

MINUTES

May 1, 2009

Minutes of the meeting of the State Board of Education held May 1, 2009, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:10 a.m. Chairman Debra G. Roberts presided

Members present were:

Chairman Debra G. Roberts
Vice Chairman Dixie L. Allen
Member Laurel O. Brown
Member Kim R. Burningham
Member Janet A. Cannon
Member Leslie B. Castle
Member David L. Crandall
Member Greg W. Haws
Member Michael G. Jensen
Member Shelly Locke
Member Charlene Lui
Member Denis R. Morrill
Member Carol A. Murphy
Member C. Mark Openshaw
Member David L. Thomas

Board Members Rosanita Cespedes and Meghan Holbrook were excused.

Also present were:

Deputy Superintendent Larry Shumway
Associate Superintendent Brenda Hales
Associate Superintendent Todd Hauber
Associate Superintendent Judy Park
Public Affairs Director, Mark Peterson
Board Secretary Twila B. Affleck

Superintendent Patti Harrington and Executive Director, USOR, Don Uchida were excused.

Members of the Press:

Lisa Schencker, Salt Lake Tribune
Amy Stewart, Deseret Morning News
Kirk Yuhnke, KSTU
Holly Langton, Utah PTA
Kris Fawson, Independent Living Council

Chairman Debra G. Roberts called the meeting to order. She excused Board Members Rosanita Cespedes and Meghan Holbrook, both were attending Higher Education Commencement exercises. Also, Member Greg Haws was excused for the morning to attend

May 1, 2009

Weber State University's commencement. Member Dave Thomas will be chairing the Finance Committee.

Chairman Roberts announced that rather than beginning with the Issue of the Month we will begin with the Board Chairman Report and receive recent information about the Swine Flu. We will hold off the Issue of the Month until the June meeting.

Welcome

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

Board Member Mark Openshaw welcomed everyone to the meeting and offered a prayer.

Board Chairman Report

Associate Superintendent Brenda Hales presented an update to the Board on how Utah's public schools are responding to the outbreak of the Swine-Origin Influenza A (H1N1) virus. She reported that the Utah State Office of Education has sent a letter to school districts and charter schools from Superintendent Harrington and the Utah Department of Health Executive Director, David N. Sundwall, MD, advising them of steps to take under current conditions.

Mark Peterson, Public Relations Director reported to the Board that the State Office of Education has set up a web site to give educators and parents information on school closures and methods to reduce risk of getting the flu. He indicated that one of the places receiving it was the Council of Chief State School Officers and they have sent it out to their membership as a model to be used.

Mr. Peterson reported that the only school closure is in Park City, and we have received other news reports that Judge Memorial High School is closed today.

Dr. Hales reported that she is in contact with officials from the State Department of Health several times per day and in contact with officials from the Centers for Disease Control and Prevention and the office is relaying pertinent information to schools. She indicated that this seems to be a mild version of the flu right now and if that changes we will let everyone know. We are currently encouraging districts to look at their pandemic plan, and provide instruction to students on proper hygiene.

Dr. Hales reported that our number one concern is the health and safety of our students.

May 1, 2009

(For complete details see General Exhibit No. 10899.)

Chairman Debra Roberts expressed appreciation to Dr. Hales, Dr. Shumway and Mr. Peterson for taking care of things in a timely manner.

Park City School District Waiver Request

Chairman Debra Roberts shared a letter from the Park City School District requesting a waiver of Board Rule R277-419 relative to the two days of school closure. (For complete details see General Exhibit No. 10900.)

It was noted that this is an emergency situation since the Board will not be meeting again until after school has closed in June.

Following some discussion motion was made by Member Laurel O. Brown and seconded by Member Shelly Locke that the Board allow the State superintendent to grant the waiver to Park City School District as well as any other requests for waiver from other districts or charter schools after consulting with a majority of the Board.

It was clarified that all requests should follow the rule as outlined.

A request was made to split the motion.

Motion relative to granting the waiver to the Park City School District to close schools for two days after consultation with a majority of the Board carried with Members Allen, Brown, Burningham, Cannon, Castle, Crandall, Jensen, Locke, Morrill, Murphy, Openshaw, and Thomas voting in favor; Member Haws absent.

Second part of the motion to allow Superintendent in consultation with Board Leadership to approve, if appropriate, other waiver requests until the end of the school year.

Substitute Motion was made by Vice Chairman Dixie L. Allen and seconded by Member C. Mark Openshaw that the Board follow the Board rule on any further cases and contact a majority of the Board relative to approval of the waiver. Motion carried with Members Allen, Brown, Burningham, Cannon, Castle, Crandall, Jensen, Locke, Morrill, Murphy, Openshaw and Thomas voting in favor; Member Haws absent.

