

MINUTES

October 1, 2010

Minutes of the meeting of the State Board of Education held October 1, 2010, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:10 a.m. At the request of Chair Debra G. Roberts, Vice Chair Dixie L. Allen presided.

Members present were:

Chairman Debra G. Roberts
Vice Chairman Dixie L. Allen
Member Laurel O. Brown
Member Kim R. Burningham
Member Janet A. Cannon
Member Leslie B. Castle
Member Craig E. Coleman
Member David Crandall
Member Rosanita Cespedes
Member Robert R. DePoe
Member Greg W. Haws
Member Douglas J. Holmes
Member Michael Jensen
Member Tamara Lowe
Member Denis R. Morrill
Member C. Mark Openshaw
Member Tami W. Pyfer
Member David L. Thomas

Members Meghan Holbrook and Carol A. Murphy 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:

Molly Farmer, Deseret Morning News
Lisa Schencker, Salt Lake Tribune
Steve Noyce, Superintendent, Utah Schools for the Deaf and the Blind
Richard Nelson, Utah Technology Council
Barry Walker, Superintendent, South Summit School District (USSA Rep.)
John Holbauch, State Board Candidate, District 6
Keith M. Buswell, State Board Candidate, District 2
Sue Carey, Utah PTA
Milton Witt, State Board Candidate, District 9

October 1, 2010

Holly Langton, UTPS
Adam Baker, Lewiston Elementary
Kory Holdaway, Utah Education Association
Erin Preston, Providence Hall Charter School
Mark Johnson, Providence Hall Charter School

Vice Chair Dixie L. Allen called the meeting to order and excused Board Members Meghan Holbrook and Carol Murphy.

Welcome & Best Practices

Board Member Michael Jensen led the Board in the Pledge of Allegiance.

Board Member Denis R. Morrill welcomed everyone to the meeting and commented that we hear from many different media sources about everyone who knows how to solve the education “problem.” We need to close our ears to some of this junk, we need to keep our eyes and ears open to best practices, and stay the course and do what is right and let the winds blow around us. He then offered a prayer.

Best Practices

The Board recognized Orem Junior High. Orem Junior High was named a Title 1 school in the spring of 2009. According to the AYP report, that spring on the CRT tests, 58% of the students at Orem Junior High achieved proficiency in math, and 82% achieved proficiency in English. In an effort to use the Title 1 funds responsibly and effectively, they implemented the efforts to increase student achievement. Some efforts required funding, others did not, but collectively the efforts combined to create very large single year gain in both Math and English. In Math they went from 58% proficiency to 75%. In English they jumped from 82% to 90%. In the spring of 2010, every subgroup improved their performance on both tests, and even more amazing, every subgroup (except the Caucasian subgroup in math) beat both the state and district averages for their respective subgroup.

The following efforts were implemented to increase student achievement: (1) Professional Learning Communities; (2) Placement; (3) More Time and Support; (4) Technology; and (5) Testing.

(For complete details of the report see General Exhibit No. 11301.)

Public Participation/Comment

_____ Richard Nelson, Executive Director, Utah Technology Council, reported that they have 5,700 high tech, life science companies in the state and unlike the other sectors in the

October 1, 2010

economy they have shortages. He reported that today in their offices they will be training a number of people in the industry to go into the 8th grade to champion the Utah Scholars Program. This will help the 8th graders go after the automatic scholarships. There will also be two companies trained by the Commission of Higher Education's offices. They are enthused that the Student Achievement and School Success Committee will be discussing 12th grade math. It is essential that the Board look at the three math priorities and they look forward to the discussion and decisions on those priorities that came from the State Math Steering Committee.

Mr. Nelson introduced David Bradford, CEO and Current Chairman of the Board of Fusion IO and UTC Member. He also introduced Peter Giles from the Leonardo at Library Square in Salt Lake City and complimented him on this important project. Mr. Bradford provided statistics relative to the number of engineering graduates coming out of China and India and indicated that China is going to be a major world power in the next ten to fifteen years, if not already. The ability to have our kids take math in their senior year is an important and critical function. Just as important is to train the teachers, requiring a certain level of education making sure they are technologically proficient. Success is the confluence of opportunity with preparation.

Vice Chair Allen announced that following the Board Chair Report later this morning the Finance & Operations Committee will present their recommendations on Equalization.

The Board recessed to Committee Meetings.

The Board reconvened at 11:05 a.m.

Achievement Spotlight

Every year, the U.S. Department of Education honors a few hundred schools in their Blue Ribbon Schools Program. These schools are the creme de la creme, the high performers. The Department of Education says that All Blue Ribbon Schools must meet at least one of the two types of criteria to be considered for an award:

1. "Schools whose students, regardless of backgrounds, are high performing. These are schools ranked among the state's highest performing schools as measured by their performance on state assessments or in the case of private schools, that score at the highest performance level on tests referenced by national norms in at least the most recent year tested; and
2. "Schools with at least 40 percent of their students from disadvantaged backgrounds that improve student performance to high levels as measured by the school's performance on state assessments or nationally-normed tests."

