

MINUTES

November 5, 2010

Minutes of the meeting of the State Board of Education held November 5, 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:

Chair Debra G. Roberts
Vice Chair Dixie L. Allen
Member Tim Beagley
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 Tami W. Pyfer
Member David L. Thomas

Also present were:

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

Members of the Press:

Lisa Schencker, Salt Lake Tribune
Holly Langton, UTPS and PTA
Kris Kendell, UWF
Jennifer Howell, Utah Schools for the Deaf and the Blind
Sue Carey, Utah PTA
Jared Bennett, American Preparatory Academy
Rob Brems, Utah College of Applied Technology

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Chair Debra G. Roberts called the meeting to order

Welcome & Best Practices

Board Vice Chair Dixie L. Allen led the Board in the Pledge of Allegiance.

Board Member Kim R. Burningham welcomed everyone to the meeting and commented that at the conclusion of the campaign season he felt it appropriate to make some comment about the fact that we have gone through a difficult period. People often ask him what he thinks of serving on the State Board, to which he usually says he enjoys serving on the State Board but he hates campaigning. One of the great frustrations is, as we observe nationally, is the intense vituperous anger and hard feelings that happened in so many campaigns. We have seen it nationally, in our own state, and in our own experiences. This led him to the Board's Code of Conduct and look at a few statements that are extremely important and which we all need to remember. He gave emphasis to: "Communicate effectively, early, and often with each other and with others concerned, seeking to make your own ideas clear **while respecting the different opinions of others.**" **Be loyal** to the Board and work to achieve unity by supporting its decisions, even though you may personally **espouse a different view.**" And, "**Value** civility and **avoid** contention, realizing conflict on some issues is inherent and not undesirable." He further commented that we will differ, we do think differently, that is the nature of our system but we need to respect it and be civil in our discourse about it. Not only to be remembered by us, who serve in these kinds of offices, but to be taught and inculcated throughout our entire system. The children [students] need to learn civility and we need to help them understand that civility is a high virtue. He then offered a prayer.

Best Practices

Cathy Jensen, Specialist for the Beverley Taylor Sorenson Elementary Arts Grant presented a best practices report on the background of how the grant was started and the Friends of Art Works for Kids a grassroots advocacy organization established to garner community support for the program. It was founded in September 2009. She presented information from a Qualitative Report conducted by Dan Jones & Associates on the impact of the program. (For Complete details see General Exhibit No. 11325.)

Art work from Woodrow Wilson Elementary, a Title I School, was displayed in the Board Room.

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Achievement Spotlight

The Board recognized Beverley Taylor Sorenson for her outstanding dedication and work with the arts programs. Mrs. Sorenson has influenced the lives of thousands of Utah elementary students through her passionate commitment and generous contributions. Mrs. Sorenson dedicated her time and resources to developing Art Works for Kids. She and a team of professional arts educators began with just six schools and a K-2 program. Fifteen years later, the organization has helped educate more than 100,000 children throughout Utah. In 2008, she witnessed a major milestone as the legislature passed the Beverley Taylor Sorenson Arts Learning Program, allocating \$16 million toward arts specialists in classrooms, funding higher education teacher training programs, paying for art supplies and equipment, and supporting research to ensure high-quality implementation and solid results. Today, this important program is in danger of losing its funding, and Mrs. Sorenson continues to work tirelessly with parents, educators, business and community leaders, and legislators to fulfill her dream of returning arts education to the curriculum of every elementary school in Utah, thereby providing a sequential, joyful arts education for each child.

The Board presented Mrs. Sorenson with a torch shaped acrylic plaque for her outstanding and dedicated service.

The Board recessed to Committee Meetings.

The Board reconvened at 11: a.m.

Board Chair Report

Chair Debra Roberts presented the following items of information:

- Distributed a calendar of upcoming events.
- Expressed appreciation to the Board Members for their participation and attendance at the State of Education Address. She expressed appreciation to Superintendent Shumway for his great work and the positive reaction we have had to that.
- Expressed appreciation to the Board Member for their participation in the NASBE Annual Meetings. She heard wonderful reports from the NASBE people. Congratulations again to Greg Haws on receiving the Distinguished Service Award. His acceptance made a huge impact on those that were in attendance.

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- Chair Roberts said she hoped that Board Members were thinking about some of the things we learned at the NASBE meetings. She will be contacting everyone over the next month to see what they would like to see happen based on the NASBE reports.
- NASBE Study Groups - Based on our budget restraints we do not feel we can send more than one person to each of the study groups. Therefore, based on the input we received after the last Board meeting, the following have been approved and sent to NASBE: Leslie Castle, Teacher Preparation and Dave Crandall, Technology. Dave Thomas will continue on the GAC.
- Expressed congratulations to everyone on their elections, it is good to have most everyone back. Vice Chair Dixie Allen noted that next week there will be information coming to the Board Members relative to Board leadership. Also, we are re-looking at the Bylaws, and if there is anyone with any recommendations for changes if they would get them to her within the next week. Chair Roberts indicated she would be applying to serve as chair of the Board, and assumes that Vice Chair Allen will do the same.
- There is no longer a need to change the date of the December Board meeting as previously indicated in an email.
- There has been a request from some Board Members to change the date of the April 2011 meeting from the 1st to the 8th. If someone would like to make that change they should pull the schedule from the General Consent Calendar and move to make such a change.
- A portion of the NCSBEE meetings attended by Lorraine and Twila was on going to paperless board meetings. We will be pursuing that further in the near future.
- The Board has a new evaluation sheet today bring in some ideas from the USBA Board Book. Please remember to fill out the evaluation and give any reactions to the new format.
- New Board Member Orientation will be held on December 2 at 2:00 p.m. The Work/Study Session will begin at 4:00 p.m. followed by the Board's Holiday Social.
- Audit Committee Report:

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Natalie Grange, Internal Auditor reported on the following items:

- School LAND Trust Program at the State Office submitted a report to the audit committee regarding the audit work and monitoring they have been doing this fiscal year. That audit report was accepted by the Audit Committee. There were not any significant issues, mostly monitoring and the recommendations were along the line of school community councils being involved with their plans and having a way to monitor the expenditures that were being made from those.
- Legislative Auditor General Audit Reports - Two reports were issued through the Legislative Management Committee. If anyone would like a copy please email her and she will send a copy. The first report is related to Charter School Oversight. There are two overarching recommendations that they made. The first related to the State Charter School Board to establish financial standards. Discussion of this has already started in the State Charter School Board. The second was the State Charter School Board needed to develop policies related to disciplinary and termination actions. Most of these recommendations came from the auditors review of the Beehive Academy process. Most of the recommendations have current plans in action. The next report was related to school accountability. This was focused on district costs and how much travel is actually occurring at the district level related to superintendents and teachers and the breakout of that. The largest recommendations from that is that districts need to align the booking of the expenditures with a chart of accounts that is published by the Center for Statistics which is maintained by the State Office of Education. Another recommendation related to USOE and the districts needing to evaluate their participation in the Chinese Bridge Program. There was some discussion about potential costs that may be involved with that. There has been a review of USOE participants and as far as we have been able to determine, all of the USOE participants personally paid their travel and incidental costs.
- The auditors have been working with the USOE, IT Department to revamp the USOE Internal Auditors web page. They took down the page that was up and they have done substantial work on the new page this past month. They have revised the hot line reporting form, have developed a resources page with links

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that anyone can come to and get information related to federal or state programs or training issues. This also contains a training page that will have some discussions about controls.

- Chair Roberts read a letter from Robert DePoe resigning from CMAC and thus the Board. He has accepted a new position with the Bureau of Indian Affairs in St. George, Utah.

The Board expressed its appreciation to Mr. DePoe for his service on the Board and presented him with the traditional school bell.

Mr. DePoe commented that his main concern is the challenges students have in differentiating or make changes in their lives. They are separated by two fires and they don't know which one to sit by - the one for education or the one for their culture. We haven't been able to combine those fires. He hoped we could continue to support our education system and figure out how to combine those fires so the students do not have this struggle.

(For complete details see General Exhibit No. 11326.)

Executive Officer Report

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

1. Shared a letter from Joe Jensen, Principal Orem Jr. High read a letter dated October 10, 2010. This letter tells us something we tend to forget or easily forget.
2. Reviewed the seminar for people who are interested in becoming district superintendents. It is designed to attract people who will explore their interest. He encouraged board members to think of individual educators that you believe ought to be thinking about becoming a school superintendents in Utah to encourage them to fill out an application.
3. In the State of Education address he announced he would be making available technology innovation grants. The purpose is to have a sufficient number of experiments going on so that when appropriators and others talk about spending monies on technologies that rather than having one project we have a wide range that we can show that have been going on in schools. Ten different demonstration projects testing technology ideas. We will be letting the Board know about the projects and an opportunity to visit them. Member Leslie Castle commented that

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we need to make sure we focus at least one on minorities. Dr. Shumway noted that the funding is coming from superintendents discretionary monies.

4. Grading School - In the last two months or so since former Governor Bush was in Utah there has been discussion about the changes made in Florida during the time he was Governor. There are a lot of those changes that we would support, i.e. a focus on providing intensive professional development for teachers, full day kindergarten, funding for every 4-year old in the state to attend pre-school. Unfortunately, the only topic of conversation seems to be grading schools. In thinking about how we might move the agenda forward so some of the other things can be talked about. He has asked staff to prepare a rule for the Board in the December meeting on how we would grade schools. A rule that may do some of the things that were part of the Florida statute, but that can improve upon it. It is hoped that we can bring a rule that will make sense and that he hopes will allow the rest of the agenda from Florida to be considered. As much admiration that has been expressed for Former Governor Bush's agenda in Florida, it would be extraordinarily disappointing if the only thing that Utah seemed to be interested in would be grading schools. It is his hope that by taking care of this we can focus the energies on the remaining agenda. He likened this with his experience as a young football coach. Like to be a better football play - out line the things they would need to do. If we anticipate our students will have the kinds of gains reported in Florida, we need to do more than just grade schools. The reason for the rule is so we can clear the decks so legislators and others who need to do this work which will require appropriations can focus on that. Providing services to children had quite a bit to do with the gains in Florida, and he hoped that can be the things we focus on. He intends to do everything he can to keep the rest of what they did in Florida on the table, but to think the gains will come simply by grading schools is a foolish hope. If we can help move the agenda forward with a Board rule it will be to everyone's advantage. Whether or not a rule is eventually adopted by the Board is for the Board to do. Staff has begun working on this and we will try to bring something that makes sense. He commented that most of us, if we were kings of the world, would not be grading schools. But given the

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environment it is probably something that, in his view, is coming anyway.