The Board recessed into Standing Committee Meetings at 8:30 a.m.

The Board reconvened at 10:40 a.m.

Achievement Spotlight

The Board recognized two schools who received National Title I Recognition for Exceptional Student Performance for Two or More Consecutive Years. Enoch Elementary

May 1, 2009

School in Iron School District, Principal Lenora Roundy whose results for their CRT scores surpassed all schools in the district in Language Arts and Math. Ellis Elementary School, Logan School District, Sue Sorenson Principal whose results for 107-08 CRT scores were 86% proficiency in Language Arts and 82% in Math effectively closing the achievement gap by as much as 18% over past years. Each school was presented an Excellence Certificate for their outstanding achievement.

Board Standing Committee Reports

Curriculum Committee

Member Laurel Brown, Chairman of the Curriculum Committee presented the following recommendations from the Committee:

Governor's Blue Ribbon Panel on Assessment Pilot Program

R277-705-11(a) allows the State Board of Education to exempt a school district or charter school from U-PASS testing requirements if a school district or charter school pilots an assessment system that incorporates: (1) online classroom-based assessment that utilizes adaptive testing in all grades; (2) online writing assessment in grades 4 through 12; (3) assessments administered in grades 8, 10, and 11; (4) college placement assessments in grades 11 to provide information for 12th grade high school course elections; and B. Exemptions may not exceed three rural school districts, two urban school districts, and five charter schools.

The State Board of Education approved two pilots for the 2008-09 school year in Sevier and Juab School Districts.

Sevier and Juab School Districts requested the pilot be continued for the 2009-10 school year. There have also been requests for four new pilots for the 2009-10 school year: Millard School District, Alpine School District, John Hancock Charter School and Summit Academy.

(For complete details see General Exhibit No. 10901.)

Motion from the Committee that the Board approve the requests for the 2009-10 school year for 1) Sevier and Juab School Districts to continue their pilot, and 2) Millard School District, Alpine School District, John Hancock Charter School, and Summit Academy to become pilot districts and charter schools.

Member David Crandall declared a conflict of interest as he is on the Board of Summit Academy Charter School.

May 1, 2009

Motion carried unanimously.

Annual Assurance of Compliance by Local School
Boards, Section 5, Assurances R277-108, Amended

R277-108-5, Assurances, is amended to provide the following additional assurances of local school boards/school districts or charter school governing boards/charter schools:

- The local school board or charter school governing board has presented and implemented an electronic device policy;
- The school district or charter school has posted collective bargaining agreements consistent with Section 53A-3-428; and
- By May 15, 2010, the school district or charter school has posted required public financial information consistent with Sections 63A-3-401 through 673A-3-404.

(For complete details see General Exhibit No. 10902.)

The Committee reviewed the amendments to R277-108-5, Assurances and approved the rule on first reading and moves that the Board approve the amended section 5 in R277-108 on second reading. Motion carried unanimously.

Concurrent Enrollment of High School
Students in College Courses, R277-713, Amended

The Legislature in its 2009 session passed S.B. 81, Concurrent Enrollment Program Amendments. R277-713, Concurrent Enrollment of High School Students in College Courses, is amended so that the rule will conform to 2009 legislation. Changes to the rule include:

- Adding language that provides an appropriate assessment prior to participation in mathematics and English courses;
- Adding language that provides that courses typically offered in grades 9 or 10 may not be included in concurrent enrollment; and
- Modifying the distribution of concurrent enrollment appropriations.

(For complete details see General Exhibit No. 10903.)

The Committee reviewed the amendments and made further amendments to Section R277-713-5, E(2) changed to read: The Early College High School Program, specifically initiated to encourage students to earn college credit beginning in the ninth grade leading to a college diploma earned concurrently with a high school diploma, may enroll student program participants in grades 9 and 10 in concurrent enrollment courses. The Committee approved R277-713 on first reading and moves that the Board approve R277-713, Concurrent Enrollment

May 1, 2009

of High School Students in College Courses as amended on second reading. Motion carried unanimously.

Secondary School Completion and
Diplomas R277-705, Amended

During the 1009 Legislative session, H.B. 194, Education policies for Military Children was passed which allows for certain exceptions when military children transfer schools. Secondary School Completion and Diplomas is amended to reflect the provisions of the new law. (For complete details see General Exhibit No. 10904.)

The Committee reviewed the amendments and approved R277-705 on first reading and moves that the Board approve R277-705, Secondary School Completion and Diplomas as amended on second reading. Motion carried unanimously.

