

MINUTES

June 7, 2007

Minutes of the meeting of the State Board of Education held June 7, 2007, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:55 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 Laurel O. Brown
Member Mark Cluff
Member Bill Colbert
Member Thomas Gregory
Member Greg W. Haws
Member Michael G. Jensen
Member Randall A. Mackey
Member Cyndee Miya
Member Richard E. Moss
Member Josh Reid
Member Debra G. Roberts
Member Richard Sadler
Member Marlon O. Snow
Member Teresa L. Theurer

Member Denis R. Morrill was excused.

Also present were:

Superintendent Patti Harrington
Associate Superintendent Patrick Ogden
Associate Superintendent Judy Park
Associate Superintendent Larry Shumway
Public Affairs Director Mark Peterson
Board Secretary Twila B. Affleck

Executive Director, USOR, Don Uchida was excused.

Members of the Press:

Jennifer Toomer-Cook, Deseret Morning News
Rod Decker, KUTV-2
Julie Rose, KCPW
Amy Stewart, Standard Examiner
Nicole Stricker, Salt Lake Tribune
Ronda Rose, State PTA
Carmen Snow, State PTA
Gary Jones, Citizen
Rick Young, Citizen
Kris Fawson, Independent Living Council

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Utah State Office of Education Staff:
Marlies Burns, Charter Schools

Welcome and Student Achievement Spotlight

Vice Chairman Janet A. Cannon called the meeting to order. She presented information on the funding for public education and its correlation to what it means for a million, a billion, etc.

Board Member Richard Moss lead the Board in the Pledge of Allegiance.

Board Member Michael Jensen offered opening remarks centered around relationships.

Achievement Spotlight

The Board recognized the Utah PTA for their selfless service and voluntarism around the state. They recognized Carman Snow, Past President, Marilyn Kofford, Retiring Education Vice President and Ronda Rose. Each were presented with a bouquet of flowers. In addition, a Certificate of Excellence was presented to the Utah State PTA

Board Standing Committee Reports

Curriculum Committee

Member Bill Colbert, Vice Chairman of the Curriculum Committee presented the following recommendations from the Committee:

Elementary Mathematics Core Curriculum Approval

The Elementary Mathematics Core Curriculum has undergone revisions and public hearings were held to seek input from the public. Modifications were made to the document due to an external review as well as significant input via mail, e-mail, telephone, and the public hearings.

The Elementary Mathematics Core Curriculum standards provide a comprehensive outline of grade and subject specific content in mathematics.

Staff presented a summary of the input received from public hearings, and requested the Curriculum and Instruction Committee to approve the revised Elementary Mathematics Core Curriculum. (For complete details see General Exhibit No. 10255.)

The Committee approved the revised Elementary Mathematics Core Curriculum and moves that the Board approve the revised Elementary Mathematics Core Curriculum. Motion carried unanimously.

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Secondary Mathematics Core Curriculum
Request for Public Hearings

The Secondary Mathematics Core Curriculum has undergone revisions and is now ready to be submitted for public hearings. The Secondary Mathematics Core Curriculum was developed under the direction of a steering committee from Utah State University. The Secondary Mathematics Core Curriculum standards provide a comprehensive outline of subject-specific content in mathematics.

Major changes between the new Secondary Mathematics Core Curriculum and the previous curriculum include: (1) alignment to the National Council of Teachers of Mathematics Curriculum Focal Points (2006), the College Board Standards for College Success (2006), and the American Statistical Association Guidelines for Assessment and Instruction in Statistics Education (2005); and (2) greater clarity and detail in the objectives and indicators.

Staff presented a draft of the proposed Secondary Mathematics Core Curriculum to the Committee and requested permission to hold public hearings for public comment. (For complete details see General Exhibit No. 10256.)

The Curriculum and Instruction Committee approved the request for public hearings for the Secondary Mathematics Core Curriculum and moves that the Board approve the request for public hearings for the Secondary Mathematics Core Curriculum. Motion carried unanimously. It was noted that after review and comment in public hearings, the Secondary Mathematics Core Curriculum will be presented to the Board in August for approval.

Data Systems RFP

H.B. 160 provided for the following:

(2) The State Board of Education shall distribute the money appropriate under Subsection (1) as follows:

(a) \$3,000,000 shall be used as provided in Subsection (6) The appropriation described under Subsection(2)(a) shall be used by the State Board of Education as follows:

(a) The board shall issue a request for proposals for an electronic student achievement and management data system that: (I) would provide a protected history of students' academic achievement and progress, including Utah Performance Assessment System for Students (U-PASS) and No Child Left Behind accountability data; (ii) would appropriately provide the protected data described in Subsection (6)(a)(I) to teachers, administrators, parents, school

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districts, and the State Board of Education; (iii) would allow the secure transfer of data among schools within a school district and among school districts within the state; and (iv) could be implemented statewide within two years: (b) the board may, in its discretion, use an amount up to \$3,000,000 to fund a proposal received in accordance with the provisions under Subsection (6)(a). (For complete details see General Exhibit No. 10257.)

The Committee received an update of the process and time line to comply with the legislation, and recommended that staff work with superintendents across the state to come up with a common student information system to facilitate this process.

High School U-PASS

Utah Code 53A-1-605 requires the State Board of Education to develop a state accountability plan. The U-PASS State Accountability Plan for elementary and middle schools was implemented for the 2004-05 school year. The U-PASS State Accountability Plan for high schools is currently being finalized for implementation for the 2007-08 school year.

The Committee received an update on the developmental progress for the U-PASS State Accountability Plan for high schools. (For complete details see General Exhibit No. 10258.)

Budget Building Process

Board standing committee chairs have expressed a desire to be involved in the 2008 legislative budget-building process earlier than in previous years. On June 13, 2007, the Board will meet with the Board of Regents and the Education Joint Legislative Committees to review priorities in legislation, including preliminary board budget priorities. The budget building process begins in June. Thus, each standing committee should be discussing priorities for funding.

The Committee discussed their budget priorities which were presented to the full board in the Finance Committee report.

Executive Session

Motion was made by Chairman Kim R. Burningham and seconded by Member Richard Sadler that the Board move into an executive session for the purpose of discussing personnel issues and/or potential litigation. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 11:20 a.m.

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Motion was made by Member Richard Sadler and seconded by Member Debra G. Roberts to reconvene into open meeting. The Board reconvened at 12:25 p.m.

Chairman Kim R. Burningham made the following statement: “The Board acknowledges they received a letter just prior to the start of the meeting regarding their status as special assistants to the Attorney General, Carol Lear and Jean Hill.

Contrary to the advice received from the Attorney General we will continue using Carol and Jean in their current status.

We seek further discussion of the matter with the Attorney General.”

