

## MINUTES

April 1, 2005

Minutes of the meeting of the State Board of Education held April 1, 2005, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:20 a.m. At the request of Chairman Kim R. Burningham, Vice Chairman Janet A. Cannon presided.

Members present were:

Chairman Kim R. Burningham  
Vice Chairman, Janet A. Cannon  
Member Dixie L. Allen  
Member Tim Beagley  
Member Bonnie Jean Beesley  
Member Laurel Brown  
Member Mark Cluff  
Member Bill Colbert  
Member Edward A. Dalton  
Member Thomas Gregory  
Member Greg W. Haws  
Member John C. Pingree  
Member Debra G. Roberts  
Member Sara V. Sinclair  
Member Gary C. Swensen  
Member Teresa L. Theurer

Member Richard Sadler was excused from the meeting. Member John C. Pingree was excused from the morning portion of the meeting.

Also present were:

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

Associate Superintendents Patrick Ogden and Raymond Timothy were excused.

Board Secretary Twila B. Affleck recorded the minutes.

Members of the Press:

Tanna Barry, Standard Examiner  
Mike Cronin, Salt Lake Tribune  
Tiffany Erickson, Deseret Morning News  
JoAnn Neilson, Utah PTA  
Kris Fawson, Legislative Coalition for People with Disabilities  
Anne Marie Smith, Children's Dance Theatre  
Mary Ann Lee, Children's Dance Theatre  
Rebecca Meadows, Children's Dance Theatre

Michael Shanklin, Children's Museum of Utah  
McKell Withers, Superintendent, Salt Lake City School District  
Vik Arnold, Utah Education Association  
Kaye Chatterton, Utah Education Association  
Leah Zumbrunnen, The Children's Museum of Utah  
Rick Young, Pearson Educational Measurement  
Tim Cosgrove, State House of Representatives  
Lynn H. Suksdorf, Utah Symphony & Opera (POPS)

Utah State Office of Education staff:

Carol Ann Goodson, Student Achievement and School Success

Welcome and Boardmanship Development  
and Student Achievement Spotlight

Vice Chairman Janet Cannon shared a story relative to strategic planning, "Sharpening the Saw," by Stephen R. Covey.

Vice Chairman Cannon excused Board Member Richard Sadler from the meeting and Board Member John C. Pingree from the morning portion of the meeting..

Board Member Bill Colbert lead the Board in the Pledge of Allegiance.

Board Member Mark Cluff offered welcoming remarks.

Member Laurel Brown presented Boardmanship Development on Using Research in Policymaking. She referenced an article in the March 23, 2005, *Education Week*, entitled 'Scientifically Based Practice' It's About More Than Improving the Quality of Research by Debara Stipek, dean of the Stanford University school of education. The article talks about three different types of research methods (randomized field trials). She reported that in order for research to be implemented and practiced in schools it must (1) be made more accessible; (2) create a desire or appetite for research findings among practitioners and policymakers, and (3) needs to change the organization of teachers' work to make it possible for them to learn new research-based practices.

Student Achievement Spotlight

The Board recognized Barry Hill of Duchesne High School and Jacob Hillman of Lakeridge Junior High School in Orem who have been named Utah's top two youth volunteers for 2005 by The Prudential Spirit of Community Awards. Each will receive a \$1,000 award, an engraved silver medallion, and a trip to Washington, D.C. in late April.

Jacob Hillman visits and performs a variety of household chores for local senior citizens.

Jacob shared with the Board some of the activities and services he provides for senior citizens in his neighborhood.

Jacob's parents shared their thoughts on the value of providing service and for parents to be examples to their children in providing service.

The Board presented Jacob with a Certificate of Achievement.

Barry Hill organized a community health and safety fair after surviving a serious traffic accident and then learning he had an abnormal blood condition. Barry was not able to attend the board meeting due to school obligations.

Barry Hill's certificate will be mailed to him.

Utah State Office of Rehabilitation  
2004 Annual Report and Vocational  
Rehabilitation Performance Report

Each year the Utah State Office of Rehabilitation is required to produce an annual report. Dr. Blaine Petersen, Executive Director of the Utah State Office of Rehabilitation, reviewed with the Board the background on the organization, services and performance of the Utah State Office of Rehabilitation and the Vocational Rehabilitation program. The following programs were highlighted: Vision Screening [Cindey Page], Assistive Technology [Linda Braithwaite], Transition [Donna King, Jennifer Novoa, and Paula Hill], and Interpreter Crisis [Marilyn Call]. (For complete details, see General Exhibit No. 9585.)

No Child Left Behind (NCLB) Update

Superintendent Patti Harrington reported that the Utah State Office of Education continues to play a very active role in delineating the appropriate role for NCLB in Utah. Dr. Harrington shared a draft agenda for the meeting that occurred between Governor Huntsman and Secretary Spellings on March 15, 2005, as well as the letter from Utah Senate leadership to President Bush regarding their discontent over NCLB.