Online Testing, R277-402, Testing Procedures,
R277-473, and Secondary School Completion
and Diplomas, R277-705, Amended

During the 2009 Legislative Session, HB 334, effective July 1, 2009, was passed and modifies requirements for statewide writing assessments. These provisions include modifying the Utah Performance Assessment System for Students (U-PASS) by requiring online writing assessments in grades 5 and 8, encourages schools, districts and charter schools, as applicable, to administer an online writing assessment to students in grade 11, and allows the State Board of Education to award a grant to a school district or charter school for an online writing assessment and instruction program that may be used to assess the writing of students in grade 11.

All of these rules need to be amended to reflect the new requirements in HB 334.

(For complete details see General Exhibit No. 10905.)

The Committee reviewed the amendments to R277-402, R27-473 and R277-705 and approved the amendments to each rule on first reading and moves that the Board approve the amendments to R277-401, Online Testing, R277-473, Testing Procedures, and R277-705, Secondary School Completion and Diplomas on second reading. Motion carried unanimously.

Law & Policy Committee

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

Education Employee Required
Reports of Arrest, R277-516

May 1, 2009

The Legislative Auditor General recently completed “A Performance Audit of Public Education Employees’ Criminal Background Check Procedures.” The audit included the statement “the current system for detecting and identifying the criminal histories of individuals employed in public schools is flawed and ineffective.” Among the recommendations made by the auditor is the following: “We recommend that the State Board of Education consider a rule that requires self-disclosure of all public education employees to their employers following an arrest.”

In February, staff presented a draft rule that substantially adopts the recommendation of the Legislative Auditor. Since that time, staff has made adaptations to the previous draft based on responses from the Law and Policy Committee, various stakeholder groups and the Legislative Auditor.

The Committee reviewed the amendments to R277-516 and received input from Vik Arnold of the Utah Education Association and Geoffrey Leonard of the Utah School Employees Association.

The Committee made further amendments to the rule. (For complete details of the amended rule see General Exhibit No. 10906.)

Member David Thomas commented that the arrests must be reported within 48 hours or as soon as possible, convictions including pleas in abeyance and diversion agreements are not arrests, they come later in the process. He suggested that this may go in a separate section which would say: “following conviction, including plea in abeyance and diversion agreements in the items listed in (a)” This would provide a reporting requirement within 48 hours of the conviction.

Carol Lear indicated this has come from the code just trying to keep it as simple as possible for educators, using the terms “as soon as possible.”

Member Thomas commented that he would rather have conviction in a different area because A talks about who is arrested for the following shall report the arrest.

Carol Lear suggested a new B after the list of arrests for alleged offenses, to read: A licensed educator shall also report convictions to district superintendent, charter school director or designee, including pleas in abeyance and conviction etc. Also the same language in R277-516-4 along with the 48 hour requirement.

May 1, 2009

The Committee approved the rule as amended on first reading. Motion was made by Member Janet A. Cannon and seconded by Member Denis R. Morrill to approve the rule on second reading with the amendments from the Committee and the additional amendments made in the meeting.

Motion carried unanimously.

Member Cannon reviewed a memorandum regarding the Background Check Procedures Audit and the implementations of the recommendations. (For complete details see General Exhibit No. 10907.)

Educator Licensing Renewal and
Timelines, R277-501 Amended

This item was postponed until June

Returning Educator Relicensure,
R277-502-6, Amended

_____ This item was postponed until June.

John Hancock Charter School Request for
Waiver from R277-462 Comprehensive
Counseling and Guidance Program

John Hancock Charter School opened in 2002 as Utah's first K-8 Core Knowledge school. Their self-contained elementary model ensures that students are taught by one primary grade teacher and a few speciality teachers, and there are not course options for students due to the small school size.

The State Charter School Board unanimously voted to recommend that John Hancock's waiver request be approved by the State Board of Education as the rule's purpose is clearly to "establish standards and procedures for entities applying for funds appropriated for Comprehensive Counseling and Guidance Programs." As John Hancock follows an elementary model, the school does not intend to apply for Comprehensive Guidance funds and respectfully requests a waiver from the requirement of having one full-time equivalent licensed school counselor per 350 students. (For complete details see General Exhibit No. 10908.)

The Committee discussed the requirements for all public schools to meet the counselor/student ratio issues, and denied the request for waiver.

Motion from the committee that the Board deny the request of the waiver. Motion carried unanimously.

May 1, 2009

Finance Committee

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

Letter to School Districts and Charter
Schools Regarding Local Budget
Decisions for FY 2009 and FY 2010

The unprecedented reductions to public education have required school districts and charter schools to significantly redesign services and operations within the schools of the state. Local school boards, superintendents, and charter school directors have made many hard decisions in an effort to maintain the integrity and efficacy of public education in Utah. The Board, in exercising its responsibility for “general control and supervision of the public school system,” directed staff to draft a letter to school districts and charter schools expressing appreciation for the efforts made to maintain educational services and to provide an accounting of how budgets were adjusted according to legislative appropriations. (For complete details see General Exhibit No. 10909.)

