

MINUTES

May 7, 2004

Minutes of the meeting of the State Board of Education held May 7, 2004, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:30 a.m. Chairman Kim R. Burningham presided.

Members present were:

Chairman Kim R. Burningham
Vice Chairman, Janet A. Cannon
Member Dixie L. Allen
Member R. Michael Anderson
Member Linnea S. Barney
Member Laurel Brown
Member Edward A. Dalton
Member Greg W. Haws
Member David L. Moss
Member John C. Pingree
Member Debra G. Roberts
Member Gary C. Swensen
Member Teresa L. Theurer

Members Tim Beagley, Jed H. Pitcher, Joyce W. Richards and Sara V. Sinclair were excused.

Also present were:

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

Members of the Press:

Tanna Barry, Standard Examiner
Jennifer Toomer-Cook, Deseret Morning News
Ronnie Lynn, Salt Lake Tribune
Amy Stewart, Standard Examiner
Chet D. Linton, Citizen [Candidate for State Board]
Karel Joy McDonough, Citizen [Candidate for State Board]
Martine Smith, Citizen [House of Representatives Candidate]
Ronda Rose, Utah PTA
Shauna Carl, Salt Lake City School District
Tami Pyfer, Logan Schools Foundation
Dorree Burt, Logan Schools Foundation
D. Shane Sadler, Citizen
Lisa Stamps, Citizen
Merlynn Newbold, Utah State Representative

Board Vice Chairman Janet A. Cannon lead the Board in the Pledge of Allegiance.

Board Member David L. Moss offered the Reverence.

Board Secretary Twila B. Affleck recorded the minutes.

Chairman Burningham excused Members Tim Beagley, Jed Pitcher, Joyce Richards, and Sara Sinclair. He also expressed sadness and condolences to Member Richards in the loss of her husband this morning. Also, Tim Beagley and Laurel Brown in the loss of family members.

Chairman Burningham noted that Members Brown and Haws will be excused at 11:00 a.m.

Chairman Burningham noted an addendum to the Agenda, Item 5a on the H.B. 115 Task Force Recommendations.

Chairman Burningham introduced Karel McDonough candidate for the State Board in District 6.

Chairman Burningham shared an excerpt from the Educational Testing Services booklet, which is a report comparing reading scores by NAEP. His title for the excerpt is “Do private schools educate better than public schools?” (For complete details, see General Exhibit No. 9308.) He stated that we have many wonderful teachers doing a good job in both public and private schools with the students they have. Growth in each is about the same. He encouraged Board Members to read the entire booklet.

Boardmanship Development

Vice Chairman Janet Cannon presented information on the Board’s Role in Implementing a Strategic Plan. She noted that it has been said that the dollars spent on professional development for educators are the best dollars spent. Boards also needs professional development. She expressed appreciation to the Board Members for their work in building the Board’s strategic plan. Vice Chairman Cannon reviewed the Board’s Vision Statement: *We see Utah as a place where all children are of infinite value, and the education of each child is our most pressing responsibility.*

Vice Chairman Cannon shared three mission statements and slogans prepared by Board members in their recent retreat. She asked the members to select their top choice for a mission statement and the slogan and return them back to her prior to the end of the meeting.

Vice Chairman Cannon questioned “Why is it so hard for a state board to come up with a strategic plan?” Some of the reasons it is hard is that the board is a governing body over a system of public education, yet we have no control over the finances. We need to look to the legislature and to the Governor for these things and that makes our task more difficult. It is also hard because we do this as part-time volunteers. There is also the environment that we operate in, i.e, the political environment and there are people who have agendas that are different from ours. There are, however, some things we can follow through that will help us be successful: (1) putting down our strategies below our goals and objectives and add measurements time lines or measurements for our success. (2) NASBE recommends utilizing a 12-month calendar. (3) Align our agenda with our goals. She indicated that having measurable goals gives us an opportunity to show whether or not our plan is making a difference in the lives of school children and in their

successful school performance. We need to get our plan going, communicate our plan and vision for public education to our legislature and communities and ask for their support in helping us make a difference for public education.

Board Standing Committee Reports

Finance Committee

Member John Pingree a member of the Finance Committee presented the following recommendations from the Committee:

Strategic Plan Goals

The Committee in the April 2, 2004 meeting decided on four courses of action relative to Goals and Objectives. The Committee changed their priorities for goals as follows: (1) Goal 1, Objective 1, K-3 reading program, identify a clear next step for competency funding - June meeting. (2) Goal 1, Objective 4, Study the documentation of state use of federal education funds annually designated for public education. Remain informed and actively support efforts, which could lead to new federal funding streams designated for public education. Explore other possible programs, grants, etc., offered by the federal government and apply if possible. (2) Goal 3, Objective 4, Determine the types of professional development activities currently engaged in throughout the state, the amount of money spent on those activities and ways to coordinate and share those activities among the districts. (4) Goal 3, Objective 2, Study and receive input to become better informed on compensation issues, including studying the implications of an experienced based pay schedule and looking at salary equity issues between rural and urban districts. The Committee will continue to monitor the budget, annual report on RDS's, Report on oversight of School LAND Trust investments by the state treasurer.

