

## MINUTES

February 4, 2005

Minutes of the meeting of the State Board of Education held February 4, 2005, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 9:50 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 Bill Colbert  
Member Edward A. Dalton  
Member Thomas Gregory  
Member John C. Pingree  
Member Debra G. Roberts  
Member Richard Sadler  
Member Sara V. Sinclair  
Member Gary C. Swensen  
Member Teresa L. Theurer

Members Mark Cluff and Greg W. Haws were excused.

### Also present were:

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

### Members of the Press:

Tanna Barry, Standard Examiner  
Jennifer Toomer-Cook, Deseret Morning News  
Ronnie Lynn, Salt Lake Tribune  
JoAnn Neilson, Utah PTA  
Julian Hatch, Utah Atheists Organization  
Debra Blackburn, Carbon School District  
Judy Mainord, Carbon School District  
Bill Anderson, Parent, Granite Park Middle School  
Connie Anderson, Parent, Granite Park Middle School  
Liz Anderson, Student, Granite Park Middle School  
Tim Leffel, Utah Association of School Business Officials  
Karen Bedont, Carbon School District

Patsy Bueno, Carbon School District  
Grody McEvoy, Carbon School District  
James Thompson, Carbon School District  
David Armstrong, Superintendent, Carbon School District  
Nathan Rathburn, Congressman Cannon's Office  
Courtney White, Utah Education Association  
Royce Van Tassell, Educational Excellence Utah  
D. Shane Sadler, Governor's Council for People with Disabilities  
Nels Timm, PT Inc.  
Jenny Gagon, Pinnacle Canyon Charter School  
John P. Harrington, Holland & Heart LLP  
Holly Farnsworth, Utah Foundation

Board Member Gary C. Swensen lead the Board in the Pledge of Allegiance.

Board Member Laurel Brown offered welcoming remarks.

Board Secretary Twila B. Affleck recorded the minutes.

Vice Chairman Cannon excused Board Members Mark Cluff who is attending a NASBE Study Group meeting and Greg Haws is out of town.

Chairman Kim Burningham presented the Boardsmanship Development on Building Partnerships with the Legislature. (For complete details, see General Exhibit No. 9522.) He offered three major suggestions for establishing key contacts with legislators.

Chairman Burningham reported that at the Education Appropriations Subcommittee meeting yesterday they ignored all of the Board's priorities – specifically the math/science grades 4-6 and Performance Plus. We are in competition with them putting the money into roads. Governor Huntsman has taken position that he wants to do some work on roads, but feels education needs the funding. He indicated that the Board supports Governor Huntsman's approach but each board member needs to use every avenue available to get the message to all legislators.

He encouraged board members to contact their legislators relative to funding for education.

Motion was made by Member John C. Pingree and seconded by Member Tim Beagley that in light of the legislative action yesterday that the Board go on record in support of Governor Huntsman's budget to show we see a greater need to fund education, and further that the legislature fund the programs listed as board priorities. Motion carried unanimously.

### Student Achievement Spotlight

Associate Superintendent Chris Kearl reported that she had done a campus visit to Granite Park Jr. High School. There are wonderful things happening at that School with what they call the "Walkaways" Program. Robert McDaniel, Principal, Granite Park Jr. High shared the concept of their Walkaways program. He indicated that it is what you want a child to walkaway with from the classroom. Students are required to work on every concept in the state core until they get them, and competency is based on what you know not what you do. He presented different

examples of the Walkaway Program. (For complete details, see General Exhibit No. 9523.)

Liz Anderson, student at Granite Park Jr. High shared what the Walkaways Program has done to help the students. She reported that they have had the highest test score gains for the past two years. An “I” is not incomplete, but “in progress,” and every student is “in progress” until they get the concept.

Chairman Burningham presented certificates of achievement to Robert McDaniel Granite Park Jr. High School and to Liz Anderson in recognition of achievement in the Walkways program.

Member Bill Colbert suggested that this is a best practices that should be shared with other schools and districts across the state.

Superintendent Harrington reported that Robert McDaniel will be sharing this with the Utah School Superintendents Association in their upcoming meeting. Also at the Jr. High and Middle School Conference.

Member Bonnie Jean Beesley further suggested that it be presented to the legislature and the public.

### Legislation Review

The Board reviewed and discussed legislative bills and took the following action. (For complete details of the Legislative Tracking Sheet, see General Exhibit No. 9524.)

Associate Superintendent Ray Timothy reported that the feeling and tone with the legislature is open and cooperative.

Dr. Timothy presented a list of priority bills to cover and indicated that as time permitted they would then move on to others.

### **HB 249 - Carson Smith Special Needs Scholarship**

Karl Wilson, Director, Special Education reviewed the contents of the proposed legislation.

Member Tim Beagley commented that this is different from the tuition tax bill. After listening to this last year there is a need, and the sponsor has made tremendous effort to work with us to address our concerns. He continued that the public wants this - they overwhelmingly supported a gubernatorial candidate who made this a focal point of his campaign. This is \$1.4 million new dollars coming to us from the general fund to support children with special needs. This bill combined with our request for \$1.3 million would be a tremendous help for special needs students.

A Comparison of the Carson Smith bill with the board’s requested appropriation for Low Incident/High Cost Students was made.

Motion was made by Member Tim Beagley and seconded by Member John C. Pingree to support this legislation with comment that it really only works in conjunction with our request for funding for high cost and low incident; and at some time in the near future look at how we fund special education in the state.

Member Richard Sadler spoke in favor of support for the bill, but felt there needs to be a closer look at the

equity issue because a lottery does not provide equity. Secondly, a concern with the selection of private schools. He would like to see that the private schools are research based or provide methods of education and treatment that has been proven.

Comments by Member Sadler accepted by the motion makers.

Member Teresa Theurer spoke in favor with the suggestion that the following comments also be added that the lottery system priority goes to students who are in most need.

Comments by Member Theurer accepted by the motion makers.

Member Laurel Brown voiced concern that there are many students who go to private school for part of the day and then come to public schools for other activities and if they accept the voucher there should not be dual enrollment in terms of them coming back to participate in extra curricular activities. She also voiced concern with the number of assessments that school districts need to go through, and that should be limited to one.

Carol Lear clarified that there is a provision in the bill that indicates academic enrollment is not allowed but not defined, but extra curricular participation is allowed, not defined. This means that the local school will be serving these students sometimes for a very expensive proposition if dual enrollment is allowed.

Member Bill Colbert commented that it is important for students to participate in extra curricular activities and we need to find a way to fund that. This needs to be addressed because there is a financial impact.

Comments by Member Brown accepted by the motion makers.

Motion carried with Members Beagley, Colbert, Dalton, Gregory, Pingree, Roberts, Swensen and Theurer voting in favor; Members Allen, Brown and Burningham opposed, Member Sadler absent.

