

MINUTES

February 1, 2008

Minutes of the meeting of the State Board of Education held February 1, 2008, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:20 a.m. At the request of Chairman Richard Sadler Vice Chairman Mark Cluff presided.

Members present were:

Chairman Richard Sadler
Vice Chairman Mark Cluff
Member Dixie L. Allen
Member Laurel O. Brown
Member Kim R. Burningham
Member Janet Cannon
Member Bill Colbert
Member Thomas Gregory
Member Michael G. Jensen
Member Charlene Lui
Member Denis R. Morrill
Member Richard E. Moss
Member Debra G. Roberts
Member Teresa L. Theurer

Members Rosanita Cespedes, Greg W. Haws and Randall A. Mackey were excused.

Also present were:

Superintendent Patti Harrington
Deputy Superintendent Larry Shumway
Associate Superintendent Brenda Hales
Associate Superintendent Todd Hauber
Associate Superintendent Judy Park
Executive Director, USOR, Don Uchida
Public Affairs Director, Mark Peterson
Board Secretary Twila B. Affleck

Members of the Press:

Tiffany Erickson, Deseret Morning News
Beth Young, Standard Examiner
Jason Finch, C.S. Lewis Academy

Welcome and Student Achievement Spotlight

_____ Vice Chairman Cluff called the meeting to order. He excused Board Members Rosanita Cespedes, Greg Haws and Randall Mackey.

Vice Chairman Cluff requested time to say goodbye to a great Utahan. This past week President Gordon B. Hickley passed away. He noted that he has lived a life of faith, service, humor and wit. He is the son of teachers, both his father and mother. Their home was

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filled with books. President Hinckley has been a great messenger of education throughout the world. Vice Chairman Cluff requested that the Board take a moment of silence and remember and reflect on this great individual who has left us at this time. The Board held a moment of silence.

Member Tom Gregory lead the Board in the Pledge of Allegiance.

Board Member Kim Burningham offered opening remarks sharing a quotation by Margaret Mead: "Never doubt that a small group of thoughtful committed people can change the world. In deed it is the only thing that ever has." Member Burningham noted that we are approaching the time that many people will be involved in the political process in Utah through either mass meetings or caucus'. One of the best things we can possible do is to urge everyone in the state to participate. One of the great problems we face as a country is that we allow too few people to make all the decisions and we need to have the entire public involved in this decision making. He handed out a power point presentation from the Utahns for Public Schools encouraging people to participate in this process. He indicated that it has been shown to a number of groups. He then offered a prayer.

The Board recognized **100% For Kids** Utah Credit Union Education Foundation. In 2002, Utah's Credit Unions formed **100% For Kids** Utah Credit Union Foundation. The purpose of the Foundation is to provide assistance where it is needed most, in the individual classroom. 100 percent of the funds donated go directly to teachers for use in their classrooms.

The mission of the Foundation is to improve education in Utah by enhancing and expanding classroom-level resources and programs. The Foundation has funded over \$4 million in grants throughout Utah, and has contributed to all of Utah's school districts.

Funds go for mini grants, school grants and major project grants.

Liz Bourne, Coordinator of the **100% For Kids** Utah Credit Union Education Foundation was presented a Certificate of Excellence for the Foundation's support of public schools in Utah.

The Board recognized former Chairman Kim Burningham who was presented an award by the Utah School Boards Association at their banquet for his courage in being one of the original signers that called for the referendum on the voucher bill. It was noted that at the time the award and was presented there was an immediate spontaneous standing ovation by the audience.

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Board Standing Committee Reports

Curriculum Committee

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

No Child Left Behind Adequate
Yearly Progress (AYP)

Each Year, the United States Department of Education (USDE) accepts requests for amendments to the state Accountability Workbooks for Adequate Yearly Progress (AYP). This year the amendment requests are due February 15, 2008. In the January Board Meeting, a potential list of amendment requests were presented to the Board. Since that board meeting, additional meetings have been held with district superintendents and assessment directors to discuss these amendment requests. (For complete details see General Exhibit No.10453.)

Member Theurer reported that on Monday there will be a meeting held with representatives from school districts to discuss these amendments. The Committee asked Associate Superintendent Judy Park to share with this group the recommendations from the Committee. The Committee suggested to Ms. Park that they would like recommendation number 4, Safe Harbor Same Student Calculation, to go forth as the committee's recommendation, and hopefully the whole Boards.

The Committee spent time on the possibility of changing the definition of a full academic year which is currently defined as 160 day membership. The Committee decided to keep it as it is currently defined.

The Board gave approval to the Utah State Office of Education requests for amendments to its adequate yearly progress workbook, which is part of the federal No Child Left Behind program. The requests deal with the way progress is defined in Utah and associated rules for No Child Left Behind.

