.

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The three draft rules were presented to the Committee for discussion purposes only.  
(For complete details see General Exhibit No. 11287.)

No action was required.

### **Law & Policy Committee**

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

#### Mountainville Academy Amendment Request

The State Charter school Board recommends that Mountainville Academy be granted an amendment request to its charter agreement to modify multiple sections of its charter. However, it did not recommend that the school be able to modify the founders list, as that list becomes fixed as of the first day of school. According to the school, the primary purpose of the amendment request is to implement desired changes to the organizational structure and governing body, however, in the process of reconciling these amendments throughout the charter the school found other areas that would benefit from editorial adjustment to provide more clarity of intent or adaptability to changes in statute. Mountainville Academy opened in fall 2007 and currently serves grades K-8 and 652 students.

The Law & Policy Committee reviewed Mountainville Academy's request for changes to the school's charter and approved the request. (For complete details see General Exhibit No. 11288.)

The Committee had a concern on their request to change the number of board members from seven to a range of board members not less than four and not more than nine. There was discussion as to which board members were elected and which were appointed. The Committee agreed with the consent of the representatives from the school to change the range to not less than five and not more than nine.

Motion from the Committee that the Board approve the request for changes to the Mountainville Academy Charter with the above amendment relative to the number of board members. Motion carried unanimously.

Committee requested that the actual charter with amendments (red lined) be available to the Board Members.

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Charter Schools, R277-470

R277-470 Charter Schools is amended to provide changes to the rule based on S.B. 188, 2010 Legislative Session. The bill removes an enrollment cap on charter schools; that change is reflected in the rule. The amended rule also include language required in S.B. 55, 2010 Legislative Session, providing for authorization of charter schools by higher education institutions.

It was noted that sections of the rule has been deleted were previously approved.

The Committee reviewed the proposed amendments to R277-470. (For complete details see General Exhibit No. 11289.)

The Committee made the following amendments: (1) R277-470-1 to add Section 53A-1a-521 institutions of higher education are now chartering entities. (2) R277-470-12(C)(2) to read: A charter school shall notify the Board and the Chartering Entity of any and all law suits filed against the charter school within 30 days of the filing of the lawsuit.

The Committee approved R277-470, Charter Schools on first reading and moves that the Board approve R277-470 on second reading as amended. Motion carried unanimously.

Performance-based Compensation Pilot Program

H.B. 328 from the 2009 Legislative General Session appropriated funding to establish the Performance-based Compensation Pilot Program. In June, as part of the Executive Officer's Report, Martell Menlove made a report to the Board on the first year of this pilot. A report on this pilot is scheduled for the September Interim Committee. Additionally, the original legislation (H.B. 328) contains a repeal provision repealing this Section of the Code on July 1, 2011. (For complete details see General Exhibit No. 11290.)

The Committee received the report and considered possible action to (1) allow the repeal to occur, (2) seek an extension of the pilot and appropriation, (3) seek an expansion of the pilot (possibly to include secondary schools), or (4) other action.

No action taken.

General Consent Calendar

Motion was made by Vice Chair Dixie L. Allen and seconded by Member Leslie Castle to approve the General Consent Calendar as presented with the exception of pulling Item E, R277-700, The Elementary and Secondary School Core Curriculum for discussion. Motion carried unanimously

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1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held August 6, 2010.

2. Contracts

The following contracts were approved by the Board:

(A) Effective Instructional Materials Systems (EIMS). \$400,000. 9/1/10-8/31/15.  
- Fed.

EIMS will provide technical expertise to assist School Districts and Charter Schools in accessing the ESTIMATOR discrepancy program. EIMS will provide a variety of technically sound norm-referenced tests. Schools will access ESTIMATOR on the web and will be able to input scores which will provide information for determining specific learning disability discrepancies.

(B) WestEd. \$25,000. 7/1/2010-1/31/2011.

To examine current and potential conditions that impact high school graduation rates.

© WestEd. \$25,000. 7/1/2010-1/31/2011.

To examine current and potential conditions that impact the extension of the school calendar focusing primarily on the potential design and implementation of a trimester school calendar.

(D) The Sorenson Legacy Foundation. \$165,000. 6/28/10-6/30/11.  
RECEIVABLE

To provide a Beverley Taylor Sorenson Arts Program Specialist to coordinate all aspects of the Beverley Taylor Sorenson Arts Learning Program.

(E) Utah Statewide Independent Living Council. \$195,907. 10/1/2010-9/30/2011.  
- Fed.

To provide resources to the Independent Living Program in accordance with Title VII Part B and the State Plan for Independent Living.

(For complete details see General Exhibit No. 11291.)

