

MINUTES

May 12, 2006

Minutes of the meeting of the State Board of Education held May 12, 2006, at the Uintah Basin Branch Campus, Utah State University in Vernal, Utah. Meeting commenced at 9:15 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 Laurel Brown
Member Mark Cluff
Member Bill Colbert
Member Edward A. Dalton
Member Thomas Gregory
Member Greg W. Haws
Member Randall Mackey
Member Debra G. Roberts
Member Richard Sadler
Member Teresa L. Theurer

Members Bonnie Jean Beesley and Sara Sinclair were excused.

Also present were:

Superintendent Patti Harrington
Deputy Superintendent Raymond Timothy
Associate Superintendent Myron Cottam
Associate Superintendent Patrick Ogden
Board Secretary Twila B. Affleck

Public Affairs Director Mark Peterson and Executive Director, USOR, Don Uchida were excused.

Members of the Press:

Cecelia Baker, Salt Lake Tribune
Jonathan Ball, Legislative Fiscal Analyst
Brian Allen, Utah Charter School Board
Paula Wells, Pinnacle Canyon Academy
Monica Safreed, Pinnacle Canyon Academy
Melissa Jeppson, Pinnacle Canyon Academy
Roberta Hardy, Pinnacle Canyon Academy
Lorrie Weaver, Pinnacle Canyon Academy
Jessica Houskeeper, Pinnacle Canyon Academy
Chrystal Rich, Pinnacle Canyon Academy
Pinnacle Canyon Academy Students in 7th, 8th and 9th grades

Utah State Office of Education staff:

Mary Shumway, Student Achievement and School Success

Brett Moulding, Student Achievement and School Success
Susan Loving, Student Achievement and School Success
Carol Lear, Law, Legislation and Educational Services

Vice Chairman Janet A. Cannon shared “The World According to Student Bloopers” by Richard Lederer.

Welcome and Student Achievement Spotlight

Board Member Mark Cluff lead the Board in the Pledge of Allegiance.

Board Member Randall Mackey offered opening remarks.

Vice Chairman Cannon excused Board Members Bonnie Jean Beesley and Sara Sinclair.

Board Standing Committee Reports

Curriculum Committee

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

Standards for School District Discipline Plans, R277-609

Bullying among school children and youth is a topic of great public concern. The Board believes that every student has a right to attend a school that is safe, secure and conducive to learning. The Board directed staff to amend Board rule to require school districts/charter schools to define, prohibit, and intervene in bullying. This requirement should include policy review, awareness, intervention strategies and training specific to aggression.

The Committee made the following changes: Line 5 under Definitions, removed the word aggressive; line 65 under R277-609-3 (5)(b) add the word intimidation after including rumors spreading; and line 84, under R277-609-3(5)(g) add community councils after parents.

The Committee reviewed the amendments including those listed above to R277-609 and approved the amendments on first reading. (For complete details, see General Exhibit No.9896.) Motion from the Committee that the Board approve R277-609, Standards for School District Discipline Plans on second reading. Motion carried with Members Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Gregory, Haws, Mackey, Roberts, Sadler, and Theurer voting in favor; Member Allen Absent.

School Instruction and Human Sexuality, R277-474

R277-474-8, Teenage Pregnancy Prevention Fund Distribution and Reporting Requirements and any language referring to the section is amended because funding is no longer provided. Therefore, the section on fund distribution and reporting for teenage pregnancy prevention is no longer necessary. Other amendment reflect changes in the law in the last few years. (For complete details, see General Exhibit No. 9897.)

The Committee reviewed the amendments and approved R277-474 on first reading. Motion from the

Committee that the Board approve R277-474, School Instruction and Human Sexuality as amended on second reading.

Motion carried unanimously.

Required School District Policy Explaining

Student Credit R277-705-3

S.B. 56, passed during the 2006 legislative session, requires public schools to accept credit and grades from school that have been accredited by the Northwest Association of Accredited Schools. R277-705-3, Required School District Policy Explaining Student Credit, is being amended to comply with this legislation. (For complete details, see General Exhibit No. 9898.)

The Committee made further amendments on line 80, under R277-705-3 A, to add consistent with Utah State law following credits earned by students; and lines 89-92 under R277-705-3 (1) to read: Public schools shall accept credits and grades awarded to students without alternation from schools or providers accredited by the Northwest Association of Accredited Schools or approved by the Board.

