

MINUTES

October 3, 2008

Minutes of the meeting of the State Board of Education held October 3, 2008, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:15 a.m.

Chairman Richard Sadler presided

Members present were:

- Chairman Richard Sadler
- Vice Chairman Mark Cluff
- Member Dixie L. Allen
- Member Kim R. Burningham
- Member Janet A. Cannon
- Member Rosanita Cespedes
- Member Bill Colbert
- Member Thomas Gregory
- Member Greg W. Haws
- Member Michael G. Jensen
- Member Charlene Lui
- Member Randall Mackey
- Member Denis R. Morrill
- Member Richard Moss
- Member Debra G. Roberts
- Member Teresa L. Theurer

Members Laurel O. Brown and Meghan Holbrook were excused.

Also present were:

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

Members of the Press:

- Lisa Schencker, Salt Lake Tribune
- Amy Stewart, Deseret Morning News
- Beth Young, Standard Examiner
- G. W. Leonard, Utah School Boards Association
- Chris Sorensen, Superintendent, Nebo School District
- Julie Warren, Nebo School District
- Celeste Gledhill, Nebo School District
- Darlynn Christensen, Nebo School District
- Debbie White, AFT Utah
- Steven H. Peterson, Utah School Boards Association/Utah School Superintendents Association

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Brian Allen, Chairman, Utah Charter School Board
Utah State Office of Education Staff:
Marlies Burns, Charter Schools
Jeannie Rowland, Charter Schools

Welcome and Student Achievement Spotlight

_____ Chairman Richard Sadler called the meeting to order. He excused Members Laurel Brown and Meghan Holbrook.

Board Member Rosanita Cespedes lead the Board in the Pledge of Allegiance.

Board Member Greg W. Haws offered a prayer for opening remarks.

The Board recognized the 2008 No Child Left Behind-Utah Blue Ribbon Schools.

Associate Superintendent Brenda Hales reported the criteria for the No Child Left Behind-Blue Ribbon Schools Program.

For 2008, the three Utah schools that were selected as No Child Left Behind Blue Ribbon Schools are Mapleton Elementary in Nebo School District, Mona Elementary in Juab School District, and Oakridge Elementary in Granite School District. Each of these schools will be honored at an awards ceremony in Washington, DC on October 20-21. Each were presented an Excellence Certificate from the Board.

Utah State Charter School Board Recommendations

Marlies Burns, Executive Director of the State Charter School Board reported that the State Charter school Board, in their regularly scheduled meetings, unanimously approved recommending to the State Board of Education the following amendments to charter school charters and one revocation of a charter:

Monticello Academy opened in the 2006-2007 school year in West Valley City, Utah and serves grades K-9, 750 students. Monticello Academy has revised sections of its charter agreement to make technical changes and corrections. The State Charter School Board unanimously voted to recommend this amendment for approval by the State Board of Education.

Providence Hall opened in the 2008-2009 school year in Herriman, Utah and serves grade K-6, 700 students. Providence Hall has revised its curriculum program to include Scholastic Guided Reading and an enVisionMATH and exclude Reading Street and SRA Real Math. Both programs meet state requirements and better support the overall International Baccalaureate methodology at the school. The State Charter School Board unanimously voted to recommend this amendment for approval by the State Board of Education.

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DaVinci Academy opened in the 2004-2005 school year in Ogden, UT and serves grades 9 - 12, 350 students. DaVinci requests to add grades 7 - 8, but would not increase its cap of 500 students. Additionally, the school has revised its charter agreement in the area of curriculum to offer more flexibility in course offerings to students. The State Charter School Board unanimously voted to recommend this amendment for approval by the State Board of Education.

(For complete details see General Exhibit No. 10678.)

Motion was made by Member Richard Moss and seconded by Member Dixie L. Allen to approve the above recommendations from the State Charter School Board. Motion carried with Members Allen, Burningham, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Member Cannon absent.

Emerson Alcott Academy – Chairman Richard Sadler reported that the Emerson Alcott Academy has requested an appeal to the Board relative to the State Charter School Board recommendation to close the school. In accordance with Board policy which outlines a hearing process, and which includes a committee of State Board Members to address the appeal, such a committee will be setup. Further, that a hearing officer also be appointed. He indicated that Carol Lear would be appointed the hearing officer. He requested that Board Members interested in serving on the hearing committee to please so indicate. Board Members Dixie Allen, Tom Gregory, Richard Moss, and Mark Cluff agreed to participate on the hearing committee. Chairman Richard Sadler appointed Member Richard Moss to chair the hearing committee. Chairman Sadler indicated that in the case that Carol Lear could not be the hearing officer Board Leadership would then appoint another hearing officer, unless there was any objection from the Board. There being no objection, the hearing committee would proceed as outlined.

Change in December Board Meeting Date

Chairman Sadler noted that there is a need to change the Board Meeting date in December. Following some discussion of different dates it was agreed by those present that the meeting be moved to Tuesday, December 16.

