

MINUTES

September 3, 2004

Minutes of the meeting of the State Board of Education held September 3, 2004, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 9:35 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 Tim Beagley
Member Laurel Brown
Member Edward A. Dalton
Member Greg W. Haws
Member David L. Moss
Member John C. Pingree
Member Joyce W. Richards
Member Debra G. Roberts
Member Sara V. Sinclair
Member Gary C. Swensen
Member Teresa L. Theurer

Member Jed H. Pitcher was excused.

Also present were:

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

Members of the Press:

Jennifer Toomer-Cook, Deseret Morning News
Ronnie Lynn, Salt Lake Tribune
Amy K. Stewart, Standard Examiner
Peggy Jo Kennett, Jordan School Board
Bill Colbert, Citizens, Candidate for State Board District 11
Yasuhiko Nakata, Hitotsubashi University, Japan
Mark Cluff, Citizen, Candidate for State Board District 12
JoAnn Neilson, Utah PTA
David Parker, Leapfrog
Tom Gregory, Citizen, Candidate for State Board District 13
Jim Eldredge, Utah Education Association
Kay Chatterton, Utah Education Association

Chairman Burningham recognized Bill Colbert, District 11 Candidate, and Mark Cluff, District 12, Tom Gregory, District 13, Candidates for the State Board of Education.

Chairman Burningham introduced Yasuhiko Nakata, Associate Professor at Hitotsubashi University. Mr. Nakata is visiting at the University of Utah.

Chairman Burningham excused Member Jed Pitcher.

Chairman Burningham announced that during the lunch hour Gubernatorial Candidate, Scott Matheson, Jr. will be with us for an informal discussion. He indicated that in the October meeting we will meet with Gary Herbert, Candidate for Lt. Governor.

Board Member Linnea S. Barney lead the Board in the Pledge of Allegiance.

Board Member Dixie Allen offered the reverence.

Board Secretary Twila B. Affleck recorded the minutes.

Boardsmanship Development

Board Member Debra Roberts shared information on An Effective Board Member/Development. She indicated there is a way to balance if we bring all the individuals together. Our foundation has to be a mission/goal that all buy into. In addition add other characteristics: (1) learning about educational issues; (2) background reading; (3) serving on the different committees we are asked to serve on and then as individual board members bring that knowledge back to the Board from the different meetings; (4) speak up and shares opinions and ideas even though they may not always be in agreement with the others (however, in this board no matter how contentious we might be once the vote is taken everyone adheres to that decision); (5) being flexible, realizing we need to go with the flow and the necessary changes; and (6) create contacts not only within the education family, but with legislators and others. If we seal these together we can bring it all into balance within the Board. If we are not there, it takes all of us to create and effective board.

Legislative Candidate Education Survey 2004

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 was 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.

Mark Peterson, Public Relations Director presented the results of the survey. (For complete details, see General Exhibit No. 9390.)

Utah Performance Assessment System for Schools (U-PASS)

U-PASS was enacted in 2000 and calls for multiple types of testing to determine academic progress in the state as well as to provide for national comparisons. It further requires an identification of schools based upon performance, beginning with the 2003-04 school year. The Utah State Office of Education is ready to provide identification of schools, based upon a formula that is built to reward growth and that is fully (and only) tied to scores on the criterion-referenced tests (CRTs) each year. While identification based on U-PASS can be done, the Utah State Office of Education would like to expand the formula so that it includes other variables beyond the CRT score alone and is ready for use with multiple subgroups. USOE leadership will meet with various constituent groups to frame the identification plan. The State Office of Education will utilize 2003-04 data and be prepared with a final plan for the Board's consideration in December 2004.

Superintendent Patti Harrington presented the early plans for a U-PASS identification system, Performance Plus and No Child Left Behind. (For complete details, see General Exhibit No. 9391.)