Transfer or Acceptance of Credit,

R277-410-4

S.B. 56, passed during the 2006 legislative session, requires public schools to accept credit and grades from schools that have been accredited by the Northwest Association of Accredited Schools. R277-410-4, Transfer or Acceptance of Credit, is being amended to comply with this legislation and to be consistent with R277-705-3, District Policy Explaining Credits Earned and Reciprocity for Credit for Demonstrated Competency. (For complete details, see General Exhibit No. 9899.)

The Committee reviewed the amendments including those on R277-705-3 and approved R277-705-3 and R277-410-4 on first reading.

Motion from the Committee that the Board approve R277-705-3 Required School District Policy Explaining Student Credit, and R277-410-4, Transfer or Acceptance of Credit, as amended, on second reading. Motion carried unanimously.

Member Theurer also reported that the Committee had requested staff to write a letter to Northwest Accreditation relative to the security of online testing.

Graduation Requirements

The committee had a discussion on graduation requirements and they will include their comments later in the meeting on the issue.

Finance Committee

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

Teachers' Supplies and Materials

Appropriation, R277-459

Amendments to R277-459 reflect changes in the language surrounding the appropriation for teachers' supplies and materials. The amendments include: (1) Changes to the title to conform with the title of the appropriation; (2) Expands eligibility to include teachers whose responsibilities include counseling; and (3) Changes the reporting date for districts and others from October 1 to November 1 to conform to current practice. (For complete details of the rule, see General Exhibit No. 9900.)

The Committee reviewed the amendments and approved R277-459 on first reading. Motion from the Committee that the Board approve R277-459, Teachers' Supplies and Materials Appropriation, as amended, on second reading. Motion carried unanimously.

Tax Reform and Future Public Education

Funding Resolution

In its April meeting, the Finance Committee listened to Dr. Gary Cornia from BYU who warned of impending deficits in income tax funding for education. He suggested the state broaden its tax base by eliminating deductions and credits and perhaps relying more heavily on the relatively stable revenue from property tax.

The committee asked staff to begin to prepare talking points and a resolution that the Board could use in communicating its concerns regarding tax reform.

Member Beagley reported that the Governor had indicated that a special legislative session would be called in May to deal with the issue of tax reform. Therefore, the Committee felt a need to prepare and send a resolution to the Legislature prior to its special session. However, since the April board meeting, the Governor has announced that analysis of the proposed tax reform was incorrect and that he would not be calling a special session to deal with tax reform.

The Committee reviewed the Board Resolution on Tax Reform passed by the Board in November 2005. The Committee received Talking Points in preparation for a possible Board Resolution on Tax Reform. (For complete details, see General Exhibit No. 9901.)

The Committee asked staff to send the resolution to the legislature and the Governor again and add two dimensions: a discussion about the recent *Utah Foundation* report showing how the effort to fund education in the state is eroding, and our specific concerns for public education with the proposed tax reform.

Member Beagley noted that the Committee will continue to monitor tax proposals and as they come out, and they may meet impromptu to discuss them.

Implications of the FY 2007 Structural

Deficit in Education Funding

In the 2006 General Session, the Legislature used one-time funds to cover \$137 million in ongoing

education expenditures. This action resulted in what is called a “structural deficit” in education funding. How this deficit is handled for FY 2008 will determine the amount of new funding available for public and higher education in the next budget cycle.

The following possible legislative solution were discussed by the Committee: (1) Appropriate ongoing General Fund to Higher Education in the amount of the deficit; (2) Use new growth in income tax revenue to offset the shortfall; and (3) A combination of the above.

The Committee received the report as information and will continue to monitor the issues.

Law and Policy Committee

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

State Board of Education Advisory Groups

Utah State Office of Education staff was asked to research and prepare a list of current advisory groups to the Board, including the role and purpose they serve, any suggestions regarding their continuation, and any suggested deletions or additions that may be advised.

The Committee reviewed the list of current advisory groups serving the Board. (For complete details, see General Exhibit No. 9902.) Some of the initial suggestions for change include: (1) Look at training for some of these committees to help them understand their role and how they should function, including the structure of their meetings role. (2) When and how we should establish advisory committees, how long they would be in place, and a way to measure their effectiveness.

No action from the committee.

Adopt Education Principles

In a regional board meeting in April, Superintendent Dave Adamson of Park City suggested that the Public Education community adopt a set of common principles what would be used to measure support or opposition to proposed legislation and budgets. Candidates for political office could also be asked to pledge their support for the principles. From Superintendent Adamson’s thoughts, principles were developed. (For complete details, see General Exhibit No. 9903.)

