

MINUTES

March 4, 2005

Minutes of the meeting of the State Board of Education held March 4, 2005, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 9:50 a.m. Chairman Kim R. Burningham presided.

Members present were:

Chairman Kim R. Burningham
Vice Chairman, Janet A. Cannon
Member Dixie L. Allen
Member Tim Beagley
Member Bonnie Jean Beesley
Member Laurel Brown
Member Mark Cluff
Member Bill Colbert
Member Edward A. Dalton
Member Thomas Gregory
Member Greg W. Haws
Member John C. Pingree
Member Debra G. Roberts
Member Richard Sadler
Member Sara V. Sinclair
Member Gary C. Swensen
Member Teresa L. Theurer

Also present were:

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

Members of the Press:

Tanna Barry, Standard Examiner
Jennifer Toomer-Cook, Deseret Morning News
Ronnie Lynn, Salt Lake Tribune
Ronda Rose, Utah PTA
Tim Leffel, Utah Association of School Business Administrators
Nathan Rathburn, Congressman Chris Cannon's Office
Dan Morgan, Utah State Improvement Grant
Julie Mootz, Utah Personnel Development Center
Hollie Peterson, Utah Personnel Development Center
Tim Smith, Citizen
Josh Smith, Park Elementary
Cyndee Miya, Coalition of Minorities Advisory Committee
Lisa Stamps, Citizen

Jan Ferre, Learning Center for People with Disabilities

Board Secretary Twila B. Affleck recorded the minutes.

Welcome and Boardsmanship Development
and Student Achievement Spotlight

Board Member Mark Cluff lead the Board in the Pledge of Allegiance.

Board Member Gary C. Swensen offered welcoming remarks.

Member Thomas Gregory presented Boardsmanship Development on State Board and Governor Relations.

(For complete details, see General Exhibit No. 9560.)

Member Gregory indicated that in working with anyone it is important to have good lines of communication. He commented that it would be in our best interest to meet with the Governor to let him know how we feel and find out what he feels as well.

Student Achievement Spotlight

Karl Wilson introduced two schools that have achieved significant improvements in school environment and student behavior through the implementation of positive behavioral supports. The two schools recognized were Union Middle School in Jordan School District and Park Elementary School in Cache School District. These schools represent some of the most successful efforts in the state of Utah as part of Utah's Behavioral Initiatives (UBI). The UBI project provides training and support to schools that have committed to developing statewide discipline practices that focus on clear high expectations for students and staff and the consistent use of positive behavioral supports that reinforce appropriate social behavior.

The Board recognized with a certificate for their achievement the following schools: Union Middle School: Mary Anderson, Principal, Dave Barrett, Assistant Principal, Vicky Ginsburg, Teacher and Anthony Firkins, Student. Park Elementary School: Mark Daines, Principal, Terry Humphreys, Teacher Leader, Heather Bennett, Teacher and Jos Smith, Student.

Legislative Session 2005, Review

Associate Superintendent Patrick Ogden reported that the Finance Committee had reviewed in depth the FY 2006 Budget Initiatives. Member Tim Beagley, Chairman of the Finance Committee reviewed the final actions taken by the legislature relative to the budget for public education. (For complete details, see General Exhibit No.9561.) Of particular note was the 4.5 percent increase in the weighted pupil unit (WPU). However, many public education issues went unfunded including: \$3.3 million increase for transportation, \$6 million for remediation for the Utah Basic Skills Competency Test, \$16 million to expand Performance Plus to mathematics in grades 4-6 and \$1.2 million for comprehensive guidance counseling.

Superintendent Harrington commented that she was disappointed that the legislature had not supported

children. However, she was encouraged with the increase given to teachers which is badly needed since they have not received anything in the last three years.

It was suggested by board members that the Board work with the Governor to possibly add the budget losses to public education onto the special session. The items in particular are UBSCT and the Math Grades 4-6.

Chairman Burningham indicated that getting budget items on a special session is not likely.

Member Bill Colbert suggested that the Board express appreciation to the Governor for his support of the funding for Math in grades 4-6.

