

MINUTES

December 3, 2004

Minutes of the meeting of the State Board of Education held December 3, 2004, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 9:20 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 R. Michael Anderson
Member Linnea S. Barney
Member Tim Beagley
Member Laurel Brown
Member Edward A. Dalton
Member David L. Moss
Member Greg W. Haws
Member John C. Pingree
Member Joyce W. Richards
Member Debra G. Roberts
Member Gary C. Swensen
Member Teresa L. Theurer

Members Dixie L. Allen, Bonnie Jean Beesley and Sara V. Sinclair were excused.

Also present were:

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

Associate Superintendents Christine Kearl and Raymond Timothy were excused.

Members of the Press:

Jennifer Toomer-Cook, Deseret Morning News
Ronnie Lynn, Salt Lake Tribune
Bill Colbert, District 11 Board Member Elect
JoAnn Neilson, Utah PTA
Bruce Northcott, Daggett School District
Tom Gregory, District 13 Board Member Elect
Mark Cluff, District 12 Board Member Elect
Sue Carey, Utah PTA
Ronda Rose, Utah PTA
Charles Hausman, Salt Lake City School District
McKell Withers, Superintendent, Salt Lake City School District
Martine Smith, Citizen
Linda Rutledge, Superintendent, Utah Schools for the Deaf and the Blind

Kaye Chatterton, Utah Education Association
Carolyn Sharett, Utah Association of Charter Schools
Brian Allen, Chairman Utah Charter Schools Board

Vice Chairman Janet Cannon presented a thought from Forrest Troy: “Every autumn the miracle of America takes place when the doors of ...87,000 schools are thrown open, welcoming the genius and the slow learner, rich and poor, average and developmentally disabled. Among them are the loved and unloved, the washed and the unwashed. Everything America is or ever hopes to be depends upon what happens to those 46.32 million students in public school classrooms.”

Boardsmanship

Member Tim Beagley presented information to the Board relative to “Building Support For A Strong Board.” The main point of the review is because of the nature of state boards of education, they are lower key than other elected officials and their activities are not quite as visible as some, they are left with the task of building their own support system. There are three main ways this can be done. State Boards of Education are made up largely of individuals who are not professional educators and who serve on their board primarily as volunteers. Their work and level of commitment are not always as visible as that of other public servants. Consequently, the members of the board are frequently put into a position of advocating for support to adequately execute their roles and responsibilities. Although it would be desirable to have external support for the needs of the board, absent such support, boards have a duty to convey to the Governor, legislature and Department of Education their individual and collective needs. To be effective policymakers, state boards of education need resources, development and visibility to accomplish their goals. Some of the areas that benefit from active board advocacies include: staffing needs, board and board member development and representation on other education boards and committees.

Member Beagley then identified what the board is currently doing in meetings these areas of activities.

Member Beagley shared five things he might be able to do to make the board stronger. (1) Have your say. Voice your opinion and point of view. (2) Make sure you represent the Boards position honestly. (3) Vote your conscience. (4) Thoughtfully consider the opinions of others. (5) Understand the difference between governance and management.

Board Member Greg W. Haws lead the Board in the Pledge of Allegiance.

Chris Allen, Utah Atheists objected to the reverence because it suggests discrimination against atheists in the schools.

Chairman Burningham stated that we have sought for legal opinion of this matter and intend to have a discussion with the board once the new board convenes. There will be time at a future meeting for a discussion of this issue.

Chairman Burningham further stated that reverence is, in his opinion, suggests that we all ought to attend to issues such as that in our own particular way. We have among the board members people with different religious beliefs or maybe no religious beliefs, and we respect all of them. He personally, feels that a moment of reverence is an important moment to give attention to significant ideas. Each one will do it in different ways and he expects that all people will do their “thing” which is to pray for some and for others to reflect inwardly about what is important to them. To others it is to seek strength to do that job that you have been asked to do by your fellow citizens. Whatever is right for you is the right thing to do. He respects and appreciates that.

