

## MINUTES

May 4, 2005

Minutes of the meeting of the State Board of Education held May 4, 2005, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:20 a.m. Chairman Kim R. Burningham presided.

Members present were:

Chairman Kim R. Burningham  
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 Gary C. Swensen  
Member Teresa L. Theurer

Vice Chairman, Janet A. Cannon and Member Sara Sinclair were excused.

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

Board Secretary Twila B. Affleck recorded the minutes.

Members of the Press:

Tanna Barry, Standard Examiner  
Jennifer Toomer-Cook, Deseret Morning News  
Ronnie Lynn, Salt Lake Tribune  
Fern Wilkerson, Backman Elementary School  
Cyndee Miya, Coalition of Minorities Advisory Committee  
Barbara Lovejoy, Backman Elementary School  
Bryan Tenorio, Backman Elementary School  
Josh Mejicanos, Backman Elementary School  
D"nell B. Howard, Citizen  
Lenaye Howard, Sky View High School  
Ralene I. Ringler, Sky View High School  
Kenneth Brewer, Timpview High School

Cindy Brewer, Citizen  
Pat Galvin, University of Utah  
Courtney White, Utah Education Association  
Kaye Chatterton, Utah Education Association  
Vik Arnold, Utah Education Association  
JoEllen Killpack, Salt Lake City School District  
Charles Housman, Salt Lake City School District  
Merlynn Newbold, Utah House of Representatives  
Jean Tonioli, Utah Professional Practices Advisory Commission  
Cheryl Smith, Citizen

### Welcome and Student Achievement Spotlight

Board Member Bonnie Jean Beesley lead the Board in the Pledge of Allegiance.

Board Member Bill Colbert offered welcoming remarks.

The Board recognized for their outstanding performance Josh Mejicanos, 5<sup>th</sup> grade student at Backman Elementary School as third place winner, Bryan Tenorio, 4<sup>th</sup> grade student at Backman Elementary School, second place winner and Ingrid Gonzales, 6<sup>th</sup> grade student at Lincoln Elementary School, first place winner in the Salt Lake City School District Third Annual Utah Spanish Spelling Bee. Each were presented a Certificate of Excellence.

The Board recognized Kenneth I. Brewer, student at Timpview High School for being one of only 30 in the nation to achieve a 36, the highest possible composite score on the ACT Assessment taken on , and Lenaye Howard, student at Sky View High School for being one of only 22 in the nation to achieve a 36, the highest possible composite score on the ACT Assessment taken on. Both students were presented Certificates of Excellence in recognition of this outstanding achievement.

Chairman Kim Burningham shared a slide presentation, “Teacher Crusade” which took place in the 1860's following the Civil War. He used it to pay tribute to teachers today – the hero's just as those following the Civil War. He indicated that the Board is committed to strong support of teachers and the children in the classroom.

### Results of February 2005 Administration of the Utah Basic Skills Competency Test (UBSCT)

Associate Superintendent Chris Kearl and Judy Park, Director of Evaluation and Assessment presented an overview of the statewide results of the February 2005 Utah Basic Skills Competency Test (UBSCT). (For complete details, see General Exhibit No. 9603.)

Board Members requested that the information on UBSCT be broken down by district and also requested specific information relative to specific conditions or reasons as to why the students are not passing the test. It was noted that once the student identifier is in place that information will be readily available.

Member Teresa Theurer reported that she has received a letter from a parent in her district whose daughter, a junior in high school, has not passed the math test of UBSCT and as such will not receive the basic diploma and the

devastation it has caused this young woman.

Member Theurer stated that as a Board, because we were denied the funding for UBSCT remediation, need to come up with and answer or help for these parents who do not feel it is fair to their child. She indicated that in her conversation with Senator Hillyard he indicated that he spoke with the parents about the possibility of changing the law and said he would bring this up in the next legislative session. However, the Board needs to decide how it is going to address these parents' concerns.

Member John Pingree questioned if the students who are not passing if we have any demographics on them such as are they coming from the rural areas, more urban areas, economically disadvantaged, etc. Judy Park indicated she could have that information by the June Board meeting.

Member Bill Colbert questioned if there was additional time given to students who have test phobias or other conditions? It was noted that there is not a time limit on taking the tests.

#### U-PASS Accountability Plan Review

Superintendent Patti Harrington distributed a letter dated April 19, 2005 from the United States Department of Education which gives the latest decision as it relates to the department on the U-PASS Accountability Plan. Since receipt of this letter she has sent the U-PASS Accountability Plan back to the federal government for reconsideration and asking them to please let her know by today their response. As of yet, no response has been received. (For complete details of the letter, see General Exhibit No. 9604.) Dr. Harrington reviewed the points covered in the letter which included 1) the growth plan; 2) special education testing; 3) testing of ELL students; 4) 2014 proficiency; 5) N-Size; and 6) HOUSSE Rules.

Dr. Harrington shared news articles that are catching the most attention right now relative to this issue, including one from *Time* Magazine. (For complete details, see General Exhibit No. 9605.)