Comprehensive Counseling and Guidance Study Report

A study of Utah’s Comprehensive Counseling and Guidance Program was recently completed and released. The research provides important data for the Utah State Board of Education and legislators for policy, funding and implementation of programs that have an impact on student achievement and success. The data show that students in schools with successful Comprehensive Counseling and Guidance Programs are more likely to take the ACT, take a more rigorous course of study, have a focused educational goal, have greater planning skills, and have a greater sense of belonging to the school community.

Staff updated the committee on the results of the Comprehensive Counseling and Guidance Study. (For complete details see General Exhibit No. 10259.)

The Committee received the report.

Master Plan for English Language Learners

A task force, facilitated by Superintendent Harrington, met to discuss strategies leading to an increase in academic language acquisition and academic achievement of English Language Learners in Utah. The task force recommended the development of an English Language Learner master plan.

The Master Plan for English Language Learners is now completed and has been reviewed by community organizations, statewide focus groups, Alternative Language Services Directors, Curriculum Directors, Special Education representatives, the Coalition for Minorities Advisory Committee (CMAC), and individuals with expertise in current English Language Learner research that may lead to English Language Learner language acquisition and achievement.

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Staff presented the Master Plan for English Language Learners to the Committee.
(For complete details see General Exhibit No. 10260.)

The Committee received the report.

Law & Policy Committee

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

Truancy Prevention, R277-607 (Repeal/Reenact)

The 2007 Legislature, in H.B. 207, amended the compulsory education law relating to student truancy issues. Because the new language of the rule is significantly different from the language within the existing rule, the rule is being repealed/reenacted to reflect the amended law. The reenacted rule directs schools/school districts and charter schools to establish procedures for informing parents about compulsory education laws, to encourage and monitor school attendance consistent with the law, to provide firm consequences for noncompliance, and also directs school districts and charter schools to establish ongoing truancy prevention procedures in schools especially for students in grades 1-8. The reenacted rule also encourages meaningful incentives for parental responsibility.

The Committee reviewed the repealed/reenacted rule. (For complete details see General Exhibit No. 10261.) It was noted that the “shall” in line 90 comes from statute.

The Committee approved the repealed/reenacted rule R277-607, Truancy Prevention on first reading and moves that the Board approve the repealed/reenacted rule on second reading. Motion carried with Members Allen, Brown, Burningham, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, Moss, Roberts and Theurer voting in favor; Member Sadler absent.

Utah Educator Standards, R277-515

This new rule is established as a result of a survey, research and development by a broad group of educators. The new rule establishes statewide standards for licensed public school educators that provide notice to educators and prospective educators and notice and protection to public school students and parents. The new rule recognizes that licensed public school educators are professionals and, as such, should share common professional standards, expectations and role model responsibilities.

The Committee did not cover all points, therefore, they approved the rule on first reading only. The Committee would like to bring a quorum of the committee together in July to

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finish with the concerns, and then present it for second and third reading to the Board in August. There was no opposition to the above action. (For complete details see General Exhibit No. 10262.)

American Academy (Extension of Utah
Electronic High School) Business Plan,
Term Sheet and Question/Answer Document

Utah State Office of Education staff members have been working with entrepreneurs Paul Pilzer and Tony Meyer, their staff and attorney Jim Jardine to develop an agreement between the Utah State Board of Education and the American Academy. The American Academy will expand the reach and activities of the Utah Electronic High School. The State Board and the Utah public school system generally will benefit from the proposed partnership which will enhance technology for EHS, expand opportunities for Utah teachers and provide greater resources and stability for the Electronic High School.

The American Academy staff presented a proposed business plan and term sheet (an Agreement that allows for flexibility and revision as the relationship matures) for the affiliation between the Utah Electronic High School and its extension, the American Academy. Included in the presentation was an assurance from the Attorney General's office that the affiliation between the Board and the American Academy is not inconsistent with the Procurement Code in Utah law. (For complete details see General Exhibit No.10263.)

The Committee discussed the proposed agreement, looking at such things as the use of Utah teachers and the affect the affiliation might have on our teacher supply, the benefits to the Utah Electronic High School, the potential for enhancements to our existing Electronic High School, the ability of the two entities to manage the relationship in a way that will protect the Board while still providing some of the needed flexibility as they work with this, potential problems that will need to be solved as the affiliation begins, testing concerns, and asked questions.

Motion from the committee to approve the document, recognizing that there may be some slight wording changes and modifications that won't change the substance, but will clarify the document, and giving authority to Carol Lear and Kathy Webb to be able to make those kind of changes as they move forward. Member Roberts indicated that it needs to move forward because they need to start working on putting this all in place.

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Vice Chairman Janet Cannon voiced concern that when this proposal initially came to the Board she was under the assumption that this would be something that would in perpetuity help fund our Utah Electronic High School. Member Roberts responded that it is not in perpetuity, but as it was discussed we were more comfortable with the idea that it not be in perpetuity and that the main thing we want to look at are the enhancements that it can bring to the Electronic High School.

Carol Lear commented that the plan was always that the affiliation would begin as a combination Electronic High School and American Academy and as the American Academy earned its own accreditation it would stand on its own and would serve students outside of Utah. The greatest attraction for the American Academy to begin with was the Utah Electronic High Schools very good track record, strong program, and the accreditation that had been developed over the past few years. The intention of the American Academy was never that it constantly provide a revenue stream or an in perpetuity with the Utah Electronic High School.

Ms. Lear indicated that the caution raised is an important one, but the agreement indicates when the relationship ends there will be a severance payment [royalty payment] of some kind that is still open to negotiation. The more important thing is that as the years ensue the Utah Electronic High School and the State Board of Education will get the benefit, at no cost, to everything that is developed by American Academy.

Vice Chairman Janet Cannon voiced further concern as to what was to preclude American Academy from competing with the Electronic High School at the end of three years. There is nothing in the document that indicates they will not begin to serve Utah students.

Ms. Lear explained that the Committee wanted this expressly stated in the document and the American Academy was clear they would not serve Utah students. They have been clear all along that if we want something they will provide it.

Kathy Webb, Principal of the Utah Electronic High School, commented that when this was first being talked about under her leadership, she was nervous about it and wondered the benefit for Utah. Looking at long-term she too was under the impression it would be a funding sources. As she has looked at what would meet the needs in Utah isn't so much a long-term revenue source but a strengthening of our infrastructure. This is technology that we do not have a budget for. The American Academy affiliation will bring the ability to strengthen a lot of the back end stuff that we need to do to grow to meet the needs of the students we are serving. It

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will also provide the additional benefit to us that we will no longer need to serve out-of-state students that are coming for services. We never lose our copyright on the curriculum we have developed, and they would license our curriculum, as long as they are using it. If there are things they develop that we want to put into our curriculum we can work out an arrangement where we can use theirs.