Curriculum Committee Strategic Planning

At the beginning of a new year, it is appropriate to review past committee and policy work and to develop goals for the coming year.

Member Dixie Allen presented the recommendations from the Committee. She reviewed the Board goals, the committee's role and responsibilities and gave staff direction relative to the Committee's work for 2008. They would like to be more proactive and concise in their goals and what can be measured and be more streamlined. She noted that the Utah School Boards Association

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and the National Association of State Boards of Education both have good definitions of what school boards should do and we may want to review those to see how we can make a difference.

Law & Policy Committee

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

American Board for Certification of Teacher Excellence

American Board for Certification of Teacher Excellence (ABCTE) is an organization dedicated to recruiting, certifying and supporting excellent teachers essential for achieving student success. The ABCTE program for certification in mathematics has been approved in Utah for three years. ABCTE also offers programs for certification in elementary education, special education, language arts, and several areas of science.

The Committee received a presentation from representatives of ABCTE regarding possible additions to approved programs for licensure in Utah. (For complete details see General Exhibit No. 10454.)

Member Roberts indicated that the Board had approved this organization for mathematics three years ago and they would like to expand what they are doing in our state. They are an Alternative Routes to Licensure (ARL) group. She reviewed the process this organization goes through in working with individuals to help get them licensed to teach. The cost for this service is approximately \$850, and that is because there is a lot of federal support. Without the federal support it would cost approximately \$4,000 per individual. They have a completion rate of approximately 45-50 percent and they have 800 people certified in seven states, with retention of about 80 percent.

The Committee passed a motion that they would like administrative action to start discussions with American Board for Certification of Teacher Excellence in order to allow it to expand their work into other areas.

Educator Evaluation

In its January 10, 2008 meeting, the Law and Policy Committee heard a presentation from the Jordan School District on the specifics of how they have implemented HB 382 as it relates to educator evaluation. The Committee directed staff to provide further research and to be prepared to discuss possible Board rule making options.

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The USOE staff presented research findings relative to educator evaluation and discussed options the Law and Policy Committee may want to consider to give additional leadership to LEAs through Board rule. (For complete details see General Exhibit No. 10455.)

The Committee has been having an ongoing discussion about evaluation. Today, they changed the focus on what and how they are saying it. In the past we have talked about how important the teacher is in the classroom. However, we determined it isn't so much the teacher making the difference, we need to say it is the teaching or effective instruction that makes the difference in the classroom. The Committee would like to examine and change, if possible, the effective instruction in the classroom. Noting that (1) you need to develop standards, (2) tools that appropriately and effectively assess effective teaching based upon the standards, and (3) appropriately trained administrators to be able to administer the tools.

The Committee will start developing a rule that will look at how we can do this as a state that we can set the parameters of first what we feel highly effective instruction is and the tools that will be able to effectively assess that. This would be a standards data base assessment of that instruction. They hope to start development of the rule, create a plan of action beginning in April.

They would like to see high quality instruction for every student every day. We need to be able to define and measure that high quality instruction with standards based on data.

Member Roberts noted that this is their strategic plan for the coming year.

Member Denis Morrill commented that with the process of assessing teaching we will also be working with the legislature and the UEA as well as others who have interest in this effort.

Law & Policy Committee Strategic Planning

At the beginning of a new year, it is appropriate to review past committee and policy work and to develop goals for the coming year.

As noted above, the Committee will be focusing on effective instruction evaluation.

Vice Chairman Mark Cluff handed the gavel to Chairman Sadler.

Finance Committee

Member Mark Cluff, acting Chairman of the Finance Committee presented the following recommendations from the committee (noting that Members Greg Haws and Randall Mackey were absent):

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Annual RDA Report to the Board

Utah law requires that each redevelopment agency that adopts a redevelopment (blight based) or economic development project (job-based) after June 30, 1993 create a Taxing Entity Committee (TEC). It has been the policy of the Board since January 2001 to receive an annual report on RDA activity and its impact on school funding from its TEC representative. The Board also receives more detailed reports on actions of the TECs when the SBE representative vote is positive (UCA 17C-1-402(10)).

Each TEC is composed of:

- two school district representatives appointed by the local school board,
- one representative appointed by the State Board of Education (Larry Newton was appointed by the Board in June 1993 and reappointed in October 2003 with Cathy Dudley appointed as an alternate),
- two representatives from the county,
- two representatives from the city, and
- one representative from the balance of all other taxing entities within the project area.

A TEC performs the following duties:

- negotiates with the redevelopment agency concerning the draft project area plan;
- approves or disapproves multi-year project area budgets;
- approves exceptions to the limits on the value and size of RDA projects;
- approves exceptions to the statutory percentages of tax increment and the term that tax increment is paid to the agency; as well as other approvals and consents required or allowed under the law.
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(For complete details see General Exhibit No. 10456)

The Committee received the report and moves that the Board adopt the report. Motion carried unanimously.

