

MINUTES

February 3, 2006

Minutes of the meeting of the State Board of Education held February 3, 2006, 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
Member Dixie L. Allen
Member Tim Beagley
Member Laurel Brown
Member Mark Cluff
Member Bill Colbert
Member Edward A. Dalton
Member Thomas Gregory
Member Greg W. Haws
Member Debra G. Roberts
Member Richard Sadler
Member Gary C. Swensen
Member Teresa L. Theurer

Vice Chairman Janet A. Cannon and Members Bonnie Jean Beesley, Randall Mackey and Sara Sinclair 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:

Cecelia Baker, Salt Lake Tribune
Jennifer Toomer-Cook, Deseret Morning News
Lynze Wardle, Standard Examiner
Leslie Meyer, Bonneville High School
Marshall Thomas III, Bonneville High School
Art Hansen, Bonneville High School
Clay Reid, Granger Elementary School
Mary Anne Fillmore, Granger Elementary School
Kayla mackay, Granger Elementary School
Dianne Dill, Granger Elementary School
Marc Anderson, Granger Elementary School
Jane Dandon, Granger Elementary School
Cori Hauser, Granger Elementary School
Nancy B. Sorensen, Granger Elementary School
David Barker, Woodruff Elementary School

Natalie Davies, Woodruff Elementary School
Rhonda Shaffer, Woodruff Elementary School
Ann Jacobsen, Woodruff Elementary School
Daryl Guymon, Woodruff Elementary School
Susanne Kuresa, Logan School District
Mary Jean Harline, Granger Elementary School
Joanne Dangerfield, Granger Elementary School
Brett Smiley, Summit Academy

Utah State Office of Education staff:

Kreig Kelley, Student Achievement and School Success Division
Brett Moulding, Student Achievement and School Success Division
Mary Beth Clark, Student Achievement and School Success Division
Mary Shumway, Student Achievement and School Success Division
Carol Lear, Law, Legislation, and Educational Services Division
John Broberg, Law, Legislation, and Educational Services Division

Board Secretary Twila B. Affleck recorded the minutes.

Welcome and Student Achievement Spotlight

Chairman Burningham excused Vice Chairman Janet A. Cannon and Members Bonnie Jean Beesley, Randall Mackey and Sara Sinclair.

Chairman Burningham commented on the book on tape “The World Is Flat” given to Board Members at the last meeting. In particular he found the conclusion to be quite moving when the author talks about how this process he describes can be a wonderful thing and expanding thing, but can also be a great danger for the world. He paints a superb description of how the things we are learning can both bless us or hinder us tremendously. In the middle of the final statements he says, “and what is the answer: creative imagination” we must find a way out of that - another way of saying creative imagination is education. This is what education should be producing in people is the ability to imagine and create better than they every have done before. It was a stirring book and he felt it was of great value to read.

Chairman Burningham also prepared a handout of an address delivered by President David O. McKay of the Church of Jesus Christ of Latter-Day Saints at the Commencement Exercises on June 9, 1951 at the University of Utah. This article comes from a new magazine published by Brigham Young University with the first issue dedicated to President David O. McKay. (For complete details, see General Exhibit No. 9824.) He indicated that in this speech, President McKay emphasizes how important education is. He called particular attention to several statements from the speech.

Chairman Burningham indicated he was so discouraged yesterday when he sees a bill passing out of committee that ultimately will mean fewer students will be taking concurrent enrollment, it will be less high school rigor, and it is harmful to education.

Board Member Teresa Theurer lead the Board in the Pledge of Allegiance.

Board Chairman Kim Burningham noted that February is Black History Month and he asked Marshall M. Thomas III, from Bonneville High School in the Weber School District the Martin Luther King Essay Contest winner to read his essay for the welcoming remarks. Following his reading, Mr. Thomas was presented a Certificate of Excellence.

The Board recognized Woodruff Elementary School, Logan School District and Granger Elementary School in the Granite District who were selected by the National Association of State Title I Directors as Title I Distinguished Schools. It was noted that these academically outstanding schools have risen above obstacles of poverty with the help of the Title I program. They were selected for outstanding results in one or two categories: 1 - Exceptional student performance for two or more consecutive years or, 2 - Closing the achievement gap between student groups. These schools were honored at the annual distinguished schools award ceremony at the NASTIC annual conference in Dallas, Texas on January 28, 2006. Each school was presented a Certificate of Excellence. Each school commended their wonderful staff and the great things they are doing to help students.

Member Greg Haws requested a personal privilege and announced that he has been asked to present an award to Weber High School in the Weber School District. He indicated that the first graduating class of Weber High School was in 1926. Prior to that students in the Weber County area attended Ogden High School or to Weber Academy [predecessor to Weber State University] . He indicated he had two aunts that were in the same school grade and they tied for valedictorians of the first graduating class of Weber High School. This award is given by the Northwest Association of Accredited Schools recognizing Weber High School for continuous accreditation for 75 years. He indicated he will be working with the public relations department of Weber School District in trying to get some recognition of this school. On behalf of the Board he will be presenting this award and congratulating Weber High and the Weber School District.

Charter School Applications Recommendations

In its January Board meeting, the State Charter School Board reviewed requests for amendments to charters for Lakeview Academy, Lincoln Academy and Uintah River High School. Associate Superintendent Raymond Timothy presented the recommendations for amendments to the above charters. (For complete details, see General Exhibit No. 9825.).

Lakeview Academy

Dr. Timothy noted that Lakeview Academy was approved by the Board to open in August of 2006. It was originally approved to be a K-6 school with the thoughts of adding one grade per year so that by their fourth year of operation it will be a K-9 school which would then match the configuration of the Alpine School District. He reported that it was a close vote from the Charter School Board. The concerns from those members dissenting was that the

school was not yet operational and yet they have come back and requested an amendment to the charter, and as we project growth in charter school movement that this has a negative impact on those schools because those projections are not adequately made on the growth. The recommendation is that the Board approve the amendments to this charter and they be allowed to open this next fall as a K-8 school.