Therefore, he would like to see the Board involved in making the rule rather than others who are further away from the schools.

Member Kim Burningham noted that Florida also has a limit on class size.

Dr. Shumway noted that he has visited with some key legislator to make sure that this is not a total surprise. On the other hand, he is cautious about getting ahead of the Board in this endeavor. We will want to be mindful of what our legislators have been thinking. On the other hand he feels we can do better than what they did in Florida. It is undeniable there is a degree of political strategy involved.

5. As we have reviewed the participation from our office in the China Bridge delegation and other travel to China, in every case all employees paid their expenses that were not covered by Chinese government or ministries. All of the things noted in the audit, etc. No cost for travel for any part of that from our office.
6. Federal Elections - it will be very interesting to see the progress of No Child Left Behind. One of the things that will happen will be the changes in committee leadership and with that a change in the committee staff. That transition will have powerful influence on how quickly IDEA gets reauthorized.
7. We have task forces that are working one on calendars under the leadership of Kerry Naylor and one ensuring high quality coursework and participation for seniors, under the leadership of Lillian Tosie Jensen. The reports are due to him by the end of November and he will bring them to the Board in December. We want to make sure that students through their high school years have the best possible experience. There has been some worry around the state that the senior year was not productive. I think the findings will show that for a lot of students the senior year is extremely productive. With regard to calendaring looking to reflect on with a group of educators the possibilities that could arise from alternative ways of looking at the calendar.
8. Dr. Shumway reported that he will not be in attendance this afternoon he has to leave for New York where his daughter is getting married tomorrow.

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9. Governor's Commission on Excellence - This group has been working for the last eight months. True to his word the Governor has been coming at the beginning and staying to the end. They are talking about full-day kindergarten, adopting common core, assessment relative to career and college readiness. There is also a higher education agenda as well. This is an overarching vision statement aligning our targets for our workforce with what most economic researchers say our need to have the kind of economy we want by 2020 or 2025 to have an education system that will be capable of producing 66% of our workforce with post secondary degrees, certificates or licenses. The purpose of the target is to make sure our economy and education system aligned in a way to be productive. He lent his voice to supporting the goals that the Governor's Commission has laid out.

(For complete details see General Exhibit No. 11327.)

Lunch with Members of the Education Deans Council

The Board hosted the Education Deans Council for lunch and a discussion relative to issues of mutual interest. (For complete details see General Exhibit No. 11328.) Specific questions addressed were #2 - accreditation, #3 - communication between the deans and local school boards, Question #7 - teacher preparation programs and inclusion of minority students, and #10 - assistance from the State Board in providing teachers for students.

Both the Deans and the State Board expressed appreciation for the face to face meeting and hope that there is an opportunity in the future to do this again.

Executive Session

Motion was made by Member David L. Thomas and seconded by Member Carol A. Murphy that the Board move into an Executive Session following lunch for the purpose of discussing personnel issue, and potential or pending litigation. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 1:45 p.m.

Motion was made by Vice Chair Dixie L. Allen and seconded by Member Janet A. Cannon to reconvene into open meeting. Motion carried with Members Allen, Brown, Burningham, Cannon, Castle, Coleman, Crandall, Jensen, Morrill, Murphy, Openshaw, Pyfer and Thomas voting in favor; Member Haws absent. The Board reconvened at 2:15 p.m.

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Executive Session Actions

Utah Professional Practice Advisory Commission Recommendations

Motion was made by Member Denis R. Morrill and seconded by Member Janet A. Cannon to adopt the recommendation of the Utah Professional Practices Advisory Commission in Case No. 10-952 and accept a stipulated agreement, including conditions of the agreement, whereby a teacher in Tooele School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his 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 with Members Allen, Brown, Burningham, Cannon, Castle, Coleman, Crandall, Jensen, Morrill, Murphy, Openshaw, Pyfer, and Thomas voting in favor; Member Haws absent.

(For complete details see General Exhibit No. 11329.)

Coalition of Minorities Advisory Committee (CMAC)

Motion was made by Member Denis R. Morrill seconded by Member Janet A. Cannon to appoint Hector Mendiola and Maria A. Mortensen representing Hispanic Americans, George W. Henry, Jr. Representing African-Americans, and Aida Santos-Mattingley, represent Asian Americans. Motion carried with Members Allen, Brown, Burningham, Cannon, castle, Coleman, Crandall, Jensen, Morrill, Murphy, Openshaw, Pyfer and Thomas voting in favor; Member Haws absent.

Governors Commission for Excellence
in Education Recommendations

_____ Earlier this year, Governor Gary Herbert convened a group he has called the Governors Commission for Excellence in Education. This commission, comprised of representatives of education stakeholders, has met monthly. Board Chair Debra Roberts and State Superintendent Larry Shumway are members of the Committee.

The Commission has adopted a vision statement and five strategic imperatives:

- Bolster Early Childhood Education
- Improve Instructional Quality and Curricular Alignments
- Strengthen Postsecondary Education
- Align Educational Attainment and Vocational Training with Economic Development
- Utilize Technology to Effectively and Efficiently Accomplish Strategic Imperatives

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The Board discussed the Commission's document and reviewed the five strategic imperatives. (For complete details see General Exhibit No. 11330.)

