

MINUTES

November 14, 2003

Minutes of the special meeting of the State Board of Education held November 14, 2003, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:15 a.m. At the request of Chairman Kim R. Burningham, Vice Chairman Janet A. Cannon presided.

Members present were:

Chairman Kim R. Burningham
Vice Chairman, Janet A. Cannon
Member R. Michael Anderson
Member Linnea S. Barney
Member Tim Beagley
Member Laurel Brown
Member Edward A. Dalton
Member Denis R. Morrill
Member David L. Moss
Member John C. Pingree
Member Jed H. Pitcher
Member Joyce W. Richards
Member Debra G. Roberts
Member Teresa L. Theurer

Members Dixie L. Allen, Greg W. Haws and Sara V. Sinclair were excused.

Also present were:

Executive Officer Steven O. Laing
Associate Superintendent Patti Harrington
Associate Superintendent Patrick Ogden
Executive Director, USOR, Blaine Petersen
Public Affairs Director Mark Peterson
Board Secretary Twila B. Affleck

Associate Superintendent Raymond Timothy was excused.

Also present were:

Members of the Press:

Jennifer Toomer-Cook, Deseret Morning News
Ronnie Lynn, Salt Lake Tribune
Linda P. Dunn, Utah Campus Compact
Janice Houston, Utah Foundation
Steve Kroes, Utah Foundation
Karen, Hale, Utah State Senate
Charles Nelson, Logan High School
Bibiana Ricardo, Argentina

Ginger Rhode, Davis School District
Sue Ross, Davis School District

Utah State Office of Education staff:

Patricia Murphy, Data and Business Services
Joan Patterson, Student Achievement & School Success
Mary Shumway, Student Achievement & School Success
Vicky Dahn, Student Achievement & School Success

Board Member Teresa L. Theurer lead the Board in the Pledge of Allegiance.

Board Member Laurel Brown offered the Reverence.

Board Secretary Twila B. Affleck recorded the minutes.

Vice Chairman Cannon excused Board Members Dixie Allen, Greg W. Haws and Sara Sinclair.

Member Teresa Theurer introduced Charles Nelson, Principal, Logan High School and Bibiana Ricardo an education administrator from Argentina. Ms. Ricardo is visiting Logan High School and observing our school system for approximately six weeks. Mr. Nelson will then go to Argentina to visit and observe their school system. Both are on Fulbright Scholarships.

Vice Chairman Janet Cannon noted that the NAEP Scores were released yesterday, and that Utah has done very well. She reviewed some of the scores.

Vice Chairman Cannon welcomed Governor Olene Walker to the meeting.

Chairman Burningham indicated that he had the opportunity and pleasure of serving with Governor Walker while in the Utah State Legislature. Chairman Burningham shared some statements made by Governor Walker when she was a legislator. He stated that he felt these statement are still her approach.

Motion was made by Chairman Burningham that the Board adopt a Resolution for Governor Walker. (For complete details, see General Exhibit No. 9175) Motion was seconded by John C. Pingree. Motion carried unanimously.

Governor Walker noted that she has been involved in education for many years. She worked in the Salt Lake District. She stated that education is and always will be her top priority. It will always be tough to fund because of the number of students we have in Utah. With regard to competency based education, she is the largest supporter of it than anyone in the state. She would like to see a focus on reading because too many kids are slipping through the cracks. She stated that she liked the word “intervention” rather than the word “remediation”. She feels that we need to identify some interventions for students who are not mastering the basic skills.

Governor Walker commended the Board on their Performance Plus and competency based approach. She indicated that she would do everything she could to put monies into the budget to help children master the basic skills. She encouraged the Board to figure out what could be done in the first phase, and she would help obtain as much

money as feasibly possible to fund it. She cautioned that there was not any money for planning and she did not want the money to just disappear, but to make certain it goes to the purpose allocated. She stated that she will do everything she can to get the money to make a difference and to help kids master basic skills. She indicated that money is tight and the “rainy day” funds have all be exhausted. She indicated that she has some ideas she will be presenting in the near future with regard to taxes. She indicated that Utah is tenth or eleventh in the nation for income and sales tax; and 37th in property tax.

Governor Walker indicated that Utah will never be average in per pupil spending as long as we have one-third one students than any other state. She would just like us to catch up some and not fall further behind.