Associate Superintendent Raymond Timothy reviewed the final actions taken by the legislature relative to public education. (For complete details, see General Exhibit No. 9562.) Dr. Timothy noted that the Legislature passed a total of 38 bills that affect public education in one way or another.

Carol Lear, Coordinator, Government and Legislative Relations reported that the Governor's office has been lobbied heavily to veto SCR 2, Resolution Approving Class V Landfill. She suggested that the Board may want to consider writing a letter to the Governor encouraging his signing of the bill.

Member Bill Colbert suggested that the Board let Governor know immediately why we do not want the legislation vetoed.

Carol Lear further reported that 1SHB 42, Medical Recommendations for Children has also been an issue lobbied to the Governor's office for his veto. She further suggested that the Board may also want to ask the Governor to veto this legislation.

Chairman Burningham stated that we tend to get negative and this does not do us any good. We need to proceed and try to make all the positive changes we can. It is discouraging, but we should not neglect to identify the positive things that happened in the legislative session such as the 4.5 percent increase in the WPU, and the funding for growth, as well as many other areas that received funding, it is important that tuition tax credits were defeated, and it is important that the right to choose a curriculum in the TLC bill was defeated.

Chairman Burningham asked Superintendent Harrington to update the board on No Child Left Behind (NCLB). Dr. Harrington reported that the special session on April 20 will be for the purpose of discussing No Child Left Behind and HB 135. The Governor and the Legislature made an agreement to do this in light of the discussions being held with the U.S. Department of Education.

Dr. Harrington presented an update on No Child Left Behind. (For complete details, see General Exhibit No. 9563.)

Dr. Harrington reported that the National Conference of State Legislatures has come up with a statement of their frustration over what they consider the federal intrusion of public education by the law. It is playing itself out around the country in very similar ways as what we are doing in Utah.

Motion was made by Member Teresa L. Theurer and seconded by Member Gary C. Swensen that the Board send a thank you letter to legislators who voted against HB 39, Tuition Tax Credits.

Member Gary Swensen stated that it would be helpful if we had a summary of the different positions the Board took in regards to education and then to see how individual members of the legislature supported our position. He felt this would give board members a chance to understand and develop a relationship with those that did not support our position and see if we can help them understand our position.

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

Member Bill Colbert voiced concern with getting a roster of how legislators vote on certain pieces of legislation that it may be termed as a report card and would not be a positive thing.

Member Gary Swensen commented that he thought the roster would be a positive tool for board members to work with the legislators in their district to discuss some things we don't agree on.

Chairman Burningham commented that there were a number of legislators who were very much in support of all kinds of education issues, and there are many who do not agree with us, but that does not mean they do not favor education.

Member Colbert suggested that individual board members gather their own information on how legislators voted on bills. He did not see using state staff and time to do so.

Motion was made by Member Bill Colbert and seconded by Vice Chairman Janet A. Cannon that a letter be prepared from the Board thanking the Governor for his support of public education during the legislative session, for his support of the legislation raising the cap on the school trust lands, and that on SCR2, Resolution Approving Class V Landfill we would encourage his signature on the legislation because it would provide the maximum benefit from school trust lands, this landfill is the best use of the land for this purpose, further that prior to his making a decision on this issue he meet with members of the Board to discuss the advantages.

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

Motion was made by Member Tim Beagley and seconded by Member Teresa L. Theurer to urge the Governor to veto 1SSB 178, Charter School Amendments, because it infringes on the Constitutional authority of the State Board of Education and it jeopardizes federal funding for charter schools. Further, to indicate that there are specific areas in the bill that we agree with, however, there is this one element that is troublesome to the Board.

Member Tom Gregory commented that he disagrees with urging a veto because there are many issues in the legislation that we agree with and we can work around the other issue.

Superintendent Harrington commented that she would urge the Board to not send the letter requesting the

Governor veto this bill. She indicated that we are still trying to build relationships both with the State Charter School Board and with the Legislature. The addition of the restriction on the board was almost singular. She further indicated that the bill is so necessary in so many other ways that to throw it all out on one phrase would not be helpful. The Board can work around that phrase.

