

MINUTES

November 5, 2004

Minutes of the meeting of the State Board of Education held November 5, 2004, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:20 a.m. Chairman Kim R. Burningham presided.

Members present were:

Chairman Kim R. Burningham
Vice Chairman, Janet A. Cannon
Member Dixie L. Allen
Member R. Michael Anderson
Member Linnea S. Barney
Member Tim Beagley
Member Bonnie Jean Beesley
Member Laurel Brown
Member Edward A. Dalton
Member Greg W. Haws
Member John C. Pingree
Member Joyce W. Richards
Member Debra G. Roberts
Member Teresa L. Theurer

Members David L. Moss, Gary C. Swensen and Sara V. Sinclair were excused.

Also present were:

Executive Officer Patti Harrington
Associate Superintendent Christine Kearl
Associate Superintendent Patrick Ogden
Associate Superintendent Raymond Timothy
Executive Director, USOR, Blaine Petersen
Public Affairs Director Mark Peterson
Board Secretary Twila B. Affleck

Members of the Press:

Jennifer Toomer-Cook, Deseret Morning News
Ronnie Lynn, Salt Lake Tribune
Chris Allen, Utah Atheists
Sue Carey, Utah PTA
Mark Cluff, State Board Member elect
Tom Gregory, State Board Member elect
Ronda Rose, Utah PTA
Kaye Chatterton, Utah Education Association
Vik Arnold, Utah Education Association
Charles Hausman, Salt Lake City school District
Rick Young, Pearson Educational Movement
Barbara Jones, Council for Sound Tax Policy
Jay Greaves, Davis Applied Technology College
Kevin Cummings, Davis Applied Technology College

Michele Friz, Davis Applied Technology College
Michael J. Bouwhuis, David Applied Technology College
Utah State Office of Education Staff:
Barbara Banks, Student Achievement & School Success
Carolee Gunn, Student Achievement & School Success

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

Chris Allen, Utah Atheists voiced objection to the prayer. Chairman Burningham noted the objection and indicated that Mr. Allen would be given an opportunity to express his concerns during the Public Participation/Comment period on the agenda.

Board Member Greg W. Haws offered the reverence.

Board Secretary Twila B. Affleck recorded the minutes.

Chairman Burningham excused Board Members David L. Moss, Gary C. Swensen and Sara Sinclair, and Laurel Brown and Bonnie Jean Beesley for the morning session.

Chairman Burningham congratulated those who were successful in their elections, Teresa Theurer, Richard Sadler, Janet Cannon, John Pingree, Bill Colbert, Mark Cluff, and Thomas A. Gregory. He indicated that Member Mike Anderson made a noble attempt to get his message out, but was unsuccessful as a write-in candidate. Member Anderson commented that education will be well served and Mark Cluff who is a fine gentleman. He said the most difficult thing will be not being able to associate with the Board on a regular basis.

Chairman Burningham announced that the new Board Member Orientation will take place on Monday, November 15th at the State Office of Education and the Board retreat on November 16th at the Hampton Inn.

Chairman Burningham shared a quotation from Garrison Keillor from his new book *Homegrown Democrat*. He shared different quotations from the book. (For complete details, see General Exhibit No. 9437.) Chairman Burningham indicated that Mr. Keillor's whole thrust is the important humanizing quality of going to school together and learning to understand people with diversity.

Boardsmanship Development

Board Member Linnea S. Barney shared information on Quality and Stability in State Education Leadership. She indicated that the Board should advocate and support stability, conduct evaluations of the chief and itself, as well as develop communication strategies.

No Child Left Behind Position Statement

Chairman Burningham reviewed a Position Statement relative to the Board's position on No Child Left Behind. (For complete details, see General Exhibit No. 9438.) He noted that the philosophy undergirding No Child Left Behind is one that educators and board members in Utah support. That same philosophy is reflected in Performance Plus and U-PASS, where high levels of student achievement are expected and high levels of

accountability are in place for all stakeholders. However, some details of NCLB have onerous and negative effects on many outstanding Utah schools and their teachers. Chairman Burningham indicated that the Utah State Office of Education created a position statement about the needed changes in the law some months ago, upon the request of members of the Utah delegation in Congress. This statement has been shared with superintendents and policy-makers throughout the state.