The Committee reviewed the principles and felt there should be more discussion on it. They would like to receive board input over the next month or two prior to any final action.

Communications Committee

Member Edward A. Dalton, Chairman of the Communications Committee reported that there is progress being made on the school absence campaign and he will have more to report at the June meeting.

State Board of Education Strategic

Plan Suggested Actions

Vice Chairman Janet Cannon noted that the Board has been revising its strategic plan since November 2005. Ideas and concepts have been offered and refined and several study topics remain. Each is listed under the appropriate strategic goal earlier approved by the Board. (For complete details, see General Exhibit No. 9904.)

Board members were asked to review the document and get further comments or suggestions back to Vice Chairman Cannon.

Member Tom Gregory commented that he felt there was a philosophy change on 3e advocating full-day kindergarten funding (required half-day). He noted that the half day is not required and felt this should clarify that the Board is advocating for full-day kindergarten for those that need it and that it is optional just a half-day is now.

Member Ed. Dalton commented he would advocate for optional kindergarten and full day kindergarten for student with special needs.

Member Debra Roberts suggested that board members submit their top five priorities for study issues from the list provided.

Member Ed Dalton expressed appreciation to Vice Chairman Cannon for facilitating the process. Vice Chairman Cannon expressed appreciation to Superintendent Harrington for her help in putting this together.

Member Richard Sadler suggested that Twila email the Board and remind them to give comments and list their top priorities.

Superintendent Harrington presented the alignment of the Boards strategic plan with the that of the State Office of Education including the Master Task List for the office. (For complete details, see General Exhibit No. 9905.)

General Consent Calendar

Motion was made by Member Teresa L. Theurer and seconded by Member Edward A. Dalton to approve the General Consent Calendar as presented. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held April 7, 2006.

2. Contracts

- (a) National Ctr for the Improvement of Educational Assessment, Inc. \$77,925. 4/3/06-10/14/06 - Amend. Fed.

Amendment #2 is to provide additional statistical support and evaluation services to assure a high quality assessment and accountability system.

- (b) TAP Technical Assistance Project for Charter Schools. \$126,000. 4/15/06-10/14/06. - Fed.

Provide training and support to charter school applicants and current charter schools.

(c) Tom & Jennifer Properties. \$56,662.75. 6/1/06-5/31/12 - Amend. - Fed.

To lease office space for the Division of Rehabilitation Services located at 175 N Main street #B#, Heber, Utah.

(For complete details of the Contracts see General Exhibit No. 9906.)

3. Administrative Rule Review

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

R277-479 - Expenditure of Appropriation for District Services

R277-478 - Block Grant Funding

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

(For complete details, see General Exhibit No. 9907.)

4. Special Needs Scholarships - Funding and Procedures, R277-602

The statute authorizing the Special Needs Scholarship Program was amended by H.B. 351, "Carson Smith Scholarship Program Amendments." The amendments modify requirements for student and private school eligibility, and require a written notification to parents of public school students with IEPs. The Board amended and approved on second reading R277-602 at its May 7, 2006 meeting. There have been no substantive changes to the rule since that time. The Board approved, Special Needs Scholarships - Funding and Procedures, R277-602 on third and final reading. (For complete details see General Exhibit No. 9908.)

5. Basic Skills Education Program, R277-603

H.B. 181 (2006 General Session) authorizes the Basic Skills Education Program, intended to provide remedial instruction to students who have not passed the Utah Basic Skills Competency Test (UBSCT) after the spring of their junior year. The proposed rule establishes rules and requirements for Basic Skills Education providers and students/parents, as well as procedures for program administration. The Board amended and approved on second reading R277-603 at its April 7, 2006 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-603, Basic Skills Education Program on third and final reading. (For complete details see General Exhibit No. 9909.)

6. School Psychologists and School Social Workers Licenses, R277-506

Amendments to R277-507, School Counselors, School Psychologists, and School Social Workers Certificates and Program, consists of amending terminology and removing the school counselor section of the rule. School counselor levels of licensure language is now incorporated into R277-502, Educator Licensing and Data Retention. The Board approved R277-506 on second reading at its April 7, 2006 meeting. There have been no substantive changes to the rule since that time. The Board approved, School Psychologists and School Social Workers Licenses, R277-506 on third and final reading. (For complete details, see General Exhibit No. 9910.)

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. 9911.)