Dr. Harrington reported that there has not yet been agreement from the U.S. Department of Education (as of March 23, 2005) to support Utah's U-PASS accountability plan. The Utah Accountability Workbook has been submitted on its required April 1, 2005 deadline, following the board's intent to put U-PASS in the lead position and NCLB in second position in terms of how the report is presented. She indicated that we will remain fully compliant with NCLB by this type of report.

Dr. Harrington further reported that the U.S. Department of Education did approve the Highly Objective Uniform Standards System for Educators (HOUSSE) rules regarding elementary education and early childhood education. The State Office of Education has also submitted another request for approval of HOUSSE rules for Utah's special education teachers and for teachers who need multi-subject approval (rural teachers).

Dr. Harrington updated the Board on the following activities regarding NCLB:

1. Jim Lehrer Report - airing tonight, Monday night, or Tuesday night.
2. Hearing next Tuesday during the Education Interim Committee, at 9:00 a.m. in Capitol Complex W135
3. *USA Today* editorial by Representative Margaret Dayton
4. Met with USDOE staff on March 10 and 24 in continuing negotiations (both conference calls)
5. Will meet with all nation's chiefs and Secretary Spellings on April 7 in Washington, D.C.

6. Continue to serve on the regional group giving feedback to the USDOE (but could not suggest changes to the law or for increased funding)
7. Peer review (letter from USDOE)

Dr. Harrington reported that we sent a letter to the U.S. Department of Education yesterday that asks for two things on teacher certification: (1) to qualify our special educators according to the criteria we have suggested, which is generally supported by our special education community and the leadership in our office; and (2) asked them for approval of teachers in rural areas who would be able to teach their major, minor and other subjects for which they have sufficient background in college and university studies.

Dr. Harrington shared a copy of a letter from the U.S. Department of Education dated January 19, 2005, but which was not received until March 7, 2005. She expressed concern with the tenure of the letter. At every turn in this letter they are threatening to withhold federal funds. She indicated she hoped that this type of threatening correspondence will stop.

Dr. Harrington further reported that it will be her intent, that in addition to getting U-PASS in the place of NCLB and get our own standards and accountability in place, it will also be her intent to ease up this threatening relationship with the U.S. Department of Education.

Superintendent Harrington reported that NCLB has consumed an enormous amount of time, not only on her part, but many of the staff. She indicated that in one quarter of last year we had 60 trips to Washington, D.C. so we could understand the law and its impact on our state. Most of those trips were approximately \$1,000 each.

Member Teresa Theurer questioned how this all fits in with the special session which is to be called later this month. Superintendent Harrington responded that the Governor has asked us to complete our negotiations with the Department of Education by April 4. Of course, that will not happen because of the hearing scheduled for April 5 and the meeting with Secretary Spellings and the Chief State School Officers. The Governor's final date is April 11. It is the Governor's intent to satisfy the needs for putting U-PASS in the place of NCLB in terms of our accountability, and for giving us the freedom to declare which teachers are highly qualified. She indicated that it was the Governor's feeling as well as Tim Bridgewater's that if those two things are met then we have met the need for a special session. Representative Dayton is looking at a much broader issue in that it is a states rights issue.

(For complete details of the materials presented, see General Exhibit No. 9586.)

Chairman Kim Burningham reported that he had sent some rough thoughts of where we might be on this matter. He expressed appreciation to Patti and all those that worked with her on this whole issue.

Chairman Burningham commented that people are approaching this question in different ways. Some are ideologically opposed to any kind federal involvement. For others that is not the issue—the issue is No Child Left Behind and what it may be doing or not doing for young people. He stated that he personally would prefer to put state standards in place, but he would like to believe that there is a way to find a middle ground rather than fight each other.

Chairman Burningham reported that he was in a meeting for NASBE the middle of March where the chief of staff of the U. S. Department of Education stood and said there were three bright lines that must be followed in order for a state plan to be approved: (1) adequate testing [we are one of the best in the nation in that regard]; (2) must be good disaggregation so we are really identifying subgroups that are not succeeding [we have already indicated we need to make some improvements in this area]; and (3) all must be accomplished by 2014. A few days later Margaret Spellings spoke and she indicated there were two bright lines, which included only the first two mentioned above. If that is the case, he could see no reason we could not work with the federal government on this issue. He would like to see us accomplish this task for the best good of kids.

Chairman Burningham reported that he has requested that a representative of the State Board be allowed to make a comment at the hearing next Tuesday. He requested that if any Board Member would like a certain comment made to please let him know by the end of the day as he will be making comments.

Superintendent Harrington reported that the core test is going to cost us approximately \$430,000 to prepare, and this does not including staff time. She reported that today is the deadline to submit plan that we have for any changes we want to have happen in No Child Left Behind. We have met that deadline and submitted, per Board direction, U-PASS Accountability.