Member Thomas reported that the letter thanks the districts and charter schools for the efforts they have made with regard to their budget reductions and also doing what we committed to the legislature in following up on how exactly the cuts were made in both fiscal years. Along with the letter we are asking them for two reports by September 1, 2009: (1) 2009, and (2) 2010. They will need to tell us about class size changes, the number of students not served for a particular reduction, new student teacher and student adult ratios, program reductions or eliminations, including the dollar amount or the percent change, what percentage they are reducing the program by, the FTE changes in teachers, administrators, classified employees, etc., compensation changes for same employee groups, and instructional day changes. We will compile this information and present it to the Education Interim Committee and Appropriations Committee. Part of the letter is to also put everyone on notice that yes these were tough cuts, but more are coming because the reality is that the 2011 budget does not have a stimulus package, and the base budget coming in 2011 is going to be a 16% reduction from the 2010 budget. The Committee also changed the draft to include the following: (The Social Security and retirement line item is part of the 2010 budget reduction, a line item of the MSP was reduced to provide a vehicle by which transfers across the MSP programs could be facilitated as a means to provide flexibility for local school boards.)

May 1, 2009

Member Kim Burningham recommended a change at the end of the second paragraph without significant legislative or other intervention.

Motion from the Committee that the Board approve the letter with the above word change. Motion carried unanimously.

Charter School Revolving Loan
Subcommittee Recommendations

Legislation (2007 HB 164§3) created the Charter School Revolving Loan Subcommittee to review and make recommendations regarding loans to charter schools. The State Board of Education is charged with approving loans to Charter Schools per Utah Code Annotated §53A-21-104(5)(c) School Building Revolving Account, specifically the Charter School Building Subaccount to pay for the costs of: (i) planning expenses; (ii) constructing or renovating charter school buildings; (iii) equipment and supplies; or (iv) other start-up or expansion expenses. The Charter School Loan Committee was established and is chaired by Michael Anderson with Michael Kjar, Richard Tolley, Sterling Orton, Michael Jensen, and Marlies Burns (non-voting) as committee members. They developed the criteria and a loan application process. There was \$6,000,000 allocated by the Legislature for this account, to be disbursed at a maximum of \$2,000,000 per year.

The Finance Committee reviewed the recommendations from the Revolving Loan Committee and State Charter School Board. (For complete details see General Exhibit No. 10910.)

Member Thomas presented the concerns expressed by the Committee on each of the schools recommended for loans. In particular an ongoing concern with some of the schools and their relationship with Academia West.

With the concerns on four of the schools: Guadalupe, Maria Montessori, Quail Run Primary School, and Weilenmann School of Discovery, the Committee recommends that the Board send these back to the Charter School Revolving Loan Subcommittee to re-look at the conditions, and approve the other five schools, American Preparatory Academy (\$300,000), Early Light Academy (\$394,015), Hawthorne Academy (\$199,084), Lincoln Academy (\$115,790), and Thomas Edison Charter School (\$115,790).

Member Denis Morrill voiced concern with the school borrowing money to pay salary and ongoing operating costs. He questioned if that provision was in the statute. Mr. Thomas

May 1, 2009

indicated it was more than just capital costs. Planning expenses, constructing and renovating the charter school building, equipment and supplies, and other start-up or expansion expenses, which would include salaries and marketing. Member Morrill stated he did not feel comfortable approving a \$55,000 marketing cost for one school (Weilenmann). He asked that this be looked at as well.

Motion was made by Member David L. Thomas and seconded by Member Denis R. Morrill to approve the five schools and remand the other four back to the loan committee with comments made in finance committee, and add on the comment regarding the Weilenmann marketing and website. Motion carried unanimously.

USOE Internal Audit Procedure, R277-116

R277-116, USOE Internal Audit Procedure, is amended in various ways:

- The definition of “audit” by the Board and USOE is broadened.
- The “Audit Committee” is expanded to include the State Superintendent, when appropriate and appropriate USOE staff who will expedite and facilitate the internal auditing process.
- Provide for more useful, expeditious and meaningful audit information.

Member Thomas reviewed the additional proposed changes to the rule. (For complete details see General Exhibit No. 10911.)

This is a discussion item only today the Committee approved it on first reading only. No further recommendation was made to the Board.

Member Thomas noted that the auditors are concerned about their relationship with the superintendent. If they have a negative audit report they could be intimidated by the superintendent. It is hoped the audit committee is active enough that if there is an issue the internal auditor can go to the audit committee, if there is a problem the audit committee has the final say and it can take it to the Board.