October 1, 2010

_____ Utah is fortunate to have two schools who are top performers nationally:

Lewiston Elementary School is located in rural Lewiston, Utah. They have an enrollment of about 500 students in grades K through five. Forty-eight percent of the students are economically disadvantaged, and about 10 percent are English language learners. Despite these conditions, students score well above the state average, and make significant progress every year toward even higher scores.

Upland Terrace Elementary is located in suburban Salt Lake City. They have an enrollment of almost 600 students in grades K through six. Students at this school consistently score around 90 percent proficiency in both math and reading language arts, and their large special education population also scores about 10 points higher than the state average.

Both schools were presented with an Excellence Certificate for their outstanding achievements.

Board Chair Report

Chair Debra Roberts presented the following items of information:

Audit Committee Report - Jaime Barrett internal auditor reported that in conjunction with their ongoing risk assessment internal auditors performed a survey of district accounts over the last couple of weeks. Due to the results of this survey work the Audit Committee would like the internal auditors to present at the Utah School Boards Association Annual Convention in January regarding fraud risk and the controls that should be in place to help mitigate those risks.

Public Relations and School Board Communications Committee Report - Member Tami Pyfer reported that the committee met on August 27th and then presented the recommendations to Board Leadership. presented the recommendations from the Public Relations and School Board Communications Committee. She presented the recommendations to the Board.

Discussion ensued relative to whether the Board felt this committee was useful and whether or not it was felt they should be kept in place. It was agreed that the committee would remain and meet the evening before board meeting. It was also recommended that it may be helpful for a board member who is interested and maybe has a talent or expertise in the PR area to help the Board become more proactive relative to public relations.

October 1, 2010

It was clarified that the recommendations are just such and staff and resources are scarce in the State Office, but as much as can be done should be done. Further, that Board members need to take their responsibilities in their local areas.

Superintendent Shumway commented that as you look at various groups you see a variation in the degree in which people are engaging with the media and public. This is an encouragement for all of us to be engaged at a higher level. When data is needed the State Office will be responsive. He indicated that one of the key elements is recognizing that there is going to be every day there will be someone in the media wanting a comment. Everyone needs to be sensitive that things are aligned with the principles of the Board. Generally this has worked in the past and we have been aligned with where the board is.

Meeting with the Deans - Presented the top ten questions for the deans and requested that Board members provide their reaction via email by Monday and they will be forwarded to the Deans for our lunch with them in November.

Governor's Education Excellence Committee - Vice Chair Dixie Allen attended the meeting this month and reported that she was very impressed with the 13 different recommendations for where we move forward. Part of this is all day kindergarten, proficiency by third and sixth grade. They are pointed toward the same ideas the Board has in mind. There was a presentation from Mike Horn who helped write the book "Disrupting Class" with Clayton Christensen. He brought some very good information about the move by the public of personal computers. A lot of students in higher education are moving toward online education. He presumes that this same type of thing will be happening in public education. He presented recommendations for us to chew on: (1) reward students and teachers for competency based education rather than seat time; (2) educate every child with customized education program; and (3) recognize the need for differentiated learning time and differentiated learning strategies for students. She encouraged everyone to read the book. They present some data about higher education moving that direction and we should keep this in front of us as we move forward.

Promises to Keep - Vision – Social Studies - We have come to the same conclusion with an open discussion of the board as to whether or not we are accomplishing that vision for students. Not doing very good at telling the stories of our nation.

October 1, 2010

Quilt for NASBE Silent Auction - Expressed appreciation to Dixie Allen's mother for quilting a quilt for the NASBE Silent Auction. Dixie is donating the quilt. The Board expressed their appreciation with a Thank You Basket for Dixie's Mother.

Meeting Schedule for 2011 - A proposed board meeting schedule for 2011 was presented. Board members were asked to review the proposed schedule and if they had any concerns with the dates they get back to leadership. The schedule will appear in the General Consent Calendar for approval in November.

The calendar of upcoming dates of interest to the Board was reviewed.

Chair Roberts encouraged Board Members to attend the USBA Regional meetings.

(For complete details see General Exhibit No. 11302.)

