

MINUTES

September 8, 2006

Minutes of the meeting of the State Board of Education held September 8, 2006, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:50 a.m. Chairman Kim R. Burningham presided.

Members present were:

Chairman Kim R. Burningham
Vice Chairman Janet A. Cannon
Member Dixie L. Allen
Member Tim Beagley
Member Laurel O. Brown
Member Mark Cluff
Member Bill Colbert
Member Edward A. Dalton
Member Thomas Gregory
Member Greg W. Haws
Member Randall Mackey
Member Cyndee Miya
Member Denis R. Morrill
Member Josh M. Reid
Member Debra G. Roberts
Member Richard Sadler
Member Marlon O. Snow

Member Teresa L. Theurer was excused.

Also present were:

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

Members of the Press:

Cecelia Baker, Salt Lake Tribune
Jennifer Toomer-Cook, Deseret Morning News
Tiffany Erickson, Deseret Morning News
Lynze Wardle, Standard Examiner
R. Michael Kjar, Governor's Office of Planning & Budget
Kaye Chatterton, Utah Education Association
Janene Bowen, Jordan School District
David Garrett, Canyon Rim Academy
Brandon Clarke, Canyon Rim Academy
David Havell, Canyon Rim Academy
Irene Rytiny, Canyon Rim Academy
Erik Olson, Canyon Rim Academy

Carmen Snow, Utah PTA
Ronda Rose, Utah PTA
Natalie Gordon, Utah PTA
Aimee McConkie, Canyon Rim Academy
Cheri Jackson, Canyon Rim Academy
Shana Heyn, Canyon Rim Academy
Brian Dean, Legislative Auditors
Kristie McHugh, Karl G. Measer Preparatory Academy
Steven Whitehouse, Karl G. Maeser Preparatory Academy
Patty Walker, Guadalupe Schools
Shauna Carl, Salt Lake City School District

Utah State Office of Education Staff:

Gary Belliston, Law, Legislation and Educational Services
John Broberg, Law, Legislation and Educational Services
Ileen Crane, Law, Legislation and Educational Services

Welcome and Student Achievement Spotlight

Chairman Burningham excused Board Member Teresa L. Theurer.

Board Member Laurel O. Brown lead the Board in the Pledge of Allegiance.

Board Member Thomas Gregory offered opening remarks shared the top three reasons he is devoted to public education -- his three children. Sometimes we forget that this is what it is all about – it is about children and what kind of future they are going to have. He challenged everyone to take a minute to recommit themselves to analyze the reasons why we are here – the students. He used the following quote from Mahat Magandi “You must be the change you wish to see in the world.”

Oath of Office

Chairman Burningham noted that Marlon Snow has been appointed by the Board of Regents to be one of their representatives on the State Board of Education. He indicated that Mr. Snow is a former member and chairman of the State Board of Education and also the chair of the State Board of Education/State Board of Regents Joint Liaison Committee. He resides in Orem and is the owner of MST Trucking, Inc. He is a former member of the Utah House of Representatives. He is a member of the Utah Valley State College Foundation Board of Directors and of the Alpine School District Foundation Board.

Chairman Kim R. Burningham issued the Oath of Office to Marlon O. Snow, who has been appointed to the Board presenting the Board of Regents.

Mr. Snow commented that he could not think of a greater thing we could leave this state than the service to children and their education in this state. He expressed is admiration for those that are serving on the Board serving the youth of this state.

The Board recognized Nancy Jadallah, Principal, Eisenhower Junior High School in recognition of

receiving the National Association of Secondary School Principals Dissertation of the Year Award. She was the first acting principal to receive this award. Her dissertation was on the relationship between middle level reforms and student outcomes. A Certificate of Excellence was presented to Ms. Jadallah.

Special Announcement - 1006 CRT Scores

Chairman Burningham noted that there are many ways we measure success in education. The special education teacher measures success when a student can count out the change for a dollar successfully; the AP teacher measures success by the number of his or her students get a 3 or above on the AP test at the end of the year; the physical education teacher may count the number of pushups a student is able to complete. In recent years we have entered into a period of accountability and measurement is often measured by end of level tests. It is only one measurement, but it is extremely important means of assessing gains. Today we have a special announcement regarding the superior performance of Utah students on these tests. Our students have made great gains in the last few years on their tests.

Superintendent Harrington presented the newly released 2006 CRT test scores for language-arts, math and science. Dr. Harrington reviewed the gains made by students on these tests. (For complete details see General Exhibit No. 9983.) She indicated that these increases are because of great educators, standards-based education across the state, the three-tired reading instruction in every elementary in the state, the K-3 reading initiative, immediate interventions to those that struggle, and reorganization of the culture of the schools, as well as many other ways. The key is ongoing assessment.

Chairman Burningham congratulated the students and their parents who support them, the wonderful teachers, and administrators on this wonderful progress.

Charter School Recommendations

Deputy Superintendent Raymond Timothy presented the following recommendations from the State Charter School Board:

Charter Amendments

Mountainville Academy - Organizational Structure and Governing Body

Motion was made by Member Mark Cluff and seconded by Member Bill Colbert to accept the amendments requested.

Member Tim Beagley suggested that for minor amendments to charters such as these, if there was a way for the Board to just accept them. He noted that as long as the State Charter School Board approves them unanimously, they don't involve a change in location or a large increase in student population.

Substitute motion was made by Member Tim Beagley and seconded by Vice Chairman Janet A. Cannon that from now on if the State Charter Board approves any amendments to an existing charter unanimously, and it

doesn't involve a change in location of the school, and the number of students in more than one grade that the Board automatically accept them.

Vice Chairman Janet Cannon offered an amendment to the substitute motion that rather than automatic acceptance, it be included in the General Consent Calendar. Amendment was seconded by Member Bill Colbert.

Amendment carried with Members Allen, Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Gregory, Haws, Mackey, Morrill, and Roberts voting in favor; Member Sadler opposed.