Ms. Webb indicated that this is not a funding source. We will still need to look to the legislature to fund the Electronic High School for Public Education in Utah.

Jim Jardine, legal counsel for the American Academy defined three categories of benefits and their time lines. He clarified that the fees for service and/or the licensing fees are in perpetuity.

Vice Chairman Cannon further questioned how the Electronic High School's intellectual property is protected in the agreement. Mr. Jardine responded that they need to license it and there are obligations under the confidentiality provision, where they provide for licenses from Utah Electronic High School to American Academy subject to specific license agreements.

Vice Chairman Cannon voiced concern that as she reviewed the document it sounded like it was written for the benefit of American Academy. She felt the agreement needed to be strengthened in the benefits for the Utah Electronic High School in terms of the license fees that go on in perpetuity and strengthening the infrastructure, etc.

Jim Jardine noted that the purpose for having an agreement would be to protect the Board if this ever changed hands, not that anyone thinks it will. He identified the places in the agreement that they tried to put in protections. He indicated that in almost every provision it says that they have to meet the boards standards. He specifically referred to Paragraph 6, which states that for services rendered the Board is never to bear any costs, and the general guidelines for setting fees for services is the Electronic High School with its direct or marginal cost is plus 20%. He indicated that it was their intent to give the Board all the protections and if they have fallen short they are willing to work with Carol Lear on certain provisions because they understand the Board's need to have a comfort level on this agreement.

It was agreed that the Board would not do proctoring of exams in other states, and that paragraph 4.b. will be modified to so indicate.

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Following further clarification questions, motion was made by Member Mark Cluff to call the question on the motion. Motion carried unanimously.

Original motion to approve the agreement, with some slight wording changes and modifications including the one described above, the agreement carried with Members Allen, Brown, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, Moss, Roberts, Sadler and Theurer voting in favor; Chairman Burningham opposed.

At the end of the Committee report Member Bill Colbert questioned if the motion was that the Board agreed in the principle of the document and authorized the Board leadership and Superintendent Harrington, following further review by legal counsel and the Electronic High School staff, to sign an Agreement with the American Academy.

Member Roberts clarified that this is a working document and things will change as the two systems are meshed together. They did not want to have to come back to the Board when those changes need to take place. They are, therefore, looking for a steering committee. There were minor wording changes to clarify and enhance protections to the Board. Most were not in the agreement itself, but in the statements following the agreement.

Motion was made by Member Colbert that before the document is finally signed by the Superintendent and Board Leadership it be sent to the Board. There was not second to the motion.

Following further discussion, motion was made by Member Richard Sadler and seconded by Member Bill Colbert to add to the previous approval motion that Board Leadership and the Superintendent approve the changes and go then go ahead with their approval as well as that of Carol Lear and Kathy Webb, to sign it.

Motion carried unanimously.

Charter Schools, R277-470 Amended

The State Charter School Board recommended some changes to R277-470, including some minor wording changes, and the following conceptual changes:

Section 3, Maximum Authorized Charter School Students, E.

If the State Charter School Board does not receive written notification of proposed locally-chartered schools by April 15, 2007 and March 15~~August 31, 15 months preceding the deadline required under Section 53A-1a-506.5~~ every year thereafter, the State Charter School

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Board may recommend approval of additional Board-chartered schools or expansions or satellites that include the entire total number of students allowed under 53A-1a-502.5.

Section 13, Charter School Oversight and Monitoring, newly proposed letter C

C. The Board shall require all charter schools to amend their charter:

“To the extent that any charter school’s charter conflicts with applicable federal or State law or rule, the charter school be interpreted and enforced to comply with such law or rule and all other provisions of the charter school remain in full force and effect.”

Section 15, Satellite Campus School for Approved Charter Schools, A.(6)

(6) Adequate qualified administrators, or a designated supervisor if the size of the school necessitates, ~~including at least one onsite administrator,~~ and staff are available to meet the needs of the proposed student population at the satellite site school;

Section 15, Satellite Campus School for Approved Charter Schools, B.(2)

(2) A detailed explanation of the governance structure for the satellite campus school, including appointed, elected, and parent representation on the governing board, parental involvement and professional staff involvement in implementing the educational plan. ~~The parent school shall include at least two voting parent members representing the parents of students at the satellite site on its governing board, at least one parent shall be elected by parents of students attending the satellite school.~~

Section 15, Satellite Campus school for Approved Charter Schools, B.(6)

~~(6) A signed acknowledgment by the charter school governing board that the board understands the satellite campus will (may) not be eligible to participate in any federal or state start-up grant funding programs;~~

Section 15, Satellite Campus school for Approved Charter Schools, newly proposed B.(9)

(9) A signed acknowledgment by the charter school governing board that the board understands the satellite school will be held accountable to its own AYP report and disaggregated financial data and reports.

(For complete details of the rule see General Exhibit No. 10264.)

Member Roberts reported that the Board had received changes to the rule which were essentially coming from the State Charter School Board. At the last Board meeting changes were made to the rule and then it was taken to the State Charter School Board and they had additional

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changes. The Committee examined each of the changes. (For complete details of the changes see General Exhibit No. 10265.)

Member Roberts acknowledged and expressed appreciation to State Charter School Board for the changes suggested.

Member Randall Mackey suggested that in Section 13 the word “then” be added prior to currently.

The Committee approved R277-470 as amended on second reading and moves that the Board approve R277-470, Charter Schools on third and final reading. Motion carried unanimously.

Agenda Adjustment

Member Teresa Theurer suggested that an adjustment to the Agenda be made to move to Public Participation to accommodate the people waiting.

Public Participation/Comment

Dr. Mike Keene, a member of the Utah Science Center Board presented an update on the Science Center Project, Leonardo on Wheels in the public schools as well as the progress on the Leonardo building in the old Salt Lake City Library.

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

The amendment is to make the criteria for charter schools applying for School LAND Trust Program funds in R277-477 consistent with the criteria provided for in R277-470, Charter Schools. The amended rule provides for a committee consisting of a majority of parents designed to make decisions when applying School LAND Trust Program funds. (For complete details see General Exhibit No. 10266.)

The Committee made a modification to R277-477-3.E. to add the words on line 76, that develops and approves the current school planAlso the same kind of change on line 69 talking about public non charter schools.

The Committee reviewed and approved the amendments to R277-477 on first reading and moves that the board approve R277-477 Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program on second reading. Motion carried with Members Allen, Brown, Burningham, Cluff, Colbert, Gregory, Haws, Jensen, Roberts, Sadler and Theurer voting in favor; Members Mackey and Moss absent.

