

## MINUTES

December 6, 2005

Minutes of the meeting of the State Board of Education held December 6, 2005, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:00 a.m. Chairman Kim R. Burningham 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 Randall A. Mackey  
Member Debra G. Roberts  
Member Richard Sadler  
Member Teresa L. Theurer

Members Sara Sinclair and Gary Swensen were excused.

Also present were:

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

Members of the Press:

Jennifer Toomer-Cook, Deseret Morning News  
Lynze Wardle, Standard Examiner

Debi Tabor, Utah PTA  
Ronda Rose, Utah PTA  
Chris Dickson, Citizen  
Carolyn Dickson, Citizen  
Jan Dickson, Citizen  
Christine Kearl, Governor's Education Deputy  
Susan Kuziak, Utah Education Association  
Vik Arnold, Utah Education Association  
Courtney White, Utah Education Association

Utah State Office of Education Staff:

Brett Moulding, Student Achievement & School Success

Frank Wojteck, Student Achievement & School Success  
Nicole Poulson, Student Achievement & School Success  
Nancy Denton, Data & Business Services

### Welcome and Student Achievement Spotlight

Board Member Edward A. Dalton lead the Board in the Pledge of Allegiance.

Board Member Dixie L. Allen offered welcoming remarks.

Chairman Burningham excused Board Members Sara Sinclair and Gary Swensen.

Superintendent Harrington introduced Myron D. Cottam as Associate Superintendent of Student Achievement and Student Success. Mr. Cottam is the former superintendent in the Garfield School District.

Mr. Cottam expressed that he is excited to be here, appreciates the confidence in Superintendent Harrington. He stated that he loves kids and like to see kids achieve in any way we can help them to do so.

Chairman Burningham indicated that we all agree that what happens to our students after they leave public education is of utmost importance. We know that they go different ways, some may go to work immediately, some will go to ATCs and other institutions of higher education. All of which are important. However, many would agree that the number going to higher education is important and it should be a significant number. The evidence nationwide is that it has been growing considerably. In the 1940's, when they took a survey of people over 25 years of age, 76% had not completed their high school education. In 2004 it is about 15%. Remarkable improvements have been made. It is also true statewide. The *Salt Lake Tribune* this morning talks about the Regents scholarship, which personally thinks is a marvelous idea. In the process of the article a quotation is given suggesting that one reason we need to work in this direction, and it explains in Utah, according to some sources, that the number of students going on to higher education has now turned to a decline. The figures used in the article talked about a decline from 41% to 32%. If that is true, it is extremely alarming and we need to give full attention to it because it indicates the trend is in the wrong direction. He personally questioned the statistics, and he has gone to the source to express his concern because he feels it is not taking something into account. He suggested that what maybe be an aberration, if it is only measuring kids going directly on to college, then the social thing that is happening in LDS wards throughout Utah is that young people are going straight to their mission and now going on to school. This may have a huge effect on that figure. At the Board of Regents meeting an excellent handout was presented which Chairman Burningham shared reviewing the statistics that were presented and what it means for our society. (For complete details, see General Exhibit No. 9766.)

Chairman Burningham reported that the College Board recently announced that two Utah high school student have qualified for the AP State Scholar Award. This is an academic distinction given annually to the one male and one female student in each U.S. state and the District of Columbia with grades of 3 or higher on the greatest number of AP Exams, and then the highest average grade (at least 3.5) on all AP Exams taken. They are: Tyrie L. Vella of Orem, he attended Mountain View High School and is now attending Brigham Young University; and

Whitney Wadman of Park City, she attended Park City High School and is now attending Cornell University.

Chairman Burningham noted that because these students are now attending college, a letter and their certificate will be mailed to them.

The Board recognized Carolyn Dixon of the *Deseret Morning News* for her outstanding contributions to education through the Newspapers In Education Program. Each year she makes several inserts and monthly education pages. She has also facilitated and conducted many professional development programs and workshops for teachers to accompany the inserts.

Member Edward Dalton commented that Mrs. Dixon was extremely helpful working with us on our newspaper insert. He further expressed appreciation for all her work in support of public education across the state.

Mrs. Dixon was given a Crystal Vase plaque.

Mrs. Dixon stated that it has been a great joy for her in her position where she could help to make an impact on education in the state.

#### Charter School Application

#### Recommendations

In its November board meeting, the State Charter School Board reviewed charter school applications. John Broberg, Executive Director, presented recommendations from the State Charter School Board to Re-Charter from the State Board to the State Charter School Board the Soldier Hollow Charter School. (For complete details of the recommendation, see General Exhibit No. 9767.)

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Debra G. Roberts that upon recommendation from the State Charter School Board approve the re-charter from the State board of Education to the State Charter School Board of the Soldier Hollow Charter School. Motion carried with Members Allen, Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Gregory, Haws, Mackey, Roberts, and Theurer voting in favor; Member Sadler absent.

#### Obesity and Physical Activity of

#### Utah Public School Children

Childhood obesity is a major risk factor for a number of diseases including diabetes, hypertension, and elevated blood cholesterol. Childhood obesity tends to lead to adult obesity, and adults who were obese as children have increased morbidity and mortality irrespective of adult weight. In addition, overweight adolescents may suffer long-term social and economic discrimination.