Substitute motion as amended carried with Members Allen, Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Haws, Mackey, and Roberts voting in favor; Members Gregory, Morrill and Sadler opposed.

Motion on approval of amendments to the Mountainville Academy carried unanimously.

George Washington Academy - Create a "bubble class" for Kindergarten and 2nd Grade and Governance Structure.

Motion was made by Member Debra G. Roberts and seconded by Member Richard Sadler to accept the amendments to the Charter. Motion carried unanimously.

Lincoln Academy - Clarification of Admission, Founding Board and Parent Council, and Curriculum.

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Dixie L. Allen to approve the Charter Amendments. Motion carried unanimously.

New Charter School Applications

Deputy Superintendent Timothy noted that the State Charter School Board reviewed 15 applications and came down to the final three. Dr. Timothy reported that without the cap on the number of new charter schools that could be approved, they would have seriously considered the top nine or ten applications.

Dr. Timothy reviewed background on each of the recommendations from the State Charter School Board.

Guadalupe Schools

Motion was made by Member Randall A. Mackey and seconded by Member Tim Beagley to approve the charter for the Guadalupe Schools. Motion carried unanimously.

Karl G. Maeser Preparatory Academy

Motion was made by Member Richard Sadler and seconded by Member Mark Cluff to approve the charter for the Karl G. Maeser Preparatory Academy. Motion carried unanimously.

Canyon Rim Academy

Dr. Timothy noted that the Charter School Board had concerns with the request regarding the term of a "conversion" school, and whether or not it can convert. As we have looked at that with legal counsel and we have also communicated with the Charter School Director at the U S Department of Education, and it would not be a conversion school, it will be looked at as a new charter school. Following that clarification the State Charter School Board

recommends that the Canyon Rim Academy be approved as a state charter school.

Motion was made by Member Mark Cluff and seconded by Member Bill Colbert to approve Canyon Rim Academy; further to approve Edith Bowen to become a charter school for the year 2008-2009 and to request that the legislature allow Edith Bowen to be approved for the 2006-2007 school year. Member Cluff clarified that Edith Bowen is already functioning, they do not have to set up, they do not have to get a building, it is just a matter of allowing them to receive funding for 2006-2007 year.

Member Denis Morrill voiced some serious concerns with the approval of the Canyon Rim Academy. First, Granite School District approved this based on it being a conversion school, and it is not and to say Granite School District has approved it is not correct. Another concern is that their charter says they want to serve the students displaced from Canyon Rim. As he has checked with the district, the students displaced that live in that area are about 200, and yet they show 400 students. Because of this he is concerned about budget which is based on 400 students and there is only 200 in the area. Another concern about their budget is how are they going to pay \$350,000 rent for the dead year? A further question is on how they plan to deal with diversity? He then questioned if it was appropriate at this time to approve this school.

Substitute motion was made by Member Denis R. Morrill and seconded by Member Richard Sadler to postpone action on this application until some of these questions can be addressed. Member Morrill noted that it was interesting that the Charter School Board approved it yet still had these questions. As part of Member Sadler's second he would amend the motion to include a time frame of one month. Member Morrill accepted the amendment. Members Morrill and Sadler also include in the substitute motion the part of the original motion relative to the Edith Bowen school.

Member Bill Colbert commented that he felt there may be answers to some of these questions that could be provided by the Charter School Board and rather than postpone action, that the Board request a response from the Charter School Board addressing these questions. Member Colbert requested that his time be expended for a response to these questions.

Associate Superintendent Ray Timothy noted that there is a September 30 deadline for approval of charter school. This deadline is included in board rule.

Members Morrill and Sadler included in their substitute motion to suspend the rules from the September 30th deadline for this one school.

John Broberg, Executive Director, State Charter School Board, indicated that there is a state law concerning the levy replacement funds that says the charter has to be approved by September 30 for those funds that compensate for the districts to have levies. This is a significant amount of money for those schools.

Mr. Broberg further responded that the budget is looked over very closely before the Charter School Board

ever approves a school. Their budget is based on 400 students, the possibility of which, meaning they have displaced 200 students in that area, but their expectation going along with what every other charter school has, they will receive many more applications from an extended area. With regard to the rent, the rent is on a “hold” situation for their building. This school has the opportunity to apply for federal start-up funds during this initial planning year, and that is what they are intending to use to pay their rent.

Associate Superintendent Ray Timothy commented that with regard to budget, if this is not a conversion school, it would be an open enrollment charter school, therefore, it would be a choice option for parents to enroll their students there. Dr. Timothy noted that Gary Balliston has reviewed the budget and has determined they would be fiscally solvent.

Dr. Timothy indicated that the school is not being charged rent this year, they only need to pay the utility charges. They have a private donation that will pay those utility costs to hold the building available for one year. At that time they would have the start-up funds to pay the rental costs at that point.

Dr. Timothy responded relative to the demographics of diversity issue and their outreach campaign is to target disadvantaged students. They would not be providing the transportation or busing that has been bringing those students west of State Street up to the school, but they would still try to outreach as much as possible to meet the diversity issues.

Member Mark Cluff commented that he had sat in on the presentation by those requesting to be charter schools and there were eight or nine in his mind that should have been approved except for the cap. His motion is a good compromise trying to get two excellent charter schools approve and on their way.

Member Tim Beagley spoke against the substitute motion as well. He noted that it was a very difficult process for the Granite District to go through last year. They had declining enrollment in certain parts of their district and they very painfully came to the conclusion that it was in the best interest of all of their students to close a couple of schools; and when they did this with the idea of having this school come back as a charter school was appealing to many of them. They have worked very closely with the school.

Vice Chairman Janet Cannon commented that Canyon Rim intends to support a class of deaf and blind students. Also, they have had and continue to support a strong English as a second language program at the school. Additionally, they will offer a service learning component, a curriculum that is offered no where else in the Granite District, a charter school option for parents who in this area have no charters. Their application provides letters of support from elected representatives in the area. This school has a lot of parental support and involvement. Two-thirds of the teachers are supportive of staying with this school.