Member Laurel Brown questioned Governor Walker relative to the idea of school choice such as vouchers or tax credits. Governor Walker responded that she was in favor of choice, but in rural areas there will never be private schools. She indicated that in states where there are a large number of private schools there is a deterioration of socio-economic levels. She commented that if we expect kids to excel they will.

Member John Pingree questioned Governor Walker about the changes in the election of State Board Members in SB 154. She indicated that it will be discussed during the Special Session of the legislature next week, but no action will be taken other than to delay the implementation date. The proposed changes to the bill will be handled in the general session.

Governor Walker stated that she feels there are many problems in the tax structure and she may be in the best position to fix it, but not during this budget session.

Member Tim Beagley questioned the Governor for suggestions on how to get families involved in public education. Governor Walker responded that this is one of her greatest passions and she will be holding a press conference on December 2 or 4 to address this.

Vice Chairman Cannon expressed appreciation to Governor Walker for her advocacy for public education. Governor Walker indicated that she felt it was a joint effort between her and the Board and they needed to continue to work as closely as possible and pledged that she would do whatever she could to help education in the next 400 days. Her door is open and the Board is welcome any time.

Public Participation/Comment

Utah Foundation

Steve Kroes and Janice Houston presented information from the Utah Foundation relative to Charter Schools. Mr. Kroes expressed appreciation for the staff support they have received from the Board as well as some funding for their research. (For complete details of the report see General Exhibit No. 9176.)

Vice Chairman Janet Cannon recognized Dr. Darrell White who recently accepted the position of Deputy of Education with Governor Walker.

Campus Compact

Representative Karen Hale and Linda Dunn presented information relative to the Campus Compact, an academic service learning program on higher education campus'. They encouraged the Board to include service learning as part of Performance Plus.

Enrollment Growth and Revenue Projections

Patty Murphy, Specialist, Finance and Auditing presented enrollment changes and revenue projections, which included where enrollment changes are occurring, the economic demographic factors that influence these changes, and the budget implications. Ms. Murphy reported that overall, Utah's public schools added 4,033 new students this year. Alpine School District added 1,959 students making it the top growing school district in Utah while Granite School District saw a loss of 528 students. (For complete details of the report, see General Exhibit No. 9177.)

U-PASS Demonstration

John Brandt and Jerry Winkler presented a demonstration relative to the U-PASS web site and how to retrieve the data from that web site.

Superintendent Laing indicated that this reporting was required of us when U-PASS was given to us.

Chairman Burningham suggested that this type of demonstration be presented to the legislature. It was further suggested that it be made available via a kiosk in the hall during the legislative session so members of the legislature could see how it works.

Executive Session

Motion was made by Member Denis R. Morrill and seconded by Member R. Michael Anderson to move into an executive session during lunch for the purpose of discussing personnel matters. The Board was polled and by unanimous consent of those present the Board moved into an executive session during lunch at 12:55 p.m.

Motion was made by Member Debra G. Roberts and seconded by Member Teresa L. Theurer to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:25 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member David L. Moss and seconded by Member Teresa L. Theurer that the Board accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 01-576 to reinstate the license of a former teacher in the Weber School District. The license was previously suspended as a result of the educator's unprofessional conduct at school with a male school district employee. Motion carried with Members Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

Motion was made by Member David L. Moss and seconded by Member Debra G. Roberts that the Board accept the recommendation of the Utah Professional Practices Advisory Commission and accept a stipulated

agreement, including conditions of the agreement, in Case No. 03-658 whereby a former administrator in Jordan School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for a period of one year from the date of formal action by the State Board of Education. The suspension results from his conviction for disorderly conduct, a class B misdemeanor. Motion carried with Members Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

Motion was made by Member David L. Moss and seconded by Member R. Michael Anderson that the Board accept the recommendation of the Utah Professional Practices Advisory Commission and accept a stipulated agreement, including conditions of the agreement, in Case No. 03-659, whereby a former teacher in Alpine School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for a period of two years from the date of formal action by the State Board of Education. The suspension results from inappropriate contact with students and kissing a former student on the face; the conduct occurred during and after the regular school day. Motion carried with Members Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards Roberts and Theurer voting in favor; Member Beagley absent.

(For complete details of the recommendations, see General Exhibit No. 9178.)