3. R277-503, Licensing Routes

State Board Rule R277-503 contains language and processes that need to be updated. In addition, conditional licenses have been granted to candidates not

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passing Board approved exams for licenses. Deans of Education and LEAs have requested this practice be eliminated.

The Board approved the amendments to R277-503, Licensing Routes on second reading at its August 6, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-503, Licensing Routes on third and final reading. (For complete details see General Exhibit No. 11292.)

4. Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in the Public Schools, R277-611

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Utah Code, Section 53A-13-106-(5) directed the Board to make rules for use of certified volunteers for instruction of firearm safety education classes in the public schools, use of public school classrooms or auditoriums for these classes, school district review of donated materials before their use, and proof of certification of firearm safety instruction. R277-611, Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in the Public Schools was created to satisfy the requirements of the law.

Amendments were made to the rule at the August 6, 2010 Board meeting and approved by the Board on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-611, Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in the Public Schools on third and final reading. (For complete details see General Exhibit No. 11293.)

5. Administrative Rule Review

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

R277-444 - Distribution of Funds to Arts and Science Organizations  
R277-602 - Special Needs Scholarships - Funding and Procedures

(For complete details see General Exhibit No. 11294.)

6. National Association of State Boards of Education (NASBE) Proposed Changes to the Public Education Positions and Bylaws

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Each October, the state delegate assembly meets during the NASBE Annual Conference at the business meeting to vote on proposed bylaw changes and public education positions. (For complete details see General Exhibit No. 11295.)

The Board reviewed the proposed changes to the NASBE Bylaws and Public Education Positions and approved the proposed changes. The Voting Delegate

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from Utah will then be able to vote on the proposed changes at the NASBE Annual Meeting in October.

7. Minimum School Days Waiver, R277-419

In April of 2009, the State Board took action to provide LEAs additional flexibility in school calendars. Due to difficult financial circumstances, LEAs were allowed to reduce, by up to five the number of required (180 days) school days. This allowance was for the 2009-2010 school year only and was offered with certain stipulations.

In the Utah School Superintendents Association meeting held on March 23, 2010, local school superintendents formally requested that the State Board grant flexibility in the 2010-2011 school calendar also. The request included that the stipulation on the reduction of quality teacher/teacher preparation days not be included in the requirements for a waiver for the 2010-2011 school year.

On April 9, 2010 the Board approved that an LEA (district or charter) be allowed to reduce the instruction days for the 2010-2011 school year by up to five days (a minimum of 175).

Requests for such waiver must include documentation/explanation of the following:

- Administrative offices must also be closed on days when school is not held and administrative office employees must be treated in their employment in a similar manner as school employees on those days when school is not held.
- The governing body of the LEA must take action in an open meeting to reduce the number of required school days.
- Parents must be given an opportunity to comment on this decision.
- The decision to reduce the number of days must include a discussion of which days will least impact instruction and learning.
- The total annual required hours of instruction (990 hours) may not be reduced by more than 5.5 hours for each day school is reduced.

The following LEAs have taken action to reduce school days in the 2010-2011 school year: Merit College Preparatory Academy. (For complete details see General Exhibit No. 11296.)

8. 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. 11297.)

September 10, 2010

9. Ratification

Leah Voorheis was ratified as a Special Education Coordinator in the Student Services and Federal Programs Division.

Christelle L. Estrads was ratified as an Educational Specialist in the Teaching and Learning Division.

10. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses was approved by the Board. (For complete details see General Exhibit No. 11298.)

11. Claims Report

The Claims Report in the amount of \$47,863,306.74 for July 31, 2010 was approved by the Board. (For complete details see General Exhibit No. 11299.)

Item E - The Elementary and Secondary School Core Curriculum, R277-700

The Elementary and Secondary School Core Curriculum rule contained outdated information regarding high school requirements and testing. The State Board changed the graduation requirements effective beginning with the 2010-2011 school year. The Legislature recently made changes to the U-PASS testing program. The rule has been revised to reflect current requirements.

The Board at its August 6, 2010 meeting approved R277-700, The Elementary and Secondary School Core Curriculum (with Option B) on second reading. There have been no substantive changes to the rule since that time. (For complete details see General Exhibit No. 11300.)

It was noted that there has been concerns expressed by the LEAs relative to the time frame on the Algebra II portion of the rule.

Motion was made by Vice Chair Dixie L. Allen and seconded by Member Carol A. Murphy that based on the concerns from the LEAs the Board approve R277-700 with an amendment to postpone the mathematics portion to the 2011-2012 school year. Motion carried unanimously.

Motion was made by Member Carol A. Murphy and seconded by Member Denis R. Morrill to adjourn. Motion carried unanimously.

Meeting adjourned at 3:10 p.m.