State Supported Voted Leeway

R277-422 - Amendment

A history of the State Supported Voted Leeway Program was presented. It was noted that the changes made to the program in 1965 an alternative calculation method of determining the voted authorization was approved for districts that had set their levies on a percentage, based on elections held prior to 1965. This alternative calculation method is no longer used today. In addition, the current rule was not changed to include provisions of the Board-approved leeway program established in 1990.

The statutory language of sections 53A-17a-133 and 134 in the Utah Code has been amended over time to clarify most issues. However, there is still a need to clarify parts of the statute. For example, the language is not clear regarding the calculation of state aid when an existing levy is increased by the voters after December 1. In addition, the statute is silent on the issue of what constitutes an "...increase in other levies that would increase the total local school board levy..." with regard to the requirement that a local school board must lace the voted leeway issue on the ballot for voters to reconsider modifying a leeway that was passed contingent to an offset of reducing other school

district levies.

The amended rule clarified the above issues. The Committee added a section to the rule R277-522-5 D. School districts that fail to reach their reading goals shall terminate their levy under Section 53A-17a-150(15). After a period of no less than one year, school districts that terminated their levy may present a new or revised K-3 Reading Initiative plan to the Board. Following approval by the Board, the local board may reinstate the levy at the next possible tax rate setting opportunity. (For complete details, see General Exhibit No. 9309.)

The Committee approved the rule as amended on first reading and moves that the State Board approve R277-422 on second reading. Motion carried with Members Allen, Anderson, Barney, Brown, Cannon, Dalton, Moss, Pingree, Roberts, Swensen and Theurer voting in favor; Member Haws absent.

Online Testing, R277-402

This rule is to provide additional definitions and a timeline for expeditious implementation of an effective online testing system for school districts/charter schools to use to satisfy U-PASS requirements. The rule provides for application and award procedures, distribution of funds, and timelines. (For complete details of the new rule, see General Exhibit No. 9310.)

The Committee approved the new rule on first reading and moves that the Board approve R277-402, Online Testing on second reading. Motion carried with Members Allen, Anderson, Barney, Brown, Cannon, Dalton, Moss, Pingree, Roberts, Swensen and Theurer voting in favor; Member Haws absent.

Consider the Repeal of R277-408, Required Expenditures for Instructional Supplies

R277-408 was first adopted July 15, 1987 for the purpose of specifying the amount of funds to be spent by the state and school districts for instructional supplies. The rule established a minimum expenditure level of 4% of the Basic Program plus the amount received in the Textbook and Laboratory Special Purpose Optional Program. The present rule requires a minimum expenditure level of 5.5% of the current year's Weighted Pupil Unit (WPU) value times the prior year's Average Daily Membership (ADM). All districts and charter schools exceeded the required expenditures in fiscal years 2001 through 2003. Expenditures from local, state, and federal programs are used in calculating actual expenditures. The rule does help districts to restrict a small portion of the WPU value from the negotiation table with employees. (For complete details see General Exhibit No. 9311.)

The state legislature exempted Charter Schools from this requirement effective July 1, 2004. The Committee discussed the possibility of repealing the rule.

The Committee requested that staff seek input from others in the education community about the implications of repealing this rule and come back next month with a possible recommendation to repeal the rule.

Vice Chairman Janet Cannon questioned the need still for the rule in light of helping districts to restrict a

small portion of the WPU value from the negotiation table with employees. Member Pingree indicated that this was discussed during the committee meeting and the reason for the request to seek input from the education community prior to the possibility of repealing the rule.

Interim Superintendent Patrick Ogden reported that the Legislature exempted charter schools from this rule.

Board Member Personal Privilege

Member Laurel Brown requested a personal privilege at this time on the recommendation from the Task Force on H.B. 115 because she has to be excused from the remainder of the meeting. She stated that both she and Member John Pingree served on the H.B. 115 Task Force and expressed appreciation for that opportunity. She indicated that she did vote against the task force recommendation. Her concern in regard to the recommendation is that the \$1.4 million allocated was directed for utilization for private educational services for severely disabled students. The original discussion centered around what complication of disabled students and what level of students we should serve. We delineated that the money should go only to severe students and came to a point where they decided it would go to emotionally disturbed and autistic students. As the proposal came forward and was passed, she opposed because the monies as they are now proposed specifically targets only autistic children, and also targets only a specific geographical area of people who can access one specific school. She had proposed a companion motion that stated in order to increase geographical access for students, and to increase access for people who are not a socio-economic state that they could even afford private education to begin with, to take some of the funding, allow school districts to have a request for proposal and compete for the monies just like any private school would be requesting money and have them get the money so they could have extra funds to be used, not to supplant, but enhance and augment the money they currently have. A student who lives in an outlying district may have some additional support and private services they need. She indicated that she felt it was very important that we serve this population, but what we have ended up with is a proposal that targets a specific socio-economic group, a specific disability that live geographically in just one specific place. She did not feel comfortable with that because she did not feel we were really using good public policy in trying to serve all students and recognizing that no matter where a student lives or their socio-economic status should have the ability to have access to those funds.

Curriculum & Instruction Committee

Teresa L. Theurer, Chairman of the Curriculum and Instruction Committee presented the following recommendations from the Committee:

Strategic Plan Goals

The Curriculum and Instruction Committee discussed and reviewed the prioritization of goals and objectives for inclusion in the Board's Strategic Plan. The Committee is moving along and made adjustments to the priority list and will have a final list ready for June Board meeting.