Board Standing Committee Reports

Law and Policy Committee

Member David L. Moss, Chairman of the Law and Policy Committee presented the following recommendations from the Committee:

Educator Licensing Renewal, R277-501

The Educator Licensing Renewal rule was amended to provide for specific amounts and types of professional development requirements for highly qualified teachers under No Child Left Behind. Further amendments to the rule were presented during the committee meeting. Section E under R277-501-4 was added. (For complete details, see General Exhibit No. 9179.)

Motion from the Committee that the HOUSSE rule be distributed to the districts and that the rule be brought back to the Committee next month. Member Moss indicated that the districts need to understand what we agree on as a means of demonstrating highly qualified status. Motion carried with Members Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

Appropriate Licensing and Assignment of Teachers, R277-520, Repeal and Reenact

The current Board rule for appropriate licensing and assignment of teachers contains no provision for either No Child Left Behind legislation or for Utah SB 154 legislation. The significant amendments to the rule integrate current programs to prepare teachers through the traditional university preparation, the alternative routes to licensure,

definitions of federal “highly qualified” teachers and the SB 154 district competency-based licensure. (For complete details, see General Exhibit No. 9180.)

The Committee approved the repeal and reenactment of R277-520, Appropriate Licensing and Assignment of Teachers, on first reading and moves that the Board approve the repeal and reenactment of R277-520 on second reading. Motion carried with Members Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

Athletic Coaching Certification, R277-517

Amendments to R277-517 provide for tracking athletic coaching qualifications and preparation and making this information available to the public as appropriate. The information will be included in the activity disclosure statements required from local school boards under Section 53A-3-420. (For complete details, see General Exhibit No. 9181.) It was noted that gathering information about the qualification and preparation of athletic coaches will encourage school districts to require coaches to complete necessary training to adequately protect athletes. Member Moss further noted that part of the discussion last month was how to gather and disseminate the information. On page 4, lines 118-122, this particular issue has been addressed.

The Committee approved the amendments on first reading to R277-517, Athletic Coaching Certification and moves that the Board approve R277-517 on second reading. Motion carried with Members Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

Paraprofessional Qualifications, R277-524

This new rule is to provide qualifications for paraprofessionals in the public schools as required by No Child Left Behind and to define the paraprofessional/educator relationship in the classroom. These standards and criteria were developed and discussed by many education groups that will be affected by these standards including school districts staff, university faculty, special education teachers, human resource directors, Utah School Employees Association staff, and others. (For complete details of the rule, see General Exhibit No. 9182.) One correction was made on page 3 after line 96, take paragraph beginning on line 79 (5) add to section B.

The Committee approved R277-524, Paraprofessional Qualifications on first reading and moves that the Board approve R277-524 on second reading. Motion carried with Members Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

Charter School Application Review

Under UCA 53A-1a-505, a charter school applicant who has been denied a charter by a local board, may seek sponsorship of its charter from the Utah State Board of Education. The State Board shall review and, by majority vote, either approve or deny the application within 60 days after the application is received by the Board. Two applications, The Ranches and Riverside Technology High Schools, were submitted to the Utah State Board of

Education on September 15, 2003. Staff have reviewed the applications and provided comments to the Law and Policy Committee and the Committee has interviewed the applicants and representatives of the respective school districts. (For complete details of the applications, see General Exhibit No. 9183.)

The Ranches – the Committee took no action. The Committee had no particular problem with the application, they felt the applicants needed to tighten a few things up. There were a few misconceptions on their part that were relatively innocent and would not affect the quality of the application. They may come back to the Committee in December with the recommended modifications.

Riverside Technology High Schools - The committee took no action. The Ogden City School District felt that the area could not absorb two high schools of this type. Riverside felt the opposite that this was not a problem and in fact was a necessity that needed to be looked at closely. The Committee suggested that the two sides take a little more time to see if they could work together and see if they could find a compromise that both sides could work with. If they want action taken at the December meeting they need to get answers to us by November 24th.

Thomas Edison Charter School Amendments

The Utah State Board of Education issued a charter to Thomas Edison Charter School in November 2001. The school enrolled students in the fall of 2002. The school is requesting a change to their charter to include the address of the school, the name of the principal, names of board members, elimination of reference to specific text books, and editorial changes. More substantive changes include changes in procedures for the selection of board officer positions, clarifications of school goals, philosophy, instruction and curriculum, additional description of the purpose of homework, and an increase in enrollment. These changes were approved by their board but have not been presented to the parents for a vote. (For complete details of the amendments see General Exhibit No. 9184.)