Discussion ensued relative to the question of the constitutionality of the legislation and whether or not this would be something the Board could challenge.

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

Motion was made by Member John C. Pingree and seconded by Member Mark Cluff that the Board recommend to the Governor that he veto 1SHB 42, Medical Recommendations for Children. Motion carried with Members Allen, Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Member Haws absent.

Motion was made by Member John C. Pingree and seconded by Member Edward A. Dalton that the Board send a letter to Tim Bridgewater, Governor's Deputy for Education asking him to look into HB 249, Carson Smith Special Needs Scholarships, with the concern that promises were made that the money would come from the general fund and not from the education budget. Motion carried with Members Allen, Beagley, Brown, Cannon, Cluff, Dalton, Gregory, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Member Colbert opposed; Member Haws absent.

Member Edward Dalton expressed appreciation on behalf of the Board to staff and others for efforts made during the legislative session.

Motion was made by Member Richard Sadler and seconded by Vice Chairman Janet A. Cannon that the Board send a letter to the Governor asking him to let 1SSB 178, Charter School Amendments and HB 136, Charter School Enrollment become law without his signature evidencing our concerns with the problems with this legislation, along with the elements of the legislation that we support. Motion carried with Members Allen, Beagley, Brown, Cannon, Dalton, Gregory, Roberts, Sadler, Swensen and Theurer voting in favor; Members Cluff, Colbert and Pingree opposed; Member Haws absent.

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

(1) Speaking/Contacts she has made in the last month.

(2) The KSL-TV bullying investigation. She has asked for a full report to her by May 1, 2005 identifying the scope of the problem, our current methods of addressing the problem, and recommendations to bring greater resolution to the problem.

(3) Merger between the Utah School for the Deaf and the Blind and Jean Massieu.

(4) Progress on Utah's quarter designs provided by students.

Superintendent Harrington reported that she had received a request from North Summit School District who is being a new middle school with anticipation of moving into it in the fall, however, they are concerned that it may not be completed until after Labor Day. Their request is to add additional minutes to every school day, start school after Labor Day and finish before Memorial Day. (For complete details of their request, see General Exhibit No. 9564.)

Motion was made by Member Richard Sadler and seconded by Member Tim Beagley to approve the variance request from North Summit School District. Motion carried with Members Allen, Beagley, Brown, Cannon, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Member Haws absent.

Superintendent Harrington reported on the National Governor's Association Education Summit on High Schools held in Washington, D.C., February 26-27, 2005. She indicated that Bill Gates keynoted the conference. The issues addressed were:

- High school courses must be more rigorous.
- Expectations of high school students should be heightened, including expectations of rigorous college preparation for all students as the "default" curriculum.
- Advanced opportunities for high school students should be available in every high school.
- The transition, dialog, and credit options between high school and colleges must be strengthened and enhanced.

Dr. Harrington reported that she, the Governor and Tim Bridgewater felt it was important that they convene a group in Utah that might give some thinking to this. The committee met for the first time yesterday morning. Dr. Harrington stressed that the committee will give recommendations to the State Board of Education.

(For complete details of Dr. Harrington's report, see General Exhibit No. 9565.)

Public Participation/Comment

Julia Wulf, Chief Executive Officer of the American Red Cross Blood Services presented information relative to the parental consent form they have prepared and the work they have done with local districts in response to the concerns expressed to the Board previously of the information required by the Red Cross from high school students prior to their donating blood. (For Complete details, see General Exhibit No. 9566.)

Member Teresa Theurer expressed appreciation and indicated concerns have been addressed.

Member Richard Sadler requested that the letter and consent form that is sent to the parents be sent to the board.

Executive Session

Motion was made by Member John C. Pingree and seconded by Vice Chairman Janet A. Cannon to move into an executive session for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present [Member Haws absent] the Board moved into an executive session during lunch at 12:40 p.m.