Chairman Burningham stated that as the conversation about NCLB grows and, perhaps, intensifies, it is important that the Utah State Board of Education defines its own statement regarding NCLB, which will bring clarity to the Utah State Office of Education and its leaders as they participate in NCLB discussions.

Chairman Burningham noted that currently there is proposed legislation being drafted to opt out of No Child Left Behind.

Discussion ensued relative to the possible ramifications of losing the federal funding should we opt out of No Child Left Behind.

Chairman Burningham noted that the thrust of the Position Statement is to try to get the federal government to change everything they can to make it more of a growth model.

Superintendent Harrington stated that Utah has submitted requests to change our plan so it is more amenable to what we feel should happen in our schools. Of those requests, about one-third have been approved, one-third denied, and one-third still in abeyance. She indicated that another option may be for us to resubmit our plan according to what we want and let them deal with our results, which are very strong.

Judy Park, Director of Evaluation and Assessment presented the Adequate Yearly Progress Report. (For complete details, see General Exhibit No. 9439.)

Vice Chairman Janet Cannon commented that she has spent the last six years on NASBE's Governmental Affairs Committee. She is concerned with Utah being the solo state in opting out for NCLB. She did not think this is something other states will be coming forth to do. She further indicated that in Utah we have the least funding of any state and the least state to do without federal funds to help us.

Vice Chairman Cannon stated that she did not feel we could prove that this was an argument that the federal government should not be intruding in public education or that it is an unfunded mandate.

Superintendent Harrington indicated that the proposed statement has already had some broad discussion. She suggested that we resubmit our plan telling them we want to work with you, but is uncomfortable with the word repeal.

Motion was made by Member Teresa L. Theurer and seconded by Member John C. Pingree to accept the proposed statement on No Child Left Behind.

Motion was made by Member R. Michael Anderson and seconded by Member Teresa L. Theurer to change

the title of paragraph six to read “No Child Left Behind needs extensive revision.”

Vice Chairman Janet Cannon offered an amendment to further that by eliminating the paragraph underneath it, leaving the single line to read: “NCLB revision must at least include:” The amendment was accepted as part of the motion. It was further noted that the motion may require some word smithing of the following paragraphs. The Board Leadership and staff was given latitude to so do.

Motion including the amendment carried unanimously.

Motion was made by Member R. Michael Anderson and seconded by Member John C. Pingree to change the title of paragraph three to read: “Federal intrusion in public education encroaches upon local control.” Motion carried unanimously.

Motion was made by Member Teresa L. Theurer and seconded by Member Linnea S. Barney to move paragraph five to become paragraph three and renumber all other paragraphs accordingly.

Member Tim Beagley proposed an amendment that the State Board instruct state office to submit our current U-PASS Accountability plan as an amendment to our current NCLB Compliance Plan.

Discussion ensued relative to this statement being included in the document or that it become a standalone statement.

Member Beagley indicated that for clarity sake he would hold the amendment and make the motion at a later time.

Motion to move paragraph five to become paragraph three carried unanimously.

Motion was made by Member Tim Beagley and seconded by Vice Chairman Janet A. Cannon that the State Board instruct the State Office of Education to explore the possibility with the federal government of having our U-PASS system provide an alternative to NCLB accountability system. Motion carried unanimously.

Motion was made by Member Teresa L. Theurer and seconded by Member Linnea S. Barney that the ninth bullet under Paragraph six be changed to read: “Allowing schools in the first year of program improvement to choose the order of initiating either choice or supplemental services in response to student need.” Also, add something to the effect that there is not a choice now for this. Motion carried unanimously.

Member Mike Anderson suggested that the last paragraph of the document be modified to reflect the amendments made.

Chairman Burningham suggested that the Leadership Committee wordsmith the last paragraph and that the final action on the document be held until after lunch.

Motion was made by Member John C. Pingree and seconded by Member Teresa L. Theurer that the last paragraph read: Accordingly, the Utah State Board of Education adopts the foregoing position.” Motion carried unanimously.