Motion was made by Member Teresa L. Theurer and seconded by Member Bill Colbert to approve the recommendation for amendment to the charter for Lakeview Academy.

Member Theurer questioned if anyone in the State Office had done any calculations relative to the funding concerns so that we might know if this is the case and if so what the consequences would be.

John Broberg, Executive Director of the State Charter School Board responded that the calculations have been made and the effect is very small. He further noted that they did not have these figures for the State Charter School Board meeting. They have scheduled a presentation of this at the next Charter School Board meeting.

Motion carried unanimously.

Lincoln Academy

Motion was made by Member Richard Sadler and seconded by Member Gary Swensen to approve the recommendation for amendment to the Lincoln Academy. Motion carried unanimously.

Uintah River High School

Motion was made by Member Dixie L. Allen and seconded by Member Tim Beagley to approve the recommendation for amendment to the Uintah River High School. Motion carried unanimously.

Board Standing Committee Reports

Finance Committee

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

Fresh Fruit and Vegetable Program

On November 10, 2005, President Bush signed Public Law 109-97 expanding the Fresh Fruit and Vegetable Program (FFVP) to provide free fresh fruits and vegetables to children in 25 schools participating in the National School Lunch Program in Utah, Wisconsin, New Mexico, Texas, Connecticut, and Idaho. This law appropriates \$6 million to carry out the provisions mandated in Section 120 of the Child Nutrition and WIC Reauthorization Act (Public Law 108-265).

The FFVO provides a variety of free fresh fruits and vegetables to all enrolled students in the participating schools throughout the school day. Students will be introduced to new and different fruits and vegetables along with nutrition education. Fruits and vegetables are good low-calorie, low-fat sources of vitamins, minerals, and fiber. The FFVP shows children that fresh fruits and vegetables are healthy and tasty alternatives to snacks that are high in fat,

sugar, or salt.

The Finance Committee was made aware of the Fresh Fruit and Vegetable Program that is being implemented as a pilot program in some Utah schools. (For complete details, see General Exhibit No. 9826.)

Legislative Update

The Utah State Board of Education maintains an active interest in the legislative process. State Board Members have been meeting with legislators to discuss Board priority issues. During the legislative session, the Board meets regularly to discuss legislation which impacts public education, and to take a position regarding such legislation.

The Finance Committee received an update on legislative budget action.

The Finance Committee reviewed a list of proposed legislation and makes the following recommendations to the Board:

(For complete details of the Legislative Update materials see General Exhibit No. 9827.)

HB 143 - Instructional Expenses Requirements

Motion from the committee that the Board oppose HB 143. Motion carried with Members Beagley, Brown, Cluff, Dalton, Gregory, Haws, Roberts, Sadler, Swensen and Theurer voting in favor; Member Colbert opposed.

HB 294 - Creation of Education Fund

Motion from the committee that the Board position be unnecessary for HB 143. Motion carried unanimously.

HB 337 - Education Resources Conservation Program

Motion from the committee that the Board position be unnecessary for HB 337.

Member Edward Dalton commented that there are many additional energy saving strategies that could be done in school districts that are not being done. There is a lot of money to be captured, watched and protected. He was not sure that it is something that needs to be required of the districts, but it is necessary to have more diligence regarding this.

Member Bill Colbert questioned if the bill were passed if it would give districts additional leverage in seeking grants or other funding opportunities? Member Beagley responded that it may do that, but in all likelihood it may be offset by the added expenses. Further, the State Board would also have to help establish a governing board to oversee this entire process.

Motion carried with Members Allen, Beagley, brown, Cluff, Gregory, Haws, Roberts, Sadler, Swensen and Theurer voting in favor; Members Colbert and Dalton opposed.

SB 78 - Alternative School Building Plans

Motion from the Committee that the Board oppose SB 78. Motion carried unanimously.

HB 340 - Education Funding Amendments

The Committee reviewed this but did not take a position for recommendation. Member Beagley noted that the committee ran out of time and also that it is anticipated that there will be major revision to what is currently available on this legislation.

Review of Programs in the Minimum School Program

The committee did not have time to discuss this item.

Law and Policy Committee

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

Licensing Routes, R277-503

The Board of Education Rule 277-503-C requires all level 1 license applicants after July 1, 2005 to submit a board-approved content assessment score. USOE Educator Quality and Licensing staff have set final Utah passing scores for many of the tests being used based on the recommendation of members of “Impact Study Groups” who reviewed the actual scores of those new Utah educators and the scores of educators in other states who took the same tests. As new tests are adopted, license applicants in any content subject without a final Utah passing score shall continue to be licensed until the final passing scores have been set.

The Committee reviewed the proposal to amend this rule to require a passing score of all applicants in any Utah license area or endorsement for which a final Utah passing score has been set. Applicants for initial Utah licenses who submit scores below the Utah passing score may be issued a level 1 “conditional” license valid for a single three year period. During that three year period the educator must submit a passing score or the conditional license will expire and the educator shall not be eligible for any subsequent authorization or waiver. The educator’s employer shall not collect professional staff cost for any educator whose conditional license has expired. (For complete details of the amended rule, see General Exhibit No. 9828.)

The Law and Policy Committee approved the amendments to R277-503, Licensing Routes on first reading and moves that the Board approve the amendments to the rule on second reading. Motion carried unanimously.

Legislative Update

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The Law and Policy Committee reviewed a list of proposed legislation and makes the following recommendations to the Board:

HB 99 - School Community Councils

Motion from the Committee that the Board support HB 99.

Member Beagley spoke in opposition to the motion and reported that this legislation has garnered a great deal of opposition in his area. He indicated that for probably 95 percent of the schools in the state this is a very good idea because they work actively with their parent-teacher association. The problem is there are a small number of schools where that is not true and essentially what happens by mandating that one of those representatives from the parent teacher organization be on the community council you end up diverting the election process for the community council and you do not get adequate representation.