Dr. Harrington further reported that it was important for the Board to know that there is a brewing concern about the number of kinds in any one subgroup that we are holding schools accountable for. We have closed the gap, since we started NCLB in 2002-2003, in every subgroup. In 2004 we altered the CRT to be able to look at the individual growth per child, so we cannot use that data compared to 2003. It is very important that our schools are riveted around the need of kids that are in these subgroups. We will be meeting with some representatives relative to these concerns on Monday, clear it up as best we can and move forward. We have submitted for the subgroup size for accountability - 40, subgroup size for reporting would be 15.

Member Debra Roberts voiced concern that the message from Utah is on the state rights. She would like to see that our message goes out that we believe our teachers are highly qualified and we are meeting these needs in the way they should be receiving it.

Superintendent Harrington indicated that she has asked staff to begin ranking our state internationally rather than nationally. Our results are quite good, still need work in the subgroups, but for the most part we are doing wonderfully well.

Member Teresa Theurer commented that she would like it to come from the State Board that we believe our U-PASS Accountability system is what we need to use for our students in our state. That a lot of time and effort has been put into it and we believe that what the results show will help us to benefit our children.

Member Ed Dalton commented that the process has a way of exhausting a person. For what it is worth he

hoped that with every trip the Superintendent takes there is a tremendous united support within the Board for all her efforts and diligence.

### Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

Dr. Harrington shared her visits and presentations, rigor and other issues.

#### **Uintah School District Request for Waiver at LaPointe Elementary**

Motion Teresa Theurer seconded Tim Beagley that the LaPointe School in the Uintah School District be granted a waiver of the 180 day rule due to the loss of power at the school on Thursday, January 27, 2005. Motion carried unanimously.

Two audits on post retirement benefits in school districts and the second on closed sessions in local board meetings.

(For complete details of the Superintendent's report, see General Exhibit No. 9587.)

### Public Participation/Comment

Mary Ann Lee, Children's Dance Theatre and representing Professional Outreach in Public Schools (POPS) presented information of the Professional Outreach Programs in the Schools, what they strive to do, their mission statement and objectives. She expressed appreciation for the support of the State Board of Education of the POPS programs.

Mike Shanklin, Children's Museum of Utah shared the mandate from the State Board and legislature to provide: (1) the enhancement of the state core curriculum through school visits in professional arts and science organizations; (2) collaboration of these groups with the State Office of Education and the school community in planning the content for all work done in the schools, and (3) inclusions of each of the 40 districts in a balanced and comprehensive way over a three-year period. All of the POPS organizations are preparing application for the continued funding for the next four years. They intend to show in the application how the programs have progressed, how they have been improving and their upcoming needs.

Ms. Lee invited the board to come to a school to see what happens with the climate of the school where everyone is dancing or having a hands-on museum or science experience.

Ms. Lee express appreciation to USOE staff members Carol Ann Goodson (Arts) and Ken O'Brien (Science) for their support and work on behalf of POPS.

Senator Gene Davis who sits on the Utah Symphony Board of Directors commented that his granddaughter attends public school in Salt Lake City and she is excited to go to the Symphony through this program. He commented on the benefits of this to her and her studies. He indicated that this is a great experience for students.

Board Members expressed their appreciation for the invitations to visit schools when these programs are

being presented and asked that even though they cannot attend all, they continue to receive the invitation. Also, for the legislative night at the Hansen Planetarium, which was a wonderful experience.

### Executive Session

Motion was made by Member Greg W. Haws and seconded by Member Bill Colbert that the Board move into an executive session following lunch to discuss personnel issues. The Board was polled and by unanimous consent of those present, the Board moved into an executive session following lunch at 1:30 p.m.

### Lunch

Tim Bridgewater, Deputy for Education for Governor Huntsman joined the Board for lunch and an informal discussion.

Mr. Bridgewater commented that he and Superintendent Harrington have worked very closely in a number of areas and share the vision that Utah is one of the leading states in terms of education, especially as far as we stretch our dollars and also there are a lot of ways we can continue to grow and improve, and the Governor's office is dedicated to that in working with the superintendent and her office to that end.

Mr. Bridgewater reported that we have been going back and forth on the money that was taken out on behalf of the Carson Smith Bill - \$903,000 we have pretty much turned the corner and the \$903,000 will be put back in and won't affect next year's budget. This was just a miscalculation, but in two years from now it will come out unless there is some change made. The Governor's office needs to look at this for the legislative session next year to see how this money should be addressed.

Mr. Bridgewater reported that the Governor's office has a pretty good give and take with the U.S. Office of Education with issues like high reform, and literacy. He will be engaging in all of these arenas on behalf of Governor Huntsman.

Mr. Bridgewater commented that with regard to No Child Left Behind they have worked hard to engage with the U.S. Department of Education and be sure that they hear our voice and make some changes in recognizing our requests with regard to the strengths of our system. He indicated that the highly qualified teachers issue has been approved and another component of that has been submitted and we will work hard to get that approved within the next week.