Motion was made by Member Tim Beagley and seconded by Member Teresa L. Theurer that one of the misnomers throughout the NCLB law is the word choice, therefore, wherever the word choice appears in our position statement we change it to read “school paid choice.” This would indicate that the transportation is paid for by the Title I school.

Associate Superintendent Ray Timothy, noted that the Title I schools have those funds available through NCLB funding up to 20% to help pay for the transportation costs of students.

Members Beagley and Theurer withdrew the motion.

Member Edward Dalton suggested that the document be strengthened with a brief preface stating our mission and Constitutional authority, and in the spirit of collaboration and exercising our rights to govern education the desire to make meaningful change and effectively meet the needs of every child, utilizing our resources wisely and aligning with NCLB, we have adopted the following position.

Chairman Burningham suggested that the document as amended, plus the idea of a preamble be revised by Superintendent Harrington. The revised document would then be brought back to the board later in the meeting for a final vote.

Motion was made by Member Debra G. Roberts and seconded by Member Laurel O. Brown to revise paragraph 5 moving the last two sentences to the beginning of the paragraph. The paragraph would then begin “Utah joins with thirteen other states...” Motion carried with Members Allen, Anderson, Beagley, Brown, Cannon, Dalton, Haws, Pingree, Richards, and Roberts voting in favor; Members Barney and Theurer opposed.

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Debra G. Roberts to delete the word “only” from second line from the bottom of paragraph 1. Motion carried unanimously.

Vote on final position statement will be taken later in the meeting.

Public Participation/Comment

Barbara Jones presented information regarding the Sound Tax Policy concept. (For complete details, see General Exhibit No. 9440.)

Greg Haws voiced concern and indicated he was uncomfortable being listed as an endorser because it was not made clear to him that this was part of the bank credit union issue, but more referred to as a sales tax issue. He did not want to be involved in the ongoing battle between banks and credit unions.

Chris Allen, observer for Utah Atheists, voiced concern with the custom of opening prayers at public meetings particularly at state and district school board meetings. He indicated that in April they wrote to Carol Lear at the State Office of Education asking if prayers will continue to be allowed and if so they asked for a copy of a written policy adopted concerning prayer as required by state case law in *SOS vs Whitehead*. To date they have not received a reply from Ms. Lear. They request that the Board examine this request and give them an answer. Also, the reason he

objected to Mr. Haw's prayer is that he viewed it as a threat to his right to equal justice from the government. In his opinion the current prayer policy is not in compliance with Utah case law concerning prayer in government.

Chairman Burningham noted there will not be an executive session.

The Board recessed for lunch and information discussions with members of the Charter School Board.

Superintendent Patti Harrington introduced Anne Peterson and Scott Smith of the Utah Charter School Board. They noted that they have 19 applications to review on Monday and Tuesday of next week. They only have 14 slots for new charters so obviously not all will be approved.

There was also discussion of the working relationship between the two boards.

Meeting the Needs of Utah's Secondary Students in Career and Technical Education

The Utah State Board of Education is required to provide a report to the Governor and to the Legislature's Education Interim Committee by October 31 of each year detailing how the needs of secondary students are being met and what access they have to programs offered at the Utah College of Applied Technology (UCAT).

Mary Shumay, Career and Technical Education Director, presented the report. (For complete details, see General Exhibit No. 9441.)

Ms. Shumway also presented a demonstration of the *Careers.Utah.gov* and *Utah CTE.org* web sites showing information on Career and Technical Education opportunities.

No action was required.

Utah Performance Assessment System for Schools (U-PASS)

U-PASS legislation calls for multiple types of testing to determine academic progress in the state as well as to provide for national comparisons. It further requires an identification of schools based upon performance, beginning with the 2003-04 school year. USOE leadership has been meeting with various constituent work groups and a task force to frame the identification plan.

Judy Park, Director of Evaluation and Assessment reported on the progress of the work groups to the Board. (For complete details, see General Exhibit No. 9442.) She indicated that a final plan for the Board's consideration will be presented in the December 3, 2004 meeting.

No action was required.

No Child Left Behind Position Statement Continued.

Superintendent Harrington reviewed the new draft of the No Child Left Behind Position Statement per prior suggestions and action of the Board.