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Electronic High School Fees

Nonresident students may enroll in Electronic High School courses for a fee set by the board, provided that the course can accommodate additional students. The current fee per quarter class is \$50, plus any class materials fee. Last year, the actual cost per quarter credit for all out of state and in state students was more than \$85.

It was proposed that effective July 1, 2007, to raise the fee per quarter credit to out of state students taking classes at the EHS to \$100 plus class materials. (For complete details see General Exhibit No. 10267.)

Motion from the Committee that the Board approve the increase in fees per quarter credit to out of state students taking classes at the EHS to \$100 plus class materials. Motion carried with Members Allen, Brown, Burningham, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, Roberts, Sadler and Theurer voting in favor; Member Moss absent.

State Plan for Independent Living

The Utah State Office of Rehabilitation is required by federal law to submit a State Plan for the Independent Living Program every three years.

In this new plan, the State Board of Education assures that the provisions of the 1998 Amendments to the Rehabilitation Act and the rules and regulation promulgated by the Rehabilitation Services Administration will be followed in implementing the Independent Living program. Attachments to the plan describe how certain parts of the program will be developed and operated in Utah. This is a three-year plan scheduled to begin October 1, 2007. (For complete details see General Exhibit No. 10268.)

Motion from the Committee that the Board approve the State Plan for Independent Living. Motion carried with Members Allen, Brown, Burningham, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, Roberts, Sadler and Theurer voting in favor; Member Moss absent.

Budget Building Process

Board standing committee chairs have expressed a desire to be involved in the 2008 legislative budget-building process earlier than in previous years. On June 13, 2007, the Board will meet with the Board of Regents and the Education Joint Legislative Committees to review priorities in legislation, including preliminary board budget priorities. The budget building process begins in June. Thus, each standing committee should be discussing priorities for funding.

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The Committee discussed their budget priorities which were presented to the Board as part of the Finance Committee report.

Rich County Four Day School Week Program

In its meeting of January 6, 2006, the Board granted a waiver of R277-419 (Pupil Accounting) to the Rich County School District allowing them to implement a four day school week. As conditions of the granted waiver, the Board required that the District report annually on the success of the program, that it be re-approved in 2009, and that there be a written agreement relative to this waiver between the Utah State Office of Education and the Rich County Board of Education.

Superintendent Dale Lamborn of the Rich County School District reported on the implementation of the four day school week program. (For complete details see General Exhibit No. 10269.)

The Committee received the report.

Professional Practices Criteria for
Decision-making, Procedures and
Cumulative Data

State Board members have expressed interest in and concern for how educator professional discipline decisions are made and how recommendations are made to the Board. The Board requested an explanation of the referral, investigative and decision-making process.

Staff presented an outline of the UPPAC process, from the receipt of a complaint through the investigation process and concluding actions. Also presented was data covering the period of 1998 to present on complaints received, investigations, and final disciplinary decisions and actions. (For complete details see General Exhibit No. 10270.)

The Committee did not have time to discuss this information. It was agreed that the Board had received the information and there was not further action.

K-16 Alliance Report on Teacher Shortages

In its May 3, 2007 meeting, the Board accepted the report of the K-16 Alliance from its task force on teacher shortages. The report, *An Education Initiative for Utah*, was referred by the Board to the Law and Policy Committee.

There was not time in the committee meeting to receive this item.

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Executive Session

Motion was made by Chairman Kim R. Burningham and seconded by Member Richard Sadler to move into an Executive Session during lunch to discuss personnel and litigation issues. The Board was polled and by unanimous consent of those present, the Board moved into an executive session during lunch at 1:55 p.m.

Motion was made by Member Dixie L. Allen and seconded by Member Laurel Brown to reconvene into open meeting. Motion carried. The Board reconvened at 3:30 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Laurel O. Brown and seconded by Member Mark Cluff to accept the Commissions recommendation in Case No. 85-116 and permanently revoke, based on default, the educator licence of a former educator in Alpine School District. This action is taken because the educator violated standards of professional conduct by sexually abusing two male students in the 1980s. He has pled guilty to two second degree felony counts of forcible sexual abuse based on his actions with the students. He has been sentenced by Fourth District Court to two years in prison and five years of probation. He must also register as a sex offender permanently. No response, verbal or written, has been received from the educator in response to UPPAC correspondence. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Haws, Jensen, and Moss voting in favor, Members Brown, Gregory, Mackey, Roberts, Sadler and Theurer absent.

Motion was made by Member Laurel O. Brown and seconded by Member Mark Cluff to accept the Commissions recommendation in Case No. 06-788, and accept a stipulated agreement, including conditions of the agreement, whereby a former educator in Box Elder School District, voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension of her license for three years from the date of formal action by the State Board of Education. The suspension results from her arrest and guilty plea to third degree felony driving under the influence. Respondent was sentenced to prison for a term not to exceed five years. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Haws, Jensen, and Moss voting in favor; Members Brown, Gregory, Mackey, Roberts, Sadler and Theurer absent.

(For complete details see General Exhibit No. 10271.)

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NASBE Board of Directors

Motion was made by Member Mark Cluff and seconded by Member Laurel O. Brown to submit Utah's ballot for NASBE Board of Directors Ken Willard of Kansas as the President-elect. Motion carried.

Motion was made by Member Mark Cluff and seconded by Member Laurel O. Brown to submit Utah's ballot for NASBE Secretary-Treasurer, Greg W. Haws, Utah. Motion carried.

Motion was made by Member Mark Cluff and seconded by Member Laurel O. Brown to submit Utah's ballot for NASBE Board of Directors Randy DeHoff of Colorado as the Western Area Director. Motion carried.

Finance Committee

Member Mark Cluff, Chairman of the Finance Committee presented the following recommendations from the Committee:

Legislative Supplemental Salary Adjustment, R277-100

R277-100 was approved on first and second reading in the May Board meeting. Since that time, refinements have been suggested that merit reconsideration of the rule.

The Legislative Auditor General has completed a study of House Bill 382 that the Committee reviewed.

It was proposed that R27-100-3© be replaced with language that more closely follows statute

The legislative review noted that House Bill 382 is underfunded by \$22.3 million. The under funding was a result of:

- an inaccurate teacher count submitted to the legislature by USOE
- misunderstandings and miscalculations relating to the desired final per teacher amount
- addition of more eligible employees without increasing the bill's appropriation

The Superintendent has requested written assurance from legislative leadership that the full amount of the shortfall will be recovered in the next legislative session.

Lines 59 removed intern teacher but they are many time licensed teachers. Clarification taken from statute.

(For complete details of the amended rule see General Exhibit No. 10272.)