Member Denis Morrill voiced serious concern that in the business world no one would allow the internal auditor to report to any one other than the Board and a committee of the board is governed by the Board and they cannot do something the Board does not want them to do. He felt that you could read the statute that the Board would be the agency head and therefore not be concerned with the audit committee subset of the board.

May 1, 2009

Member Morrill stated that we are trying to accomplish an independent audit and we are not independent the way it is being proposed.

Vice Chairman Dixie Allen commented that it is a philosophical question. As she and Chairman Roberts came on into leadership of the Board, they met with the legislative auditors and one of the things they were told was why are you not auditing your organization, i.e. the whole public school program, not just USOE, it well enough that you are finding these at risk situations which they have been finding for the office and the Board. They indicated they had no support from the State Office in finding audits and the at risk problems and having some of the audits done for them, where all other agencies in the state, the audits are already in progress. In our case it is not. The question comes down to whether or not we want the internal auditors auditing only the USOE (only that which is going on in this building), or do we want them to audit the total public school program.

As leadership looked at this, with the idea of doing some at risk audits and making sure we are overseeing all the programs across the state, then the problem comes that if the superintendent and/or employees cannot be part of that, how do we do the day-to-day alignment of our auditing process, so we are looking at the programs that are at risk. We now have an inconsistent support and fall-back for our auditors.

Member Morrill commented that the statute says that the Board can direct what the auditor does.

Chairman Roberts commented that the Board does not have the day-to-day contact and does not know where the at risk areas are.

Member Mark Openshaw commented that the proposal is that the superintendent (agency head) appoints the auditor. The early call of the auditor by the superintendent creates confusion because the auditor does not report to the superintendent they report to the subset of the Board, which is made up of board members and employees.

Member Thomas commented that it is a process issue and having more defined roles. Right now the superintendent is on the audit committee. The question is how do you define those roles. One way to define the roles is to follow the state statute. Under the state statute he feels is the superintendent.

Associate Superintendent Todd Hauber commented that the current constitution of the audit committee section identifies those members.

May 1, 2009

Member Thomas clarified that the finance committee passed the rule with all of the amendments on first reading with the additional caveat to define the administrative accountability. The main purpose was to bring it to the full board for this discussion.

The discussion in the committee is who is the agency head as well as a definition of administrative accountability.

Member Carol Murphy asked for a summation of the comments from the committee. Member Thomas noted that the discussion in the committee was who the agency head is as well as the definition of administrative accountability. The committee is asking if there are other amendments board members would like to make, and do we want the discussion of the definition of agency head.

Member Murphy commented that she felt the philosophy issues is a work load issue or being in compliance with a statutory requirement.

Member Kim Burningham noted that he abstained from voting in the committee because he was not sure which way to go. He commented that we should not just think in terms of the current situation, but the long-term situation.

Governmental Immunity as Applied to Out-of-State Bus Transportation

One of the concerns in adopting a policy to support out-of-state transportation of students is risk exposure and the loss of protection under governmental immunity outside of the state's borders. In adopting amendments to Board Rule R277-600, *Student Transportation Standards and Procedures*, the Finance Committee requested information regarding governmental immunity. It was shared in the committee meeting that Wyoming has a law that allows the state to enter into an agreement that extends governmental immunity to neighboring states. Staff surveyed the surrounding states (Idaho, Wyoming, Colorado, Arizona, and Nevada) relative to their laws regarding this type of agreement. State Risk Management presented their findings on this issue. (For complete details see General Exhibit No. 10912.)

The Committee received the report as information. No action was required.

Public Participation/Comment

No requests were presented.

Executive Session

May 1, 2009

Motion was made by Member Janet A. Cannon and seconded by Member C. Mark Openshaw that the Board move into an executive session following lunch to discuss personnel issues, purchase, exchange, or lease of real property, and/or pending or reasonably imminent litigation issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 12:55 p.m.

Motion was made by Vice Chairman Dixie L. Allen and seconded by Member Shelly Locke to reconvene into open meeting. Motion carried with Members Allen, Brown, Burningham, Cannon, Crandall, Jensen, Locke, Morrill, Murphy, Openshaw and Thomas voting in favor; Member Castle and Haws absent. The Board reconvened at 2:47 p.m.

Utah State Rehabilitation Council

Motion was made by Member Janet A. Cannon and seconded by Member Carol Murphy to appoint Bart Hill to represent Business and Industry on the State Rehabilitation Council, term to expire September, 2011. Motion carried with Members Allen, Brown, Burningham, Cannon, Crandall, Jensen, Locke, Morrill, Murphy, Openshaw and Thomas voting in favor; Members Castle and Haws absent.