### **HB - 84 - Reading Requirements for Student Advancement**

Motion was made by Chairman Kim R. Burningham and seconded by Member Dixie L. Allen to oppose, but hold for further study. Motion carried with Members Allen, Beagley, Brown, Burningham, Colbert, Dalton, Gregory, Roberts, Sadler, Swensen and Theurer voting in favor; Member Pingree absent.

### **HB 135 - Implementing Federal Education Programs**

Chairman Burningham reported that Superintendent Harrington has had many conversations with Representative Dayton on this bill.

Superintendent Harrington reported that this passed out of committee favorably yesterday. The bill gives the superintendent direction to seek waivers, lobby congress and other efforts to try to make the change from No Child Left Behind, as they define it, to accountability systems as we define it in U-PASS. She indicated she very much supports the bill.

Motion was made by Member Bill Colbert and seconded by Member Laurel Brown to support the bill.

Motion carried with Members Allen, Beagley, Brown, Burningham, Colbert, Dalton, Gregory, Roberts, Sadler,

Swensen and Theurer voting in favor; Member Pingree absent.

### **2SHB 74 Tuition Program for Licensure in Special Education**

Motion Member Teresa L. Theurer and seconded by Chairman Kim R. Burningham to support. Motion carried with Members Allen, Beagley, Brown, Burningham, Colbert, Dalton, Gregory, Roberts, Sadler, Swensen and Theurer voting in favor; Member Pingree absent.

### **HB 188 - Beginning Teacher Enhancements**

Motion was made by Member Debra G. Roberts and seconded by Member Tim Beagley to support.

Associate Superintendent Patrick Ogden reminded the Board that this was not included in the budget request and therefore it is outside of the Board's budget priorities. However, with the earlier proposal to adopt the Governor's recommendation, the Governor does have a component in there for beginning teachers.

Motion carried. with Members Allen, Beagley, Brown, Burningham, Colbert, Dalton, Gregory, Roberts, Sadler, Swensen and Theurer voting in favor; Member Pingree absent.

### **1SHB 189 - Applied Technology Program Amendments**

Associate Superintendent Ray Timothy reported that the original HB 189 was voted down in committee and was brought back up for reconsideration. Representative Ferrin's intent on amending and substituting this bill is have it apply to Charter Schools only.

Member Laurel Brown reported that the Curriculum Committee discussed this at length today and there are many standards in that curriculum that need to be maintained. The Curriculum Committee is willing to talk about other ways to deliver those standards, but it should be done at the Board level, not the legislative level.

### **1SHB 42 - Medical Recommendations for Children**

Carol Lear indicated that this bill is unnecessary because there is a board rule in place that prohibits educators from telling parents they have to use a specific medication or a specific treatment, or a specific provider. We believe our educators are doing what they are supposed to do.

Motion was made by Member Richard Sadler and seconded by Member Teresa L. Theurer to take the position of unnecessary. Motion carried with Members Allen, Beagley, Brown, Burningham, Colbert, Dalton, Gregory, Roberts, Sadler, Swensen and Theurer voting in favor; Member Pingree absent.

### **HB 136 - Charter School Enrollment**

Member Gary Swensen suggested that the Charter School Board take positions on the charter school legislation and it show on the tracking sheet.

Motion was made by Member Richard Sadler and seconded by Member Teresa L. Theurer to oppose. Motion carried with Members Allen, Beagley, Brown, Burningham, Dalton, Gregory, Roberts, Sadler, Swensen and

Theurer voting in favor; Member Colbert opposed; Member Pingree absent.

Member Colbert noted that his opposition is relative to the concerns about the infrastructure of the community where school is located.

### **HB 78 - Corporate Franchise and Income Tax Amendments**

Chairman Burningham suggested that the Board may want to reconsider their position on HB 78, Corporate Franchise and Income Tax Amendments.

Associate Superintendent Patrick Ogden reported that this is a measure that phases out corporate income tax in Utah, and by the time it is totally phased out it is estimated that we will lose \$200 million in revenue which is dedicated to public education in Utah by 2012.

The last discussion held by the Board the Board took a position to watch.

Member Bill Colbert commented that the philosophy behind this is that if you reduce the tax you will bring more business into the state that would generate additional tax revenues in other tax areas. He is optimistic that this will work.

Motion was made by Member Richard Sadler and seconded by Member Dixie L. Allen to oppose.

Member Tom Gregory commented that we really don't know what the fiscal impact this is. We are all agreed that the legislature can do what it wants with the tax structure, but we need to make sure they adequately fund education and its growth minimally at the current level. He suggested that the board should continue to watch, with the comment that we do not want them taking the money from education.

Member Teresa Theurer proposed an amendment to the motion to oppose with comments that there is concern for the possible loss of funding to public education.

Member Sadler indicated he was not opposed to the amendment, but he did not believe there is a crystal ball for the next year or two. He is suggesting that we don't want this to happen until we have the money on the table. Members Sadler and Allen accepted the amendment.

Motion carried with Members Allen, Beagley, Brown, Cannon, Dalton, Sadler, Swensen and Theurer voting in favor; Members Burningham, Colbert, Gregory, and Roberts opposed; Member Pingree absent.

### **HB 232 - UBSCT Alternatives**

Member Laurel Brown voiced concern that if this bill passes it will cause a great deal of time and fiscal impact on the school districts to come up with additional tests.

Motion was made by Member Laurel O. Brown and seconded by Member Dixie L. Allen to oppose with comment that we support of alternatives to the tests.

Discussion ensued relative to whether this would include the GED as a replacement for UBSCT. It was noted that the proposed legislation as currently written gives school boards the authority to develop alternative

competency tests. We would like it to read alternative competencies as written by state board rule. This would give local boards the opportunity to give the GED as an exit test.

Carol Lear reported that Representative Ray has expressed a willingness to work with us to put the competency language in the bill.

Substitute motion was made by Member Teresa L. Theurer and seconded by Member Bill Colbert to support the concept with the comment that it be alternative assessment determined by the State Board, not alternative competency test.

Substitute motion carried unanimously.

#### Utah State Board of Education Budget Update

Associate Superintendent Patrick Ogden reported that yesterday the Education Appropriations Subcommittee met and was tasked with coming up with priorities for new funding that they would send on to the Executive Appropriations Committee. The subcommittee voted upon the following priorities: (1) Fund enrollment growth, including \$28,518,000 for additional public school enrollment growth; \$8,900,500 charter school enrollment growth; and \$912,000 Youth In Custody Enrollment Growth; and \$300,000 Electronic High School growth for a total of \$37,740,000. Growth was the only priority they decided upon for ongoing funding for the next fiscal year. They did discuss some one-time funding, approving a \$442,000 shortfall currently in Youth In Custody funding and \$200,000 shortfall in Electronic High School. They approved further one time monies: \$5.5 million for teacher supplies and materials; \$2.5 for continuation of on-line testing system; \$2.5 million for math/science teacher incentive program; \$10 million capital outlay; and \$300,000 for Quality Teacher Bonuses; and \$300,000 National Geographic Endowment Match..