In addition, many children do not receive nutrition education or participate in any organized physical activity during their school hours or engage in any free-time physical activity.

Julie Metos, from *Action for Healthy Kids*, presented data and information on childhood nutrition and physical activity and how they impact the health and academic performance of students.

Frank Wojtech, Health and Physical Education Specialist presented current activities in Utah public schools to slow and ultimately end childhood obesity.

(For complete details of the materials presented, see General Exhibit No. 9768.)

#### Mathematics Education in Utah Overview

Brett Moulding, Curriculum Director, and Nicole Paulson, Specialist, Elementary Mathematics provided insight into the nature of the Core curriculum, instructional expectations and outcomes, instructional materials used, and future direction for mathematics education in Utah. The report described the current professional development of elementary and secondary mathematics teachers and the recently approved program for an “Elementary Mathematics Endorsement.” The report also provided information on student performance in mathematics and the current Utah proposal for a 4-6 math initiative.

(For complete details of the material presented, see General Exhibit No. 9769.)

#### Public Participation/Comment

Susan Kuziak and Vic Arnold Utah Education Association presented information from the UEA on their “No Excuses-Invest in Public Schools.”

#### Executive Session

Motion was made by Member Tim Beagley and seconded by Member Laurel Brown 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 12:10 p.m.

Motion was made by Member Tim Beagley and seconded by Member Teresa L. Theurer to reconvene into open meeting. The Board reconvened at 12:40 p.m.

#### Informal Discussion with Representative Karen Morgan

The Board during lunch had an informal discussion with Representative Karen Morgan with regard to her proposed legislation, Reading Requirements for Student Advancement. (For complete details, see General Exhibit No. 9770.)

#### Bryant Middle School Choir

The Board was pleased to receive holiday song and dance performed by students from Bryant Intermediate School under the direction of Mrs. Sorensen.

#### Executive Session Actions

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

Motion was made by Member Thomas Gregory and seconded by Member Tim Beagley to accept the recommendation from the Commission in Case No. 05-741 and accept a stipulated agreement, including conditions of

the agreement, whereby a former teacher in Washington School District voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension of her license for 18 months from the date of formal action by the State Board of Education. The suspension results from abusing prescription pain killers and stealing prescription medications from homes in her community. Some of the incidents occurred during school hours. The educator was charged with two second degree felony counts of burglary and two class B misdemeanor counts of theft. Motion carried with Members Allen, Beagley, Cannon, Cluff, Colbert, Dalton, Gregory, Haws, Roberts, Sadler and Theurer voting in favor; Members Brown and Mackey absent.

Motion was made by Member Thomas Gregory and seconded by Member Tim Beagley to accept the recommendation from the Commission in Case No. 05-749 and accept a stipulated agreement, including conditions of the agreement, whereby a former middle school teacher in Iron 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 educators suspension results from using his school computer to access several graphic pornography sites via the Internet in the Summer of 2005. Motion carried with Members Allen, Beagley, Cannon, Cluff, Colbert, Dalton, Gregory, Haws, Roberts, Sadler and Theurer voting in favor; Member Brown and Mackey absent.

(For complete details of the recommendations, see General Exhibit No. 9771.)

#### Election of Board Officers

Motion was made by Member Richard L. Sadler and seconded by Member Edward A. Dalton to elect Kim R. Burningham as Chairman and Janet A. Cannon as Vice Chairman of the Board in 2006. Motion carried with Members Allen, Beagley, Cannon, Cluff, Colbert, Dalton, Gregory, Haws, Mackey, Roberts, Sadler and Theurer voting in favor; Member Brown absent.

#### Election of Utah School Boards Association Board of Directors Representative

Motion was made by Member Richard Sadler and seconded by Member Tim Beagley to elect Member Edward A. Dalton to represent the Board on the Utah School Boards Board of Directors for the next two years. Motion carried with Members Allen, Beagley, Cannon, Cluff, Colbert, Dalton, Gregory, Haws, Roberts, Sadler and Theurer voting in favor; Member Brown absent.

#### General Consent Calendar

Member Tim Beagley noted that Tab F, Proposed Board Meeting Schedule, that June 2 is high school graduations which most board like to attend. It was agreed that the schedule be changed to Thursday, June 1.

Chairman Burningham noted that we are scheduling a work meeting on April 6 to look at finalizing the elements of the strategic plan.

Motion was made by Member Teresa L. Theurer and seconded by Member Tim Beagley to approve the

General Consent Calendar with a change on the Board Meeting Schedule of the June meeting to June 1. Motion carried with Members Allen, Beagley, Cannon, Cluff, Colbert, Dalton, Gregory, Haws, Mackey, Roberts, Sadler and Theurer voting in favor; Member Brown absent.

1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education held November 3 & 4, 2005.

2. Contracts

The following Contracts were approved:

A. The College Board. \$95,287,50. 11/1/05-9/30/06. - Fed.

The College Board will conduct Advanced Placement professional development workshops. We will also purchase CollegeEd student workbooks and teacher guides.