Board Chairman Kim R. Burningham offered the reverence

Board Secretary Twila B. Affleck recorded the minutes.

Utah Performance Assessment System for Schools (U-PASS)

Judy Park, Director of Evaluation and Assessment reported that various constituent work groups and a task force has been working to frame the identification plan for improving student achievement which is required in U-PASS legislation. Ms. Park presented the final identification pan developed by the work groups and task force. (For complete details, see General Exhibit No. 9464.)

Member Tim Beagley voiced a concern with mobility issue from junior high to high school.

Motion was made by Member Teresa L. Theurer and seconded by Member Laurel O. Brown to approve the U-PASS identification plan for increasing student achievement.

Member John Pingree offered an amendment to the motion that it be with the intent that we work with the federal government and our legislature to make this the program the means by which we evaluate our system under federal and state guidelines.

Member Teresa Theurer indicated she did not feel it would be necessary in light of the position taken by the Board last month to work with the federal government.

Superintendent Harrington noted that some states have a dual report one for the state one for the federal government.

Member Pingree suggested we need to move to one evaluation plan and withdrew his motion.

Motion carried unanimously.

U-PASS Program Test Results 2003-04

Judy Park, Director of Evaluation and Assessment reported that U-PASS legislation requires the administration and reporting of results of a number of assessment instruments including: State criterion-referenced tests (CRTs), Utah Basic Skills Competency Test (UBSCT), American College Test (ACT), Scholastic Achievement Test (SAT), and Advanced Placement (AP). Ms. Park provided an overview and results of the 2003/04 U-PASS

testing program. (For complete details, see General Exhibit No. 9465.)

Motion was made by Member Gary L. Swensen and seconded by Member David L. Moss to receive the report with commendation. Motion carried unanimously.

CRT Printing and Distribution to Schools
for 2005 Spring Assessment

Judy Park, Director of Evaluation and Assessment reported that in the Spring of 2004, a problem arose with timely distribution and administration of the CRTs because of printing delays. This caused a domino effect with school schedules and end of year activities in order to assess students as required by law. In June 2004, the Board asked staff to develop and present a testing timeline which would ensure that the problem is not repeated. Ms. Park presented comparison information which outlines the timelines, numbers, costs, etc., and possible ways to meet those timelines for assessment of the CRTs in Spring 2005. The comparison also included printing options, i.e. USOE print shop, outsourcing of printing to another state agency or a commercial printer. (For complete details, see General Exhibit No. 9466.)

Motion was made by Member Laurel O. Brown and seconded by Member Tim Beagley to receive the report. Motion carried unanimously.

Public Participation/Comment

Rhonda Rose, State PTA presented Resolutions passed by the Utah State PTA in October. They included: School Trust Lands, Quality Early Reading Intervention, and State Board of Education. (For complete details, see General Exhibit No.9467.) Ms. Rose expressed appreciation to the Board for the work they do.

Vice Chairman Janet Cannon expressed appreciation to the State PTA on behalf of the Board for their help and support.

Executive Session

Motion was made by Member Teresa L. Theurer and seconded by Member Tim Beagley that the Board moved into an executive session for the purpose of discussing personnel issues following lunch. The Board was polled and by unanimous consent of those present the Board moved into an executive session later in the meeting.

Roberta Q. Herzberg and Chris Fawson from Utah State University joined the Board for lunch and a discussion of the Tuition Tax Credit Report and the model they used in preparing the report.

Motion was made by Chairman Kim R. Burningham and seconded by Member Linnea S. Barney that the Board delay the Executive Session until a later time. Motion carried unanimously.

Charter School Applications Recommendations

Member Teresa Theurer voiced concern that she had a lot of questions relative to the charter schools being recommended, but could not get answers from the material provided in the Board agenda. She indicated that she would

like to see the process changed so that Board Members could have further information prior to the day of board meeting.