Mr. Ogden commented that it was discouraging that the subcommittee failed to prioritize or put together a list of priorities for additional funding to send to the executive appropriations committee. He identified the items not included in the priorities. (For complete details of the Budget Initiatives, see General Exhibit No. 9525.)

Mr. Ogden reviewed the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind budget requests noting that the subcommittee did not recommend any additional funding for these two agencies.

Mr. Ogden reported that the committee talked about meeting again once revenue estimates were in around February 15.

Member Tim Beagley commented that if the final budget looks like this, there will be only one way to view it and that would be that it is a total loss. We have spent several years without funding for our entire enrollment growth, without funding for inflation. The reason was that the money was not there. Now the money is there and if they don't fund our request we have no choice but to conclude that we have been abandoned.

Mr. Ogden commented that as he put together the State Board's budget request and compared it to revenue

estimates the legislature adopted last December. If they were to fully fund our budget recommendations, they would still have in the Uniform School Fund \$90.5 million in going money, \$81 million in one time money. We, therefore, actually left on the table, according to their revenue estimates, \$171 million. Our budget request could have been fully funded, and they could have \$171 million to give to higher education, take their general fund and use it for transportation, if that is what they wanted to do.

Chairman Burningham reemphasized that there are some legislators there that are saying that they think significant increase should be put into the wpu but nothing else.

Motion was made by Chairman Kim R. Burningham and seconded by Member Richard Sadler that the Board call on the Education Appropriations Subcommittee to consider reconvening and reconsidering their position in light of important budgetary items that seemed to have pass them by that we feel are significant needs. It is never too late, especially in light of waiting for new revenue projections.

Member Gary Swensen commented that with the things they have omitted and left out this is educational child abuse. It is a slap in the face to every parent and school age child.

Member Tom Gregory requested that staff create a list of talking point to use with legislators and public based on priorities previously detailed by the Board.

Motion carried unanimously.

#### Public Participation/Comment

Nels Timm addressed that board regarding the theories of evolution and how they are taught in Utah public schools. His concern was that the only theory of evolution being taught is the Darwin Theory, and he would like to see others taught in the schools.

The Board expressed appreciation to Mr. Timm for his comments.

Diane Ogborn presented information relative to questions asked public school students by the American Red Cross prior to their giving blood. Concern was that parents have not been given notice relative to the questions asked and it being against the law for those questions to be asked of minor children without parental consent.

She asked the Board to pass a motion ordering the ARC and other blood donation organizations out of Utah public schools.

Julia Wulf, Interim CEO, American Red Cross Services covering Utah, Idaho, and Montana responded that as a result of the concerns raised by Mrs. Ogborn, the American Red Cross is in the process of implementing a change to their practice. The Red Cross in Utah has always required a parental consent form for 17 year old donors. They will expand their practice to require a signed parental consent form for every student aged 17 or older who wishes to donate at a high school-sponsored blood drive. The parental consent form and several attachments, including a copy of the medical questionnaire that the donor must fill out, marked "sample only," will be placed in sealed envelopes and

given to students to take home to their parents. Before the student is allowed to donate, the student must give the signed consent form to the Red Cross at the blood drive when they sign in to donate. (For complete details of the material presented see General Exhibit No. 9526.)

Ms. Wulf expressed appreciation to the schools for their support of American Red Cross blood drives and to the high school donors who have given in the past.

Member Teresa Theurer questioned if it would be possible for students wishing to donate blood to take home a one page form for their parents to sign prior to picking up the packet. She further suggested that the current consent form used in the schools relative to discussions held in health education courses may be altered to include the blood donor consent as well. Ms. Wulf indicated she would check into whether or not this could be done.

Superintendent Harrington stated that the Board may want to be cautious about institutionalizing Red Cross blood drives. It should have its own consent form not to be confused with curriculum and instructional matters. This would make it clear to parents what this particular consent means.

Chairman Burningham reported that the people from Pinnacle/Carbon Charter School have asked to present public testimony now on the issue listed on the agenda later in the meeting. He suggested that a limited amount of time be given to both sides at the time the recommendation is presented.

Mr. Julian Hatch, Utah Atheist Organization asked that the Board stop ignoring their written and verbal concerns with the practice of limiting the participation in the reverence of the Boardmanship and Welcome portion of the Board meeting. He demanded that the board desist from any further prayers and religious worship at future meetings until it complies with their request for equal participation and come into full compliance with the law. The Atheists want and demand their equal rights as an oppressed minority.

Chairman Burningham indicated that as part of his chair report there is a copy of a possible remedy for this in the Board Bylaws.

#### Executive Session

Motion was made by Member Tim Beagley and seconded by Member Thomas Gregory 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 during lunch at 12:45 p.m.

Motion was made by Member Teresa L. Theurer and seconded by Member Dixie L. Allen to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 2:00 p.m.

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

Motion was made by Member Teresa L. Theurer and seconded by Member Richard Sadler to accept the Commission's recommendation and accept a stipulated agreement, including conditions of the agreement in Case No. 04-676, whereby a former educator in the Davis School District voluntarily surrenders his educator license in lieu of a

hearing for purposes of revocation of his license for 10 years from the date of formal action by the State Board of Education. The action is taken following the educator's guilty plea to two third degree felony counts of unlawful sexual conduct with a 16 or 17 year old. Motion carried Kim and Debra absent.

Motion was made by Member Teresa L. Theurer and seconded by Member Dixie L. Allen to accept the Commission's recommendation and accept a stipulated agreement, including conditions of the agreement in Case No. 04-694, whereby a former educator in the Davis School District, voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension of her license for 12 months from the date of formal action by the State Board of Education. This action is taken due to the educator's verbal threats to use a shotgun if she didn't receive specific teaching assignments. Her suspension runs concurrently with a court-ordered probation period. Motion carried Debra absent.

Motion was made by Member Teresa L. Theurer and seconded by Member Dixie L. Allen to accept the Commission's recommendation and accept a stipulated agreement, including conditions of the agreement in Case No. 04-698, whereby a former educator in the Alpine 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. This action is taken due to the educator's accessing inappropriate Internet sites on this school computer. Motion carried. Debra absent.

(For complete details of the Professional Practices Advisory Commission Recommendations see General Exhibit No. 9527.)

#### **Coalition of Minorities Advisory Committee (CMAC)**

Motion was made by Member Gary C. Swensen and seconded by Member Tim Beagley to appoint Luciano S. Martinez to the Coalition of Minorities Advisory Committee, term to expire 12/31/06. Motion carried unanimously.