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The Finance Committee approved amendments to R277-100, Legislative Supplement Salary Adjustment on second reading and moves that the Board approve R277-100 on third and final reading. Motion carried with Members Allen, Brown, Burningham, Cluff, Colbert, Haws, Jensen, Roberts and Theurer voting in favor; Members Gregory, Mackey, Moss and Sadler absent.

Student Enrollment Options, R277-437

In May, the Finance Committee directed the following changes to the rule:

- change maximum capacity of a school back to 90 percent;
- change the definition of instructional station from one that “has assigned” to “could assign” a class, teacher or program during a given class period;
- tie school capacity to something less rigid than absolute numbers;
- require written justification for denial of transfer requests;
- change “may” to “shall” accept transfer requests for certain circumstances;
- eliminate lack of IEP services as a circumstance allowing for transfers.

The rule defines “school capacity” or “Maximum capacity” as the total number of students who could be served in a given school building if each of the building’s instructional stations were to have the following enrollment:

Elementary Schools: equal to the district’s average class size for each particular grade.

Middle, Junior, Senior High Schools: equal to the district’s average class size for like classes.

Member Cluff presented a list of changes from the last meeting as well as from the document in the agenda packet.

Member Cluff particularly noted that under R277-437-3.F. originally it read “may” then it became “shall” and it is felt that if it were “shall” it would be in conflict with statute. The Committee approved the “shall.” He would like to make an amendment to the Committee’s recommendation. He indicated that with the “may” it limits therefore he would eliminate section F entirely. This was not in the original Open Enrollment rule, but was added to try to meet the needs of some others. This section caused more trouble for school districts, and if it is “may” it causes parents trouble.

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(For complete details of the amended rule and changes see General Exhibit No. 10273.)

The Finance Committee approved R277-437, Student Enrollment Options on first reading and moves the Board approve R277-437 on second reading. Motion carried. with Members Allen, Brown, Burningham, Cluff, Colbert, Haws, Jensen, Moss, Roberts, Sadler and Theurer voting in favor; Members Gregory and Mackey absent.

Motion was made by Member Debra G. Roberts and seconded by Member Teresa L. Theurer to add to Item F described above, for reasons such as then identify the reasons. Motion carried with Members Allen, Brown, Burningham, Cluff, Colbert, Haws, Jensen, Moss, Roberts, Sadler and Theurer voting in favor; Members Gregory and Mackey absent.

Budget Priorities - FY 2009

The Board's strategic plan for this year included starting the legislative budget request process earlier in the year and include all subcommittees in the process.

The Board has been requested to present its top budget priorities in the joint legislative/higher education/state board meeting on June 13.

It was proposed that the Board begin its budget process by developing a list of its top two or three budget priorities (those that will be the greatest positive influence on student performance) for the coming year.

Requests for increases to existing programs and for growth can be discussed in future meetings

Possible major initiatives include:

- ProExcel
- Other Educator Salary Increases
- Class Size Reduction
- 4-6 Math Initiative
- Pre-K Readiness
- Aid for English Language Learners
- Ongoing Instructional Technology Funding

Member Cluff noted that the Committee would like to make recommendations for two to three Tier 1 Budget Priorities. In August the Board will look at Tier 2 and refine Tier 1 as

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needed. He shared the positions taken by all three standing committees. (For complete details see General Exhibit No. 10274.)

Tier one recommendations from the Finance Committees:

1. ProExcel
2. Math Improvement
3. Increasing Achievement for ELL

Motion was made by Member Mark Cluff and seconded by Member Bill Colbert to approve the above Tier 1 Priorities.

Following discussion relative to whether or not everyone would recognize that the WPU was part of Pro Excel, amendment to the motion was made by Member Richard Sadler and seconded by Member Teresa Theurer to add the WPU as No. 1 followed by the other three priorities.

1. WPU
2. Pro Excel
3. Math Improvement
4. Increasing Achievement for ELL

Member Mark Cluff commented he would like to see the WPU funded and remove all the line items.

Vice Chairman Janet Cannon presented a request from Arts Learning for Academic Learning Achievement and this is the Art Works for Kids and a request for \$8.5 million which would be used to improve arts in the elementary schools.

Member Debra Roberts commented that she did not like sending a long list to the legislature. However, the amounts for items make a difference in prioritization. She suggested instead of providing a "want" or "wish" list we need to say we think the legislature might be willing to give a certain amount of money and ask what we could fit into that much money.

Associate Superintendent Patrick Ogden shared a history of the increases the legislature has given the Board over the past seven years or so, which gives some kind of idea of how much they are willing to give to us. The downside of this approach is the Board is not espousing the real needs of public education.

Member Greg Haws commented that the intent was to come up with one item and there are things everyone would like to add. He indicated we have a crisis and we need to

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characterize it as a crisis. We need to go to the legislature and warn them of this crisis that we are not paying teachers enough money and if we don't fix this situation we will not have teachers.

Chairman Kim Burningham commented that we need to remember is that one of the key ingredients in Pro Excel isn't a market increase, although it is a feature. However, it says these things hinge upon a significant increase in teacher salaries across the board.

Motion was made by Chairman Kim Burningham and seconded by Member Dixie Allen to prioritize as follows: (1) increasing teacher compensation by use of increased WPU and Pro Excel together; (2) Math Improvement; (3) ELL; and (4) Art Works for Kids.

Member Richard Sadler requested the motion be split and vote individually on each of the four items for inclusion.

(1) Increase Teacher Salaries with a combination of an increase in the WPU and Pro Excel. Motion carried with Members Allen, Brown, Burningham, Cluff, Colbert, Haws, Jensen, Moss, Roberts, Sadler and Theurer voting in favor; Members Gregory and Mackey absent.

(2) Math Improvement Program carried with Members Allen, Brown, Burningham, Colbert, Haws, Jensen, Moss, Roberts, Sadler, and Theurer voting in favor; Member Cluff opposed, Members Gregory and Mackey absent.

(3) Increasing achievement for ELL carried with Members Allen, Brown, Burningham, Cluff, Colbert, Jensen, Moss, Sadler and Theurer voting in favor; Members Haws and Roberts opposed; Members Gregory and Mackey absent.

(4) Elementary School Arts Initiative

Member Teresa Theurer spoke against the motion, she is in favor of the arts, however, she spoke of the importance of having physical education and a physical education specialist in every elementary school, with the same results of improved test scores. Member Theurer commented on the childhood obesity problem in the state as well as across the nation.

Chairman Burningham commented that there are many genuine needs. He has felt that we have de-emphasized arts in the arts programs. This is a way of seeing it as a possibility of encouraging the arts at an elementary level. There has been an emphasis with key legislators who seem to be very enthusiastic and this may be the right opportunity to make this particular move.

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Member Theurer commented that we have not ignored the arts with the POPs program which has its own line item.

