

MINUTES

June 3, 2005

Minutes of the meeting of the State Board of Education held June 3, 2005, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 9:45 a.m. At the request of Chairman Kim R. Burningham, Vice Chairman Janet A. Cannon presided.

Members present were:

Chairman Kim R. Burningham
Vice Chairman Janet A. Cannon
Member Dixie L. Allen
Member Tim Beagley
Member Laurel Brown
Member Mark Cluff
Member Bill Colbert
Member Edward A. Dalton
Member Thomas Gregory
Member John C. Pingree
Member Debra G. Roberts
Member Richard Sadler
Member Gary C. Swensen
Member Teresa L. Theurer

Members Bonnie Jean Beesley, Greg W. Haws and Sara 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

Board Secretary Twila B. Affleck recorded the minutes.

Members of the Press:

Tanna Barry, Standard Examiner
Jennifer Toomer-Cook, Deseret Morning News
Mike Cronin, Salt Lake Tribune
Kitty Stewart, Coalition of Minorities Advisory Committee
Charlene Lui, Coalition of Minorities Advisory Committee
Nola Lodge-Hurford, Coalition of Minorities Advisory Committee
Sue Carey, Utah PTA
Debi Tabor, Utah PTA
Cyndee Miya, Coalition of Minorities Advisory Committee
David Chavez, Coalition of Minorities Advisory Committee
Karen Robbins, Utah PTA

Michael Kjar, Legislative Fiscal Analysts' Office
Courtney White, Utah Education Association
Vik Arnold, Utah Education Association
LaDawn Rindlisbaker, Jean Maessaeu School
Merlynn Newbold, Utah State House of Representatives

Utah State Office of Education Staff:

Richard Gomez, Law, Legislation and Educational Services

Welcome and Student Achievement Spotlight

Vice Chair Janet Cannon presented a quotes from the Wit & Wisdom of Mark Twain Vice

Chairman Cannon excused Board Members Bonnie Jean Beesley, Greg Haws and Sara Sinclair Board Member

Thomas Gregory lead the Board in the Pledge of Allegiance.

Board Member John C. Pingree offered welcoming remarks.

Board secretary Twila B. Affleck recorded the minutes.

The Board recognized Robert and Katharine Garff for their “Keys to Success” program. It was noted that 48 cars have been given away this year to students who have achieved some kind of success during the past year. The Ken Garff Automotive Group has joined with the Governor’s Office, KSL Television and the Deseret Morning News, plus other businesses, to partner with 13 districts, 50 schools and nearly 8,000 students who participated in this incentive-based program designed to “motivate students to achieve academic success.” Chairman Burningham shared a story of one student who participated in this program and the success he obtained. Chairman Burningham quoted the Garffs expressing their feeling about education: “Education is a life-long pursuit and one of the greatest accomplishments an individual can achieve. It helps define who we are, what we believe and how we can serve our fellow man. Literacy and numeracy enable us to live within our society; the arts and humanities develop intrinsic qualities of civility, ethics and wisdom that encourage character growth; and the sciences improve the quality of our lives through research, understanding and implementation. It is our goal to enhance an enrich every child’s educational experience.” The Board presented them with a Photo Etching congratulating them on this wonderful program in support of student achievement and success.

Robert and Katharine Garff shared their feelings about the program and provided additional information about the program and student success stories. They expressed appreciation to the Board for this recognition and the service board members provide to the community.

The Board recognized Angela Dastrup, a harpist from Mountain View High School in the Alpine School District. Angela was selected for our nation’s highest honor for graduating high school seniors, that of being named a Presidential Scholar in the Arts for 2005. She was selected for this honor by virtue of being National Finalists in the Arts Recognition and Talent Search (ARTS) program. It was noted that 6,495 high school seniors applied to ARTS 2005, 753 students won ARTS awards, 130 students became ARTS National Finalists and 20 students are now the

2005 Presidential Scholars in the Arts. Ms. Dastrup was presented with a Certificate of Excellence from the Board.

The Board also recognized other Presidential Scholars Ian M. McKinley, Skyline High School in the Granite School District and Lauren M. Swallow, Alta High School, in the Granite School District. These two students were not able to attend the Board Meeting but Certificates of Excellence will be mailed to them.

The Board recognized Breanne White, Davis High School, and Chanda Miller, Grantsville High School for perfect school attendance since kindergarten. Ms. White was presented a Certificates of Excellence. Ms. Miler's certificate will be mailed.

Discussion with Governor Jon Huntsman, Jr.

Governor Jon Huntsman, Jr. shared the status on the following issues:

(1) No Child Left Behind and the status of U-PASS; (2) approaching a remedy for the Achievement Gap; the Governor's Commission on High Schools, and the standards that might be achieved prior to getting into high school; (3) Early Reading Commission; Mrs. Huntsman's program entitled "The Power in You;" (4) School choice and what that ought to look like; and (5) an idea for an Education Summit of sorts of stakeholders to be held some time in August.

Chairman Burningham Kim indicated that an issue that is extremely important to the Board is the initiative to improve math instruction in grades 4-6. This Board is committed to make this happen during the next legislative session. He noted that it was included in the Governor's budget recommendations this past legislative session.

Governor Huntsman commented that an additional "R" is relevance. Are we teaching that which is relevant in generating a productive, useful workforce? He also commented that we need to make strides in math as well as in the sciences. He indicated he would be supportive in shaping an initiative package that we could take to the legislature highlighting math, science and language skills.

Member John Pingree commented that the Board had just received a report on the sources and uses of the last legislative appropriations and it show that public education ended up about 30.6% of the dollars available. This is a low number from what we have historically received. He questioned the Governor as to his feelings of what percentage of the increase public education should be receiving? The Governor indicated he did not have a number, but he would take to his budget analyst to follow-up on.

Member Teresa Theurer commented on a concern from a family in Cache with the UBSCT graduation exam and their daughter not being able to graduate because of one area of the exam. She indicated that next spring we will be faced with a lot of students who will not receive a basic diploma. She expressed a need for money for that exam as well as for remediation. The Governor responded that we need to look creatively and flexibly as we proceed. One size does not fit all. As we proceed we need to look at how you measure intelligence and knowledge.

Member Tim Beagley commented that Utah's high incidence of bankruptcy is starting to spill over into our

schools. We are starting to see high school seniors and college freshmen who have to leave the education system because they are overburdened with debt. They are being inundated with credit card applications as early as 12 years of age. He questioned if there is anything we can do to help stop this from happening. Governor Huntsman responded that there needs to be a course of financial literacy in high schools. He has recently talked with some people in New York who have a program to do this. Member Teresa Theurer reported that we currently have a financial literacy course that students will be required to take beginning this year. The Governor requested the Board share this course with the him.