Dr. Harrington presented a draft Position Statement on No Child Left Behind. She indicated that this still requires additional dialogue from superintendents and other educators throughout the state, but it is hoped that this can be brought to closure in the next few months. (For complete details see General Exhibit No. 9392.) Dr. Harrington requested that Board members give feedback to her.

Performance Plus Implementation Schedule

In June 2004 the Utah State Board of Education requested a Performance Plus implementation schedule. Three chief plans were created, each with a different emphasis and all with a phased-in approach, assuming financial support might come from the Utah Legislature in phases.

- Plan I supports the idea of having the program grow from early grades to high school.
- Plan II supports the idea of giving immediate help to high school students who must pass the Utah Basic Skills Competency Test (UBSCT) prior to graduation.
- Plan III supports the idea of a gateway at middle school through which students must pass to enter high school.

Following input received at a meeting with Utah School Superintendents on August 9, a fourth plan was introduced: Plan IV supports phasing in grades gradually, adding one grade per year, UBSCT implementation in 2006, and math in 2007.

Each of these versions were presented with an analysis of their cost and benefits and the early feedback from those who have reviewed the plans. (For complete details, see General Exhibit No. 9393.)

Superintendent Harrington presented the Performance Plus Implementation Plans with background information.

Associate Superintendent Christine Kearl presented information on identifying student need for the next funding phase. (For complete details, see General Exhibit No. 9394.)

Ms. Kearl made the following recommendations for the next installment of Performance Plus: (1) Commitment to K-3 Literacy; (2) UBSCT; (3) 4th grade-6th grade math; and (4) Add literacy and math. Also, Plan V in additional to Superintendent Harrington's Plans.

Member Greg Haws suggested that UBSCT remediation be separate from Performance Plus.

Discussion ensued relative to remediation and the differences in Performance Plus with interventions.

Superintendent Harrington shared figures relative to how many students were falling behind in UBSCT in reading, math, and writing and that it would cost approximately \$20 million to solve the UBSCT problem.

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Dixie Allen that the State Board make a financial request of a specific dollar amount in support of remediation for UBSCT, and in another area the Board's next step in funding for Performance Plus would be in 4-6 grade mathematics. Also, go we go ahead and try to implement writing as we are able to do without additional resources.

Member Mike Anderson voiced concern with the motion that generally in elementary school one teacher teaches all day, and if we aren't careful in how we phase in math and writing we could end up with two or three areas they need to be brought up to par on within one year.

Superintendent Harrington clarified that the motion is the recommendation identified in Plan V, taking 2006-07 math to 2005-06.

Member Laurel Brown, recommend that rather than call it UBSCT remediation we title it UBSCT support for 9-12 reading, writing, math.

Vice Chairman Cannon and Member Allen accepted the recommended change as part of the motion.

Member Dixie Allen clarified that when the Board was looking at Performance Plus and trying to define competency at the high school level we found that the core testing was not adequate, the Board chose UBSCT, it is our portion to evaluate secondary students on their competencies.

Member Tim Beagley offered an amendment to the motion that staff be directed to make a new plan to incorporate these priorities happening next year. The amendment was accepted by Vice Chairman Cannon and Member Allen.

Motion carried unanimously.

Dr. Harrington noted that the next meeting dollar figures for this will be included in the budget for submission to the Governor.

Public Participation/Comment

No requests for comment were received.

Visit by Gubernatorial Candidate Scott Matheson, Jr.

And Lt. Gubernatorial Candidate Karen Hale

During lunch the Board informally visited with Gubernatorial Candidate Scott Matheson Jr. and Karen Hale, former State Senator and candidate for Lieutenant Governor on current educational issues. Some of the issues discussed were: charter schools, tuition tax credits; State Board Member selection process; funding for public education; civility issues; Performance Plus and U-PASS; and parental involvement in schools.

Executive Session

Motion was made by Member Tim Beagley and seconded by Member Joyce W. Richards to move into an executive session for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 1:23 p.m.

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Laurel O. Brown to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:40 p.m.