Member Laurel Brown, commented that the PTA is heavily involved in Trust Land monies and the appropriate usage of the money from trust lands. They feel that since the community council makes the decision on how those funds are used, that there should be someone who recognizes the appropriate uses of those funds.

Member Mark Cluff spoke in opposition to the motion because of the nature of some of the things he has seen with community councils in some of the schools. He felt that they can run as any other parent and be voted in. He felt that too many are heavily controlled by the principal in the schools.

Motion failed with Member Allen, Brown, Burningham, Gregory, Roberts and Theurer voting in favor; Members Beagley, Cluff, Colbert, Dalton, Haws, Sadler and Swensen opposed.

Motion was made by Member Mark Cluff and seconded by Member Tim Beagley that the Board position be hold until we see the changes. Motion carried unanimously.

HB 167 - School Uniforms

Motion from the Committee that the Board position be watch on HB 167.

Substitute motion was made by Member Teresa Theurer and seconded by Member Dixie L. Allen that the Board position be unnecessary because it is a local issue.

Member Beagley questioned what role the state board plays in school uniforms for charter schools? Carol Lear responded that charter schools are public schools.

Substitute motion failed with all members voting in opposition.

Original motion to watch carried unanimously.

HB 289 - Utah Education Network Amendments

Motion from the Committee to support. Motion carried unanimously.

HB 299 - Medical Recommendations for Children

Motion from the Committee to oppose as unnecessary with comment that we would like to know if there is any documented information to support this in the State of Utah. Motion carried unanimously.

SB 12 - Electronic Meeting Amendments

Motion from the Committee to support SB 12.. Motion carried unanimously.

All GRAMA related Legislation: HB 12, 28, 117, 258, 281, SB 15

Recommendation to support complete openness in all public meetings.

Member Tom Gregory noted that all other education associations have a status of H on HB 28 Access and Fee Amendments to GRAMA , and he would like to see the Board study this further.

Motion was made by Member Thomas Gregory and seconded by Member Bill Colbert to support all of the GRAMA legislation except HB 28 a position of hold. Motion carried unanimously.

Motion from the Committee with the comment to support related legislation on All Open/Public Meetings, HB 14, HB 16, SB 9, and SB 12. Motion carried unanimously.

Charter Schools, R277-470, Repeal/Reenact

Significant changes have been made to R277-470 requiring it to be repealed and reenacted. The reenacted rule reflects changes in legislation over the past several years. The rule is primarily limited to rule requirements in the law; but adds two sections:

- Section 8, Charter School Parental Involvement
- Section 3, Charter School Orientation and Training

The State Charter School Board approved the repeal and reenactment of R277-470 in its January 19, 2006 Board meeting.

The Law and Policy Committee made several amendments to the rule. A revised rule was distributed. (For complete details, see General Exhibit No. 9829.)

Amendments to R277-470-3 - Beginning Line 58 through line 74.

R277-470-8 Charter School Parental Involvement beginning on Line 222 through line 234.

The Law and Policy Committee approved the repeal and reenactment of R277-470, Charter Schools on first reading with the amendments included above and moves that the Board approve the repeal and reenactment of the rule on second reading. Motion carried unanimously.

Paraprofessional Competencies

The Utah Standards and Core Competencies for Instructional Paraprofessional under the Supervision of Licensed and/or Certificated Personnel were approved by the Utah State Board of Education in the October 3, 2003 Board meeting. Standard 1 “Support Instructional Opportunities” outlined the competencies required to meet “a rigorous standard of quality” for No Child Left Behind (NCLB) and could be demonstrated by using a portfolio assessment. The portfolio review was limited to those paraprofessionals who were hired before January 8, 2002, and have been continuously employed since then as paraprofessionals.

For paraprofessionals hired after January 8, 2002, new standards are required. A standards committee of the Utah Paraprofessional Consortium has developed supporting competencies for Standards 1, 2, 3, and 4. These

supporting competencies provide additional knowledge and skills demonstrated by paraprofessionals while on the job.

The Law and Policy Committee reviewed the supporting competencies and provided input for further development by those educators working in the area of paraprofessional education. (For complete details, see General Exhibit No. 9830.)

University of Utah Program Response Report

The program approval process is an essential step to ensure university/college educator preparation programs meet state preparation program standards. Individual institution program reviews are conducted every five years. The process includes an institution self-study and a speciality area review team which assesses the institution's practices with national and state standards. The report contains commendations, recommendations, and suggestions to which a response from the institution is required within one year. The program approval process was initiated by the Board in October 2004.

The University of Utah has submitted a Response Report to the recommendations found in the *Report to the Utah State Board of Education University of Utah 2005*. (For complete details, see General Exhibit No.9831.)

The Law and Policy Committee received the report.

Utah Educator Supply and Demand Study 2004-2005

The Utah State Office of Education has commissioned three studies to determine the supply and the demand for educators in Utah's public education system. The 2001 and 2004 studies were presented previously to the Board and have helped shape discussion regarding educator quality and how to attract, train, evaluate, and retain quality educators for Utah students. The 2005 study has been completed and is ready for the Board to review.

Representatives from Utah State University presented the *Utah Educator Supply and Demand Study 2004-2005* to the Law and Policy Committee. The Board received an Executive Summary, an overview of the study, and a sample individual district report as well as a CD with the entire 208 page document. (For complete details, see General Exhibit No. 9832.)

Curriculum Committee

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

Education Programs Serving Youth in Custody, R277-709

Education Programs Serving Youth in Custody, R277-709 is being amended to provide the Utah Coordinating Council for Youth In Custody (UCCYIC) and the Utah State Office of Education (USOE) the ability to reserve funds for the following specific purposes: statewide coordination of professional development, electronic educational services, data collection(Youth In Custody Student Information System), site visits, and semi-annual

comprehensive program review. Funds will also be reserved in order to more effectively meet the needs of Local Education Agencies (LEAs) working with this highly mobile population. Travis Cook, Youth in Custody Specialist, provided an overview of the amendments to the rule. (For complete details, see General Exhibit No. 9833.)