Member Dixie Allen, commented that she represents a large rural district and she asked that as the Governor looks at school choice that he look at the rural areas of Utah. They are concerns in the rural areas about losing tax dollars in their schools to private schools because there are none in the rural areas. The Governor indicated that this issue has to be included in the discussions.

Vice Chairman Janet Cannon commented that with the disaggregated scores we will have an opportunity to look hard at the information and how to address the achievement gap. She requested that the Governor give some information on what he has in mind for the group he has put together on this subject . The Governor responded that they hope to pick up on the achievement gap conversation and the whole No Child Left Behind has highlighted this issue. His attempt is to bring community stakeholders together, coupled with an analyst from the University of Utah who can quantify what the achievement gap is, and then come up with some solutions. He asked the group to come back with a definition of what the achievement gap is. He indicated that Superintendent Harrington is a member of this committee and she can decide who from the Board should participate.

Governor Huntsman questioned where we are with the Carson Smith legislation. Knowing that, at least his intent, and the intent of the legislature, as well as Governor Walker, that we get as many participating this as possible. Since heard that we have two school involved and he questioned how we arrived at this conclusion, if that is the conclusion.

Chairman Burningham responded that the Board has not made a final decision. The rule in on the Consent Calendar for final reading this afternoon. He reported that we have been receiving a lot of reaction and we are giving a lot of thought to the issue. Chairman Burningham further indicated that because a lawsuit has been mentioned as a possibility, we will receive some legal instruction on this issue during our executive session.

Superintendent Harrington responded that the issue seems to revolve around what is a school that specializes in services for students with disabilities. There is a lot of community involvement on both sides of the issue with general access being one side and the other quality of the school that is providing services for those children.

Vice Chairman Janet Cannon expressed appreciation to the Governor for his participation with the Board today.

Coalition of Minorities Advisory

Committee (CMAC)

Kitty Stewart, Chair of the Coalition of Minorities Advisory Committee (CMAC) presented their Semi-Annual Report. With Ms. Stewart from CMAC were Charlene Lui, Past President and Cyndee Miya incoming president, David Chavez and Nola Lodge-Hurford. Included in the report were the following: CMAC Interaction with Ethnic Minority Communities; Public Hearings and Focus Groups; and Equity and Diversity Training. (For complete details of the report, see General Exhibit No.9633.)

Member Bill Colbert, what efforts have been made in behalf of the community to encourage parents to participate in the educational process.

Charlene Lui responded that for the public hearing, parents were notified in their languages and interpreters were provided. They are also working with community based organizations. Also, through local churches and the dedicated work of district personnel.

Member Laurel Brown questioned if there is a budgetary issue with these meetings because of the costs of interpreters, if they were suggesting that funding be provided.

Kitty Stewart responded that this is something that needs to be discussed because it needs to be enhanced. It needs to continue to be a line item. The ALS funding is a block grant and with that you lose sight of the line item.

Superintendent Harrington commented that ELL used to be its own line item in the state budget and it was rolled into the Interventions for Student Success block grant. That block grant is weighted in favor of English Language Learners, 22% of that formula, but it does not have the “punch” it used to have as a line item.

Member Tim Beagley reported that he attended the English Language Acquisitions Standards meeting on May 12. So many parents came to the meeting to talk about how their students were going to be categorized as either being proficient or not in their English language usage. The vast majority of those attending came knowing they would not understand very much because they did not speak the language. He is convinced that the barriers to parental involvement are not desire, but language barriers, and economic barriers.

Member Beagley indicated that he has heard a number of times that the CMAC recommendations to the board are not acted upon, and yet he heard just the other day that the recommendation brought to us not that long ago looking at the discipline of ethnic minority students is being worked on somewhat aggressively. He questioned if there was a list of what is meant when they say they are not being listened to. He would like to see a list of things they have asked the Board to do and it has not done.

Kitty Stewart responded that when she took office she had requested such a list and also their communities feel that CMAC is not being heard because they did not see any changes in their children’s schools. This is the reason this was brought up again this year. She indicated that this is her second term on CMAC and last year was first time she saw anything that she felt was important to their children being acted upon.

Chairman Burningham commented that the Board needs CMAC working with us at the legislature. One important issue they need to be involved in is UBSCT funding to help with interventions. Many minority children are among those having trouble with UBSCT.

Vice Chairman Janet Cannon expressed appreciation to CMAC for their recommendations and that we look forward to working more closely on the recommendations.

Proposed Merger of Utah Schools for the Deaf and the Blind and Jean Massieu

During the 2004 legislative session, the Utah state Legislature provided intent language that the Utah State Board of Education consider the possibility of merging the Jean Massieu School with the Utah Schools for the Deaf and the Blind. Jean Massieu has operated since 1999 as a charter school that provided a bilingual-bicultural educational experience for deaf students. After approximately one year of continuing negotiations, a representative group has developed a Terms of Agreement document that will govern the merger of the two organizations. (For complete details of the Agreement, see General Exhibit No. 9634.)

Karl Wilson, Director, Special Education, presented the background of the merger and details of the Terms of Agreement.

Mr. Wilson reported that as we look at the merger they would request that once we get hard data in terms of anticipated costs for staffing, new lease for a building for JMS and transportation costs, that if necessary we approach the State Legislature in January seeking supplementals to help make it through the next school year to help secure the merger so it does not reduce the amount of services to students at Jean Massieu or Utah Schools for the Deaf and the Blind.

Member Teresa Theurer indicated that JMS has a non-voting member on the USDB Institutional Council and she questioned how that would work with the merger. Mr. Wilson responded that JMS becomes part of USDB and they will also maintain their own advisory council to help insure the program has parent input and advises, the program administrator advises the Institutional Council, advises the superintendent at USDB. The person representing JMS on the Institutional Council has resigned and the Board had been considering a replacement for that individual, so that position will remain on the Institutional Council.

Member Richard Sadler suggested that the agreement has come through many meetings and long hours of discussion and compromise and is based on trust that it will work. He expressed appreciation to both sides who sat through a number of those meeting.

Member Laurel Brown questioned if a facility has been found for Jean Massieu. Linda Rutledge, Superintendent of the Utah Schools for the Deaf and the Blind reported that today DFCM will be touring three possible sites and they feel strongly that one will be accepted.

Member Bill Colbert questioned what level of opposition has been expressed by JMS parents? LaDawn Rindlisbaker, a member of the steering committee, responded that there has been a lot of opposition, because parents do not want their programs affected by the merger, but there have been parents from USDB who do not want their program affected by the merger. However, all are looking forward to the merger.