Mr. Bridgewater reported that they believe there is major change coming as we have been negotiating on issues that are important to us such as the growth model versus the status mode or some hybrid of a growth/status model that would be more acceptable to Utah and part of U-PASS. Also, the issue of affecting early language learners. He also reported that there may be some movement on the English/language learner requirement.

He indicated that next week we expect to see some major changes, some of which may satisfy some of our requests and some may not.

One area that is more encouraging is the changes proposed by Utah and other states on special education with regard to AYP.

Mr. Bridgewater indicated that they are also working hard to get Secretary Spellings to come and visit Utah. They are trying to have this happen in advance of a need for a special session regarding the legislation relative to No Child Left Behind.

Chairman Burningham questioned if we were able to achieve a compromise on special education and non-English speakers and setting a growth model, and we feel really good about this, but segments of the legislature still wanted to say they would pass the bill in question. What then would the repercussions be?

Mr. Bridgewater replied that first of all it is up to the Governor to set the agenda for a special session. The Governor is currently addressing with the White House and the federal government the issue of nuclear waste and keeping it out of Utah. However, the legislature will want to pass this legislation, they don't feel like it will jeopardize the funding and it is a prioritization bill as opposed to an "opt out" bill. The issue of states rights and federal intrusion is not just an education issue. The Governor's office is to get the very best education for kids in Utah we can possibly achieve and how we do that is coming up with a system we create that works for Utah. He further indicated that he is optimistic that we will get more than half of what we are asking for. Utah is like a commodities company that operates on a thin margins, very efficient – a "low cost producer". Utah is the low-cost producer in the nation as it relates to education.

Member Tim Beagley commented that when he visits schools he gets a mixed message – they want to be held accountable, but the achievement gap is something they do not feel they own or can fix by themselves. They want and need a lot of help and part of that should come from cities to go in and clean up neighborhoods.

Mr. Bridgewater replied that we have a growing Hispanic population that is not going to slow down. There are some startling statistics in that particular subgroup that need to be addressed. We are working with the Guadalupe School that has a pretty good track record of dealing with these kinds of issues. We will look for successful models and ask the legislature to support additional funding.

Superintendent Harrington reported that the President is now giving some thought to tying Community Development Block Grants to AYP. Secondly, there is a train of thought among some educators that with moving U-PASS into the primary position of accountability and moving No Child Left Behind out, it begins to encumber our legislature and our leadership in the state to provide the remediation dollars that we are criticizing No Child Left Behind for.

Member Teresa Theurer commented that Mr. Bridgewater is the first in four deputies of education that she has worked with that has not been an educator. She complimented him on his knowledge of No Child Left Behind and other education issues in Utah.

Mr. Bridgewater responded that he, like other citizens in the state, has a keen interest in education and it is an important arena. He feels he brings a different perspective than the other deputies because he has been working with companies that are trying to create new and innovative ways to deliver education by way of tools for teachers to teach more effectively. He stated that Utah is doing better than average, but we are not just competing with other states, we are competing with Belgium, Denmark, South Korea, and Singapore. We need a comprehensive approach -- P-20 as opposed to a K-12 system. We need more people going into graduate school and hard science and engineering. Also, early intervention is important and being willing to think outside the box is very important.

Vice Chairman Janet Cannon asked Mr. Bridgewater to give the Board the benefit of his advice on what the board might do to be more effective on the hill, especially when requesting additional funding.

Mr. Bridgewater replied that most of the things that get accomplished early in the session have been addressed prior with legislators, or pre-packaged. The ground work needs to be laid in advance. He indicated that the Governor's office and the Utah State Office of Education need to continue to work together on issues that both can support.

Member John Pingree questioned if the legislative bill passes, if the federal dollars will be jeopardized. Mr. Bridgewater replied that this is prioritization bill and the utilization of resources for the state funds will be focused on how U-PASS is structured as opposed to how NCLB is structured. Title 1 monies move and provide plenty of money for those subgroup categories - the problem doesn't appear to be in the Title 1 schools, but for state monies, the priority is for requirements and demands.

Mr. Bridgewater indicating that they are also looking a high school curriculum reform and initiatives that target math, and science. He commented that he is encouraged with the interaction with the Board and the State Office and he anticipates it will improve as they get more involved in their job.

### Executive Session

Based on the prior motion the Board moved into an executive session following lunch at 1:30 p.m.

Motion was made by Member Teresa L. Theurer and seconded by Member Mark Cluff to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:50 p.m.

### **Utah Professional Practices Advisory Commission Recommendations**

Motion was made by Member Thomas Gregory and seconded by Member Edward A. Dalton to concur with the Commission and adopt the recommendation of the hearing panel, as amended by the Utah Professional Practices Advisory Commission, in Case No. 04-689, that the educator license of a former teacher in Washington School District be suspended. The Commission amended the hearing report from the hearing officer/panel members to extend the suspension from six months to one year from the date of State Board of Education action. The recommendation results from the educators reporting to work under the influence of legal and illegal controlled substances. The

behavior is mitigated by her intensive treatment for addiction. It was noted that the hearing report was reviewed by the Board in Executive Session. Motion carried unanimously.