Academic Service Learning

Members of the Board have requested a presentation on what types of academic service learning experiences are in Utah's schools. In addition, State Senator Karen Hale requested the State Office of Education work toward inclusion of academic service learning in the schools. The State Office of Education does not currently have a specialist representing this area or other related areas such as character education or community engagement. However, Verne Larsen, has added academic service learning to his regular assignment in gang prevention and intervention.

Verne Larsen and Paul Puzey reported on existing academic service learning programs in Utah schools. (For complete details of the report, see General Exhibit No. 9312.)

The Curriculum and Instruction Committee received the report and moves that the State Board of Education prepare a resolution indicating we support service learning in our schools and to further discuss including academic service learning in Performance Plus and inclusion in Utah schools. Motion carried with Members Allen, Anderson, Barney, Cannon, Dalton, Moss, Pingree, Roberts, Swensen and Theurer voting in favor; Members Brown and Haws absent.

Performance Plus

In the April 2004 Board meeting, the Curriculum and Instruction Committee edited Performance Plus, newly revised from committee work of teachers, parents, and administrators from throughout the state. The editing is now done according to Committee suggestions and is newly aligned with U-PASS and No Child Left Behind, as outlined by Louise Moulding in full Board meeting in April.

Associate Superintendent Patti Harrington presented the revised version of Performance Plus. She noted that this version is one written for policy makers. Once approved, two other versions will be created on the same template, one for parents and students and one for educators. (For complete details see General Exhibit No. 9313.)

The Committee felt that the Performance Plus and U-PASS proposal should be more fully aligned. The Committee would like to be involved with the staff as concerns about Performance Plus and U-PASS are discussed. The meeting will be scheduled and include other board members so staff understands where we really want to go with Performance Plus. As soon as a time is determined everyone will be notified.

No action required.

12th Grade National Assessment of Educational Programs (NAEP) Recommended Changes

In early 2003, NAEP established the National Commission on NAEP 12th Grade Assessment and Reporting. As specified in federal law, 12th Grade NAEP is administered to a small nationally representative sample. Compared to 4th and 8th graders, 12th graders have a lower participation rate and a lower motivation to do well on this national test.

The National Commission on NAEP 12th Grade Assessment and Reporting, consisting of individuals from higher education, K-12 education, the business community, state government, and the military, is recommending that bold changes need to occur. The most significant recommended change is to expand (instead of eliminate) 12th Grade NAEP so it can provide state level results by testing 2,500 Utah 12th graders and report on readiness for college, training for employment and entrance into the military.

Hal Sanderson and Louise Moulding reported on the proposed changes to NAEP and their potential ramifications. (For complete details, see General Exhibit No. 9314.)

The Committee adopted a position of (1) “Not supporting” the Commission’s recommendation of expanding 12th grade National NAEP as part of State-by-State NAEP. (2) Not supporting the Commission’s recommendation of mandating the NAEP testing 12th graders every other year in reading and mathematics. (3) Supporting the Commission’s recommendation that, “new incentives to increase the participation of high schools and 12th grade students in NAEP and the motivation of 12th grade students to do their best on NAEP.” A program with questionable data should not be expanded to more students in the states at this time. National NAEP at the 12th grade should focus on these pressing validity issues. (4) Continuing to support State-by-State NAEP administered to 4th and 8th graders and its use as a valuable assessment and tool of comparison. Motion from the Committee that the Board adopt the above positions. Further, that the Board ask staff to communicate these positions to: The National Assessment Governing Board; The National Center of Educational Statistics; and U.S. Secretary of Education, Utah’s Congressional Representatives and the Governor of the State of Utah. Motion carried with Members Allen, Anderson, Barney, Cannon, Dalton, Moss, Pingree, Roberts, Swensen, and Theurer voting in favor; Members Brown and Haws absent.

Vice Chairman Janet Cannon suggested that we recommend to NAEP that they test 12th graders on civics education.

2004 Consolidated Plan

Last year was the first year that Utah districts and charter schools could apply for most of the available federal and state flow through funds on just one application, rather than multiple applications representing various programs. This is the second consolidated plan, and regulates this year’s state legislation of K-3 Performance Plus Reading (S.B. 230) and that of increasing professional development days in exchange for instructional time (H.B. 100). In addition to these two pieces of legislation for which districts/schools will apply, updated student achievement data will be required as well as current budget requests. (For complete details of the 2004 Consolidated Plan, see General Exhibit No. 9315.)

No action required.

Law & Policy Committee

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

Educator Licensing Renewal, R277-501

The following amendments were made to Rule R277-501, Educator Licensing Renewal: (1) Addition of renewal point category for volunteer and paraprofessional service in instructional rules; (2) Renewal fee option for all educators beginning July 1, 2005, and (3) Individual responsibility to track renewal cycle. (For complete details of the amended rule, see General Exhibit No. 9316.)

The Law and Policy Committee approved the amendments to the rule on first reading and moves that the State Board of Education approve R277-501, Educator Licensing Renewal as amended on second reading. Motion carried with Members Allen, Anderson, Barney, Cannon, Dalton, Moss, Pingree, Roberts, Swensen and Theurer voting in favor; Members Brown and Haws absent.