Charter School Revolving Loan Subcommittee Recommendations

House Bill 164, 3rd substitute, passed by the 2007 Legislature, created the Charter School Revolving Loan Subcommittee to review and make recommendations regarding loans to charter schools. The State Board of Education is charged with approving loans to Charter Schools per Utah Code Annotated 53A-21-104(5)© school Building Revolving account, specifically the Charter School Building Subaccount to pay for the costs of: (I) planning expenses; (ii) constructing or renovating charter school buildings; (iii) equipment and supplies; or (iv) other start-up or expansion expenses. The Charter School Loan Committee was established and is chaired by Michael Anderson with Michael Kjar, Richard Tolley, Sterling Orton, and Michael Jensen as committee members.

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They developed the criteria and a loan application process. There was \$6,000,000 allocated by the Legislature for this account, to be disbursed at a maximum of \$2,000,000 per year.

The Charter School Revolving Loan Subcommittee reviewed the applications submitted by nine charter schools and recommends the State Board approve loans to the following charter schools:

- Channing Hall \$115,000
- CS Lewis Academy \$ 75,000
- Emerson Alcott Academy \$150,000
- Freedom Academy \$103,000
- Guadalupe Schools \$115,000
- Karl G. Maeser Preparatory Academy \$115,000
- Providence Hall \$190,000
- Rockwell Charter High School \$225,000
- Venture Academy \$ 70,000

(For complete details see General Exhibit No. 10457.)

The Committee requested definitions of a new school and an urgent facility need. Vice Chairman Cluff noted that these monies will expend the entire \$2 million for 2008 budget year.

The Finance Committee reviewed the recommendations from the Charter School Revolving Loan Subcommittee and moves that the State Board of Education approve the loans to the above listed schools; and to direct staff to add to rule definitions of a new school and an urgent facility need for the statute wording. Motion carried unanimously. It was noted that the rule would then come to the board for approval.

Utah Schools for the Deaf and the Blind Needs

During the 2007 legislative session, the Utah Schools for the Deaf and the Blind (USDB) was appropriated a facility on Highland Drive. This facility was to house the students displaced when leased space in Taylorsville and Connor Street expired. Upon a Department of Facilities and Construction Management (DFCM) code review, it was found that the Highland Drive facility could not be economically remodeled to house elementary school children. USDB was not informed of the inadequacies of the Highland Dr. Facility until after the regular State Building Board facility prioritization process.

USDB is now in the process of working with DFCM to identify school space to lease until a new facility can be prioritized and funded through the legislative process.

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USDB is also in the search process for a superintendent. In anticipation of a nationwide search, USDB and the Institutional Council have drafted a request for proposal (RFP) to commission a study to identify an administrative structure that will best serve the mission of USDB. The recommendations of the study will establish the parameters for the search committee. (For complete details see General Exhibit No. 10458.)

Vice Chairman Cluff noted that yesterday some new opportunities came up to purchase a facility. They are in the process of designing the school to make a presentation on Monday to the Committee. Even with this, it will take a year or two so they will still have to move forward with a lease option. They are looking to receiving those funds as well as flexibility in using those funds.

The Committee received the information of the facility options available to USDB. No action was required.

Finance Committee Strategic Planning

At the beginning of a new year, it is appropriate to review past committee and policy work and to develop goals for the coming year.

The Committee reviewed Board goals, the Committee's role and responsibilities and gave guidance to staff relative to the Committee's work for 2008.

The Committee discussed the following: (1) the average daily membership versus average daily attendance; how this affects graduation rates, attendance, performance in the classroom; (2) end of school year - how the Board might help to make sure the time is used wisely; (3) empowering principals; (4) continue to look at equalization and property tax; and (5) regional service centers, how they are funded and being used.

The gave was returned to Vice Chairman Cluff.

Board Meeting

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

- (1) USOE Goals for 2008-2011 have been sent to Brenda Welburn of NASBE for the Boards strategic planning session on April 3, 2008.
- (2) A letter sent to Superintendent Steve Ronnenkamp regarding his concerns about the confusion on appeals of Adequate Yearly Progress.
- (3) Year-Round School Conference - Superintendent Harrington reported that we have confirmed with Yarrow Hotel in Park City for a Year Round Conference to be held

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on April 11. We will bring in experts from around the state that have been doing year-round for many years as well as we are looking nationally to see if there are schools successfully operating year-round in junior high school.

Member Bill Colbert questioned if we have interviewed teachers to see their preference. He noted that many teachers have indicated a dislike for the year-round schedule.