Performance-based Compensation Pilot Program

The 2009 Legislature passed HB 328 *Teacher Quality Amendments* which establishes the Performance-based Compensation Pilot Program. The bill requires that the State Board of Education solicit applications from school districts and charter schools for the use of the grant monies to develop and implement performance-based compensation plans for elementary school classroom-related staff.

Larry Shumway, Deputy Superintendent, presented materials developed for a competitive grant application for dissemination to school districts and charter schools. The application provides a summary of the program requirements and expectations, as well as the application submission timeline. He further reviewed the grant application with the Board and provided an update as to district and charter school interest. (For complete details see General Exhibit No. 10913.)

National Common Standards

On Friday, April 17, 2009, 41 states including Utah, met in Chicago to discuss the potential development of national, common standards in math and English-language arts that are rigorous and that ensure excellence of every American high school graduate. Executive officers

May 1, 2009

of the Council of Chief State School Officers (CCSSO), the National Governor's Association (NGA) and the National Association of State Boards of Education (NASBE) were all in attendance. The work will be going forward with states making decisions to opt in or not. Opting in will require the signatures of each state's Governor, State Board chair and State Superintendent.

It is anticipated that the work will commence immediately and be completed in early summer 2009. The group (CCSSO, NGA and NASBE) will be seeking Race to the Top funds from the American Recovery and Reinvestment Act, (ARRA) to achieve their goals and to further the work in participating states.

Associate Superintendent Brenda Hales discussed the materials developed for participation in the development of national, common standards in math and English-language arts, and provided feedback from the meeting in Chicago. (For complete details see General Exhibit No. 10914.) Dr. Hales also indicated that Governor Huntsman was in favor of Utah's participation.

Dr. Hales indicated that they would like us to sign a MOU on Monday if we are going to participate.

Dr. Hales reviewed the advantages and disadvantages in participating in this endeavor.

Dr. Hales reported that when she reviewed the achievement material there is not a lot of difference between our standards and what they are going to use as a base. She estimated that 92% of our standards are the same as the standards right now. The memorandum of agreement does not include that we agree to something sight unseen. We are only agreeing to the development of the standards.

Dr. Hales reported that the money for this is coming from the "Race to the Top" – which are half billion dollar grants which are dependent on states that have standards that can be looked at in terms of international benchmarks.

Member Kim Burningham commented that at the NASBE conference the emphasis it seemed to be that they would be looking at regional groups forming standards, i.e. the western states.

Dr. Hales responded that the US Department of Education mentioned the regional standards and immediately 41 states signed up. The 41 states got together in Chicago and since

May 1, 2009

that time a couple have dropped out, but the idea was what if we don't need regional standard, and what we need are standards that we can all hang our hats on. The answer came back from the Department of Education that they are okay with that because they want the "Race to the Top" grant to be individual states, but part of the criteria for showing that you are part of the group that is worthy of this grant is that you have worked with other states on different issues.

Member Burningham commented that there is more agreement both nationally and internationally on what basic math standards are; when you get to English and language arts that is less true. He would like to have more common standards on mathematics than on language arts because it reflects our culture more. He questioned if it was possible to move more aggressively in one area than the other. Dr. Hales responded that they are planning to do both and when you compare our language arts standards to the ACHIEVE standards they are very close. The math standards are the one that has the most potential for differences. She also clarified that this is an effort of the states not the federal government.

Member Denis Morrill questioned if this one of those things where someone has an agenda and they just want someone to say yes to it. Dr. Hales responded that this is from the grass roots and people have been talking about this because it seems counter productive for every state to do their own thing and then having the textbook companies pick us apart because of subtle differences in standards.

Following further comments in support of moving forward the Board gave Dr. Hales general direction to participate and sign the MOU. Member Thomas was opposed to this direction.

Board Chairman Report

Chairman Debra G. Roberts shared the following items of information:

- Reviewed the meetings she has had with various legislative and government personnel.
- Commented that she had visited Nebo Elementary School yesterday and they told her of a great parent participation activity of a Daddy Donut night. They expected 80 dads to show up and they had almost 200 dads and grandpas. She shared pictures of the dads and grandpas reading to the children.
- NASBE Issues:

May 1, 2009

- Policy Statements are due to NASBE , if anyone has one they should let Twila know.
- Need a commitment of three new Board members to attend the NASBE New Board Member Institute - July 23-25. Board members Shelly Locke, Dave Thomas, and Leslie Castle agreed to attend this year. Also, possibly Dave Crandall if there is a need for him to go. Members Crandall, Murphy and Openshaw agreed to attend next year.
- Reviewed the June 4th Work Study meeting agenda beginning with a field trip to a library looking at technology. Also discussing *Promises to Keep* with the four main areas: assess for instruction, insure literacy for all students, evaluate for success, regional meetings and all stakeholders for reactions legislative interim in September and release in October. And discussing our legislative process for the future and our role and governance.
- Chairman Roberts expressed appreciation to the Board Members for their participation in the *Promises to Keep* process.
- May calendar: May 12 will be board leadership May 12, please email her if you have anything for next agenda. Also the K-16 alliance meeting and a luncheon with the leadership of the Board of Regents.