State Charter School Board Bi-Annual Report

Marlies Burns, Executive Director of the State Charter School Board presented an update regarding the state of charter schools in Utah. She presented the 2007-08 school year enrollment for charter schools. She indicated that there are a total of 65 charter schools serving a

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projected enrollment of approximately 28,000 students. Of those 65 charter schools, 12 are sponsored by districts and the other 53 are sponsored by the state. There are a few in transition requesting to be sponsored by the state. There are eight schools approved for the 2008-09 school year, bring a total of 73 schools. Ms. Burns presented the demographics of the charter schools.

Ms. Burns reported that there are no charter schools are on the list of Title 1 schools in need of improvement.

Ms. Burns reported that charter schools are increasing in their net assets on a yearly basis which shows sound fiscal management. However, there are some schools that are having negative changes in assets and this is something the Charter School Board looks at carefully in order to help them with training or learning how to do the reports accurately, or helping them through a budget process. Ms. Burns reported that all in all charter schools and district schools are not funded the same. She indicated that charter school funding is on the docket for legislation again this year so there may be changes to this in the near future.

Ms. Burns presented the following recommendations from the State Charter School Board on ways to work together and help charter school students:

- (1) A reasonable growth model

- (2) Equitable funding

- (3) Brian Allen, Chairman of the State Charter School Board would like to see charter schools exempt from several requirements in the law in order to have flexibility to make more site based decisions. He would like to see less bureaucracy in charter school and more autonomy to help them be true lab schools and then share best practices within the state.

(For complete details see General Exhibit No. 10679.)

Brian Allen, Chairman, State Charter School Board, commended Ms. Burns and her staff and Superintendent Harrington for the great support they receive. He indicated they are doing a lot of great things, but always looking for ways to do better.

Member Randall Mackey voiced concern with the financial situations of all charter schools and encouraged ongoing oversight of the schools.

Chairman Sadler expressed appreciation to Ms. Burns and Mr. Allen and the State Charter School Board.

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Member Randall Mackey voice concern relative to conflicts of interest in the charter schools and possibly on the State Charter School Board and requested that a clear definition be provided so all had an understanding of the definition of conflict of interest.

Executive Officer Report

Superintendent Harrington presented the following items of information:

Information Items:

- DigitalBridge contract has been finalized.
- SB 2001 Current Fiscal Year Budget Adjustments - added back in funding for public education, the State Office and the State Office of Rehabilitation.
- SB 2002 - Student Achievement Testing Exceptions.
- Letter to Assistant Secretary Kerri Briggs seeking a waiver from the U.S. Department of Education to allow Juab, Sevier and Logan Districts a waiver from NCLB Accountability.
- Presented a draft of the Utah State Office of Education Assignments relative to how the office will handle these three districts relative to this exemption.

Discussion Items:

- Ramifications of work on SB 2002
- National Center on Education and the Economy letter notifying Utah of acceptance into a consortium of states using Tough Choices, Tough Times. We have now been accepted into the consortium. Does the Board want to continue participation or pull back?

Board Members shared their feelings that we need to proceed with great care. Member Kim Burningham reported that he felt the letter sent earlier had clear safeguards and maybe they needed to be highlighted.

It was also suggested that this be brought to the attention of the Governor in the meeting with him and Board leadership next week.

Member Dixie Allen indicated to would be advantageous to set parameters on what we will or will not do in this instance.

The Board was supportive of clarifying safeguards and setting parameters relative to participation in the consortium.

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(For complete details see General Exhibit No. 10680.)

Board Chairman Report

Chairman Richard Sadler presented the following items of information:

1. December Board meeting date change.
2. Items for the NASBE Silent Auction.
3. Board evaluations – appreciated the humor submitted last meeting.
4. Calendar items: State Charter School Board meeting on October 23rd and not on the 16th.

(For complete details see General Exhibit No. 10681.)

Public Participation/Comment

No requests were received.

Board Standing Committee Reports

Curriculum Committee

Member Teresa Theurer chairman of the Curriculum Committee presented the following recommendations from the Committee:

Adequate Yearly Progress (AYP) and Utah Performance Assessment System for Students (U-PASS) Results

Associate Superintendent Judy Park presented the results of the AYP and U-PASS which were released on September 30, 2008. (For complete details see General Exhibit No. 10682.)

The Board received the report. No action was required.

Program for International Student Assessment (PISA)

The Program for International Student Assessment (PISA) is an international test that is used for student achievement comparisons between countries. It is administered every three years to a sample of 15 year old students and evaluates the domains of reading, mathematical and scientific literacy and problem solving.

Utah has been invited to participate in the PISA in the fall of 2009. It is a pencil and paper test which lasts three hours. Students with Disabilities and English Language Learners may not be included in this assessment.