8. Recommendations from the Utah State Instructional Materials Commission

On April 20, 2006, the Utah State Instructional Materials Commission met and approved 1,155 titles for recommendation to the Board. The Commission also recommended that the Board accept the bids received from the publishers and direct staff to award contracts to the publishers to furnish instructional materials to the schools of Utah. The Board adopted the recommendations made by the Utah State Instructional Materials Commission and directed staff to award contracts to the various publishers. (For complete details see General Exhibit No. 9912.)

9. Advisory Committees - Notice of Vacancies

The Board received notification of the following vacancies on the respective State Board of Education Advisory Committees:

Utah Schools for the Deaf and the Blind Institutional Council

Local District Business Administrator (created by resignation of Richard Tolley)
Blind Individual
Deaf Individual
Local District Special Educator
USOR Services for Deaf and Hard of Hearing
Parent of Deaf/Hearing Impaired
Parent of Visually Impaired Student
Utah State Board of Education (non-voting)
Jean Massieu Charter School (Non-voting)

State Rehabilitation Council

Parent of Child with Disability
Workforce Services Council
Consumer Advocate
Consumer Representative
Consumer Representative

Governor's Committee on Employment of People with Disabilities

Workforce Services

Utah Interpreter Certification Advisory Board

Interpreters
Consumer/CUED
State Board of Education
Educational Interpreter
Interpreters

10. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved by the Board. (For complete details see General Exhibit No. 9913.)

11. Claims Report

The Claims Reports in the amounts of \$192,581,455.09 and \$203,743,597.71, respectively for March 31, 2006 and April 30, 2006 were approved by the Board. (For complete details see General Exhibit No. 9914)

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

1. Letter from the United States Department of Education approving Utah's assessment system under Title I. Utah is one of four states with approval including Tennessee, South Carolina, and Delaware. Dr. Harrington congratulated all, including the board curriculum committee, for this major accomplishment.
2. Education Week's Technology Counts 2006, *The Information Edge*.
3. Annual Report of the State Superintendent of Public Education. She noted that we will be working in the near future with a smaller report, similar to that published by higher education, highlighting some of the information in the annual report.

Superintendent shared the following information items:

Utah Taxpayer's Association Annual Conference.

Concurrent Enrollment Services – Both higher education and public education offices have agreed on the process by which to provide concurrent enrollment services for 2006-07 utilizing money allocated to that purpose from the 2006 Utah Legislature (\$2.3 million representing a 49.6 percent increase in funding). Dr. Harrington reported that she and Commissioner Kendell have been working very hard and they hope there will be no decrease of services or cutbacks in the number of courses offered and that this new negotiated price quote will be one both will feel very comfortable about.

K-16 Alliance - The K-16 Alliance members are working steadily on the student identifier "Student Tracker" system that follows high school graduates for six years into their college or university training.

ACT Testing Services - A subgroup of the K-16 Alliance is being formed to study the potential use of ACT Testing Services for all high school students regardless of their stated intentions to attend postsecondary institutions. This may take the place of UBSCT, and would be taken by juniors in high school. Associate Superintendent Myron Cottam will lead the group from the Utah State Office of Education and Lucille Stoddard from the Utah System of Higher Education.

The SchoolMatch fifteenth annual "What Parents Want" Award honors public school districts for meeting family needs. The Utah districts honored were Alpine, Cache, Davis, Granite, Jordan, Morgan, Ogden, and Wasatch.

Discussion Items

Superintendent Harrington presented the following discussion items:

- USOE Accountability/Assessment Schedule - Superintendent Harrington presented a schedule of Accountability and Assessment.
- Chinese language implementation in Utah - Dr. Harrington presented a summation of what is going on in Utah with regard to Chinese Language acquisition. She reported that the State Office of Education is deliberately trying to increase the amount of Chinese being taught in our schools. We are currently teaching French, German, and Spanish in large numbers. Economically speaking, we would agree with the Governor and others who say Chinese and Aerobic are the languages of the future. A lot of this information is available electronically.

Member Debra Roberts questioned if in learning Chinese do you get the same benefit of understanding English as you do when learning French or Spanish? Brett Moulding said he would find the answer to this question and get back to her.

Member Randall Mackey commented that he felt the Board needed to do more relative to foreign languages in the schools.

The issue of world languages was assigned to the Curriculum Committee.

- Public Education Interim Meeting, Wednesday, May 17, 2:00 p.m. Room W135. Items to be addressed are:

COGNOS

DigitalBridge

U-PASS Accountability Plan

In the Political Subdivisions Committee we will present the role of USOE in building inspections.

The process is somewhat broken and we will be describing the process and how it will be fixed, and making sure it is clean and facilitative.