The Curriculum and Instruction Committee approved the amendments to R277-709, Education Programs Serving Youth in Custody on first reading and moves that the Board approve the amendments to the rule on second reading. Motion carried unanimously.

Secondary Arts Core Curriculum

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.

In December 2005, the Curriculum and Instruction Committee reviewed the Secondary Language Arts Core Curriculum. The curriculum has been out for review at public hearings since that time.

Mary Beth Clark, Secondary Language Arts Specialist, reviewed the Secondary Language Arts Core Curriculum including comments received from the public hearings and revisions made to the curriculum based on the hearings. (For complete details, see General Exhibit No. 9834.)

Member Theurer reported that the teachers across the state are excited about this curriculum and the changes that have been made. Further, most of the comments came from the schools that are participating in the pilot program for this.

The Curriculum and Instruction Committee approved the Secondary Language Arts Core Curriculum and moves that the Board approve the curriculum.

Member Tom Gregory voiced concern with writing portion of the document and the comments received relative to writing. His primary concern was that if UBSCT is persuasive writing then we should be teaching persuasive writing for two years prior to taking UBSCT. Mary Beth Clark responded that the UBSCT and the direct writing assessments are all persuasive writing. As they put together the core they tried to emphasize a particular genre or type of writing at each grade level and not to duplicate from one level to another because there are so many genres that you could emphasize in a classroom. Persuasive writing is the only one taught at two levels, nine and ten. It was placed there specifically for preparation for UBSCT.

Ms. Clark indicated that it was hoped that through inservice and talking with teachers, they will be doing persuasive writing in addition to the other things they are emphasizing beginning in the seventh grade, because it is important. If we emphasize it at too many levels or too early it won't be as fresh in the students minds for when they take the UBSCT. She further indicated that it was her understanding that UBSCT is not set in cement as to the type of writing it will require every single year.

Member Tim Beagley questioned that as wonderful as it is, how do we know if this is what is happening in our schools and what do we do if we find it is not?

Ms. Clark responded that the writing research panel reported that the amount of writing that should be done in schools needs to be doubled. We have provided inservice, encouraged more writing, but there is still not nearly enough writing done. There is a philosophical piece that states that in order for writing to be taught in the amounts it needs to be taught it needs to be the responsibility of every teacher that teaches.

Superintendent Harrington commented that we have convened at least three district level trainings and in every one we have given them the research on writing. We have encouraged more writing and we have also put all the classes on some kind of chart that shows where they feed into language arts and where we can expect language arts to be taught in those classes or reinforced. Dr. Harrington further reported that there is now software that is an automatic corrector of writing. Schools will only get the software when they can tell us how much teachers have been writing and how much they expect to improve it.

Member Richard Sadler commented that we need to look at critical thinking across the curriculum as this relates, and then ethics across the curriculum. The skill that most people are learning well is the computer and thus plagiarism has become very much a part of someones writing. The earlier we begin to teach people all of these kinds of things together the better we will be.

Member Laurel Brown and Mark Cluff reported that these changes are taking place in the schools in their areas.

Motion to approve the curriculum carried unanimously.

National Instructional Materials Accessibility Standard (NIMAS)

With the enactment of IDEA 2004, states are required to adopt the National Instructional Materials Accessibility Standard. The purpose of NIMAS is to ensure that students with visual impairments or print disabilities have access to textbooks and instructional materials (i.e., large print, braille) in a timely manner.

Lorri Quigley, Program Director of the Educational Resource Center at the Utah Schools for the Deaf and the Blind, and Karl Wilson presented information to the Committee outlining the new requirements and suggestions on how Utah may implement these provisions in the law. (For complete details see General Exhibit No. 9835.)

The Committee received the report as information.

Consent Calendar, Tab F

Member Teresa Theurer reported that last month the Committee and Board approved the Mathematics, Engineering, Science and Achievement (MESA) rule. It is now on the Consent Calendar but there has been one change that needs to be made to the rule on the Consent Calendar under Tab F. Under R277-717-3. Proposal Criteria B. (7)

was new language added last month, to delete this section and add to B(1) **including careers in teaching mathematics and science**. This will take care of the issue of recruiting and retaining teachers. The rule is included in the Consent Calendar with these changes for approval by the Board.

Legislative Update

The Utah State Board of Education maintains an active interest in the legislative process. State Board Members have been meeting with legislators to discuss Board priority issues. During the legislative session, the Board meets regularly to discuss legislation which impacts public education, and to take a position regarding such legislation.

The Curriculum Committee reviewed a list of proposed legislation and makes the following recommendations to the Board:

HB 107 - Full Day Kindergarten

Motion from the Committee to support. Motion carried unanimously.

HB 151 - Adjustment in Funding for Concurrent Enrollment

Motion from the Committee to oppose with comments listed on the handout. (For complete details of the handout, see General Exhibit No. 9836.) Motion carried unanimously.

HB 155 - Education Testing Amendments

The Committee had some concern about adult education and special education - no recommendation from the committee.

HB 181 - no action from the committee

HB 185 - no action from the committee

HB 230 - High School Curriculum

Chairman Burningham noted at Representative Dougall will be coming to discuss this with the Board during lunch and he has promised him that the Board would not take a position until after the discussion at lunch.

Motion was made by Member Greg W. Haws and seconded by Member Bill Colbert to table action on 1SHB 230 until after lunch..

Member Mark Cluff indicated that Representative Dougall would rather not push this but would like to see the Board do something.

Motion to table carried unanimously.

HB 326 - New Century Scholarship Amendments

Motion from the Committee to support HB 326. Motion carried unanimously.

HB 339 - Commission on Civic and Character Education

Motion from the Committee to oppose. Motion carried with Members Allen, Beagley, Brown, Cluff, Dalton, Gregory, Haws, Roberts, Sadler, Swensen and Theurer voting in favor; Member Colbert opposed.

HB 374 - High School Diploma Amendments

Motion from the Committee to support - Motion carried unanimously.