Motion was made by Member Laurel O. Brown and seconded by Member Tim Beagley to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:30 p.m.

Utah Professional Practices Advisory Commission (UPPAC)

Motion was made by Member Laurel O. Brown and seconded by Member Tim Beagley to adopt the Commission's recommendation and accept a stipulated agreement, with conditions, in Case No. 04-711, whereby a former educator in the Washington School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for two years from the date of formal action by the State Board of Education. The recommendation results from the educator's attendance at school while under the influence of alcohol. He was also in possession of alcohol in his classroom during contract hours. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Members Cannon and Haws absent.

Motion was made by Member Laurel O. Brown and seconded by Member Tim Beagley to adopt the Commission's recommendation and accept a stipulated agreement, with conditions, in Case No. 04-716, whereby a former educator in Sevier School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for two years from the date of formal action by the State Board of Education. The recommendation results from the educator's possession of pornography on his school computer. A student observed the educator looking at photo(s) on his computer during the school day. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Members Cannon and Haws absent.

Motion was made by Member Laurel O. Brown and seconded by Member Tim Beagley to adopt the Commission's recommendation and accept a stipulated agreement, with conditions, in Case No. 04-720, whereby a former educator in the Washington School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for 18 months from the date of formal action by the State Board of Education. The recommendation results from the educator's diversion of school funds for personal use over a year's period of time. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Members Cannon and Haws absent.

(For complete details of the recommendations, see General Exhibit No. 9567.)

Special Education Issues

Karl Wilson, Director of Special Education presented an overview of special education, i.e. The Individuals with Disabilities Education Act (IDEA); Provision of a Free Appropriate Public Education, Procedural Safeguards; Students with Disabilities in Utah; Professional Requirements and Professional Development; Assessment and Accountability; and Private Schools. (For complete details, see General Exhibit No. 9568.)

Board Member Laurel Brown presented information on HB 249 Carson Smith Special Needs Scholarships recently passed by the legislature. She identified the implications of how it will be implemented by the Utah State Office of Education and the fiscal impact to school districts. (For complete details, see General Exhibit No. 9569.)

Karl Wilson presented an update on impact on the State Office created and included in the Carson Smith legislation for the Carson Smith Special Needs Scholarship.

Board Standing Committee Reports

Finance Committee

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

In-depth Review of Legislative Fiscal Actions

This item was reported earlier in the meeting

Funding Implications of Mid-Year

Enrollment Changes

This item was postponed until next meeting.

Funding Concurrent Enrollment

The Committee discussed the Concurrent Enrollment Program and its funding formula. (For complete details, see General Exhibit No. 9570.)

No action required.

Curriculum Committee

Member Laurel O. Brown, Vice Chairman of the Curriculum Committee presented the following recommendations from the Committee.

Parental Involvement Resolution

In accordance with the Board's initiative to increase student achievement, and to give further direction, the Curriculum Committee determined that a resolution in support of parental involvement would be in order. It is anticipated that the resolution would be distributed to increase understanding of the general public and for school districts, public relations officers, USOE employees, and local board of education in collaboration with their local PTA.

The Committee reviewed, made minor modifications and approved the proposed resolution. (For complete

details, see General Exhibit No. 9571.)

Motion from the Committee that the Board approve the Parental Involvement Resolution. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Haws, Pingree, Roberts, Swensen and Theurer voting in favor; Members Cannon and Sadler absent.

Secondary Physical Education Core Curriculum

In January the Curriculum Committee reviewed the Secondary physical Education Core Curriculum. This curriculum has been out for review at public hearings since that time. Revisions or modifications from the public hearings were reviewed by the Committee. (For complete details of the curriculum and revisions or modifications from the public hearings, see General Exhibit No. 9572.)

The Committee approved the Secondary Physical Education Core Curriculum and moved that the Board approve the Curriculum for implementation according to the Core Curriculum schedule. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Haws, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Member Cannon absent.