Member Debra Roberts requested in the Law and Policy Committee this morning that the summary of each charter school from the Charter School Board be included in the Board packets in the future.

Brian Allen, Chairman of the State Charter School Board reported that the State Charter School Board reviewed nineteen Charter School Applications, conducted interviews, and then finalized recommendations for submission to the Board at the November 18 Charter School Board meeting. Mr. Allen presented a review and recommendations to the Board on American Achievement Academy, American Preparatory Academy-West, Lincoln Academy, Reagan Academy, Thomas Edison Charter School-South, and Utah County Academy of Science.

Motion was made by Member David L. Moss and seconded by Member Joyce W. Richards to accept the recommendation of the Charter School Board and approve the Charter of the American Achievement Academy with a modification to a K-9 configuration at this time.

Discussion ensued relative to the design of the charter school facilities and it being the same for several of the proposed charters. Also, the sponsors for the various charters. It was suggested that in the future the sponsors be identified.

Superintendent Harrington commented that this is a very new process and we are going back and forth with policy and practice to make sure it is done right. She suggested that she and Mr. Allen sit down and craft a summary report which would be approved by the Board and then included with each recommendation for a charter school from the Charter School Board. She further suggested that the Board have faith in the process with the recommendations today.

Member Laurel Brown indicated she would vote against approval because she did not feel that two special educators will be adequate in dealing with the potential numbers of special education students. Further, she will not accept an application for charter the day the Board gets it and they have changed the parameters of the charter.

Member Dave Moss clarified that this is a very liquid process and the proposed charter schools have ten months to address concerns identified by the Charter Board prior to opening their doors. These are not concerns that are not of a magnitude that would keep the Charter Board from endorsing the application. He stated that the Charter Board did everything possible to ensure that these had a reasonable expectation of success. None are guaranteed 100 percent. We will fix the process, make it better so there are not 19 applications at one time.

Member Mike Anderson questioned if there were any concerns from local school districts. Mr. Allen responded that the concerns brought to the Charter Board from the districts have been addressed except for the location of the charter school. Until they have approval, they have not identified a location.

Motion carried with Members Anderson, Barney, Beagley, Burningham, Dalton, Haws, Moss, Pingree,

Richards, Roberts and Swensen voting in favor; Members Brown and Theurer opposed.

Motion was made by Member David L. Moss and seconded by Member Joyce W. Richards to accept the recommendation of the State Charter School Board and approve the Charter for American Preparatory Academy-West. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member Gary C. Swensen to accept the State Charter School Boards recommendation and approve the charter for the Reagan Academy. Motion carried with Members Anderson, Barney, Beagley, Burningham, Dalton, Haws, Pingree, Richards, Roberts, Swensen and Theurer voting in favor; Members Brown and Moss opposed.

Motion was made by Member David L. Moss and seconded by Member Joyce W. Richards to accept the State Charter School Boards recommendation and approve for charter the Thomas Edison Charter School-South.

Member Teresa Theurer voiced concern about the comments about the schools in the south end of the Cache Valley. U-PASS scores in the south end of the valley are amazing. She reported on the progress of the Thomas Edison Charter School-North. She has some concerns but feels she needs to vote in favor of the charter school based on the input she has received from her area.

Member Theurer also voiced concern that if a charter school fails and the children go back into the regular public schools, who will remediate them and where will we get the funds to pay for that remediation.

Motion carried with Members Anderson, Barney, Beagley, Burningham, Dalton, Haws, Pingree, Richards, Roberts and Theurer voting in favor; Members Brown, Moss and Swensen abstained.

Motion was made by Member David L. Moss and seconded by Member Joyce W. Richards to accept the recommendation of the Utah Charter School Board and approve for charter the Lincoln Academy. Motion carried with Members Anderson, Barney, Beagley, Brown, Burningham, Haws, Moss, Richards, Swensen and Theurer voting in favor; Member Pingree opposed; Members Dalton and Roberts abstained.