Chairman Burningham voiced concern with line "And in order to align Utah law and programs with No Child Left Behind law" under Preamble. After discussion, it was agreed that this line would be deleted.

Member John Pingree suggested that the final line read: “Accordingly, the Utah State Board of Education endorses the foregoing position.”

Vice Chairman Janet Cannon suggested a change in the title for 2, to read: “Utah supports many aspects of the law, these include:”

Discussion ensued as to who would be the audience for this document. It was felt that this is the Board’s public position.

Motion was made by Member Greg W. Haws and seconded by Member Debra G. Roberts to adopt the Position Paper with the following changes: Eliminate the line “And in order to align Utah laws and programs with No Child Left Behind law” on the first page under Preamble; Page 2, Number 2, change the title to read: “There are aspects of NCLB that Utah supports, however, these concept were found in many good state accountability plans before NCLB was enacted.” Move 5 to 3, and adjust numbers accordingly; on the last page add a line at the end, “Accordingly, the Utah State Board of Education adopts the forgoing position; and change the last sentence on the back page to read: The Board also recognizes the importance of the funding received from the federal government in support of student achievement.”

Motion carried unanimously.

Superintendent Harrington reported to the Board that the Representative Margaret Dayton will be holding a press conference next week and has asked that we attend. Representative Dayton will reveal the language behind whatever her bill will say this year. We do not know what that legislation will say. Dr. Harrington indicated that she felt Representative Dayton will be talking about opting out of No Child Left Behind. She questioned if the Board would like her to attend the press conference and indicate we are ready to submit our own plan or should she not go to the press conference with the supposition that it would suggest support for opting out.

Member John Pingree stated that he could see no benefit in us being involved in support of the opt out proposal.

Discussion ensued relative to what our appearance or not at the press conference would imply.

Member Greg Haws commented that he had confidence in the Board leadership and the superintendent to go to Representative Dayton and let her know our position and then make a decision.

(For complete details of the final document see General Exhibit No. 9443.)

Board Standing Committee Reports

Law and Policy Committee

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

Paraeducator Certificate of Proficiency

at the Utah Applied Technology College
Davis Campus

The Utah College of Applied Technology Davis Campus has developed the Paraeducator Program designed to train individuals to work with children in a variety of educational settings and positions under the supervision of certified personnel. The training consists of 13 courses in an open entry, competency-based format. Students must pass each course before moving on to the next. The course work is based upon the standards and competencies approved by the Board as part of the portfolio assessment.

The Utah College of Applied Technology Davis Campus asked the Board to recognize the completion of the Paraeducator Program and the receiving of the Certificate of Proficiency as demonstration that the individual has met a rigorous standard of quality as required under NCLB. (For complete details, see General Exhibit No. 9444.) It was clarified that this may also be available eventually at other applied technology colleges.

The Committee reviewed the proposal of the Utah College of Applied Technology Davis Campus, the recommendations of the Educator Development Advisory Committee (EDAC) and the Educator Quality Workgroup and approved the Paraeducator Certificate of Proficiency at the Utah Applied Technology College Davis Campus and moves that the Board approve the Certificate of Proficiency as well. Motion carried unanimously.

Alternative Route to Licensure Teacher
Preparation Program in Mathematics

Math teachers continue to be in a nationwide critical shortage category. In order to provide additional opportunities for university graduates to enter the profession, USOE recommends the consideration of the American Board for the Certification of Teacher Excellence (ABCTE) mathematics programs as a viable “demonstrated competency” option for the USOE Alternative Route to Licensure. Because this is a very new program, it is recommended that the use of this program be limited to a three-year period to be followed by a comparability study on the student achievement of ABCTE trained instructors with the student achievement data of traditionally prepared mathematics instructors. (For complete details of the program see General Exhibit No. 9445.)

The Committee considered the use of the ABCTE mathematics program as an option under the USOE Alternative Route to Licensure Program and moves that the Board approve the Alternative Route to Licensure Teacher Preparation Program in Mathematics as a viable alternative route to licensure. Motion carried unanimously.