Motion failed with Members Burningham, Jensen and Sadler voting in favor; Members Allen, Brown, Cluff, Colbert, Haws, Moss, Roberts and Theurer opposed; Members Gregory and Mackey absent.

Motion was made by Member Debra G. Roberts and seconded by Member Mark Cluff that as a part of the budget process the Board create a budget that fits within \$500,178,600.

Motion failed with Members Cluff and Roberts voting in favor; Members Allen, Brown, Burningham, Colbert, Haws, Jensen, Moss, Sadler and Theurer opposed; Members Gregory and Mackey absent.

Federal Funds Report

The Board's strategic plan calls for an annual report of the federal funds that flow through the Utah State Office of Education. Each year over \$300 million in federal dollars flow into the Utah State Office of Education. The major sources of those funds include: (1) No Child Left Behind (NCLB); Individuals with Disabilities Education Act (IDEA); and Child Nutrition.

The Committee received a report outlining the federal grants, their amounts, and uses that the Utah State Office of Education receives and passes through to districts and charter schools. They will discuss this issue further in August. (For complete details see General Exhibit No. 10275.)

Charter School Approvals for 2008-2009

The 2007 Utah Legislature passed H.B. 164, Charter School Amendments, which limits charter school growth to 5,000 students for the 2008-2009 school year. The following schools were recommended by the State Charter School Board for approval by the State Board of Education to open in the 2008-2009 school year: Providence Hall, Herriman, Utah; Gateway Preparatory Academy, Cedar City, Utah; Merit College Preparatory Academy, Springville, Utah; Venture Academy, Ogden Utah; Emerson Alcott Academy, Roosevelt, Utah; Quest Academy, Clinton, Utah; and Rockwell Charter High School, Eagle Mountain Utah. (For complete details see General Exhibit No. 10276.)

Motion was made by Member Debra G. Roberts and seconded by Member Teresa L. Roberts to approve the recommendation of the State Charter School Board that the following charter schools be approved for the 2008-2009 school year: Providence Hall, Gateway

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Preparatory Academy, Merit College Preparatory Academy, Venture Academy, Emerson Alcott Academy, Quest Academy, and Rockwell Charter High School. One comment idea making school unique and just being in a regional area is not unique. Brief explanation if not listed.

Member Richard Sadler noted that the Venture Academy is located in Weber School District, not the Ogden School District.

Motion carried. with Members Allen, Brown, Burningham, Cluff, Colbert, Haws, Jensen, Moss, Roberts, Sadler and Theurer voting in favor; Members Gregory and Mackey absent.

No Child Left Behind (NCLB)
Update on School Support

This item was postponed to the August meeting.

General Consent Calendar

Motion was made by Member Greg W. Haws and seconded by Member Dixie L. Allen to approve the General Consent Calendar as presented. Motion carried with Members Allen, Brown, Burningham, Cluff, Colbert, Haws, Jensen, Moss, Roberts, Sadler and Theurer voting in favor; Member Gregory and Mackey absent.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held May 3, 2007.

2. Contracts

The following contracts were approved by the Board:

(A) Utah Independent Living Center. \$415,876. 7/1/07-6/30/08. - Amend. - Fed.

Independent Living and Assistive Technology services to individuals with severe disabilities residing in the Wasatch Front of Utah Independent Living Rehabilitation District.

(B) University of Utah Office of Sponsored Projects. \$737,188. 4/1/07-3/31/09 - Fed.

Video media resources for use in training teachers, reading coaches and administrators in the use of scientifically-based reading research instructional practices and coaching strategies for use with Reading First, Title I and Curriculum projects.

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© Red Rock Center of Independence. \$417,304. 7/1/07-6/30/08. Amend. - Fed.

To provide Independent Living and Assistive Technology services to individuals with severe disabilities residing in the Southern Utah Independent Living Rehabilitation District.

(D) Old Dominion Freight Line, Inc. \$320,000. 8/1/07-7/31/08. - Amend.

Transportation of USDA dry and temperature controlled commodities to recipient agencies statewide.

(E) Qwest Foundation. \$50,000. 4/6/07-4/6/07

To recognize at classroom level those teachers integrating technology into their daily curriculum and to help expand or enhance their students learning experiences using technology.

(F) Riverside Publishing Co. \$133,578. 5/1/07-6/1/08. Amend.

Amendment is to remove all ITED Deliverables for Fall 2007 and Fall 2008 and the addition of the ITBS NRT Reading Test in Spring 2008 and Spring 2009.

(G) Measured Progress. \$112,718. 12/1/06-10/20/07. - Amend. - Fed.

Amendment is to omit the following tasks from the scope of work of amendment #1: UALPA data analysis and data processing for student and school-level Title III federal reporting and conducting a scoring workshop in the summer of 2007. Measured Progress will continue with agreed upon tasks and also prepare materials requested by USOE for the UALPA scoring workshop.

(H) University of Utah CPPA & DELP. \$15,0p00. 4/1/07-9/30/07 - Amend. - Fed.

Exit evaluation on Comprehensive School Reform Program.

(I) Department of Administrative Services, DFCM. \$41,396. 7/1/07-6/30/08. - Amend. - Fed.

To renew the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Division of Services Provo Regional Center, located at 150 E Center, Provo, UT.

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(J) Department of Administrative Services, DFCM. \$124,027. 7/1/07-6/30/08 - 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.

(K) Department of Administrative Services, DFCM, \$164,864. 7/1/07-6/30/08 - Amend. - Fed.

To renew the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Division of Services located at 500 S 1595 W, Salt Lake City, UT.

(L) Department of Administrative Services, DFCM. \$126,630. 7/1/07-6/30/08 - Amend. - Fed.

To renew the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Division of Services for the Deaf and Hard of Hearing located at 5709 S 1500 W, Taylorsville, UT.

(M) Tri County Independent Living Center of Utah. \$448,979. 7/1/07-6/30/08 - Amend.

To provide Independent Living and Assistive Technology services to individuals with severe disabilities residing in Morgan, Davis and Weber Counties.

(N) OPTIONS for Independence. \$441,067. 7/1/07-6/30/08. - Amend. - Fed.

To provide Independent Living and Assistive Technology services to individuals with severe disabilities residing in the Northern Utah Independent Living Rehabilitation District.

(O) Department of Administrative Services, DFCM. \$167,887.64. 7/1/07-6/30/08 - Amend. - Fed.

To begin the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, located at 950 East 25th Street, Ogden, UT.

(P) Pearson Educational Measurement. \$2,819,293. 5/2/07-5/30/09. Amend.

Amendment is for the purpose of extending the original contract by 2 years, modifying the scope of work for the remainder of the contract and establishing that PEM is responsible for the development, printing and distribution of mathematics criterion-referenced tests for elementary and secondary levels.