Member Debra Roberts commented that she trusted the judgment of Member Dave Moss and she would like to have his comments relative to the charter recommendations. Without that she would abstain from voting on the remainder of the charters.

Member Moss responded that he needed to vote his conscience, however, if board members want to contact him while they are reviewing the charters they can contact him, but he was not comfortable in going into detail on why he votes the way he is voting.

Member John Pingree stated that he was uncomfortable in continuing with the recommendations because there seem to be so many questions. Therefore, he offered a motion to table the rest of the applications until we can get further processes worked out.

Vice Chairman Janet Cannon explained that the Charter School Board has taken many hours of reading and

interviews with the charter applicants and they are making the recommendations to the Board today. However, there are feelings of discomfort among the board with the process.

There being no second the motion died.

Motion was made by Member Greg W. Haws and seconded by Chairman Kim R. Burningham to approve the remainder of the charter applications Beehive Science and Technology Academy, North Star Academy, Odyssey Academy, Utah Academy of Science and Wasatch Peak Academy. Further, he requested that the Charter Board identify any that they would not recommend the Board approve. It was clarified and the Charter Board was only presenting those they would recommend to the Board.

Member R. Michael Anderson presented an amendment to the motion to allow Mr. Allen to make comments on the above charter schools that he felt maybe pertinent for the Board to hear. Withdrawn.

Member Laurel Brown spoke against the motion indicating that each school should be presented individually and board members have opportunity to question.

Member Dave Moss commented that the process is working with the charter school board and they are committed to do the right thing. He indicated that the Board should rely upon the judgment of the State Charter School Board, and let them do their job and give them some integrity.

Brian Allen commented that the charter board also has felt the same pain relative to the process. So are the schools and they are not given the help to refine their applications. The process will be changed to make it more user friendly. There will not ever be ten applications for approval at one time.

Member Haws and Chairman Burningham did not accept the amendment to the motion because Mr. Allen had indicated they were recommending approval of the charters listed in the motion.

Debra Roberts expressed appreciation for the way they are trying to change the process.

Motion carried with Members Anderson, Barney, Beagley, Burningham, Dalton, Haws, Moss, Pingree, Richards, Roberts, Swensen and Theurer voting in favor; Member Brown opposed.

(For complete details of the Charter School Application Recommendations, see General Exhibit No. 9468.)

Member Tim Beagley suggested that Board Leadership come up with a better way to deliver the process to the Board as well. Perhaps a limit on the number of applications at any time for review, and setting up a situation in board meeting where the Charter School Board presents the charter to us and also perhaps an opportunity given for anyone to speak for or against.

Member Ed Dalton suggested that others submit ideas on the process separately to be used along with others given today in the meeting.

Member Ed Dalton commented that the Utah County Academy of Science which is the fourth of fifth early college high schools that has a principal, assistant principal, development officer, building site, in partnership with

Utah Valley State College and Brigham Young University, and they are moving forward with a wonderful model. There are emerging remarkable charter schools.

Motion Dave Moss seconded by Member R. Michael Anderson to move the agenda to the Standing Committee reports to allow Law & Policy Committee to report so that Mr. Allen could make his report on the item in that committee. Motion carried unanimously.

Board Standing Committee Reports

Law & Policy Committee

Charter Schools Refinements

Brian Allen, Chairman of the Charter School Board presented the Charter School Refinements discussed in the committee.

The Utah State Charter School Board (SCSB) was enacted in 2004. Since that time, the SCSB has been quickly thrust into a position of authorizing and reauthorizing many charter schools. This experience has provided insight into some of the complexities of the process and it is clear that some matters and legislation need updating and/or revision. There are two matters that the Charter Board is taking to the Utah State Legislature for remedy: (1) Inconsistency in the enacting language to clarify “authorizer” language. (2) Charter termination and asset ownership. The language lacks clarity on these two matters.