SCR 1 - Resolution Encouraging School Boards to Adopt Policy Prohibiting Bullying

Motion was made by Member Dixie L. Allen and econded by Member Teresa Theurer to support the Resolution. Motion carried unanimously.

Chairman Burningham voiced concern that a couple of really critical bills have not had a position taken by the Board. In particular, HB 181, Education Reform and HB 340, Education Funding Amendments. He indicated that the Board will have an opportunity to take action next Friday, but the groups that attend these special meetings are much smaller. This makes it difficult to get a quorum vote on some of these pieces of legislation. He noted that there may be additional positions taken later today.

It was noted that the text on HB 181 is being protected and the Committee did not have any information on it to take action. Further that the bill is still being worked on and the sponsor has requested a meeting with people from the state office relative to refinement of some parts of the legislation.

HB 340 - Education Funding Amendments

Member Greg Haws commented that he felt this legislation should be addressed today by the full board. He would like to support Representative Brad Dee's efforts on this legislation even though we have consistently been opposed to any efforts for vouchers to come forward. He would like to see a compromise. Member Haws indicated he has been in several forums and he did not feel this was a decision that the State Board should make, it is a funding issue. The legislature has the right to make those decisions.

Motion was made by Member Greg W. Haws and seconded by Member Bill Colbert to discuss HB 340 and that we take no position on this bill with the comment that we appreciate his efforts to try to come up with a compromise.

Chairman Burningham asked permission to take the motion, but differ discussion until later this afternoon.

Motion was made by Member Richard Sadler and seconded by Member Edward A. Dalton to table until later today. Motion carried unanimously.

Communications Committee

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

They are going to work together with Myron Cottam to put together the plans for the best practices and achievement awards.

The Attendance Awareness Committee was formed under the Curriculum Division of the State Office, they have met, and will meet again on February 15. That is starting the process of that campaign.

Utah Symphony and Opera

Chairman Burningham noted that we have adopted a new system of evaluation of how the POPS grants are given out. Many people are very enthusiastic and feel it really moves toward some consistency. Others, think that the formula, although they favor consistency, is not quite right and it needs to be reviewed and possibly revised.

Anne Ewers, CEO, Utah Symphony and Opera presented information to the Board relative to the Symphony and Opera outreach programs in the schools across the state. She also noted that they are concerned with the RFP process. The Utah Symphony and Opera did not make the list last time and their Board and staff took this extremely seriously and they have created a task force and are working very diligently so that what we do with our programming relates to what it is the Board is hoping to see. On the other hand, part of the process did not really recognize the importance of performance, or the full outreach to the community. These are some of the things they would like to work together with the Board to try to see if this can be incorporated into the RFP process.

Mrs. Ewers commented that it is interesting to look at the Utah Symphony and Opera as compared with their colleagues in the state, such as museums etc., but it is also very important to take a look at what they do compared with their entire industry. Utah Symphony and Opera is one of the largest conveyors of arts education in the entire country. She compared them with the San Francisco Opera. The Utah Symphony and Opera has a budget of \$17.5 million; San Francisco Opera has a budget of \$60 million. Utah Symphony and Opera spends \$3 million per year strictly on arts education. The San Francisco Opera spends \$2 million per year on arts education. They reach over 200,000 students per year - San Francisco Opera reaches 60,000 students per year.

Mrs. Ewers reported that in their conversations with legislators they have expressed a lot of concern about some of the aspects of the RFP process not really addressing the outreach to the full state. Legislators are very interested in this continuing.

Mrs. Ewers invited the board to their studios in April to see what they are doing and to talk about ways that we can work together to try to make the process as good as it can be.

Mrs. Ewers distributed information the Fiscal Analysts asked them to prepare, one relative to the Opera and the other the Symphony. This is a quick sketch of what their programs have to offer. (For complete details, see General Exhibit No. 9837.)

Kim expressed appreciation to Mrs. Ewers for all they do.

Public Participation/Comment

No participation was requested.

Executive Session

Motion was made by Member Tim Beagley and seconded by Member Richard Sadler 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 12:45 p.m.

Motion was made by Member Teresa L. Theurer and seconded by Member Laurel O Brown to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:15 p.m.

Discussion with Representative John Dougall

Representative John Dougall presented his proposed legislation 1SHB 230 - High School Curriculum. He indicated that he and Representative Daw are willing to work with the Board on this concept; they would just like to see the expectations raised. This legislation would change the high school requirements to four years of language arts, four years of math, and four years of advanced or applied sciences. (For complete details of the proposed legislation, see General Exhibit No. 9838.)

Discussion ensued relative to concerns with inclusion of arts, that the requirements fitting into the CTE courses as well, the need for teachers in these subjects in the rural school districts and funding for additional teachers. The discussion also included that the graduation requirements should be defined in Board rule and not in legislation.

Motion from the Curriculum Committee for the Board to take a position that the legislation is unnecessary with the comment that this is under the State Board purview and we will take care of it soon.

Substitute Motion was made by Member Greg W. Haws and seconded by Member Mark Cluff to support the concept.

Member Tim Beagley spoke in favor of the substitute motion commenting that one thing this legislation is not is unnecessary because if we could have done it before we would have, but we need help in doing this.

Member Debra Roberts asked for a reaction from two former rural superintendents.

Associate Superintendent Myron Cottam former Superintendent in the Garfield School District reported that they had raised the bar went to four years of English, three years of Math, and three years of Science. They allowed flexibility to use accounting for math, and business communications for English. The problems we ran into were kids in a rural school district could no longer fit everything they were used to in such as released time. As we look at released time, from a Superintendents position, if you infuse all of those kids back into the system then we no longer have enough teachers or classrooms to take care of them. Dr. Cottam commented that personally, the four, four, four, in a rural district would shut things down such as arts.