There must be an administrative commitment to participate in the PISA. School principals must complete a 20-30 minute questionnaire about their schools. Additionally, schools

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must have a school coordinator. The school coordinator is responsible to provide a data file of all 15 year old students in their school and confirm the selected students. (For complete details see General Exhibit No. 10683.)

Motion from the Committee that the Board not endorse the program but allow the company to contact the schools to participate based on the company allowing us to have contact with the schools.

Board Members expressed concern with regard to this being more testing and for the time out of class for participation in the testing.

Member Dixie Allen suggested that students and parents be given a choice as to participation in this testing. She did not feel the testing was worthwhile and would like to see it done another way. Member Allen spoke against the motion.

Further concerns were expressed relative to the receipt of data and that it does not be segregated by state but by school.

Member Randall Mackey suggested that participation in taking the test might be on a Saturday and we could require that.

Amendment to the motion was made by Member Randall A. Mackey and seconded by Vice Chairman Mark Cluff that the testing be provided only on Saturday.

Member Tom Gregory spoke against the amendment indicating he would like to let the schools make the choice.

Member Michael Jensen questioned who would be using the data and for what it is being used for.

Associate Superintendent Judy Park indicated that there are two international tests. One is the TIMMS and this is the other and both have existed for many years. The United States in the past has not participated in the PISA. Schools are now being contacted which has brought this to the attention of the Board.

Amendment to the motion to allow districts to proceed on a voluntary basis on a Saturday. Amendment failed with Members Cannon, Colbert, Mackey, Moss, and Roberts voting in favor; Members Allen, Burningham, Cluff, Gregory, Haws, Jensen, Morrill, and Theurer voting against.

Original motion from the Committee to allow the tests and for schools to decide, but it is not endorsed by the Board. Motion carried with Members Burningham, Cannon, Cluff,

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Colbert, Gregory, Jensen, Moss and Roberts voting in favor; Members Allen, Haws, Mackey, Morrill and Theurer opposed.

The Curriculum Committee report will continue after the executive session.

Executive Session

Motion made by Member Dixie L. Allen and seconded by Member Thomas Gregory that the Board move into an executive session for the purpose of discussing personnel issues following lunch. The Board was polled and by unanimous consent of those present the Board moved into an executive session following lunch at 1:15 p.m.

Lunch Discussion

The Board hosted the Utah School Superintendents Association Executive Officers for lunch and discussed items of mutual concern to both.

Ron Wolfe, First Vice President of the Utah School Superintendents Association provided the following:

- Background and membership of the organization
- The district superintendents expressed appreciation to the Utah State Office of Education and the Utah state Board of Education for their leadership and positions regarding vouchers – it was a bold move. Also that the Superintendents feel free to communicate openly with anyone at the Utah State Office of Education and their input is well received.
- One of their primary goals is local control and an understanding of diversity in the school districts throughout the state.
- They would like to see an improvement in communications at the State Office of Education. With a high turnover there seems to be some concern with regard to continuity and communication within the State Office of Education from department to department as well as communication from the USOE to districts. Also, it is difficult to know who to contact with issues and questions and who has the authority to answer those questions.
- The superintendents expressed appreciation for the superintendent's policy committee to review Board rules for input prior to their being presented to the Board.
- Superintendents would like Board Members to visit the schools in their district.

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- One of their top priorities is local control. They have concern that the federal government, legislature and state board are invasive of that authority.
- They would like to see funding focused on an increase in the WPU [if there is money] rather than special projects and/or programs.
- They feel there is a challenge of the erosion of the Boards authority and it should remain a policy board as outlined in the constitution.

Steve Petersen, Executive Director of the Utah School Superintendents Association presented more background on the issues identified. He expressed appreciation to the Board for the opportunity to meet together and he encouraged board members to attend the meetings of the Utah School Superintendents Association.

(For complete details see General Exhibit No. 10684.)

Chairman Richard Sadler expressed appreciation to all members of the organization, all of whom we represent, and for all they do and their hard work. He commented that without great superintendents and principals teachers would have a difficult time doing what they do.

Executive Session

As moved above, the Board convened into an executive session at 1:15 p.m.

Motion was made by Member Teresa L. Theurer and seconded by Member Janet A. Cannon that the Board reconvene into open meeting. Motion carried

The Board reconvened at 1:45 p.m.

Utah Schools for the Deaf and the Blind Institutional Council

Motion was made by Member Thomas Gregory and seconded by Member Mark Cluff to reappoint Bill Gibson and Jodi Kinner to the Utah schools for the Deaf and the Blind, terms to expire 2012. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Roberts and Theurer voting in favor; Member Moss absent.

Motion was made by Member Thomas Gregory and seconded by Vice Chairman Mark Cluff that the Board clarify the appointment for a four year term (2006-2010) for current Utah Schools for the Deaf and the Blind Institutional Council Members Von Hortin, Kye Miner and Michelle Tanner. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Gregory, Haws, Jensen, mackey, Morrill, Roberts and Theurer voting in favor; Member Moss absent.