Christine Kearn reported that the Commission is still ironing out the ages of Utahns which will be addressed in the meeting on Tuesday. She reported that all five strategies were unanimously adopted in the last commission meeting. She encouraged the Board to support the document.

Member Carol Murphy suggested that on page 7 relative to kids who are served in special education or 504. Figure out an alternative assessment and what the 97% number needs to look like.

Member Denis Morrill questioned if the Board would be committing to anything by what we are voting on today. Chair Roberts responded that to a certain extent we will support what is happening here and it is in line with Promises to Keep. She indicated that this would be that the Board is comfortable with her, as a voting member of the commission, to support this concepts found within the vision.

Member Dave Thomas commented that there is an acknowledgment that the State Board and Legislature are already doing things.

Member Craig Coleman commented that he can easily see where it aligns with Promises to Keep. However, he did not see the other aspects of the vision of public education addressed. He assumes that by supporting the document it does not preclude the Board from doing other things. He felt it should be rounded out with the quality of life and a message that it is the citizenry rather than workforce.

Motion was made by Vice Chairman Dixie L. Allen and seconded by Member David L. Thomas to support the overarching vision statement and five strategic imperatives as general concepts. Motion carried unanimously.

Chair Roberts announced that following the next Commission meeting on Tuesday, November 9, there will be a news conference at noon. All Board Members are invited to attend.

Board Standing Committee Reports

Law and Policy Committee

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

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Promises to Keep

In 2009, the Board adopted a statement of vision and mission called *Promises to Keep*. This document has been widely distributed and provides guidance for the work of the Board, the State Superintendent, and his staff.

The Committee reviewed and discussed an “action item” list based on *Promises to Keep* and presented their recommendations for consideration by the Board in the December meeting. (For complete details see General Exhibit No. 11331.)

The Committee further reviewed the definition of high quality instruction.

Motion from the Committee that the Board adopt the definition of high quality instruction. Motion carried unanimously.

Utah Virtual Academy Amendment Request

The State Charter School Board recommends that Utah Virtual Academy be granted an amendment request to its charter agreement to change its parent organizational structure from an advisory group to the board to include multiple opportunities for parental involvement in management decisions. Note, the State Charter School Board did not approve the request to expand enrollment by 3,750 at this time. Utah Virtual Academy opened in fall 2008. (For complete details see General Exhibit No. 11332.)

The Committee reviewed and approved the Utah Virtual Academy’s request for changes to the parent organization portion of its charter agreement with a 3-2 vote.

Motion from the Committee that the Board approve Utah Virtual Academy’s request for changes to the parent organization portion of its charter agreement.

Member Cannon requested that the members who voted against the motion in committee be provided an opportunity to share their concerns with the full Board.

Member Denis Morrill stated that his opposition is that when charter schools were first established it was that parents were an important part of the school leadership. Now it appears that they are being moved out. They are creating a pseudo PTA and he feels that they need parents who are voting members of the Board.

Member Dave Thomas questioned if they will still be an advisory group. Member Cannon responded that they told the committee that there is one parent on their advisory board, where they used to have two. Member Morrill clarified that it is now a big body instead of a small body.

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Vice Chair Dixie Allen commented that as a grandparent and one who has taught in the K-12 program, they do have a different way of involving parents. She strongly suggested that Board Members look at the program. Their parents are involved daily and it is so much better than what we are doing in our other schools. It is an online program with the parents and the parents have to sign off on what their child is doing and the completion of their work.

Deputy Superintendent Martell Menlove commented that in this situation each parent is automatically a member of the advisory group.

Member Tim Beagley explained that the Utah Virtual Academy is a very new kind of model and the Members of the State Charter School Board really wrestled to try to understand what they are doing. Some of the Charter Board Members visited their school and watched how they were delivering their curriculum. They are coming to the State Charter School Board meeting next week to give the Board a presentation. They are very impressive. They have approximately 2,000 students scattered throughout the state, they have teaching coaches who watch them do their work on line, they have a teacher who is actually instructing them and they have a great way to measure seat time. The entire operation only comes together because the parents are involved in that. This is an attempt by them to allow their parents to take some ownership of what is going on in the school. This is increasing parental involvement at every level, not just instruction of the students but in formulating the decision making process for the school. He reported that the State Charter School Board had many of the same questions but took a very close look into this.

Member Beagley reported that they had come to the State Charter School Board asking for 3,700 more students (750 per year) and they turned down their request because they want to look at the growth model and to make sure they had enough demand for what they are doing. One of the nice things they are eventually going to do is that there are untapped markets where there are many students who are home bound or live so far away from the school they would like to attend but can't get there, and then there are students in foster care or incarceration that the traditional public schools can't reach. They would like to expand into these other areas. They are working very hard to involve their parents.

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

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American Preparatory Academy -
Accelerated School Amendment Request

The State Charter School Board recommends that American Preparatory Academy - Accelerated School be granted an amendment request to its charter agreement to add grades 10-12 and 450 students. The school proposes to add grade 10 and 150 students in 2011-2012, grade 11 and 150 students in 2012-2013, and grade 12 and 150 student sin 2013-2014. American Preparatory Academy - Accelerated School will open in fall 2011 and is already approved to serve grade K-9 and 570 students. (For complete details see General Exhibit No. 11333.)