Member Richard Sadler commented that he felt it was inappropriate for us and them to consider at different times charter school applications and approvals. In this case the later schools may be stronger than those already

approved. For this reason, he would vote against the Board approving Edith Bowen at this time because it would be a different year and it should be considered with all of the other kinds of schools being considered at that time.

Member Denis Morrill commented that as a former Granite School Board member, one of the things that is bothering him is that this school was closed, these students were assigned to another school so it could remain open. If we do this, next year Granite may have to close another school. He voiced concern as a taxpayer in the Granite School District.

Member Tim Beagley commented on the financing noting that Granite District will get \$350,000 for lease money from the school, there will be approximately 20 teachers they will not have to hire and in addition to that they will keep the property taxes from all the parents who will be sending their children to the school. The closing of the school and having students go from other schools to the charter school, – maybe the Granite Board should have chartered the school themselves.

Member Edward Dalton requested that the substitute motion be split.

First portion of the substitute motion to postpone action to a definite time, i.e. next months meeting, failed with Members Allen, Beagley, Cannon, Cluff, Colbert, Dalton, Gregory, Haws, Mackey, Roberts and Sadler voting against, Member Brown and Morrill in favor.

Member Richard Sadler requested that the motion be split again. First, to petition the legislature for an extension of the cap to include one more charter school.

Member Laurel Brown questioned if the motion was to petition the legislature to increase the cap for one school or for the Edith Bowen school. It was clarified that it would be to include the Edith Bowen school.

Motion to petition the legislature for an extension of the cap to include the Edith Bowen School failed with Members Allen, Brown, Gregory, Haws, Sadler and Roberts voting in favor; Members Beagley, Cannon, Cluff, Colbert, Dalton, Mackey, and Morrill opposed.

Motion to approve for next year Edith Bowen School failed with Members Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Haws, Mackey, Morrill and Sadler opposed, Members Allen, Brown, Gregory and Roberts in favor.

Original motion to approve Canyon Rim Academy and to petition the legislature for the extension of the cap by one for the Edith Bowen School and approve Edith R. Bowen School for the next year.

Member Randall Mackey requested that the motion be split.

Motion to approve the Canyon Rim School carried with Members Allen, Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Gregory, Haws, Mackey, Roberts and Sadler voting in favor; Member Morrill opposed.

Motion to approve Edith Bowen School for next year and petition legislature to extend cap to include this year.

Substitute motion was made by Member Tim Beagley to send the remainder of the list back to the Charter

School Board and ask them to send us a list of charters they would have approved if there was not a cap and then to ask the legislature to take the cap off entirely and waive the September 30 deadline.

Chairman Burningham did not accept the substitute motion because it was to a divided motion.

Member Denis Morrill stated that he thought the Board would be setting a bad president by doing what we are proposing to do. He would have put Edith Bowen School number one on the list to be approved, but there are 14 or 15 other schools that would like to be included in the list.

Member Bill Colbert clarified that the ranking sheet of the score, there is very little statistical difference between the vote of Canyon Rim and Edith Bowen. There is a significant difference in the other schools.

Member Tom Gregory spoke in favor of the original motion but questioned when we would ask the legislature to do this. He noted that Edith Bowen is unique in that it is already operating and could make the transition very easily. The other schools would have more to do to get started.

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

(For complete details of the Charter School Board Recommendations see General Exhibit No. 9984.)

General Consent Calendar

Motion was made by Member Greg W. Haws 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 Meetings of the State Board of Education held August 3, 2006, and August 4, 2006.

2. Contracts

The following contracts were approved:

(a) i Assessment. \$75,000. 8/1/06-7/31/07. - Fed.

Licensed software for program and grant management.

(b) Utah Department of Health. \$122,310. 5/1/06-4/10/07. - Amend. - Fed. RECEIVABLE

To engage services from USOR to assist in implementing a Social Security Benefit Offset Pilot demonstration project referred to as the Utah SSDI '1 or 2' Project.

(c) Dept. Of Admin. Services, DFCM. \$124,027. 7/1/06-6/30/07.. Amend. - Fed.

To renew the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Division of Services for the Blind and Visually Impaired, located at 250 N 1950 W., Salt Lake City, UT.

(d) Kane County School District. \$8,366. 7/1/06-6/30/07. - Amend. Fed.

To provide funding for a Transition Facilitator to provide for transition services to Special Education and 504 students in the Kane County School District. This target population is comprised primarily of Vocational Rehabilitation clients and potential Vocational Rehabilitation clients.

- (e) Washington County School District. \$23,779.66. 7/1/06-6/30/07. Amend. - Fed.

To provide funding for a Transition Facilitator to provide for transition services to Special Education and 504 students in the Washington County School District. This target population is comprised primarily of Vocational Rehabilitation clients and potential Vocational Rehabilitation clients.

- (f) Utah Statewide Independent Living Council. \$150,492. 10/01/06-9/30/07. - Amend. - Fed.

To provide resources to the Independent Living Program in accordance with title VII Part B and the State Plan for Independent Living.

- (g) Jensen & Keddington, P.C. \$172,156. 10/1/06-9/30/08. - Fed.

To provide services for the audit requirements in order to comply with federal regulations.

- (h) Presstek, Inc. \$6,045. 9/1/06-8/31/07. Amend.

A.B. Dick Company has changed name to Presstex, Inc. and to provide maintenance and service on presses and bindery equipment.

(For complete details of the contracts see General Exhibit No. 9985.)

3. Administrative Rule Review

Under provisions of 63-45a-09, U.C.A. 1953, all administrative rules shall be reviewed every five years. There may be minor non-substantive changes within this rule. (For complete details see General Exhibit No. 9986.) The following rule was reviewed and approved:

R277-914 Applied Technology Education (ATE) Leadership.