Executive Officer Report

Superintendent Patti Harrington reported on the following items of information:

ACT and SAT Scores - Utah students scored above the nation on the ACT in both math and English. We are told by the national experts that these are significant differences in our testing and scoring. She noted that we are continually reminded on these tests that the more students take advanced or core classes the better they do on the ACT.

SAT scores (college admission scores) have also been released and indicate that while we are doing much better than the nation we slipped a little bit by two or three points. She noted that the SAT is not taken widely in our state, but this drop is a concern for us.

Dr. Harrington noted that the press release from our office indicated that the public schools are outperforming private schools as it relates to SAT takers. We did not have any political motive in that, we just noted that there is a significant difference and we were only saying that our schools are doing very well.

No Child Left Behind – Dr. Harrington reported that both gubernatorial candidates have indicated their displeasure with No Child Left Behind. Mr. Huntsman wants to opt out entirely, and Mr. Matheson has indicated he does not like it and would like to look at it and make some changes.

National Report on Charter School performance – An outside evaluator was hired by the American Federation of Teachers to find out how well charter schools are doing in relationship to other schools. The national story claimed that the charter school students did not measure up as well as traditional public school students. Associate Superintendent Ray Timothy commented that you need to look at the type of charter school and many types of charter schools have scored low because of the population they are serving.

Dr. Harrington reported that she is continuing to meet with federal, state and district leaders to establish relationships. She has met with state Senators Tom Hatch and Michael Waddoups. Also, Congressman Cannon regarding No Child Left Behind, and his posture is that he would like to abolish the Department of Education. Dr.

Harrington reported that we are enhancing our relationship with superintendents by inviting them in much more often than we have in the past. They have asked for more involvement and a larger role in what is happening out of our office.

Dr. Harrington reported that she has made personal visits to schools and districts. She has visited Wayne County and Box Elder Opening Institutes. She indicated that she will be visiting schools twice a month and possibly every Thursday. She indicated she would let the Board members know so they might join her.

Dr. Harrington reported that she is looking at some reorganization in the office assignments and how we can provide alignment to support some of our chief goals, i.e, technology and No Child Left Behind.

Dr. Harrington reported that she has met a couple of times with Representative Alexander and received a great reception. He made a statement to her that he wants to help her any way he can to understand and work with the legislature.

Tour of Utah Education Network – UEN is our main distributor of all of our distance learning and much of our concurrent enrollment across the state. UEN has been the major player in what we have done technologically. We intend to enhance that relationship, both by how much we utilize their services and how they can benefit us by their understanding of network issues.

Dr. Harrington reported that we have established workplace climate survey which was developed by Human Resources Office. This will serve as a base line so she can understand what needs to change in this office to help people feel really connected and happy about their job. She indicated that she did not surmise there is a lot of unhappiness and dissatisfaction, but the climate has been somewhat sterile and needs a great deal more celebration.

Dr. Harrington reported that she and Associate Superintendent Patrick Ogden have met with Utah Schools for the Deaf and the Blind and reviewed each of the audit indicators required of them and us. We are on track and she indicated she was pleased with what is happening. The Institutional Council has been reorganized, the folding in of Jean Massieu is underway with a phase-in approach because there needs to be some restructuring of the school itself. We have relocated finances for USDB directly with the Utah State Office of Education with direct oversight; their salary and benefit package is on track with the stipulation of how often and when it is calculated each year.

Dr. Harrington presented each Board Member with a book “The Leader’s Guide to Standards” by Douglas B. Reeves. She reviewed the following pages 5, 47, 183, 199, and 223.

Board Chairman Report

Chairman Kim R. Burningham reported on the following items of information:

2005 Meeting Schedule – We are looking at the schedule of meetings for 2005 and it is our intent to hold some meetings away from Salt Lake City. In the past we have been cautious about doing this because of the costs of travel, but we think we should do so at least a couple of times a year. Also, there was some talk about meeting in

October outside of Salt Lake City, but we have determined that is not wise. He suggested that if Board Members had ideas or comments on where we should meet to please get to a member of leadership.