Utah Public Education Technology Plan - 2004

In 2001, a committee of educators, State Board Members, business representatives and representatives of the Utah Education Network met and developed the Utah Public Education Technology Plan. This plan has reflected the educational technology vision for our state. The plan was revised in 2003 and has once again gone through recent minor revisions. NCLB Title II D (Enhancing Education Through Technology) requires a State Board approved educational technology plan to qualify for funding under this title. (For complete details of the Plan see General

Exhibit No. 9446.)

The Committee reviewed and approved the Utah Educational Technology Plan - 2004 as the vision statement for educational technology in public education in Utah and moves that the Board approve the 2004 Plan. Motion carried unanimously.

School Emergency Planning

Following the terrorist act at the school in Russia, Board members have received questions regarding safe school issues in our state. Patrons have concerns about emergency planning required by local schools and district and the measures that can and are being taken to prevent similar incidents from happening in our schools.

The Committee reviewed Board Rule R277-400, School Emergency Response Plans, as well as materials provided by the U.S. Department of Education, and provided direction to staff regarding school emergency planning. (For complete details, see General Exhibit No. 9447.)

Member Linnea Barney commented that she had attended a lecture on this subject and the speaker indicated that in the actual emergency, the problems were in dealing with the media and calling to notify parents.

Finance Committee

Member R. Michael Anderson, Chairman of the Finance Committee presented the following recommendations from the Committee:

Response to the Legislative Report on Trends in State Employment and Executive Appropriation's Request

In September, legislative staff presented the Executive Appropriations Committee a report on trends in state employment. The report noted "limited conclusions could be drawn from public education employment data due to different definitions of classified employees among school districts." As a result of the report, the Committee asked the State Board to do two things: (1) "develop a common definition of full-time equivalent employment to be adopted by all state school districts and charters schools" and (2) "collect data using the new definition beginning in FY 2005 both retrospectively for each of the past five years, as well as prospectively."

The State Office of Education has drafted a response to the Committee for the Board that includes the following two actions steps: (1) FTE data will be uniformly collected from district and charter school payroll systems. This will resolve the situation that occurred this year where districts were not counting certain types of employees as FTEs. (2) FTE data for the past five years will be standardized, particularly for the two large districts that changed counting methodologies this past year. (For complete details of the response see General Exhibit No. 9448.)

Member Anderson reviewed the proposed formula.

The Committee reviewed the response and the formula and it will be presented along with its impact at the

next meeting.

School District Debt and the Board's Oversight Role

Primarily, school districts use debt to finance school construction. District financial reports show that at the end of fiscal year 2003, districts had over \$1.5 billion in outstanding debt.

The report focused on: (1) the financial stability of districts and their ability to fund their financial obligations; (2) the limits placed on school district indebtedness; and (3) the role of the Utah state Board of education and the Utah State Office of Education in monitoring and ensuring districts remain financially capable of meeting their obligations. (For complete detail, see General Exhibit No. 9449.)

It was noted that no district has failed in making payments on their debt.

No action was required.

Utah Schools for the Deaf and the Blind Salary Calculations

As a result of last year's audit of the Utah Schools for the Deaf and the blind, the legislature passed intent language requiring the State Board to oversee the calculation of USDB teacher salary adjustment and present its calculation to the governor and legislature for inclusion in their respective budget deliberations.

Staff reviewed with the committee how the salary adjustments for USDB teachers were calculated and presented to the committee the results for its approval. (For complete details, see General Exhibit No. 9450.)

Motion from the Committee that the Board to approve the salary adjustment request in the amount of \$269,000 to the legislature for the Utah Schools for the Deaf and the Blind teachers. Motion carried unanimously.

RDA Mitigation Payments Report

Each year school districts report to the USOE School Finance Director the number, dollar amount and purpose of redevelopment agency mitigation payments made to school districts to alleviate financial burdens or detriments caused to the school district by a redevelopment, economic development or education housing development project under provisions of Section 17B-4-1002, Under provisions of Section 17B-4-1008, the redevelopment agency may pay to any school district with territory located within the project area any amount of money which is, in the agency's determination, appropriate to alleviate any financial burden or detriment caused to the school district by a redevelopment project. The State Board of Education Finance Committee asked that the FY 2004-04 report be brought to them and the Board when the report has been compiled. This school district mitigation payment report covers the time period July 1-2003 through June 30, 2004. (For complete details, see General Exhibit No. 9451.)