Motion was made by Member Teresa L. Theurer and seconded by Member Richard Sadler to approve the merger of the Jean Massieu School for the Deaf with the Utah Schools for the Deaf and the Blind.

Karl Wilson noted that in the discussion the past week there have been some minor adjustment in wording of the Terms of Agreement as follows: Section 6, Policies and Procedures, d, any additional policies, add *guidelines and procedures*. The last page addenda some of the documents are lengthy in nature and are still under development or revision. Still see agreement on A, B, and C; D & E still being revised. On both sides they will continue to negotiate the exact wording of those addenda.

Member Tim Beagley questioned under what guise was the Board approving this merger and whether or not we are the right entity to do so?

It was clarified that JMS in anticipating the merger has agreed that they will discontinue their charter and they then will become part of USDB.

It was noted that this should be included in the motion to dissolve the charter effective July 1 and approve merger on the same date. Members Theurer and Sadler included this as part of the motion to approve the merger.

Motion carried unanimously.

Public Participation/Comment

Maxwell A. Miller explained the comments submitted to the Board by Excellence in Utah, a non profit organization, on May 27, 2005. The concerns deal with the Carson Smith Act and proposed rules that would implement a portion of that Act.

Mr. Miller explained that their position is that the proposed rules are illegal in a number of respects. He stated that the Utah Supreme Court has held in a number of opinions that statutory language must be interpreted according to plain and ordinary meaning. The Court has likewise repeatedly stressed that rules at odds with statutory language are void. Subsection (2) establishes the universe of qualified student applicants. Subsection (3), in which the language “private school specializes in serving students with disabilities” appears, is, by express statutory language, is alternative exception to the otherwise exhaustive list of eligibility criteria in Subsection (2). We are talking about an exception.

They feel that the proposed rule is at odds with the statutory intent. The Board should not be talking policy that has already been established by the legislature. It should be discussing the implementation of a policy.

The Act expressly states that its legislative purpose is to help “students with disabilities [who] have special

needs that merit educational alternatives [to public schools].

Governor Huntsman and Governor Walker both have emphasized that the purpose of the Act as stated in 53A-1a-702(2) is to maximize the availability of resources to special needs students as an alternative to private schools in certain circumstances.

The Act does not delegate authority to the Board to define undefined provisions of the Act in isolation or with unfettered discretion.

The proposed rule is void because it is arbitrary. The Act does not define the terms “private school specializes in serving students with disabilities.”

The practical impact of the rule, as currently proposed, would have the affect of just the opposite of what the statute intended. In order to enroll, only two schools, force otherwise students who could be eligible to re-enroll into public schools. The purpose of the Act was not to force students to re-enroll in public schools in order to gain eligibility. One of the purposes was to make the benefits available to students everywhere in Utah. These two limitations would apply to two schools, both of which are in Salt Lake County. He has recommended in comments proposed that a broader criteria for the definition of a specialized school be applied and would therefore maximize the number of students who would be available.

(For complete details of the concerns expressed, see General Exhibit No. 9635.)

Representative Merlynn Newbold stated that at the beginning of the week she set out to contact all of the Board Members and discuss their concerns with the definition of meeting the needs of special needs students. She indicated that the legislation has always been to meet the child’s needs. We should not be hung up on specialized needs definition, we should be concentrating on the child and meeting that child’s needs. The law is intended to provide additional educational funding to any special needs child who would qualify for special education services regardless of where they reside.

Representative Newbold indicated she has a couple of suggestions as to how the rule might better meet the intent of the legislation.

Executive Session

Motion was made by Member Tim Beagley and seconded by Member Richard Sadler to move into an executive session following lunch for the purpose of discussing personnel issues, pending, reasonably imminent litigation and the purchase/exchange of real property. The Board was polled and by unanimous consent of those present the board moved into an executive session following lunch at 12:20 p.m.

Motion was made by Member Dixie L. Allen and seconded by Member Mark Cluff to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:35 p.m.

Discussion with Congressman Jim Matheson

Congressman Matheson discussed four pieces of legislation currently in the United States House of Representatives that address all of the fundamental concerns raised by the State Board on No Child Left Behind. He stated that Washington created the problem and they need to fix it. The proposed pieces of legislation are reasonable adjustments to NCLB to make them more workable for everyone involved.

Congressman Matheson noted that the fourth piece of legislation is HR 4002 “No Qualified Teacher Left Behind Act,” he is sponsoring dealing with the definition of what a highly qualified teacher is.

(For complete details of the information presented by Congressman Matheson see General Exhibit No. 9636.)

Chairman Burningham commented that the Board is supportive of the overall philosophy of No Child Left Behind. However, we are very much interested in having a growth based model - comparing the same kids year after year rather than comparing unequals. Secretary Spellings has recently announced that she will form a task force to look into the issue of establishing growth based models. He indicated that this is an important concept that needs to be worked on and we would like to see someone from Utah be a part of that task force if at all possible.

Congressman Matheson responded that he has always been an advocate for tracking the progress of the individual student. He indicated that he was not familiar with the status of the commission mentioned, but he will look into it and whether or not it is possible to have someone from Utah be a participant.

Member Tim Beagley commented that one of the problems with the federal government is that they continue to give us a lot of things we are supposed to do and no provide the funding to do so. More mandates - less funding. An example is IDEA. He questioned what we could do to make that situation better.

Congressman Matheson responded that he shares the frustration of unfunded mandates. However, there is a lack of commitment on the part of Congress to fund IDEA.

Member Teresa Theurer asked the Congressman his observation on what he has seen with his associates on how they see Utah and our stand on No Child Left Behind.

Congressman Matheson responded that this is the Presidents number one issue, and Utah is a Republican state. They have said that No Child Left Behind has made us think about things in a different way. There are some good things about No Child Left Behind, it just needs to be adjusted in some areas.

Member Ed Dalton commented that we have all been reeling from No Child Left Behind and now there are suggestions to launch into secondary. He asked the Congressman his feelings on this issue.

Congressman Matheson responded that the President has announced that he wants to move into secondary. However, he has not seen a big appetite among the members of Congress to go there. A vast majority of both parties voted in favor of the No Child Left Behind legislation, including him, but the experience of implementation has given a lot of people pause to think. He did not see this going further, particularly since Congress has not provided adequate

funding for the original legislation.

Member John Pingree commented that it has been his experience in Washington that it is very common to authorize at levels and never appropriate. However, with respect to losing the funding, we will be complying with all of NCLB. However, there is a lot of funding that is discretionary. He questioned if the stand that Utah has taken put this funding in jeopardy?

Congressman Matheson responded that he did not have a feel for whether or not this would be a problem.