There are several matters that are in need of clarity but may be better addressed in dialog between the SCSB and the Utah State Board of Education (USBE). The Committee discussed the following issues: (1) Program capacity relative to Special Education placements. (2) Preference options for placements that are in conflict with the federal grant supporting charter schools. (3) audit requirements. (4) Employees of charter schools as it relates to teacher and administrator credentials. (5) Accreditation by Northwest Accreditation and the acceptance of credit from charter schools in Utah’s “traditional” schools. (6) Disclosure of names of founders on applications. And (7) Requirements of core curriculum. Additionally, the SCSB is working with Patrick Ogden on adjusting some funding formulas.

(For complete details, see General Exhibit No. 9469.)

Mr. Allen indicated that there has been a question raised on the founding rule. The law states that parents should be permitted in the development of the school and given preferential treatment. The rule and the law differ in that regard. He noted that the Charter Board will be addressing that in the December 16 meeting along with guidelines that will hopefully solidify the questions raised on the founding rule.

Further, they will propose a rule relative to financial reports being submitted to the Charter School Board from the Charter Schools on a regular basis. There are other legislative issues that need to be reviewed and worked out.

Mr. Allen identified other areas that he will be working with the legislature on relative to changes in

legislation for charter schools and getting more help to administer and help with resources for charter schools.

Full Board

Dissolve Ranches Academy Charter

Charter School governance legislation 53A-1a-501.8 states that “The State Board of Education shall dissolve each charter or charter agreement it has with a charter school, and the State Charter School Board shall enter into a charter agreement with each of those schools.”

Brian Allen, Chairman of the State Charter School Board reported that the Board is in the process of reviewing each State Board Charter. After careful review of each charter, they will make recommendation to the State board for charter approval.

In the October 2004 meeting, the State Charter Board reviewed the Ranches Academy charter and voted to enter into a charter agreement with them. (For complete details, see General Exhibit No. 9470.)

Motion was made by Member David L. Moss and seconded by Member Joyce W. Richards that upon recommendation of the State Charter School Board the Board dissolve the charter of the Ranches Academy and approve it to be chartered under the State Charter Board.

Motion was made by Member Debra G. Roberts seconded by Member Tim Beagley that the Board now move into the executive session voted on earlier followed by the Curriculum Committee report. Motion carried with Members Anderson, Barney, Beagley, Brown, Burningham, Dalton, Haws, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Swensen absent.

The Board moved into an Executive Session at 2:50 p.m.

Executive Session

Motion was made by Member David L. Moss and seconded by Member Linnea S. Barney that the Board reconvene into open meeting. Motion carried unanimously. The Board reconvened at 4:00 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member David L. Moss and seconded by Member Laurel O. Brown to adopt the Commission’s recommendation and accept a stipulated agreement, including conditions of the agreement, in Case No. 04-678 whereby a former teacher in Box Elder School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license for 18 months from the date of formal action by the State Board of Education. Suspension results from inappropriate sexual activity with a female high school student. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member Tim Beagley to adopt the Commission’s recommendation and accept a stipulated agreement, including conditions of the agreement, in Case No. 04-702, whereby a former teacher in Davis School District, voluntarily surrenders her educator license in lieu of a

hearing for purposes of suspension of her license from the date of formal action by the State Board of Education until the date her court-ordered probation is terminated. The suspension results from shoplifting in excess of \$3,000 worth of merchandise from a retail warehouse. Her actions were mitigated by temporary and unusual circumstances in her personal life. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member Tim Beagley to adopt the Commission's recommendation and accept a stipulated agreement, including conditions of the agreement whereby a former teacher in Iron School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of revocation of his license for five years from the date of formal action by the State Board of Education. The revocation results from sexual intercourse with a minor female student. Motion carried unanimously.

(For complete details of the recommendations from the Professional Practices Advisory Commission see General Exhibit No. 9471.)