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(For complete details see General Exhibit No. 10277.)

3. Highly Qualified Teachers, R277-510

Highly qualified Teachers, R277-510 was adopted to provide guidance for educators, LEAs and the USOE in meeting the standards for teacher assignment in No Child Left Behind. In 2006, the U.S. Department of Education required that all states submit revised plans for achieving highly qualified status for all teacher assignments. Utah's plan included the recognition that "the policies and procedures associated with highly qualified are excessively complex and cumbersome." The plan, which received acceptance from the Department in January 2007, stated the solution to this problem: "The SEA [the USOE] will convene a panel of practitioners to review highly qualified policies and procedures. The objective of this review will be to simplify highly qualified procedures. The aim of the panel will be to provide maximum flexibility in the state policy and procedure to ensure that highly qualified [rules] are as user friendly to LEAs and teachers as possible."

The work of the panel has been completed and the revision contains changes in rule organization, with the result that seems best to repeal the existing R277-510 and re-enact the new proposed R2177-510. The most significant changes are found in the rules for secondary special education multi-subject teachers and small secondary schools multi-subject teachers. In both cases, the process for achieving highly qualified status has been simplified, limiting the testing requirement to a single Praxis examination.

The Board approved the repeal and re-enact of R77-510, Highly Qualified Teachers on second reading at the May 3, 2007 Board Meeting. There have been no substantive changes to the rule since that time. The Board approved R277-510, High Qualified Teachers on third and final reading. (For complete details see General Exhibit No. 10278.)

4. Testing Procedures, R277-473

Testing Procedures, R277-473 has been amended to include the required answer document submission deadlines for all assessments: CRT, UAA, NRT, DWA, UBSCT and UALPA. It also includes that the Utah State Board of Education will be informed in a full board meeting of districts who do not meet the required deadlines. It was noted that further amendments were made to the rule in between the mailing of the agenda and the May 3, 2007 Board Meeting.

The Board approved all of the amendments to R277-473 on second reading at the May 3, 2007 Board Meeting. There have been no substantive changes to the rule since that time. The Board approved R277-473, Testing Procedures on third and final reading. (For complete details see General Exhibit No. 10279.)

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5. Data Standards, Deadlines and Procedures, R277-484

Data Standards, Deadlines and Procedures has been amended to improve the process and the time-lines for districts to submit data files to the Utah state Office of Education. Several amendments were made to the rule both prior to the meeting and during the Board meeting of May 3, 2007.

The Board approved R277-473, Data Standards, Deadlines and Procedures as amended on second reading at the May 3, 2007 Board Meeting. There have been no substantive changes to the rule since that time. The Board approved R277-484, Data Standards, Deadlines and Procedures on third and final reading. (For complete details see General Exhibit No. 10280.)

6. Accreditation of Secondary Schools, R277-413

Utah schools offering credits toward high school graduation and/or diplomas, as required by law, are accredited by the Northwest Association of Accredited Schools and USOE as their agent. The Northwest Association of Accredited Schools has adopted new Core Standards for Accreditation. The proposed changes to R277-413, clarify definitions, outline accreditation protocol and outline the newly revised Northwest standards, bringing the rule into compliance with current USOE practice and policy.

The Board approved R277-413, Accreditation of Secondary Schools as amended on second reading at the May 3, 2007 Board Meeting. There have been no substantive changes to the rule since that time. The Board approved R277-413 on third and final reading. (For complete details see General Exhibit No. 10281.)

7. Distribution of Funds Appropriated for Library Books and Electronic Resources R277-467

The 2007 Utah State Legislature passed H.B. 160, which authorized funding for Library Books and Electronic Resources. The new rule outlines how funding would be appropriated and used by school libraries in accordance with the legislative intent.

The Board approved R277-467, Distribution of Funds Appropriated for Library Books and Electronic Resources on second reading at the May 3, 2007 Board Meeting. There have been no substantive changes to the rule since that time. The Board approved R277-467 on third and final reading. (For complete details see General Exhibit No. 10282.)

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8. Instructional Materials Commission Operating Procedures, R277-469

The Instructional Materials Commission, as originally set up by the State Legislature, has been reviewing textbooks for over one hundred years. Since the inception of No Child Left Behind and greater accountability concerns, the Instructional Materials Commission has been requiring publishers to align submitted basal/core materials to the appropriate Utah Core for Language Arts, Mathematics, Science, Social Studies, Fine Arts, and Health.

The 2007 Legislature passed H.B. 364, S1, which (1) Prohibits a school district from purchasing certain instructional materials unless the materials have been evaluated by an independent party for alignment with the core curriculum; (2) requires that the alignment evaluation be made available on a website at no charge; and (3) exempts charter schools from the evaluation requirement.

Amendments to R277-469 support the recent legislation and provide guidance to publishers who want to sell primary instructional materials to Utah schools, on the correct procedures and forms required for consistent, independent party alignment to the core. It provides requirements for online posting to publisher websites.

Several amendments were made to the rule in committee and the Board approved R277-469, Instructional Materials Commission Operating Procedures on second reading at the May 3, 2007 Board Meeting. There have been no substantive changes to the rule since that time. The Board approved R277-469 on third and final reading. (For complete details see General Exhibit No. 10283.)

9. Concurrent Enrollment of High School Students in College Courses, R277-713

Concurrent enrollment provides Utah students with a challenging college-level and productive secondary school experience, particularly in the senior year, and provides transition courses that can be applied to postsecondary education. R277-713, Concurrent Enrollment of High School Students in College Courses, establishes the standards and procedures for concurrent enrollment courses and criteria for funding appropriate concurrent enrollment expenditures.

The 2007 Legislature passed H.B. 79, which (1) separates concurrent enrollment from other programs in the accelerated learning programs appropriation; (2) requires the appropriation for concurrent enrollment to increase based upon the increase in the value of the weighted pupil unit; and (3) provides for the distribution of the concurrent enrollment appropriation between the State System of Public Education and the State System of Higher Education, and among public schools and institutions of higher education that participate in concurrent enrollment.

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Several amendments were made to the rule in the May 3, 2007 Board meeting and the Board approved R277-713, Concurrent Enrollment of High School Students in College Courses as amended on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-713 on third and final reading. (For complete details see General Exhibit No. 10284.)

10. Comprehensive Counseling and Guidance Program, R277-462

R277-462, Comprehensive Guidance Program was amended to make the funding process required by rule consistent with 53A-17a-113.5: “of the monies allocated to the comprehensive guidance programs pursuant to board rules, \$1,000,000 in grants shall be awarded to school districts or charter schools that: a) provide an equal amount of matching funds; and b) do not supplant other funds used for comprehensive guidance programs.” The amendment to the rule also reflects the program title, “Comprehensive Counseling and Guidance.”