Member Richard Sadler commented that there seemed to be a feeling, prior to the elections last fall, that there were a lot of people saying we are going to make the changes and make things happen. He questioned if these same people have lost their courage and they don't want to face President Bush on his key issue? Are they willing to let Utah fight it out to see what happens? He indicated that other states are having similar issues with the legislation but no one is willing to step out and deal with it.

Congressman Matheson responded that he has not seen any movement in that direction.

Vice Chairman Janet Cannon commented on the Congressman's web site dealing with federal help funds payment in lieu of taxes. She indicated that a couple of years ago while visiting in Washington we wanted to work out some of these funds because so much of our school lands are tied up by the federal government. She understands that there is a Western caucus seeing if we could do something to help educate our kids in terms of payments from revenues from these lands because the west has so much federal land and our funding is lagging way behind.

Congressman Matheson responded that the PILT funds have been around since the mid 70's and none of the money goes to education. It goes to counties to provide services and this is a big deal for rural counties in Utah in terms of their budgets. The education component would be the APPLE Initiative. This is an idea we are all open to and interested in seeing if there is an opportunity for this. They are talking of creating a new program which will be difficult to do in a year of budget deficits. Rather than create a new program he would amend PILT. A lot of Western congressmen are looking at this issue as a possible source of funding the education system. It is a Bipartisan effort from the Western states.

Member Dixie Allen questioned what we may have done differently in fighting the NCLB guidelines.

Congressman Matheson responded that he would have sat down and tried to negotiate more rather than just passing a law that says take it or leave it. He is much more in favor of negotiations.

Congressman Matheson commented that more open dialogue is needed in bringing to bear more influence on the congressional delegation. He indicated that Emily Merchant is on his staff in Utah to take the issues from the people in Utah, including education. There should be continual dialogue not just when there is a major issue.

Congressman Matheson noted that he serves on the House Financial Services, House Transportation and Infrastructure, and the House Science Committees that is in charge of science research and NASA.

Congressman Matheson expressed appreciation for the opportunity to meet with the Board, he values the input from the Board and looks forward to hearing from the Board in the future on educational issues.

Vice Chairman Janet Cannon expressed appreciation to Congressman Matheson for taking the time to come and visit with the Board.

Executive Session Action

Utah Schools for the Deaf and the Blind Institutional Council

Motion was made by Member John C. Pingree and seconded by Member Tim Beagley to appoint Richard Tolley to the Utah Schools for the Deaf and the Blind Institutional Council, term to expire June 2008. Motion carried unanimously.

State Rehabilitation Council

Motion was made by Member John C. Pingree and seconded by Member Tim Beagley to appoint Linda Collins (term determined by the DSBVI Council); and to reappoint Allan Ayoub, Kent McGregor, Eileen Saunders, Milton Taylor and Nedra Taylor to the State Rehabilitation Council. Reappointment terms to expire September 2008. Motion carried unanimously.

Disability Determination Services

Motion was made by Member John C. Pingree and seconded by Member Tim Beagley to appoint Matthew Nielson to the Disability Determination Services Advisory Council. Motion carried unanimously.

Interpreter Certification Board

Motion was made by Member John C. Pingree and seconded by Member Tim Beagley to appoint Jennifer Byrnes, Travis Cook (terms to expire June 2008) and Mitchell Jensen (term at the discretion of the division) to the Interpreter Certification Board. Motion carried unanimously.

Executive Session

Motion Richard Sadler to discuss pending litigation seconded by Laurel Brown. Board was polled and by unanimous consent of those present the Board moved into an executive session at 2:10 p.m.

Motion by Dixie Allen and seconded by Member Laurel O. Brown to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 3:00 p.m.

Board Standing Committee Reports

Finance Committee

Member Tim Beagley, Chairman of the Finance Committee presented the following recommendations from the Committee:

POPS Re-application

In 2004, legislation was passed directing the Board to determine the allocations for the individual

organizations in the Arts and Sciences Outreach Program (POPS) as it is not legal for the Legislature to allocate to specific groups or individuals. This is the year all POPS organizations reapply to re-establish their participation and level of funding. This process is required every four years.

Additionally, the 2005 Legislature stated its intent that the Board provide the same level of funding to each of the POPS organizations for FY 2006. Allocations for the remaining three years are subject to change, based on the review of the POPS organizations' re-application proposals.

The Committee reviewed the POPS Re-application process and timeline. (For complete details, see General Exhibit No. 9637.)

In the near future the Committee will come back to the Board with recommendations for the ways that funding will be allocated.

The Committee would like the Board to consider even though the legislature said the same amount of funding continue next year as last year, they allocated \$10,000 extra without saying where it should go, that the \$10,000 pay for the evaluation process.

Motion from the Committee that the Board consider the \$10,000 be spent in the evaluation process including the following: national evaluator consulting \$3,000; stipends for panel evaluators and miscellaneous expenses, out of state experts. Motion carried with Members Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Member Allen absent..

Modification of Rules with Formulas
Using Kindergarten, Grades 1-12, and
Necessarily Existent Small School WPU's
R277-478 and R277-711

Changes to these rules were discussed during the May committee meeting and input from districts and charter schools was desired. It was reported that after contacting these groups, it was discovered that the overwhelming majority feel the rules should be left as they stand.

No action was recommended by the Committee, but they may bring it back for discussion at another time.

Budget Strategy

Last month the Committee talked about the desirability of dividing the budget request into two parts: 1) the amounts needed to maintain existing programs, and 2) amounts needed to improve student performance in specific areas.

The Committee discussed the format of budget requests dealing with improving student performance including: Do we request focused money for specific programs and/or target groups? Or, do we keep requests more general allowing local discretion in how the monies will be spent? Do we tie budget requests to specific outcomes; e.g., if we get X dollars for a math program will we see X% improvement in math scores?

No action was recommended by the Committee.

Curriculum Committee

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

Physical Activity and Nutrition Resolution

The 2005 Legislature passed H.J.R. 11, Resolution Encouraging Schools to adopt Nutrition and Physical Activity Policies. The joint resolution urges that schools, school districts, health care providers, community-based organizations, businesses, and families work to establish comprehensive wellness policies to help prevent and reduce the prevalence of overweight children and adolescents. In support of this resolution, staff prepared a resolution encouraging healthy eating habits and adequate physical activity in students.

Staff presented the revised Resolution on Physical Activity and Nutrition to the Committee. (For complete details, see General Exhibit No. 9638). It is anticipated that this resolution would be distributed to the general public and for school districts, schools, public relations officers, local PTAs, and local boards of education, to increase the understanding of the importance of early intervention in reducing childhood obesity and increasing student performance.