4. Pupil Accounting, R277-419

The Pupil Accounting rule has been revised to address the problem of gaps in accounting for student membership due to the growing number of nontraditional methods of instructional delivery and to resolve inconsistencies that have crept in over the years while trying to address exceptional situations. Amendments were made to the rule in the August 4, 2006 meeting, and R277-419 was approved as amended on second reading. There have been two minor modifications made to the rule since that time under R277-419-4 E.(3) to add: State-funded YIC programs operating in facilities that provide residential care may receive funding for a maximum of 205 days, with prior USOE approval. And an amendment under Section R277-419-67, Student Identification and Tracking, to more clearly explain the need to use students' legal names. (For complete details, see General Exhibit No. 9987.) The Board approved R277-419, Pupil Accounting on third and final reading.

5. State Supported Voted Leeway, Local Board-Approved Leeway and Local Board Leeway for Reading Improvement Programs, R277-422

State Guarantee Reconsideration of the Program, was amended during the 2006 Legislative session. This amendment allows school districts to not have to comply with the advertisement (notice) requirements of the property tax law when increasing the voted leeway levy above the certified tax rate if an election to consider the leeway is held within four-years. This amendment brings the rule in compliance with the recent changes in the law. The Board approved R277-422 on second reading at the August 4, 2006 meeting. There have been no substantive changes to the rule since that time. (For complete details see General Exhibit No. 9988.) The Board approved R277-422, State Supported Voted Leeway, Local Board-Approved Leeway and Local Board Leeway for Reading Improvement Programs, R277-422 on third and final reading.

6. Charter Schools, R277-470

Charter Schools, R277-470 is being repealed and reenacted because of significant changes in the law and consequently in the rule. The reenacted rule reflects changes in legislation over the past several years and was approved by the Board with the exception of one issue and one section. The Board directed that one section address expansion sites and the majority of Board members did not want “satellite sites” included in the rule. Amendments were made to R277-470 at the August 4, 2006 Board Meeting. The Board approved the repeal and reenactment of R277-470, Charter Schools as amended on second reading at that meeting. There have been no significant changes made to the rule since that time. (For complete details see General Exhibit No. 9989.) The Board approved R277-470, Charters Schools on third and final reading.

7. Private School, Home School, Electronic High School (EHS), and Bureau of Indian Affairs (BIA) Student Participation in Public School Achievement Tests, R277-604

Based on an increasing number of requests by private school and home school students to participate in public school achievement tests, R277-604, Private School, Home School, Electronic High School (EHS), and Bureau of Indian Affairs (BIA) Student participation in Public School Achievement Tests, was developed to provide criteria and procedures for student participation. The rule ensures the integrity, security, and orderly and manageable administrative process necessary for student participation in U-PASS.

Amendments were made to R277-604 at the August 4, 2006 Board Meeting. The Board approved R277-604 on second reading at that meeting. There have been no substantive changes made to the rule since that time. (For complete details, see General Exhibit No. 9990.) The Board approved R277-604, Private School, Home School, Electronic High School (EHS), and Bureau of Indian Affairs (BIA) Student Participation in Public School Achievement Test on third and final reading.

8. Education for Homeless and Emancipated Students and State Funding for Homeless and Economically Disadvantaged Ethnic Minority Students, R277-616

Education for Homeless and Emancipated Students and State Funding for Homeless and Economically Disadvantaged Ethnic Minority Students, R277-616, has been amended to update the rule to align with new federal guidelines regarding the education of homeless students. This process meets one of the U.S. Department of Education’s monitoring report findings. The rule was amended at the August 4, 2006 Board meeting to include charter schools. The Board approved R277-616 on second reading at that meeting. There have been no substantive changes made to the rule since that time. (For complete details see General Exhibit No. 9991.) The Board approved R277-616, Education for Homeless and Emancipated Students and State Funding for Homeless and Economically Disadvantaged Ethnic Minority Students, on third and final reading.

9. National Association of State Boards of Education (NASBE) Proposed Changes to the Public Education Positions and Bylaws

Each October, the state delegate assembly meets during the NASBE Annual Conference at the business meeting to vote on proposed changes to the association's bylaws and public education positions. The proposed changes to the NASBE Bylaws and Additions/Changes to the NASBE Public Education Positions were reviewed and approved by the Board. (For complete details see General Exhibit No. 9992.)

10. 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. 9993.)

11. Advisory Committees - Notice of Vacancies

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

Coalition of Minorities Advisory Committee (CMAC)

African American (2)
American Indian
Asian
Hispanic (2)

12. 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. 9994.)

13. Claims Report

The Claims Report in the amount of \$50,086,486.31 for June 30, 2006 was approved by the Board. (For complete details see General Exhibit No. 9995.)

Public Participation/Comment

Tamara Lowe, Utah School Boards Association Board of Directors, Co-Chair of the Legislative Committee, presented the Utah School Boards Association Legislative Program and their approach to getting these issues passed through a committee structure. (For complete details see General Exhibit No. 9996.)

Lunch with Representatives Pat Jones and Ralph Becker

Discussion concerning the funding needs for public education and that the portion of the budget for education has gone from 47 to 43 percent over the past few years. Also, that the funding for education was now being directed to transportation. Concern that some legislators look at education as a government program. Support for increasing public education funding and not tax cuts.

Both Representative Jones and Becker expressed appreciation for the opportunity of meeting with the Board.

Executive Session

Motion was made by Member Richard Sadler and seconded by Vice Chairman Janet A. Cannon that the Board move into an executive session to discuss personnel issues and potential litigation. The Board was polled and by unanimous consent of those present the Board moved into executive session following lunch at 1:35 p.m.

Motion was made by Member Richard Sadler and seconded by Member Dixie L. Allen to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 2:10 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Denis R. Morrill and seconded by Member Randall A. Mackey to accept the recommendation of the Professional Practices Advisory Commission and hearing panel in Case No. 03-663 and reinstate the license of a former educator in the Provo and Nebo School Districts. The license was previously suspended as a result of the educators misappropriation of school district funds. It was noted that the hearing report was reviewed during the executive session. Motion carried unanimously.