Educator Licensing and Data Retention

R277-502 - Amendments

This rule is being amended for consistency with other board rules. Changes include: (1) Letters of authorization for Alternative Routes to Licensure (ARL) candidates; (2) USOE-designated content testing for license applicants to begin July 1, 2005; and (3) New \$15 fee for additional endorsement(s). CACTUS change and issue of new license included in fee. (For complete details of the amended rule see General Exhibit No. 9317.)

The Law and Policy Committee approved the amendments to the rule on first reading and moves that the State Board of Education approve R277-502, Educator Licensing and Data Retention as amended on second reading. Motion carried with Members Allen, Anderson, Barney, cannon, Dalton, Moss, Pingree, Roberts, Swensen and Theurer voting in favor; Members Brown and Haws absent.

Licensing Routes, R277-503, Amendments

This rule was pulled by the Committee for further discussion next month.

Appropriate Licensing and Assignment

of Teachers, R277-520, Amendments

Significant changes to R277-520 Appropriate Licensing and Assignment of Teachers will enable the Educator Licensing Division to bring current practice into congruence with current state and federal laws. Principal changes shall become effective on July 1, 2004:

- Inclusion of Teacher Education Accreditation Council (TEAC) accreditation and regionally accredited competency-based teacher preparation programs;
- Addition of subject endorsements to licenses with special education areas of concentration for teachers with secondary assignments;

- Eligibility for State-Approved Endorsement Programs (SAEP) limited to teachers with at least nine semester hours of credit in the subject assignment;
- Shorten initial SAEP period from 3 years to 2 years;
- Require August 15 report of progress by teachers under letters of authorization prior to granting subsequent letter of authorization. Four year maximum for SAEP authorizations; and
- Expansion of eligibility for “restricted endorsement” to include Youth In Custody settings.
- Effective July 1, 2005: USOE-designated content testing requirement for Utah licenses.

(For complete details of the amended rule see General Exhibit No. 9318)

The Law & Policy Committee approved the amendments to the rule and moves that the State Board of Education approve R277-520, Appropriate Licensing and Assignment of Teachers as amended on second reading. Motion carried with Members Allen, Anderson, Barney, Cannon, Dalton, Moss, Pingree, Roberts, Swensen and Theurer voting in favor; Members Brown and Haws and Laurel Brown absent.

Entry Years Enhancements (EYE) for Quality

Teaching-Level 1 Utah Teachers, R277-522, Amended

The amendments to R277-522 will provide clarification of who is required to complete the EYE including Level 1 teachers employed or reemployed in the state and Level 1 teachers from out of state entering employment into the Utah Public Schools. Revisions are also made in the language to establish consistency in terminology and changes in other educator licensing rules. The Committee made further amendments to the rule adding R277-522-4 C. The Board shall receive an annual report tracking the success of retention and the job satisfaction of Utah educators who complete the entry years enhancement program. (For complete details of the amended rule see General Exhibit No. 9319.)

The Law & Policy Committee approved the amendments to the rule and moves that the State Board of Education approve R277-522, Entry Years Enhancements (EYE) for Quality Teaching-Level 1 Utah Teachers as amended on second reading. Motion carried with Members Allen, Anderson, Barney, Cannon, Dalton, Moss, Pingree, Roberts, Swensen and Theurer voting in favor; Members Brown and Haws absent.

School Professional Development Days

Pilot Program, R277-418

This rule will satisfy language in H.B. 100 passed during the 2004 Legislative Session that requires the Board to develop a rule for the implementation of a professional development days pilot program. The rule provides requirements for program participation, timelines, criteria for a schools’ professional development days plan, and provides for Board review and accountability.

The Committee further amended the rule under R277-418-3 Program Requirements and Timeline A. A school desiring and approved by its local board to develop a pilot program which allows the school to use a maximum of 22 hours of the 990 hours of student instructional time required under R277-419. Under R277-418-4. Plan

Components and Accountability, add (c) formative assessment scores or qualitative data, or both. And under R277-418. Definitions add D. “School community council” means a committee composed of school employees and parents as defined under Section 53A-1a-108(3). (For complete details of the amended rule see General Exhibit No. 9320.)

The Law & Policy Committee approved the rule on first reading and moves that the State Board of Education approve R277-418, School Professional Development Days Pilot Program as amended on second reading. Motion carried with Members Allen, Anderson, Barney, Cannon, Dalton, Moss, Pingree, Roberts, Swensen and Theurer voting in favor; Members Brown and Haws absent.

Western Governors University Endorsement

Approval Request

This item pulled at the request of Western Governors University. Member Moss noted that there has been a tremendous amount of dialogue between Western Governors University and the Utah State Office of Education to try to get this resolved. It is now being resolved in an alternative manner.

DaVinci Academy of Science and the Arts (Riverside Technology High School) and North Davis Preparatory Academy. Waiver Request of Board Rule R277-470-3(D)

In order to facilitate the inclusion of newly chartered charter schools into the budget, Board Rule R277-470-3(D) states that “Charter Schools may open only at the beginning of a traditional school year no less than ten months from the date that the charter is granted but no sooner than the following July.”

Riverside Technology High School was granted a charter by the State Board of Education in January 2004. Ten months from that time is October 2004. Since that it not at the beginning of the school year, they technically would not be eligible to open until fall of 2005.

Davis School District granted a charter to North Davis Preparatory Academy on April 13, 2004. They have submitted a letter requesting a waiver so that they can open in the fall. The difficulty is the impact this may have on funding already allocated for existing charter schools. (For complete details of the requests, see General Exhibit No. 9321.)