Board Retreat – Chairman Burningham reminded Board Member that there will be a Board retreat on November 16th and we will tie that in with an orientation for new board members and activities with new legislators.

Gubernatorial Candidate Visits – Jon Huntsman is not available to visit with the Board prior to the election, however, Gary Herbert, candidate for Lieutenant Governor will be here next meeting to meet with us for lunch. We are also planning to bring in the newly formed Charter School Board and the Utah School Boards Association leadership to join us for lunch at some future date.

Utah School Boards Association Regional Meetings – He encouraged Board Members to attend the Utah School Boards Association Regional meetings in their areas later in September. This is an excellent opportunity for input on what they are doing with regard to their legislative package.

Chairman Burningham reported that a meeting was held earlier this week where we talked in great deal about NCLB and U-PASS and particularly the assessment system and how it is going to develop. They are on a very short time line to produce much more exactness in our assessment system and they will be bringing that to us in our December meeting. They plan to have a task force formed to refine their recommendations. The task force will include superintendents, educators from the state office and other, it also calls for one member of the State Board of Education and he has asked Member Teresa Theurer as Chairman of the Curriculum Committee has accepted that responsibility. He indicated to them that he may also like to come to some of the meetings periodically, and that expanded to all board members are also invited to attend. The first meeting is scheduled on September 8 at 1:30 p.m.

Superintendent Harrington stated that the U-PASS legislation requires an identification plan to identify schools that are struggling and to give them the help they need. We will build a program around status, meaning current performance plus growth. This will probably be brought before the Board prior to December so Board members have time to review and understand it prior to the December deadline.

Quarterly Meetings with Legislators – We have tried to hold meetings with legislative leadership. We are at a time where it becomes very difficult to hold such meetings because of the elections and the election of new leadership. He, Janet Cannon and Patti Harrington have been trying to meet with potential leadership. They met with Senator Waddoups and had an excellent discussion with him.

Executive Session Actions

Adult Education Advisory Committee

Motion was made by Member Laurel O. Brown and seconded by Member David L. Moss to appoint Mary Ann Parkinson (12/05), Herbert E. Clark (12/04), Hector Mendiola (12/05), Edwin Espinel (12/04), Norman Nakamura (12/05), and Virginia Sanchez (12/04) to the Adult Education Advisory Committee. Term expirations following their

names. Motion carried unanimously.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member David L. Moss and seconded by Member Tim Beagley to accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 03-673 and accept a stipulated agreement, including conditions of the agreement, whereby a former administrator in Granite School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license for 18 months from the date of formal action by the State Board of Education. The educator's suspension results from an arrest for lewdness and subsequent plea in abeyance, with conditions. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member Tim Beagley to accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 04-679 to revoke based upon default against a former educator in the Davis School District. This action is taken following the educator's unprofessional conduct which included continually videotaping and/or photographing students despite directives to stop, inappropriate comments to students, and inappropriate touching resulting in a charge of aggravated sexual abuse. The educator's attorney did not respond to UPPAC, despite multiple attempts to contact him by telephone and letter. A criminal trial is pending. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member Tim Beagley to accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 04-680 and accept a stipulated agreement, including conditions of the agreement, whereby a former educator in Cache School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license for four years from the date of formal action by the State Board of Education. The educator's suspension results from his conviction for second degree felony burglary and third degree felony illegal possession/use of a controlled substance. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member Tim Beagley to accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 04-686 and accept a stipulated agreement, including conditions of the agreement, whereby a former educator in the Davis School District voluntarily surrenders his educator license in lieu of a hearing for purposes of revocation of his license for ten years from the date of formal action by the State Board of Education. The revocation results from his unlawful provision of alcohol to a minor, possession of alcohol at school, and violation of district policies on being alone with students and transporting students. Motion carried unanimously.