The Cache and Logan School Districts were notified of the requested amendments and the Committee reviewed the information received from them. The Cache District indicated they would not oppose the amendment to increase the enrollment at the Thomas Edison Charter School.

Motion from the Committee that the Board approve the amendments to the Thomas Edison Charter School. Motion carried with Members Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

Member Moss reported that part of the discussion today is that part of the process should be that if a charter school is making amendments that may impact the districts in their areas, the charter school should try to contact the districts which could be impacted so they know what the charter school is requesting. This is ongoing and staff is working on some methods to get this included in the rule.

Curriculum and Instruction Committee

Member Teresa L. Theurer, Chairman of the Curriculum and Instruction Committee presented the

following recommendations from the Committee:

Addendum to the Agenda

The Committee reviewed some updated wording to the Performance Plus Draft relative to Students with Disabilities. (For complete details, see General Exhibit No. 9185.)

Comprehensive Guidance, R277-462

The funds for the Comprehensive Guidance Program are now over-subscribed, and districts can no longer be held harmless when changes in enrollment result in a school dropping from one level of funding to another. Such a drop means a loss of \$10,500 or more per school, a devastating fluctuation for smaller districts. The amendment to R277-462 will provide funds on a base allocation for each school plus a per student allotment will eliminate such drastic fluctuations. Further, changing the enrollment count date from October 1 of the current fiscal year to October 1 of the previous fiscal year will allow district leaders to plan budgets well in advance for this personnel intensive program. (For complete details of the rule, see General Exhibit No. 9186.) It was noted that the amendments will provide local districts and charter schools greater stability as they plan budgets for school counselors and Comprehensive Guidance Programs.

The Committee approved the amendments to R277-562, Comprehensive Guidance on first reading and moves that the Board approve R277-562 on second reading. Motion carried with Members Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

Finance Committee

Member R. Michael Anderson, Chairman of the Finance Committee presented the following recommendations from the Committee:

Charter School Loan Application Review

In accordance with R277-487, Charter School Revolving Loan Fund, the Board Finance Committee, acting as the Charter School Revolving Loan Committee (which included Jed Pitcher and Chad Harris from the Governor's Office as voting members) must review and make recommendations on charter school revolving loan fund applications. The Committee reviewed and considered an application from the John Hancock Charter School for a \$200,000 loan. (For complete details, see General Exhibit No. 9187.) They spent a great deal of time going through the impact that this loan would have on their financial status. Upon review of documentation to understand what they would be doing with the money, there were several things they need to provide to us, including building permits, drawings showing what is going to be done, as well as several other items. Once they provide the list of documentation, they will call for another Charter School Revolving Loan/Finance Committee meeting to review the new information.

Superintendent Laing reported that he has received notification from the Governor's Office that Gary

Carlston has been appointed as the Governor's designee on that Committee.

RDA Mitigation Payments Report

The Committee did not have time for this item.

General Consent Calendar

Motion was made by Member David L. Moss and seconded by Member John C. Pingree to approve the General Consent Calendar as presented. Motion carried with Members Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education held October 3, 2003, October 14, 2003 and October 29, 2003.

2. Contracts

The following Contracts were approved by the Board:

(a) University of Utah Dept. Of Special Education. \$142,707.00. 8/1/03-6/39.03. - Fed.

Provide required evaluation services for the Utah Reading First grant.

(b) Utah Association for the Deaf, Inc. \$1,800. 11/1/03-10/31/04 - RECEIVABLE

Provide space for the Utah Association of the Deaf (UAD) Bookstore for access to individuals who are Deaf, Hard of Hearing, or Speech Impaired needing equipment or information.

(c) Center for the School of the Future/USU. \$37,625. 9/10/03-8/31/04. Fed.

To develop a Charter School Handbook, website and video.

(d) National Ctr f/t Improvement of Educational Assessment. \$307,221. 10/1/03-9/30/06. - Fed.

Capacity Building for the Scaling & Equating of Criterion-Referenced Tests.

(e) Russell Hartill. \$10,000. 10/1/03-9/30/04. - Fed.

Appeal officer for disputed audits or reviews required by the United States Department of Agriculture for the Child and Adult Care Food Program (CACFP).

(f) Utah State University. \$99,990. 11/14/03-4/30/04. - Fed.

Design and implement an outcome study of the Choose to Work Program.

(g) Utah Education Network. \$7,344. 7/1/03-6/30/04. - Amend. - Fed.