The report was provided as information only and no action was required.

Salt Lake City's RDA Proposal Update

Last month the committee heard a request from Salt Lake City for the Board to vote to approve re-

approving its longstanding RDA project. The Board directed its representative to negotiate with the City for more favorable terms but left the final decision on how to vote to him.

The Taxing Entity Committee met on October 12, 2004, to consider re-extending Salt Lake City's Central Business District's RDA. The vote passed with 6 in favor of re-approving and 1 against. The Board's representative voted against approving the project.

The report was provided as information only and no action was required.

Communications Committee

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

Activities pursuing:

State of Education Address – still looking for best timing, audience, etc. There was some discussion of trying to do it in a board meeting or at USBA's convention in January.

Lunch Visitors – The Committee prepared a list of potential guests and they will send it to Leadership for their consideration.

Evening of January 13th - The Board will be invited to have dinner with Board of Directors of USBA prior to their conference. The Committee discussed the agenda for that meeting. They will explore with the President of USBA a little more discussion or activity to bring value to that meeting.

Round Table Topics – The Committee looked at the suggestions from the Board relative to round table discussions. They will get the list together so it can be integrated into the meeting schedule for the coming year.

Best Practices Award - Staff has given them some suggestions regarding some award ideas. We still need to figure out how to promote the program, obtain the nominations and select some of these practices.

PTA Communications Project The PTA is currently working on a Parent Involvement Policy which they would like to share with us and receive our feedback. They will continue to facilitate the process with the PTA.

General Consent Calendar

Motion was made by Member Tim im Beagley and seconded by Member R. Michael Anderson 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 October 1, 2004.

2. Contracts

The following Contracts were approved:

A. Sky Harbor Apartments. \$15,456. 1/1/05-12/31/06. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the Training and Adjustment and Learning Maximum Independent Living Skills classes.

B. Utah Department of Workforce Services. \$70,000. 8/1/04-6/30/05. RECEIVABLE

To provide funding for a pre-K-to-Kindergarten literacy specialist to perform the tasks identified in the scope of work and to assist the department in improving the quality of education in the State of Utah.

C. Sky Harbor Apartments. \$15,456. 1/1/05-12/31/06. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the Training and Adjustment and Learning Maximum Independent Living Skills classes.

D. Sky Harbor Apartments. \$15,456. 1/1/05-12/31/06. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the Training and Adjustment and Learning Maximum Independent Living Skills classes.

E. Sky Harbor Apartments. \$15,456. 1/1/05-12/31/06. Amend.

Rental of this unit will provide housing for DSBVI students while attending the Training and Adjustment and Learning Maximum Independent Living Skills classes.

F. Assessment. \$. 9/27/04-7/31/05. - Amend.

Licensed software for program and grant management.

G. Utah Education Network. \$107,716. 7/1/04-6/30/05. RECEIVABLE. Fed.

To provide funds to cover the salary, benefits, and program budgets for George Miller - Educational Specialist/EDNET.

H. Bess Rentals. \$13,200. 10/16/04-10/15/05. - Amend. - Fed.

Lease of Division of Rehabilitation Services, Brigham City office located at 695 South Main Street, Ste 4, Brigham City, Utah.

I. USU - Early Childhood Development Center. \$84,610. 11/05/04-9/30/05. Amend. - Fed.

Evaluation of the Utah State Office of Education's Advanced Placement Incentive Grant.

(For complete details of the Contracts, see General Exhibit No. 9452.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts. (For complete details, see General Exhibit No. 9453.)

4. Administrative Rule Review

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

- R277-471 Oversight of School Inspections
- R277-607 Truancy Prevention
- R277-203 Certification Requirements for Interpreters for the Hearing Impaired

(For complete details, see General Exhibit No. 9454.)