Coalition for Minorities Advisory Committee

Motion was made by Member Joyce W. Richards and seconded by Member Tim Beagley to appoint Aida Santos-Mattingley [Asian American], Cyndee Miya [Asian American], Walter Watchman [American Indian], Hector, Mendiola [Hispanic American], and Sylvia Jean Saldana [Hispanic American] to the Coalition for Minorities Advisory Committee. Terms to expire 12/06. Motion carried unanimously.

Board Leadership

Motion was made by Member Laurel O. Brown and seconded by Member Tim Beagley to elect by acclamation Kim R. Burningham, Chairman and Janet A. Cannon, Vice Chairman of the State Board of Education. Motion carried unanimously.

Board Standing Committee Reports Cont.

Student Achievement and School Success Committee

Member Laurel O. Brown, Vice Chairman of the Student Achievement and School Success Committee presented the following recommendations from the Committee:

Secondary School Completion and Diplomas, R277-705

In October 2004, R277-473, Testing Procedures, was amended to update the rule language to be consistent with state law and new amendments. R277-705, Secondary School Completion and Diplomas, is now being amended to include the same language which was amended in R277-473 in regard to providing makeup opportunities to students taking the Utah Basic Skills Competency Test (UBSCT). (For complete details of the rule, see General Exhibit No. 9472.)

The Committee approved R277-705, Secondary School Completion and Diplomas on first reading and

moves that the Board approve the rule on second reading. Motion carried unanimously.

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

The Legislative Fiscal Analyst reported that the concurrent enrollment program should provide uniformity, equity, and accountability. R277-713, Concurrent Enrollment of High School Students in College Courses, needs to clearly address all elements in 53A-17a-120 of the Utah Code sufficiently to establish consistent policy statewide. Further, the rule needs to address other areas of state law (e.g., instruction consistent with law and policy for human sexuality, faculty background checks, student privacy). The amended rule provides greater clarity and consistency with regard to application of fees and textbooks, awarding credit, funding, appropriate enrollment procedures and course offerings. (For complete details, see General Exhibit No. 9473.)

The Committee made minor amendments in regard to having the contractual agreement made between higher education institution/school district/school. Major change delineate specifically what courses or subject areas are acceptable under concurrent enrollment. One course that was controversial was the health core with regard to the legal requirements on what can and cannot be taught and at this point it is recommended that Health be taken out of the concurrent listing until that is resolved.

The Committee approved the amendments to R277-713, Concurrent Enrollment of High School Students in College Courses, on first reading and moves that the Board approve the rule on second reading.

Member Tim Beagley commented that one of the Board's goals is to produce a seamless transition between high school and post secondary education (K-16). He questioned that with that as goal if this is something we should work on separate from higher education?

Mary Shumway, Director of Career and Technical Education responded that there has been a task force with higher ed and public ed represented equally that has worked through a number of issues relative to concurrent enrollment. They have met twice in reviewing this rule and are supportive of the amendments.

Superintendent Harrington commented that she has had dialogue with higher education relative to this issue and they have given input on this rule. The only thing they may have angst about has to do with background checks. Beyond that, they are fully supportive of the current rule.

Member Beagley voiced concern that one of the ramifications of taking out health courses is that it also takes out PE courses. Many of the colleges have as a requirement for an associate degree a physical education course. A lot of students have as their goal to obtain an associate's degree by the time they finish high school. This will make it so that is no longer possible.

Mary Shumway responded that the reason for taking the health course out is that the course at the college level goes beyond what we can legally teach in high schools. In some areas of the state this has been worked out, and

it is still being discussed in other areas.

It was clarified that the rule does not take effect for one year.

Member Beagley questioned Line 75 relative to the mater list being changed with adequate notice to teachers at USHE institutions and public schools. He felt that it can take up to one and a half years for colleges to change their listing of concurrent enrollment offerings. He suggested that be further defined.