The Committee questioned their meaning of an accelerated school. There had been a concern mentioned by Granite School District as to whether or not they would be discriminating against students. Those in attendance representing American Preparatory Academy indicated that their school would intend to service students who are behind and need to accelerate their education to get up to grade level. They are not a school to attract only accelerated students. They have a location and are hoping to get this amendment through because they have some positive funding things that can happen as they try to get their building and land underway.

The Committee reviewed and approved American Preparatory Academy - Accelerated School amendment request and suggested that they may consider a name change to more accurately describe the mission of their school. Motion in the committee carried with a 3-2 as well. Again it was requested that those voting in opposition to the motion in committee be allowed to express their concerns to the Board.

Member Denis Morrill commented that he had two problems. This in essence since they are asking for students in the 11th and 12th year isn't the two year lead time our rule requires. Our rule indicates they have a two-year lead time. This involves a waiver of a rule, which he thought the Board decided a while back we were not going to honor any more.

Secondly, he researched the charter school management agreement between Utah Charter Academies, Inc., which is the mother of this satellite, and American Preparatory Schools Inc., a non-profit organization. The contract goes on forever, it has the school paying the management company \$920 per year per student as a management fee and the people involved in Utah Charter Academies, Inc. are Howard Headley, registered agent, director and president. The people involved in American Preparatory Schools, Inc. Is Carolyn Sherrett, director, president, registered agent – brother and sister. If one of our regular public schools were to do this they would be in jail. He did not feel this was right. Someone pointed out to him that in the last

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legislature they passed an act which was sponsored by Senator Howard Stephenson. The law used to say, "A charter school officer or relative of a charter school officer may not have a financial interest or contract or other transaction involving a charter school." The last legislature language was inserted that reads: "except as provided in subsections 3b and 3c below a charter school may not...." That amendment was sponsored by Howard Stephenson who was the employer of Howard Headley. He knows, after having represented boards in his life, not charter board, but other types of boards, that the leaders run it in most cases, and the board does not run it. He is very concerned that in the charter school system \$2 million was spent for professional services. To him to carve out inner family dealings is criminal.

Member Dave Thomas commented that he understands the concern, however, his concern is that American Preparatory Academy does a really good job of educating children. They have high academic measures.

Member Janet Cannon commented that American Prep has other schools and they are looking to provide education in an area where there are lot of minority and economically disadvantaged. Their other schools serve 65% minorities, 74% economically disadvantaged and 6% special education.

Member Tim Beagley commented that the State Charter School Board did not request the waiver lightly, but these are extraordinary times for building facilities. The APA people found a piece of property that was going to be big enough for their entire operation. This not only has the size and facilities they need, but it is in the middle of the population they want to serve as well. Given the low interest rates right now and the low cost of doing the business of the building they can save thousands and thousands of dollars by building the high school right now. The adding of the 10th grade will give them enough resources to do it. They will add 11 and 12 in subsequent years. In the view of the State Charter Board for the reason they requested a waiver was that every dollar they save in building they can put into the classroom. This is one of the things that makes good monetary sense right now.

Member Beagley commented on the other concern expressed by Member Morrill. He indicated that this is a management company they operate schools. The schools have their own director so the management company oversees their operations and they do charge a fee for that. However, if you look closely at the fee, it is no more than what a district would pay for superintendents and curriculum people. They still manage to put a tremendous portion of their

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funds right into the classroom. Their academic results are spectacular. He would hate to see a very great number of needy students not receive this service.

Member Leslie Castle questioned what would happen to these students if we didn't have this charter school. We do have other neighborhood schools that are doing a very good job and students are succeeding for many reasons. Further, we need to look at minorities this school services. This school has a real disparity of minorities than other of their schools. This is worrisome and troublesome to her. They don't represent the neighborhood culture necessarily.

Member Denis Morrill read a paragraph from the contract "APS is not a division or corporate division of UCLA, is not an affiliated entity and maintains an arms-length relationship." This is untrue because brothers and sisters do not have an arms-length relationship.

Member Tim Beagley commented on Member Castle's concerns were also the same as the State Charter School Board. The original APA school is located in an area that is very vanilla, however this school will be located in the middle of the battle, and they have a plan to recruit students from this area.

Member Mark Openshaw called for question on the motion. Motion carried unanimously.

Motion to approve the amendment request for the American Preparatory Academy - Accelerated School including the suggestion they change their name carried with Members Allen, Cannon, Coleman, Crandall, Jensen, Murphy, Openshaw, and Thomas voting in favor; Members Brown, Burningham, Castle, Haws, Morrill and Pyfer opposed.

American Preparatory Academy -
Satellite School #3 Request

_____The State Charter School Board recommends that American Preparatory Academy be granted satellite school #3 which will serve grades K-9 and 645 students beginning in the 2012-2013 school year, contingent upon new student funding from the Legislature for the 2012-2013 school year. This would be the fourth school in the American Preparatory Academy family. American Preparatory Academy opened in fall 2004. (For complete details see General Exhibit No. 11334.)

The Committee reviewed the American Preparatory academy-Satellite School #3 amendment request. The Committee sent it back to the State Charter School Board to hear the concerns from the Jordan School District.

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Entheos Academy - Satellite School
#1 Amendment Request

The State Charter School Board recommends that Entheos Academy be granted permission to establish for the 2012-2013 school year, satellite school #1 which will serve 500 students grades K-9, contingent upon new student funding from the Legislature for the 2012-2013 school year. Entheos Academy opened in fall 2006. (For complete details see General Exhibit No. 11335.)