S.B. 154, Public Education Amendments - Status of Requirements

S.B. 154, Public Education amendments, passed by the 2003 Utah Legislature, included a number of requirements to be performed by the Utah State Office of Education. The Committee reviewed an updated document listing the requirements of S.B. 154, which included the necessary work to be done, responsible associate superintendent, additional resources needed, and status of requirement. It was noted that we are on the timeline and are implementing the requirements of SB 154. (For complete details, see General Exhibit No.9573.)

No action required.

Law and Policy Committee

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

High School Athletics Task Force

In response to HR11 (2004), the Board established a High School Athletics Task Force, with the assigned responsibility to review and make recommendation regarding athletics and other extra curricular programs in Utah public schools. The Task Force consists of Board members, USOE staff, representatives of the Utah High school Activities Association (UHSAA) and district level personnel. In fulfilling their assignment, the Task Force focused on the following materials:

- “Athletics & Achievement - The Report of the NASBE Commission on High School Athletics in an Era of Reform”
- UHSAA Audit
- USBE Rules R277-407 School Fees, R277-437 Student Enrollment Options, and R277-438 Dual

Enrollment

- UHSAA Bylaws

The High School Athletics Task Force made four (4) recommendations to the Committee regarding athletics and extra curricular programs in Utah public schools. (For complete details, see General Exhibit No. 9574.)

Motion from the Committee that the Board accept the report of the Task Force and authorize staff to move forward on the recommendations.

Member Richard Sadler offered an amendment to the motion, seconded by Member Bill Colbert that the first sentence of Recommendation 3 read as follows: “In order to assure Title IX compliance, equitable funding of all programs, and proper use and accounting of funds, the Utah State Board of Education (USBE) should direct . . .” Amendment carried with Members Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Haws, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Members Allen and Cannon absent.

Original motion as amended carried with Members Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Haws, Pingree, Roberts, Sadler, Swensen and Theurer voting in favor; Members Allen and Cannon absent.

State Board Bylaw Amendments

In April 2004 and October 2004 by letter, and in person during the Board’s public participation/comment portion of the Board meeting, the Utah Atheists expressed concern to the Board that “boards of education” are violating the 1st Amendment by opening their meetings with prayers. More specifically, the Utah Atheists believe that school board meetings should begin with “opening remarks” or something more neutral than “invocation” or even “reverence.” In response, an analysis was prepared by the Utah State Office of Education legal staff providing options for the Board Welcome. The analysis was also distributed for review and consideration by local superintendents. The Board directed USOE legal staff to prepare amendments to the Board’s bylaws for discussion.

Board Vice Chairman Janet A. Cannon also proposed additional, primarily technical, amendments to the Board Bylaws.

The Committee decided to separate out current section VI B Welcoming Remarks for today’s discussion and address the remainder of the Bylaws next meeting.

Motion from the Committee to approve current section VI, B, Welcoming Remarks with a change to 3, deleting the words joined in by Board Members, staff and visitors.

Member Bill Colbert suggested putting a time limit on the welcoming remarks of five or ten minutes.

Member Greg Haws commented that he would rather eliminate the welcoming portion of the meeting all together.

Amendment to the motion was offered by Member Laurel Board to add an additional number under VI, that the Chair may limit the comments or length of time for the comments. It was noted that the time should be set.

Member Laurel Brown offered her Amendment that under VI, 4 that opening remarks not exceed four minutes. Amendment was seconded by Member Bill Colbert.

Amendment to the amendment was offered by Member Edward A. Dalton and seconded by Member Mark Cluff to change it to not to exceed ten minutes.

Amendment to the amendment carried with Members Beagley, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, and Swensen voting in favor; Members Brown, Haws, Sadler and Theurer opposed; Members Allen and Cannon absent.

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

Member Sara Sinclair suggested that the Board open with Pledge of Allegiance only.

Member Bonnie Jean Beesley commented that this issue has become a distraction and we might be better off to dispense with it. She felt it would continue to be a distraction as long as it is in place.

Discussion ensued relative to whether or not the Board wanted to continue the practice or to give into a minority faction that has asked for a change as well as whether or not Board Members felt it would continue to be a distraction.