Motion from the Committee that the board approve the Physical Activity and Nutrition Resolution. Motion carried with Members Beagley, Brown, Burningham, Cannon, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Member Allen absent.

Attendance Policies in Utah School

Districts and Charter Schools

In the May meeting, Committee members reviewed attendance policies of Utah school districts and charter schools. Since then, staff has visited random elementary and secondary schools regarding the effectiveness of their attendance policies and local needs. Based on information acquired, a summary was compiled listing key elements, both common and peculiar, to elementary and secondary schools. A list of Board considerations using information gathered from both school districts and schools was also presented. (For complete details, see General Exhibit No. 9639.)

The Committee asked staff to provide a guidance document giving best practices, district involvement, teacher involvement, student involvement and parent involvement to be presented in September. Also, that the Communications Committee come up with a slogan similar to, "It's 9:00 o'clock in the morning – where are your kids?" campaign.

The Committee received a binder on the progress of the reading initiatives in the school districts. It is anticipated that a full report will be made in September.

The Committee continued a discussion on UBSCT remediation. Staff has been working with the interim committee and the committee suggested a student advocate team, which would involve different scenarios of ways for students who teachers feel are competent but are not able to pass the test. The Committee will continue this discussion.

Law and Policy Committee

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

Charter School Agreements

At the May 19, 2005 meeting, the State Charter School Board reviewed the Freedom Academy charter and voted to enter into a charter agreement with them. (For complete details, see General Exhibit No. 9640.)

Committee members voiced concerns with test data being below the district data. It was requested that test data be brought back to the board to see if there has been improvement.

Motion from the Committee that the Board dissolve the existing charter agreement with Freedom Academy Charter School and support the charter agreement between the State Charter School Board and this school. Motion carried with Members Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Member Allen absent.

Charter School Board Executive Summary Report

In an effort to help Board members better understand the State Charter School Board (SCSB) recommendations for charter approval, the Law & Policy Committee drafted and recommended the use of a Charter School Board Executive Summary Report. The Board took action at the May 4, 2005 Board meeting approving the suggested draft. Since Board meeting, an additional revision has been suggested in order to provide the Board with additional necessary information. (For complete details of the report, see General Exhibit No. 9641.) It was noted that the Board would like this information on both new charters and converting charters.

Motion from the Committee that the Board approve the Charter School Board Executive Summary Report.

Member Tim Beagley commented that one of the things talked about with Charter Schools is that they are innovative. To his knowledge this innovation has never been shared. He questioned if there was a mechanism in place where these innovative best practices coming out of charter schools could be shared so we gain something

Associate Superintendent Ray Timothy responded that the legislation allows charter schools to report to State Charter School Board. That Board is being more aggressive with that as they exercise their authority. In turn they will share that with the board.

Motion carried with Members Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Member Allen absent.

Educator Licensing Renewal, R277-501

The addition of NCLB “highly qualified” information to Board Rule R277-501 Educator Licensing Renewal and NCLB qualifications made the rule both lengthy and confusing. Rule R277-501 has been amended to include license renewal information only. (For complete details, see General Exhibit No. 9642.)

The Committee made minor amendments to the rule.

The Committee approved R277-501, Educator Licensing Renewal on first reading as amended and moves that the Board approve R277-501 with the amendment on second reading. Further, that staff bring a report back on quality teaching in terms of professional development issues.

Member John Pingree commented that one of the problems we have is maintaining teachers. He questioned if there could be a simplified process put in place for relicensure. Member Roberts responded that we are in the process of creating a web site for relicensure. However, if they need special help through the office, there may be a small charge.

Motion carried with Members Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Member Allen absent..

Educator Licensing: Highly Qualified Teachers, R277-510

No Child Left Behind (NCLB) “highly qualified” information for both new-to-the-profession and veteran early childhood, elementary, secondary, and special education teachers has become increasingly complicated as Utah has successfully sought accommodations for teachers in special settings and multiple-subject teachers.

Rule R277-510 documents Utah’s criteria for minimal compliance with NCLB Title IIA highly qualified teacher standards. The rule includes the “Highly Objective Uniform Statewide System of Evaluation” (HOUSSE) and testing options in addition to the degree requirements for all teachers included in the federal core courses. (For complete details of the rule, see General Exhibit No. 9643.)

The Committee made an amendment to definition G, line 22, following school add: whose size meets necessarily existent small school criteria as defined under R277-445, and

The Committee approved R277-510, Educator Licensing: Highly Qualified Teachers, as amended on first reading and moves that the Board approve R277-510 as amended on second reading. Motion carried with Members Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Member Allen absent.

University of Phoenix Master of Arts Education (MAED) Degree with a Specialization in Elementary Teacher Education

The University of Phoenix completed a proposal to offer University of Phoenix Master of Arts in Education (MAED) degree with a specialization in Elementary Teacher Education. The proposal was approved by the Educator

Development Advisory Committee (EDAC) on October 10, 2002, but was never presented to the State Board for final approval.

The Committee reviewed and approved the University of Phoenix Masters of Arts in Education degree as approved by EDAC in 2002. They also received a progress report of this program's implementation. (For complete details, see General Exhibit No. 9644.)

The Committee had a concern that they did not have a foreign language requirement and asked for clarification on this issue.

Motion from the Committee that the Board approve the University of Phoenix Masters of Arts in Education degree with a specialization in Elementary Teacher Education. Motion carried with Members Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Member Allen absent.

Legislative Visits - Talking Points

Board members agreed earlier this year to visit all state Senators and Representatives prior to the 2006 general session. Staff was directed to prepare talking points for the 4-6 Math Initiative, high school rigor, U-PASS and NCLB, UBSCT, and the Board's mission, role and strategic plan.

The Committee reviewed the talking points prepared by staff. (For complete details, see General Exhibit No.9645.)

The Committee asked that Board members take the next two weeks and email suggestions to Mark Peterson. Approved by Board Leadership on June 27 and then they will be prepared and ready to hand out to the Board in the July meeting.

Chairman Burningham commented that he thought these should be ready prior to the timeline presented and he and Member Sadler have appointments with three legislators within the next two weeks. They would like something to take with them for discussion.

Communications Committee

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

There have been ongoing conversations and meetings with the *Deseret Morning News* and received collaboration on a newspaper communication insert. It is hoped that the first issue will be ready for delivery on September 13th. We will be busy putting together the content and art. He indicated that board member will be given an outline of the document.

Member Dalton requested that board members provide information of businesses, foundations, individuals that would like to contribute to this project.

Member Dalton reported that they are also taking note of a communications campaign of some sort related to getting kids in school every day all day.

General Consent Calendar

Motion was made by Member Mark Cluff and seconded by Member Dixie L. Allen to lift Item C, Special Needs Scholarships- Funding and Procedures, R277-602, from the General Consent Calendar for discussion, and approve the balance as presented. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education held May 3, 2005.