Finance & Operations Committee

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

Public Education Funding Equalization

A sub-committee of the Finance and Operations Committee, chaired by Dave Thomas, was formed to work on Public Education Funding. Guiding principles on this issue were developed:

1. Equalization means providing all students throughout the State with an equal opportunity to receive a basic education; it does not mean equality among taxpayers.
2. Equalization will fail if the methodology used focuses on bringing financially successful school districts down to the level of financially poor or struggling school districts; districts must be provided a path to "float up."
3. Local districts should be given the freedom to control their own destinies; citizens should be allowed to tax themselves through the ballot box, whether that be in electing members of the School Board or agreeing to a property tax increase.
4. Charter schools are part of the public school system and it is essential that they are funded adequately to provide the same level of education as other public schools; it is critical that we find mechanisms to support those individual charters that are not sponsored by local districts.

October 1, 2010

Member Dave Thomas reported that a subcommittee of the Finance Committee has been working on the equalization issue. The Finance Committee received the recommendations from the subcommittee and approved them to be forwarded to the full Board.

Associate Superintendent Todd Hauber reported that there are two pieces of information that are out in circulation that catch people's attention, mostly legislators, one is a page in our annual report that shows per district per pupil expenditure. In this they see a disparity ranging from \$6,000 up to \$20,000 among districts and this looks like there is no equalization. Secondly, through another chart produced by the State Office in the annual report is the per pupil valuation (how much tax value is available per pupil in a district). This is not quite the picture of equalization we are talking about. He then explained how equalization really works in Utah. He indicated that the formulas in the board and voted leeways are not broken, what is really happening is that there is not enough money.

Member Dave Thomas reported that somewhere in the high 70's is already equalized in Utah. We are discussing a small segment that is not equalized. The Committee came up with four general principles to try to govern their discussion: (1) all children of the state are entitled to a reasonably equal educational opportunity regardless of their place or residence and of the economic situation of their respective school. Reasonably equal education opportunity is a separate and distinct consideration from reasonable taxpayer effort. (2) Float-Up. We have a responsibility in terms of the equalization process to not redistribute income by bringing school districts down and some up, we should be floating everyone up. The school districts that are down more should float up a little faster. (3) Districts should be empowered to provide educational facilities and opportunities beyond the minimum program. (4) Local control - the electorate in the school district should decide what they want to do above the basic program.

Member Thomas presented the four concepts for the Board to consider and possibly approve.

Motion was made by Chair Debra Roberts and seconded by Member Laurel O. Brown to support the four guiding principles of equalization.

Member Laurel Brown commented that in the letter in the agenda there were four guiding principles on equalization and the fourth one identified by Member Thomas above is not the same as the fourth one in the letter.

October 1, 2010

Member Thomas clarified that the fourth principle identified in the letter is a recognition that charter schools are public schools and they should not be treated any differently than the school districts and we need to find some kind of independent funding source for them so they are treated equally.

It was clarified that the motion was to approve the principle delineated in the letter. Following clarification Member Brown withdrew second to the motion because she was uncomfortable with the wording of principle 4.

Motion by Chair Roberts was then seconded by Member David L. Thomas.

Member Denis Morrill commented that we have crafted a politically correct statement that will never go anywhere. Member Thomas stated that in the Concepts Board Members will see all of this baring out.

It was agreed that the motion be held until after the presentation of the concepts from the committee.

Member Thomas presented the four concepts: Concept A: Progressive Recapture for State Guarantee of Voted Leeway Program; Concept B: Freeze Basic Levy; Concept C: Consolidation of Local Levies; and Concept D: State Authorized Levy for Charter School Funding.

Discussion and clarification was had relative to the funding and levy issues for charter schools.

(For complete details see General Exhibit No. 11303.)

Following presentation of the Concepts Chair Roberts withdrew her earlier motion.

Motion from the Finance Committee that the Board adopt the concepts and principles presented.

Member Janet Cannon suggested that the word “adequate” be removed in Concept D relating to the charter school principle. She indicated that other schools are not adequately funded, therefore it should not be broken out for charters. Member Thomas, on behalf of the committee, accepted this as a friendly amendment.

Member Greg Haws, Chair of the Finance & Operations Committee clarified that the Finance & Operations Committee accepted the recommendations of the subcommittee and to send to the full board Concepts A, B, C, and D along with the framework principles.

October 1, 2010

Motion was made by Member Kim R. Burningham and seconded by Member Denis R. Morrill to divide the motion.

Member Thomas voiced concern with dividing the motion because when subcommittee put this together it was a package deal.

The motion to divide is a privilege motion. To adopt each concept was voted on separately as follows:

Concept A. Motion carried unanimously.

Concept B. Motion carried unanimously.

Concept C. Motion carried with Members Burningham, Cannon, castle, Coleman, Crandall, Haws, Jensen, Morrill, Openshaw, Pyfer Roberts and Thomas voting in favor; Member Brown Opposed.