Motion was made by Member and seconded by Member Tim Beagley to accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 04-687 and accept a stipulated agreement, including conditions of the agreement, whereby a former educator in the Jordan School District voluntarily surrenders her

educator license in lieu of a hearing for purposes of revocation of her license for five years from the date of formal action by the State Board of Education. The revocation results from a guilty plea to six felony charges of illegal sexual conduct. Her conduct occurred with a male minor outside of school. Motion carried unanimously.

(For complete details of the recommendations, see General Exhibit No. 9395.)

General Consent Calendar

Motion was made by Member Teresa L. Theurer and seconded by Member Laurel O. Brown to approve the General Consent Calendar as presented. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held August 6, 2004.

2. Contracts

A. Southeastern Utah Public Health. \$6,300. 8/1/04-7/31/07 - Amend. - Fed.

Lease of Division of Rehabilitation Services, Castle Dale office located at 45 East 100 South, Castle Dale, UT.

B. EDUSTRUCTURES, LLC. \$115,950.7/1/04-12/31/04.

Write/Install an interoperability framework agent and a zone integration server.

C. Governor's Council for People with Disabilities. \$49,792. 7/1/04-6/30/05. - Amend. - Fed.

To provide funds and operating guidelines for a statewide information and referral program (ACCESS UTAH NETWORK) to meet information needs for persons with disabilities and their families in the state of Utah. The program will be administered by the Utah Governor's Council for People with Disabilities.

D. A.B. Dick Company. \$6,001.64. 9/1/04-8/31/05. Amend.

To provide maintenance and service on printing and binder equipment.

E. NCS Pearson, Inc. \$51,551. 9/3/04-5/7/06 - Amend. - Fed.

To expand the scope of work to include the development of additional test forms for the language arts criterion-referenced tests (grades 7-11). This foundation for this work is an existing test item-pool that was developed previously.

F. Riverside Publishing Co. \$79,700. 9/3/04-6/1/09. - Amend.

To acquire report templates and quality assurance for The Iowa Tests core reports. This norm-referenced test is administered to Utah Public School Students in grades 3, 5, 8, and 11 as a required component of the Utah Performance Assessment System for Students (U-PASS).

G. Venturi Technology Partners. \$324,955. 9/3/04-9/2/05. - Fed.

To establish a statewide student identifier and upgrade the Criterion Reference Testing System to more adequately meet the requirements of Utah Performance Assessment System for Students (U-PASS) and No Child Left Behind ((NCLB).

(For complete details of the Contracts see General Exhibit No. 9396.)

3. State Board of Education Administrative Rule Repeal

R277-515, Approval of Educator Preparation Programs, is being repealed because current educator preparation program standards and procedures have been incorporated into R277-503, Licensing Routes, making R277-515 no longer necessary. (For complete details, see General Exhibit No. 9397.)

4. Administrative Rule Review

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

R277-451 State School Building Program

R277-462 Comprehensive Guidance Program

R277-463 Class Size Reporting

R277-504 Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, and Special Education (Birth-Age 5) Certification

R277-521 Professional Specialist Licensing

R277-714 Dissemination of Information About Juvenile Offenders

R277-760 Flow Through Funds for Students at Risk

(For complete details, see General Exhibit No. 9398.)

5. The State School Building Program, R277-451

The State School Building Program, R277-451 was amended to allow for the administration of the statutorily created enrollment growth component of the Capital Outlay Foundation Program (UCA 53A-21-103.5). Under the Enrollment Growth Program: (1) a district must be eligible to participate in the Capital Outlay Foundation Program and, (2) have a net increase in average net enrollment for the prior 3 years; and (3) Qualifying districts receive funding in the same proportion that the district's three-year average net enrollment bears to the total three-year net enrollment of all districts qualifying for the program.

The Board approved the amendments R277-451 on second reading at its August 6, 2004 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-451, The State School Building Program on third and final reading. (For complete details, see General Exhibit No. 9399.)