2. Contracts

A. Intermountain Court Reporters. \$6,000. 6/1/05-5/31/06. - Amend.

Provide court reporting services used as real-time captioning for Deaf and Hard of Hearing staff and consumers at meetings, workshops, classes, or other such activities.

B. Kim's Quality Cleaning. \$4,200. 5/1/2005-2/28/2006 - Amend. - Fed.

Provide janitorial services for the Division of Rehabilitation Services office located at 150 North Main St., Ste. 103, Bountiful, UT.

C. Utah Department of Health. \$676,603. 1/1/05-12/31/08 - RECEIVABLE - Fed.

To increase employment for people with disabilities.

D. OPTIONS for Independence. \$348,851. 7/1/05-6/30/06 - Amend. - Fed.

To provide independent living and assistive technology services to individuals with severe disabilities residing in the Northern Utah Independent Living Rehabilitation District.

E. Utah Independent Living Center. \$306,603. 7/1/05-6/30/06. - Amend. - Fed.

To provide independent living and assistive technology services to individuals with severe disabilities residing in the Wasatch Front of Utah Independent Living Rehabilitation District.

F. Central Utah Center for Independent Living. \$343,025. 7/1/05-6/30/06. - Amend.

To provide independent living and assistive technology services to individuals with severe disabilities residing in Utah, Wasatch, Juab, and Sanpete counties.

G. Red Rock Center for Independence. \$316,459. 7/1/05-6/30/06. - Amend. - Fed.

To provide independent living and assistive technology services to individuals with severe disabilities residing in the Southern Utah Independent Living Rehabilitation District.

H. Active Re-Entry. \$374,910. 7/1/05-6/30/06- Amend. - Fed.

To provide independent living and assistive technology services to individuals with severe disabilities residing in the Eastern Utah Independent Living Rehabilitation District.

I. Tri County Independent Living Center of Utah. \$342,375. 7/1/05-6/30/06. - Amend.

To provide independent living and assistive technology services to individuals with severe disabilities residing in Morgan, Davis and Weber counties.

J. University of Utah CPPA & DELP. \$20,000. 4/1/05-12/31/05. - Fed.

2002-2004 Comprehensive School Reform program evaluation.

K. Measured Progress. \$3,396,243. 7/1/05-4/6/07. - Amend. - Fed.

Amendment will extend the contract with Measured Progress for 21 months for additional development of the Utah Basic Skills Competency Test, plus the printing and distribution of test materials.

(For complete details of the Contracts, see General Exhibit No.9646.)

3. The State School Building Program, R277-451

The 2005 Legislature passed House Bill 124 - "Enrollment Growth Program Amendments" by Representative Bradley G. Last. This bill eliminated the criteria that school districts need to be recipients of the Capital Outlay Foundation Program in order to qualify for the Enrollment Growth Program funds. In addition, the bill added the requirement that a district's yield per ADM must be less than two times the prior year's average yield per ADM for Utah school districts to receive Enrollment Growth funds. House Bill 382 appropriated an additional \$5 million for this program. The Board approved R277-451, The State School Building Program rule on second reading at its May 3, 2005 meeting. There have been no substantive changes to the rule since that time. It is recommended that the Board approve R277-451, The State School Building Program on third and final reading. (For complete details, see General Exhibit No. 9647.)

4. School Fees, R277-407

House Bill 183, Verification of Eligibility for Fee Waivers, passed by the 2005 Utah Legislature, requires the Board to make rules to provide that a parent or guardian of a student applying for a fee waiver provides documentation to the school verifying the student's eligibility to receive fee waivers, and that alternatives for satisfying fee requirements have been complied with, and that the Board specify acceptable forms of documentation for verification. The Board approved R277-407, School Fees, on second reading at its May 3, 2005 meeting. There have been no substantive changes to the rule since that time. It is recommended that the Board approve R277-407, School Fees on third and final reading. (For complete details, see General Exhibit No. 9648.)

5. National Association of State Boards of Education Dues

The National Association of State Boards of Education Dues for Fiscal Year 2005 in the amount of \$19,811, and the NCOSEA Dues for School Year 2006 in the amount of \$130; and subscription to the Standard in the amount of \$20; for a total of \$19,961.00. The Board of Education approved payment of the 2006 dues in the amount of \$19,961.00. (For complete details, see General Exhibit No. 9649.)

6. Council of Chief State School Officers Dues

An invoice for the Council of Chief State School Officers dues in the amount of \$27,589 for Fiscal Year 2006. The State Board of Education approve payment of the Council of Chief State School Officers dues in the amount of \$27,589 for fiscal year 2006. (For complete details, see General Exhibit No. 9650.)

7. 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. 9651.)

8. USBE Agenda & Strategic Planning Calendar 2005-2006

The Utah State Board of Education Agenda & Strategic Planning Calendar for 2005-06 was provided as information to the Board. (For complete details, see General Exhibit No. 9652.)

9. Ratification of Employment

Alan Griffin was ratified as an Educational Specialist in the Student Achievement and School Success Division.

10. Advisory Committees – Notice of Vacancies

The following vacancies were reviewed on the respective State Board of Education Advisory Committees:

Division of Services to the Deaf and Hard of Hearing - 4 Vacancies

Representing:(1)Deaf Community
(2) Audiologist
(1) Adult Protective Services

Coalition of Minorities Advisory Committee (CMAC) - 1 Vacancy

Representing: Pacific Islander

Adult Education Advisory Committee - 11 Vacancies

Representing: Adult Education Directors/Coordinators
Business and Industry
Community/Faith-Based Organizations
Educationally/Economically Disadvantaged
Governor's Office of Ethnic Affairs
Higher Ed - Colleges & Universities
Higher Ed - Applied Technology Colleges
Superintendents
Member at Large
Prisons and Institutionalized
Utah Family Center (PTA)

11. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses was approved by the Board. (For complete details see General Exhibit No. 9653.)

12. Claims Report

The Claims Report in the amount of \$182,326,709.56 for April 30, 2005 was approved. (For complete details, see General Exhibit No. 9654.)

Member Thomas Gregory requested that Item G, Special Needs Scholarships - Funding and Procedures, R277-602 be postponed until later in the meeting.