UEN will provide videoconferencing connectivity through their backbone network on T-1 circuits to four locations in Taylorsville, Provo, St. George and Logan Rehabilitation offices. This connection will allow clients and staff to communicate visually in American Sign Language as well as orally

for the purpose of providing individuals who are Deaf and Hard of Hearing in rural areas services such as community education, mental health counseling, as well as interpreter training and mentoring.

(h) NOVA Evaluation. \$0. 11/1/03-1/31/04 - Amend.

Extend the period of the contract from October 31, 2003 to January 31, 2004.

(i) Richfield Partners I, LLC. \$79,684.92. 9/1/03-8/31/08 - Amend. - Fed.

Lease of Division of Rehabilitation Services, Richfield office, located at 1100 South Highway 89, Richfield, Utah.

(j) Utah Statewide Independent Living Council. \$109,760 and \$0 10/1/03-9/30/04 and 11/1/03-9/30/04. - Amendments 7 and 8. Fed.

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

(k) NCS Pearson. \$1,541,529. 11/1/03-9/30/05.

Scoring of the Direct Writing Assessment.

(For complete details of the Contracts, see General Exhibit No. 9188.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the Schools Districts were approved. (For complete details, see General Exhibit No. 9189.)

4. Child Nutrition Programs, R277-720

Amendments to this rule bring the referenced laws, list of programs and administrative manual up to date. The rule will provide program participants (institutions and schools) and the public a more accurate description and list of child nutrition programs and resources.

The Board at the October 3, 2003 meeting approved R277-720, Child Nutrition Programs on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-720 on third and final reading. (For complete details, see General Exhibit No. 9190.)

5. Educator Licensing and Data Retention, R277-502

With the repeal of R277-506, School Counselors, School Psychologists, and School Social Workers Certificates and Programs there are no longer any rules in place for licensing professional school counselors. School Psychologists and School Social Workers have learned societies with standards for training programs that are recognized by NCATE. The State Board has approved standards for school counselor program accreditation but needs to complete the regulations by including in R277-502, Educator Licensing and Data Retention, language that makes levels of school counselor licenses parallel to levels of professional educator licenses. The new language will resolve a situation that is confusing to school counselors, district personnel, and USOE employees.

The Board at the October 3, 2003 meeting approved R277-502, Educator Licensing and Data Retention

on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-502 on third and final reading. (For complete details, see General Exhibit No. 9191.)

6. Professional Staff Cost Program, R277-486

The Professional Staff Cost program is to support local education agencies in recruiting and retaining highly educated and experienced educators for instructional, administrative and other types of professional employment in public schools. Section 53A-17a-107(3) requires the Board to adopt a rule to require a certain percentage of a local education agency's professional staff to be licensed in the area in which they "teach" in order for the local education agency to receive full funding under the Professional Staff Cost program established in statute.

R277-486, Professional Staff Cost Program provides: (1) satisfaction of the legislative requirement in a way that will give each local education agency the incentive to maximize the number of its staff who are qualified in each area of assignment (2) definition of who is a "professional" for the purpose of this program; (3) clarification and formalization of criteria for determining what constitutes acceptable "experience" and "training"; and (4) reconciliation of the somewhat inconsistent "degree summary" (educational attainment) classifications used in the Professional State Cost statute, on the one hand, and in the CACTUS (Educator Licensing) database, on the other.

The Board, at the October 3, 2003 meeting approved R277-486, Professional Staff Cost Program on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-486 on third and final reading. (For complete details, see General Exhibit No. 9192.)

7. Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program, R277-724

The Child and Adult Care Food Program (CACFP), authorized under the National School Lunch Act, provides cash assistance to initiate, maintain and expand nonprofit food service for children in nonresidential facilities which provide day care. The CACFP is administered in conjunction with other Child Nutrition Programs such as school lunch and breakfast. Institutions in the CACFP include independently owned and operated child (or adult) day care centers, organizations that operate multiple day care centers and organizations that sponsor participation by family day care homes. Family day care home sponsoring organizations are public or private nonprofit institutions that supervise the day care homes' nutrition program and pass through cash assistance for qualified meals served to children in day care.

This rule brings the agency into compliance with federal regulations, 7CFR Part 226.6(b)(11), which require the agency to "...develop criteria for determining whether a new sponsoring organization's participation will help ensure the delivery of benefits to otherwise unserved facilities or participants..." Application of the criteria will assist in determining that only applicant institutions that are viable, capable and accountable will be approved for program participation. In addition, meeting the criteria will help to demonstrate that the new sponsor is not infringing on operation of existing sponsors and that there is reason to believe that such a new sponsor will maintain integrity in operation of the program.