The Committee reviewed R277-470-3(D) to determine whether to grant an exemption for these two schools.

Motion from the Committee that the Board to waive Rule R277-470-3(D) for DaVinci Academy of Science and the Arts (Riverside Technology High school) and North Davis Preparatory Academy to all the schools to open their doors in the fall of 2004.

Member Mike Anderson suggested we may want to look at the rule to see if the 10 months should be shortened.

Associate Superintendent Ray Timothy reported that there have been concerns that if too many charter

schools make these types of requests, the funding allocated for charter schools could become depleted.

Motion carried with Members Allen, Anderson, Barney, Cannon, Dalton, Moss, Pingree, Roberts, Swensen and Theurer voting in favor; Members Brown and Haws absent.

Educator Supply and Demand in Utah Study

In May 2003 the Utah State Office of Education commissioned a two-phase study to determine the supply of and the demand for educators in Utah's public education system. Phase One included a review of the May 2001 Utah Educator Supply and Demand Study, as well as a survey of "educational stakeholders" to determine the information needs of those participating groups. Phase Two included the actual data collection and analysis. The study was awarded to Utah State University Instructional Technology Department under the direction of Dr. Nick Eastmond and Dr. Bryon Burnham. The study has since been completed. (For complete details of the study, see General Exhibit No. 9322.)

The study shows a projection of a shortfall of 1,175 educators per year in Utah over the next 20 years.

The Law and Policy Committee accepted the 2004 Study of Educator Supply and Demand in Utah and moves that the Board also accept the study. Motion carried with Members Allen, Anderson, Barney, Cannon, Dalton, Moss, Pingree, Roberts, Swensen and Theurer voting in favor; Members Brown and Haws absent.

Survey of Legislative Candidates

In the April 2, 2004 Law & Policy Committee strategic planning discussion, a request was made for staff to prepare a draft survey that could be sent to legislative candidates immediately following the May 8th state political party conventions. The purpose of the survey is not to gather information in order to rate a candidate as either "pro-public education or anti-public education," but to build a positive working relationship with legislators and to be able to work together in identifying critical educational issues. A draft survey was reviewed by the Committee. (For complete details, see General Exhibit No. 9323.)

The Committee modified Question 7 to read: Share your views about the State Board of Education. Question 8 to read: Share your views about the State Office of Education. Add Question 9. Would you be interested in attending a short session on school finance and education issues that would be sponsored by the Utah State Office of Education?

The Committee approved the survey and letter.

Member Mike Anderson requested that staff provide the Board a listing of the known legislative audits that are going on. Interim Superintendent Patrick Ogden reported that he is only aware of the one mentioned in Finance Committee this morning dealing with Technology.

State Superintendent Search Committee

Member John C. Pingree, Chairman of the State Superintendent Search Committee reported that as of May 1 the application deadline has closed and we have received 17 applications, approximately 9-10 will meet the requirements. On May 20, we will hold interviews for semi-finalists. We have asked about 22 people from the community to help us with the interview/evaluation process. We will be asking the candidates to go through various scenarios on how they would respond to given situations that would be typically faced by a superintendent. We and the members of the community will then evaluate their answers. One of those sessions will be a straight interview. Once that is completed, we would hope to narrow it down and do further reference checking to the point where we would be able to announce around the end of the month the three to five candidates as finalists that will then come to the Board for final interviews and then it is hoped that a decision can be made as to the new superintendent.

Communications Committee

Member Ed Dalton, Chairman of the Communications Committee, reported that the Communications Committee met last evening and they are trying to correlate some of the communications activities related to goals. With the goal process pretty much behind us and having discussed a number of possible communication projects they are ready to formulate their list and put them together with priorities and begin to carry them out. He suggested that rather than wait until the next board meeting they proceed in starting some of them with Mark Peterson's help. They will send them all to the Board so they can see what they are doing. Member Dalton encouraged board members to watch for opportunities to meet with legislators and others to share the important work that is going on.

Public Participation/Comments

Logan School District Foundation

Doree Burt, Director, and Tami Pyfer member of the Board of Directors of the Logan School District Foundation shared their most recent project to find a way to promote reading and raise money for their foundation. They approached a Logan artist Larry Winborg and asked him to do a portrait on reading. He came up with a piece entitled "Light Up Your Mind." It is a scene of modern day children reading Huck Finn. They presented a signed and numbered framed print to the Board. All of the funds from the sale of the prints will be used to fund the reading program in the Logan City School District.

Ms. Pyfer further reported that the foundation also commissioned a local musician Jay Richards to write a song about reading. He did so and they have sold about 1,500 copies. They have received requests for this song from several other states. She gave a copy of the CD for the Board members.

Doree Burt indicated that to purchase a print call her at the Logan District 435-775-2300, or on the Logan City School District . Limited edition signed and number prints are \$75. The small prints, not numbered or signed, are \$25.00

National Energy Foundation Award

Member Ed Dalton stated that each year the National Energy Foundation conducts an Igniting, Creative, Energy Challenge. It is a concept where students K-12 can enter creative works and be judged. This year Brayden Tanner Elliott, was the grand prize winner for the elementary level. Working with the help of his teacher Mrs. Couler, Brayden wrote a song entitled ,“Flip the Light.” Brayden sang his song for the Board.