5. Testing Procedures, R277-473

R277-473, Testing Procedures was amended to update the language to make the rule consistent with state law and current practice. The changes include: (1) Removing “Constructed response portions” from the definition and language; (2) Changing CRT assessment window; and (3) Adding new language regarding USOE responsibilities and school responsibilities for crisis indicates in state assessments. Further amendments to the rule were made by the Board in the October 1, 2004 meeting including : CRTs shall be given in a five week window beginning five weeks before the last Monday of the end of the course; On line 67, deleted the words “or of the course,” and on line 219 add: business days. The Board approved R277-473 on second reading at the October 1, 2004 meeting. Since that time, under R277-473-4 a non substantive change has been added to the rule that references state and federal law. (For complete details, see General Exhibit No. 9455.) The Board approved Testing Procedures, R277-473 on third and final reading.

6. Adult Education Programs, R277-733

The 2004 Legislature asked the Utah State Office of Education to develop a statewide fee schedule for adult education classes based upon a student’s ability to pay. The proposed rule links these fees to free/reduced lunch criteria and establishes a basic fee amount for classes as well as less expensive options for those who may qualify. The Board approved R277-733 on second reading at the October 1, 2004 meeting. There have been no substantive changes to the rule since that time. (For complete details, see General Exhibit No. 9456.) The Board approved Adult Education Programs, R277-733 on third and final reading.

7. Monthly Budget Report

The Monthly Budget Reports provide 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. 9457.)

8. Recommendations from the Utah State Instructional Materials Commission

The Utah State Instructional Materials Commission will meet on November 4, 2004 and will recommend over 2,900 titles from the attached printout. The Commission recommends that the Board accept the bids received from the publishers and direct staff to award contracts to the publishers to furnish instructional materials to the schools of Utah. (For complete details, see General Exhibit No. 9458.)

The Board adopted the recommendations by the Utah State Instructional Materials Commission and directed staff to award contracts to the various publishers.

9. Ratification of Employment

Sarah de la Cruz Yerman was ratified as an Educational Specialist in the Student Achievement and School Success Division.

10. Certificated Staff Salary Increase

It is the responsibility of the State Board of Education to set the salary schedule for the certificated staff of the State Office of Education, including the superintendency and the Executive Director of the Utah State Office of Rehabilitation.

The Board provided a one-time bonus for licensed staff, the state superintendency including the Executive Director of the Utah State Office of Rehabilitation, and administrative and Board staff on December 3, 2004 as provided for by legislative appropriation.

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. 9459.)

12. Claims Report

The Claims Report in the amount of \$186,810,262.71 for September 30, 2004 was approved. (For complete details, see General Exhibit No. 9460.)

Executive Officer Report

Superintendent Patti Harrington presented the following items of information: (For complete details of her report, see General Exhibit No. 9461.)

Superintendent Harrington expressed appreciation to the Board relative to the direction on the No Child Left Behind Position Statement.

Dr. Harrington's report included her Speaking Assignments, Meetings with Legislators and Visits to schools and other education organizations.

Superintendent Harrington noted that Brian Allen, Chairman of the Charter School Board testified to the Education Interim Committee with some of his issues relative to the processes of approving charter schools and other such issues. She has asked him to meet with her to try to resolve some of these issues internally rather than going to the legislature.

Dr. Harrington also updated the board on Adequate Yearly Progress, the resignation of Patricia Bradley, Director of Charter Schools, USDB Audit, UBSCT appeal process; Services for students with disabilities and IEP agreement and contracts with private schools; Bob Garff sponsoring a student academic and performance motivation programs; Concurrent Enrollment Rule is in process, USOE Strategic Plan; Audits that are underway and the Human Resources survey.

Board Chairman Report

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

NASBE Conference on Abstinence and HIV-AIDS – Member Linnea Barney participation in NASBE Conference on HIV-AIDS. She reported that the conference was well represented by participants from 30 states as well as education material providers. One of which was the Center for Disease Control and the Abstinence Clearing House. She noted that Board Members should have received an email from NASBE relative this issue, dated September 29th – “The Debate Over Abstinence Education.” This was the thrust of the conference. She indicated that on the last day of the conference they asked us to identify ourselves and to take a position on where we were with abstinence, HIV-AIDS education in the schools. Did we favor abstinence only, abstinence plus (abstinence with a little information) or no holds bared. It was interesting to see that almost everyone was in the abstinence plus. There were very few in the abstinence only and about the same in the no holds bared. We are not alone in our state in the morale values we want our kids to learn. She felt that we still need to find a way to survey our high school students to find out what is going on with them relative to these issues.