B. USU Center for Persons with Disabilities. \$347,513. 12/1/04-9/30/06. - Amend. - Fed.

Provide Contractor with the funding needed to carry out the goals and objectives of the grant "Improving Utah's Drug and Violence Data Collection Tools and Procedures" which was received from the US Department of Education. This contract will allow us to adequately and consistently gather incidents of delinquent activity data which is required of each school throughout the state to submit. This requirement is part of the NCLB Title IV legislation.

C. Measured Progress. \$183,607. 11/1/05-4/6/07. Amend.

Amendment will cover the cost of field testing prompts for the writing test.

D. Davis County Schools Warehouse. \$150,000. 9/30/05-9/30/06. - Amend.

Receipt and storage of USDA commodities.

E. U of U Department of Teaching & Learning. \$99,221. 10/1/05-9/30/06. - Fed.

To provide evaluation services at the state level for four of the five NCLB EETT (Title II Part D) competitive grants for year three (3) of the competition.

F. NCS Pearson, Inc. \$1,863,896. 11/1/05-10/31/07. - Fed.

To provide technical services for online administration of the Utah Core criterion-referenced tests in Utah public schools.

G. Utah State Health Department. \$300,000. 9/1/05-8/31/06 - RECEIVABLE

To hire and house a Health Education Specialist to oversee the high school training program.

H. Cognos, Corp. \$620,350. 11/30/05-11/29/09. - Amend. - Fed.

Initial payment of \$355,000 will pay for data software. \$87,000 per year for 3 years beginning

11/30/06 (the third year) will pay for tech support.

I. i Assessment. \$75,000. 8/1/05-7/31/06

Licensed software for program and grant management.

(For complete details of the Contracts, see General Exhibit No. 9772.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts were approved. (For complete details, see General Exhibit No. 9773.)

4. Accreditation of Schools, R277-410

R277-410 was amended. One component of the amendment relates to acceptance of credit from nonpublic schools and programs. Secondly, to make the rule consistent with the standards and procedures in R277-705. The Board approved R277-410, Accreditation of Schools on second reading at the November 4, 2005 meeting. There have been no substantive changes to the rule since that time. The Board approved Accreditation of Schools, R277-410 on third and final reading. (For complete details, see General Exhibit No. 9774.)

5. 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. 9775.)

6. Utah State Board of Education Proposed 2006 Meeting Schedule

The proposed meeting schedule for the State Board of Education for 2006 was approved. (For complete details, see General Exhibit No. 9776.)

7. Ratification of Employment

Ann Gourley White was ratified as an Educational Specialist in the Student Achievement and School Success Division.

Wendy Carver was ratified as an Educational Specialist in the Student Achievement and School Success Division.

8. Advisory Committees - Notice of Vacancies

The following vacancies occur on the respective State Board of Education Advisory Committees were received by the Board:

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

USDB Teacher (non-voting member)  
Parent of a child who is deafblind

**Adult Education Advisory Committee**

Ethnic/Racial Minorities  
Refugees/Immigrants  
Member at Large  
Statewide Adult Education Associations  
Adult Education Directors/Coordinators  
Superintendent  
Division of Rehabilitation  
Business and Industry  
Department of Workforce Services  
Utah Education Network

9. List of Applicants for Licenses

A list of applicants for initial and renewal licenses was approved. (For complete details, see General Exhibit No. 9777.)

10. Claims Report

The Claims Report in the amount of \$189,748,583.07 for October 31, 2005 was approved. (For complete details, see General Exhibit No. 9778.)

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

Dr. Harrington shared information on Significant Event, Legislative Contacts, and Updates in Brief. The report is continued following “Power In You”

“Power In You”

Utah’s First Lady, Mary Kaye Huntsman presented her “Power in You” a peer-to-peer, heart-to-heart program designed to help young people deal with various obstacles through mentoring from older students who have worn similar shoes. This, combined with support from some of Utah’s most inspirational organizations, board members, support entities, and ambassadors, gives Power In You the ability to help every young person reach deep inside and truly realize the enormity of power that dwells within.

Mrs. Huntsman noted the that Power in You focuses on the emotional aspect of life challenges and at-risk behavior in order to bring hope to teens and encourage them to fulfill their life and education potential. Its purpose is to help teens prevent at-risk behavior, provide resources to aid teens participating in at-risk behavior, create an awareness of life challenges, give young teens the ability to see the power within themselves, and help teens overcome adversity with a positive attitude.

Mrs. Huntsman shared experiences on how this program is helping teens to turn their lives around and succeed in both education and life endeavors.

Member Tim Beagley requested a schedule of the program in school assemblies.

## Executive Officer Report Cont.

Superintendent Harrington continued her Executive Officer Report.

Dr. Harrington discussed in detail and clarified the Board action relative to the high school credit issue.

Member Tim Beagley questioned how the credit issue worked with the Electronic High School and how they might meet adequate yearly progress as well as special purpose schools. Associate Superintendent Ray Timothy clarified that the Electronic High School does meet the state core and requires all of the specific tests. Member Beagley asked how this was recorded, especially for the UBSCT. Dr. Timothy responded that he would find that out and let the board know. Superintendent Harrington indicated this could probably be sub-fielded in the data warehouse so a report could be provided as to how students are doing within the electronic high school and how they fair on UBSCT. She indicated that this might also be possible for the special purpose schools, however, they are in the private sector.