#### **Utah Schools for the Deaf and the Blind Finance Director**

Upon recommendation of Superintendent Linda Rutledge, motion was made by Member Richard Sadler and seconded by Member to appoint Todd Hauber as Finance Director, Utah Schools for the Deaf and the Blind. Motion carried unanimously.

#### **Ogden Preparatory Academy Charter**

Associate Superintendent Ray Timothy reported that in the January Board meeting, the Board took action dissolving the charter with the Ogden Preparatory Academy (OPA) and supporting the agreement OPA entered into with the State Charter School Board. It was brought to light that OPA was originally chartered by Ogden City School District, which the Board had no authority to dissolve.

Dr. Timothy reported that the superintendent and board of Ogden City School District are aware of OPA's desire to seek a state charter and have no opposition in allowing that to happen. It is their recommendation that the

Board grant a state charter to Ogden Preparatory Academy.

Upon recommendation of the State Charter School Board and the Ogden City School District, motion was made by Member Richard Sadler and seconded by Member Gary C. Swensen to grant a state charter to Ogden Preparatory Academy. Motion carried with Members Allen, Beagley, Brown, Burningham, Colbert, Dalton, Gregory, Roberts, Sadler, Swensen and Theurer voting in favor; Member Pingree absent.

#### Recommendation for Charter School Application

John Broberg, Executive Director of the Utah State Charter School Board reported that the State Charter School Board reviewed nineteen charter school applications, conducted interviews, and the finalized recommendations for eight approved charters at the November 2004 State Charter School Board meeting. They asked three applicants to further refine their proposals, of which two were later approved for recommendation. The Pinnacle Canyon High School Charter Application was not approved for recommendation at that time.

In the January 20, 2005 meeting, the State Charter School Board reviewed the charter application of Pinnacle Canyon High School. Clarification was received from the U.S. Department of Education, which allows charter schools to be approved with a phase in of grade levels towards full enrollment. With that clarification, the SCSB approved recommending that the State Board of Education grant a State Charter to Pinnacle Canyon High School. (For complete details, see General Exhibit No. 9528.)

Motion was made by Member Debra G. Roberts and seconded by Member Teresa L. Theurer to deny a State Charter to Pinnacle Canyon High School.

Jenny Gagon, Pinnacle Canyon Charter School spoke in favor of granting the 9<sup>th</sup> and 10<sup>th</sup> grade at the Pinnacle Canyon School. She addressed a couple of issue that they are aware of as being of some concern to some. She stated that in the last two years their test scores have gone down somewhat Their special education population has increased. As a board they are committed to meeting the needs of the students. They are committed to doing whatever is possible to improve the test scores.

Ms. Gagon indicated that there is an influx of students moving between Pinnacle Canyon and the Carbon School District. She suggested that the Board consider possibly moving the money faster between the district and the school.

Grady McEvoy, President of the Carbon School District Board of Education appealed to the Board with their concerns with application from Pinnacle Canyon Charter School and process. He indicated he had attended Charter School Board meeting last week and he was taken back by the treatment of the school district, and by the lack of interest in what the school district had to say. It was not an environment in which they were reviewing actual information and making sound judgment. They were revisiting an application that had been denied and to our knowledge the application had remained the same with no revisions or request. He stated that in the application there

were some misrepresentations, although the representations may not be adequate to deny their application, they are adequate to require much closer scrutiny in looking at the application much closer. He indicated that there is very little that is offered at charter school that is not offered at the local school district.

Mr. McEvoy stated that another issue of concern is the treatment of employees. They have had several people come back to the district who feel they have not been treated properly. He indicated he had forwarded test data to board members and the views of former teachers at Pinnacle Canyon. Mr. McEvoy indicated that remediation is an issue at the school district. They tend to remediate a number of students who return to the school district from Pinnacle Canyon.

Mr. McEvoy reported that they are working very hard to find certified, qualified teachers to meet all of the demands they have within the school district. He did not see how it was possible to find two highly qualified math teachers in the small rural area. He indicated that choice is not all bad, but when you discuss choice for a few at the expense of choice of many, we overlook the importance of education all the children and not just a few children.

Mr. McEvoy stated that as a board member, he would hope that the Board would deny the Pinnacle Canyon Charter application to expand into high school.

John Broberg, Executive Director, State Charter School Board, commented that the Carbon County School District brought five people to the Charter School Board meeting, and all were allowed to speak. He reported that he personally took two State Charter School Board members to the school and investigated many of the charges and found they were different than were presented. He indicated that the Charter School Board did not receive packets from the school district.

Member Debra Roberts read portions of a Resolution from the Utah Rural Schools Association.

Because rural areas are more sparsely populated and involve smaller school districts, the potential for impact on communities and small local districts is much more dramatic than the impact of charter schools in urban districts.

When considering charter school applications in rural areas, charter granting authorities should consider:

- student enrollment stability of the affected school district(s),
- potential economic impact on local school districts, and
- reduction of course and program offerings for the majority of students who will continue to be enrolled in local secondary schools.

Rural school districts struggle with shrinking enrollments and their ability to offer comprehensive secondary educational programs. URSA urges charter granting authorities to consider the impact of their decision on 26 rural school districts in the state.

Member Robert then read a statement of her own relative to the issues of balance and equity in dealing with charter schools and small rural school districts. (For complete details of the statement, see General Exhibit No. 9529.)

Member Bill Colbert indicated he had not seen a packet of materials mentioned earlier that was allegedly

sent to Board Members. He questioned if the material mentioned had been given to the Charter School Board?

Brian Allen, Chairman of the Charter School Board stated that this is a problem that has faced the Charter School Board is that sometimes the State Board receives information they did not get.

Mr. Allen further stated that he is disheartened to hear that the Charter School Board was characterized as non-caring and non-feeling. He reported that he made a visit to Carbon and understands the issues and has been working to help solve some of those issue legislatively. He is concerned that we would deny choice to families in rural school districts simply because of this never ending funding issue. He encourage Board Members, as far as information goes, to steer people to the Charter School Board.

Mr. Allen reported that the Charter School Board had denied the application initially and it came back to them with changes. He had a request that he felt came from the State Board to rehear the application. The appeal process would have brought it to the State Board. There were some who felt there were enough application changes that the Charter School Board should rehear it. The Charter Board then voted to support the application. There was nothing presented today that would make him want to back off of the decision made.

Member Teresa Theurer voiced concern with the availability of teachers to teach in two high schools in the Carbon area. Even more so, is a concern with the test scores. She indicated she understands and agrees that test scores do not determine how a school is doing. However, right now in our state all of our schools are held to an accountability that has so much to do with test scores. She is concerned about the test scores at Pinnacle Canyon. One of the reasons she will be supporting the motion is that she would like them to take a couple of years to figure out how to help their children better perform on end of level tests.