The Board at the October 3, 2003 meeting approved R277-724, Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-724 on third and final reading. (For complete details, see General Exhibit No. 9193.)

8. Utah State Board of Education Proposed 2004 Meeting Schedule

The Board approved the meeting schedule for the State Board of Education for 2004. (For complete

details, see General Exhibit No. 9194.)

9. Utah State Instructional Materials Commission Recommendations

On November 6, 2003, the Utah State Instructional Materials Commission recommended over 1,600 titles for recommendation from the attached printout. The Commission also recommended that the Board accept the bids received from the publishers and direct staff to award contracts to the publishers to furnish instructional materials to the schools of Utah. (For complete details of the recommendations see General Exhibit No. 9195.)

The Board adopted the recommendations of the Utah State Instructional Materials Commission and directed staff to award contracts to the various publishers.

10. Monthly Budget Report

The Monthly Budget Report was provided as information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education and the Utah State Office of Rehabilitation. (For complete details, see General Exhibit No. 9196.)

11. Waiver to Allow for the Expenditure of up to \$90,000 Minimum School Program Youth In Custody Funds

Approximately three years ago the State Board approved a waiver of Rule R277-709 to allow them to use \$250,000 {that was appropriated through the minimum school program for Youth In Custody) in the Utah State Office of Education District Computer Services division to complete the development of a statewide Youth In Custody Student Information System (YIC SIS). The additional \$90,000 will augment the remainder of the original \$250,000 and allow for another 24 months of support in this area.

The Board approved a wavier of Rule R277-799 and allow the Youth In Custody Program to use \$90,000 Minimum School Program Funds to continue the development of the Youth In Custody Student Information System

12. 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. 9197.)

13. Claims Report

The Claims Reports for September 30, 2003 in the amount of \$175,533,630.26, and October 31, 2003 in the amount of \$170,015,803.59 was approved by the Board. (For complete details, see General Exhibit No. 9198.)

Member John Pingree requested that the State Treasurer report to the Board on a quarterly basis on the status of the investments and returns of the School and Institutional Trust Lands. It was determined that a good report be provided on a quarterly basis with the State Treasurer reporting semi-annually.

Executive Officer Report

Superintendent Steven O. Laing presented the following items of information.

The Educator Development Advisory Committee (EDAC) was discussed in a meeting of the leadership of the Board of Regents and State Board of Education. It was concluded that we ask that body to consider a more appropriate means of approving teacher training programs that would lead to licensure. At the bequest of the chair of both boards Commissioner Foxley and he sent a joint letter to the co-chairs of EDAC requesting them to look at alternative ways of approving teacher training programs that might alleviate some of the consternation and frustration that was felt around the issue, most recently of Western Governor's University, but also of the University of Phoenix and others in the past. We asked that they report to us in early January.

The Utah State Office of Education has lost another valued staff member to one of the school districts. Brenda Broadbent, State and Federal Compliance, and Preschool Specialist in our Students At Risk section will be moving to the Granite District. Reasons given were more money and less work.

Performance Plus Task Forces – Dr. Laing distributed an outline of the different task force committees that were articulated in the last meeting. Associate Superintendent Patti Harrington explained the task forces and their responsibilities. (For complete details, see General Exhibit No. 9199.) She indicated that Students With Disabilities will be changed to Students with Special Needs to include 504 and English Language Learners.

Superintendent Laing indicated that under High School Course and Exit Competencies there were some misunderstandings within the office as to whether or not the Board was looking at the concept of exit competencies, those that would transcend any particular discipline. There was also some expectation that we would be dealing with how do you demonstrate competency in individual courses. The Board clarified that it would be both concepts, exit and individual course competencies.

Chairman Burningham noted that the committees have included board members and he requested that if a board member were interested in serving on one of the committees that they let he, Dr. Laing, or Dr. Harrington know.

Dr. Laing reported that the Board has desired to have charter schools work more closely with local districts. Patricia Bradley had suggested that the perhaps the Utah School Boards Association take a role in providing some training on governance for charter school boards. We received a letter in response to her request that indicated that “after a great deal of discussion it was decided that maybe it could be interpreted by some public school board members as a conflict of interest if USBA staff members spent time training charter governance members, therefore we will have to respectfully decline.”