Superintendent Harrington responded that it is her understanding that every district that has gone year-round helped teachers who did not want to participate in a year-round school move to another school that would not be in the year-round. She indicated that the concerns are not just with teachers but parents feel the same way.

Discussion Items

(1) Inspections process for school buildings. Superintendent Harrington shared Inspection Improvements that were identified by a group including Larry Newton, Larry Shumway, Todd Hauber and Superintendent Harrington from the Utah State Office of Education, Representative Larry Wiley, Inspector Roger Evans, and Utah State Board of Education members Mark Cluff and Michael Jensen.

Member Bill Colbert suggested that there also needed to be travel expenses for the inspector included in the legislative request.

Member Tom Gregory suggested that the Board have in place in rule the authority to deny a charter school if they have not followed a competitive bid process.

Motion was made by Member Thomas Gregory and seconded by Member Kim R. Burningham to direct staff to draft a rule for Board approval that as a condition of approval of a charter school they follow a competitive bidding process, and including input from the State Charter School Board.

Member Denis Morrill requested that an inclusion in the motion be that it include ongoing charter schools, not just new ones.

Motion carried unanimously.

Member Richard Moss commented that when engineers design a building, they design it for a certain life span. He felt there needed to be a recommendation that all schools meet a certain seventy-five year or a number of years life span and we get the engineer to certify that the building is designed for a certain life span.

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(2) Educator salary adjustments, 2008 - Deputy Superintendent Larry Newton reported that the base budget bill HB1 passed last week and signed by the Governor, appropriated \$22.3 million to fully fund last year's \$2500 salary supplement and the \$1,000 educator bonus. Superintendent Harrington is preparing a letter to send to district superintendents requesting districts and charter schools to bring their salary schedules into line as soon as possible to be completely in line with legislative intent. As we move forward into the current year, based on the experience of previous year, we have worked very carefully to define categories of educators and to provide the best numbers we can of how many educators are in those categories. Through the process we worked with Legislative Auditor General and his staff to develop the document. We have used a single document in all of the discussion with legislators and the fiscal analysts. There continues to be a strong appetite in the legislature for this method to increase educator salaries. Therefore, we felt it was very important we do our work in a way that will ensure the State Office's ability to accurately implement the legislative intent.

Member Kim Burningham questioned why the legislature was working in this manner. Is it because they favor the idea of more money going to the lower level, or is it because they want more control of salaries? Deputy Superintendent Shumway responded that he is speculating, but there are legislators who believe that funding two salaries through wpu does not necessarily find the target the that legislature intended. Secondly, the sense that by doing it in a specific increment it affects the lower ranges of salary schedule more than the higher range.

Further discussion ensued relative to this being a way to take out the district's determination of salaries especially from the WPU. It was noted that district superintendents, school boards strongly prefer the funds to be in the WPU.

Superintendent Harrington expressed appreciation to the Board for its thoughtfulness and kindness to her following her accident.

(For complete details see General Exhibit No. 10459.)

Board Chairman Report

Vice Chairman Mark Cluff reported that at the NASBE Board of Directors meeting it was noted that NASBE is currently in a very good financial position. They have a \$200,000 rainy day fund to help in critical times and needs. They will be looking out how long they will want to save that money versus continuing on. Also, Brenda Welburn, Executive Director, is looking at her retirement plan which is about a five year plan. Michael Hill, Deputy Director, who has had cancer

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is back to work, but it is anticipated he will retire in November. Therefore, they looking for a deputy director.

This year NASBE's annual conference will be in Washington, DC celebrating NASBE's 50 years with a gala celebration of which Member Burningham is a member of the committee.

The Bylaw changes were ratified at this meeting. There are 38 member states in NASBE and of those 29 were at the meetings in January. This was done because there was not a quorum at the annual business meeting last fall for this ratification. The region that has lowest percentage of membership is the western region.

The NASBE Study Groups met in January. Member Bill Colbert reported that his study group on career and technical education got a good start. He indicated he needed to learn more about what we are doing in Utah.

Vice Chairman Cluff noted that the Middle School study group does not have a sponsor and NASBE will sponsor it for this year, as they did last year, but if there is not a sponsor for next year they will have to cancel it.

Member Kim Burningham reported that NASBE is in a process of putting together next five year strategic plan and he has been asked to be one of four board members to help put that plan together. If anyone has any ideas he would welcome them.

Chairman Richard Sadler passed around a sign-up sheet for the Board legislative meetings on Friday. He asked everyone to please look at names and sign up or make any corrections. He suggested that two or three days before the date staff notify everyone of the place and time.

Chairman Sadler noted that the board evaluation form from last meeting was very positive so please keep that up.