Member Laurel Brown spoke in favor of motion indicating she had internal concerns relative to governance and the make up of the board, and some of the issues in regards to policies and procedures of the board. She is also concerned with the ability of finding qualified educators.

Member Richard Sadler spoke in favor motion indicating that there were enough ethical concerns and issues of misrepresentation at this time and the dust needs to settle to see how these things come together before we make a decision.

Member Bill Colbert suggested that he would like to remand it back to the Charter Board with the additional information that we have received.

Member Debra Roberts commented that the issue is not that a charter school can't work in a rural setting. It is that we have created a situation where we are at logger heads rather than working for the betterment of students. Can't allow a public school from being destroyed from meeting its basic mission.

Member Edward Dalton questioned if there is a convincing, compelling instructional or academic need to form a high school in that area? Can this area accommodate another high school?

Substitute motion was made by Chairman Kim R. Burningham and seconded by Member Bill Colbert to send the application of Pinnacle Canyon back to the Charter School Board for one more review because of the packet of materials some Board Members have received and others have not.

Chairman Burningham indicated he had a packet of material that he did not see others have and that is the reason for his substitute motion.

Member Richard Sadler questioned if we could force a decision from the Charter School Board in two weeks. He then offered an amendment to the substitute motion that if we remand it back to the Charter School Board that it be a four to six month process in order to allow all things to be heard. Amendment was not accepted by motion makers.

Member Dixie Allen commented that we need to reconsider. What Member Roberts has brought up today is a point of contention that the charter board does not consider. She is not sure they can make any different decision than they have already made, nor can the State Board because we are looking at it from a different perspective. Until we fix that at the legislative level, the Board level and Charter Board level, so we are looking at it from the same frame of reference we will not go anywhere different than where we are right now.

Member Teresa Theurer spoke against the motion because she did not know what information was available to the State Board or to the State Charter Board.

Substitute motion failed with Members Burningham, Colbert and Gregory voting in favor; Members Allen, Beagley, Brown, Dalton, Roberts, Sadler, Swensen and Theurer voting against; Member Pingree absent..

Original Motion to deny the Pinnacle Canyon Charter application carried with Members Allen, Beagley, Brown, Dalton, Gregory, Roberts, Sadler, Swensen and Theurer voting in favor; Members Burningham and Colbert opposed; Member Pingree absent.

#### WorkAbility Program Presentation

Blaine Petersen, Executive Director of the Utah State Office of Rehabilitation, introduced Catharine Chambless, Project Director of Workability Program. Mr. Petersen reported that the WorkAbility Coalition is a multi agency group, including the Utah State Office of Rehabilitation and Special Education, working together to improve employment opportunities for people with disabilities. One product of this Coalition is a CD that describes resources to help employers hire individuals with disabilities and assist job seekers with disabilities in finding employment. The CD was shown to the Board.

Gary Swensen try to work with employers and business to help get the support in appropriations subcommittee for support of the budget for the State Office of Rehabilitation.

Motion was made by Member Dixie L. Allen and seconded by Member Laurel O. Brown to receive the report. Motion carried Teresa and John absent.

Motion was made by Member Bill Colbert and seconded by Member Richard Sadler that the Board send a letter to the Salt Lake Area Chamber for their ongoing efforts and assistance in this project. Motion carried with Members Allen, Beagley, Brown, Burningham, Colbert, Dalton, Gregory, Roberts, Sadler and Swensen voting in favor; Member Pingree and Theurer absent.

Individuals With Disabilities Education Act  
(IDEA) Reauthorization 2004

Karl Wilson, Director, Special Education, reported that in December, President Bush signed into law the Individuals with Disabilities Education Act of 2004 (IDEA 2004) that the United State Congress had reauthorized. IDEA 2004 provides the statutory requirements that ensure that children with disabilities have access to a free appropriate public education and provides for the provision of special education services. IDEA 2004 will go into effect July 1, 2005.

Mr. Wilson then presented a summary of the major changes in the IDEA legislation. Some of those changes include: a change in the way school districts may determine eligibility for specific learning disabilities, the allowable use of up to 15% of IDEA allocations at the local level to assist with early intervening efforts, the authorization for states to establish a risk pool for high cost students, and clarification on issues related to discipline, assessment, highly qualified teacher requirements, and transition planning and services. (For complete details of the report, see General Exhibit No. 9530.)

Motion was made by Member Gary C. Swensen and seconded by Member Tim Beagley to receive report. Motion carried with Members Allen, Beagley, Brown, Burningham, Colbert, Dalton, Gregory, Roberts, Sadler and Swensen voting in favor; Members Pingree and Theurer absent.

Iowa Test Results, 2004-05 Report

Associate Superintendent Chris Kearn presented information from the norm-referenced test from the Iowa Tests given in the spring of this year. She indicated that Utah scored above average on these tests. Because this is the first time the test is given so we will not know how it compares with the last test taken. (For complete details, see General Exhibit No. 9531.)

Motion was made by Member Richard Sadler and seconded by Member Tim Beagley to receive the report. Motion carried with Members Allen, Beagley, Brown, Burningham, Colbert, Dalton, Gregory, Roberts, Sadler and Swensen voting in favor; Members Pingree and Theurer absent.

CRT Printing and Distribution to Schools  
for 2005 Spring Assessment

Judy Park, Director of Evaluation and Assessment, provided an update on the progress of test development, production, printing and distribution of the Spring 2005 CRTs. (For complete details, see General Exhibit No. 9532.)

Motion was made by Member Tim Beagley and seconded by Member Laurel Brown to receive the report.

Motion carried with Members Allen, Beagley, Brown, Burningham, Colbert, Dalton, Gregory, Roberts, Sadler and Swensen voting in favor; Members Pingree and Theurer absent.

### Board Standing Committee Reports

#### **Law and Policy Committee**

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

#### Student Enrollment Options, R277-437

There are inconsistencies between Board rules and Utah High School Activities Association policies and by-laws. To eliminate the inconsistencies and Board responsibility for high school athletics, it is necessary to remove all references to the Utah High School Activities Association from Board rules and let the Utah High School Activities Association govern athletics in the high schools consistent with its own policies and by-laws. The rule is amended to remove any reference to Utah High School Activities Association and the Board's responsibility for high school athletics. (For complete details of the amended rule, see General Exhibit No. 9533.)

#### Dual Enrollment, R277-438

There are inconsistencies between Board rules and Utah High School Activities Association policies and by-laws. To eliminate the inconsistencies and Board responsibility for high school athletics, it is necessary to remove all references to the Utah High School Activities Association from Board rules and let the Utah High School Activities Association govern athletics in the high schools consistent with its own policies and by-laws. The rule is amended to remove any reference to Utah High School Activities Association and the Board's responsibility for high school athletics. (For complete details of the amended rule, see General Exhibit No. 9534.)