Dr. Harrington shared her concern about the potential UBSCT bill that might have students taking the UBSCT for several years from now and that the provider of their remediation services would be paid only upon successful completion of the UBSCT. The concern is mainly with tracking that student. She reported that she reviewed with Senator Howard Stephensen the Arizona's High School Exit Exam as an alternative to the number of times a student takes the UBSCT. Dr. Harrington reviewed the information from Arizona in comparison with Utah. She suggested that Board Members use the information as they visit with their legislators.

Dr. Harrington reviewed the Governor's Two Key Concerns: 1) Academic excellence and opportunity; and 2) paying attention to the total child and the atmosphere for learning in Utah's schools.

Dr. Harrington reviewed the Governor's 2005 Education Agenda.

Dr. Harrington reviewed the key issues of the 2006 General Session.

(For complete details of Dr. Harrington's report, see General Exhibit No. 9779.)

## Board Standing Committee Reports

### **Curriculum Committee**

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

Member Theurer distributed a copy of a Resolution from the Utah High School Activities Association relative to Encouraging schools to maintain extracurricular opportunities for students while restraining growth in transportation expenses. (For complete details, see General Exhibit No. 9780.)

### Secondary Language Arts Core Curriculum

The Secondary Language Arts Core Curriculum was revised through a process that occurred over the past year and a half. The document is now ready to be submitted for public hearings to solicit comment that addresses the

content and intent of the curriculum. The Secondary Language Arts Core Curriculum was developed under the direction of a steering committee, an advisory committee, and writing committee. These committees consisted of district leaders, university subject matter professors, board members, private school teachers and administrators, teachers and USOE staff and administration. The Secondary Language Arts Core Curriculum standards, objectives, and indicators provide a comprehensive guide to teachers, students, parents, administrators, and the public and identify the essential secondary language arts concepts students need to master.

Major changes between the new Secondary Language Arts Core Curriculum and the previous curriculum include:

- A departure from the process nature of the old core to concentrate on skills and must be mastered for accountability.
- A narrowing focus from the board language objectives of the old core to more precise objectives.
- A move to delineate more clearly the role of language arts teachers in relation to the rest of the curriculum.

(For complete details of the Secondary Language Arts Core Curriculum, see General Exhibit No. 9781.)

The Committee reviewed the Secondary Language Arts Core Curriculum and moves that the Board authorize the Curriculum Section to provide public hearings on the curriculum. It was noted that after review and comment in public hearings, the new Secondary Language Arts Core Curriculum will be presented to the Board in February for final approval. Motion carried with Members Allen, Beagley, Brown, Cannon, Cluff, Colbert, Gregory, Haws, Mackey, Roberts, Sadler and Theurer voting in favor; Member Dalton absent.

### Life Skills Document

The Life Skills document was first produced in 1998 by the Utah State Office of Education. The document was reviewed by the Curriculum and Instruction Committee in its September 2004 Committee meeting, and it was determined that the document was out of date with current research and Board policy. Staff was directed to make revisions and bring the document back to the Committee when completed.

In August 2005, the Curriculum and Instruction Committee reviewed the Life Skills document. The document has been out for review by focus groups and at public hearings since that time. Revisions or modifications from the public hearings were reviewed at the meeting.

(For complete details of the revised Life Skills Document, see General Exhibit No. 9782.)

The Committee reviewed the final draft of the Life Skills Document and the comments received from the focus groups and public hearings.

Motion from the Committee that the Board approve the Life Skills Document as presented. Further, that the State Office come up with a plan to encourage districts to disseminate it to every teacher in the state. Motion carried with Members Allen, Beagley, Brown, Cannon, Cluff, Colbert, Gregory, Haws, Mackey, Roberts, Sadler and Theurer voting in favor; Member Dalton absent.

## Utah Pre-Kindergarten Guidelines

The Utah Pre-Kindergarten Guidelines were created in response to the Bush Administration's Early Childhood Initiative, "Good Start, Grow Smart." Initial guidelines were written and completed in December 2004. Steering and writing committees were then formed to develop these initial guidelines into the Pre-Kindergarten Guidelines. Copies of the completed guidelines were reviewed by focus groups across the state, teachers, administrators, the Office of Child Care, Public Health, the Utah Family Center, the PTA, Head Start, tribal education, the Coalition of Minorities Advisory Committee executive board, and Utah State Office of Education staff.

In October the Curriculum and Instruction Committee reviewed the Utah Pre-Kindergarten Guidelines. The guidelines have been out for review at public hearings since that time. Revisions or modifications from the public hearings were reviewed in the committee meeting. (For complete details of the Guidelines, see General Exhibit No. 9783.)

Motion from the Committee that the Board approve the Utah Pre-Kindergarten Guidelines as presented. Motion carried with Members Allen, Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Gregory, Mackey, Roberts, Sadler and Theurer voting in favor; Member Haws absent.