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Addendum To the Agenda

**U-PASS Accountability Exemptions
in 2008-09 for Juab, Sevier and Logan
School Districts**

In the 2009 Special Session of the Utah Legislature just held, SB 2002 Student Achievement Testing Exceptions, was passed. The bill allows the Utah state Board of Education to exempt from U-PASS Accountability districts and charter schools that incorporate assessments that includes:

- Computer-adaptive testing in all grades
- Online writing assessment in grades 4-12
- College admissions and placement testing

The Utah State Board of Education has already supported, by motion, the pilot programs at Juab, Sevier and Logan Districts for the 2008-09 school year. Each of the districts meet the requirements of SB 2002 and they are the only district ready so ready.

Superintendent Harrington reviewed the requirements of SB 2002. (For complete details see General Exhibit No. 10685.)

Motion was made by Member Dixie L. Allen and seconded by Member Debra G. Roberts that the Board of Education exempts Sevier and Juab School Districts from participating in the Iowa Test of Basic Skills, the Direct Writing Assessment, the Utah Basic Skills Competency Test (UBSCT) and the Criterion-Referenced Tests for English Language Arts, Mathematics and Science; and the Logan District from the Utah Basic Skills Competency Test (UBSCT). The exemption from the Criterion-Referenced Tests for English Language Arts, Mathematics and Science is contingent upon approval from the United States Department of Education. This exemption requires the pilots administer the assessments as outlined in the previously approved pilot requests and the Student Achievement Testing Exceptions as stated in S.B. 2002.

Member Tom Gregory indicated in prior meetings in approving these exemptions that it was the Boards intention to put all of that language under contract with these districts. Superintendent Harrington noted that we have written agreements with them, not yet signed, but we can now move forward with that per the formal agreement of S.B. 2002 and the Board motion.

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Motion carried with Members Allen, Burningham, Cannon Cluff, Colbert, Gregory, Haws, Jensen, Mackey Morrill, Roberts and Theurer voting in favor; Member Moss absent.

Board Standing Committee Reports Continued

Curriculum Committee Report Continued

Applied Technology Education
Licenses, R277-518

R277-518, Applied Technology Education Licenses, has never been revised to change the term “Applied Technology Education,” to “Career and Technology Education.” The amended rule reflects the terminology used in other Board rules and which is the language currently used for these specific types of programs. (For complete details see General Exhibit No. 10686.)

The Committee reviewed the amendments to R277-518 and approved the amended rule on first reading and moves that the Board approve R277-518, Applied Technology Education Licenses on second reading. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Roberts and Theurer voting in favor; Member Moss absent.

Secondary Career and Technical
Education, R277-911

In 2006 the Federal Carl Perkins Career and Technical Education Act provided emphasis on articulated CTE career pathways from public education to higher education. CTE directors have worked with USOE staff over the past year to update the definitions and disbursement of state funds to include emphasis on pathways.

The revisions to R277-911 include CTE pathways as part of the funding for school districts, and revises the administrative funding of CTE for school districts and charter schools.

Changes were made to the rule by the Committee (For complete details see General Exhibit No. 10687.)

The Curriculum Committee reviewed the amendments to R277-911 and approved the amendments on first reading and moves that the Board approve R277-911, Secondary Career and Technical Education on second reading. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Roberts and Theurer voting in favor; Member Moss absent.

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Carl D. Perkins Career and Technical
Education Five-Year State Plan

The Carl D. Perkins Career and Technical Education Improvement Act of 2006, was reauthorized for six years beginning July 1, 2007. The Board is the Eligible Agency under the law and is required to develop and implement a 6-year state plan. The state plan was approved by the Board March, 2008 with direction given to the Career and Technical Education (CTE) Section to submit the plan to the federal office and report on the approval process and any other follow up issues at a future meeting. The legislation requires that the Board meet at least four times annually in its role to oversee the implementation of the state plan.

Staff provided a brief update on the state plan submittal and the federal response and negotiated performance targets. (For complete details see General Exhibit No. 10688.)

Member Theurer reported that the State of Utah was asked to show the nation the technical skills assessment that we have developed. We are above many of the states in the nation with our technical skills assessment.

The Curriculum Committee received the report. No action was required.

GED as a Utah High School Equivalency
Diploma

As a result of the adult education legislative audit, the issue of awarding adult education program funds for successful student outcomes for passing the GED test and completion of a Carnegie unit adult education diploma was a concern given that nationally successful completion of the GED test is viewed as a high school equivalency diploma. Staff was asked to survey constituents regarding their support and recommendations for 16 and 17 year old youth being allowed to take the GED test and the diploma equivalency issue.