Motion was made by Member Thomas Gregory and seconded by Member Bill Colbert to adopt the Commission's recommendation in Case No. 04-717 to revoke for five years from the date of State Board of Education action based upon default of the educator license of a former educator in Provo School District. This action is taken as a result of 10 felony charges against the educator, including aggravated sex abuse, object rape, and sodomy against his own children. No response has been received from the educator's criminal defense attorney, after repeated telephone calls, or from his ex-wife. Motion carried unanimously.

(For complete details of the recommendations from the Utah Professional Practices Advisory Commission, see General Exhibit No. 9588.)

### **Utah Schools for the Deaf and the Blind Institutional Council**

Motion was made by Member Greg W. Haws and seconded by Member Gary C. Swensen to appoint Craig Radford as a non-voting member of the Utah Schools for the Deaf and the Blind Institutional Council, term to expire June 2006. Motion carried unanimously.

### **Board Chairman Report**

Chairman Burningham presented the following items of information:

Chairman Burningham expressed appreciation to Governor Huntsman for his vetoing or not of certain legislation as requested by the Board.

Chairman Burningham discussed the issue of bullying which has received attention recently. He indicated that the State Office is doing some preliminary investigations on this issue. Also, NASBE is planning a pre-conference session on bullying prior to the NASBE Convention in Phoenix. He felt that a board member should make it their area of expertise and if someone would have that particular interest to let him know.

Vice Chairman Janet Cannon reported on the NASBE Legislative Conference. She indicated that she had sent an email earlier of the legislative conference and the talking points that were discussed. In particular was the reauthorization of the Perkins Vocational money that they are thinking of revamping and directing to a secondary initiative which would be a NCLB for high schools. Also, amending NCLB asking for more flexibility.

Vice Chairman Cannon then reported on the meetings they had with the congressional delegation. She noted that it was a good experience to see how we are received in those offices and how well informed they are on the needs of Utah.

Member Bill Colbert suggested that the Board invite Senator Hatch to one of our meetings for a lunch discussion.

Chairman Burningham noted that the Board has two members, currently Teresa Theurer and John Pingree,

who sit on the Public Education Job Enhancement Committee. John Pingree has asked to be taken off of that committee. Chairman Burningham reported that Member Tom Gregory will replace John Pingree on that committee.

Chairman Burningham asked board members that when they needed particular information on any number of subjects from the State Office of Education to approach the superintendent, Twila or one of the associate superintendents rather than another staff member. He indicated that if they go to a staff member they may get only part of the picture.

Chairman Burningham reported that he is still trying to schedule meetings with the legislature and Governor. He indicated that we have a whole new relationship with the Governor's office than we have seen in the past with regard to Deputy Bridgewater. We feel it would be wise to have Mr. Bridgewater visit with us every couple of months or so as we have done today. We also think it is still important to meet with the Governor occasionally.

Chairman Burningham reported that the republican leadership has set their meeting with the Board for Wednesday, April 20 at 10:30 a.m. He noted that this was the day of the special session, but asked that the board members put this on their calendar. Tentatively meeting with the democrats on April 19 at 12:00 noon. He indicated he would reconfirm these dates and email board members relative to these meetings.

Chairman Burningham reported that we have instituted an effective process for evaluating the superintendent and the board. The subcommittee has met a number of times finalizing the evaluation survey document for the superintendent evaluation. He indicated that following the completion of the survey a summary statement would come back to the Board. The process of evaluation of the superintendent is intended to be done every odd-numbered year. The Board evaluation will be done every even-numbered year.

Member Sara Sinclair noted that the evaluation is meant to be developmental not punitive and not tied to salary. With regard to salary, the Chairman and the Superintendent will review and make salary adjustment recommendations later in the year.

July Board Meeting - Please review the memo from Twila relative to play information and lodging accommodations in Cedar City. Please let her know if you have any changes.

Charter School Recommendation Approval Form. Chairman Burningham distributed a draft of the Charter School Recommendation Approval Form. He asked Board Members to review the form and get comments or concerns to Ray Timothy.

Chairman Burningham shared the following calendar events for April:

- April 5 - Legislative Public Hearing on NCLB 9 a.m. -12 p.m. - He will make a statement and asked board members to share any ideas they had as to what the statement should say.
- April 7 Margaret Spellings NCLB briefing with Chief State School Officers. What she says at that briefing will be very critical to us.
- April 8-9 NASBE Secondary Literacy Study Group in Alexandria - Mark Cluff attending.