Chairman Sadler noted that the NASBE Legislative Conference will be held in Washington D.C., March 13-15. The NASBE GAC meeting last week was a parade of a variety of individuals saying that they think that No Child Left Behind will be reauthorized this year. There was a journalist who sat through those and they have her some time, and she said there is no way NCLB would be reauthorized this year. There was a person from Senator Kennedy's office who indicated that his agenda is that this needs to be reauthorized. There was someone from the Department of Education who said yes the Secretary would be more open to changes.

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Chairman Sadler encouraged board members to participate in the legislative conference in March. He asked who was anticipating going to conference. Members Dixie Allen, Bill Colbert, Mark Cluff and Chairman Sadler indicated they would attend. It is also anticipated that Member Greg Haws will also participate.

Chairman Sadler indicated that a number of Board Members have been talking about strategic planning, some questioning, have we been doing this right? Have we been doing it too much? Has this become a paradigm for us? We are looking for a brief discussion but to talk about what we should be doing in committees and as a general board, what is wasting our time, etc. So we can refocus on what we should be doing. This is the intent for our April 3 meeting.

Chairman Sadler reviewed dates of upcoming meetings of interest to the Board. (For complete details see General Exhibit No. 10460.)

Public Participation and Comment

The Board received comments from Randy Smith, Davis Parents for Choice, requesting support from the State Board relative to the open enrollment legislation.

Lunch

The Board had lunch with Sariah Donnahoo of the Utah Attorney General's Office and heard a presentation on Internet Crimes Against Children and other related issues.

Executive Session

Motion was made by Member Laurel O. Brown and seconded by Member Dixie L. Allen to move into an executive session following lunch for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 1:30 p.m.

Motion was made by Member Janet A. Cannon and seconded by Member Thomas Gregory to reconvene into open meeting. Motion carried The Board reconvened at 1:55 p.m.

Utah Professional practices Advisory Commission Recommendations

Motion was made by Member Denis R. Morrill and seconded by Member Thomas Gregory to adopt the Commissions recommendation in Case No. 92-285 and accept a stipulated agreement, including conditions of the agreement, whereby a former teacher in Logan school District voluntarily surrenders his educator license in lieu of a hearing for purposes of revocation for five years from the date of formal action by the State Board of Education. The educators license is revoked until and unless he:

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- (1) applies for a reinstatement hearing, in a minimum of five years;
- (2) successfully completes extensive counseling and a psychosexual evaluation;
- (3) completes a criminal background check;
- (4) qualifies for a reinstatement hearing; and
- (5) the State Board of Education determines that reinstatement is warranted.

The revocation results from inappropriately touching male students during the 1993-94 and 1987-88 school years. He was found guilty of seven second degree felony counts of aggravated sexual abuse of a child. Motion carried unanimously.

Motion was made by Member Denis R. Morrill and seconded by Member Bill Colbert to accept the Commission recommendation in Case No. 07-839 and accept a stipulated agreement, including conditions of the agreement, whereby a former teacher in Weber School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for one year from the date of formal action by the State Board of Education. The educator's license is suspended until and unless he applies, in a minimum of one year, has a reinstatement hearing, and the State Board of Education determines that reinstatement is warranted.

The suspension results from counseling a student without prior parental permission in violation of the state FERPA law, engaging in inappropriate and unprofessional text and email messages with the student, traveling alone with a student in his car, kissing a student or allowing a student to kiss him at least three times.

(For complete details see General Exhibit No. 10461.)

Governor's Committee on Employment of People with Disabilities

Motion was made by Member Teresa L. Theurer and seconded by Member Dixie L. Allen to approve the following to serve as members of the Governor's Committee on Employment of People with Disabilities: Diane Mansfield, Gregg Ellis, David Davis, Frances Reagan Copinga and Phil Reisen (all terms to expires 1/2012); and reappoint Kirby Croyle, Bart Olsen (terms to expire 11/2011), Ken Reid, Brian Small, and Charlee Wallace (terms to expire 11/2012). Motion carried unanimously.

Utah Schools for the Deaf and the Blind Finance Director

Upon recommendation of Interim Superintendent Tim Smith motion was made by Member Janet A. Cannon and seconded by Member Laurel O. Brown to appoint Mark D. Padilla

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Viau as the finance Director at the Utah Schools for the Deaf and the Blind. Motion carried unanimously.

State Charter School Board Recommendations

Rockwell Charter High School Amendment

Rockwell Charter High School will open in the 2008-2009 school year in Eagle Mountain, Utah. Originally chartered to serve grades 9-12, the school now requests to add grades 7-8 to its secondary program. This change will assist the school with fluency in its academic program, in addition to financially stabilizing the school during its first year. The State Charter School Board unanimously voted to recommend this amendment for approval by the State Board of Education. (For complete details see General Exhibit No. 10462.)

Motion was made by Member Richard A. Moss and seconded by Member Dixie L. Allen to approve the amendment request of Rockwell Charter High School. Motion carried unanimously.