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

Executive Session

Motion was made by Member David L. Crandall and seconded by Member Michael Jensen to move into an executive session following lunch for the purpose of discussing personnel issues and pending or potential litigation. The Board was polled and by unanimous consent of those present (Member Pyfer absent) the Board moved into an executive session following lunch at 1:25 p.m.

Lunch with Utah State Charter School Board Leadership

Tom Morgan, Chair of the State Charter School Board commented that he believed that where we are at today every generation out to be an improvement on the last generation. They feel very strongly that the charter schools ought to be accountable financially, from a curriculum perspective and to their charter that states what they will do. There are several charter schools that are struggling financially. The State Charter School Board has put one of those schools on a tough probation. He shared his philosophy of the state charter board that they believe that the charter school piece of education in the state has been for its gearing up time in a pioneer stage. In the pioneer days it was everyone get across and no one be left behind. We are at a stage with charter schools that we are passed that era and we are no longer pioneers and we shouldn't expect everyone make it across. We are at a point now with charter schools that we are

October 1, 2010

stewards with an important trust with the community and educators and take a place in education with performance, with viable fiscal management, and we understand there will be some that don't make it and should not make it if they don't keep the up the expectations. They have been working on the financial and fiscal standards coming from their board rule. If charter schools are not meeting these standards action will be taken against those schools. He further stated that they would like to see charter schools earn the respect of the entire educational world as we make innovative thing happen.

Vice Chair Allen reported that she and Chair Roberts have met with Mr. Morgan and Mr. Beagley and were very impressed with the things they are trying to accomplish.

Tim Beagley commented that he heard this morning that if the State Board of Education did not approve Option D they did not support charter schools. He has always felt tremendous support from the Board. In the past the State Charter School Board has caused some grief and heartache relative to accountability both financially and academically. However, it is important that if the charter movement is going to succeed this needs to be adhered to. We may need to close some charter schools. The Charter School Board will have in place minimum academic standards and financial standards. If they all succeed it is wonderful. The Board will be bringing some proposed rule changes to the board relative to the accountability system.

Member Denis Morrill expressed appreciation for what these two new leaders have done.

Member Rosanita Cespedes voiced a concerns with openness and availability for minority students to attend charter schools. It seems that one of the barriers that may exist is that charter schools do not provide transportation - this creates problems for minorities and disadvantaged.

Mr. Beagley responded that the Charter School Board has this exact concern. Some charters do transport students. Charter schools are moving into areas of minority or low-income areas where the students are located. There are some very good schools on the west side of the county providing such opportunities.

Member Cespedes further commented that there needs to be more documents provided in Spanish for minorities.

October 1, 2010

Vice Chair Dixie Allen commented that she has often heard from charter parents that are concerned with not having an avenue of regress. She questioned if there might be some way to provide an avenue – a clearer course of action.

Member Janet Cannon commented on her participation on the charter board and their welcoming her with open arms. Mr. Morgan has stated that he would like to see every charter school accredited. This is happening now. She salutes the job they are doing.

Member Robert DePoe questioned what relationship would the Charter Board like to see from CMAC as part of the board. Mr. Beagley responded that one of the ways that ethnic minority students can move ahead in their education is at least in part by way of the charter movement. More charter schools and options in areas where traditional schools have failed for them. They are looking to revitalize that system and are looking to CMAC to help do that in a manner that is culturally and academically appropriate.

Executive Session Actions

Motion was made by Member Laurel O. Brown and seconded by Member Michael Jensen to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 2:30 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Denis R. Morrill and seconded by Member C. Mark Openshaw to accept the recommendation of the hearing panel following a hearing and the Utah Professional Practices Advisory Commission in Case No. 09-892 to reinstate the license of a former educator in the Granite School District. It was noted that the hearing report was provided and reviewed in Executive Session. Motion carried with Members Brown, Burningham, Cannon, Coleman, Crandall, Haws, Jensen, Morrill, Openshaw, Pyfer, Roberts and Thomas voting in favor; Member Castle absent.

Motion was made by Member Denis R. Morrill and seconded by Member C. Mark Openshaw to accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 10-943 to permanently revoke, based upon default, the educator license of a former educator in the Uintah School District. Motion carried with Members Brown, Burningham, Cannon, Coleman, Crandall, Haws, Jensen, Morrill, Openshaw, Pyfer, Roberts and Thomas voting in favor; Member Castle absent.

October 1, 2010

Motion was made by Member Denis R. Morrill and seconded by Member C. Mark Openshaw to accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 10-969 and revoke, based upon default, the educator license of a former education in the Canyons School District. Motion carried with Members Brown, Burningham, Cannon, Coleman, Crandall, Haws, Jensen, Morrill, Openshaw, Pyfer, Roberts and Thomas voting in favor; Member Castle absent.

(For complete details see General Exhibit No. 11304.)