## Secondary School Completion and Diplomas, R277-705

The Utah Attorney General's Office was notified recently that a student receiving a "lesser diploma" or the "alternative completion diploma" currently provided for students who do not pass all components of the Utah Basic Skills Competency Test (UBSCT) would likely not qualify for federal financial aid for college without an additional assessment. Districts are currently under deadline to submit their orders for the printing of spring 2006 diplomas and are awaiting a state decision on the wording of diplomas. The amended rule provides new titles for diplomas to eliminate the problem. There will now be a high school diploma with and indication on it, at the districts discretion, that the student has passed all sections of UBSCT.

The Committee reviewed the amendments to R277-705, Secondary School Completion and Diplomas. (For complete details of the rule, see General Exhibit No. 9784.)

The Committee made amendments to section R277-705-6 (7) to read: Beginning in June 2006, an adult student enrolled in a Utah school district adult education program may receive an adult high school diploma indicating a passing score on all UBSCT subtests and by completing all state and district diploma requirements [deleting: and passing all subtests of the UBSCT] or may receive an adult [deleting: alternative completion] high school diploma that does not indicate a passing score on all UBSCT subtests consistent with district and state requirements.

The Committee approved the amendments to R277-705, Secondary School Completion and Diplomas, on second reading noting that both the Committee and the Board have reviewed the rule many times satisfying a first

reading, and moves that the Board approve the amendments to the rule on third and final reading.

Member Tim Beagley voiced concern that the confusion over all of this is going to be very unsettling. We don't know what to call it so certainly the general public will not understand it, and post-secondary schools will have a hay day with it. He questioned, what we would do about that. Secondly, the advisory committee is given the task of determining what happens to students who transfer in late in the system and also the task of handling any kinds of appeals that comes to them. He questioned how mechanical that committee will be and whether the Board will delegate to them the authority to do those things or is this something we will have to deal with in each of our meetings?

Member Theurer commented that it was her understanding that the advisory committee was only for those students who moved into Utah after February of their senior year.

Member Laurel Brown voiced a concern with the actual changing of the name because two years ago the Curriculum Committee would have thrown out alternative completion except for the wording in the law.

Carol Lear, Coordinator, Law and Legislation explained that there is a lot of uncertainty with this and the law. There has been a lot of discussion over the wording that should be on the diploma. However, a couple of people in higher education institutions felt like alternative was a problematic word. Those individuals contacted the Federal Department of Education who indicated this might be problematic for students to receive federal aide to attend higher education. This prompted the Attorney General's office to get involved and they indicated we would be better off rethinking our terminology. After reviewing the language in the code, it does say a basic high school diploma. There was a very strong message from the Attorney General's office that if we did not change what we had, it was their belief, that we would put the students who do not pass all subtests of UBSCT at risk of not getting higher education financial assistance without an additional assistance.

Chairman Burningham noted that this problem is obviously more pressure by the fact that we are up against printing of the diplomas and the printers are waiting.

Member Bonnie Jean Beesley encouraged the Board to support the motion from the Committee and if the legislature wants to come back and tell the Board to change it to change it at that time. She indicated that over half of the students in higher education qualify for federal needs test and receive financial assistance.

Motion carried with Members Allen, Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Gregory, Mackey, Roberts, Sadler and Theurer voting in favor; Member Haws absent.

### **Law & Policy Committee**

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

Rich School District Request for  
Four Day Week

In 1991, the Utah State Board of Education modified the Pupil Accounting Rule R277-419 such that the length of the school year was measured only in hours and not in days. The rationale for the change was to 1) increase time on task; 2) increase local decision making ability; and 3) increase local flexibility. The result was the implementation of school calendars around the state that significantly reduced the number of school days in urban, suburban, and rural schools, and at all grade levels.

In 1995, the State Board modified the rule again reestablishing the requirement of 180 days of school along with 990 hours, with a minimum of 4 hours in a school day.

In 1997, the Utah Legislature established a Modified School Week Pilot Program and provided for a comprehensive evaluation after a four year test period. Based upon the results of that study, no action was taken to modify the rule and schools on four-day week schedules were required to go back to the 180 day/990 hour rule.

Rich School District implemented a four day week in all four district schools during the 1992-93 school year. Based upon their previous experience and the desire to minimize interruptions to the school day as much as possible, they are requesting approval from the Board to operate on a four day week.

The Committee reviewed the information and the request of Rich School District. The Committee tabled this item because they had only three members of the committee and they could not come to a consensus. The Committee plans to come back with a recommendation on this issue in January. (For complete details of the materials, see General Exhibit No. 9784.)

Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program, R277-477

This rule is being amended to reflect the following changes in the law:

- The creation of the Interest and Dividends Account within the Uniform School Fund where interest and dividends from the Permanent State School Fund are received during the year prior to distribution for dividends from the Permanent State School Fund are received during the year prior to distribution for implementation of the School LAND Trust Program.
- School plans are approved by the State Charter School Board for state sponsored charter schools.
- A requirement for schools to have a school community council that prepares and approves the school plan. Charter schools may use the school charter board with elected parents, to approve the plan if they choose.