Zions Bank has demonstrated itself to be one of the more aggressive corporate entities with regard to supporting and encouraging public education. Their “BankJr.” is a web site they have developed and maintained and continue to offer. They have expanded that to “Bank High School.” They are now announcing a program, Zions “Pays for A’s.” In it they offer students an opportunity to bring in report cards and for each A they get to visit a local branch and enter a chance to win a scholarship. They are emphasizing the importance of academic work and recognizing

students.

Legislature's Request for Proposals. There was a request from the Board relative to the status of the legislature's Request for Proposals. SB 154 appropriated \$150,000 to be used to solicit and review requests for proposals about how to better educate the populous of Utah in a more efficient way. They have selected five different entities to receive a piece of the \$150,000. They will have until the end of December to flesh out their proposals, and it is intended they will select a proposal they feel appropriate and seek funding for next session. The five proposals they have given money to are: ProCert Labs, \$42,000; Don Wright, \$30,000 combined with Representative David Cox, \$15,000; EduMetrics, \$30,000; and Innovations in Education, \$30,000. Dr. Laing reviewed the details of the proposals. (For complete details, see General Exhibit No.9200.)

The Average Yearly Progress reports will be released December 8. The schools have them now and they are in their 30 day appeal process.

Dr. Laing reported that New Mexico has changed their Constitution and eliminated their state superintendent and their state board has been reconfigured. The superintendent is now part of the Governor's staff as a Secretary of Education.

Dr. Laing reported that he has been fairly consistent in communicating the need to change SB 154. He indicated that shortly after the bill was passed we sent a letter to the sponsor, Senator Hatch, the Governor, and leadership in both houses of the legislature. We outlined approximately 12 items we felt needed to be changed. Most recently we shared this with the Public Education Task Force. Some of the items mentioned for change are the selection of instructional materials, and the selection committee for State Board Members, Senator Hatch seemed quite receptive to most of them and has a bill file open and indicates they will probably be addressed in the session. Dr. Laing indicated he would email the entire list to the Board.

Vice Chairman Janet Cannon indicated that she oversee Board leadership elections and materials have been sent out for nominations. She noted that at the meeting in December there will also be an opportunity to elect someone to the Utah School Boards Association Board of Directors.

Board Chairman Report

Chairman Burningham presented the following items of information:

Chairman Burningham reported that relative to the proposed amendments to SB 154 at the Task Force presentation last week they did take one vote to change the effective date from 2007. There were some who felt it should be 2008 others felt 2009, ultimately 2009 prevailed.

Chairman Burningham presented a Proposed Resolution to former Governor Mike Leavitt. (For complete details, see General Exhibit No. 9201.)

Motion was made by Member John C. Pingree and seconded by Member R. Michael Anderson to accept

the Resolution. Motion carried with Members Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

Member Ed Dalton reported that the Communications Committee has met and considered a number of messages. They shared a report to Board Leadership and received a positive reaction to it. They have been authorized to proceed regarding recommendation 13 of the list of recommendation to communicate with individuals and organizations who participated in the Summits and public hearings. They have decided to focus on two groups, the follow-up on the summits. We will have some meetings with key groups and extend a message of thanks to them. We will then prepare a letter on behalf of the board to various organizations. Also, we may find a way for the newspapers to include a corner expressing appreciation to the public for their involvement in the public hearings. The Committee would like to help and support the good work from the State Office. Some of this will center around the Education News Roundup, to have more people receive it. Also, this might include in it an occasional message from the Board. Also provide an opportunity for a message as we approach the legislative session. In addition, with the discussion earlier about the U-PASS warehouse to put that together for a week of sharing and communications at the legislature..

Chairman Burningham noted that following the December 5 meeting there will be the Christmas social for the Board.

Chairman Burningham expressed appreciation to all the Board Members for all they do. He indicated that the Board is functioning very well. He mentioned the finance committee meeting and the discussion on the charter school revolving loan fund, as well as all the other committee work that is very valuable. Further, the work with Superintendent Laing and other staff members is invaluable.

Chairman Burningham noted the importance of the Board's Code of Conduct. He added a couple of quotations from Peter Senge, *The Fifth Disciple* and Katzenbach and Smith, *The Wisdom of Teams*.

Motion was made by Member Teresa L. Theurer and seconded by Member Laurel Brown to adjourn.

Meeting adjourned at 2:45 p.m.