- Utah's Draft Response to Potential NCLB Reauthorization - Dr. Harrington reported that while in Washington, D.C. visiting with our congressional delegation Representative Bishop had requested this document. They indicated to the delegates that they we are actively involved in associations that had stances on NCLB, such as the American Association of School Administrators, Association of School and Curriculum Development and the Council of Chief State School Officers, yet they still requested Utah's response.
- HB 181 - Dr. Harrington noted that H.B. 181 was enough of a different kind of a bill that we wanted to have some scrutiny by the Attorney General's office as to whether or not it met constitutional requirements. The Attorney General's office has responded that because the benefit goes to public

schools and the benefit can be spent by public school students in whatever they want choose, and because the State Office's job is to support the child in that benefit as opposed to support a parochial school or other school, it is constitutional. We have, therefore, begun to roll out the UBSCT vouchers.

(For complete details of the Executive Officer Report, see General Exhibit No. 9915.)

Charter School Amendments Recommendations

In its March and April meetings, the State Charter School Board reviewed requests for amendments to the charters for Spectrum Academy, Ranches Academy, Pinnacle Canyon Academy, American Leadership Academy, Soldier Hollow Charter School, Odyssey Charter, American Preparatory Academy and Summit Academy.

Associate Superintendent Ray Timothy presented the recommendations from the State Charter School Board on the above requests for amendments. (For complete details, see General Exhibit No. 9916.)

Member Teresa Theurer asked for a place on the form which would indicate what they are requesting. She suggested there might be two forms created, one for new schools, and one for amendments.

Ranches Academy

Motion was made by Chairman Kim R. Burningham and seconded by Member Mark Cluff to approve the change in governance - adding parent involvement at the Ranches Academy. Motion carried unanimously.

American Leadership, Soldier Hollow, Summit and Odyssey

Motion was made by Member Teresa Theurer and seconded by Chairman Kim R. Burningham to approve the amendments for American Leadership, Soldier Hollow Summit and Odyssey Charter Schools.

Member Richard Sadler voiced concern about accepting these enrollment requests this late in the year. It goes against good faith with traditional public schools. He felt we needed to look carefully about doing this this late in the year.

Member Mark Cluff, clarified that the ones up for consideration are less than 2% of their total population, and as an estimate it fits in. The statute indicates we cannot take into consideration harming public schools. Member Cluff clarified the statute and the State Charter School Boards action relative to setting of dates for amendments.

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

Spectrum Academy

Spectrum Academy is a school not yet opened and it deals with children with autism. They are requesting to add 60 students to their enrollment. It was noted that this is a good school dealing with these students and there is a need to increase the enrollment.

Motion was made by Member Bill Colbert and seconded by Member Tim Beagley to accept the recommendation and approve the charter amendments for Spectrum Academy. Motion carried unanimously.

Pinnacle Canyon Academy

Motion was made by Member Mark Cluff and seconded by Member Dixie Allen to accept the recommendation of the State Charter School Board and approve the amendment to Pinnacle Canyon Academy Charter to add the 10th grade - 25 students, this would be the students currently in the 9th grade.

Member Teresa Theurer voiced concern with the test scores at Pinnacle Canyon. Brian Allen, Chairman of the Charter School Board noted that the school has a unique situation in that they have a significant number of students with IEP's, approximately 33% of the school population. He indicated that parents are satisfied and feel good about what is happening at the school. They are hoping to see improvement this year in the test scores.

Member Theurer commented that she would like to see the test scores for this year before making a decision.

Roberta Hardy of Pinnacle Canyon Academy commented that they are doing better on AYP than Carbon High, especially in special education.

Chairman Kim R. Burningham requested a personal privilege that the Board hear from the people at Pinnacle Canyon on their request.

Lorrie Weaver, Special Education Director Pinnacle Canyon spoke in favor of the Board voting in favor of having Pinnacle Canyon Academy's amendment to add the 10th grade to their school. The students receive more teacher time because of smaller class sizes. Also, it provides students with choice.

Jessica Houskeeper a student at Pinnacle Canyon spoke in favor of the amendment for the ninth grade students to move into high school.

Chrystal Rich a student at Pinnacle Canyon spoke of the progress she has made at the school that she did not feel she would have received elsewhere.

Member Ed Dalton voiced concern with staffing, the number of courses offered, etc for a high school to continue to meet the needs of these students.