Thomas Edison Charter School North - South Satellite Amendment

Thomas Edison Charter School North opened in 2002 and serves approximately 400 students. It seeks to add Thomas Edison Charter School South as a satellite school to its existing structure. This will assist both schools in sharing employees, school resources, and creating identical programs of instruction. The governing board of the merged system would contain equal representation from both schools, ensuring that the parents agree with all decisions made. The State Charter School Board unanimously voted to recommend this amendment for approval by the State Board of Education. (For complete details see General Exhibit No. 10463.)

Motion was made by Member Teresa L. Theurer and seconded by Member Richard A. Moss to approve the amendment request of Thomas Edison Charter School North. Motion carried unanimously.

CS Lewis Academy Amendment

C.S. Lewis Academy opened its doors in 2007-2008 in Santaquin, Utah. Currently it serves 200 students in grades K-6. Parents have requested that the school continue its program through the 8th grade. The State Charter School Board unanimously voted to recommend this amendment for approval by the State Board of Education. (For complete details see General Exhibit No. 10464.)

Motion was made by Member Richard Sadler and seconded by Member Dixie L. Allen to approve the amendment request of C.S. Lewis Academy. Motion carried with Members Allen,

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Brown, Burningham, Cannon, Colbert, Gregory, Jensen, Morrill, Moss, Roberts and Sadler voting in favor; Member Theurer absent.

Legislative Update

The Board has requested that a brief update of legislative activity be given in each board meeting between now and next March. The update is intended to ensure that Board members are adequately informed of the critical issues that are or may be before the Utah Legislature. Additionally, interim Board meetings will be held on February 8, 15, and 22 to provide for timely information and Board decisions during the legislative session.

Deputy Superintendent Larry Shumway presented key bills and issues. (For complete details see General Exhibit No. 10465.) The Board took the following action:

HCR 1-Meth Awareness for Students and Educators Resolution

Motion was made by Member Dixie L. Allen and seconded by Member Teresa L. Theurer that the Board take a position of unnecessary.

Substitute motion was made by Chairman Richard W. Sadler and seconded by Member Michael Jensen to support the legislation.

After discussion that this is a duplication of practice of what is currently being done in health classes, Members Richard Sadler and Dixie Allen both withdrew their motions with direction to staff to talk with the legislators and indicate this is duplication of practice.

HJR 4 - Joint Resolution Urging School Closings to Recognize Veterans Days

Motion was made by Member Kim R. Burningham and seconded by Member Richard Moss to oppose with comment that it is not the prerogative of the State Board but a local decision. Motion carried unanimously.

HB 76 - Government Competition and Privatization Act

Motion was made by Member Laurel O. Brown and seconded by Member Janet A. Cannon to oppose. Motion carried unanimously.

HB 112-Public Education Foundation Amendments

Motion was made by Member Kim R. Burningham and seconded by Member Laurel O. Brown to support. Motion carried unanimously.

HB 113-School Financial Disclosure

Motion was made by Member Teresa L. Theurer and seconded by Member Denis R. Morrill to take a position of unnecessary.

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Substitute Motion was made by Member Richard Moss and seconded by Chairman Richard W. Sadler to oppose. Motion carried unanimously.

HB 127 - Community Council Elections

Motion was made by Member Teresa L. Theurer and seconded by Richard Moss to oppose.

It was noted that the Board currently has a request for an audit of School Community Councils to find out if this is really a problem.

Member Theurer withdrew her motion.

Motion was made by Member Debra G. Roberts and seconded by Member Tom Gregory that the Board take no position and asked that staff visit with the representative explaining that the Board is currently conducting an internal audit and will work with him in the future and if necessary put something into board rule with his input. Motion carried with Members Allen, Brown, Burningham, Cannon, Gregory, Jensen, Morrill, Moss, Roberts, Sadler, and Theurer voting in favor; Member Colbert opposed.

HB 232 - Elementary School Math Initiative

Motion was made by Member Debra G. Roberts and seconded by Member Teresa L. Theurer to support. Motion carried unanimously.

HB 234 - Kindergarten Assessment Amendments

Motion was made by Member Debra G. Roberts and seconded by Member Teresa L. Theurer to support. Motion carried unanimously.

HB 240 - Public Education Funding - Block Grant Amendments

Motion was made by Member Debra G. Roberts and seconded by Member Janet A. Cannon to support. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Jensen, Morrill, Moss, Roberts, Sadler and Theurer voting in favor; Member Cluff opposed.

HB 245 - Administration of Medication to Students Amendments

Motion was made by Member Richard Moss and seconded by Member Teresa L. Theurer to support with comment that money be included if needed. Motion carried unanimously.

HB 266 - Accelerated Learning Program Revisions

Motion was made by Member Kim R. Burningham and seconded by Member Bill Colbert to support.