Member Beagley questioned Section 6 paragraph e, line 147 with regard to opening up concurrent enrollment classes to fee waivers which are in some cases very large. He felt that if you open it up to fee waivers, who will be able to pay for that?

Member Teresa Theurer responded that the committee discussed this, and it was clarified that fee waivers cover athletics and they are not required. Just because it is something that is not required does not mean that legally fee waivers will not cover it.

Carol Lear, Coordinator, Government and Legislative Relations, reviewed the law and the definitions relative to fees and concurrent enrollment. It is applying the law consistent with the rationale of fees being charged to public education students, but also maintaining the necessity of concurrent enrollment costs.

Further discussion ensued relative to background checks for higher education instructors.

Motion carried with Members Anderson, Barney, Brown, Burningham, Dalton, Haws, Moss, Pingree, Richards, Roberts, Swensen and Theurer voting in favor; Member Beagley opposed.

Finance Committee

Member Joyce Richards a Member of the Finance Committee presented the following recommendations from the Committee:

School LAND Trust Program Cap Removal

Last month the Finance Committee asked staff to investigate ways to make the cap on the School LAND Trust Program flexible in order to ensure that the program's buying power isn't diminished by student enrollment growth and inflation.

Currently the program is capped at \$12 million. The cap may be reached as early as FY 2006. Anything in excess of \$15 million (up to a maximum of an additional \$10 million) will be appropriated by the legislature for teacher supplies and materials. The cap is legislatively imposed and can only be modified by the legislature.

Staff modeled a cap that will grow with inflation and enrollment. The Committee discussed whether to request the Legislature completely remove the cap, allow the cap to be adjusted for inflation and enrollment growth, or simply leave it in place. (For complete details, see General Exhibit No. 9474.)

Both the PTA and the School LAND Trust people are in agreement to remove the cap so that monies can flow to the schools.

Motion from the Committee that the Board adopt a position that the School LAND Trust cap be abolished.

Motion carried Gary Swensen and Laurel Brown absent.

Adopt a Response to the Legislative Report
on Trends in State Employment and the
Executive Appropriations' Request

Last month, the Finance Committee requested the Utah Association of School Business Officials (UASBO) to make recommendation on how to uniformly calculate full-time equivalent (FTE) employees in public education. The Committee also expressed concern over the potential financial impact on districts and charter schools should the current methodology of calculating FTEs change.

UASBO had not met in time for the committee to formulate a response. The matter will be reviewed by the committee next month.

Review of School Building Legislative Task
Force Deliberations and Potential Legislation

During the interim, a legislative task force has been studying school building costs and issues. The final meeting of the task force is scheduled for November 19, 2004.

Staff reviewed the task force's recommendations and any potential legislation that may result from its deliberations. (For complete details, see General Exhibit No. 9475.)

Due to time constraints it was felt it was unnecessary to review the report with the full board.

Communications Committee

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

Following our January meeting we will be invited to have dinner with the Utah School Boards Association Board of Directors. We are trying to make this a meaningful meeting.

The PTA provided a book dealing with Parental and Family Involvement in Schools Booklet. (For complete details, see General Exhibit No. 9476.)

General Consent Calendar

Motion was made by Member R. Michael Anderson and seconded by Member Linnea S. Barney 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 November 5, 2004.

2. Contracts

The following Contracts were approved by the Board:

1. University of Utah. \$10,000. 11/5/04-6/30/05 - Amend. - Fed.

Evaluation of the Utah State Office of Education's Prevention Dimensions Program.

2. USU Center for Persons with Disabilities. \$24,915.83. 7/1/04-12/31/04 - Amend. - Fed.

Monitor school district's Federal Safe & Drug Free Schools & Communities Projects through regional site visits.

3. Sandtown Suite, LLC. \$21,600. 9/30/04-10/1/09 - Amend. - Fed.

Lease for Division of Services for the Blind and Visually Impaired, St. George office located at 515 West 300 North, St. George, Utah.