#### School Fees, R277-407

There are inconsistencies between Board rules and Utah High School Activities Association policies and by-laws. To eliminate the inconsistencies and Board responsibility for high school athletics, it is necessary to remove all references to the Utah High School Activities Association from Board rules and let the Utah High School Activities Association govern athletics in the high schools consistent with its own policies and by-laws. The rule is amended to remove any reference to Utah High School Activities Association and the Board's responsibility for high school athletics. (For complete details of the amended rule, see General Exhibit No. 9535.)

The Committee made minor changes to the rules and approved R277-437, Student Enrollment Options, R277-438, Dual Enrollment, and R277-407, School Fees on first reading and moves that the Board approve the rules as amended on second reading. Motion carried with Members Allen, Beagley, Brown, Colbert, Dalton, Gregory, Roberts, Sadler and Swensen voting in favor; Member Burningham opposed; Members Pingree and Theurer absent.

It was suggested that there be a link on the USOE web site so parents can access it for the Utah High

School Activities Association bylaws.

Member Richard Sadler further suggested that the Board look into being more definitive about the relationship and then develop a statement of that relationship with the Utah High School Activities Association.

Teacher Preparation Program

Approval Process Resolution

U.S. Department of Education non-regulatory guidelines suggest that state formalize some type of action *“establishing how teachers of various subjects at different grade levels may meet the statutory criteria. Keeping such formal approvals on file, along with an explanation for how the demonstration of competency meets the criteria required by law, would be one way for a State to demonstrate that it has established procedures that conform to the Section 9101(23) requirements.”*

The U.S. Department of Education (USDE) visited the Utah State Office of Education (USOE) in November 2004 to “provide assistance in review of teacher quality standards.” As part of that visit, USDE gave verbal notification that Utah’s Highly Objective Uniform Statewide System of Evaluation (HOUSSE) standards for veteran elementary and early childhood teachers do not meet federal standards.

States, not the U.S. Department of Education, are given the right by law to establish HOUSSE standards. Utah HOUSSE standards have been set and established in State Board rule in determining the qualified status of Utah veteran elementary and early childhood teachers.

The State Board of Education Resolution describes the teacher preparation program approval process, the minimum content standards of all preparation programs in Utah, and clarifies support and confidence that veteran elementary and early childhood teachers prepared in Utah State Board of Education approved teacher preparation programs do indeed meet content standards for “Highly Qualified” status under NCLB.

Associate Superintendent Ray Timothy reported that last November a team from the U.S. Department of Education visited the Utah State Office of Education to review what we were doing in our state with regard to educator quality. As they looked at our HOUSSE Rules, the representatives gave us a verbal comment that said these rules did not meet federal guidelines. In the NCLB law, the authority to establish those criteria for veteran teachers is given to the states and no where does it mention that the federal government or U.S. Department of Education has the authority to establish HOUSSE rules. We have been waiting for a written report of those findings and have not received such. North Dakota has gone through a similar experience and they have taken the U.S. Department of Education to task. Their congressional delegation has met with them, the new Secretary of Education has also met with them. Yesterday it was released that the U.S. Department of Education has retracted the written finding and their veteran teachers really are highly qualified in that state. What has happened there is very similar to Utah’s situation.

The Resolution was modified by the committee by adding an additional paragraph that a copy of the

resolution be sent to the Governor of the State of Utah, State Legislators, each of Utah's local boards of education, the United States Department of Education, and to the members of Utah's congressional delegation. (For complete details of the revised Resolution, see General Exhibit No. 9536.)

Motion from the Committee that the Board adopt the Resolution including the amendments along with a short history of why the resolution was developed. Motion carried with Members Allen, Beagley, Brown, Burningham, Colbert, Dalton, Gregory, Roberts, Sadler and Swensen voting in favor; Members Pingree and Theurer absent

### **Finance Committee**

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

#### Review of Licensing Expenditures and Fees

Last month the committee reviewed a fee schedule built according to the legislative requirement that the USOE Licensing Section be funded entirely with fee revenue. The Committee wanted to examine the possibility of reducing expenditures rather than raising fees. The Committee reviewed a licensing fee schedule. (For complete details, see General Exhibit No. 9537.)

Motion from the Committee to adopt the fee schedule and deliver it to the legislative committee, in light of the fact they did that yesterday.

Member Debra Roberts voiced concern that last month the Board said they did not want to raise fees.

Member Beagley responded that we are not raising the fees, the legislature is taking away the appropriation, we are complying with what they have asked us to do. The legislature will no longer subsidize our licensure department.

Member Edward Dalton commented that the Board indicated that it would look at this to make sure that every alternative would be explored and if we had to do it, this would be our most economical best effort.

Member Beagley reported that our licensure department is committed to reducing this cost over how ever many years it may take.

Member Tom Gregory voiced concern about the comparative costs of alternative licensure. He would like to see us reduce the barrier of them paying \$250 for their license application.

Superintendent Harrington reported that she has asked licensure system no longer go back and look at credits that were taken prior to admission to a university in Utah that is now seeking the licensure of a teacher.

Dr. Harrington further reported that Associate Superintendent Timothy has talked to the Department of Commerce and we will be adopting their system. They have advised that the current staff will still be required to run that system.

Member Dalton suggested that it may be appropriate to send a letter to the Utah Education Association

assuring them that we did make a good effort on this.

Superintendent Harrington further reported that alternative licensure is different because we have to dig into the credit issue and that requires our handling of every credit to make sure it reaches the level of quality and that is why it is so much more expensive.

Motion carried with Members Allen, Beagley, Brown, Burningham, Colbert, Gregory, Sadler and Swensen voting in favor; Members Dalton and Roberts; and Member Pingree and Theurer absent.

#### RDA Report to the Board

Utah law requires that each redevelopment agency that adopts a redevelopment (blight-based) or economic development project after June 30, 1993 create a Taxing Entity Committee (TEC). It has been the policy of the Board since January 2001 to receive an annual report on RDA activity and its impact on school funding from its TEC representative. Larry Newton, School Finance Director and Taxing Entity Committee Representative for the State Board of Education presented a report to the Committee on RDA activities. (For complete details of the report, see General Exhibit No. 9538.)

It was reported that we have also received a letter from Salt Lake City Redevelopment Agency inviting the Board to luncheon and meeting, February 24. If Board Members are interested in attending they were asked to contact them so they know you are coming. (For complete details, see General Exhibit No. 9539.)

The Finance Committee also requested that the State Board adopt a resolution on the impact of redevelopment on public education. (For complete details of the Resolution, see General Exhibit No. 9540.)