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Chairman Mark Cluff noted that the bill provides money only for the IB Program and does not allow districts to use it for other accelerated programs.

Member Debra Roberts voiced concern about the amount of money we are supporting in addition to the Board's priorities. She requested a running total of how much money we have supported outside our budget request.

Motion failed with Members Allen, Brown, Cluff, Colbert, Morrill, Moss, Roberts and Theurer voting against; Members Burningham, Cannon, Gregory, Jensen, and Sadler voting in favor.

HB 270 - Utah Science Technology and Research Initiative Centers

Motion was made by Member Bill Colbert and seconded by Member Michael Jensen to support. Motion carried unanimously.

HB 274 - Utah K-8 Online Virtual School

Motion was made by Member Debra G. Roberts and seconded by Member Bill Colbert to support the concept with a comment that it is better to move incrementally. Motion carried unanimously.

HB 278 - Charter School Funding Amendments

Motion Richard Moss seconded Janet Cannon to oppose. Motion carried unanimously.

HB 280 - School Finance Amendments

Motion was made by Member Kim R. Burningham and seconded by Chairman Richard Sadler to oppose. Member Burningham commented that he finds the bill contradictory if the legislature is eager to start having more control about what teachers are paid then to make them unaware of what the social security requirement is on a state basis seems to want power and ignoring parts of that power. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Jensen, Morrill, Moss, Roberts, Sadler and Theurer voting in favor; Members Cluff and Gregory opposed.

HB 284 - Utah College of Applied Technology Revisions

Motion was made by Member Bill Colbert and seconded by Member Teresa L. Theurer to oppose. Motion carried with Members Allen, Burningham, Colbert, Jensen, Morrill, Moss, Roberts and Theurer voting in favor; Members Brown, Cannon, Cluff, Gregory, and Sadler opposed.

The Board requested that there be a discussion of this issue in the March or April Board meeting with all parties brought in for the discussion.

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HB 286 & 287 - Permanent Teacher License Revocation for Sexual Activity with Students and Regulation of Teacher – Student Relationships

Motion was made by Member Bill Colbert and seconded by Member Dixie L Allen to support concept of both pieces of legislation.

Member Tom Gregory spoke against the motion indicating it would cause more problems than it solves and that it seems they are trying to solve a problem that does not exist.

Member Denis Morrill spoke against the motion indicating that it takes away the discretion of UPPAC.

Motion failed.

HB 295- Public Schools Electronic Device Policies

Motion was made by Member Teresa L Theurer and seconded by Member Dixie L. Allen a position of oppose because this is a local issue. Motion carried unanimously.

SB 39 - Mathematics, Science, and Technology Education Task Force

Motion was made by Member Laurel O. Brown and seconded by Member Teresa L. Theurer to oppose with comment that this has already been done and we would like to have a chance to see the test scores before it is changed. Motion carried with Members Allen, Brown, Burningham, Canon, Gregory, Jensen, Morrill, Roberts, Sadler and Theurer voting in favor; Members Cluff, Colbert and Moss opposed.

SB 118 - Education Transportation Amendments

Motion was made by Member Debra G. Roberts and seconded by Member Dixie L. Allen to support. Motion carried unanimously.

SB 140 - Education Advisory Councils

Motion was made by Member Dixie L. Allen and seconded by Member Teresa L. Theurer a position of unnecessary. Motion carried with Members Allen, Brown, Burningham, Gregory, Jensen, Mackey, Morrill, Moss, Roberts, Sadler and Theurer voting in favor; Members Cannon and Colbert opposed.

HB123 - Accelerated Learning Programs Amendment

Motion was made by Member Thomas Gregory and seconded by Member Bill Colbert to support. Motion failed with Members Allen, Brown, Cluff, Morrill, Roberts, Sadler and Theurer opposed; Members Burningham, Cannon, Colbert, Gregory, Jensen and Moss voting in favor.

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HB 160 - Charter School Law Revisions

Motion was made by Member Kim R. Burningham and seconded by Member Kim R. Burningham to oppose. Motion carried unanimously with a comment there is a concern on the constitutionality of the bill.

HB 163 - School Fee Amendments

Motion was made by Member Teresa L. Theurer and seconded by Member Laurel O. Brown to oppose. Chairman Sadler requested an addition to the motion that the Board ask Larry Newton to come up with a dollar amount to what this will cost. Alternatively, if this figure is not readily available, that we believe the total amount of fees be replaced.

Substitute motion was made by Member Thomas Gregory and seconded by Member Richard Moss to support concept with comments made by Chairman Sadler. Motion carried with Members Allen, Brown, Cannon, Colbert, Gregory, Jensen, Morrill, Moss, Roberts and Sadler voting in favor; Members Burningham and Theurer opposed.