Motion was made by Member Denis R. Morrill and seconded by Member Dixie L. Allen to accept the recommendation of the Professional Practices Advisory Commission in Case No. 06-776 and accept a stipulated agreement, including conditions of the agreement, whereby a former educator in the Granite School District voluntarily surrenders her educator license for purposes of revocation of her license for five years from the date of formal action by the State Board of Education. The revocation results from the educator engaging in an inappropriate sexual relationship with a student and failing to follow her principal's directives regarding professional boundaries with the student. Motion carried unanimously.

(For complete details of the Professional Practices Advisory Commission recommendations see General Exhibit No. 9997.)

Division of Services to the Deaf and Hard of Hearing Advisory Council

Motion was made by Member Laurel O. Brown and seconded by Vice Chairman Janet A. Cannon to appoint Cindy McDougal, Suzanne Reese and Janice Deelstra to the Division of Services to the Deaf and Hard of Hearing Advisory Council. Terms to expire June 2009. Motion carried unanimously.

Utah Statewide Independent Living Council

Motion was made by Member Laurel O. Brown and seconded by Member Bill Colbert to appoint Andrew Riggle, Cheryl Atwood and Leslie Gertsch to the Utah Statewide Independent Living Council. Terms to expire September 2008. Motion carried unanimously.

Disability Determination Services Advisory Council

Motion was made by Member Laurel O. Brown and seconded by Member Dixie L. Allen to appoint Terra Jordan to the Disability Determination Services Advisory Council. Term to expire June 2010. Motion carried unanimously.

Board Standing Committee Reports

Law & Policy Committee

Board Member Debra G. Roberts, Chair of the Law & Policy Committee presented the following recommendations from the Committee:

Educator Quality Plan - Next Steps

The Educator Quality Task Force prepared two reports for the Utah State Board of Education:

1. Educator Quality: Attracting, Training, Evaluating, Compensating, and Retaining Quality Educators in the State of Utah.
2. Comprehensive Utah Educator Quality Plan

The comprehensive plan, which was received and approved by the Board, is a four year implementation plan that recognizes the roles and responsibilities of the State Board of Education, the Board of Regents, the Legislature, and local districts in attracting and retaining quality educators.

Since the first year of the Comprehensive Utah Educator Quality Plan begins this upcoming legislative session, the Board has asked the task force to review results of the past session, review recommendations given to the Board, and provide updated recommendations of the next steps that should be taken toward implementation of this plan.

The task force determined they needed a solid plan to put forward to the legislature with the top priorities in each of the different areas identified last year. The three areas are: Educational Leadership, Teacher Retention and Professional Compensation. They would like to change the name to Professional Excellence (Pro Excel). (For complete details see General Exhibit No. 9998.)

Recommendation from the Committee that the Board move forward with ProExcel, adding in the back portion under Professional Compensation to emphasize the student performance growth portion would be a collaborative effort. We would create a state framework of what needed to be in place in every district in the three areas identified. Within that would be accountability, goal setting [much like the K-3 reading initiative] and local districts would create the plan that best met the state framework and would move forward with the best implementation that would work best for their district. Further, to look at budget numbers [available within about one week]. They have looked at different plans across the country and Minnesota has a plan that is close in numbers of students to Utah, \$238 per pupil. In Utah, would have to be a minimum amount of \$50 million. In addition to moving forward with this, with the funding support from the legislature, also have the Board realize we would also move forward in the areas that

are not in need of funding, especially the preparation programs, and attracting teachers into preparation programs.

Motion from the Committee that the Board approve moving forward with the process described above.

Motion carried unanimously.

Member Tim Beagley commented that we need to partner with higher education because we need them to turn out more teachers.

Member Roberts indicated that each Board Member will need to contact their individual legislators with this information.

21st Century Teaching and Learning Initiative

Utah's Educational Technology Initiative (ETI) began in 1990 with the passage of HB 468 and a \$15 million initial appropriation. The goals of this four-year initiative were to:

- Support and encourage the use of technology in the state's public schools
- Train teachers to effectively use technology in the classroom
- Promote a strong partnership between public education and private enterprise
- Promote student performance in science math, reading, and language arts
- Focus public and private funding on critical areas that directly support student achievement and economic development
- Support the expansion of high technology industry in the state
- Make technology available to all districts so all students have access

By the final year of ETI funding, Utah was generally considered to be leading the nation in incorporating technology into education. Since that time, however, Utah has dropped considerably in comparison to other states. According to the 2002 State New Economy Index, Utah has slipped to 20th in the nation in the use of technology in the schools and has dropped to 51st in the nation for student access to technology in the classroom.

If Utah is to become competitive in this increasingly "flattened" world, it is critical that a consistent investment in technology be provided. The proposed "21st Century Teaching and Learning Initiative" would create a stable funding source and address the areas of Student Access Professional Development and Technical Support. A steady, consistent funding source would restore Utah educational technology to a competitive level, would increase the use and value of educational technology in the classroom, and would enhance technology integration, resulting in increased student performance. (For complete details, see General Exhibit No. 9999.)

The Committee received the information in determining budgetary priorities and recommended that in the future the Board set aside a day to help members understand each portion of the budget so decisions on prioritization of the budget can be made on a more informed basis.

Utah Teacher Preparation Programs

The Law & Policy Committee reviews all teacher preparation programs prior to Board approval. Members

of the committee have asked for an overview of the requirements teacher candidates must meet in order to receive a teaching license in Utah.

The Utah Council of Education Deans shared with the Committee the process teaching candidates go through in order to qualify for a teaching license in Utah. They highlighted the common elements of all teacher preparation programs in the state as well as any unique differences. (For complete details see General Exhibit No. 10000.)

The report was provided as information to the Committee. No action was required.

Highly Qualified Teacher Grants to Implement HB 285, "Appropriation for Highly Qualified Teachers", R277-511

This item was pulled from the agenda.