Associate Superintendent Ray Timothy, former Superintendent in the Millard School District commented that they were in the beginning stages of wanting to increase course number requirements. He saw two distinct groups – those who wanted to protect the electives with the mind-set you want to educate the whole child. The other side took great advantage of distance learning and worked toward associate degrees and wanted to get on with their careers. He mentioned that they needed to rely more on technology in the high school because of the lack of teachers for a small rural area.

Superintendent Harrington commented that she concur with both of the Associate Superintendents in supporting a four, three, three and our system can sustain this configuration across the state. However, the implementation time should be sufficient to allow the teaching requirements to be ready to go. She indicated that No Child Left Behind should not get into the way of any decision as it relates to allowing career and technology education as counting for language arts, math and science. It is some of the best. She did not see us at odds internally in our system. The CTE issue can be attended to and can easily be done. She spoke in favor of supporting the concept because it gives impetus to the idea yet it does let us be in charge of education. She encouraged the Board to take action on the four, three, three sooner than later.

Member Richard Sadler questioned where we are at with the four, three, three, concept across the state? Superintendent Harrington responded that four language arts is almost universally across the state, three math is very common, and three science less common.

Member Sadler questioned if a compromise proposal might be better. Accepting the concept would suggest that we agree with the concept, but a compromise to suggest we would like this to go to an interim study, which may allow us to educate some of the legislators on some of the realities of where we are at statewide; and we may be able to move ahead as a board with the four, three, three proposal.

Member Bill Colbert spoke in favor the four, four, four provision using the CTE and flexibility. He understands the challenges for rural schools, but we need to meet those challenges.

Member Gary Swensen spoke in favor of the concept of what Representative Dougall is trying to do.

Member Mark Cluff spoke in support of Representative Dougall's four, four, four concept. However, sometimes the four, three, three is the better way to get there. He would also like the Board to look at some of the other areas to review what we require and maybe change some of those so there is time for release time and fine arts

Chairman Burningham commented that the motion is to support the concept which is a broad concept and suggested from the comments that someone may wish to add to support the concept if it were more like four, three, three.

Second Substitute motion was made by Member Tim Beagley and seconded by Member Dixie Allen that the State Board of Education take a position of unnecessary as an alternative piece of this legislation, and establish for the 2010 graduating class a graduation requirement of four language arts credits, three mathematics credits and three science credits. Further that staff be directed to amend the Board rule for the next Board meeting.

Member Debra Roberts indicated she would support the second substitute motion if there is intent language that the Board will look very seriously at needs of rural districts and look for funding to provide educators to teach the classes. Members Beagley and Allen accepted the intent as an amendment to the motion.

Member Bill Colbert spoke against the motion because he felt it did not go far enough. He would like to see the four, four, four concept.

Member Ed Dalton commented that we have been trying to narrow the achievement gap, are we now widening the achievement gap? The needs for learning how to learn these skills of life is difficult. He spoke in favor of rigor with reason for every child in every discipline, but to just make more kids take more math, English and science - is that really what we want to do?

Member Laurel Brown requested clarification as to whether or not they were talking about four years or four credits. It was clarified that it would be “credits.”

Member Tom Gregory spoke in favor of the motion and requested that board leadership consider the Board sitting down and discussing the current graduation requirements.

Chairman Burningham voiced concern that the Board may be changing the graduation requirements without giving appropriate notice. He would like to motion to indicate that our position is that the legislation is unnecessary and it is our intent in the next month to look at the graduation requirements.

Member Beagley accepted the statement by the Chair to include that in the motion.

Member Mark Cluff called Previous Question on the motion Motion carried with Members Allen Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Roberts, Sadler, Swensen and Theurer voting in favor; Member Haws opposed.

Member Greg Haws requested a point of clarification that we are voting on a motion that expresses our intent and he encouraged everyone as they vote to consider their intent, because there are a lot of things we can't do.

Member Bill Colbert requested a division of the motion between the position of unnecessary and the intent.

Motion on the intent with the four, three, three, the rural concerns, the 2010 graduating class, etc. Motion carried unanimously.

Reaction to legislation as unnecessary with our intent to address this issue in the March meeting. Motion carried unanimously.

HB 340 - Education Funding Amendments

Chairman Burningham noted that a previous motion by Member Greg Haws to take no position HB 340. A further motion was made to table the motion for discussion later in this meeting.

Motion was made by Member Laurel O. Brown and seconded by Member Edward A. Dalton to lift the motion from the table. Motion carried unanimously.

Superintendent Harrington reviewed the contents of the legislation as compared to previous legislation on tuition tax credits. The legislation holds public education harmless and allows any surplus monies that have not been allocated to scholarships to roll back into the districts. It allows us to carry a student for five years after they leave the system to go to a private provider. This has accountability written in to private schooling in the nature of national norm referenced tests that are required of both schools annually. The biggest change in the legislation pulls money out

of the General Fund to support it rather than out of the Uniform School Fund. A key piece of the legislation calls for the scholarship to be written to the parent who automatically signs those over to the schools, but the payments from our office go directly to the school on a quarterly basis. This will require a lot of paperwork from our office.

Associate Superintendent Patrick Ogden commented that we have looked at this in a preliminary sense and found it will not make a significant fiscal impact. There are not a lot of private schools and there is not a great demand for them. With regard to income levels, a \$500 scholarship is the minimum available to anyone with an income greater than 250% of the guidelines. He noted that we have heard that this bill is undergoing some serious changes, we don't know what they are.

Substitute Motion was made by Member Teresa Theurer and seconded by Member Dixie Allen to take a position of watch.

Chairman Burningham turned the gavel over to Member Edward Dalton.

Chairman Burningham commented that he and Brad Dee have met on many occasions and this bill is much more reasonable than bills in the past. However, for him personally, if I am driving down the highway and going to have a fatal accident and the only option I see is to go to the side for a lesser accident that is the smarter thing to do; or a third alternative is no accident at all. This is where he is on this legislation. He has indicated to Representative Dee that this is better, but it is still contrary to his belief that this is not good to start supporting public education this way, it will be a slippery slope that will lead us to great problems. He expressed appreciation to Representative Dee for what he has done, but he is adamantly opposed to the legislation.