Staff provided data from constituents to address the following:

- Should the testing age for a person in Utah to take the GED test be officially lowered to 16 or 17 years of age?
- Should high schools offer a GED preparation track for youth who may express interest in exiting the school system who may or may not be credit deficient in hopes of capturing a diploma outcome in the form of a Utah High School Equivalency Diploma?
- Should high schools issue the Utah High School Equivalency Diploma in the schools name?
- Should those youth receiving a Utah High School Equivalency Diploma who completed an in-school track preparation program be allowed to “walk” with their graduation class?

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Member Theurer noted that there was an error in the letter in the agenda. The Board did not pass a motion acknowledging the successful completion of the GED test as a high school equivalency diploma.

The Curriculum Committee asked staff to write a rule, and then we can have people discuss certain aspects of the rule. The suggestion from the Committee was that the rule would include the following: (1) a GED will count as a high school equivalency diploma; (2) it will be offered in adult education; (3) it will be allowed to be given to 16 & 17 year olds, only after the students, parents, counselor, and administrator meet together. As they meet they will find out exactly what that decision means. The decision will mean that they cannot return to a regular high school, which means this might be a problem if the student wants to be a police officer or enter the military. If they do complete their GED and want to take additional course work they are all offered in adult education and they are free to do that. There was some discussion on whether someone who passes the GED counts for successful graduation to districts and schools and the Committee suggested that it be not so because they did not successfully graduate from a school. When a student passes the GED, their high school equivalent diploma will be given by Adult Education. The rule will then receive input from those entities associated with adult education and the GED, and continued discussion by the Committee.

S.B. 81 - Illegal Immigration Study Group Report

In the September 2008 Board meeting, staff reported on the results of the adult education state audit and the potential impact not only on adult education programs but on the entire K-12 education system, of S.B. 81, Illegal Immigration, passed by the 2008 Legislature.

The Board directed staff to form a study group to look at the potential affects of S.B. 81.

The Committee met and the Board was represented very well by Member Tom Gregory. The Curriculum Committee received the report of the findings of the study group that the Board Rule R277-723 under Adult Educational Services will be amended addressing proof of residency, not status of citizenship. The Adult Education Policy Manual will also be revised to more appropriately address legal documentation of citizenship standards within adult education policies in the scope of the local practices. The Committee would like a letter to go to the auditor highlighting the changes that the State Board has taken.

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Comprehensive Counseling and Guidance
Program, Rule R277-462

_____ Member Theurer reported that the Comprehensive Counseling and Guidance Program Rule R277-462 was inadvertently left off of the agenda. Member Tom Gregory served on the Committee to review the rule. The Curriculum Committee received a revised copy of the rule which they will also look at again next month. They are requesting that districts plan to see how they are going to get to the 350 to 1 ratio for counselors, rather than have a time line, including how the districts are doing this.

Law & Policy Committee

Member Debra G. Roberts chair of the Law and Policy Committee presented the following recommendations from the Committee:

International Guest Teachers, R277-527

Over the past several years, Utah school districts and charter schools have hired increasing numbers of visiting guest teachers. These teachers from around the world support world language instruction and provide opportunities for cultural awareness to Utah public school students. However, as the number of these teachers has increased, it has become clear that more specific regulation is necessary. The Committee reviewed a draft of a new rule R277-527, Internal Guest Teachers which sets standards for licensure, background checks, and appropriate assignment. (For complete details see General Exhibit No. 10689)

The Committee made minor changes: Immigration Department was changed to Department of State. R277-527-3 G, add that it is an International Guest Teacher License. R277-527-5 C, Foreign was changed to Internationally credentialed educators.

The Committee approved R277-517 on first reading and moves that the Board approve R277-527 International Guest Teachers on second reading. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Roberts and Theurer voting in favor; Member Moss absent.

Required Policies for Electronic Devices
in Public Schools, R277-495

The Board directed staff to create a rule that would require LEAs in Utah to adopt policies regulating the use of electronic devices in public schools. In its meeting of September 12, 2008, the Law and Policy Committee reviewed a draft rule. This draft rule has been distributed to district superintendents, charter school directors, and others, with a request to

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provide responses prior to the next meeting of the Board. Also distributed was a draft “model policy.” (For complete details see General Exhibit No. 10690.)

The Committee reviewed R277-495 along with the responses received from districts, charter schools and others and approved the new rule on first reading, and moves that the Board approve R277-495, Required Policies for Electronic Devices in Public Schools on second reading.

Substitute Motion was made by Member Thomas Gregory and seconded by Member Janet A. Cannon that instead of the Board passing the rule on second reading that an addition be added to rule that electronic devices be prohibited during state testing; with the rule then coming back to the Law and Policy Committee for second reading and final approval by the Board at the November Board. Substitute Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Roberts and Theurer voting in favor; Member Moss absent.

Board Committee to Lead Long Term Plan for Education

Senator Patricia Jones visited with the Utah State Board of Education in September suggesting her desire for a long term plan for education. Senator Jones indicated that she intends to run legislation on this matter in the 2009 Legislative Session. Holly Langton, State PTA Government Liaison voiced the support of the State PTA for such planning.