The Committee reviewed and approved Entheos Academy - Satellite School #1 Amendment request which will serve 500 students grades K-9, contingent upon new student funding from the Legislature for the 2012-2013 school year. Approved by Committee on 4-1.

Member Denis Morrill voiced concern that once again this is a request for a waiver of Board Rule R277-470-05 which states that a request to have a satellite needs to have operated successfully over 3 years. In 2010 they did not pass AYP.

Tim Beagley responded that the State Charter School Board had the same concerns when this request came to them the first time. The school uses the expeditionary learning style and they have attracted a large number of socio economic students. With regard to the AYP, there was a large number of new students in the school when AYP was conducted. Because of the great number of new students the school did not pass AYP. However, if you take those students out of the equation it shows that the students that have been attending the school did pass AYP. This school provides another option for students in the Magna area. This national model is very successful for those students.

Member Leslie Castle voiced concern that the State Charter School Board is not looking at the ethnic mix and the relativity of the community. She felt this seemed like a segregated school that is more white than the community around it. She felt that this is not what charter schools are about.

Member Beagley responded that it is difficult to get into these populations. The State Charter School Board shares the same concerns that we want to get into these areas. They do not believe they will continue to miss the mark on AYP.

Member Rosanita Cespedes commented that the ethic issue is an old issue – there are barriers for students applying for this school. The schools need to reach out in a ways that are sensitive and attractive, and there are many ways of doing that.

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

Charter Schools Section 12, Charter
School Oversight and Monitoring
R277-470 - Amendment

The State Charter School Board recommends that R277-470-12 *Charter School Oversight and Monitoring* be amended to include language about charter school performance management and the State Charter School Board's intent to take necessary action based on charter schools' compliance in the performance management program. The State Charter School board approved the Performance Management Program as a framework for measuring charter school accountability on July 15, 2010. (For complete details see General Exhibit No. 11336.)

The Committee reviewed the amendment to R277-470-12 *Charter School Oversight and Monitoring*.

The committee amended the rule in R277-470-12.A(1) and B(1) changing the term Management Program to Performance Program.

The Committee approved the amendment to R277-470-12 *Charter School Oversight and Monitoring* on first reading and moves that the State Board of Education approve the amendment to R277-470-12, *Charter School Oversight and Monitoring* on second reading. Motion carried unanimously.

School Emergency Response Plans
Section 8, Prevention and Intervention
R277-400 Amended

R277-400-8 Prevention and Intervention is amended to provide language that allows schools to include firearm safety instruction as part of violence prevention and intervention strategies within a school's emergency response plan. (For complete details see General Exhibit No. 11337.)

The Committee reviewed the amendment to R277-400-8 *School Emergency Response Plans Section 8, Prevention and Intervention*. The Committee amended the rule to include not used following fire arm safety in R277-400-8.B.

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The Committee approved the amendment to R277-400-8 *School Emergency Response Plans Section 8, Prevention and Intervention* on first reading, and moves that the State Board of Education approve the amendment to R277-400-8 on second reading. Motion carried unanimously.

The Law & Policy Committee did not take formal action on the following three items, but directed staff to meet with providers or representatives of providers and attempt to resolve these issues in a conciliatory manner and then return these rules or another rule to the committee.

(1) School Fees, R277-407 - Amended

(2) Secondary School Completion and Diplomas, R277-705, Section 3, Required LEA Policy Explaining Student Credit (Amended)

(3) Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees, R277-516 - Amended

Finance and Operations Committee

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

Promises to Keep

In 2009, the Board adopted a statement of vision and mission called *Promises to Keep*. This document has been widely distributed and provides guidance for the work of the Board, the State Superintendent, and his staff.

The Committee reviewed and discussed an “action item” list based on *Promises to Keep* and presented their recommendations for consideration by the Board in the December meeting. (For complete details see General Exhibit No. 11338.) Chair Debra Roberts delineated the Committee’s focus around effective assessments.

Budget Recommendations for FY2012

The Finance and Operations Committee has considered various FY2012 budget proposals during the September and October 2010 Board meetings. A list of budget increases containing the range of budget items discussed by the Committee was presented. An itemized list of budget recommendations for public education will be included in the Governor’s budget recommendations per UCA 63J-1-102(3)(a)(I).

Member Haws reported that we are being told there is a possibility of \$150 million additional dollars available in the upcoming year, this is total. The question is how big of a bite of that apple should we take and how much we are entitled to. There was a lot of discussion

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about what portion of that pool we should be going after. Most of the Committee felt like the priority from the Board should be funding growth. We have not had the growth funded in the past two or so years. We are estimating at this point a total enrollment growth for the fiscal year 2012 at 14,750 students, which translates to about 20,000 wpu at the current wpu rate of \$2,577 for an estimated growth of \$51,818,316.

The recommendation from the Committee was presented. (For complete details see General Exhibit No. 11339.)

Motion from the Committee to adopt the FY 2012 Budget Priorities as presented in the amount of \$3,001,715,764.

Concerns were expressed relative to not including the Retirement Unfunded FY2011 and the Restoration of Transportation On-time Funding. It was clarified that it is important that we have a strategy to present this to the legislature as the best way to serve the needs based on the availability of funding.

Member Haws indicated that this is not a like list but an essential list. This was a very difficult decision to set aside these items this year.