6. 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. 9400.)

7. Ratification of Employment

Tom Sachse was ratified as an Educational Specialist, in the Student Achievement and School Success Division.

Frank Wojtech was ratified as an Educational Specialist in the Student Achievement and School Success Division.

8. Utah Schools for the Deaf and the Blind Superintendent Appointment

Linda H. Rutledge was appointed as Superintendent of the Utah Schools for the Deaf and the Blind in the August Board meeting. She will be paid at a rate of \$43.53 per hour (\$90,542) which is step 83 on the current state pay plan. In addition to state benefits, she will have a state paid term life insurance (\$200,000) policy. She will also earn 7 hours of annual leave per pay period.

9. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses were approved by the Board. (For complete details, see General Exhibit No. 9401.)

10. Claims Report

The Claims Report for June 30A, 2004 and July 31, 2004 in the amounts of \$54,676,212.46 and \$162,576,058.46 respectively were approved by the Board. (For complete details, see General Exhibit No. 9402.)

Board Standing Committees

Curriculum & Instruction Committee

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

Life Skills Document Revision

The Life Skills document was produced in 1998 and reprinted in 2000 by the Utah State Office of Education. The document is:

- (11) a portrait of the attributes of a well educated person.
- (12) a reflection of the thinking of educators, parents, students, businesspeople, and the community at all levels of public and private education throughout the state of Utah.
- (13) a framework that is intended to support and influence all content areas taught in the public schools.
- (14) an information source for those who have an interest in Utah's public education.
- (15) a guide for embedding character development and ethics into the content areas.

It has been determined that the document should undergo revision. (For complete details of the document see General Exhibit No. 9403.)

The Committee, following review of the current document, directed staff to revise the Life Skills document. Revision will take approximately one year. Once revised, staff will bring the document back to the Curriculum and

Instruction Committee for input and approval.

Waiver of R277-700, Utah State

Core Curriculum

Charter schools are public schools and are required to teach the State Core Curriculum. As part of the charter school application process, candidates seeking a charter must verify that their curriculum is aligned with the State Core.

53A-1a-511 allows public schools, charters included, to “apply to the State Board of Education for a waiver of any state board rule that inhibits or hinders the school or district from accomplishing its mission or educational goals set out in its strategic plan or charter.”

The local governing board of Timpanogos Academy is requesting a waiver for the Middle School Requirement that seventh graders’ be required to complete one credit hour of Applied Technology Education, Technology, Life and Careers. In place of the TLC requirement, the board of Timpanogos Academy will require seventh grade students to complete one semester class of Basic Computer Applications and one semester class of Computer Programming. (For complete details of their request, see General Exhibit No. 9404.)

The Committee received the Charter School Board motion recommending that the State Board approve Timpanogos Academy’s request for waiver on the condition that the school clarifies its intention to cover the majority of the standards in the TLC curriculum to the Curriculum Committee and seek support of state staff to provide the classes outlined in their July 29 letter.

The Committee heard from staff members including Mary Shumway and Carol Lear and representatives from Timpanogos Academy and other.

The Committee reviewed the waiver request from the Timpanogos Academy and had considerable discussion and moves that the Board deny the waiver request.

Member Theurer indicated that as the committee denied the waiver they encouraged the school to work with Mary Shumway in making revisions to their curriculum to fulfill all the necessary requirements and standards of the curriculum. She further indicated that the committee felt that this is part of life skills and they needed to do whatever to include the standards as part of their curriculum.

Member Dave Moss commented that he felt that one of the things learned from this discussion, was the fact that maybe the term “waiver” was not necessarily accurate representation of what the school was trying to do. He indicated that the basic premise is a delivery issue and not necessarily waiver issue. Both Timpanogos Academy and the Charter School Board have felt that the TLC curriculum is important and should be there, but they are looking for alternate ways that would allow Timpanogos to deliver that curriculum without dedicating themselves to a particular class, but rather to integrate it into an existing curriculum.