Superintendent Harrington reported that we will be running a dual system, including No Child Left Behind and U-PASS. Both of which maintain absolute compliance with No Child Left Behind and it will also allow U-PASS to become the driver of our accountability system. This will also include disaggregated subgroups. She indicated that we recognize that there are regrettable aspects: One, there is potential confusion to parents when using two different rating systems. We can bridge this with enormous communication with parents. Secondly, it doubles the workload and the time of producing such reports with data warehouse people and as it relates to district efforts across the state.

Judy Park, Director of Evaluation and Assessment reviewed the U-PASS accountability plan. (For complete details, see General Exhibit No. 9606.)

Member Tim Beagley commented that one of the criticisms is that U-PASS is not viewed as an accountability system, but more of a reporting system. No Child Left Behind has very clear outlines of what happens to schools when they do not receive their adequate yearly progress. He questioned what happens to a school that needs

assistance, maybe not just one year or multiple years?

Associate Superintendent Chris Kearn responded that U-PASS is an accountability plan and built into the legislation it requires us to go to the legislature with building blocks for rewards and sanctions, so that schools that have been identified it has been our obligation to oust the resources to go to those schools. We currently have in the State Office a Rewards and Sanctions team that will be working with school districts to assist those schools.

Superintendent Harrington reported that the CMAC meeting followed meetings earlier she had with Representative Bourdeaux who was carrying much the same message as the Governor's Office of Ethnic Affairs. The issue was around N-Size and their concern is that the N-Size was going to change. She indicated that we had submitted at one point a request to change the N-Size from 10 [current] to 15 for reporting and 40 for accountability. Dr. Harrington reported that in each of the meetings held last week on this issue she had assured them that she was willing to compromise to stay at 10. She indicated that this is, of course, a Board decision.

Dr. Harrington shared the English Language Arts and Math CRT Student Proficiency Percentage, specifically 2004. (For complete details, see General Exhibit No. 9607.)

Dr. Harrington shared the N-Sizes for the different states and the differences in N-Size and the issue of comparability between 10 and 40. (For complete details, see General Exhibit No. 9608.)

Superintendent Harrington reported that the minority communities asked her to share the following concerns from them:

- They would like to see an increase in the minority leadership in the state office.
- Board reach out to minority community in stronger ways. Particularly the time of the Board meetings.
- Make sure, as a board, we ensure that growth, as a factor of U-PASS accountability, does not supercede status. We should have high goals for all children.
- Legislative line item for English Language Learners.
- Asked us to take a second look at U-PASS test environment. Are the tests themselves unbiased?
- Concern about drop out rate – there are two or three different ways of defining the drop out rate federally and two or three different ways of defining it the state. Dr. Harrington indicated that the unique student identifier would end this problem.
- Questions about a specific district on how their numbers of AYP problem schools differed from the report we sent out.
- One of the sanctions we should build into the system, is that if we see consistently low performing schools we get centrally involved in the use of funds in those schools.

Member Gary Swensen commented that he is impressed with CMAC who continues to seek additional ways to assure that our minority students are helped to achieve success.

Member Swensen reported that there were some concerns expressed at the meeting, not from CMAC, but during the public hearing that some of the things you are assuring us of are things we have been hearing for 35 years, and we don't see a lot of change. He reported that he is trying to do his part to assure these people that this board and administration are listening to them and our actions will reflect some of the valid concerns they have.

Member Swensen reported that there is a great concern that the N-Size remain at 10 rather than moving to 40.

Motion was made by Member Gary C. Swensen and seconded by Member Teresa L. Theurer to keep the N-Size at 10.

Member Laurel Brown commented that she appreciated the work of the committee, however, one reason for going to a larger N-size was a concern of privacy. A school or student could be identified readily with a small N-Size. Superintendent Harrington responded that when you have ten or fewer students in one subgroup their identity is much more likely than not in a school.

Member Brown indicated that 10 is a small N-Size and statistically if you are going to compare two different things, it seems very small. She voiced concern that if the Board adopts the small N-Size over the course of time it could be problematic. She also pointed out that this is the N-Size for all groups, including minority students and students with disabilities.

Member Tim Beagley requested clarification of the motion because it was his understanding that several months ago the Board adopted the U-PASS plan as a draft and at that time the N-Size was 10. Therefore, is the motion to not change anything?

Chairman Burningham clarified that this is a reaffirming motion.

Substitute motion was made by Member Teresa L. Theurer and seconded by Member Bill Colbert to change the N-Size to 15.

Member Gary Swensen spoke in opposition to the amendment stating that it is important to CMAC that we have heard them. He indicated that it was a unanimous recommendation from them after extensive discussion.

Member Theurer explained that her concern with the lower N-Size is that a few children could be identified and blamed for their school being a failure.

Member Beagley spoke against the motion on the same basis as Member Swensen that we need to listen to our communities.

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

Original motion to reaffirm the N-Size of 10 carried unanimously.

Motion was made by Member Debra G. Roberts and seconded by Member John C. Pingree that the Board adopt the dual system of U-PASS and NCLB. Motion carried unanimously.

Chairman Burningham stated that the Board is trying to listen very carefully to the minority community on this issue. He assured them that their concerns are important to us, and a high priority of the Board is to seek high achievement for all students. The Board urges CMAC to make the question of how we can enrich our whole program

to help deal with minority issue and to share them with us in future recommendations. He noted that next month CMAC will be on the agenda.