Approval for Southern Utah University's request for the Elementary Mathematics Endorsement Program for Conditional Status

This item was pulled from the agenda.

Legislative Planning

During the 2006 Legislative Session, the Utah State Board of Education held multiple meetings as a Board and with legislators to discuss pending legislation. The Committee reviewed past procedures and plans for the upcoming session.

Finance Committee

Board Member Tim Beagley, Chair of the Finance Committee, presented the following recommendations from the Committee

Legislative Fiscal Analyst's Report on Pupil Transportation Issues

The Legislative Executive Appropriations Committee requested the Fiscal Analyst report on the pupil transportation formula and school bus routing. In his report, the Fiscal Analyst:

1. noted "wide variations" in the level of state support among the districts and suggested an audit of the variations may be in order;
2. suggested the legislature may want to look more closely at the mix of state and local revenue in the program;
3. recommended USOE adjust the variable with the formula annually;
4. recommended that the State Board be directed to examine the existing formula and report any suggested alterations;
5. recommended USOE conduct a cost benefit analysis of using school buses over 200,000 miles and report their findings to the legislature.

The Executive Appropriations Committee delayed action on adopting the report and its recommendations

until it could hear a response from districts in September.

Since the report came out, USOE has been meeting with districts to develop a response to the report. The Finance Committee was briefed on the findings.

Member Beagley presented the response – no action required.

(For complete details see General Exhibit No. 10001.)

Oversight of School Inspections

R277-471

Amendments to R277-471, Oversight of School Inspections, were discussed in last month's Finance Committee. Before any action was taken, the Committee felt that the State Charter School Board should discuss the amendments to the rule in its August board meeting. The State Charter School Board:

- Recommended that sections 6 and 7 be combined. The State Charter School Board felt that it was unnecessary to have separate sections of the rule deal with school districts and charter schools when so many of the requirements are the same for both entities. USOE presented a side by side comparison of the requirements to show the differences. Section 7 has now been incorporated into section 6, therefore changing the section numbering and heading within the rule.
- Strongly recommended that section 7 (previously Section 8), Inspection of Facilities Leased to Charter Schools, be eliminated. This section requires that facilities not owned by charter schools follow local ordinances, policies, and procedures for construction inspection. USOE determined that section 7 should state that any and all public schools using leased facilities would be subject to municipal/county ordinances. The title of the section has been changed accordingly: R277-471-7. Inspection of Facilities Leased to Public School Districts and Charter Schools.

The Finance Committee received and discussed the amendments to R277-471 and made the following amendments: Under R277-471-6, C, 4, add b A charter school shall seek a certificate authorizing permanent occupancy of a school building from the jurisdiction in which the building is located; a copy of the certificate of occupancy shall be filed with the USOE. Under R277-471-7 be deleted entirely. (For complete details see General Exhibit No. 10002.)

The Committee approved R277-471 as amended on first reading, and moves that the Board approve R277-471, Oversight of School Inspections as amended on second reading.

Motion carried unanimously.

School District Division Discussion

This item was pulled from the agenda

Utah State Office of Education Personnel Report

The Committee received a report from Marlo Wilcox, Director of Human Resource relative to the

difficulties the State Office of Education is currently having in trying to find qualified employees. He pointed out that the Utah State Office of Education is struggling to recruit and retain good workers. There is a very tight job market right now throughout the state. He highlighted that the Utah State Office of Rehabilitation is having difficulty in getting their counselors. The State Office of Education is having difficulty in keeping education specialists and we are having a great deal of difficulty in attracting office specialists and clerical help. Mr. Wilcox pointed out in his report some possible ways to address these programs, including step increases for State Office of Education Specialists and the ability of supervisors to start clerical help well up the ladder toward higher pay. All of these recommendations are included in the budget recommendations to be presented next. (For complete details of the report see General Exhibit No. 10003.)

Budget Priorities FY 2008 Discussion
and Recommendations

Member Beagley reviewed the changes made by the Finance Committee to the budget request from the one received in the Board agenda. He noted that other than these changes the list distributed is in the order of the Boards priorities based on input to staff and their calculations. (For complete details see General Exhibit No. 10004.)

- Line #10, put into continuation costs the restoration of the K-3 one time appropriation for the reading program - \$2.5 million. There is legislative intent language that says that if the budget allows that money should be put back in, so we are putting it back in as a continuation cost and seek the restoration of those funds.
- Line #21, Certified Teacher Librarians & Library & Media Materials - the Board had prioritized this as #12, but when we realized we had not included the ongoing appropriation request for library resource materials, that was included to make the total \$5.5 million and it lifted it up to a higher priority.

Member Mark Cluff commented that his motion in the committee was that these two items remain separate. The higher priority was getting the media and the second priority is the certified teacher librarians.

- Lines #31 and #32 are items that were included in the original budget request and we have taken them out. Increased Graduation Requirements and Early UBSCT Intervention (Beginning Junior Year). The Finance Committee felt that many of the requests had to do with increased graduation requirements and we did not have a dollar amount. We would like to find another way to indicate which items are involved in that.
- Line #32, Early UBSCT Intervention take it out because we want to move the intervention to the summer on the junior year rather than the summer for the senior year. We would like to seek legislative action to see that changed.

Motion was made by Member Thomas Gregory and seconded by Member Richard Sadler to increase in

priority. Professional Excellence moved above All-Day Optional Kindergarten for At Risk Students (Line 19 move between lines 16 and 17). Further, to change to dollar figure to at least \$50 million. Motion carried unanimously.

Motion was made by Member Debra G. Roberts and seconded by Member Thomas Gregory to move the 21st Century Teaching and Learning to just below Professional Excellence.(line 26 move to 16b).

Chairman Burningham cautioned that in doing these priorities, although they are very important, we are moving the ELL item down.