Executive Officer Report

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

- Reports for the upcoming Public Education Appropriations Subcommittee: Optional Extended-Day Kindergarten Program, Possible Impact of Loss of \$6.3 Million in Pupil Transportation Funding, Utah Critical Teacher Shortages - 2010, Public Education Job Enhancement Program (PEJEP), and Projected Costs for Current Assessments. In addition will be vendors making presentations to the committee as well.
- State of Education Address - Next Wednesday, October 6, 2010, West High School at 7:00 p.m. Invitations have been sent to leaders throughout the state to local school boards and superintendents. He respectfully requested that Board Members extend a personal invitation to all of them as well as other who have interest and influence.
- Education Jobs Bill Update - Governor Herbert applied for the \$110 million and the first has been approved. There is some discussion among legislators as to how this will be appropriated. The \$100 million comes into our state in an environment in which we have a \$50 million shortfall. Our best estimate is that through some mechanism or another the \$50 million in education will be made up and \$50 million in the jobs fund will flow to LEAs. Other mechanisms may also be proposed. Our advice to local superintendents is to count on half of the \$100 million be distributed to them. The money has to be out of our state hands immediately and LEAs have until 2012 to spend it. There are significant strings attached as to how the money must be spent. It could be that all \$100 million flowed out, shortly thereafter a \$50 million cut.

October 1, 2010

- Grant Awards \$1.25 million CTE for development of career pathways in health sciences area. The following will be recipients of this grant award: San Juan, Weber, Salt Lake Community College, and College of Eastern Utah. The purpose is to insure development of coherent pathways from high school through college.
- USBA Regional Meetings and meetings with district superintendents. These meetings are paying big dividends. He has met every month with the Utah School Superintendents Association and Charter School Directors, but because there are so many attendees not as personal or in-depth as we would like to be. He provided a schedule of upcoming small group meetings with district superintendents and invited Board members to attend the one in their area if possible. He reported that the feedback from superintendents very positive. One of his goals is to visit every district in the state. He commented on the USBA Regional Meeting Agenda and those that had attended the one in Salt Lake last night.
- Assessments - Dr. Shumway commented that it is not hard to see that when you have the Common Core, Smarter Balanced and Park Assessment Consortiums, the ongoing presence of NCLB and its assessment and accountability requirements, the potential of ESEA Reauthorization, the timing of the work of the Smarter Balanced Consortium not concluding until the 2014-2015 school year, we are in kind of in a maelstrom of a storm where these things may all collide and create a perfect storm where nothing works or it is entirely confusing or creates situation where everyone may have to spend untold extra millions just for a single year of testing development or curriculum development. In recognition of that, the Department of Education last week announced that the two assessment consortiums will each receive \$15+ million in additional funding for planning that transition period. Associates Hales and Park earlier this week were in Washington meeting with senior officials in the Department of Education, to some extent, proposing that there may be a period of time here in which the best thing to do is to suspend the accountability provisions of NCLB. There seemed to be some recognition of the problem and some willingness to consider this.
- Department of Education has prepared a brief recruiting video for teachers. Associate Superintendent Park commented that this initiative was launched just

October 1, 2010

this week to encourage people to go into the teaching profession. It targets people from minorities and less prominent areas. He then shared a short video on TEACH.

Member Craig Coleman reported that Adobe has announced they will be building a large facility in Lehi with thousands of jobs over the next twenty years. The Adobe executive quoted in the newspaper indicated that the reason why they came to Utah, in addition to the incentives, was Utah's highly educated workforce. They then quoted some of the magazine articles about the fact that Utah was one of the most tech savvy states in the nation.

(For complete details see General Exhibit No. 11305.)

Board Standing Committee Reports

Student Achievement and School Success Committee

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

Adult Education Programs, R277-733

State Board Rule R277-733 contains language and processes that need to be updated. Specifically, the amendments include language to provide a specific amount of funds designated to the USOE for oversight, monitoring, and evaluation of adult education programs. The amended rule will also provide changes for determining residency status and the way adult education funds are distributed. (For complete details see General Exhibit No. 11306.)

The Committee reviewed the amendments to R277-733, Adult Education Programs and approved the amendments on first reading. Motion from the Committee that the Board approve R277-733, Adult Education Programs as amended on second reading. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Haws, Jensen, Morrill, Openshaw, Pyfer and Roberts voting in favor; Member Thomas absent.

Pupil Accounting, R277-419

State Board Rule R277-419 contains language and processes that need to be updated. Changes initiated by the Youth in Custody S3 Record in the USOE data reporting process require adjustment to existing rule to ensure compliance and continuity of policy and practices. (For complete details see General Exhibit No. 11307.)

Staff was asked to look into changing United States Bureau of Indian Affairs to Federal Government based on discussion in the committee.