- April 12 High School Rigor Committee meeting in the Governor's Board Room at 8:00 a.m. The group authorized them to apply for a grant from the Gates Foundation
- April 13 Tuition Tax Credit post mortem meeting.
- April 15 Board leadership meeting
- April 18-19 NASBE Value Added Study Group in Princeton, New Jersey - Debra Roberts attending
- April 19 Division of Services for the Blind and Visually Impaired Legislative Appreciation Dinner
- April 19-20 Possible Special Session of Legislature
- April 21 Meeting with Regents in Cedar City on the issue K-16 and how to bring about greater integration.
- April 25 Three R's meeting
- April 29 Community Council Training in Park City
- April 29 Huntsman Awards for Excellence in Education
- May 4 Board Meeting

Member Gary Swensen reported that May 7 will be the Annual National American Indian Youth Conference at Jordan High School. Emphasis is on encouraging young people to complete their high school education. It will be from 1:00 to 4:00 p.m. However, there is a luncheon at 12:00 noon and if board members are interested in attending they should contact Shirley Silversmith USOE Staff.

Chairman Burningham indicated that his comments at the NCLB hearing next Tuesday he will express appreciation for the bill being there because it has brought focus on the whole NCLB issue. States right is really not the issue, but the Board is really concerned about children and find some things about the way NCLB is administered is not helpful to children. We think U-PASS is a better system of accountability that fits our children more. We believe we can provide that accountability that is being desired by NCLB through a growth-based system. However, we think Title 1 funding is vital and important. We seek a solution that will allow for us to have an accountability system, but will not result in the loss of financial support for such a system. Board members agreed with the above for a statement from the Board.

### Board Standing Committee Reports

#### **Curriculum Committee**

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

#### Public Education Amendments - Status of Requirements (S.B. 154)

S.B. 154, Public Education Amendments, passed by the 2003 Utah Legislature, included a number of requirements to be performed by the Utah State Office of Education. Superintendent Harrington developed a document listing the requirements of S.B. 154, necessary work to be done, responsible associate superintendent, additional resources needed, and status of requirements. The document has been updated in the areas of responsibility assigned to the Student Achievement and School Success Division under Associate Superintendent Christine Kearl. (For complete details of the document, see General Exhibit No. 9589.)

Currently under consideration are the high school graduation requirements in conjunction with the Governor's High School Summit which is currently a work in progress.

The Committee reviewed and discussed a list of accomplishments and items still needing action under S.B. 154. The Committee made some modifications to the list, asked staff to update it and requested that the information go to the legislature.

No action required.

### Strategic Plan Goals

The Committee reviewed the items assigned to the State Board from the Legislature and prioritized them into the calendar for future action by the committee/board. The Committee also reviewed the current Strategic Plan Goals and Objectives and determined what still needs to be completed, and made additional changes as necessary. All of these items will be included on the Agenda and Strategic Plan Calendar for future action. (For complete details, see General Exhibit No. 9590.)

The Committee discussed adding another goal to include civic education.

The Committee extensively discussed Goal 2, Objective 5, dealing with attendance at school and its importance. They suggested that a task force be formed including members of the curriculum committee, PTA, UEA and other members to discuss attendance. Further to find ways to share policies between schools that are working, realizing that there is a difference in attendance in elementary and secondary education.

Member Debra Roberts suggested that someone from the judicial system also serve on the task force.

Motion from the Committee to create a task force to address attendance issues and that staff bring a recommendation of the make-up to the Committee next month. Motion carried unanimously.

### **Law and Policy Committee**

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

#### State Board of Education Bylaw Amendments

The Committee reviewed technical amendments to the Bylaws proposed by board members. (For complete details of the Bylaws see General Exhibit No. 9591.)

Member Roberts reviewed the following amendments to the Bylaws adopted by the Committee:

Page 1 - II-1. Change word special committee to ad hoc committee.

Page 1 - III-2 Clarify web site by adding "which may be found at."

Page 2 - III-4 put in words "licensed public education employees" cross out statute reference.

Page 3 - III-8 add words as defined by 53A-15-401 following Adult Education.

Page 3 - III-9b Delete.

Page 5 - IV-B1 typo

Page 6 - IV-D1 - Correlate appropriately with page 14, D2a so both say at the end of each odd numbered year.

Page 8 - VI-C-4 to read as follows: No vote concerning any matter under consideration by the Board or a committee may be cast by mail, or electronically except that a Board Member may participate in any discussion and vote in an ad hoc meeting if the Board Member is participating [in real time] electronically.

Page 10 - VI-L - delete the word “biannually” and add **in every even year**.

Page 12- V- E - add: with a review of salary market data each September.

Page 12-V-F - line thre change even to add years. Delete the part in parenthesis.

Page 14 - VIII-

D, Change name of 5 to Utah Partnership for Education, Inc., and 8 to Utah Public Education Coalition.

Page 14 - VIII-E, Added 10, Utah State Charter School Board. And 11, Educator Development Advisory Committee.

Discussion ensued relative to adding the Coalition of Minorities Advisory Committee under the liste of Advisory Committees to the Board.