Member Theurer indicated that it was discussed that they would just incorporate this in other classes, however the committee did not receive an actual plan that this would be accomplished. She further indicated that there are schools who do not have a certain hour of the day that they are taught TLC.

Chairman Burningham, questioned if Timpanogos or any other school could simply rearrange things so they taught all the concepts of TLC or any other course in the core curriculum in a different way and not really need a waiver? Member Theurer responded that the committee's concern was that the transcript on the student show the TLC course. It was her understanding that Timpanogos wanted the TLC course removed from the classes they taught.

Carol Lear, Coordinator, School Law and Legislation commented that the State Board sets the core curriculum, on the other hand in the charter school law it indicates that a charter school or any other school may ask for a waiver of board rule, it does not include state law so technically the charter school could ask for a waiver of that area of the core curriculum. However, the core curriculum is the most element of public education and once you start waiving that, it becomes a pretty significant step. The State Board sets the curriculum for the state and it should not be widely ignored or waived.

Chairman Burningham clarified that a school could do the rearranging without coming for permission. Member Theurer indicated yes, but if the school does this they usually work with the people in the state office showing how they are doing this to make sure it covers the standards required.

Associate Superintendent Ray Timothy clarified that the Timpanogos Academy applied for the waiver through the State Board and the reason it was discussed by the Charter School Board was that the Chairman of the Charter School Board saw it was to be an item for discussion by the State Board and requested it be put on the Charter School Board agenda.

Following further discussion relative to how the curriculum is being followed in other schools along with charter schools, the motion to deny the waiver request of Timpanogos Academy carried with Members Allen, Anderson, Barney, Beagley, Brown, Cannon, Dalton, Haws, Pingree, Richards, Roberts, Swensen and Theurer voting in favor; Member Moss opposed.

Law and Policy Committee

Member Debra Roberts, Vice Chairman of the Law and Policy Committee presented the following recommendations from the Committee:

Driver Education Programs for Utah Schools, R277-746 Amendments

R277-746, Driver Education Programs for Utah Schools is amended to reflect the revision date change made to the Driver Education for Utah High Schools Manual from May 1999 to May 2004, and approved by the Board at its August 2004 meeting. (For complete details of the amended rule, see General Exhibit No. 9405.)

The Committee approved the amendments to R277-746, Driver Education Programs for Utah Schools on

first reading and moves that the State Board of Education approve R277-746 as amended on second reading. Motion carried unanimously.

Granting of an Electronic High School Diploma

The Electronic High School deals with five groups of students: 1) students who wish to make up credit; 2) students who wish to take a class not offered at their school, 3) students who wish to take additional credit to accelerate graduation, 4) students who are home-schooled; and 5) students who have dropped out of school, their class has graduated, and they now wish to earn a high school diploma.

The Electronic High School would like to be able to offer a diploma to three select groups of students: 1) those who are home-schooled, 2) those who have dropped out of school and now wish to earn a diploma, and 3) students referred to the Electronic High School by school districts/schools.

The Committee reviewed granting a Utah High School Diploma through the Electronic High School and moves that the Board approve granting a High School Diploma through the Electronic High School to the three select groups of students listed above. Motion carried unanimously.

Educator Development Advisory

Committee Continuation

The Educator Development Advisory Committee (EDAC) has served as an advisory group to the Board in the approval process for teacher preparation programs. On October 15, 2003, EDAC was given the assignment to develop an approval process that would be less cumbersome and less consuming of scarce human resources than was the current practice. EDAC has since completed that assignment with the Board approved Rule R277-503(4).

Is it the Board's desire that EDAC continue as an advisory group since they are no longer involved in the review process of teacher preparation programs? EDAC is comprised of representation of all education stakeholders including parents, teachers, principals, superintendents, board members, private schools, deans, and the Utah Partnership for Educational and Economic Development. EDAC could become the Educational Advisory Committee (EAC) and be used to advise the Board on various educational issues including Performance Plus, leadership training and administrative standards, and the High School Initiative. (For complete details of the materials see General Exhibit No. 9406.)