October 1, 2010

The Committee reviewed the amendments to R277-419, Pupil Accounting, and approved the amendments on first reading. Motion from the Committee that the Board approved R277-419, Pupil Accounting, as amended on second reading. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Haws, Jensen, Morrill, Openshaw, Pyfer and Roberts voting in favor; Member Thomas absent.

Senior Year Mathematics

The Utah State Board of Education received a report detailing several suggestions for mathematics improvement from the Mathematics Steering Committee on August 6, 2010. One of the suggestions was to require the study of mathematics, including statistics and career based mathematics in the senior year.

The Committee received information regarding a senior year mathematics requirement. (For complete details see General Exhibit No. 11308.)

The Committee considered whether or not a senior year mathematics requirement should be added to state high school graduation requirements.

Motion in the committee to table the discussion until the Common Core math is developed and comes forward in order to not cause confusion failed on a two to two vote.

Motion from the Committee that staff prepare options for potential rules that requires senior year math and it be brought back to the committee next month.

Chairman Roberts commented that she felt like we were trying to solve problems that we have already put solutions into place for and haven't allowed to be worked through the system. We are told we are doing a senior year of math because there is a remediation problem in college. We have been told that we only own 16 percent of that remediation problem did not like to see staff put a lot of time into this and wait to see how the common core and other things roll out before we overkill this. There is just a small group really pushing hard for this but we need to allow time.

Superintendent Shumway commented that he would ask staff to see if data is available to find out the number of our students that are being remediated how many had math in their senior year.

Member Tamara Lowe commented that as a former English major she didn't need calculus following school and felt that to continually pile another level of math on students in order to graduate from high school is very unfair to a large segment of students. The options idea is crucial.

October 1, 2010

Member Tami Pyfer commented that everyone has an ability to take math their senior year if they want. Forcing students is different than giving them an opportunity which is already available.

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

Secondary Mathematics Course Sequence

The Utah State Board of Education adopted the Common Core State Standards (CCSS) on August 6, 2010. The high school CCSS are organized by conceptual categories, leaving it to states to define specific courses for grades 9-12.

The Committee received recommendations from the Mathematics Task Force regarding course structures for high school in order to move forward with further development work in preparation for Board adoption of the complete mathematics curriculum in Spring 2011. (For complete details see General Exhibit No. 11309.)

The Committee reviewed the core standards for mathematics

Motion from the Committee that we use the task force recommendation in mathematics to adopt a core sequence for secondary mathematics. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Haws, Jensen, Morrill, Openshaw, Pyfer, and Roberts voting in favor; Member Thomas absent.

“Meeting the Needs of Secondary CTE Students” Annual Report

The Utah State Board of Education is required to provide an annual report on how the needs of secondary students are being met, and what access secondary students have to programs offered through the Utah College of Applied Technology (UCAT) and within the regions served by Salt Lake Community College’s School of Applied Technology, Snow College, and College of Eastern Utah.

The Committee received the annual report of “Meeting the Needs of Secondary CTE Students.” (For complete details see General Exhibit No. 11310.)

No action was required.

October 1, 2010

High-ability Student Initiative Program
Annual Report

Utah Code 53A-17a-160 calls for an annual report on the High-ability Student Initiative Program that describes the impact on high -ability students.

The Committee received the annual report on the High-ability Student Initiative Program. (For complete details see General Exhibit No. 11311.)

No action was required.

Law & Policy Committee

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

Providence Hall Amendment Request

The State Charter School Board recommends that Providence Hall be granted an amendment request to its charter agreement to add grades 7-9 and 750 students in the 2011-2012 school year. Providence Hall opened in the fall of 2007 and currently serves grades K - 6 and 700 students.

The Committee reviewed the request for changes to add grades 7 - 12 and 750 students. (For complete details see General Exhibit No. 11312.)

Motion from the Committee that the Board approve Providence Hall's request for changes to its charter noting a change by the committee to 7-9 and 750 students in the 2011-2012 school year. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Jensen, Morrill, Openshaw, Pyfer and Roberts voting in favor; Members Haws and Thomas absent.

Karl G. Maeser Preparatory Academy
Amendment Request

The State Charter School Board recommends that Karl G. Maeser Preparatory Academy be granted an amendment request to its charter agreement to add 25 students in the 2010-2011 school year. The 25 student increase is requested to help the school be in a better financial situation for bonding. Karl G. Maeser Preparatory Academy opened in fall 2007 and currently serves grades 7 -12 and 600 students.

The Committee reviewed the request for changes to add 25 students in the 2010-2011 school year. (For complete details see General Exhibit No. 11313.)

October 1, 2010

Motion from the Committee that the Board approve Karl G. Maeser Preparatory Academy's request for changes to its charter. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Jensen, Morrill, Openshaw, Pyfer and Roberts voting in favor; Members Haws and Thomas absent.