Motion was made by Member Richard Sadler and seconded by Member Edward A. Dalton that a letter be sent to the Lynn and Judy Greene, who had send a letter to Member Teresa relative to UBSCT, thanking them for their comments and insight and the Board and State Office will be looking for solutions that relate to this. Motion carried unanimously.

Member John Pingree suggested that we look at ways to accommodate that kind of situation to help students achieve a passing grade.

#### Public Participation/Comment

Representative Merlyn Newbold read a statement from Senator Bramble, who was out of state and unable to attend the meeting, relative to the Carson Smith Special Needs Scholarship Rule R277-602. (For complete details, see General Exhibit No. 9609.)

Dennis Liddell, administrator at Woodland Hill School, commented on the 80 percent rule. By requiring that 80 percent of the population of a school to be special needs, you create another specialized environment. In their program their emphasis is helping students become independent and so much of what they deal with addresses education, but also socialization.

Jadra Hymer, School Success Point, she also has five special needs children. She voiced concern with the 80 percent because she felt the prime directive of it in wanting to have a quality program for special needs students is very valid but she did not know if the 80 percent will guarantee it because you could have an 80 percent population of special needs students and still have a school that provides a poor program. There needs to be something that addresses the quality of the program in another way. She suggested that if the Board wanted to stick to the 80 percent to have it include those with IEP's and final reports.

Cheryl Smith, parent, also voiced concerns with 80 percent, and the timing for the parents. She questioned who was on the assessment team and the documentation? She reported that it took five months for the district to do an IEP on her child and she has talked with other parents who were told they were not allowed to have them because they are already in a private school. She further voiced concern with the short time line for applications. Mrs. Smith further noted that she did not see anything in the rule for a process relative to the money that was supposed to be given to parents who were already enrolled in a private school.

Member John Pingree asked if there was a percent that would be more favorable. Mr. Liddell commented that it would be better to look at the student to staff ratio.

#### Executive Session

Motion was made by Member Richard Sadler and seconded by Member Mark Cluff to move into an

executive session following lunch for the purpose of discussing personnel issues and matters of potential litigation. The Board was polled and by unanimous consent of those present, the Board moved into an executive session following lunch at 1:20 p.m.

Member Debra Roberts gave a brief report on the work/study session held May 3, 2005. She indicated that a list of board members with legislators to visit was distributed. It was decided that board members would make those appointments in June through October and a report of the visits would be made in the November Board meeting. It was suggested that if board members are in a district that may be difficult because of distance to coordinate with another board member they should use a local board member to accompany them on their visits. Associate Superintendent Ray Timothy will prepare information on the talking point of Math 4-6 and the success of the K-3 reading plan. Also he will prepare a "visit report" that can be emailed to him following the visits.

### Lunch

During lunch the Board visited with Rich Kendell, Commissioner of Higher Education. Dr. Kendell gave a brief history of the relationship between the State Board of Education and the State Board of Regents and how it has improved over the years.

Discussion included:

- the perception of the public that Utah is a state that has a great deal of emphasis on education and we are not a high education priority state;
- more education is important, we need to have students moving from high school to an institution of higher education to train to become self-sufficient;
- the achievement gap with minorities and others;
- retention;
- graduation requirements and entrance requirements better articulated and matched;
- the need for higher expectations for all students.

Dr. Kendell recommended a new book by Tom Freedman entitled "The Earth Is Flat."

Dr. Kendell commented that he valued the work of the Board. He indicated he supported the Board's efforts in trying to establish assessment devices, Performance Plus, and requiring students to have a more rigorous curriculum. Also, he complimented the Board on their efforts to personally contact their legislators.

### Executive Session

Based on the prior motion the Board moved into an executive session following lunch at 1:20 p.m.

Motion was made by Member Laurel Brown and seconded by Member Dixie Allen to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:55 p.m.

## **Utah Professional Practices Advisory Commission Recommendations**

Motion was made by Member Thomas Gregory and seconded by Member Tim Beagley to accept the Commissions recommendation and the recommendation of the hearing panel following a hearing for consideration of reinstatement of license in Case No. 02-600, that the educator license of a former teacher in the Carbon School District be reinstated. The license was previously suspended as a result of the educator's inappropriate sexual relationship with a female student that took place in 1994. It was noted that the hearing report was reviewed by the Board. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Haws, Swensen and Theurer voting in favor; Members Pingree, Roberts and Sadler absent.

Motion was made by Member Thomas Gregory and seconded by Member Tim Beagley to accept the Commissions recommendation and accept a stipulated agreement, including conditions of the agreement, in Case No. 04-700, whereby a former educator in Alpine School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for one year from the date of formal action by the State Board of Education. The suspension results from the educator's use of school computer equipment to access pornographic Internet sites during the summer for a limited time period. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Haws, Swensen, and Theurer voting in favor; Members Pingree, Roberts and Sadler absent.

(For complete details of the recommendations, see General Exhibit No. 9610.)