Member Laurel Brown commented that the current legislation has more advantages than those of the past. However, her constituents have repeatedly told her that they do not believe that we should be taking public funds and converting them for private purposes. Much of this looks better, but she does not believe we should support parents private choice when they have choice for public.

Previous Question on the substitute motion to watch was called by Member Richard Sadler. Motion carried with Members Allen, Beagley, Brown, Burningham, Cluff, Roberts, Sadler, Swensen and Theurer voting in favor; Members Colbert, Haws and Gregory opposed.

Substitute motion to watch carried with Members Allen, Beagley, Brown, Burningham, Cluff, Colbert, Gregory, Roberts, Sadler, Swensen and Theurer voting in favor; Member Haws opposed.

Gavel was passed back to Chairman Burningham.

Executive Session Actions

Advisory Committees

The Board received nominations for the Nominating Committee for the Board of Trustees for the School & Institutional Trust Lands.

Utah Schools for the Deaf and the Blind Institutional Council

Motion was made by Member Dixie L. Allen and seconded by Member Tim Beagley to appoint Michelle Tanner as a non-voting member of the Utah Schools for the Deaf and the Blind Institutional Council representing a USDB teacher. Ms. Tanner's term to expire July 2008. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Haws, Roberts, Sadler and Swensen voting in favor; Member Theurer absent.

Motion was made by Member Dixie L. Allen and seconded by Member Tim Beagley to appoint the following to the Adult Education Advisory Committee, expiration terms in brackets following their name: Hector Mendiola [12/07]; Norman Nakamura [12/07]; Edwin Espinel [12/08]; Cindy M. Krueger [12/07]; James Anderson [12/08]; Don R. Uchida [12/07]; Mary Ann Parkinson [12/07]; Suzette Hudson {12/07}; and Nate Southerland [12/08]. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Haws, Roberts, Sadler and Swensen voting in favor; Member Theurer absent.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Mark Cluff and seconded by Member Tim Beagley to accept the recommendation of the Commission in Case No. 91-251, and revoke based upon default the educator license of a former educator in Box Elder School District. This action is taken as a result of the educators arrest for the sexual offense of lewdness, a class B misdemeanor. This is the second arrest for lewdness. His educator license was previously suspended on November 1, 1991, based on an arrest for solicitation of a sex act. This license was reinstated on April 16, 1993. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Haws, Roberts, Sadler and Swensen voting in favor; Member Theurer absent

Motion was made by Member Mark Cluff and seconded by Member Tim Beagley to accept the recommendation of the Commission and the hearing panel following a hearing for consideration of reinstatement in of license that the educator license in Case No. 99-464 be reinstated. The license was revoked on May 14, 1999 as a result of unprofessional conduct evidenced by inappropriate Internet use. Motion carried with Members Allen, Beagley, Brown, Cluff, Dalton, Gregory, Roberts, Sadler and Swensen voting in favor; Members Colbert and Haws opposed; Member Theurer absent.

Motion was made by Member Mark Cluff and seconded by Member Tim Beagley to accept the recommendation of the Commission and the hearing panel following a hearing for consideration of reinstatement of license that the educator license in Case No. 03-658 be reinstated. The license was suspended on November 14, 2003, as a result of the educator's conviction for disorderly conduct, a class B misdemeanor. Motion carried with Members Allen, Beagley, Brown, Burningham, Dalton, Gregory, Roberts and Swensen voting in favor; Members Cluff, Colbert, Haws and Sadler opposed; Member Theurer absent.

Motion was made by Member Mark Cluff and seconded by Member Tim Beagley to accept the

recommendation of the Commission and revoke based upon default in Case No. 05-747 the educator license of a former educator in the Park City School District. This action is taken as a result of the educator's inappropriate and unprofessional relationships with a student or students at Park City High School, including discussing the educator's personal relationships with the student or students, engaging in an inappropriate and unprofessional relationship with a minor student in the presence of Park City High School students, sending and receiving inappropriate sexual emails using the school email system, and intentionally misrepresenting his relationship with the minor student to the student's parents. Respondent also smoked marijuana in the presence of a Park City High school student and her parents. UPPAC made several attempts to discuss the allegations and an agreement or the UPPAC hearing process with the educator. The educator refused to participate in the UPPAC review process. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Haws, Roberts, Sadler and Swensen voting in favor; Member Theurer absent.

(For complete details of the Professional Practice Commission recommendations, see General Exhibit No. 9839.)

General Consent Calendar

Motion was made by Member Richard Sadler and seconded by Member Edward A. Dalton to approve the General Consent Calendar as presented with corrections noted from the Curriculum Committee on Item F. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Haws, Roberts, Sadler and Swensen voting in favor; Member Theurer absent.

1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education held January 12, 2006.

2. Contracts

The following contracts were approved:

(A) CRP Incorporated. \$30,000. 1/2/06-1/2/07. RECEIVABLE

To support implementation of proposed program evaluation capacity-building enhancement activities designed to "grow the field" of evidence-based prevention.

(B) Utah State University. \$35,740.80. 1/15/06-1/31/11. - Amend. - Fed.

To lease office space for the Division of Rehabilitation Services located at 125 W 200 S. Moab, Utah.

(C) Department of Workforce Services. 10/31/05-10/31/06. -RECEIVABLE

Provide an onsite Benefit Specialist to the Departments Central Region.

(For complete details of the Contracts see General Exhibit No. 9840.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts were approved by the State Board of Education. (For complete details, see General Exhibit No. 9841.)

4. Utah State Office of Rehabilitation Employee Background Check Requirement R280-204

It has been recommended by Human Resources, Risk Management, and USOE attorneys that the State Office of Rehabilitation develop and implement a Bureau of Criminal Identification policy to protect a potential vulnerable population against potential abuse. Rule R280-204-1 outlines the Utah State Office of Rehabilitation Bureau of Criminal Identification Policy. The Board approved R280-204 on second reading at their January 12, 2006 meeting with minor changes. There have been no substantive changes to the rule since that time. The Board approved R280-204, Utah State Office of Rehabilitation Employee Background Check Requirements on third and final reading. (For complete details see General Exhibit No. 9842.)