Amendments to the rule were made at the May 3, 2007 Board Meeting and the Board approved R277-462, Comprehensive Counseling and Guidance Program as amended on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-462 on third and final reading. (For complete details see General Exhibit No. 10285.)

11. Classroom Supplies Appropriation, R277-459

House Bill 160, Minimum School Program Amendments, appropriated \$2.5 million in one-time funds for classroom supplies and materials for first year teachers. The rule: Specifies 1) that funding for classroom supplies and materials for first year teachers will be distributed proportionately up to \$500 per teacher. If the amount exceeds \$500 per teacher, additional teachers become eligible to receive funds; and 2) clarifies that classroom supply and material funding can be carried forward to the next year if not claimed by teachers.

Amendments were made to the rule at the May 3, 2007 Board Meeting and the Board approved R277-459, Classroom Supplies Appropriation, as amended on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-459 on third and final reading. (For complete details see General Exhibit No. 10286.)

12. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2007 was provided for information to the Board. (For complete details see General Exhibit No. 10287.)

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13. 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. 10288.)

14. Council of Chief State School Officers Dues

An invoice for the Council of Chief State School Officers dues in the amount of \$31,838 for Fiscal Year 2008 was approved by the Board. (For complete details see General Exhibit No. 10289.)

15. Ratification of Employment

John Taggart was ratified as an Educational Specialist - Charter Schools.

Donald Stryker was ratified as an Educational Specialist - Assessment, in the Data and Assessment Division.

16. Licensed Staff Cost of Living Increase for FY 2008

As outlined in Utah Code (53A-1-302) it is the responsibility of the State Board of Education to establish the salary schedule for licensed staff of the State Office of Education, the superintendency, and the Executive Director of USOR.

The Board authorized a cost-of-living increase of 3.50% to all eligible licensed employees of USOE, administration, board staff, and the Executive Director of USOR, consistent with the legislative appropriation effective the first pay period of July, 2007 and the cost-of-living increase required by the legislature for non-licensed personnel.

17. 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. 10290.)

18. Claims Report

The Claims Report in the amount of \$211,242,549.19 for May 31, 2007, was approved by the Board. (For complete details see General Exhibit No. 10291.)

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Motion was made by Member Greg W. Haws and seconded by Member Mark Cluff to try as an experiment at the next meeting moving the Executive Officer and Board Chairman report to the beginning of the meeting following the welcome and achievement spotlight. Motion carried with Members Allen, Brown, Burningham, Cluff, Colbert, Haws, Jensen, Moss, Roberts and Theurer voting in favor; Member Sadler opposed; Members Gregory and Mackey absent.

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

Welcomed Brenda Hales, new Associate Superintendent over Student Achievement.

Dr. Harrington reviewed the Information Items on her report.

Dr. Harrington presented the following Discussion Items:

Governor's Appointments to Regents and Board of Trustees of Colleges. He has asked her to take an appointment with the Board of Regents. The Governor's desire is clearly one of transition and ease of flow for children who are accessing higher education among other goals. The Governor has asked us to take a closer look at a universal ATC. Associate Superintendents Judy Park, Brenda Hales, and Lucille Stoddard from higher education and Chris Kearn of the Governor's office will be meeting to discuss this issue soon. She indicated that if a Board member were interested in being included in the meeting to let her know.

The Joint meeting of Public Education, Higher Education and Legislators on June 13 - the focus has been addressing teacher shortages. However, in arranging the agenda, an hour was added at the end of the day to talk about the powers and governance of education both for public and higher education. Specifically, the lawmakers were talking about whether or not the state superintendent should be appointed by the Governor and whether or not the State Board of Education should be appointed by the Governor and how that same kind of thought might influence the regents and the commissioner's appointments. Also, the whole issue of selection of State Board of Education members. Chairman Burningham suggested that many board members be in attendance for this discussion and express their points of view.

Superintendent Harrington noted that in conversations with Commissioner Kendell and addressing teacher shortages, Dr. Kendell believes that the idea of efficiency and a year-round calendar has probably been over emphasized and he would like to get back to some of the basics

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which is increased compensation and benefits. Dr. Harrington distributed a 2006 Public School Schedule for Utah. She noted that there are a dozen or so schools on a trimester schedule.

Member Dixie Allen suggested that the NASBE's report on governance be presented at the meeting.

Dr. Harrington presented information on the release of testing information to board members which she proposed will be presented to the Board via e-mail with a summary of what it is and how to read it etc.

Dr. Harrington shared some upcoming conferences.

(For complete details of the Executive Officer Report see General Exhibit No. 10292.)

Board Chairman Report

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

Member Mark Cluff reported the following on NASBE:

(1) Financials a few years back were in some dire straights and now things are looking very well. They are putting money away and building a reserve account.

(2) The Western Area Meeting at the Annual meeting they are going to talk about American Indian Education

(3) Next year's Study Groups will be Middle Schools and CTE in the 21st Century.

(4) 2009 Annual Meeting will be in Cincinnati, Ohio

2008 - Annual Meeting will be in Washington DC – for the 50th Anniversary of
NASBE.

2010 - they are talking about holding the annual meeting in Salt Lake City.

(5) Mark Turner made a presentation on Tough Choices -Tough Times which was excellent. He had a couple of the books if anyone would like a copy. This was a look at education and what needs to be done in our country to be more competitive internationally. Teacher pay is one of the issues as well as merit pay. There are several other recommendations. Mr. Turner also indicated that within the next two weeks he will be meeting with Governor Huntsman.

Member Dixie Allen reported that she has been asked to serve on a Governor's committee for Native American Education.

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Chairman Burningham reminded Board members that there will not be a meeting in July. The next meeting is scheduled for August. On Thursday, August 2, there will be a budget session that afternoon. Also in connection with the September meetings in St. George, Twila has prepared a survey of what Board members needed with regard to accommodations.

Chairman Burningham shared a letter from Representative Sheryl Allen.

Chairman Burningham shared a schedule of other meetings.

Vice Chairman Janet Cannon reported that there are several K-16 Alliance Committees meeting. She shared information of the activities of the Committees. (For complete details see General Exhibit No. 10293.)

Chairman Burningham reported that the Citizens for Education Excellence group continues to meet. In their most recent meeting they took position in favor of ProExcel and they will be distributing that to all legislators. Their next forthcoming topic is to look at ELL issues.

Summer Social - The Social will be held on August 2nd following the study session, at his home.

The CLASS [Trust Lands] Conference will be held at Little America in Salt Lake City and the Board is invited.

Motion was made by Member Teresa L. Theurer and seconded by Member Dixie Allen to adjourn.

Meeting adjourned at 4:55 p.m.