The rule is also amended to clarify that for Utah Schools for the Deaf and Blind the average statewide base allocation is the base allocation for the school and that the plan is to be approved by the State Superintendent or designee.

The rule is also amended to require that school districts report the meeting dates when the school board approves school plans and that districts select school plan submission dates not later than May 15<sup>th</sup> each year. It clarifies that districts are responsible for complete and accurate submission and download of information to the School LAND Trust website if they choose to submit through a more comprehensive district plan.

The rule is amended to require that school plans and reports provide an explanation if more than half of the allocation is carried over to the next year. If a school misappropriates funds, subsequent allocations will be withheld until those funds have been restored. It also clarifies that plans, including academic goals, steps to meet the goals and expenditures are specific. (For complete details of the rule, see General Exhibit No. 9786.)

The Committee made an amendment in Section R277-477-3 (I) after the word supplies, add or supplement funding for.

The Committee reviewed the amendments and approved R277-477, Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program, on first reading and moves that the Board approve R277-477 on second reading. Motion carried unanimously.

Educator Licensing: Highly Qualified Teachers, R277-510

No Child Left Behind “highly qualified” information for both new-to-the-profession and veteran early childhood, elementary, secondary, and special education teachers has become increasingly complicated at Utah has sought accommodations for teachers in special settings and multiple-subject teachers.

R277-510 documents Utah’s criteria for minimal compliance with NCLB Title II A highly qualified teachers standards. This rule includes the “Highly Objective Uniform Statewide System of Evaluation” (HOUSSE) and testing options in addition to the degree requirements for all teachers included in the federal core courses. (For complete details of the rule, see General Exhibit No. 9787.)

Member Roberts noted that with the requirements of this rule, we are putting a major burden on our special education teachers. It is very problematic, but we do not have a solution if we are going to be consistent with the guidelines and requirements of the law.

Associate Superintendent Ray Timothy reported that the special education teachers are that group that are most impacted by NCLB. They do not specialize in any particular content area, therefore, they don’t meet qualified status unless they have a major in every one of the critical areas. The message they are receiving from the NCLB law is that we don’t value what they do. We recognize the great effort that they do and we want to support and encourage them to continue doing what they are doing in meeting the needs of students. However, the rule, as written, helps us be compliant with NCLB such that we would not be in jeopardy of losing funding. He indicated we would continue to work with the federal department and try to get a general knowledge test that covers all of the curricular areas so that we will work toward something eventually so they can meet the qualified status.

Member Mark Cluff suggested that there be a way for us to let parents know that we are following state law and not necessarily meeting NCLB.

Superintendent Harrington noted that the law says that we as a state must have rules by which teachers

become highly qualified and that we must be making a good-faith effort to move teachers toward that. The law does not say that we must have 100 percent of our teachers highly qualified. There are no negative financial repercussions the only negative repercussion is that we have to declare to our public, that this child has a teacher that is not highly qualified. Part of the discussion has been creative rebellion and let our teachers be the great teachers they are, get this burden off their back. If you are a special education teacher of a self-contained classroom, for example, they may be teaching language arts, math, science and social studies. The law would require a major in each of those subjects for them to be highly qualified. They are already the teachers that carry the biggest burden of paperwork in the system.

Member Debra Roberts indicated that teachers are given two years to reach the highly qualified status. During that time they will be looking at the reauthorization of NCLB. She suggested that part of the motion may be that we work with Senators Hatch and Bennett as they work on this reauthorization to help them understand the issues and how troublesome this is.

The Committee amended the rule on line 13, changing an to or.

The Committee reviewed and approved on first reading R277-510, Educator Licensing: Highly Qualified Teachers and moves that the Board approve the rule on second reading.

Member Laurel Brown commented that she has a lot of angst and wants our teachers to be highly qualified, however, she will vote against approval, simply for the moral stance of what this will do for teachers in special education.

Chairman Burningham questioned if there was another alternative.

Superintendent Harrington suggested we use Member Cluff's idea that we go with the state approach to this that we declare to the parents that NCLB requires what we will do, but they are not qualified by NCLB but they are qualified by state guidelines.

Following further discussion it was agreed that an addition to the motion would be report they are meeting state licensure laws and then work with delegation to change the law.

Vice Chairman Janet Cannon clarified that written in the rule are stipulations that give educators another two or three years to obtain this status. By that time NCLB will be up for reauthorization and we are hopeful that in that time frame there may be some modifications to the law as we may be able to work with our congressional delegation.

Motion carried with Members Beagley, Cannon, Cluff, Colbert, Gregory, Haws, Mackey, Roberts and Sadler voting in favor; Member Brown and Dalton opposed; Member Allen and Theurer absent. Chairman Burningham noted he would have voted in opposition to the rule.

#### Educator Quality Task Force Recommendations

In the November 4, 2005 Board meeting the Educator Quality Task Force presented recommendations to the Board on ways to attract, recruit, train, evaluate and retain quality educators for Utah schools. The Board received the

report and requested the Task Force take the recommendations, compile them into a comprehensive 3-5 year implementation proposal, and present the plan at the December Board meeting.