5. Alternative Language Services for Utah Students, R277-716

Alternative Language Services for Utah Students, R277-716 was created to facilitate consistent services and effective academic results for English Language Learners (ELL). The rule provides a framework to develop English literacy and close the achievement gap for ELL in the public schools in Utah. The Board approved R277-716 on second reading at their January 12, 2006 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-716, Alternative Language Services for Utah Students on third and final reading. (For complete details see General Exhibit No. 9843.)

6. Mathematics, Engineering, Science Achievement (MESA), R277-717

The purpose of MESA is to increase the number of under served ethnic minority and all female students who pursue course work, advanced study, and possible careers in mathematics, engineering, and science areas. MESA programs are composed of classes and/or clubs in the secondary grades.

The changes to R277-717 clarify definitions and policy and bring the rule into compliance with current Utah State Office of Education practice and policy. The Board approved the amendments to the Mathematics, Engineering, Science Achievement Rule R277-717 on second reading at their January 12, 2006 meeting. Since that time the rule has been modified to reflect input from districts MESA coordinators. The modification are found in Section 277-717-3B(1) to increase the number of under served ethnic minorities and all female students who pursue course work, advanced studies and possible careers in mathematics, engineering, and science areas, including teaching of mathematics and science. This will then allow the striking out of Section R277-717-3(7) that exceeds the scope of the program. There have been no further substantive changes since that time. The Board approved R277-717, Mathematics, Engineering, Science Achievement (MESA) with changes noted from the Curriculum Committee on third and final reading. (For complete details see General Exhibit No. 9844.)

7. 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. 9845.)

8. Ratification of Employment

Carol Hochstadt was ratified as an Educational Specialist in the Data and Business Services Division.

Julie Quinn was ratified as an Educational Specialist in the Student Achievement and School Success Division.

Jeannie Rowland was ratified as an Educational Specialist in the Student Achievement and School Success Division.

Linda Mayne was ratified as an Educational Specialist in the Student Achievement and School Success Division.

9. 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. 9846.)

10. Claims Report

The Claims Report in the amount of \$211,659,460.05 for December 31, 2005 was approved by the Board. (For complete details, see General Exhibit No. 9847.)

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

Dr. Harrington reviewed her Key Contacts/Meetings from the past month. She encouraged Board Members if they had an opportunity to attend a *Power in You* assembly in their area to do so.

Dr. Harrington reported that she and Associate Superintendent Cottam met with the Mexican Consul, Salvador Jimenez, and his interest is to help children that have come here from Mexico succeed. He offered some very thoughtful help.

Dr. Harrington reviewed other updates focusing on results from the Utah Basic Skills Competency Test (UBSCT) being provided more quickly. There is too little time to improve performance. She has requested that as we renew the contract we write in language to a shorter turn around time. This may come at a cost of new dollars.

Dr. Harrington reported that she returned recently from Washington DC representing the Chief State School Officers who were invited to help rewrite NCLB. She was pleased to find that many states are calling for a major reauthorization putting the states back into control of the public school systems.

(For complete details of the Superintendent's report, see General Exhibit No. 9848.)

Board Chairman Report

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

Chairman Burningham reported that Joan Patterson, Director of Educator Licensure is leaving to accept other employment. She has made many very fine contributions and much hard work

NASBE Items -

Member Richard Sadler emailed the GAC minutes.

Members Greg Haws and Ed Dalton have participated in the Civic Study Group. Twila Affleck has been in the Pre-K Study Group, Tom Gregory has participated in the Financial Planning section and he has attended the Board of Directors meeting.

Member Tom Gregory reported that most of the attendees were surprised to learn that most of the financial education curriculum helps are free and they were encouraged to use these tools rather than to try to create their own.

Chairman Burningham noted that on March 16 and 17 will be the NASBE Legislative Conference. This is a very informative meeting where they take national legislation analyze it, talk about it. Also, a part of the conference this year is we have a meeting with Secretary Spellings. Also we visit our national congressional delegation. He indicated that Twila needs to know if anyone is planning to attend to let her know by Monday.

Chairman Burningham reported that the day preceding that they have a conference for chairs. The Board of Directors and Study Group meetings are held after.

Chairman Burningham reported that at the last meeting with the Governor we asked him if he could attend our meeting today but it did not work out schedule wise. We are still working in that direction. On February 13, he and Superintendent Harrington will be meeting with the Governor for their regular monthly meeting.

Chairman Burningham mentioned the meeting with House Democrats last week. All House leaders were there none of the Senate were there, there was clearly a misunderstanding. We now have an appointment to meet with the Senate Democratic leadership next Tuesday at 11:45 in Room 245. Members Ed Dalton, Teresa Theurer and he will be going. If anyone else can go please let him know. It was noted that they meet at the office and shuttle to the Capitol.

There are three remaining legislative meetings to continue to respond to bills: February 10, 17 and 24. The 24th may not happen because it will be too close to the end of the legislative session. Chairman Burningham noted that the Board Audit Committee has reviewed and released the Follow-up Report of the SEDC audit. They are taking legal steps to solve that problem. Board members were given a copy of the Follow-up report.

Chairman Burningham noted that many have received letters about seismic preparations and the lack thereof. This varies from district to district. Several years ago Salt Lake District passed a bond for moving ahead with this, others have done nothing. He requested that Superintendent Harrington conduct an assessment of where we stand. He felt there should be guidelines or some procedure to address this issue.

Strategic Planning process review planning for April is moving forward and Superintendent Harrington has prepared a draft of the objectives.

March 7 - 17 date for refiling if you are planning to run for election to the State Board of Education.

Upcoming Events

February 7-8 Student Tracker Workshop

March 21 caucus meetings.

Motion was made by Member Debra G. Roberts to adjourn.

Meeting adjourned at 3:00 p.m.