H.B. 115 Task Force Recommendation

Rhonda Rose, State PTA, expressed her concerns on the H.B. 115 Task Force Recommendations. She indicated that she attended the task force meetings and as a State PTA they have some concerns with the recommendations of the task force: One of the main concern is they went with a non-profit organization. That limits it to one school at this time in the state, that being the Pingree School. They feel that this does not meet the needs of all of the children in Utah. She indicated that this is the State School Board and not a local board, the Task Force was appointed by the Governor and not a Mayor. This is a state issue and autism is not limited to the Wasatch Front. They feel that the Task Force should look more to the needs of the entire state. They realize it is a limited amount of money, but at the same time, they feel some could have gone to one of the outlying areas. The recommendation also makes it so the parents who have the economic means to meet the rest of the funding for the private school will reap the award. Another concern is they went back to pre-school when originally the scholarship was to be K-12. She indicated that she totally understands autism because she has a grandson who lives in Cache Valley. The recommendation leaves him out totally. There is a wonderful preschool program throughout the state, but once they reach kindergarten they are dropped because of lack of resources. She indicated that there is already a well formed, yet unfunded program in K-3 that needs the help. This only helps a few people in a small area and does not reach the entire state. She asked the Board to consider that this issues as a state board and not a local district and the needs of all children across the state need to be met.

Executive Session

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Edward A. Dalton to move into an executive session during lunch for the purposes of discussing personnel issues. The Board was polled and by unanimous consent of those present [Members Brown and Haws absent] the Board moved into executive session at 12:40 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 3:15 p.m.

General Consent Calendar

Motion was made by Member Debra G. Roberts and seconded by Member Gary C. Swensen to approve the General Consent Calendar as presented.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held April 2, 2004.

2. 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. 9324.)

3. Contracts

(A) Measured Progress. \$150,000. 5/7/04-6/30/05 - Amend.

Funds for this contract amendment will be used for computer-based administration of language arts tests, which are administered statewide.

(B) University of Utah Department of Teaching and Learning. \$39,696. 5/4/04 - 9/30/04.

The Department of Teaching and Learning is providing evaluation services at the state level for four of the five NCLB EETT (Title II Part D) Competitive grants for year one of the competition.

(C) Department of Health. \$2,340.00. 1/1/04-12/31/04 - FED. RECEIVABLE

The purpose of the contract is to set forth the respective responsibilities of the Department of Health Care Financing (DHCF) and the Utah State Office of Rehabilitation (USOR) related to the Local Area Network (LAN) and other technical desk top support to be provided to the DOH employees located at the Payson Office (910 E 100 North) Payson, Utah.

(D) K. Daniel Lau. \$32,000. 5/7/04-6/6/06. AMEND.

To serve as a hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

(E) A. Robert Thorup. \$32,000. 5/7/04-6/6/06. AMEND.

To serve as hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

(F) Hugh Craig Bunker. \$32,000. 5/7/04-6/6/06. - AMEND.

To serve as hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

(G) NCS Pearson, Inc. \$1,538,864. 5/7/04-5/7/06. - FED.

Development of English Language Arts Criterion Referenced Tests.

(H) Intermountain Court Reporters. \$6,000. 6/1/04-5/31/05

To provide court reporting services used as real-time captioning for Deaf and Hard of Hearing

staff and consumers at meetings, workshops, classes, or other such activities.

(I) Active Re-Entry. \$359,177. 7/1/04-6/30/05. - AMEND. FED.

To provide Independent Living and Assistive Technology services to individuals with severe disabilities residing in the Eastern Utah Independent Living Rehabilitation District.

(For complete details of the contracts see General Exhibit No. 9325.)

4. State Board of Education Administrative Rule Repeal

The following rule is being repealed because changes to state law repealing Utah State Board of Education funding of J-1 Foreign Exchange Student programs (except for one-to-one exchanges) makes the rule no longer necessary. The Board repealed R277-615, Foreign Exchange Students. (For complete details, see General Exhibit No. 9326.)

5. Council of Chief State School Officers Dues

The invoice for the Council of Chief State School Officers dues in the amount of \$30,894.00 for Fiscal Year 2005 was approved. (For complete details of the invoice see General Exhibit No. 9327.)

6. Recommendations from the Utah State Instructional Materials Commission

On April 22, 2004, the Utah State Instructional Materials Commission recommended over 2,000 title for recommendation. 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 list, see General Exhibit No. 9328.)

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

7. Monthly Budget Report

The Monthly Budget Reports provide 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. 9329.)

8. 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. 9330.)

9. Claims Report

The Claims Report in the amount of \$169,258,414.31 for April 30, 2004 was approved by the Board. (For complete details, see General Exhibit No. 9331.)

Executive Session Action

NASBE Board of Directors 2005

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member

Edward A. Dalton to select Diane Fladmo for President-elect and Dana Mann-Tavegia for Western Area Director for the National Association of State Boards of Education. Twila Affleck was directed to forward the ballot to NASBE. Motion carried with Members Allen, Anderson, Barney, Cannon, Dalton, Moss, Pingree, Roberts, Swensen and Theurer voting in favor; Members Brown and Haws absent.

State Rehabilitation Council

Motion was made by Member Teresa L. Theurer and seconded by Member Janet A. Cannon to appoint Rebecca Wassem to the State Rehabilitation Council. Motion carried with Members Allen, Anderson, Barney, Cannon, Dalton, Moss, Pingree, Roberts, Swensen and Theurer voting in favor; Members Brown and Haws absent.