Superintendent Harrington reported that since the last Board meeting the ELL Task Force has been convened and addressed what we are currently doing, what we should be doing and what needs to be done in the future. There are several items that will be recommended to the Board, the cost item is we do not have an ELL teacher in every one of our schools wherein an ELL student attends. This proposal would be about \$18 million and we are seeking one-third of that amount this year and two-thirds in following years. This is money to pay teachers.

Member Dixie Allen spoke against the motion and indicated she would like us to consider the need to address the early education of students before we start putting bandaids on when they reach the 4th 5th and 6th grades. The All Day Kindergarten and ELL are critical for those beginning students to be at a point where they are using the 21st Century Teaching and Learning Labs. Further, she voiced concern that the computer programs and hardware is not one time money, it is ongoing. We get them in the classroom and then we don't have the money to support them.

Substitute Motion was made by Member Randall Mackey and seconded by Member Dixie L. Allen to move after the ELL, 21st Century Teaching and Learning. The order would then be: 1. Literacy and Math Achievement Program; 2. Pro Excel; 3. All Day Optional Kindergarten; 4. English Language Learner; and 5. 21st Century Teaching and Learning. Motion carried with Members Allen, Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Gregory, Mackey, Morrill, Roberts and Sadler voting in favor; Member Haws absent.

Motion was made by Member Laurel O. Brown and seconded by Member Mark Cluff to change the title of Pre-K School Preparation to Pre-K Student Readiness Program. Motion carried with Members Allen, Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Gregory, Mackey, Morrill, Roberts and Sadler voting in favor; Member Haws Absent.

Member Dixie Allen suggested that the Certified Teacher Librarians and Library & Media Materials be split.

Motion was made by Member Mark Cluff and seconded by Member Tim Beagley to move Certified Teacher Librarian and move between lines 26 and 27 in the amount of \$1.5 million; the Library Media Material in the amount of \$4 million remain where it is. Motion carried unanimously.

Motion was made by Member Tim Beagley and seconded by Member Randall A. Mackey to adopt the budget as amended above. Motion carried unanimously.

The Board requested that an updated spread sheet be emailed to the Board.

Curriculum Committee

Board Member Laurel Brown, Vice Chair of the Curriculum Committee presented the following recommendations from the Committee:

Secondary School Completion and Diplomas, R277-705

Secondary School Completion and Diplomas, R277-705 is amended to change the requirements for adult students in regard to the Utah Basic Skills Competency Test (UBSCT).

Annually, approximately 30,000 students participate in adult education programs located in 40 school districts and 13 community-based organizations. Typically, adults have chosen not to complete their secondary education with the “traditional” opportunities afforded to K-12 students due to constraints that extend beyond education. The adult student population tends to have issues with literacy and employability skills, and are frequently transient due to living arrangements, employment opportunities, and family obligations. Requiring students enrolled in adult secondary school completion program to participate in the UBSCT places adults in very difficult situations. It could keep them from ever completing their education and from becoming productive citizens. The adult student can meet with success given the structure and support that adult education programs provide. The UBSCT requirement, given the unavailability of funding for non-traditional students, presents a significant obstacle to adult education students seeing further opportunities. (For complete details see General Exhibit No. 10005.)

The Curriculum Committee reviewed the amendments to R277-705 and amended line 212 to make it clear that this is a secondary diploma, and approved it on first reading. Motion from the Committee that the Board approve R277-705, Secondary School Completion and Diplomas as amended on second reading. Motion carried unanimously.

Secondary Applied Technology Education R277-911

Secondary Applied Technology Education is being amended to update language, definitions, pupil accounting, and funding and disbursement of funds procedures to bring the rule up to date with current regulations and practices. (For complete details see General Exhibit No. 10006.)

The Curriculum Committee reviewed the amendments to R277-911 and approved it on first reading. Motion from the Committee that the Board approve R277-911, Secondary Applied Technology Education as amended on second reading. Motion carried unanimously.

Robert C. Byrd Honors Scholarship Program, R277-701

_____The Robert C. Byrd Honors Scholarship Program is to provide Utah eligibility requirements and application procedures and timelines for the Robert C. Byrd Honors Scholarship Program. USOE staff met with the Administrative

Rules Review Committee requesting formal procedures be set in place by the Board. This will be a great resource for any applicant, recipient, parents, administrators, and staff looking into the scholarship. This will also set a standard for those administering the scholarship program. (For complete details see General Exhibit No. 10007.)

The Curriculum Committee reviewed the new Robert C. Byrd Honors Scholarship Program rule and made one change on line 92 changing the time from 10 to 15 business days, and approved it on first reading. Motion from the Committee that the Board approve R277-701, Robert C. Byrd Honors Scholarship Program on second reading. Motion carried unanimously.

Utah Assessment Participation and Accommodations Policy 2006-07

The 2006-07 Utah Assessment Participation and Accommodations Policy establishes the statewide policy for the participation of students in the Utah Performance Assessment System for Students (U-PASS). The central elements of the policy include rules for inclusion in U-PASS, limited allowances for exempting or excusing students from assessments, and allowable accommodations for test administration and student responses.

The Committee reviewed the 2006-07 Utah Assessment Participation and Accommodations Policy. (For complete details see General Exhibit No. 10008.) It was noted that if approved the policy will be distributed to school district and charter school personnel.

Motion from the Committee that the Board approve the 2006-07 Utah Assessment Participation and Accommodations Policy. Motion carried unanimously.

Pre-K Initiative

In June 2006, Associate Superintendent Myron Cottam and representatives from the Utah Legislature, PTA< Governor's Office, and USOE attended a Council of Chief State School Officers (CCSSO) meeting on early childhood education. This meeting targeted the twelve states without current state funding for Pre-K programs, Utah is one of the states that does not provide funding for any Pre-K programs. Subsequent to this conference, a Pre-K Committee was convened from the various early childhood education groups. The committee, under the direction of Myron Cottam, drafted a Pre-K Program Improvement Initiative.

The Committee received a report on the Pre-K Learning Initiative and discussed the merits of a legislative building block for Pre-K education in Utah. (For complete details of the Initiative, see General Exhibit No. 10009.)