Motion was made by Debra G. Roberts and seconded by Chairman Kim R. Burningham to add the Coalition of Minorities Advisory Committee (CMAC) as an advisory committee to the Board. Motion carried unanimously.

Motion from the Committee that the Board accept the Bylaws with changes presented. Motion was made by Member Bill Colbert and seconded by Member Debra G. Roberts to add the Utah Science Center Board under D. Motion carried unanimously.

Member Teresa Theurer noted that the Public Education Job Enhancement Committee by statute requires two board members to serve.

Motion was made by Chairman Kim R. Burningham and seconded by Member Bill Colbert to add the Public Education Job Enhancement Committee (2 members) under D. Motion carried unanimously.

Motion to approve bylaws as amended carried unanimously.

Member Roberts expressed appreciation to Vice Chairman Janet Cannon for her work on the Bylaws.

Chairman Burningham noted that a corrected copy of the Bylaws will be mailed to the Board.

### Strategic Plan Goals

The Committee reviewed the items assigned to the State Board from the Legislature and prioritized them into the calendar for future action by the committee/board. The Committee also reviewed the current Strategic Plan Goals and Objectives and determined what still needs to be completed, and made additional changes as necessary. All

of these items will be included on the Agenda and Strategic Plan Calendar for future action. (For complete details, see General Exhibit No. 9592.)

The Committee put together four objectives they would like to cover as follows:

Objective 1, Goal 1 - Increase Funding - They feel we need to build partnerships with the legislature. They would like to have board approval to set up appointments that two members of the Board go and meet with every member of the legislature prior to the next legislative session. In addition, to create a talking points document that we would visit with them about which would include letting them know about our strategic plan and vision, statistics from the K-3 reading plan, ask for ongoing funding for that; funding and reasoning behind the math program; encouragement for funding of the UBSCT; and asking them for how we can best get information to them; and how they would like us to communicate with them personally. Also for the study session on May 3 that time be allowed to create the document to reflect how each board member feels so we are speaking as a board on these visits.

Member Mark Cluff reported that in this same discussion in the Finance Committee their plans included some of these same things working on them in May and June and then having something ready by July.

Superintendent Harrington reported that she had just visited with Representative Gordon Snow Senator Beverly Evans. Representative Snow's first statement to her was "I have respect for people who come to my territory instead of just attacking me or grabbing me in Salt Lake City. Thank you for making the trip out."

Member Roberts continued with the objectives under Goal 1 from the Curriculum Committee:

1. Invite some of our legislators or staff to come to work/study sessions.
2. Like to have mixer with legislative member, possibly after the State Board meeting in December combined with our budget announcement.

Goal 2 - Build partnerships with Governor, objective to convey the Board's Goals and accomplishments to the Governor and staff regularly, develop a structured liaison relationship with the Governor's office, ensure there are no surprises and incorporate the Governor's priorities into the Board's priorities whenever possible.

Goal 3- Building Educator Quality - They would like to talk with Ray Timothy to see where we are with Educator Quality. They requested that a monthly report on Educator Quality Initiative be presented in the Law and Policy Committee.

In addition to request that EDAC review administrative training and requirements, maybe to the point of examining the doctoral programs for education to see if they measure up with our requirements. They would also recommend that two board members service on Educator Quality Initiative Board.

Goal 4 - Understand federal education issues, suggesting that there be an annual federal issues update where we would invite congressional members or staff to the March Board meeting luncheon. Member Bill Colbert suggested looking at the congressional recess for this invitation..

Member Teresa Theurer distributed a copy of the Core Academies Schedule. (For complete details, see General Exhibit No. 9593.)

### **Finance Committee**

Member Mark Cluff, Member of the Finance Committee presented the following recommendations from the Committee:

#### Strategic Plan Goals

The Committee reviewed the items assigned to the State Board from the Legislature and prioritized them into the calendar for future action by the committee/board. The Committee also reviewed the current Strategic Plan Goals and Objectives and determined what still needs to be completed, and made additional changes as necessary. All of these items will be included on the Agenda and Strategic Plan Calendar for future action. (For complete details, see General Exhibit No. 9594.)

Reviewed the updated calendar dated April 1, 2005.

The Committee recommended that the Board decide early on the legislative goals and funding priorities so a plan could be devised to start getting out the word of why we need the funding, what we have done in the past, etc.

#### Distribution of Funds to Arts and Sciences Organizations, R277-444

The intent language from the 2005 Legislative Session required that changes be made to R277-444. The fiscal analyst clarified the meaning of the intent language, and amendments were made accordingly. The amended rule would clarify the expectations required for POPS organizations to re-establish themselves and their funding levels every four years, as required by law. (For complete details of the rule, see General Exhibit No. 9595.)

The Finance Committee approved the amendments to R277-444, Distribution of Funds to Arts and Sciences Organizations on first reading and moves that the Board approve the amendments on second reading. Motion carried unanimously.