HB 349 - Open Enrollment Revisions

Motion was made by Member Kim R. Burningham and seconded by Member Bill Colbert to support.

Carol Lear commented that right now the way the legislation as written changes an important issue that a school could not close a program. This would make special education programs where a student could choose a special education program that is already overloaded.

Given the comment Member Burningham withdrew his motion.

General Consent Calendar

Motion was made by Member Richard Sadler and seconded by Member Dixie Allen to approve the General Consent Calendar as presented. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held January 10, 2008.

2. Contracts

The following contracts were approved by the Board:

(A) Educational Research & Training. \$81,000. 10/1/07-9/30/08. - Amend. - Fed.

Utah as a member of MAPAS Migrant Education Consortium and having a federally funded state Migrant Ed program is required to participate in the

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development of supplemental curriculum and assessment materials, a data driven decision making system, comprehensive needs assessment and verification of eligibility of migrant students within Utah.

(B) Davis County Schools Warehouse. \$150,000. 10/1/07-9/30/08. - Amend.

Receipt and storage of USDA commodities.

(For complete details see General Exhibit No.10466.)

3. Educator Licensing Requests for Temporary Authorization

Requests for Temporary Authorizations as submitted by the school districts were approved by the State Board of Education. (For complete details see General Exhibit No. 10467.)

4. Data Standards, R277-484

Data Standards, R277-484 has been revised and updated as a result of the normal five-year reauthorization process.

The minor changes include:

- Repealed and no longer used statutory references and obsolete language has been deleted and/or modified as needed;
- The January 24 annual Adult Education Mid-Year Report for the current year has been deleted because it is no longer needed;
- The Redevelopment Agency (RDA) Taxing Entity Committee Representative List due January 24 from school districts has been added to comply with present and long standing practice;
- The Adult Education Final Report for prior year has been moved from August 24 to June 29 to better comply with when data is available and needed by USOE;
- The Adult Education Financial Audit Report for the prior year due date of September 15 has been added to comply with present practice;
- The school district and charter school Negotiations Report for the current year due date of November 1 has been added to comply with the provisions of 53A-1-301(3)(d)(vi) Utah Code and H.B. 382, 2007 Legislature (lines 129 to 135 for Educator Bonuses and lines 154 to 160 for Classified Bonuses);
- References to the Utah Education Association have been deleted;
- Deadline for the November 15 CACTUS Update for the current year is added to the list of reports for which deadlines may not be extended so that USOE is able to complete required reports to the Legislature within the time required.

The Board approved R277-484, Data Standards on second reading at its January 10, 2008 meeting. There have been no substantive changes to the rule since that time.

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The Board approved Data Standards, R277-484 on third and final reading. (For complete details see General Exhibit No. 10468.)

5. Administrative Rule Review

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

R277-469	Instructional Materials Commission Operating Procedures
R277-483	Persistently Dangerous Schools
R277-485	Loss of Enrollment
R277-508	Employment of Substitute Teachers
R277-746	Driver Education Programs for Utah Schools
R277-747	Private School Student Driver Education
R277-751	Special Education Extended School Year
R280-200	Rehabilitation

(For complete details see General Exhibit No. 10469.)

6. Administrative Rule Repeals

R277-721 - Deadline for CACFP Sponsor Participation in Food Distribution Program

This rule is no longer necessary. Any requirements relating to deadlines for Child and Adult Care Food Program (CACFP) sponsor participation in food distribution programs is inclusive in federal law and regulations

R277-722 - Withholding Payments and Commodities in the CACFP

This rule is no longer necessary. Any requirements relating to withholding payments and commodities in the (Child and Adult Care Food Program (CACFP) is provided for in federal law and regulations.

The Board repealed R277-721, Deadline for CACFT Sponsor Participation in Food Distribution Program and R277-722, Withholding Payments and Commodities in the CACFP.

(For complete details see General Exhibit No. 10470.)

7. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2008 provides information to the Board. (For complete details see General Exhibit No.10471.)

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8. 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. 10472.)

9. Ratifications

Todd A. Hauber was ratified as an Associate Superintendent in the Utah State Office of Education.

Gary Belliston was ratified as the Finance Director, Internal Accounting, Business Services Division.

Alice Petersen was ratified as a School Finance Specialist, School Finance & Statistics, Business Services Division.

10. State Charter School Board Recommendations

On January 17, 2008 the State Charter School Board unanimously approved to recommend to the State Board of Education that Ranches Academy modify its elementary program to serve grades K-6 (eliminating grades 7-8), and reducing its enrollment by 100 students. The Ranches has been open since 2004.

11. 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. 10473.)

Motion to adjourn was made by Member Teresa L. Theurer and seconded by Member Dixie L. Allen. Meeting adjourned at 4:10 p.m.