Question on the motion was called by Member Ed Dalton and seconded by Member Bill Colbert. Motion carried with Members Allen, Beagley, Burningham, Cluff, Colbert, Dalton, Gregory, Haws, Mackey, Roberts, and Sadler voting in favor; Members Brown and Theurer opposed.

Motion to approve the amendment to Pinnacle Canyon Academy carried with Members Allen, Beagley, Burningham, Cluff, Colbert, Dalton, Gregory, Haws, Mackey and Sadler voting in favor; Members Brown, Roberts and Theurer opposed.

Member Laurel Brown clarified her position on the motion that her vote may have been different had she had an opportunity to get more information.

American Preparatory Academy

Deputy Superintendent Ray Timothy noted that the American Preparatory Academy is located in Draper. They were approached by the developers of Traverse Mountain that if they would be willing to locate a second campus of their school in their development they would build the school and then lease or lease/purchase it back to the school. The Utah State Charter School Board took a long time on this request. Since that action we have been inundated with concern. Many feel that this should be viewed as a new school not an expansion of an existing school and they feel they should go to the State Charter Board with an application for a new school. He indicated that only three more schools can be approved for the 2007-2008 and there are already 18 applications.

Member Mark Cluff voiced concerns with this happening. He has met with both Alpine School District and with the American Preparatory Academy. He indicated he did not believe this is the correct model. Traverse Mountain may not even have students attending the school because of the lottery. Another issue is the time line for creating a new school.

Motion was made by Member Mark Cluff and seconded by Member Teresa Theurer to reject the recommendation of the State Charter School Board and not accept the expansion of the American Preparatory Academy.

Member Tim Beagley voiced concern that the two mile clause is not found in original charter so how do you call it the same school if it is a different charter. He felt that is not only a different location but some of the rules in the charter are not the same.

Jeanene Bowen, who serves in the Jordan School District, as liaison for charter schools shared concerns from Jordan School District and spoke against the amendment to the charter. She indicated she had concerns with the way the amendment was approved. She reported that Superintendent Newbold had written a letter indicating the concerns of the Jordan School District with the charter amendment. She indicated that the amendment seeks special treatment and it circumvents the approval deadline to the cap on new schools. She felt this was a request for an additional school, not an increase in enrollment.

Brian Allen commented that he appreciates the discussion. He reported that he came to a different conclusion for a number of reasons. When the charter school law was passed in 1998 there was always a hope that there would be a strong partnership between communities, school districts, etc. In the case of American Preparatory Academy they would avoid the huge start-up costs, by having the developer pick up the costs. He indicated there is nothing in the process or consistencies with the amendment that were against the law or the charter school rules, therefore he could not find any legal reason to say no.

Member Bill Colbert commented that the law is silent and despite how the board votes, the legislature will change the law on this issue.

Member Tom Gregory spoke in favor of the motion

Chairman Kim Burningham called for previous question on the motion. There was no opposition.

Motion to deny American Preparatory Academy's request carried with Members Allen, Beagley, Brown, Burningham, Cluff, Dalton, Gregory, Haws, Mackey, Roberts, Sadler and Theurer voting in favor; Member Colbert opposed.

Member Mark Cluff clarified that for the 07 - 08 school year amendments can be applied for until the end of September. They could reapply, and his would give us time to decide how we want to grow charter schools. He is open to them resubmitting the application before September. Superintendent Harrington commented that we don't have guidance on what are appropriate amendments and what are not. She suggested that the Board direct the State Charter School Board to come up with the criteria by which amendments will be approved.

Carol Lear noted that the Charter School Board will be reviewing the Charter School rule within the next week or two and this would be an opportune time for these amendments to take place.

Student Achievement Spotlight

Associate Superintendent Myron Cottam recognized Lapoint Elementary School and Todd Elementary School in the Uintah School District for their outstanding efforts to promote high standards for students and facilitate student achievement, thereby enabling them to achieve adequate yearly progress as defined in the federal No Child Left Behind Act. Representatives of each of the schools commented and were presented a Certificate of Excellence by the Board.

Public Participation/Comment

No requests were received.

Executive Session

_____ Motion was made by Chairman Kim R. Burningham and seconded by Member Greg W. Haws that the Board 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 12:40 p.m.

Motion was made by Member Richard Sadler and seconded by Member Dixie L. Allen that the Board reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:18 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Richard Sadler and seconded by Member Tim Beagley to accept the Commission's recommendations and revoke, based upon default, the educator license in Case No. 08-761 of a former educator in the Tooele School District. The action is taken because the educator engaged in inappropriate sexual contact with a female student, made inappropriate comments to the student, stalked the student and pursued a sexual relationship with the student at school and at her home. The educator was contacted by UPPAC by telephone and by

letter and did not respond. Motion carried with Members Allen, Beagley, Brown, Burningham, Cluff, Colbert, Haws, Mackey, Roberts, Sadler and Theurer voting in favor; Members Dalton and Gregory absent. (For complete details of the recommendation see General Exhibit No. 9917.)