Motion from the Committee to receive the RDA Annual Report. Motion carried with Members Allen, Beagley, Brown, Burningham, Colbert, Dalton, Gregory, Roberts, Sadler and Swensen voting in favor; Members Pingree and Theurer absent.

Motion from the Committee that the Board adopt the Resolution on the Impact of Redevelopment on Public Education.

Bill Colbert indicated he was on the Board of local municipality and may be in conflict, but their community has been very prudent in this regard and they have had the support of the school district.

Vice Chairman Janet Cannon suggested that the last paragraph from the report be put in a cover letter to go with the resolution.

Motion carried with Members Allen, Beagley, Brown, Burningham, Dalton, Gregory, Roberts, Sadler and Swensen voting in favor; Member Colbert abstained; Members Pingree and Theurer absent.

It was requested that a signed copy of the Resolution be sent to the Board.

#### **Curriculum Committee**

Member Laurel O. Brown, Vice Chairman of the Curriculum Committee presented the following

recommendations from the Committee:

### Parental Involvement Resolution

In accordance with the Board's initiative to increase student achievement, and to give further direction, the Curriculum Committee determined that a resolution in support of Parental Involvement would be in order. It is anticipated that this resolution would be distributed to increase understanding of the general public and for school districts, public relations officers, USOE employees and local boards of education in collaboration with their local PTA. The Committee reviewed the proposed Resolution. (For complete details, see General Exhibit No. 9541.)

The Committee made revisions to the Resolution and it will come back next month.

### Public Education Amendments

S.B. 154 was passed by the 2003 Legislature. This law requires the core curriculum to increase in depth and complexity from year to year and focus on consistent and continual progress in the core academic areas. This law also provides an emphasis on competency-based education and progress-based assessments of the public education system. This law increased curriculum and graduation requirements for grades 9-12 in language arts, mathematics, and science, and requires the Board to study, make recommendations, and report to the Legislature.

The Committee discussed the requirements of S.B. 154 and gave direction to staff to pursue implementing the legislation. (For complete details, see General Exhibit No. 9542.)

There will be small working groups working on all of the sections of S.B. 154 and comparing it to NCLB.

### Legislative Action on the Core Curriculum 2006

H.B. 189, Applied Technology Program Amendments, proposed in the current legislative session, authorizes a local school board or charter school to allow a student in grade seven or eight to earn one additional unit of credit in language arts, mathematics, science, social studies, or computer technology in lieu of taking the Technology, Life, and Careers course. It also provides that a local school board or charter school is not required to offer the Technology, Life, and Careers course if other courses are offered that may be substituted for the Technology, Life, and Careers course.

Utah Code Section 53A-1-402-6 states that the State Board of Education shall implement a core curriculum consulting with local school boards, school superintendents, teachers, employers, and parents.

The Committee discussed course waivers, in general, and the responsible parties in establishing and implementing core curriculum requirements. (For complete details, see General Exhibit No. 9543.)

The Committee discussed the TLC issue and the proposed legislation. While we may want to look at whether or not we will teach TLC, those decisions need to be made by the Board not the legislature.

Chairman Burningham reported that he has written a letter to legislators on this issue. He indicated that there are two issues: Do you think you should be able to use some other measure for the TLC requirement? He felt that

would be the case. He commented that he hoped that the Board in future will look at the issue of waiving a requirement. Some requirements can be fairly easily measured. If a student can demonstrate competency then they should receive credit. He further commented that the more we get better assessment systems in place we are better able to measure the competency. This whole thrust of looking at whether the core competency was met and not whether they have just taken the course is one that needs further discussion..

### **Communications Committee**

Member Edward A. Dalton, Chairman of the Communications Committee presented the following information from the Committee:

They are revisiting the State of Education event and looking at the proper timing for such an event.

They are Best Practices Award and Recognition are continuing to be worked on. This morning was a good example of this type of practice.

The State of Colorado shared a tabloid type newspaper that had been developed for inserting in the state. The Committee would like to explore something similar in our state. Perhaps a “Back to School” issue. They are exploring what it would contain and how it would be paid for.

The Committee discussed some opportunity for communications with the local people in our visits to Cedar City and Logan in July and November.

Chairman Burningham reported that we just received word that Senator Hale’s bill on the selection of the state board which would provide for local committees passed out of the committee.

### **General Consent Calendar**

Motion was made by Member Thomas Gregory and seconded by Member Richard Sadler to approve the General Consent Calendar as presented with the exception of Minutes. Motion carried with Members Allen, Beagley, Brown, Burningham, Colbert, Dalton, Gregory, Roberts, Sadler, and Swensen voting in favor; Members Pingree and Theurer absent.

Member Gregory requested a small change to the Minutes on page 16697, fourth paragraph to read: Member Thomas Gregory stated that his opposition is partly derived from comments from parents in his area, but he recognizes that there may be unintended negative consequences in rural areas.

Member Sadler also noted that his name was left off of the list of those attending the January meeting.

Motion was made by Member Thomas Gregory and seconded by Chairman Kim R. Burningham to approve Minutes as amended Motion carried with Members Allen, Beagley, Brown, Burningham, Colbert, Dalton, Gregory, Roberts, Sadler and Swensen voting in favor; Members Pingree and Theurer absent.

#### **1. Minutes of Previous Meeting**

Minutes of the Meetings of the State Board of Education held January 12, 2005.

## 2. Contracts

### A. Department of Workforce Services. \$55,653.30. 11/1/04-10/31/05 - Amend. - RECEIVABLE.

Provide an onsite Benefit Specialist to the Departments Central Region.

### B. Department of Health. \$7,020. 1/1/05-12/31/07. - RECEIVABLE. Fed.

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

### C. Jensen & Keddington, P.C. \$30,000. 10/1/04-9/30/05 - Amend. - Fed.

To conduct administrative reviews on described contract, Attachment B.

### D. Wisam, Smith, Racker & Prescott, LLP. \$30,000. 10/1/04-9/30/05 - Amend. Fed.

To conduct administrative reviews on described contract, Attachment B.

(For complete details of the Contracts see General Exhibit No. 9544.)

## 3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts were approved by the Board. (For complete details, see General Exhibit No. 9545.)

## 4. Accreditation of Schools, R277-410

In the past there has been confusion as to which schools must be accredited and which schools do not. Utah schools offering credits toward high school graduation and/or diplomas, as required by law, are accredited by the Northwest Association of Accredited Schools and the Utah State Office of Education as their agent. The changes to R277-410, Accreditation of Schools, clarify definitions and policy bringing the rule into compliance with current Utah State Office of Education accreditation practice and policy. R277-410 as amended was approved by the Board on second reading at the January 2005 meeting. There have been no substantive changes since that time. The Board approved R277-410, Accreditation of Schools on third and final reading. (For complete details, see General Exhibit No. 9546.)