Member Laurel Brown had questioned if these students are already attending the school. She was told yes because it was approved by the State Charter School Board. She questioned whether or not the Board was comfortable with this scenario.

Deputy Superintendent Martell Menlove reported that this request came to the State Charter School Board in August. They were tentatively approved by the State Charter Board recognizing that final approval would need to come before the State Board. Knowing that, at the end of August and prior to our Board's September meeting he advised the Law & Policy Committee of those situations and that this would be coming for this school year, as well as the next request for the Walden School for this year as well, so it doesn't involve a waiver of the current timelines in which those requests are being made. These are students already enrolled in the school and not now enrolled in a district school. This does not create a situation in charter schools taking money away from students already enrolled.

Member Denis Morrill commented that he made it clear to those in attendance at the Law & Policy Committee that this is not acceptable and we do not want to make this a habit. Hopefully, we can make this clear to the State Charter Board as well.

Walden School of Liberal Arts Amendment Request

The State Charter School Board recommends that Walden School of Liberal Arts be granted an amendment request to its charter agreement to add 30 students in the 2010-2011 school year. Walden School of Liberal Arts opened in fall 2004 and currently serves grades K-12 and 300 students.

The Committee reviewed the request for changes to add 30 students in the 2010-2011 school year. (For complete details see General Exhibit No. 11314.)

Motion from the Committee that the Board approve Walden School of Liberal Arts Amendment Request to add 30 students in the 2010-2011 school year. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Jensen, Morrill, Openshaw, Pyfer and Roberts voting in favor; Members Haws and Thomas absent.

October 1, 2010

Excelsior Academy Amendment Request

The State Charter School Board recommends that Excelsior Academy be granted an amendment request to its charter agreement to modify multiple sections of its charter. Also, Excelsior is returning to the State Board of Education for the addition of grades 9 -12 and 347 students beginning in the 2011-2012 school year. The expansion request was originally reviewed by the Law & Policy Committee on February 5, 2010 and the school was asked to return once it had assessment data and a complete year of financial information. Excelsior Academy opened in fall 2009 and currently serves grades K-8 and 648 students.

The Committee reviewed the request for changes to Excelsior Academy's charter and the addition of grades 9-12 and 347 students. (For complete details see General Exhibit No. 11315.)

There has been a lot of changes at the school since February and they were only able to give the Committee some academic information but they do not have financial information yet. The Committee tabled this until they can receive the proper documentation required.

State Board of Education Bylaw Amendments

The State Board of Education Bylaws direct that they be reviewed annually. Changes to the Bylaws to be considered include:

- Section II, clarification of roles of nonvoting members.
- Section IX-A, clarification of process whereby standing committees report to the full Board and the full Board acts on committee recommendations.
- Section IX-D, clarification on the rule of standing committee charts and Board leadership.

The Committee reviewed the above changes, considered additional possible revisions and recommended that the amendments to the Bylaws be brought back to the Law & Policy Committee next month with suggested language and amendments. It was requested that the changes be identified by a "red line."

A Call to Civility and Community

In August 2010, John Kesler addressed the Board and shared A Call to Civility and Community. Mr. Kesler requested that the Board adopt these ground rules and put them into action. Mr. Kesler was told that the Board would consider his proposal.

October 1, 2010

The Board currently has a Code of Conduct clearly posted on the State Board website and a section (Section III) in the Bylaws entitle Board Ethics. (For complete details see General Exhibit No. 11316.)

Member Cannon provided some background information relative to what has been done since 1979 with the 3Rs Program and other civic and character education programs.

The Committee discussed whether or not there was a need for further consideration of additional proposals for the Board to address.

The Call to Civility and Community Committee are looking to involve a wide variety of organizations in the community and form an advisory committee to see what can be done for adults to interact with one another in a manner of civility and respect for all and model these behaviors that we have been teaching to our children over the years. They would like the State Board to be represented on the Advisory Board and then endorse the Civility Initiative for 2011.

Motion from the Committee that the Board participate in the Call to Civility in 2011 and send a representative to the Advisory Board. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Jensen, Morrill, Murphy, Openshaw, Pyfer and Roberts voting in favor; Members Haws and Thomas absent.

It was noted that Board Leadership has approved Janet Cannon be the Board Member participating on the Advisory Committee.

Finance & Operations Committee Cont.

Budget Strategy for FY 2012

Revenue forecasts continue to show a decline in tax revenues for FY 2010 of about \$50 million less than set by the legislature. This shortfall will reduce available funds for the FY 2011 budget and could provide to require additional reductions in the upcoming session. Enrollment growth for the past two years has also not received additional funding through the budget process. Districts and charter schools are in the midst of serious budget reductions primarily due to these two budget impacts. In addition, assessed valuations are down as evidenced in the certified rate being set higher than estimated in the last legislative session. The budget pressures will continue through FY 2012 discussions.