#### **National Association of State Boards of Education (NASBE) Board of Directors**

Motion was made by Member Laurel Brown and seconded by Member Dixie Allen to submit Utah's vote for NASBE Leadership as follows: President Elect, Brad Bryant, of Georgia, Secretary-Treasurer, Robert Lazard, Indiana and for Western Area Director, Randy DeHoff, Colorado. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Haws, Swensen and Theurer voting in favor; Members Pingree, Roberts and Sadler absent.

#### **Governor's Commission on High School**

Tim Bridgewater, Governor's Deputy for Education reported on what is happening at the Governor's Office with regard to a Coalition to address the achievement gap issue. They expect some solid policy decisions coming from that Coalition for the Board to consider. Chairman Burningham recommended that Board Member Gary Swensen be a member of that Coalition. Mr. Bridgewater asked that the information on Mr. Swensen be sent to him.

Mr. Bridgewater reported that the Commission on High School has been working and the recommendations are to look at other state models, the level of rigor of states like Arkansas, Indiana, Texas and Louisiana have used to boost the level of competencies at graduation. Some people are talking about making the diploma more valuable. The Commission is talking about a renewal of more rigorous curriculum that will serve the students in the work place as well as in college so there is less need for remediation. They have reviewed data such as ACT, where there are interesting numbers that show if you take a rigorous course your scores on the ACT are significantly higher. The

Commission has put together a grant proposal which is a framework which will be submitted to the National Governor's Association. They are asking for \$1 million in matching monies to conduct the work of the Commission. That will include a number of goals that have been set by the Commission. Mr. Bridgewater reviewed the seven goals to be accomplished over that next ten years that will be in the proposal. (For complete details, see General Exhibit No. 9611.)

Chairman Burningham noted that the Commission needs legislative involvement if it is going to go anywhere. Mr. Bridgewater indicated he is currently working on inviting legislators to the next meeting.

Member Laurel Brown commented that she hoped that the frame work will work itself into Performance Plus. Also that as we put forth these ideas we seriously look at funding requirements. She suggested a high school principal should sit on the commission.

Mr. Bridgewater indicated that he would like to have the Governor come and address the Board at a time during a regularly scheduled Board meeting in the future.

Superintendent Harrington asked Mr. Bridgewater to expressed the Boards appreciation to the Governor for his signature on House Bill 1001 and his support of that effort.

#### Educator Ethics Survey

Carol Lear, Coordinator, Government and Legislative Relations, reported that the Utah Professional Practices Advisory Commission (UPPAC) has been involved in a survey of educators' understanding of the rules and professional practices and ethical standards. Under the guidance of Dr. Louise Moulding, Weber State University, the survey was distributed by e-mail to a random sampling of roughly eleven hundred educators across the state. The survey was also provided to pre-service teachers at four Utah institutions of higher education.

Jean Tonioli, UPPAC Member presented the results and suggested outcomes of the Educator Ethics Survey which she completed as her masters degree study. She introduced those that helped her with the project, Renate Muelleck, Dr. Al Forsyth and Dr. Louise Moulding of Weber State University.

Associate Superintendent Ray Timothy reported that he will have this same report presented to the Deans Council for input into the teacher preparation programs.

#### No Child Left Behind Resolution

Motion was made by Member Teresa L. Theurer, and seconded Member Greg Haws that the Board adopt the following statement:

The State Board of Education applauds the recent action and declarations about No Child Left Behind. These have come from many national, state, and local groups and we support their protest, reiterated our stand on unfunded mandates, and support the concept of allowing states to control their own schools and hold them accountable. We note that these have come from Connecticut, Texas, National Education Association (joined by our local Utah

Education Association), the National Conference of State Legislators and many administrators and community groups. We appreciate the work of the Governor and the Utah Legislature, especially Representative Dayton and Representative Holdaway on this matter and look forward to, not only increased flexibility under the law, but a full restoration of state control for public education.

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

#### Board Standing Committee Reports

##### **Law & Policy Committee**

Member Gary C. Swensen, Member of the Law & Policy Committee presented the following recommendations from the Committee:

##### HOUSSE Standards Special Education Teachers and Teachers in Low-Enrollment Settings

In order to meet NCLB “Highly Qualified” definition an educator must have a content major, content major equivalent, pass a content test, or meet “High Objective Uniform Statewide Standard of Evaluation” (HOUSSE) standards. The Utah State Board of Education has approved HOUSSE standards for elementary, early childhood, and secondary veteran teachers.

Special education teachers who are assigned as the “teacher of record,” Youth in Custody Teachers, rural educators in Necessarily Existent Small Schools, and teachers in low enrollment Alternative Schools must also meet “highly qualified” requirements. The Educator Quality Workgroup has been working to define HOUSSE standards for special education teachers and teachers in low enrollment settings. These standards have been shared with superintendents, personnel directors, district special education directors, and the Committee of Practitioners to receive their input and guidance.

The Committee reviewed the recommended HOUSSE standards for special education teachers and teachers in low-enrollment settings. (For complete details, see General Exhibit No. 9612.)

Joan Patterson, Coordinator, Educator Licensing reviewed the Standards for the Board.

Nan Gray, Coordinator, Special Education Services Unit reviewed the differences and how they relate to the specialized instruction for students in special education.

It was noted that once the standards are approved, Rule R277-501, Educator Licensing Renewal will be revised and a new rule will be developed dealing with Highly Qualified Teachers.