Governor's Committee on Employment of People with Disabilities

Motion was made by Member Teresa L. Theurer and seconded by Member Janet A. Cannon to appoint Charlee Wallace to the Governor's Committee on Employment of People with Disabilities, term to expire May 2007. Motion carried with Members Allen, Anderson, Barney, Cannon, Dalton, Moss, Pingree, Roberts, Swensen and Theurer

Executive Officer Report

Interim State Superintendent Patrick Ogden presented the following items for information:

Presidential Scholar Semifinalists – Nearly 2.8 million students in the United States will graduate from high school this year; 550 of them have been named semifinalists for the 2004 Presidential Scholars Program. Seven of those students are from Utah high schools: Cody H. Cutrer of Alta High School; Katherine E. Fisher of Brighton High School; Megan Gorringer of Jordan High School; Daniel B. Inouye of Timpview High School; David C. Ogden, Richfield High School; Natalia M. Ricci, of East High School; Sarah A. Stokes of Timpview High School. We congratulate these students as being named semifinalists. The White House Commission has narrowed it down and named two as finalists: Daniel Inouye and Sarah Stokes. Mr. Ogden offered congratulations to these two students for being named finalists.

ACT Assessment. One student in Utah received perfect score on ACT Assessment. Szoa Z. Geng of Timpview High School. Only 62 in the nation received a perfect score.

Mr. Ogden noted that Mary Shumway, Director of Applied Technology Education was appointed one of the members of board of trustees for the Utah Information Technology Association. He expressed congratulations on that appointment.

Education Week's 2004 Technology Counts issue has just recently been released and Utah did very well in that survey. Mr. Ogden recommended that Board Members read the information.

Mr. Ogden reported that at the last legislative session the legislature passed Senate Concurrent Resolution

No. 4 which recognizes the 50th anniversary of the landmark case of Brown v Board of Education. It designates May 17, 2004 as Brown v Board of Education and Equality in Education Day in the state of Utah. It also urges the State Board of Education to provide model instructional materials to schools encouraging observation of this day. We have distributed this material to the schools and also sent a letter to the schools encouraging them to invite members of the Utah Bar Association encouraging them to come and speak to the high schools about Brown v Board of Education, a program which they have sponsored.

Utah Schools for the Deaf and the Blind

Motion was made by Member R. Michael Anderson and seconded by Member John C. Pingree that in order to stay consistent with state law, the Board repeal its action attempting to abolish the position of Superintendent of the Utah Schools for the Deaf and the Blind and also to appoint the chairs of the Institutional Council.

Motion carried with Members Allen, Anderson, Barney, Cannon, Dalton, Moss, Pingree, Roberts, Swensen and Theurer voting in favor; Members Brown and Haws absent.

Utah Schools for the Deaf and the Blind Institutional Council

Motion was made by Member Teresa L. Theurer and seconded by Member Edward A. Dalton to appoint the following to the Utah Schools for the Deaf and the Blind Institutional Council: Leslie Gertsch (reappointment, 4 years); Ron Gardner (new appointment, 2 years) Jodi Kinner (new appointment, 4 years); Dennis Platt (reappointment, 2 years); Linda Ott (new appointment, 2 years); Robert Petersen (new appointment, 4 years); Bill Gibson (new appointment, 4 years); Marilyn Call (new appointment, 2 years); Mary Ann Smail (reappointment, 2 years); Gwyneth Kenner (new appointment, 2 years); Scott Beck (new appointment, 4 years); Carol Ruddell (non-voting, new appointment, 4 years); Greg Haws Utah State Board of Education (non-voting, new appointment, 2 years) . Motion carried with Members Allen, Anderson, Barney, Cannon, Dalton, Moss, Pingree, Roberts, Swensen and Theurer voting in favor; Members Brown and Haws absent..

H.B. 115 Task Force Recommendation

Interim Superintendent Patrick Ogden presented the recommendations from the H.B. 115 Task Force. (For complete details see General Exhibit No. 9332.)

Motion was made by Member John C. Pingree and seconded by Member Linnea S. Barney to accept the recommendations of the Task Force and forward them to the Governor.

Member John Pingree commented that neither he nor his wife have any financial interest in the Carman B. Pingree School. He has no children in the school, he has a 29 year old son who has autism and his wife became involved in trying to find programs for him. When there were non she lobbied with the Salt Lake School District and they gave the Douglas School to Valley Mental Health and they have funded this program with state funds that were appropriated by the legislature for a preschool program. A private school program was later added because parents felt

their children were not ready to go into public schools after having gone through this very intensive program as preschoolers. That school is partially funded by Valley Mental Health as well as the parents. There are 60 preschool children right now that do not have services. This is the group that we can have the greatest impact on. They have been identified and we don't have to wait for kindergarten, but they do not have the services because there is no funding. This will help them start to receive those services, although it won't be all that is needed. Valley Mental Health continues to run the program even though it bears the name of Carmen Pingree. One of the concerns the committee had was the amount of money \$1.4 million was very small with regards to the needs of the state for the various disabilities that exist. In listening to the Governor speak on this issue, she made it very clear that autism was one of the issues that should be addressed. It was clearly the feeling of the majority of the committee that autism should receive the funds. There is a clear understanding that there is an unmet need for additional funding for children with disabilities.