The Law & Policy Committee worked with the Educator Quality Task Force in a work meeting on December 1, 2005. Following that work meeting the Committee met to finalize the recommendations and the comprehensive 3-5 year implementation proposal. (For complete details of the recommendations, see General Exhibit No. 9788.)

The Committee developed 25 items to work towards in a holistic approach. She indicated that this works only as a holistic approach and not a nit picky one. The Committee agreed that we move forward in year one with every item that does not require funding.

Member Roberts reviewed the Conceptual Professional Compensation Program which is not a merit pay system. It is looking at ways to reward teachers who improve themselves to improve student learning. This is not being pushed forward now because we would like to take the next year to allow teachers and other educators to have input as we move forward on this together. In the end the message we want to give is that teachers are valued for what they do and we want to include working conditions, etc.

Motion from the Committee that the Board approve the recommendations and the comprehensive 3-5 year implementation working proposal. Further that it be disseminated out to all education organizations and legislators.

Member Roberts commented that this is an opportunity for the State Board, the Board of Regents and the Legislature and local districts to do something very positive. All need to see the opportunity presented. There have been many compromises made to try to reach both sides of the issue, i.e, what legislators want and what teachers want to see happen. She hoped that all would be willing to make compromises themselves so we can move forward in positive ways. The message she would like to have both legislators and teachers hear is it takes a little compromise to move forward, that is part of democracy, we would ask for that compromise and not play the blame game.

Chairman Burningham commented that Representative Urquhart is prepared to sponsor our math initiative program but he is planning to make it a larger thing than that and he might like to add to it some other steps to include the quality of teaching from this information. We have indicated to him to wait and see what the recommendations are first. Based on this it will be necessary for a conversation. If he wanted to just so some of the recommendations on the list then what? Member Roberts indicated we should encourage him to sponsor the entire thing.

Chairman Burningham noted that there are a couple of pieces of this already included in the budget.

Motion carried with Members Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Gregory, Haws, and Roberts voting in favor; Members Allen, Mackey, Sadler and Theurer absent.

Educator Licensing: Highly Qualified Teachers, R277-510

Chairman Burningham noted that in the earlier discussion of this issue we talked about having USOE look at

a companion piece talking about how we would indicate that special education and multi subject teachers would be highly qualified by state criteria.

Member Roberts suggested that we send a companion letter indicating that local districts have more than enough power to send companion letter that we recognize this teacher is very qualified.

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Mark Cluff to direct staff put together a way to indicate special education teachers that they can be considered highly qualified by our state. An amendment to the motion was made that a letter be written to special education teachers indicating they are valued and respected and it be prepared immediately. Motion carried with Members Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Gregory, Haws, Roberts, and Sadler voting in favor; Member Allen, Mackey and Theurer absent.

### **Finance Committee**

Member Tim Beagley, Chairman of the Finance Committee presented the following recommendations from the Committee:

#### Finalization of Budget Request

Final enrollment and WPU calculations have been completed. The Committee reviewed the impact enrollment growth has on the budget recommendations, examined possible budget initiatives and priorities. Member Beagley reviewed the final budget recommendations approved by the Committee. (For complete details, see General Exhibit No. 9789.)

Motion from the Committee that the Board approve the final budget request and it be sent to the legislature and Governor as final request. Motion carried with Members Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Gregory, Haws, Roberts and Sadler voting in favor; Member Allen, Mackey and Theurer absent.

Member Beagley announced that this Friday, December 9, at 9:00 a.m. the Governor will be releasing his budget recommendations in the East Office Building in the Olmstead Room. Utah State Office of Rehabilitation

#### Annual Financial Review

The Finance Committee reviewed the financial status of the Utah State Office of Rehabilitation as part of its annual review of finances and budgets of the three organizations that State Board is responsible for.

No action was required.

#### Minimum School Program Review

The Finance Committee continued its study of the programs in the Minimum School Program, their history and funding formulas with the goal of ultimately simplifying Utah school finance.

No action was required.

### **Communications Committee**

Member Edward A. Dalton, Chairman of the Communications Committee presented the following activities

of the committee.

Member Dalton reported that we are still trying to finish up our insert project. He indicated that we have approximately 16,000 insert left, and about 8,000 of those will go to the Tooele School District. We will then try to take care of our funding situation with the *Deseret Morning News*.

Member Dalton expressed appreciation to Chairman Burningham for his solicitation of districts for additional insert requests. He indicated that if there are others who would like to contribute to this project it will be most welcome.

Member Dalton noted that the Boards Resolution on School Attendance, there was one category stating “The Utah State Board of Education and local boards prepare and administer a campaign to heighten awareness of absenteeism. He indicated we need to decide what this means because we have learned we do not have a lot of resources to conduct or educate. To actually do this in working with the Utah School Boards Association, we need to put together a plan of what does this campaign really mean and how can it be executed, and where would the resources come from to actually do it. He further indicated that the Public Relations Committee of USBA will meet on Friday and we will discuss at that time to see if they can come up with some strategies. Member Mark Cluff suggested that we also consider discussing this with the PTA to see what support they might provide.

Member Dalton reported that there are still many communication opportunities. Also, if there are ways to use the inserts let’s do it.