Board Member Reports on Outside Committee Activities

This item was postponed.

General Consent Calendar

Motion was made by Member Kim R. Burningham and seconded by Member Laurel O. Brown to approve the General Consent Calendar as presented. Motion carried with Members Allen, Brown, Burningham, Cannon, Crandall, Jensen, Locke, Morrill, Murphy, Openshaw and Thomas voting in favor; Member Castle and Haws absent.

1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education held April 3, 2009.

2. Contracts

The following contracts were approved by the Board:

(A) University of Utah. \$200,000. 4/1/09-6/30/2010.

May 1, 2009

To provide a required evaluation of the implementation of the Beverley Taylor Sorenson Elementary Arts program.

(B) Utah Association of Public Charter Schools. \$85,200. 4/15/09-4/14/2010.

To provide training for new charter school directors, both directors at newly opening charter schools or directors new to an existing charter school. Training will occur for at least 6 months prior to the opening of school and will cover topics deemed important by the Utah state Office of Education.

(C) U of U Sponsored Projects. \$28,493. 3/1/09-3-31-2010.

To provide the funds for the U of U Sponsored projects to do a statewide needs assessment of individuals with disabilities to follow up with a printed report.

(D) R & L At Home Personal Care. \$3,288. 3/1/09-9/14/09. - Amend. - Fed.

To provide personal assistance care for ADA accommodations for USOR employees. Amendment is for an increase in hours.

(E) Effective Instructional Materials Systems. \$60,652. 7/1/09-6/30/2010. - Fed.

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

(F) Sponsored Projects/Gary Gledhill. \$21,139. 2/1/09-1/14/2010.

Economic Impact Study for USOR.

(For complete details see General Exhibit No. 10915.)

3. Data Standards, R277-484

Utah public education is embarking on an ambitious and far-reaching education information initiative. For it to succeed, every LEA and its leadership must be fully committed to its success. The initiative has two project components, one optional and the other mandatory. First, each LEA must choose to implement DigitalSAMS, an LEA and school-level student achievement management system. Second, each LEA will participate in the Utah eTranscript and Records Exchange system (UTREx), which will allow individual detailed student records to be exchanged electronically between any two Utah public schools, between LEAs and the USOE, and allow electronic transcripts to be sent to any participating

May 1, 2009

post-secondary institution. UTREx will not be fully functional until the 2010-2011 school year.

January 8, 2009, the Curriculum Committee approved the amended R277-484, to stipulate that UTREx replace the current USOE Clearinghouse, and that each LEA participate in the UTREx system. Since that time, an additional concern has resulted in a request for another amendment to the same rule. Under R277-484-5 change the title to read: "Official Data Source and Required LEA Compatibility. Add a C to read: "Prior to an LEA acquiring a student information system, replacing an existing student information system, or modifying data elements in its existing student information system, an LEA shall have USOE approval to ensure that the LEA's new or modified student information system maintains compatibility with UTREx."

The Curriculum Committee reviewed and approved on first reading the additional amendment to R277-484 and the Board approved the amendments to R277-484, Data Standards on second reading at the April 3, 2009 Board meeting. There have been no substantive changes to the rule since that time. The Board approved R277-585, Data Standards, on third and final reading. (For complete details see General Exhibit No. 10916.)

4. Licensing Routes, R277-503

R277-503-4C, School district/charter school specific competency-based licenses, does not address the issue of how to proceed when the applicant already holds a Utah license. There has been a significant increase of these license applications from charter schools and school districts for many individuals who currently hold a license. R277-503-4C is amended to clarify procedures for current license holders who are applying for a district-specific license in an additional license area of concentration

R277-503-4, Licensing Routes, describes the process for determining a course of action for candidates who have applied for a teaching license through the Alternative Routes to Licensure (ARL) Program. Paraeducators have expressed a desire to have their experience evaluated as part of their professional growth plan. The ARL staff shall make recommendations for professional development in pedagogy based on evidence of three years of successful experience as an instructional paraeducator. New language is added to R277-503-4B(3)(e).

At the April 3, 2009 Board Meeting the Law & Policy Committee reviewed and approved the amendments to R277-503 on first reading, and the Board approved R277-503, Licensing Routes on second reading. There have been no substantive changes to the rules since that time. The Board approved R277-503, Licensing Routes on third and final reading. (For complete details see General Exhibit No. 10917.)