Motion from the Committee that the Board approve the HOUSSE standards for veteran special education teachers and teachers in low-enrollment setting. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Pingree, Swensen and Theurer voting in favor; Members Haws, Roberts and Sadler absent.

## Charter School Conversions

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

The State Charter School Board is in the process of reviewing each State Board Charter. After careful review of each charter, they will make recommendation to the State Board for charter approval.

In the April 13, 2005 meeting, the State Charter School Board reviewed four conversion documents. The schools reviewed, along with specific changes to their original charter agreement, include:

- Center City Charter School - to be renamed City Academy to avoid continually being mistaken as Century High School, Granite School District’s alternative high school;
- Salt Lake Arts Academy - no change
- Uintah River High School - addition of 9<sup>th</sup> grade to match similar grade configuration of the local school district
- Pinnacle Canyon Academy - addition of 9<sup>th</sup> grade to match similar grade configuration of the local school district.

After careful review the State Charter School Board voted unanimously to enter into a charter agreement with the above-mentioned schools.

The Committee reviewed the recommendation of the State Charter School Board to dissolve the existing charter agreement with Center City School, Salt Lake Arts Academy, Uintah River High School, and Pinnacle Canyon Academy School and supports the charter agreement between the State Charter School Board and these schools. (For complete details, see General Exhibit No. 9613.)

Motion from the Committee that the Board dissolve the charter agreement between the State Board of Education and support the charter agreement between the State Charter School Board and City Academy, Salt Lake Arts Academy, Uintah River High School and Pinnacle Canyon Academy.

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

## Charter School Board Executive Summary Report

In an effort to help State Board members better understand the State Charter School Board recommendations for charter approval, the Law & Policy Committee drafted and recommended the use of a Charter School Board Executive Summary Report. The report is to be a brief document providing background information of the charter applicant and summary information from the SCSB hearings.

Staff members have taken recommendations from Board members and made suggested changes to the original summary report. The draft was also taken to the State Charter School Board for input. The Committee reviewed the changes to the revised summary report. (For complete details, see General Exhibit No. 9614.)

The Committee amended the form on No. 12 to add the sentence **does the grade configuration align with the local school district's configuration?**

Motion from the Committee that the Board approve the State Charter School Board Executive Summary Report as amended. Motion carried with Members Allen, Beagley, Cluff, Colbert, Dalton, Gregory, Pingree, Swensen and Theurer voting in favor; Members Brown, Haws, Roberts and Sadler absent.

University of Utah Teacher Education  
Program Review

The program approval process is an essential step to ensure university/college educator preparation programs meet state preparation program standards. Program reviews are conducted every five years. The process includes an institution self-study and a speciality area review team assessed the institution's practices with national and state standards. The report contains commendations, recommendations, and suggestions to which a response from the institution is required within one year.

The University of Utah completed the Self-Study Report and the speciality area review team completed the Report. The majority of the program areas were approved by the Board in the October 2004 Board Meeting. The Report for Exercise & Sports Science, Coaching, Earth Science Composite Major, and Biology Composite Major have now been completed. The University will now prepare a response to the review within a reasonable period of time but not to exceed one year from the date of the Board approval. (For complete details of the Program Review, see General Exhibit No. 9615.)

The Committee approved the University of Utah Teacher Education Program Review and moves that the State Board also approve the Program Review. Motion carried with Members Allen, Beagley, Cluff, Colbert, Dalton, Pingree, Swensen and Theurer voting in favor; Members Brown, Gregory, Haws, Roberts and Sadler absent.

**Finance Committee**

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

The State School Building Program  
R277-451 - Amendments

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. (For complete details of the amendments to R277-451, see General Exhibit No. 9616.)

The Committee reviewed and approved the amendment to R277-451, The State School Building Program

on first reading and moves that the Board approve R277-451 on second reading. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Pingree, Swensen and Theurer voting in favor; Members Haws, Roberts and Sadler absent.

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

Committee was briefed on this matter but no action was taken. It will be discussed at the June meeting.

School Fees, R277-407 - Amendments

H.B. 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 Committee reviewed the amendments to R277-407, School Fees, which includes language verifying fee waiver eligibility consistent with H.B. 183 on existing required annual district and school fee waiver compliance forms. (For complete details, see General Exhibit No. 9617.)

The Committee modified the rule, changing line 169 to end with a semicolon; line 177 change the word maintain to **retain**; and line 213 to place parenthesis around **other than items of typical student dress**.

The Committee approved 277-407, School Fees as amended on first reading and moves that the State Board approve R277-407 as amended on second reading. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Pingree, Swensen and Theurer voting in favor; Members Haws, Roberts and Sadler absent.

Funding Implications of Mid-Year Enrollment Changes

Staff discussed with the committee the financial ramifications on districts and schools of mid-year enrollment changes. Some of the issues discussed were: What can be done to protect a school district impacted by the unexpected closure of a charter or private school? Is there a way to make school funding follow the student more quickly?

The Committee is convinced that if there are large changes locally in a school district in terms of enrollment the district can handle that including charter school issues.

No action required.