Chairman Burningham noted that we are still financially trying to work out the payment of the insert. He requested that if Board Members were aware of anyone willing to purchase some of these copies - please get them to do so. He encouraged them to provide any help they could.

#### Board Chairman Report

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

Vice Chairman Janet Cannon reviewed the NASBE Committee and Study Group Assignments. She noted that Chairman Burningham will continue on the NASBE Board of Directors as Past President; Member Richard Sadler will serve on the GAC Committee; Members Greg Haws and Ed Dalton will participate in the study group on Civic Education; Member Tom Gregory will participate on special finance study commission; and Twila Affleck will serve on the Early Childhood Education Study Group.

Vice Chairman Cannon reported that Congressman Rob Bishop has introduced two bills in Congress based on the APPLE Initiative. She indicated that many problems in funding education in the western states come from federal lands. These two bills are now in committee, one is co-sponsored by 17 other congressmen. The second bill has only two co-sponsors. The first bill would raise about \$836 million for us, and the second would raise \$292 million annually. She will email the details of these bills. She indicated that In January the Board may want to address

something to our congressional delegation relative to these issues.

Vice Chairman Cannon reported that at the NASBE Annual convention she had an opportunity at lunch to sit next to a woman who has brought forth a book for high schools to teach a course on the Bible and its influence in many aspects of our literature. It is supported by the 3Rs group. One of the contributors to the book is a Dr. Robert Baker from BYU and they have a host of contributors. This is a text to utilize so the Bible can actually be taught in an appropriate way in an elective course in high schools.

Member Greg Haws commented that this books teaches stories and doctrines but not from a religious standpoint. He indicated that he had seen a small segment on “The Newshour with Jim Lehrer” a couple of weeks ago.

Vice Chairman Janet Cannon shared a letter directed to State and Institutional Trust Lands Administration (SITLA) Representatives about one of the assets in state trust lands called Tabby Mountain. It is an area where there is a large block of land that is very rural and rustic in nature that is close to a metropolitan area. There is a difference of opinion that deals with the SITLA Board thinking we should sell it off or divide it up and sell it off. As beneficiaries we took the position that we hold this because of the prospects of it becoming increasingly valuable was in our best interest. The letter indicates that we view this, on behalf of the beneficiaries, that it be best to hold this land to see if it won't perform to greater value for us at a later date.

Approval to send the letter.

Member Laurel Brown noted that at the last Trust Lands Advisory Committee meeting this was discussed and there is a real concern because there are also some political pressures that come to bear. She asked Margaret Bird to explain some of the concerns.

Margaret Bird reported that Wild Life Resources is very interested in this piece of property. There is talk about getting some private funds for this, but then this property would forever remain off the tax rolls. She discussed the concerns about the seriousness of holding on to this land.

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Richard Sadler to approve sending the letter. Motion carried with Members Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Gregory, Haws, Roberts and Sadler voting in favor; Members Allen, Mackey and Theurer absent.

Member Debra Roberts voiced concerns from Washington County about selling trust lands at a lower value for use in building schools. Mrs. Bird indicated that the land belongs to every child in the state, not just one particular area of the state. Further that the land cannot be sold at below market value and not given away for any purpose.

Chairman Burningham reported that he and Superintendent Harrington were scheduled to meet with the Governor yesterday, however, the Governor was called to Washington, D.C. so that will be rescheduled in the next couple of days. One item on the agenda will be for the entire board to meet with him.

Chairman Burningham encouraged Board members to turn in their reports on visits to legislators. He further

urged members to continue to try to visit with their legislators.

Chairman Burningham noted that in the past few years it was the Boards desire to insert a couple of additional meetings during the legislative session to discuss and take possible action on legislative issues. A recommendation will come in the January meeting as to when we will hold those meetings.

Chairman Burningham reported that December 20 will be the next Board leadership meeting. During that meeting we will reconsider all assignments to board committees and others. Of course, board member input will be sought at this juncture. He indicated that in the next few days Twila will send out information on the committees.

Chairman Burningham mentioned on the issue of tax reform which is a very important issue that the Board passed a motion in the last board meeting that indicated we favor some tax reform that keeps in mind the needs of education in the future. With that particular idea, there will be some superintendents, university presidents and local board members called together to encourage them to become much more vocal on this particular issue. We have been talking with higher education about doing this and more information will be forthcoming in the near future. .

Chairman Burningham noted that in the January meeting the ad hoc committee will be coming up with a statement and recommendation on kindergarten based upon the resolution we passed last board meeting.

Chairman Burningham reviewed the following Calendar:

Dec 8 Education Deans Colloquium - Thanksgiving Point

Dec 9 Board of regents Meeting - Important item on their agenda will be the Regents diploma

Dec 9 Governor releases budget

Dec 9 Bullying Seminar by web cast

Dec 20 PreK-16 Alliance next meeting

Dec 20 Board Leadership

Jan12-14 USBA Convention

Jan 12 Board meeting

Jan 17Governor Huntsman's State of the State at Washington Elementary in the Davis School District.

Chairman Burningham encouraged Board Members to attend if they could arrange their schedule.

Meeting adjourned at 4:20 p.m.

Following the meeting the board enjoyed a holiday social.