#### Superintendent's Discretionary Fund Audit

The Office of the Legislative Auditor General conducted a limited audit of the Utah State Office of Education's use of the Superintendent's Discretionary Fund. This review was sparked by events surrounding Senate Bill 154 that was passed by the 2005 Legislature. Two objectives were established: (1) to determine if expenditures within the Superintendent's Discretionary Fund seem reasonable and; (2) to determine if the Superintendent's Discretionary Fund has been used to circumvent legislative intent.

The Committee reviewed the Legislative audit, to familiarize themselves and, ultimately the entire Board, with the findings. (For complete details of the Audit, see General Exhibit No. 9596.)

No action required, information only.

## Funding Implications of Mid-Year Enrollment Changes

Utah State Office of Education staff discussed with the Committee the financial ramifications on districts and schools of mid-year enrollment changes. Some of the issues discussed were: (1) What can be done to protect a school district impacted by the unexpected closure of a charter or private school; and (2) Is there a way to make school funding follow the student more quickly? (For complete details, see General Exhibit No. 9597.)

No action required, information only.

### **Communications Committee**

Member Edward A. Dalton, Chairman of the Communications Committee reported on the following activities of the Committee:

The Committee has reviewed progress of the past year and learned that we have made considerable progress, but still have some work to do.

Member Dalton reported that we are pleased with the progress related to the parental involvement resolution and the work with the PTA.

There have been good communications activities with the Utah School Boards Association. He has been invited to participate with their committee on communications.

The Committee recognized that high school graduations are upcoming and they would like to see some formal involvement and participation of board members in these graduation exercises. Also, they would like to identify some of the special best practices so they could be recognized at a special assembly or graduation exercise.

Superintendent Harrington commented that we do know of some curricular best practices.

Member Dalton reported that as they looked at best practices and achievement awards, the CRTs will give us a reading of a schools achievement and progress comparison. Superintendent Harrington indicated that there is comparability from last year and this year and that data will not be available until about August 15<sup>th</sup>.

Member Dalton reported that the biggest priority of the committee continues to be the progress on the Utah version of newspaper insert similar to that done by Colorado last year. He indicated he had copies if anyone would like to look at it. They have also put together a preliminary for development and distribution of this type of publication. Need to work on funding side. He indicated that the USBA would also like to join with us on this as a partnership project. Within the next couple of week they will determine if we can raise the money or get certain parts underwritten by business and contributions. It is hoped that we could have this printed for use in first or second week of September. Excited about it and want to see it succeed.

Member Bill Colbert suggested it be put it into a PDF format for electronic distribution on our web page.

Superintendent Harrington indicated she would contact local school superintendents relative to having State Board members invited to attend their local high school graduations.

## 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 Meetings of the State Board of Education held March 4, 2005.

### 2. Contracts

#### A. University of Utah. \$60,000. 4/1/05-12/31/05. - Fed.

Conduct a study of supported employment; examine, and analyze data providing a written report with recommendations for program improvement.

#### B. Educational Research & Training. \$73,000. 7/1/04-9/30/05. Fed.

Utah as a member of the MAPAS Migrant Education Consortium and having a federally funded state Migrant Ed program is required to participate in the development of supplemental curriculum and assessment materials, a data driven decision making system, comprehensive needs assessment, and verification of eligibility of migrant students within Utah.

#### C. IAssessment. \$40,000. 3/1/05-7/31/05. Amend. - Fed.

Licensed software for program and grant management.

(For complete details of the Contracts, see General Exhibit No. 9598.)

### 3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts were approved by the Board as submitted. (For complete details, see General Exhibit No. 9599.)

### 4. Monthly Budget Report

The Monthly Budget Report provides information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. (For complete details, see General Exhibit No. 9600.)

### 5. Ratification of Employment

Mary-Ann Pomerleau was ratified as an Educational Specialist in the Student Achievement and School Success Division.

### 6. WestEd Board of Directors Appointment

Under the provisions of the Joint Powers Agreement for WestEd, the Utah State Board of Education appoints two members to their Board of Directors – one to represent the Utah public school districts, and one to represent the Utah State Office of Education.

Currently Barry L. Newbold of the Jordan School District represents the Utah public school districts

[term expires 5/31/2007] and Patrick Ogden represents the Utah State Office of Education [term expires 5/31/2005].

Patti Harrington, State Superintendent of Public Instruction was appointed for a three-year term, beginning June 1, 2005 and ending on May 31, 2008, representing the Utah State Office of Education.

7. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved by the Board. (For complete details, see General Exhibit No.9601.)

8. Claims Report

The Claims Report in the amount of \$168,572,604.09 for February 28, 2005 was approved by the Board. (For complete details, see General Exhibit No. 9602.)

Motion to adjourn was made by Member Dixie L. Allen and seconded by Member Thomas Gregory.

Meeting adjourned at 3:30 p.m.