## 5. Elementary School Accreditation, R277-411

The Utah State Office of Education has neither the capacity nor the funding to accredit elementary schools. The changes to R277-411, Elementary School Accreditation, bring the rule into compliance with current Utah State Office of Education accreditation practice and policy. The Board approved the amendments to R277-411 on second reading at the January 2005 meeting. There have been no substantive changes since that time. The Board approved R277-411, Elementary School Accreditation on third and final reading. (For complete details, see General Exhibit No. 9547.)

## 6. Middle School Accreditation, R277-412

The changes to R277-412, Middle School Accreditation, clarifies the definition of “middle school” and the accreditation of middle level schools, bringing the rule into compliance with current Utah State Office of Education accreditation practices and policy. The Board approved the amendments to R277-412 on second reading at the January 2005 meeting. There have been no substantive changes since that time. The Board approved R277-412, Middle School Accreditation on third and final reading. (For complete details, see General Exhibit No. 9548.)

7. Accreditation of Secondary Schools, R277-413

Utah schools offering credits toward high school graduation and/or diplomas, as required by law, are accredited by the Northwest Association of Accredited Schools and the Utah State Office of Education as their agent. In the past there has been confusion as to which schools must be accredited and which schools do not. The changes to R277-413, Accreditation of Secondary Schools clarifies definitions, outlines accreditation protocol and standards and bring the rule into compliance with current Utah State Office of Education accreditation practice and policy. The Board approved the amendments to R277-413 on second reading at the January 2005 meeting. There have been no substantive changes since that time. The Board approved R277-413, Accreditation of Secondary Schools on third and final reading. (For complete details, see General Exhibit No. 9549.)

8. Administrative Rule Review

Under provisions of 63-45a-9, U.C.A. 1953, all administrative rules shall be reviewed every five years. There may be minor non-substantive changes within these rules. (For complete details, see General Exhibit No. 9550.) The following rule was reviewed and approved:

R277-501 Educator Licensing Renewal, Highly Qualified and Timelines

9. 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. 9551.)

10. USBE Agenda & Strategic Planning Calendar 2005

The Utah State Board of Education Agenda & Strategic Planning Calendar for 2005 was provided for information to the Board. (For complete details, see General Exhibit No. 9552.)

11. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses was approved by the Board. (For complete details, see General Exhibit No. 9553.)

12. Claims Report

The Claims Report in the amount of \$194,363,320.01 for December 31, 2004 was approved. (For complete details, see General Exhibit No. 9554.)

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

(1) Reviewed her Speaking/Visits/Contacts.

Dr. Harrington specifically noted that there is a good working relationship with Tim Bridgewater, the Governor's Deputy for Education.

(2) Western Governor's University – She and Bob Mendenhall have met on issues related to approval of certificates and endorsements. They have settled those issues and everything they offer in terms of their education certificates are now approved through our office.

(3) Dr. Harrington reported that the State Office has worked very closely with several legislators who have come to us for help in crafting some of the bills.

(4) Dr. Harrington reported that we are in the middle of some key organizational shifts in the State Office of Education. No Child Left Behind has inserted itself in every piece of education and it has been difficult to know how to align the organization to both the create and recording, and compliance aspects of the law while at the same time insuring that we are moving ahead on student achievement matters. She then identified the specific assignments.

(5) Utah Association of Secondary School Principals (UASSP) Honors. Superintendent Harrington reported that the following are recipients of Secondary School Principal Honors: High School Principal of the Year, Tom Hicks, Bingham High School; Assistant Principal, Dee Burton, Layton High School; and Middle School Principal, Kenneth Hadlock, Kaysville Junior High. They will go to national competition in Washington, D.C.

(For complete details of Superintendent Harrington's report, see General Exhibit No. 9555.)

### Board Chairman Report

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

(1) Chairman Burningham reported that he has met with the Governor's Deputy for Education, Tim Bridgewater. He felt it was a very positive two hour meeting. They discussed No Child Left Behind, math and science emphasis, curriculum reform, tuition tax credits, UBSCT, measuring up report, school board selection process, and the Governor's budget.

He indicated we have set up weekly meetings during the legislative session with Mr. Bridgewater and he and the Superintendent. As a follow-up to that Tim Bridgewater was originally invited to have lunch with us today, however, he is out of town. However, he would like to meet with members of the Board. Chairman Burningham asked for members of the board who would be in a position to meet with Mr. Bridgewater on Thursday, February 10 at 9:00 a.m. at the State Office of Education. Members Bill Colbert, Laurel Brown, and Gary Swensen indicated they would attend.

(2) Chairman Burningham noted changes in the Board meeting schedule. He noted that the Cedar City meeting is becoming more firm. Board secretary Twila Affleck reported that she has secured lodging in Cedar City. We will start on July 12 with a BBQ with the Rural Schools Association, July 13 attend their opening session; Board

committee meetings that afternoon and our board meeting on Thursday morning. She will also send information on the Shakespearian Festival if they would like to participate on an individual basis.

(3) Chairman Burningham reminded the Board of the February 18 special legislative meeting, and along with that we need to discuss a charter school issue.

(4) February 23 - next board leadership meeting.

(5) The next board meeting is scheduled for March 3 and 4. The study session on the afternoon of March 3 from 2:00 - 5:00 p.m. in the Provo District to look at their competency in reading and social promotion program.

(6) March 4 at 7:00 a.m. School Trust land training meeting for new board members and others who wish to attend. Also on March 4 we will have a report from the Athletic Task Force.

(7) Channel 5 will be giving major coverage to bullying. This is another issue which we need to examine and look at. This is coming up and public attention will be drawn to the issue.

(8) Noted that the Board had been given a potential bylaw change relative to governing our opening session of the meetings dealing with the question of prayer. Two options to look at. Asked that Board members review the options and give input prior to our next meeting.

(9) National Association of State Boards of Education gives awards each year for Distinguished Service, Friend of Education and Policy Leader of the Year. He suggested that a nomination be prepared for the Friend of Education for the Huntsman Family for their support of education, specifically their Excellence in Education Award to teachers of \$10,000. He indicated we have nominated them once before, but would like to do it again.

Motion was made by Member Richard Sadler and seconded by Member Dixie Allen to nominate the Huntsman and their Awards of Excellence for NASBE Friend of Education Award. Motion carried with Members Allen, Beagley, Brown, Burningham, Colbert, Dalton, Gregory, Roberts, Sadler, and Swensen voting in favor; Member Pingree and Theurer absent. Member Richard Sadler reported on his attendance at the Governmental Affairs Committee meeting in January. He indicated that there is a follow-up meeting in March at which we will visit with our Senators and Representatives in connection with the NASBE Legislative Conference.

Motion was made by Member Tim Beagley and seconded by Member Thomas Gregory to adjourn. Motion carried.

Meeting adjourned at 5:05 p.m.