Member Kim Burningham suggested that the Board put retirement and transportation on the list.

Member Laurel Brown voiced concerns with the cuts that are being loaded onto the teachers.

Member Dave Thomas stated that it is important to have the budget realistic, understand how much money there is, and try to put our priorities into that.

Member Leslie Castle commented that we are working with a strategy and not a budget and she did not feel the Board had agreed on a strategy. It was clarified that the budget is the strategy as the best way to serve the needs with the resources available.

Following further discussion relative to transportation and retirement being added to the budget, question was called on the motion by Member Mark Openshaw. Motion carried with Members Allen, Brown, Cannon, Castle, Coleman, Crandall, Haws, Jensen, Morrill, Murphy, Openshaw, Pyfer and Thomas voting in favor; Member Burningham opposed.

Motion from the Finance Committee on the budget strategy carried with Members Allen, Coleman, Crandall, Haws, Jensen, Morrill, Murphy, Openshaw, and Roberts voting in favor; Members Brown, Burningham, Castle and Pyfer opposed.

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Student Achievement and School Success Committee

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

Beverley Taylor Sorenson Elementary Arts Learning Program Annual Report

Utah Code 53A-17a-162(6) calls for an annual evaluation report on the Beverley Taylor Sorenson Elementary Arts Learning Program to the Education Interim Committee.

The Student Achievement and School Success Committee received the annual Beverley Taylor Sorenson Elementary Arts Learning Program Report. (For complete details see General Exhibit No. 11340.)

No action was required.

Promises to Keep

In 2009, the Board adopted a statement of vision and mission called *Promises to Keep*. This document has been widely distributed and provides guidance for the work of the Board, the State Superintendent, and his staff.

The Committee reviewed and discussed an “action item” list based on *Promises to Keep* and presented their recommendations for consideration by the Board in the December meeting. (For complete details see General Exhibit No. 11341.)

The Elementary and Secondary School Core Curriculum, R277-700 (Amended)

On October 1, 2010, the Utah State Board of Education directed USOE staff to prepare options for possible changes to R277-700 to require the study of mathematics in the senior year.

The Committee received and considered information on revisions to R277-700, *The Elementary and Secondary School Core Curriculum*. They discussed whether or not a senior year mathematics requirement should be added to state high school graduation requirements contained in R277-700. (For complete details see General Exhibit No. 11342.)

This item was postponed until a future agenda.

Student Reading Proficiency and Notice to Parents, R277-403 - Amended

In accordance with Utah Code 53A-1-606.6(2) the Board made rules reflected in State Board Rule R277-403 defining expected reading levels for first, second and third grades and outlining timelines for assessment and parent notification. Based on feedback from LEAs, the

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timeline requires amending in order to ensure an appropriate window for assessment. (For complete details see General Exhibit No. 11343.)

The Committee reviewed and considered the proposed amendment to R277-403, *Student Reading Proficiency and Notice to Parents*, and approved the amendments on first reading.

Motion from the Committee that the Board approve the amendments to R277-403, *Student Reading Proficiency and Notice to Parents* on second reading. Motion carried unanimously.

Appropriate Licensing and Assignment
of Teachers, R277-520 - Amended

State Board Rule R277-520 provides criteria for educator licenses and implies that public educators serving in Utah K-12 schools must hold a valid license. However, Board rules does not explicitly state that all public K-12 educators must be licensed. Clarifying this rule will help prevent LEAs from knowingly hiring and retaining unlicensed educators. In addition, HOUSSE was a federal licensing option that no longer exists and the language should be updated to reflect this. (For complete details see General Exhibit No. 11344.)

The Committee received and considered the amendments to R277-520 and approved it on first reading.

Motion from the Committee that the Board approve the amendments to R277-520, *Appropriate Licensing and Assignment of Teachers* on second reading.

Deputy Superintendent Martell Menlove reported that he has met with a group of superintendents on Monday and they discussed this rule along with the other rules considered today. There are situations that occur, particularly in isolated and rural schools where it is basically impossible for a teacher to have all of the licenses and endorsements required. He clarified that the rule states “may result” in USOE withholding. One of the situations we may not hold would be in one of these situations.

Motion carried unanimously.

Special Needs Scholarship - Funding
and Procedures, R277-602 Amended

The Special Needs Scholarship was established to provide scholarship funding for eligible students to attend eligible private schools serving students with special needs. R277-602 outlines responsibilities in providing choice for parents of students with special needs who

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choose to have their children served in private schools and in providing accountability in the administration and distribution of the scholarship funds.

The Committee reviewed and discussed the amendments to R277-602 providing clarification and update to the following areas: 1) Expand the appeals committee from three to five members, 2) Revised the Appeals Process to clarify what may be appealed and what the appeals process includes/does not include, and 3) Remove the Special Needs website address from the Board Rule. (For complete details see General Exhibit No. 11345.)

The Committee amended the rule under R277-602-7C(1) adding the words “State complaint investigation.”

The Committee approved the amendments to R277-602 *Special Needs Scholarship - Funding and Procedures* on first reading and moved that the Board approve the amendments to R277-602 on second reading. Motion carried unanimously.