Member Teresa Theurer questioned what is available for preschoolers with autism in public school now?

Member Pingree responded that in Jordan and Granite School Districts they provide the classroom and Carman Pingree provides the curriculum for preschoolers. There is also a program in Davis/Weber and one in the Alpine School District.

Member Theurer clarified that in order for a parent outside of the Wasatch Front to apply and enroll their child they would need to drive their child to the Carmen Pingree School. Member Pingree responded that is the case.

Member Pingree commented that it was the perception of the committee that the dollars be spent through a private institution because there was so little dollars and they wanted it to make an impact. By narrowing it to autism, with the identified individuals, than if we tried to spread it to other special needs.

Discussion ensued relative to the funds going only to preschoolers and not to other autistic students in the schools. Also, concern was expressed by members representing the rural areas of the state that autistic students outside of the Wasatch Front would not benefit from these funds.

Member Pingree commented that the State Office of Education has impact aid funds which is a state educational program that allows districts to apply for special funds when they have a very expensive special needs student. That is approximately \$250,000 per year. Last year requests were \$2 million plus, which is totally inadequate.

Amendment to the motion was made by Member John C. Pingree and seconded by Vice Chairman Janet A. Cannon to include in our recommendation a clause that the legislature be made aware that there are programs for students of special needs that are not being met and request that they consider appropriating additional funds in future years for funding those programs. This request would not be to supplant the \$1.4 million but to go beyond that.

Member Teresa Theurer voiced concern that there are a lot of other programs in education that are severely underfunded not just programs for special needs students.

Interim Superintendent Patrick Ogden commented that his interpretation of the amendment is that staff would take this and prepare a building block for recommendations to the Governor and Legislature for our budget consideration during the summer as one request and then take it and rank it with the others.

Member Dixie Allen voiced concern that with the adoption of the recommendation we would be funding private education. Currently we are not addressing needs in at least two-thirds of the state. She did not feel this was the best thing for the state.

Vice Chairman Janet Cannon commented that this was not legislation that the Board was in favor of to begin with. The Legislature passed and funded it independently wanting it to be a private education voucher. The Governor vetoed it wanting the money to be put to use for the benefit of some special needs students. Given this situation the Task Force has given its best to try to utilize this money to help some children with needs. She also would like to see us in a position to benefit the whole state, however, we have a limited amount of funds and this will do the best we can.

Further concern was expressed that there are needs of autistic children across the state. Further, that this would be funding private schools and not public schools.

Amendment to the motion carried with Members Anderson, Barney, Burningham, Cannon, Dalton, Pingree, Roberts, and Swensen voting in favor; Members Allen and Theurer opposed; Members Brown, Haws and Moss absent.

Member Ed Dalton questioned what would happen to the recommendation of the task force if the Board did not approve it. Interim Superintendent Patrick Ogden responded that the State Board really has no jurisdiction in this. The Governor requested that the State Board put together a task force to make recommendations to the Governor on how to deal with this situation. This is a report of the task force to the State Board. If the State Board chooses not to accept the task force recommendations then they go back to the Governor and say thanks, but we were unable to come up with a recommendation.

Member Debra Roberts spoke in favor of the motion commenting that she represented a rural district and is very concerned about not serving them, but the reality is that the \$1.4 million will only come forth if it is for helping as recommended. She feels strongly about representing public education, but has always made it her goal to represent the individual child, and if the only way we can have the \$1.4 million and it will affect the life of a child, she cannot in good conscience turn away from that possibility.

Motion to adopt recommendation including the amendment carried with Members Anderson, Barney, Burningham, Cannon, Dalton, Pingree, Roberts and Swensen voting in favor; Members Allen and Theurer opposed; Members Brown, Haws and Moss.

Board Chairman Report

Chairman Kim R. Burningham presented the following items of information:

Vice Chairman Janet Cannon reported that mission statement that received the most votes was #6, "Provide leadership, vision, and advocacy, so that all students have educational opportunities to meet their potential and achieve competency." The slogan: Utah Public Education: the opportunity of a lifetime!

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Debra G. Roberts to adopt the new mission statement and slogan as stated above. Motion carried with Members Allen, Anderson, Barney, Cannon, Dalton, Pingree, Roberts, Swensen, and Theurer voting in favor; Members Brown, Haws and Moss absent.

Chairman Burningham reported that with Denis Morrill leaving the Board the Leadership Committee has reorganized the Law and Policy Committee, putting Gary Swensen on the committee and appointing Debra Roberts as vice chair of the committee.

Chairman Burningham reported that he is in the process of setting up meetings with the legislature. He had secured June 15 with the Republicans at 8:30 a.m. He is attempting to set up a meeting with the Democrats later in the day.

Chairman Burningham reported that he has attended meetings of the superintendent selection committee and the HB 115 task force. He is aware of the excellent and determined work the board members are doing. He expressed appreciation for all the work they all do in so many ways.

Chairman Burningham congratulated Member Linnea Barney who has been named the recipient of the Distinguished Service Award by the National Association of State Boards of Education.

Chairman Burningham share a letter from Governor Walker relative to the expediency of our appointment of the Task Force relative to H.B. 115. (For complete details, see General Exhibit No. 9333.)

Motion was made by Member Teresa Theurer to adjourn.

Meeting adjourned at 4:20 p.m.