Athletics in Public Education – the trend of how public education relates to, what eligibility requirements are included, what regulations we have between the two agencies, etc. The Board has previously discussed this issue and as a result Teresa Theurer now serves on the Utah High School Athletics Association Board of Directors. Linnea Barney has just served on NASBE Study Group that has produced a document about recommendations on what should be done in this arena. It includes 18 specific recommendations of what state boards should do relative to the questions of athletics and achievement. This issue is getting a lot of attention including national press. There are many forces coming together focusing on the whole relationship of athletics and public education. Because NASBE has given us a number of specific recommendations he would like to be in a position to respond to them. He therefore, appointed a short-term task force whose responsibility will be to examine the works of the NASBE studies and recommendations and prioritize those 18 recommendations. The task force will be chaired by Linnea Barney, members Teresa Theurer and Gary Swensen. He requested a short-term report to be made in the December meeting.

NASBE Study Groups – The National Association of State Boards of Education has provided an excellent opportunity to examine issues where we need the resources of much more than we can provide. They have two study groups outlined for the coming year: Secondary School Literacy and Value Added Assessment. Chairman Burningham asked if there were Board Members interested in participating in one of these study groups and also the Governmental Affairs Committee to please let Twila know as soon as possible.

Mr. Burningham also noted that members could participate in the Public Policy Committee and Nominations Committee who meet in March and others who meet on conference call.

NASBE Conference – One of the highlights of the last many months was when awards were given for

Distinguished Service. Linnea Barney was recognized as one of three in the nation receiving that award. The other two who received the award was a gentleman from West Virginia who had been on the state board for 30 years. And a poet from New York.

In December the Board will be electing leadership under the direction of the Vice Chairman. Vice Chairman Janet Cannon indicated that information will be mailed to the Board the first part of next week relative to whether or not they are interested in running for leadership or to nominate someone. She further indicated that the new members will be voting in that election for leadership.

Legislative Leadership – Election of leadership in the legislature will take place in the next few days. We are trying to contact the potential people for these positions. We will be meeting with Rep. Curtis next week. We are trying to establish relationships with potential leaders.

NAEP – Will be putting together a whole new framework and specifications for science NAEP test that will become a part of the future. Board Member Tim Beagley will be a member of the national group to help establish those national science frameworks.

November 9, the Boards budget will be presented to Governor Walker. People from the Huntsman transition team will also be present.

November 10, 2:00 p.m. Legislative Interim Committee meeting.

November 10, Civic Engagement Panel - Dialogue of Democracy – look at issues of civic involvement and how we teach them.

November 15 - 12:00 noon board leadership; 3:00 p.m. New Board Member Orientation.

November 16 - 9-3 Board Retreat at the Hampton Inn.

Vice Chairman Janet Cannon indicated that as part of the Law and Policy Strategic Plan the Board was to invite and host all the newly elected members of the house and senate for dinner and an update on school finance. She indicated that when we looked at date we chose the 16th evening 6-8 because interim was to be on the 17th. Then they changed interim committee meeting to the 10th. She said there was 7 new members of the House and 3 new members of the senate. It was her suggestion that the Board hold this anyway on the 16th at 6:00 p.m. following the Board retreat.

It was agreed to go ahead on the 16th and try to get those people here. Ask for an RSVP and then follow-up with them.

Member Greg Haws indicated that he could not attend on the 16th and requested that the Board hold regional meetings to give members opportunities to meet with their legislators and provide the financial information.

It was recommended that an invitation also be extended to other legislators as well.

November 17th Higher Ed and Public Ed leadership will be getting together for their regularly quarterly meeting to talk about coordination and the K-16 issues.

December 3rd Board Meeting will also include a Holiday Social at the end of the day as well as an opportunity to recognize outgoing board members.

December 15th at 3:00 p.m. Governor Walker will be visiting the State Office of Education. We will have an opportunity to thank her. It would be nice if a few Board members could be available.

Motion was made by Member Tim Beagley and seconded by Member Debra G. Roberts to adjourn.

Meeting adjourned at 4:15 p.m.