The Committee discussed how to proceed on working toward a long term plan for education in affiliation with Senator Jones and the State PTA, among many other constituent groups. What they would like to create is not a step by step strategic planning goal 1, 2, or 3, but more the idea of creating a vision. The Board statements would be that it provides leadership, vision, advocacy and support for school districts, other policy makers and citizens that enable all students to be successful lifelong learners and contributing citizens. Part of the Board’s job is to provide that leadership in where we would like public education to go and make it the vision for not only the Board but for everyone. Combine that with everything we have talked about that we as public education have promises that we need to keep and we can’t necessarily promise how a student will turn out at the end because there are so many factors that influence that, but we can promise the way we feel our public education classrooms or schools should look and the things that should be contained in them. (For complete details see General Exhibit No. 10691)

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The Committee proposes that they create a group that would look at the public education classroom of [year], not by a step by step plan, but creating that overall vision. The list proposed is very long, 30-45 people. However, the Board could create the beginning vision of a Utah Public Education Classroom, under that would be three areas: (1) Technology and Tools; (2) Leadership and Effective Instruction; and (3) Standards, Curriculum and Assessment. We recognize that the Board has moved far along in at least two of these areas. We would then present this to the Committee and allow them to split into one of these three groups, meeting on their own time, over a five or six month period to create the black and white vision. It is proposed that the first overall meeting take place just prior to the opening of the legislature.

The Law and Policy Committee will continue this discussion next month with names for the committee. Board members were requested to submit names of individuals they felt would be appropriate to serve on the committee.

Differentiated Compensation Work Group

In March, the Board appointed a Differentiated Compensation Work Group. This group is co-chaired by Board Member Debra Roberts and Deputy Superintendent Larry Shumway. The group has been meeting regularly since that time. Members of the group include Board members, USOE staff, teachers, principals, superintendents, CMAC representatives and parents.

Member Roberts and Deputy Superintendent Shumway presented the preliminary work and conclusions of the group to the Committee. The Committee discussed the work of the Work Group.

No action was required.

Legislative Strategy

The Board sets priorities for each legislative session. Support for the Board's priorities must be developed in the Legislature, and with individual legislators. Legislators need accurate information and clear understanding regarding the Board's positions. The Utah State Office of Education needs to be an effective instrument for the Board to ensure this communication.

Member Roberts reported that they have set a date for the legislative dinner on November 19, inviting all legislators to participate. Secondly, the State Office of Education staff need specific clear direction of what the Board wants and where it is going, specifically how we

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feel about the WPU and having that the focus of this year's session. Request of leadership the possibility of a resolution coming from the Finance Committee along these lines giving clear direction and guidance. Chairman Sadler reported that leadership has discussed having the Finance Committee and the Law and Policy Committee meet together the first part of the next meeting to develop jointly a wpu statement.

Third, discussed briefly the legislative meetings in the past weekly during the legislative session and would like to continue that again.

Finance Committee

Member Greg W. Haws chair of the Finance Committee presented the following recommendations from the Committee:

Monticello Academy Reconsideration of Enrollment Request for 2009-2010

_____ In April 2008, the State Charter School Board voted to recommend several schools for consideration by the State Board of Education; i.e., new schools, expansions of existing schools, and satellite schools. Monticello was not among the schools recommended by the State Charter School Board. In June 2008 the State Charter School Board reconsidered Monticello Academy's request and on a 3-2 vote, recommended to the Utah State Board of Education an enrollment increase at Monticello Academy for the 2009-2010 school year.

In August 2008, the Utah State Board of Education considered the recommendation from the State Charter School Board for an enrollment increase at Monticello Academy for the 2009-2010 school year, but denied the request.

In September 2008, the State Board of Education received a request from Monticello to reconsider the August action of the Board, and the Board determined not to reconsider it in the September 2008 meeting. A motion was made at the September 12, 2008 State Board of Education meeting and approved that the Board would reconsider their action on the Monticello Academy in the October 2008 meeting.

Board leadership, Superintendent Harrington, Charter Schools Director Marlies Burns, and Utah State Office of Education Attorney Carol Lear met with leaders of the Monticello Academy following the September 12, 2008 State Board of Education meeting and agreed that all parties would prepare information and submit it to Superintendent Harrington by 5:00 p.m. on September 23, 2008. Superintendent Harrington was asked to summarize the

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information and prepare attachments as needed. This summary was presented. (For complete details see General Exhibit No. 10692.)

The Committee reviewed the information provided and moves that the State Board of Education grant the Monticello Academy request to increase enrollment particularly adding grades 9-12 with a strong commitment that the reports will be submitted in a timely and factual way and comply with requirements. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Roberts and Theurer voting in favor; Member Moss absent.