Development of FY 2007 Budget Strategy

The committee discussed ideas on how best to prepare, package and market the Board's budget request for next year. Based on the discussion at the work/study session yesterday, the budget request will be split into two

sections: mechanical and initiatives with math initiative being number one. However, the committee feels we should have all of our priorities listed as well.

No action required.

### **Curriculum and Instruction Committee**

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

#### Special Needs Vouchers - Funding

#### Procedures, R277-602

The 2005 Legislature passed H.B. 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 has worked with school district staff, special education school district staff, and school finance specialists, and has made the rule available to Representative Newbold, advocates for special education students, and representatives from schools specializing in special needs students, for their review. (For complete details of the rule, see General Exhibit No. 9618. )

Member Theurer commented that despite the letter from Senator Bramble, she commended Carol Lear and all the people who worked with her to develop the rule. A lot of people have been involved from different areas to try to get it to be right and acceptable. It has been a big huge time commitment on her part since March 20 when the bill was signed.

Representative Newbold was in attendance at the Committee meeting and suggested that the word voucher be changed to **scholarships**. The Committee accepted that change.

The Committee made the following amendments to the rule:

Under definitions, add a new B to define the assessment team to read as follows: “Assessment team” means the individuals designated under Section 53A-1a-703(1).

The Committee had a great deal of discussion relative to student eligibility and the IEP. The law states that students who have been in public education and have an IEP if they decide to move to a school that is deemed eligible by the points of the law they may do it and qualify for the scholarship. If a student has been in a private school the year before, the law says that in order to receive the scholarship the private school has to specialize in serving students with disabilities.

The Committee tried to decide how to define a private school that specializes in serving students with disabilities. It was decided that the definition of the school would be a school that has 80 percent of its student population with disabilities.

Some of the concerns were that if a student had been in a private school for a long time they had not had a recent IEP. One of the parts of the bill is that in order for students to qualify for the scholarship they have to have an IEP that has gone through the assessment team. The assessment team is made up of people from the district the student lives in, people from the private school, and the student's last teacher. There is a question as to whether or not districts will be able to handle a large number of students who will need to go through this assessment team to come up with an IEP.

Member Theurer reported that because this is the first year and there is a limited amount of money, the 80 percent definition was accepted by the committee following several attempts to amend it.

The Committee also amended the rule that in every instance where the term "school district" appears the term "charter schools" be included.

Member Theurer reported that one of the problems with the rule is that the scholarship application approval has to be 60 days before the first payment. The law says that the first payment is September 1, so if you go 60 days before that it is July 1. This first year there is a problem with the time frame. By June 15 the private schools that want to be involved and take scholarship students have to let the State Office of Education know they are interested. That would give the State Office a couple of weeks to determine if those schools are eligible. By July 1, the parents who want to get the scholarship have to be accepted into the school and have the information. Part of the law does say that there can be some flexibility this year with this time frame.

Another amendment was that if a student misses more than ten consecutive days the law requires the parents to let the State Office/State Board know. The rule, under private schools, requires that the private schools are also responsible for letting the State Office know if a student has missed ten days of school.

The Committee reviewed R277-602 and approved R277-602, Special Needs Vouchers - Funding and Procedures on first reading with the following amendments:

- Change of the word vouchers all the way through
- Addition of Charter Schools all the way through
- Language about notifications of 10 day absences
- Definition of "days" meaning "school days" not days of the week
- Other administrative changes, reasonable time - specified dates
- Elimination of a duplicate paragraph
- Private schools need to verify they have an emergency preparedness response plan in place.

Motion from the Committee that the Board approve the rule on second reading with the amendments noted.

Member John Pingree questioned how many schools will qualify under this program. Member Theurer responded that there would be many schools that may qualify under this program. The 80 percent isn't for all schools,

it only comes in when talking about students who have not been in the public education system the year prior to their application.

Carol Lear explained that there are two scenarios for students to receive the scholarship. One is the student attended public school the previous year and has an IEP and has been accepted to an eligible private school. The second scenario is that the student has not been in public school or has either attended a school that specializes in serving students with disabilities or has been accepted into a school that specializes in serving students with disabilities. In that case, the 80 percent specialized school comes into play. The assessment team at that point has to determine if the student has an eligible disability and what his level of services would be because he does not have an existing IEP.

Following discussion of the reason behind the 80 percent specialized school, amendment was made by Member John C. Pingree and seconded by Member Bill Colbert to remove the 80 percent and replace it with research based curriculum.

Karl Wilson, Director of Special Education reported that as the group met to draft rule, the purpose of this language was to somehow set a higher standard for a school that specializes in serving students with disabilities rather than just any eligible private school. Part of the discussion centered around should there be a critical mass of students with disabilities that would encourage the school to provide adequate support staff and training to address the needs of those students. The 80 percent is a high number, but it is for discussion of the board in terms of, is that the way to define a school that specializes in serving students with disabilities. Another option that has been presented would be to include either that standard or if a school has been accredited as a school that specializes in serving students with disabilities.

Member Pingree clarified that his concern is that the rule to be consistent with the intent of the legislation.

It was clarified that the amendment would replace line 69-71 with the definition that it is an accredited school with programs that meet the needs of students with disabilities.