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

(For complete details of the proposed changes to the Bylaws, see General Exhibit No. 9575.)

Law and Policy Committee Goal Review

The Committee did not have time to review the goals.

Communications Committee

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

The Committee has come up with some suggestions for the Leadership's consideration of things that may be done in Cedar City and Logan when we hold our meetings in those cities. Chairman Burningham noted that the schedule for Cedar City has pretty much been set, but this is not the case for Logan.

The Committee has a desire to move forward with a newspaper insert that would occur right near back to school. It is realized that we would need to raise enough money to carry out the project. He questioned if this was something the Board wanted to pursue based on obtaining enough funding from outside sources to do so. It would be adapted from the example from the state of Colorado.

Member Bill Colbert requested that copies of the Colorado insert be furnished to those Board Members who wanted a copy.

The Board encouraged the Communications Committee to pursue obtaining the funding to publish such a publication.

Audit Committee

Chairman Burningham reported that the Audit Committee met earlier this morning and reviewed the Audit Priority List.

The Committee also received and released a report on the Moab Community School. Chairman Burningham released a copy of that audit to the Board. The Committee took action as follows:

1. Accept and release the Audit Report;
2. Ask the Charter School Board to continue oversight of the issues identified in the audit report;
3. Recommend that the Charter School Board look at:
 - a. creating a document dealing with a private school changing to become a charter school that requires them obtaining a new federal tax IC
 - b. training for financial matters is not optional;
4. Moab Community School will continue to operate this school year. The Charter School Board will review and make recommendation to the State Board at the June Board meeting as to whether or not the school will continue next year.
5. Kent Mohlman will provide documentation to the State Board relative to the issue that the financial matters have been stabilized at Moab Community School.

Chairman Burningham commented that he was late to the Audit Committee meeting in February and had not met Rossi O'Connor. After meeting with her earlier this morning, he feels very comfortable that she is able to continue running the school, she is a very competent person.

General Consent Calendar

Motion was made by Member Tim Beagley and seconded by Member Thomas Gregory to approve the General Consent Calendar as presented. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education held January 28, 2005, February 4, 2005, and February 18, 2005.

B. Contracts

A. Ab-1 Management Services. \$489,726.12. 12/1/04-11/30/11. Amend. Fed.

To lease office space for the Division of Rehabilitation Services located at 1067 E Tabernacle, St. George, Utah.

B. USU Contract Grant Office. \$21,670. 1/18/05-6/30/05.

To conduct a study to determine the supply of, the demand for, the retention of, and the quality of

preparation for educators in Utah's public school system.

C. Utah State University. \$7,008. 1/31/05-2/02/06. - Amend. - Fed.

To lease office space for the Division of Rehabilitation Services located at 125 West 200 South, Moab, Utah.

D. Manning, Curtis, Bradshaw & Bednar. \$32,000. 2/1/05-1/31/07

To serve as hearing officer for the Utah Professional Practices Advisory commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

E. Community Resolution, Inc. \$32,000. 2/1/05-1/31/07.

To serve as hearing officer for the Utah Professional Practices Advisory commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

F. Lisa Arbogast. \$32,000. 2/1/05-1/31/07.

To serve as hearing officer for the Utah Professional Practices Advisory commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

G. Measured Progress. \$242,300. 3/1/05-6/30/06 - Amend. - Fed.

Funds for this contract amendment will cover costs for computer-based administration of Utah's criterion-referenced test in the spring of 2005.

H. Department of Human Services. \$130,000. 7/1/04-6/30/05. RECEIVABLE

Provide funding for inservice training, curriculum development, materials for substance abuse prevention programs and other expenses associated with the substance abuse prevention specialist.

I. Mergenthaler Transfer & Storage Co. \$10,000. 1/1/05-12/31/05. - Amend.

Funds will be used for transfer and storage of testing materials.

J. Crane Merchandising Systems. \$276,551.49. 1/5/05-1/5/06. - Fed.

To purchase vending machines for the Business Enterprise Program.