The Committee reviewed the role of EDAC and moves that the Board retain the advisory group Utah Education Development Advisory Committee for the purpose of articulation between high school and college, remediation of students under the age of 21, ideas for professional development for remediation for math; look at pre-service model for teachers; oversight on supply and demand study; and look at accelerated learning programs and how they can be used more beneficially in the state; also to add a member of UCAT to the committee. Motion carried unanimously.

Finance Committee

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

Economic Impacts of Public Education Presentation

The Committee received a presentation prepared by the Utah Education Association on the economic impacts of public education. The presentation demonstrates how an investment in public education is a means of improving the state's economy.

The Committee received the presentation in order to be better informed on the interaction of public education spending on the economy. (For complete details, see General Exhibit No. 9407.) No action was required.

Budget Increases, Ranking Requests

In preparation for its role as advocate for the needs of Utah students, the Board needs to submit a budget recommendation for FY 2006 to the Governor and Legislature. The Committee reviewed the requests for budget increases for FY 2006. Member Anderson reviewed the requests for the Board. He indicated this will be refined for the October board meeting. (For complete details of the budget requests see General Exhibit No. 9408.)

Member Ed Dalton recommended that the Board strongly consider including Line 17, Civics/Citizenship/Service Learning Education Specialist.

Member Dalton further suggested that ArtWorks For Kids be added to the list.

Associate Superintendent Chris Kearl suggested U-PASS implementation be added.

Chairman Burningham recognized Representative Kory Holdaway and asked for his thoughts on the request for High Cost Students. Representative Holdaway responded that there will be another Carson Smith bill this year.

Chairman Burningham clarified that the item on the budget request would be for districts to use for all children, either in the public school or it may mean sending them to a private school.

Chairman Burningham suggested that Line 28 be renamed to Merger of Jean Massieu Charter School with USDB.

Member Linnea Barney requested that the full Board hear the report by UEA on economics that was shared in the Finance Committee. A suggested date would be November 16.

Communications Committee

Member Ed Dalton reported that the Communications Committee has met with Board leadership. He presented four specific items today for Board consideration. (For complete details, see General Exhibit No. 9409.)

1. USBA Legislative Program – The committee suggested the Board send a message to the USBA leadership thanking them for their excellent efforts, indicate that we surely support this type of legislative preparedness,

and indicate that we'll look forward to working together to advocate for many aspects of education and students in a variety of cooperative ways.

Motion was made by Member Edward A. Dalton and seconded by Member R. Michael Anderson to send such communication. Motion carried with Members Allen, Anderson, Barney, Beagley, Brown, Cannon, Dalton, Moss, Pingree, Richards, Roberts, Swensen and Theurer voting in favor; Member Haws absent.

2. Concept of the Utah State Board of Education Best Practices and Achievement Award. Member Dalton indicated this would be an award on an annual basis to two public schools in elementary and secondary in each state board district to schools, principals, or teachers demonstrating best practices or largest gain scores on CRTs. Suggested that the State Superintendent assist them in the possibility of accepting corporate sponsorship for the award to assist in the recognition process. Also, invite some to come and share with the Board these practices.

Motion from the Committee that the State Board establish the best practices achievement award during the 2005-06 school year. Motion carried with Members Allen, Anderson, Barney, Beagley, Brown, Cannon, Dalton, Moss, Pingree, Richards, Roberts, Swensen and Theurer voting in favor; Member Haws absent.

3. State Of Education Event - This event would be held later this fall. There are many details yet to be worked out. Specifics will be presented at the next Board meeting.

4. Roundtable Discussion – From time to time, monthly or quarterly to select a topic for a roundtable discussion on issues of importance.

Motion to adjourn was made by Member Joyce Richards. Motion carried.

Meeting adjourned at 3:35 p.m.