The Committee discussed the Minimum School Program budget and strategies for the upcoming legislative session. (For complete details see General Exhibit No. 11317.)

No action was required.

October 1, 2010

General Consent Calendar

Motion was made by Member Michael Jensen and seconded by Member Janet Cannon to approve the General Consent Calendar as presented. Motion carried with Members Brown, Burningham, Cannon, Castle, Coleman, Crandall, Jensen, Morrill, Openshaw, Pyfer and Roberts voting in favor; Members Haws and Thomas absent.

1. Minutes of Previous Meetings

Minutes of the Meetings of the State Board of Education held September 10, 2010.

B. Contracts

The following contracts were approved by the Board:

(A) Janitech LLC. \$4,620.00. 8/1/10-7/31/11. - Amend. Fed.

To provide janitorial services for the Price Rehabilitation Office located at 662 West Price River Road, Price, Utah.

(B) Utah Association for the Deaf, Inc. \$1,800.00. 11/1/10-10/31/11. RECEIVABLE

Provide space for the Utah Association for the Deaf (UAD) Bookstore for access to individuals who are deaf, hard of hearing, or speech impaired needing equipment or information. This includes space at the St. George Center at no cost from November 2008-March 2009.

© Tom & Jennifer Properties. \$126,461.61. 12/1/10-5/31/17. - Amend. #2. Fed.

To lease office space for the Division of Rehabilitation Services located at 175 N Main Street #103, Heber, Utah.

(D) Morrow Consulting. \$25,000. 9/15/10-9/14/16. - Fed.

Yearly subscription of Ticket Tracker software.

(E) Utah State University. \$38,250.00. 10/1/10-9/30/15. Amend. #6. Fed.

To lease the office space for the Division of Rehabilitation Services in the Vernal Office at 320 North 2000 West (Bingham Entrepreneurship and Energy Center) Vernal, Utah.

October 1, 2010

(F) Sponsored Projects. \$9,880. 6/22/10-10/31/10.

Analysis of the Impact of a written benefits analysis from the BPAO program on the outcomes of Vocational Rehabilitation clients.

(G) Utah Statewide Independent Living Council. \$195,907. 101/10-9/30/11. - Fed.

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

(H) Utah Restaurant Association. \$273,100. 9/1/8-6/30/11. Amend. #2.

Prepare high school juniors and seniors for a career in the restaurant and food service industry. Funding appropriated by the legislature to aide with training, mentoring, equipment supplies and competitions in Utah high schools.

(I) WestEd. \$29,806.00. 7/19/10-11/29/10. Amend. #2. - Fed.

To increase the specified number of UALPA items to be aligned to WIDA ELP standards.

(For complete details see General Exhibit No. 11318.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the school districts were approved by State Board of Education. (For complete details see General Exhibit No. 11319.)

4. 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 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.

Amendments include 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";

October 1, 2010

- 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.

The Board approved the amendments to R277-422, State Supported Voted Leeway, Local Board-Approved Leeway and Local Board Leeway for Reading Improvement Programs on second reading at its September 10, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-422, State Supported Voted Leeway, Local Board-Approved Leeway and Local Board Leeway for Reading Improvement Programs on third and final reading. (For complete details see General Exhibit No. 11320.)

5. Charter Schools, R277-470

R277-470 Charter Schools was amended to provide changes to the rule based on S.B. 188 2010 Legislative Session. The bill removed an enrollment cap on charter schools; that change is reflected in the rule. The amended rule also includes language required in S.B. 55, 2010 Legislative Session, providing for authorization of charter schools by higher education institutions. In the September 10, 2010 meeting the Board also amended the rule to include under R2770470-1 to add Section 53A-1a-521 institutions of higher education are now chartering entities and 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 Board approved the amendments to R277-470, Charter Schools on second reading at its September 10, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277- 470, Charter Schools on third and final reading. (For complete details see General Exhibit No. 11321.)

6. Advisory Council - Notice of Vacancy

Utah Schools for the Deaf and the Blind Advisory Council due to a resignation. The vacancy represents a member who is deaf as required by law.

Division of Services to the Deaf and Hard of Hearing Advisory Council. The vacancy requires a consumer.

7. 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. 11322.)

October 1, 2010

8 List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved by the Board. (For complete details see General Exhibit No. 11323.)

9. Claims Report

The Claims Report in the amount of \$234,544,904.84 for August 31, 2010 was approved by the Board. (For complete details see General Exhibit No. 11324.)

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

Meeting adjourned at 3:50 p.m.