Mr. Wilson responded that Northwest Accreditation does accredit specialized schools that actually address the target population. Through this process they have had to clearly define the programs, staffing, qualifications, etc. More schools will meet this rather than the 80 percent threshold.

It was noted that the recommendation of the 80 percent came from the committee which included district and school personnel.

Representative Newbold commented that the definition is much more restrictive than the legislation intended, but you can't really come up with a good definition.

Following further discussion and trying to come up with a better definition, Members Pingree and Colbert withdrew their amendment.

Member Mark Cluff suggested that the rule include both the 80 percent and accreditation in the definition.

Amendment was made by Member Mark Cluff to add the words “or is a school accredited to serve the needs of students with disabilities.” Amendment was not seconded.

Member Tim Beagley offered clarification that the extension of the definition should read: or is specialized to meet the needs of students with disabilities and is accredited as such.

Amendment to the motion was made by Member Mark Cluff and seconded by Member Tim Beagley to extend the definition under J. (1) to read: or is specialized to meet the needs of students with disabilities and is accredited as such.

Member Teresa Theurer indicated that the prior lines already state this.

Chairman Burningham ruled that at this point we desire to make such a motion with the two alternatives. However, we are unsure how exactly to say it. He requested that a couple of key people be excused to work out the correct wording.

Final motion is located following the Board Chairman report at the end of the meeting.

#### Public Education Amendments,

#### S.B. 154, Status of Requirements

For the last several months, members of the Curriculum and Instruction Committee have received draft documents presenting the status of requirements and assignments which are the responsibility of the Student Achievement and School Success Division under Associate Superintendent Christine Kearl.

Associate Superintendent Christine Kearl presented to the committee for review and discussion the final document listing accomplishments and items needing action under S.B. 154. (For complete details, see General Exhibit No. 9619.)

No action required.

#### 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, a resolution encouraging healthy eating habits and adequate physical activities in students has been prepared. (For complete details, see General Exhibit No. 9620.)

The Curriculum and Instruction Committee discussed and reviewed the draft Physical Activity and Nutrition Resolution and made necessary revisions. The Resolution will be presented to the Committee and the Board at the June meeting.

Attendance Policies in Utah School  
Districts and Charter Schools Report

In accordance with the Curriculum and Instruction Committee's Strategic Plan goal to, "Work in partnership with education stakeholders to create and implement a program to improve student attendance," staff compiled a report summarizing existing attendance policies of Utah school districts and charter schools. In most cases, district attendance policies will be interpreted and modified at the school as well as the classroom levels. Therefore, staff has also visited with several high schools to see how the attendance policy from the district is implemented within the school.

A report was presented to the Committee relative to attendance policies. (For complete details, see General Exhibit No. 9621.)

The Committee will continue to discuss this issue and they are not sure they will have a task force.

No action required.

**Communications Committee**

Member Edward A. Dalton Chairman of the Communications Committee:

The Committee has forwarded its goals to Vice Chairman Cannon for inclusion into the strategic planning process and calendaring

The Committee met with people with regard to the newspaper insert. There is favorable action there and we will start to move into next steps of fund raising. They are hoping to be on track to launch by next meeting.

General Consent Calendar

Motion was made by Member John C. Pingree and seconded by Member Laurel O. Brown to approve the General Consent Calendar as presented. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Pingree, and Swensen voting in favor; Members Haws, Roberts, Sadler and Theurer absent.

1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education held April 1, 2005.

2. Contracts

A. The College Board. \$59,800. 3/28/05-12/15/05. - Fed.

To pay Advanced Placement (AP) test registration fees for low-income students.

B. Bureau of Criminal Identification. \$100,000. 3/10/05-6/30/05.

To hire their programming contractor to write the program to provide a direct interface between the live fingerprint scan stations and the BCI CPU. This would reduce the current four month delay with 14,000 fingerprint cards waiting to be scanned by the four technicians at BCI to a 7 day processing period. The program would enable the fingerprints to be submitted directly from the Live Scan

stations to the CPU.

C. Alpine Square Associates. \$162,000. 5/1/05-4/30/10, - Fed.

To lease office space for Division of Rehabilitation Services located at 68 S 360 E., American Fork, Ut.

D. Digital Media Consulting, LLC. \$24,014.95. 7/1/05-6/30/06. - Amend.

To provide hosting, continued development and modifications of the interactive School LAND Trust Program website.

(For complete details of the contracts, see General Exhibit No. 9622.)

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. 9623.)

4. Administrative Rule Review

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

R277-459	Teachers' Supplies and Materials Appropriations
R277-464	Highly Impacted Schools
R277-473	Testing Procedures
R277-520	Appropriate Licensing and Assignment of Teachers

(For complete details, see General Exhibit No. 9624.)

5. State Board of Education Administrative Rule Repeal

R277-480, Advanced Readers at Risk, is being repealed because funds were not appropriated for the program making the rule unnecessary. (For complete details, see General Exhibit No. 9625.)

6. Distribution of Funds to Arts and Sciences Organizations, R277-444

The intent language from the 2005 Legislative Session required that changes be made to R277-444. The fiscal analyst clarified the meaning of the intent language, and amendments were made accordingly. The amendments clarify the expectations required for POPS organizations to re-establish themselves and their funding levels every four years, as required by law. The Board approved R277-444, Distribution of Funds to Arts and Sciences Organizations on second reading at the April 1, 2005 meeting. There have been no substantive changes to the rules since that time. The Board approved R277-444, Distribution of Funds to Arts and Sciences Organizations on third and final reading. (For complete details, see General Exhibit No. 9626.)