Utah State Charter School Board

Motion was made by Member Randall Mackey and seconded by Member Tim Beagley to recommend the following to the Governor for a position on the Utah State Charter School Board: John Pingree and Marguerite Driessen. Motion carried with Members Allen, Beagley, Brown, Burningham, Cluff, Colbert, Haws, Mackey, Roberts, Sadler and Theurer voting in favor; Members Dalton and Gregory absent.

NASBE Leadership

Motion was made by Member Greg W. Haws and seconded by Member Tim Beagley to cast Utah's ballot for NASBE President-elect for Karabelle Pizzigati of Maryland, and Mark Cluff as Western Area Director. Motion carried unanimously.

Motion was made by Member Teresa L. Theurer and seconded by Member Dixie L. Allen to direct staff to develop a way of looking at charter schools and their achievement and when something shows up as a concern, a plan is formed that will help schools do a better job of what they are doing in order to maintain the charter. Further, that we use the U-PASS as a guideline rather than AYP. Further, that this be made a part of the charter school rule and include a process to close a charter school down when they are failing.

Member Mark Cluff commented that he agreed with the concept and that is why it is included in the statute under the powers and duties of the State Charter School Board.

Discussion ensued relative to the Board's responsibility to develop rules and to help the charter schools with oversight.

Motion carried unanimously.

Graduation Requirements Update

At its March 3, 2006 Board meeting the Board voted to approve the amendments to R277-700, Elementary and Secondary School Core Curriculum, on first reading. The rule was amended to increase the required units of credit under R277-700-6, High School Requirements as follows:

- Language Arts - 4 units of credit
- Mathematics - 3 units of credit
- Science - 3 units of credit

The Board also directed staff to convene a committee of education stakeholders to review the impact of the increases in graduation requirements on students and courses to make sure that all aspects are addressed. The committee, consisting of a representative group of education stakeholders across Utah, met on April 18, 2006.

Associate Superintendent Myron Cottam presented the findings from the committee.

(1) To maintain graduation requirements as they are now (3, 2, 2), and add one to each area (4,3, 3) and allow local autonomy in allowing that to happen with a committee structure.

(2) Form a committee on a state level made up of staff members representing each of the curriculum areas, superintendents and principals. This would allow local control so if a principal wanted to teach something in a class, they look at the criteria, match to the criteria required, pass it on to local board, the local board reviews it, if they approve it, it comes to committee, and if they approved it, it comes to the State Board for statewide approval.

In the main committee meeting the biggest issue of concern was about the math requirement Changes are noted in red in the draft of the rule. (For complete details, see General Exhibit No. 9918.)

Dr. Cottam reported that we are making progress and yet this is a large issue that we will never have consensus on, but we need to move forward in this direction and make it a work in process, and as we see problems address them at the time.

Chairman Burningham spoke in favor of going to a 4, 3, 3. There are many areas of concern or repercussions. He indicated he was eager to have a Resolution to pass simultaneously with our ultimate passing of the 4, 3, 3, requirement which will say we believe in the stronger graduation requirements but a lot of considerations to be made. He distributed a draft Resolution for the Board to consider. (For complete details of the Resolution see General Exhibit No. 9919.)

Comments were made that there needs to be an SEOP process for students to succeed. Such a process should be started in the 8th grade with an opportunity to change it in the 10th grade.

The Board discussed the need for rigor in the classes with a liberal approach as to what some of the classes are that will be accepted for graduation requirements with flexibility.

Superintendent Harrington commented that many states have moved to the “default” curriculum. If we were to go to that type of curriculum, you would go to the 4, 3, 3 automatically and you bring your parents in and have a one on one with a counselor before you get your way out of that “default” position. If we go this direction then we need to decide if go with local decision, a mandate from the state, should there be a state committee that replicates a graduation committee at every high school, or an approved list of the classes that fit the 4, 3, 3, class.

Further discussion ensued relative to the difficulty of involving parents in the process because it is difficult to get parents to come to a parent/teacher conference.

Dr. Cottam commented that if you maintain the requirements as they are, three classes over four years, set the criteria for those three classes and allow for flexibility it is not as big an issue as everyone will make it out to be. Further, most of our students already doing it.