Budget Reductions for all State Agencies, FY 2009

On September 18, 2008 Governor Huntsman announced that he would call a special session of the legislature to address the forecasted revenue shortfall of around \$200 million. All state agencies were directed to submit budget reduction plans by September 19, 2008. The Utah State Office of Education has complied with the request for budget reduction information as well as implemented several cost-saving measures to be placed into effect until the revenue picture for FY 2009 is settled. The Governor has stated that all state agencies are required to reduce budgets by 2% except education. Senate President John Valentine had also stated that senators are willing to hold education harmless, at least one year. This suggests a funding shift from the Uniform School Fund in FY 2009 from Education Fund revenues to FY 2008 carry forward funds in the Uniform School Fund. The shift in funds will provide sufficient funds to avoid budget reductions in FY 2009, but will leave the Minimum School Fund short about 450 million in FY 2010. After the Governor's announcement, legislative leadership directed agencies to submit a 5% budget reduction plan in advance of the special session. (For complete details see General Exhibit No. 10693.)

Superintendent Harrington has indicated the Board's gratitude to the legislature for their attempts to hold public education harmless. In stating that they are holding public education harmless it does not mean that they are making adjustments to the budget. They reduced the budget by 3% and replaced it back with non-lapsing funds, which means we are held harmless for this fiscal year. The impact is that the budget is reduced so when we go from our 2009 budget to our 2010 we are starting with a lower base, therefore our next year's budget has been impacted by this..

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Motion from the Committee that the Board approve the budget reduction plans for the Utah State Office of Education and its subdivisions, recognizing that we are held harmless for this current fiscal year. Further, that staff prepare some suggestions or alternatives to reduce that going forward in the range of \$75 million.

Chairman Sadler expressed appreciation to Superintendent Harrington for the numerous communications in keeping the Board apprised of what has been happening. Also, for expressing appreciation to the legislature for this short-term situation.

Member Tom Gregory questioned the need for the motion if this is something that has already been done.

Associate Superintendent Todd Hauber reported that this is something that the office needs to submit to the Governor on Monday where we anticipate our budget request ought to be for 2010. This will then help us to have some understanding of where the reductions will be in that 2010 presentation to the Governor's office. We do have the flexibility within the line items to adjust those according to need.

Further discussion ensued relative to the reason for the motion with further clarification that these are proposals on how the State Office of Education will absorb its 3% reduction on an ongoing basis, but does not contemplate the larger pictures of the Minimum School Program.

Member Randall Mackey commended the Governor and Legislature for recognizing the importance of public education and holding us harmless at this time.

Question on the motion was made by Member Teresa L. Theurer. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Roberts and Theurer voting in favor; Member Moss absent

Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Roberts and Theurer voting in favor; Member Moss absent.

Utah Schools for the Deaf and the Blind
Capital Projects Funding

The Utah Schools for the Deaf and the Blind has spent several years attempting to secure a new facility in the Salt Lake Valley. The struggle has been to convince both the Building Board and the State Legislature to fund the construction of a new facility in Salt Lake

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County. This process of seeking funding for new facilities has yet to be successful in meeting the critical capital needs at USDB.

Representative Ron Bigelow's advice was sought to help in providing an ongoing revenue stream for USDB to fund its own capital needs. Representative Bigelow asked that the Utah State Office of Education brainstorm methods by which a steady revenue stream for capital projects can be provided.

A list of options was reviewed by the Committee. (For complete details see General Exhibit No. 10694.) The Committee recommended a short list of capital project funding options for USDB to be considered for possible legislation in the 2009 general session of the legislature as follows: (1) Authorizing carryover of specified percentage of appropriations; (2) Participate in the Capital Foundation and Growth Formulas; (3) Add on to the basic rate; and (4) look at a special dispensation in the building board process.

Member Haws indicated that none of these are without challenges. These are for information only, and if anyone else has further brainstorming ideas please email them to Associate Superintendent Todd Hauber.

USBA Delegate Assembly
Legislative Issues Discussion

The Utah School Boards Association Delegate Assembly has prioritized legislative issues for the 2009 general session. Topping the list of important issues are local control, weighted pupil unit, and pupil transportation funding. Representatives of the assembly attended the Finance Committee meeting in September but were unable to address these issues when the Finance Committee took action to support an increase in the value of the WPU.

Utah School Boards Association President Delanie Hathaway and Legislative Chair, JoDee Sundberg presented the Delegate Assembly's legislative items seeking board support. (For complete details see General Exhibit No. 10695.)

The Committee received the information and requested that they help the Board identify actual budget adjustments. No action was required.

General Consent Calendar

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

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Burningham, Cannon, Cluff, Colbert, Haws, Jensen, Mackey, Morrill, Roberts and Theurer voting in favor; Member Allen, Gregory and Moss absent.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held September 12, 2008.

2. Contracts

The following Contracts were approved by the Board:

(A) Longview Foundation. \$20,000. 7/30/08-7/30/08.

To create International Education Council and to help fund International Education Summit.