5. Student Transportation Standards and Procedures. R277-600

May 1, 2009

At the January 2009 Finance Committee meeting issues relating to school buses being used for non-pupil transportation, and school buses traveling over state lines were discussed. State Risk Management presented its concerns of liability exposure and various other factors were presented by staff which might affect R277-600, *Student Transportation Standards and Procedures*.

The Committee directed staff to prepare amendments to R277-600, *Student Transportation Standards and Procedures*, incorporating discussed changes. The Committee reviewed the amendments, including the following new amendments to R277-600.

- Lines 98-107 leave as originally was, so everything that is cross out it put back and everything added is crossed out.
- Line 172 will now read “the USOE shall review and may refuse to fund route changes as applicable.
- Line 183 will not read: “school districts may use state guaranteed transportation levy or local transportation funds.
- Line 189 the word “instructional” removed.
- Line 196 remove the words “If appropriate.” The same issue exists on Line 330, where “if appropriate” is removed.
- Line 198 strike out the words “school purposes and activities” and adding the words to and from routes.
- Line 326 remove the words “release of.”

The Committee approved the amendments to R277-600, *Student Transportation Standards and Procedures* on first reading and the Board approved the amendments on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-600, *Student Transportation Standards and Procedures* on third and final reading. (For complete details see General Exhibit No. 10918.)

6. Special Needs Scholarships - Funding and Procedures, R277-602

The 2009 Legislature passed HB 524 *Carson Smith Scholarship Program Amendments*. The Special Needs Scholarship program provides payments to parents of qualified students for tuition at approved private schools. The statutory changes in the bill will require minor changes to R277-602 *Special Needs Scholarship- - Funding and Procedures*. The Committee received the changes to bring the rule into conformity with HB 425.

The Law and Policy Committee reviewed and approved the amendments to R277-602, *Special Needs Scholarships - Funding and Procedures* on first reading and the Board approved the amendments to R277-602 on second reading at the April 3, 2009 Board meeting. There have been no substantive changes to the rule since that time. The Board approved R277-602, *Special Needs Scholarships - Funding and Procedures* on third and final reading. (For complete details see General Exhibit No. 10919.)

May 1, 2009

7. Mathematics, Engineering, Science Achievement (MESA), R277-717

R277-717 outlines the guiding principles and operating procedures for MESA. Included in the rule is the composition of the MESA Public Education Review Committee (MESA Funding Committee). Over the last few years, due to the growth of MESA, it has been difficult to fill the Funding Committee slots with district representatives committed to the concept and percepts of MESA who are not already receiving funding. The MESA Funding committee is requesting a minor revision to the Board Rule in order to be able to fill all openings on the committee.

R277-717-1(D)(2) currently states that there must be "...three school district/charter school representatives including only representatives of districts that are not applying for MESA funding during the current grant cycle, two higher education representatives..." It is proposed that this section be amended to read: "...three school district/charter school representatives or any combination of MESA community advocates, identified by USOE, and school district representatives from districts that do not receive MESA funds..."

The Curriculum Committee reviewed and approved the amendments to R277-717, Mathematics, Engineering, Science Achievement (MESA) on first reading and the Board approved the amendments to R277-717 on second reading at the April 2009 Board meeting. There have been no substantive changes to the rule since that time. The Board approved R277-717, Mathematics, Engineering, Science Achievement (MESA) on third and final reading. (For complete details see General Exhibit No. 10920.)

8. Administrative Rule Review

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

R277-105 Recognizing Constitutional Freedoms in the Schools
R277-438 Dual Enrollment
R277-916 Technology, Life, and Careers, and Work-Based Learning Programs

(For complete details see General Exhibit No. 10921.)

9. R277-733 - Adult Education

Minor changes regarding formula percentages that were developed and approved by the local adult education program directors as a result of the State Legislative Audit completed in August 2008 are added to the rule. The changes provide for a modification to the formula percentages that reflect audit recommendations.

May 1, 2009

The Board approved R277-733 with these amendments on third and final reading. (For complete details see General Exhibit No. 10922.)

10. 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. 10923.)

11. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2009 was provided for information to the Board. (For complete details see General Exhibit No. 10924.)

12. Advisory Committee - Notice of Vacancy

The Board received notice of four vacancies on the Division of Services to the Deaf and Hard of Hearing Advisory Committee. The vacancies include representation from Service Provider (2) and Consumer, Deaf Community (2).

13. List of Applicants for Licenses

The list of applicants for initial and renewal licenses were approved by the Board. (For complete details see General Exhibit No. 10925.)

Motion was made by Member C. Mark Openshaw and seconded by Member Michael Jensen to adjourn. Meeting adjourned at 3:20 p.m.