Superintendent Harrington summarized that the Board has reiterated the position it took two months ago to increase graduation requirements. The questions are: is it for all students? Is it the default curriculum? Is there a liberal

understanding or strict understanding of what those should include?

Chairman Burningham commented that he would like to see both the liberal and default interpretations written – both with 4, 3, 3.

Superintendent Harrington commented that Member Haws had indicated earlier, and she felt the Board would all agree, that rigor should happen in classes, and with built in flexibility, even if there is strict interpretation.

Member Dixie Allen commented that the SEOP is a very costly process and we need to look at it very carefully.

Member Richard Sadler commented that colleges and universities want every student to come prepared, but every student will never come prepared, particularly in mathematics. We need to be more strategic in how we plan our mathematics so students are taking it in their later years of high school. Further, colleges need to look at things differently as well as help public education do things better.

Member Debra Roberts commented that the problem in public education is the lack of parental involvement.

Board Chairman Report

Chairman Kim R Burningham presented the following items of information:

NASBE Public Policy Committee - Vice Chairman Janet Cannon presented a position statement on NCLB at the NASBE Annual meeting last year they refused to take action on it, but deferred it to the public policy committee. Member Greg Haws will represent the western area on that committee in June. The statement adopted by the Board last fall was a very cautious statement and felt strongly that it should be included as one of NASBE's policy statements.

Board Evaluation – The Board established a policy of evaluating the superintendent every two years, which we did it a year ago and it worked well. In the year in between we agreed to have the board evaluated. We are almost to the point where this evaluation will be sent out to numerous people. He has reviewed the questions and the list of who will be contacted. Twila was asked to send a copy of the questions and contacts to all board members.

Utah Foundation Report – This is a wonderful piece of work and it comes at great time to help us get additional funding for public education. Chairman Burningham indicated that he has written to Steve Krause thanking him for this report. They intend to pursue this issue aggressively and they will ask the board of directors of Utah Foundation to hear a number of reports on how this problem can best be addressed. He asked if the Board would like to be one of those to present at one of these forums. (For complete details of the report see General Exhibit No. 9920.)

English Language Learners - The message from UBSCT results indicates these are the people that we are failing, and we need to focus in on that issue. Superintendent Harrington and the Board are forming a task force which will look specifically to bring recommendations to the Board for ELL training. Board representation on it will be Dixie

Allen, Mark Cluff and a third person yet to be named.

Member Laurel Brown commented that in the fall of 2001 and winter of 2002 a similar group addressed this issue including recommendations.

Email contact between Board Members has caused some people concern because they are wondering what is appropriate. Chairman Burningham indicated that it is fine for Board Members to use email as long as we don't come to decisions via email. To share positions on issues is appropriate. It is just not proper to arrive at decisions.

Personal Privilege - Personal Privilege is a parliamentary rule. It is normally used for personal needs. It must pass unanimously. It has president over all other motions. Don't use it as a motion that could be debatable or objectionable.

Chairman Burningham commented that sometimes we spend a lot of time on charter school issues. Where things are obvious we need to move through them as quickly as possible.

Motion was made by Chairman Kim R. Burningham and seconded by Member Tim Beagley that the Board add a new member to the State Board of Education as a non-voting member, the chairperson of CMAC. That person is currently Cyndee Miya. This includes a change in the Board Bylaws. Motion carried unanimously.

Chairman Burningham reported that we are continuing to hold meetings with the Governor. One such meeting was held just a few days ago, and they discussed the Utah Foundation Report, the English Language Learner issue which is important to the Governor personally. The Governor indicated that as he visits the districts he is troubled about the wording of the diploma. They also discussed getting together with the Governor this summer for an informal meeting.

UCAT President - Chairman Burningham reported that there are some very fine finalists for the UCAT President position.

Chairman Burningham commented that one of the greatest difficulties we face as a country and a state is growing divisiveness. He noted such is the case in Carbon County between the school district and Pinnacle Canyon Academy. In keeping with this, we have questioned what we can do as a Board to reduce divisiveness between us and private schools. One of our next meetings we will be inviting some of our private schools to lunch to discuss some of the issues we have in common. Member Teresa Theurer encouraged Board Members to visit private schools in their areas.

Member Dixie Allen expressed appreciation to the Board for coming to Vernal for the meeting.

Motion was made by Member Dixie Allen and seconded by Member Richard Sadler to adjourn. Meeting adjourned at 3:05 p.m.