Executive Officer Report

Superintendent Patti Harrington shared the following items of information:

- Choices for High School students and informing parents about the choices our high school students are making.
- Reviewed the speaking and visiting assignments.
- Dr. Harrington noted under the Information Items, No. 5 that we have submitted and met our June 1 deadline to ask for new flexibility under No Child Left Behind. Each state was to submit a request for such flexibility, ours was primarily around the special education flexibility that was announced by the department. As she understands it, they will have a qualifying round to see if the state is abiding by the core principles of No Child Left Behind before they will grant any flexibility.
- Lehi Elementary School requested an emergency change in their calendar ending school on Thursday rather than Friday due to flooding. On the Board's behalf she granted their request, however, it will be in the General Consent Calendar next month for approval by the Board..
- Dr. Harrington reviewed the discussion items on her report.

(For complete details of the Superintendent's Report, see General Exhibit No.9655.)

General Consent Calendar Item C - Special Needs Scholarships - Funding and Procedures, R277-602.

The 2005 Legislature passed House Bill 149, Carson Smith Special Needs Scholarships. The bill specifically requires the Board to write rules "...establishing the eligibility of students to participate in this scholarship program and the application process for the scholarship program. In addition, rules are required (and implied) for adequate accountability for public funds designated for private schools under this legislation. Staff worked with school district staff, special education school district staff, and school finance specialists, and have made the rule available to Representative Newbold, advocates for special education students, and representatives from schools specializing in special needs students, for their review prior to the May 4, 2005 board meeting. Several amendments were made to the

rule at the May 4, 2005 board meeting. The Board approved R277-602, Special Needs Scholarships - Funding and Procedures on second reading at its May 4, 2005 meeting. (For complete details see General Exhibit No. 9656.)

Motion was made by Member Thomas Gregory seconded by Member Mark Cluff to accept R277-602 with the following amendment. Under R277-601-1 M, strike current language in paragraphs 1 and 2 and R277-602-1 be rewritten to read:

M. "Private school that specializes in serving students with disabilities" means the school:

- (1) meets the requirements of an eligible private school under Section 53A-1a-705; and
- (2) serves students with any of the disabilities listed under Section 53A-1a-704(2)(b).

Member Dixie Allen, noted that if this is adopted we would also need to delete section L and replace it with the amendment and renumber.

Member Tim Beagley questioned how many schools would qualify under the new definition and how many students it would encompass? He noted that there was enough money for about 500 students at full funding.

Member Gregory responded that this definition would include many of the 25 that have already submitted letters of intent and felt they would be eligible. Member Teresa Theurer requested staff and legal counsel to give their feelings about the proposed amendment.

Nan Gray, Coordinator, Special Education Services Unit, commented on the technical wording in (2). She indicated that we do not differentiate programs by disability type, it is done on an individual student basis, depending on the student's needs. She suggested (2) read, if it would meet the intent: "Provides programs specifically designed to serve students with disabilities."

Member Gregory clarified that (2) would then read: (2) Provides programs designed to address the specific needs of students with any of the disabilities listed under Section 53A-1a-704(2)(b).

Jean Hill, Specialist, Government and Legislative Relations, voiced concern whether or not it still meets the intent. It may, but without further study she could not determine if it would.

Member Richard Sadler questioned how the new section M would provide a means of identifying an eligible student? Whereas, in the other an IEP is doing that in public schools.

Member Mark Cluff clarified that this is not removing the language which is in another location, it is only defining what a specialized school is. They still need the assessment team, they still need to be enrolled in an eligible school.

Superintendent Harrington commented that the amendment would enlarge the availability of the scholarship to many students as opposed to a few. It will also enlarge the demand, and the money is capped at a certain level. Also, by enlarging that we will also have a greater demand on local districts to prepare the IEP assessment team process.

Member Laurel Brown questioned if the wording in the amendment would still assure that indeed those specialized services would be provided to students as opposed to the original wording.

Karl Wilson, Director of Special Education, responded that it would take a closer look, but in part 2 of that the private school has to provide programs that are designed to address specific needs of students with disabilities. There is a potential for some kind of assurance that there is a program in place.

Member Debra Roberts voiced concern that if monies are not available to pay all scholarship requests, that the scholarships be provided on a random basis. She indicated that this was intended for very specific students.

Member Gregory responded that under either method the concern remains.

A substitute motion was made by Chairman Kim R. Burningham and seconded by Member Richard Sadler that the Board pass R277-602 as presented as an emergency rule.

Chairman Burningham commented that he is open to making some kind of adjustments, but felt we are not ready to do that at this point. Yet, he is unwilling to not pass something immediately because we will postpone dealing with the needs of those needing the services. He indicated that by putting it as an emergency rule it is his understanding that we have 120 days to make changes. He indicated he may be willing to make changes, but is not prepared to do it today.

Member Bill Colbert suggested a possible amendment to the motion to direct staff to try to quantify the number of students that would be accommodated by the rule as presently written versus how many would be accommodated with the amendment and report that back by July.

Jean Hill responded that there are 54,000 public education special education students. This would be the first group eligible. It was not know whether the private school numbers would be available.

Chairman Burningham commented that this would be instruction given by the Board to do rather than an amendment.

Member Tim Beagley commented that if we were to accept the rule as placed in the agenda under emergency circumstance, it would effectively just be accepting it because the time line would be such that after 120 days it would be too late for anyone to apply for any of the scholarships.

Chairman Burningham indicated he did not see it that way, it would mean that we would implement what we have but if we change it in 100 days that would be in effect for the next time around.

Member Teresa Theurer questioned that if we don't use all the money with the rule, the money is still there, and if the rule was later amended the scholarships could be made after that time.

Superintendent Harrington responded that once the money has gone through appropriations it remains in the designated area unless the legislature puts it elsewhere.

Member Teresa Theurer noted that if the Board decides to change the rule it needs to think strongly about

what we are doing to districts and the time lines for IEP's.

Karl Wilson indicated it was his understanding that as the State Board of Education disburses payments, there is a start date, but it does not preclude the State Office from looking at students coming in later on. There is some flexibility.

Member Bill Colbert noted that if the rule passes we will have some idea of who will apply in the next 30-40 days and we will have an idea of how much money we have left.

Member Roberts spoke in favor of the substitute motion.

Superintendent Harrington cautioned that if the Board goes with emergency rule, and if it applies to the July 1 deadline, then the decision is to make it more open happens, there may be some parents who say I would have applied had I known I could have.

Superintendent Harrington suggested that the motion be to allow the emergency rule as currently stipulated to apply, however, to garner the requests across the state if it were to be broadened. Again, this gives two messages.

Chairman Burningham stated that he was comfortable with the explanation given by Superintendent Harrington to pass rule as is put the emergency rule stipulation on it, and ask the department to put out a request for people to apply but others to indicate if they would apply in an extended time line.

Member Tom Gregory questioned that as part of this broad open application process, are we still going to require the assessment team analysis as part of the application process?