(For complete details of the Contracts, see General Exhibit No. 9576.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts were approved. (For complete details, see General Exhibit No. 9577.)

4. Student Enrollment Options, R277-437

There are inconsistencies between Board rules and Utah High School Activities Association policies and by-laws. To eliminate the inconsistencies and Board responsibility for high school athletics, it is necessary to remove all references to the Utah High School Activities Association from Board rules and let the Utah High school Activities Association govern athletics in the high schools consistent with its own policies and bylaws. Rule R277-410 was amended to remove any reference to Utah High School Activities Association and the Board's responsibility for high school athletics. The rule as amended was approved by the Board on second reading at the February 2005 meeting. There have been no substantive changes since that time. The Board approved R277-437, Student Enrollment Options on third and final reading. (For complete details, see General Exhibit No. 9578.)

5. Dual Enrollment, R277-438

There are inconsistencies between Board rules and Utah High School Activities Association policies and by-laws. To eliminate the inconsistencies and Board responsibility for high school athletics, it is necessary to remove all references to the Utah High School Activities Association from Board rules and let the Utah High school Activities Association govern athletics in the high schools consistent with its own policies and bylaws. Rule R277-438 was amended to remove any reference to Utah High School Activities Association and the Board's responsibility for high school athletics. The rule as amended was approved by the Board on second reading at the February 2005 meeting. There have been no substantive changes since that time. The Board approved R277-438, Dual Enrollment on third and final reading. (For complete details, see General Exhibit No. 9579.)

6. School Fees, R277-407

There are inconsistencies between Board rules and Utah High School Activities Association policies and by-laws. To eliminate the inconsistencies and Board responsibility for high school athletics, it is necessary to remove all references to the Utah High School Activities Association from Board rules and let the Utah High school Activities Association govern athletics in the high schools consistent with its own policies and bylaws. Rule R277-407 was amended to remove any reference to Utah High School Activities Association and the Board's responsibility for high school athletics. The rule as amended was approved by the Board on second reading at the February 2005 meeting. There have been no substantive changes since that time. It is recommended that the Board approve R277-407, School Fees on third and final reading. There have been no substantive changes since that time. The Board approved R277-412, Middle School Accreditation on third and final reading. (For complete details, see General Exhibit No. 9580.)

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. 9581.)

8. USBE Agenda & Strategic Planning Calendar 2005

The Utah State Board of Education Agenda & Strategic Planning Calendar for 2005 is provided for information to the Board. (For complete details, see General Exhibit No. 9582.)

9. Ratification of Employment

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

Glenna Gallo was ratified as an Educational Specialist in the Student Achievement and School Success Division.

Linda H. Alder was ratified as an Educational Specialist in the Law, Legislation, and Educational Services Division.

10. 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. 9583.)

11. Claims Report

The Claims Report in the amount of \$166,577,136.93 for January 31, 2005 was approved by the Board. (For complete details, see General Exhibit No. 9584.)

Board Chairman Report

Chairman Kim R. Burningham reported on the following items of information:

Next week the NASBE Legislative Conference will be held in Washington, D.C. and appointments with congressional delegation will take place. Board Members Janet Cannon and Richard Sadler as well as Chairman Burningham will be attending.

The Utah Education Association has tried to look at the way they deal with other people and are involved in an Appreciative Inquiry which emphasizes positive relationships with others. A couple of Board members have been invited, and he and Member Laurel Brown will attend.

The Utah School Boards Association will be holding their statewide meetings this month. He indicated that it was highly important that Board Members try to attend those meetings. He indicated if Board Members were not able to attend one of the meetings in their area they attend one in another area if possible. It is a great opportunity to mingle with local board members.

The Next Board Leadership meeting is March 23, if there are agenda items to be considered please get them to him.

Our next Board meeting on April 1 and we will be asking each committee to reexamine their goals and strategic plan.

Motion was made by Member Teresa L. Theurer and seconded by Member Edward A. Dalton to adjourn. Motion carried.

Meeting adjourned at 3:20 p.m.