Annual Financial and Economic Literacy Legislative Report

State legislation enacted in 2008 and 2009 requires that public schools provide: 1) financial and economic literacy information to the parents or guardians of kindergarten students, 2) a financial and economic literacy passport, and 3) information about opening a Utah Educational Savings Plan account. The legislation also requires the state superintendent to annually report to the Education Interim Committee by November of each year on the successes and areas of needed improvement in financial and economic literacy education.

The Committee received the Financial and Economic Literacy Annual Report. (For complete details see General Exhibit No. 11346.)

No action was required.

UPSTART Annual Report

Utah Code 53A-1a-1007 calls for an annual evaluation report on the UPSTART Program to the Education Interim Committee.

The Committee received the annual report on the UPSTART Program. (For complete details see General Exhibit No. 11347.)

No action was required.

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General Consent Calendar

Motion was made by Member C. Mark Openshaw and seconded by Member Michael Jensen to approve the General Consent Calendar with the exception of Item G and change the date of the April 1 Board Meeting to April 8. Motion carried unanimously.

1. Minutes of Previous Meetings

Minutes of the Meetings of the State Board of Education held October 1, 2010.

2. Contracts

The following contracts were approved by the Board:

(1) West Group. \$13,202.67. 1/1/10-9/30/13

To provide West Education Law Reporter, West Education Law Digest (Key Number), and West United States Laws and Rules for a three year period under a predictable pricing schedule.

(2) Brustein & Manasevit. \$15,000. 9/7/10-9/6/11. - Fed.

Brustein and Manasevit will provide assistance in the development and review of internal IDEA (Individuals with Disabilities Education Act) fiscal procedure manual. Legal advice and technical assistance as needed.

(3) WGBH National Center for Accessible Media. \$95,436. 10/5/10-10/14/12. - Fed.

Determine appropriate way to present graphics to student with print disabilities (students who can see but can't read), and students who are blind/students with visual impairments for assessments.

(4) ACT, Inc. \$875,820. 9/1/10-8/31/11. - Fed.

To carry out the mandate in House Bill 166 (2010) to administer for 2 years the ACT, a national college admissions examination that consists of subject area tests in English, Mathematics, Reading, & Science.

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- (5) Utah Parent Information and Training Center. \$15,500. 7/1/08-6/30/13 - Amend. #1. - Fed.

The Utah Parent Information Center (UPC) is the only center in the state which serves as a statewide clearinghouse for parents with disabled children. UPC provides information, referral, training and positive peer support to parents of children and youth with all disabilities. The UPC represents parents as team members on the State Level Validation Teams and parent focus groups.

- (6) Evaluation and Training Institute. \$107,720. 4/25/11-12/30/11. - Amend. #1

To obtain an independent evaluation of the UPSTART Program.

- (7) RMC Research Corporation. \$200,000. 4/1/10-3/31/11. - Fed.

Performance of School Improvement Instructional Audits.

- (8) Davis County Schools Warehouse. \$200,000. 10/1/10-9/30/11.

Receipt and storage of USDA commodities.

(For complete details see General Exhibit No. 11348.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the school districts were approved by the Board as submitted. (For complete details see General Exhibit No. 11349.)

4. 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.

The Board approved the amendments to R277-419, Pupil Accounting, on second reading at its October 1, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-419, Pupil Accounting on third and final reading. (For complete details see General Exhibit No. 11350.)

5. Adult Education Programs, R277-733

R277-733 contains language and processes that need to be updated. Specifically, the amendments include language to provide a specific amount of funds

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designated to the USOE for oversight, monitoring, and evaluation of adult education programs. The amended rule will provide changes for determining residency status and the way adult education funds are distributed.

The Board approved the amendments to R277-733, Adult Education Programs on second reading at its October 1, 2010 meeting. There have been no substantive changes to the rule since that time. The Board approved R277- 733, Adult Education Programs on third and final reading. (For complete details see General Exhibit No. 11351.)

6. Administrative Rule Review

Under provisions of 63-45a-9 U.C.A. 2953, all administrative rules shall be reviewed every five years. There may be minor non-substantive changes within these rules. It is recommended that the following rules be reviewed and approved:

R277-100	Rule Making Policy
R277-477	Distribution of Funds from the Interest and Dividend Account (School LAND Trust Funds) and Administration of the School LAND Trust Program
R277-616	Education for Homeless and Emancipated Students and State Funding for Homeless and Disadvantaged Minority Students
R277-711	Educational Programs for Gifted and Talented Students

(For complete details see General Exhibit No. 11352.)

7. Utah State Board of Education Proposed 2010 Meeting Schedule

The proposed meeting schedule for the State Board of Education for 2011 was approved by the Board as amended. (For complete details see General Exhibit No. 11353.)

8. Utah Schools for the Deaf and the Blind Negotiated Agreement

At its September 22, 2010 meeting, the Utah Schools for the Deaf and the Blind Advisory Council approved the USDB Negotiated Agreement. This agreement is negotiated annually between the USDB Administration and the USDB Education Association. It covers employment practices, salary schedules, etc.

The Board approved the Utah Schools for the Deaf and the Blind Negotiated Agreement for the 2010-2011 school year. (For complete details see General Exhibit No. 11354.)

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9. 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. 11355.)

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.11356.)

11. Claims Report

The Claims Report in the amount of \$259,064,632.12for September 30, 2010 was approved by the Board. (For complete details see General Exhibit No. 11357.)

Motion was made by Member and seconded by Member to adjourn. Motion carried unanimously.

Meeting adjourned at 4:10 p.m.