Chairman Burningham clarified his motion to pass the rule as an emergency rule, which allows us the flexibility to change it. The question raised by Member Gregory is an administrative matter.

Question on the motion was called by Member Dixie Allen.

Royce VanTassell, Education Excellence Utah, stated that the July 1st deadline is something that the Board statutorily can waive, and that could push the deadline back to a week following your next board meeting.

Karl Wilson cautioned that if we consider backing up the initial deadline for application we are also backing up the potential of the first payment due September 1st. There will be a certain amount of time to process all applications and the paperwork necessary to distribute those funds.

Question on the motion failed with Members Allen, Brown, Burningham, Cluff, Colbert, Gregory, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Member Beagley opposed.

Member Tim Beagley questioned that if people apply by July 1, will we approve their applications at that point and then consider at a later point whether to expand the offering? This is a problem because it means the lottery system probably should have included the original group of people we gave the money to. He felt the Board should not approve any applications until we determine the final status of the rule.

Member Mark Cluff commented that in looking at time line, it states between July 1 and September 1 is the assessment team process for non-public school students. The eligible students cannot be decided until that time.

Member Theurer also commented that the members of the assessment teams are not typically employed in July and August.

Substitute motion to adopt the rule as is on an emergency basis carried with Members Beagley, Brown, Burningham, Colbert, Dalton, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Members Cluff and Gregory opposed; Member Allen absent.

Motion was made by Member Richard Sadler and seconded by Member Tim Beagley that we operationally do not send any money out until the Board has approved a date when it will be done as well as a deadline date for accepting all applications.

Superintendent Harrington indicated this would put the July 1 date in abeyance, meaning there is no application deadline until the Board decides when that will be.

Member Sadler clarified that applications will be accepted, but money will not be sent out until the Board determines the final cut-off date which would include the Board's re-looking at the amendment proposed by Member Gregory.

Jean Hill clarified that the September 1 date for money to be distributed is in statute not in the rule.

Member Sadler clarified that this is a way at opening this up with private schools and that we want the process to be fair. He felt that we may have to suggest to the legislature that timeline had to be adjusted by us.

Motion carried with Members Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Member Allen absent.

Motion was made by Member Thomas Gregory and seconded by Member Bill Colbert that the Board make clear two things: First, we direct staff to study the demand in both public and private schools; and second that parallel to the application process we ask parents of private school students who do not currently qualify under rule but may under a broader rule, to submit a letter of intent the same as those making applications.

Karl Wilson voiced concern with surveying families who have children with disabilities in the public schools unless it is a public service announcement. In terms of sending out information for those who may not qualify under the current rule who would want to submit some kind of letter of intent may be confusing to parents. It may be better to say go ahead and submit an application, but we don't know we will be able to approve it.

Superintendent Harrington commented that this is an administrative matter, and the motion is that we act on some of these matters and include all potential that may happen if the broader rule is in place and we can do it in a way to expedite it without confusion, if we are given that much leeway.

Chairman Burningham stated that he is eager to see something concrete very soon and suggested that by July 1 a subcommittee consisting of Karl Wilson, Nan Gray, Laurel Brown, Tom Gregory and Carol Lear get together and give the Board a draft document of their best recommendations based on the discussion today.

Motion carried with Members Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, Sadler, and Theurer voting in favor; Member Swensen opposed; Member Allen absent.

Board Chairman Report

Chairman Burningham shared the following items of information:

Thanked all the Board but congratulated specifically the communications committee for their work in getting the tabloid going

Member Tom Gregory has sent out a blog communicating issues about board concerns. He urged all of the Board to take an issue and to communicate it with the public in any possible way. Member Gregory indicated that they would accept more information from others.

Chairman Burningham announced that we have gone through an evaluation process of the State Superintendent, which was a 360 degree evaluation and we received communication from a variety of people and it has been found to be very valuable.

Chairman Burningham noted that we try to meet with the legislature and Governor often. We are doing this as we can. The Senate Republican Leadership has scheduled a meeting with the Board on June 14 at 10:00 a.m., in Senator Valentine's office. Board Members indicating they would attend were: Chairman Burningham, Mark Cluff, Laurel Brown, and John Pingree.

Chairman Burningham announced that a number of board members will be participating in committee work in Alexandria with NASBE – Debra Roberts, Mark Cluff, Janet Cannon, Twila Affleck and Chairman Burningham. He noted that NASBE has received a significant grant from the NFL to proceed with their look at high school activities. Plus they are working on other grants.

Chairman Burningham further indicated that three board members will be attending the NASBE New Board Member Institute – Mark Cluff, Bill Colbert and Tom Gregory.

The NASBE Annual Conference this fall will be held in Phoenix on October 13-15.

Member Tim Beagley reported that he has been serving on the Steering Committee for the NAEP Science framework which will take effect for the 2009 assessment year. The Steering Committee is a group of people who have met a couple of times, they will meet one more time, putting together the basic concept of the NAEP Science Assessment. Under them is a planning committee which will actually formalize those ideas into what the framework will look like. After that is done, around the end of August, the item writers will start to put together the NAEP 2009 Science test for 4th, 8th and 12 graders randomly chosen throughout the country to help states compare themselves with each other with their sciences. They are struggling a little with what the place of technology is in today's science framework. Should technology be part of the questions students are asked? How much technology should be involved in the delivery system? Universal access is also a struggle. They want the test to be something anyone at any time can

take. He indicated he would have a more detailed summary after the meeting in August.

Chairman Burningham shared the following dates that may be of interest to the Board:

June 8 -	Tribute to Olene Walker for reading program at Grant America
June 9-11	NASBE
June 14	10:00 a.m. Republican Leadership 8:30 a.m. Social Promotion Discussion Spring Creek Elementary
June 15	Legislative interim meetings
June 27	Board leadership
July 7	Possible Regents leadership and Board Leadership
July 12-15	Rural Schools Conference July 12-15 along with Board meeting. Shared a schedule of the meetings
August 5 -	Communications Committee worked out USBA/USBE dinner and meeting
August 9-10	Earthquake preparation in schools
September 2	Board Meeting in Salt Lake City
October 13-15	NASBE Annual Meeting
November 3-4	Board Meeting in Logan
November 17-18	Civic Dialogue renewal of activities and bringing in Charles Haines.

Member Debra Roberts also noted that the Communications Committee had suggested the Board meet with the Editorial Board of the *Spectrum* while in Cedar City. Staff was directed to look at the schedule and work the *Spectrum* to see if such a meeting could take place.

Member Bill Colbert reported that the Utah Science Center has requested they make a 15 minutes presentation to the Board perhaps in September.

Motion to adjourn was made by Member Teresa Theurer.

Meeting adjourned at 4:45 p.m.