4. Versa Management Systems Inc. \$200,000. 10/1/04-9/30/09 - Fed.

Versa Management Systems, Inc. will provide technical support consultation and program refinement/enhancement for the customized DDS case processing software installed on the DDS IBM AS/400.

5. Line (Life-skills & Individuals Needs Center. \$5,400. 9/1/04-8/30/07. - Amend. - Fed.

To extend the contract for janitorial services for the division of Rehabilitation Services office located at 695 South Main, Brigham City, Utah.

(For complete details of the Contracts see General Exhibit No. 9477.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts were approved by the Board. (For complete details, see General Exhibit No. 9478.)

4. 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. 9479.)

5. Ratification of Employment

Alfred A. Wilkinson was ratified as an Educational Specialist in the Student Achievement and School Success Division.

6. 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. 9480.)

7. Claims Report

The Claims Report in the amount of \$179,118,451.60 and \$54,685,009.12 for October 31, 2004 and June 30, 2004 (final) respectively were approved by the Board. (For complete details, see General Exhibit No. 9481.)

Budget and Enrollment Updates

Enrollment numbers from the school census taken place on October 1 were distributed to the Board. (For complete details, see General Exhibit No. 9482.)

The Board's budget request will be distributed to the Board in January.

Executive Officer Report

Superintendent Patti Harrington, due to time restraints, distributed her report for review by the Board. (For complete details see General Exhibit 9483.)

Board Chairman Report

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

He received a message from Dixie Allen thanking the Board for the Poinsettia sent by the Board in the loss of her stepfather.

Member Debra Roberts will be sitting on the NASBE Value Added Assessment Study Group. Twila Affleck will sit on the NASBE Policy and Development Committee. Richard Sadler will be sitting on the NASBE Governmental Affairs Committee.

Chairman Burningham noted that the January meeting for the State Board is now currently scheduled for January 12, due to travel to NASBE by several Board Members.

Discussion ensued relative to the meeting with the USBA Board of Directors. Chairman Burningham indicated leadership and Member Dalton will try to resolve the issue.

Chairman Burningham commended Vice Chairman Janet Cannon and Board Secretary Twila Affleck on the excellent boardsmanship retreat and legislative dinner.

There are at least three agencies that are seeking appeal of the Charter Board's decision. This will be included in the January agenda.

Committee assignments will be made prior to our next board meeting. Members will receive solicitation soon and let us know the committees you will be most interested in serving on.

He has an appointment December 7 with Governor Walker and if there is anything a Board Member wished him to convey to her to please let him know.

The Utah Foundation is holding a meeting on December 9th at 12:00 noon and Governor-Elect Huntsman is scheduled to talk.

Relative to Tuition Tax Credit, there has been a group of educators who have met on one occasion and they will have additional meetings to talk about these issues. One of the elements has already been reported in the newspapers that Pat Ogden is pulling together a group of rather impartially economic advisors to give one more look

at the whole tuition tax credit issue.

On December 15 at 3:30 p.m. Governor Walker will visit the State Office to say goodbye to the State Office staff. Board Members if possible may want to be in attendance.

Board Leadership will be on January 3, 2005 at which time committee assignments will be made at that time.

The Superintendent Evaluation Committee will meet at 7:00 a.m. prior to the January 12 Board Meeting.

Motion was made by Member Edward A. Dalton to adjourn.

Meeting adjourned at 4:50 p.m.

The Board was privileged to have the West High School Chorale, under the direction of Trish Tate perform some holiday songs prior to their social.

Recognition of Outgoing Board Members

The Board recognized R. Michael Anderson, Linnea S. Barney, David L. Moss and Joyce W. Richards for their service on the Board. Each was presented a traditional school bell in recognition of their service to the children of Utah.

Following the meeting the Board held their holiday social.