7. Recommendations from the Utah State Instructional Materials Commission

On April 21, 2005, the Utah State Instructional Materials Commission recommended 4,043 titles for recommendation from the attached printout. The Commission also recommended that the Board accept

the bids received from the publishers and direct staff to award contracts to the publishers to furnish instructional materials to the schools of Utah. (For complete details of the list, see General Exhibit No. 9627.)

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

#### 8. Monthly Budget Report

The Monthly Budget Report provides information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. (For complete details, see General Exhibit No. 9628.)

#### 9 USBE Agenda & Strategic Planning Calendar 2005-2006

The Utah State Board of Education Agenda & Strategic Planning Calendar for 2005-06 was provided for information. (For complete details, see General Exhibit No. 9629.)

#### 10. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses was approved. (For complete details, see General Exhibit No. 9630.)

#### 11. Claims Report

The Claims Report in the amount of \$188,794,827.22 was approved. (For complete details, see General Exhibit No. 9631.)

### Executive Officer Report

State Superintendent Patti Harrington presented the following items of information:

Reviewed the visiting and speaking assignments. Noting especially the School Community Council Training. The training included three main things; student achievement, A parents involved in schools, and school LAND Trust issues. The training was provided by the State PTA, Margaret Bird for the school LAND Trust and the State Office. This training will continue and the next one will focus on training parents on how to teach their children to read.

Dr. Harrington then reviewed the information items contained in her written report. (For complete details, see General Exhibit No. 9632.)

### Board Chairman Report

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

Chairman Burningham reported that we continue to seek to meet with the legislative leadership and the Governor. We held one such meeting this month with the House republican leadership. The Democratic leadership will be rescheduled. Mr. Bridgewater indicated earlier today that the Governor may want to visit with the Board during one of its meetings. He encouraged board members to carefully read their emails relative to these meeting.

Member Gary Swensen reported that on Saturday, May 7 from 11:30 a.m. to 4:30 p.m. at Jordan High School will be the National American Indian Youth Conference. There will be approximately 600 people in attendance. The pin awards for Native American students have almost doubled from last year. He invited all Board members to participate if possible.

Chairman Burningham reported that the Oquirrh Institute which was originally organized by Governor Leavitt with a thrust in competency education. John Bennion, former Superintendent of the Salt Lake City School District is now their leader. They are strong advocates of competency-based education and they are planning a breakfast meeting at which he and Superintendent Harrington are invited that will be chaired by Frazer Bullock. Member John Pingree indicated he had also been invited to attend the breakfast.

The Next Board leadership meeting will be held on May 20 at 9:00 a.m.

Chairman Burningham noted that the evaluation process for the superintendent will be taking place during this month. The 360-degree evaluation will be completed and will be reported in June.

Chairman Burningham indicated that suggestions for a name change of Performance Plus will be discussed in Board leadership.

Member Laurel Brown reported that the Utah Public Education Coalition has had discussions for some time about what the Coalition should be doing and become and how to be more effective. They are in the process of working together as education stakeholders to create a unified voice from that group. An emissary from Governor's Office, Greg Carlisle who was asked to come and talk with the Coalition and they are in the process of thinking they would like to do an Education Summit. This idea did not receive a lot of support from the Coalition. The greater thrust from the Coalition would be to increase our efforts in communications with all entities.

#### Special Needs Vouchers - Funding and Procedures, R277-602 Continued

Member Teresa Theurer presented the following language for Item J (1) following the reference to Section 53A-1a-704(2); or an accredited special purpose school that serve students with disabilities.

Amendment was made by Member Mark Cluff and seconded by Member Tim Beagley to adopt the language presented by Member Theurer above. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Pingree, Swensen and Theurer voting in favor; Members Haws, Roberts and Sadler absent.

Member Tim Beagley questioned the issue about flexibility that this is only for this year and this is the 60-day rule? Member Theurer clarified that it is only on the time this year for applications will be due from parents.

Member Beagley stated that the legislation specifically said it would be retroactive to this year. He then questioned if we comfortable that this rule will allow that to happen?

Karl Wilson responded that it was recommended that we add to the end of the rule that the qualifications for

the private school and for the student be implemented to administer the retroactive payment this year. He indicated that the application could be designed for two years.

Motion to approve the rule on second reading as amended including the wording relative to the retroactive issue carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Pingree, Swensen and Theurer voting in favor; Members Haws, Roberts and Sadler absent.

#### Board Chairman Report Continued

Member Teresa Theurer reported that the Utah High School Activities Association had recently held sportsmanship hearings for the first time and put out sanctions. They have received positive comments on this. She commend them for taking this stand to improve sportsmanship.

Member Tom Gregory suggested that a formal commendation to the Utah High School Activities Association for their recent action.

Motion to adjourn was made by Member Bill Colbert and seconded by Member Gary Swensen to adjourn.

Meeting adjourned at 4:40 p.m.