(B) Richfield Station, Inc. \$17,205.12. 9/1/08-8/31/09. - Amend. - Fed.

Lease for Division of Rehabilitation Services, Richfield Office located at 1100 S Highway 89, Richfield, Utah.

(C) CTW Properties LLC. \$753,925.50. 7/1/09-6/30/14. - Amend. - Fed.

To lease the space for the Division of Rehabilitation Services located at 926 Baxter Place, South Jordan, Utah.

(D) Sky Harbor Apartments. \$9,120. 1/1/09-12/31/09. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the training and adjustment and learning maximum independent living skills classes.

(E) Sky Harbor Apartments. \$9,120. 1/1/09-12/31/09. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the training and adjustment and learning maximum independent living skills classes.

(F) Sky Harbor Apartments. \$9,120. 1/1/09-12/31/09. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the training and adjustment and learning maximum independent living skills classes.

(For complete details see General Exhibit No. 10696.)

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3. Grants to Purchase or Retrofit Clean School Buses, R277-606

The Utah State Office of Education worked with the Utah Division of Air Quality and several other organizations and groups to determine how to best leverage the \$100,000 from HB 146 to provide the maximum grant funding benefit for school districts. Because potential funding grants come from several different sources with differing requirements, a universal application form has been developed to meet all needs. A system of identifying the best use of funding sources has also been established.

The amendments to R277-606, Grants to Purchase or Retrofit Clean School Buses permit the flexibility necessary to maximize the grant funding available from various sources now identified as up to \$2.3 million.

The Board approved R277-606, Grants to Purchase or Retrofit Clean School Buses on second reading at the September 12, 2008 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-606, Grants to Purchase or Retrofit Clean School Buses on third and final reading. (For complete details see General Exhibit No. 10697.)

4. Charter Schools, R277-470

The Charter School Revolving Loan Committee was established by the 2007 Legislative session to administer the Charter School Building Subaccount within the School Building Revolving Account. Board Rule R277-470, Charter Schools, was adopted to govern the application process for loans. Upon the original writing of the rule, the concept of staggered terms was developed and tied to the availability of the original legislative appropriation remaining in the account. Terms were to be staggered by increasing the committee membership by two persons in June 2008 if funds were remaining.

Currently the committee membership is five representing the Governor's office, USOE, financial, professional and Charter Schools. The committee has worked effectively in recommending 20 loans and committing over \$2 million of the \$6 million appropriated by the Legislature. The desire of the committee is to retain the current level of membership and devise a different mechanism to stagger terms, which meets the original intent of the Board rule. Amendments were made to R277-470, Charter Schools to accomplish the change in staggering terms of committee membership.

The Board approved R277-470, Charter Schools on second reading at the September 12, 2008 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. 10698.)

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5. Educator Licensing Requests for Temporary Authorization

Requests for Temporary Authorizations as submitted by the school districts were approved by the Board. (For complete details see General Exhibit No. 10699.)

6. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2008 is provided for information to the Board. (For complete details see General Exhibit No. 10700.)

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. 10701.)

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

At its August 28, 2008 meeting, the Utah Schools for the Deaf and the Blind (USDB) Institutional 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. A copy was provided for the Boards review. (For complete details see General Exhibit No. 10702.)

The Board approved the Utah Schools for the Deaf and the Blind Negotiated Agreement for the 2008-2009 school year.

9. State Charter School Board Recommendations

The State Charter School Board met on May 21, 2008 and unanimously approved to recommend to the State Board of Education the following amendments:

Karl G. Maeser Preparatory Academy modify its secondary program to serve grades 7-12 (adding grades 7-8) pending charter school staff review of end-of-level test scores in comparison with similar district schools. Staff reviewed assessments and found that the school has adequate proficiency. Karl G. Maeser Preparatory Academy has been open since 2007.

The State Board of Education approved the amendment to the Karl G. Maeser Preparatory Academy charter.

(For complete details see General Exhibit No. 10703.)

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10. Ratifications

Moya Kessig was ratified as an Educational Specialist in the Student Achievement and School Success Division.

James Harris was ratified as an Education Specialist, Computer Services in the Data, Assessment, and Accountability Division.

11. 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. 10704)

12. Claims Report

The Claims Report in the amount of \$238,696,523.28 for August 31, 2008 was approved by the Board. (For complete details see General Exhibit No. 10705.)

Other Business

Member Bill Colbert reported on his attendance at the National Education Conference sponsored by the U.S. Army and the National Association of State Boards of Education. He reported that the Army Program, "March to Success" helps students with testing. They also assist with 70 other programs to help students build skills in taking tests. Also, they have a program to help reduce drop out rates and to help kids stay on track. He indicated that NASBE is planning to have a breakout session on this conference at the upcoming NASBE annual meeting later this month in Washington, DC.

Motion was made by Member Debra Roberts and seconded by Member Teresa Theurer to adjourn.

Meeting adjourned at 3:05 p.m.