Heritage Language Education

Accountability measures incorporated in the Utah Performance Assessment for students (U-PASS) reveal significantly lower student performance by American Indian students when compared to other students. Research supports the use of indigenous language and culture instruction to improve academic achievement in all areas of the curriculum. Districts with reservation land and partnerships with Tribal Nations have the highest potential for benefit

from language revitalization programs. Additionally, the revitalization of indigenous languages associated with Utah's five indigenous people, (Paiute, Goshute, Navajo, Northwest Band of the Shoshone, and Ute) will promote a wide range of positive social benefits.

The Curriculum Committee discussed the heritage language education issues. (For complete details see General Exhibit No. 10010.)

Karl Perkins Funds

The State Office of Education has received monies from the Karl Perkins Act and technically it goes through the State Board. The State Board needs to authorize staff to use these funds.

Motion was made by Member Laurel O. Brown and seconded by Member Edward A. Dalton to authorize the State Office of Education to handle the funds received from Karl Perkins. Motion carried unanimously.

Communications Committee

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

USBA Regional Meetings

The Board has been asked by USBA to take ten minutes to deliver a message at the upcoming regional meetings. The following is a list of the meetings with Board Members indicating they could attend the meetings.

September 26 Springville - 6:00 p.m. - Tom Gregory

September 27 Roosevelt - 6:00 p.m. - Dixie Allen

September 28 SLC - 6:00 p.m. - Tim Beagley

October 3 - Moab/Blanding/San Juan -

Brigham City - October 3 – Teresa Theurer

Richfield - October 3 – Debra Roberts

Park City - October 4 - Randall Mackey

October 5 - Brigham City - Kim Burningham

Cedar City - October 5 -

Price - October 5 - Dixie Allen

Member Dalton indicated that members would be provided with handouts for the meetings including the Graduation Requirements, Pro Excel, and the Budget.

Member Dalton distributed proposed Best Practices Guidelines Identifying, Recognizing, and Sharing Outstanding Educational Practices. We will be trying this on an informal basis and will be distributing it through our normal channels for district people, board members, etc. for suggestions of those that may be worthy of recognition, they will come to the State Office, be facilitated by Associate Superintendent Cottam's group, a couple picked each

month to be recognized in the opening of our meetings. The goal is to go as Board Members to the schools in their districts and congratulate them. Further, to share these practices with others hoping they would get through the system. (For complete details see General Exhibit No. 10011.)

Member Dalton reported that it has been determined that the timing for the Attendance Campaign is not right so there will not be a campaign this fall.

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

Superintendent Harrington distributed a corrected version of the CRT results.

Dr. Harrington reviewed her visits and speaking engagements during the last month and other Information Items.

Dr. Harrington reported that one of the items from the Governor's Cabinet training was *Balanced Scorecard*. They have asked cabinet leadership to move toward this trademark name for business approach watching trend lines. She indicated we would look at moving in that direction following discussion with board leadership and the entire board.

Dr. Harrington shared the Recommendations from the English Language Learner (ELL) Task Force. She reviewed the seven recommendations.

(For complete details of the Executive Officer Report see General Exhibit No. 10012.)

Board Chairman Report

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

Distributed a calendar of events for the upcoming months and reviewed the different meetings being held during the upcoming months.

The NASBE Delegate assembly is held the last day of their annual meeting. We have asked Mark Cluff to be Utah's delegate.

Member Randall Mackey reported on his attendance at the NASBE New Board Member Institute. He indicated that he came away appreciating the services offered by NASBE as well as to see what other state are doing.

Chairman Burningham noted that Board standing committees have become increasingly more powerful in recent years and serve great purpose. Some may want to be a part of everything and it is difficult to balance what goes to committee and what comes to the entire board. To save time, however, we need to trust our committees. He indicated that Board Members need to trust what the committee action is and that the committee has taken the time to evaluate items carefully. He then stressed the importance of each board member in advanced work on their agenda. If they find a troublesome issue another committee is discussing they place a telephone call to the committee chairman or to the associate superintendent over the item.

Tax Reform

Discussion ensued relative to the tax reform issues and whether or not the board should take a position, and if they take a position what that position should be.

Motion was made by Member Debra G. Roberts and seconded by Member Denis R. Morrill that the Board supports true tax reform in order to promote Utah's economic viability if assurances are made that public education students will receive a commitment for educational monies.

Member Randall Mackey commented that a few months ago we spent considerable time on this issue and he was not sure we can improve much on what we said before without adequate time to discuss it. He felt the comment should come once the proposal has been given.

Substitute motion was made by Member Thomas Gregory and seconded by Member Debra G. Roberts that the Board officially take no position with comment: We understand the structure of the income tax system is the responsibility of the legislature, but we have not yet received assurances that any economic gains from the tax cut will be directed to public education.

Chairman Burningham offered a third caveat that education funding in the future will not be harmed

Member Bill Colbert suggested an amendment that public education receive some of the benefit that is promised by the proposed tax reform. There was not second to the amendment.

Member Richard Sadler spoke against both the amendment and the substitute motion and suggested that we are strongest as a State School Board suggesting that the greatest investment that can be made in days of tax cut and tax reform is in the education of our children and that should be kept foremost in the minds of all involved in the process.

Member Denis Morrill spoke against the amendment and the substitute motion because they were too complex.

Amendment failed unanimously.

Substitute motion failed with Members Gregory and Roberts voting in favor; Members Allen, Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Mackey, Morrill and Sadler voting against; Member Haws absent.

Substitute motion was made by Member Richard Sadler and seconded by Member Dixie L. Allen that the Utah State Board of Education would remind all in the state of Utah that the best investment for the future economic growth of Utah is in the education of our children. Further, as legislation is considered concerning changing the tax structure this priority of education should be kept first and foremost in mind.

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

Motion to adjourn was made by Member Denis R. Morrill and seconded by Member Thomas Gregory.

Meeting adjourned at 4:25 p.m.