

MINUTES

December 1, 2006

Minutes of the meeting of the State Board of Education held December 1, 2006, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:25 a.m. At the request of Chairman Kim R. Burningham, Vice Chairman Janet A. Cannon presided.

Members present were:

Chairman Kim R. Burningham
Vice Chairman Janet A. Cannon
Member Dixie L. Allen
Member Tim Beagley
Member Laurel O. Brown
Member Bill Colbert
Member Mark Cluff
Member Edward A. Dalton
Member Thomas Gregory
Member Greg W. Haws
Member Randall Mackey
Member Josh M. Reid
Member Debra G. Roberts
Member Richard Sadler
Member Marlon O. Snow
Member Teresa L. Theurer

Members Cyndee Miya and Denis R. Morrill were excused.

Also present were:

Superintendent Patti Harrington
Deputy Superintendent Raymond Timothy
Associate Superintendent Myron Cottam
Associate Superintendent Patrick Ogden
Executive Director, USOR, Don Uchida
Public Affairs Director Mark Peterson
Board Secretary Twila B. Affleck

Members of the Press:

Jennifer Toomer-Cook, Deseret Morning News
John Florez, Deseret Morning News
Nicole Stricker, Salt Lake Tribune
Lynze Wardle, Standard Examiner
Agneta Lenberg, CTB/McGraw Hill
Tim Leffel, Utah Association of School Business Officers
Kaye Chatterton, Utah Education Association
Kevin Huang, WestEd
Reino Makkonen, WestEd
Paul Koehler, WestEd
Marilyn Kofford, Utah PTA
Carmen Snow, Utah PTA

Marilyn Williams, Jordan District
Kris Fawsen, ULHC-HCPD
Kim Coleman, Monticello Academy

Welcome

Vice Chairman Cannon excused Board Members Cyndee Miya and Denis Morrill.

Vice Chairman Janet Cannon shared letters recently received at the North Pole.

Board Member Bill Colbert lead the Board in the Pledge of Allegiance.

Board Member Edward A. Dalton offered opening remarks expressing his delight to Pledge Allegiance and hoped it will remind us of the important responsibility we have to civic education. He expressed seasons greetings. He then shared a life-changing experience he had as a student at Brigham Young University in the classroom of Dr. Wayne Shute, who was a model educator for him. One day he wrote on his blackboard “educational stewardship” and went on to explain that educational stewardship is a process where you make it safe for every student to find their own best way. He discussed his opportunity over the past four years to serve on the State Board and fulfill his educational stewardship. To him as a State Board of Education our beliefs, the principles we adopted, doctrine we need to continue to make those decisions, establish laws, policies rules and actions that do make it safe for every parent, every educational leader, school administrator, teacher and child to be safe to find their own way. He challenged the Board to think of themselves as an educational steward, and act accordingly.

Member Dalton noted that there have been wonderful things happen in the last four years. He indicated he appreciated the honor and privilege to sit around this table – a table surrounded by professional, capable, dedicated people, and a table encircled with love for education and children. This experience is one that will be long remembered as a highlight of his life.

The Board recognized the 2006 AP State Scholar Awards. Each year, the College Board grants one female and one male in each U.S. state and the District of Columbia the Advanced Placement Program (AP) State Scholar Award. The awards are based on outstanding performance by the students on the AP examinations. The awards are earned by students receiving a grade of 3 or higher on the greatest number of AP examinations and then the highest average grade, which is at least 3.5 on all AP exams taken.

For the 2006-07 school year, Caitlin E. Askew who attended Alta High School, and Derek J. Painter, who attended Park City High School, were the two Utah recipients of the APO State Scholar Award. Caitlin is a student at Brigham Young University, and Derek attends the University of Utah. The AP credit these outstanding students received was applied to those two universities.

Excellence Certificates were presented to each of these outstanding individuals.

Recognition of Outgoing Board Members

The Board recognized outgoing Board Members Tim Beagley and Edward A. Dalton for their service on

the Board the past four years. Each was presented a traditional school bell in recognition of their service to the children of Utah.

Each made comments relative to their service on the Board.

Board Standing Committee Reports

Curriculum Committee

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

Standard Test Administration and Ethics Policy for Utah Educators and Training Materials

Utah Code Section 53A-1-608, Administrative Rules R277-473, Testing Procedures; and R686-103, Professional Practices and Conduct for Utah Educators, requires educators to use specific standardized procedures for administering and handling all state mandated tests. Protocol for maintaining security in the handling of test materials is essential to a quality testing program. Due to the increasing concern of inappropriate and/or non-standardized testing practices, a committee was formed by the USOE Assessment and Accountability Section to develop an ethics policy and training materials. The Standard Test Administration and Ethics Policy for Utah Educators and training materials have now been developed and were reviewed by the Curriculum Committee. (For complete details see General Exhibit No. 10063.) It is anticipated that the policy and training materials will be used by staff during the 2007 Spring CRT testing session.

The Committee made a change in the booklet “Standard Test Administration and Testing Ethics Policy” dealing with student psychological issues relative to testing.

Motion from the Curriculum Committee that the Board approved the Standard Test Administration and Ethics Policy for Utah Educators and authorize staff to implement the policy and training materials for 2007 Spring CRT testing. Motion carried unanimously.

Standardized Testing Rules and Professional Development Requirements, R277-473-9 amended

R277-473-9, Standardized Testing Rules and Professional Development Requirements contains information about testing ethics, professional development training, disciplinary action, etc. A committee was formed by the USOE Assessment and Accountability Section to clarify the testing ethics policy and develop training materials for use in the Spring 2007 CRT testing session. The committee determined that ethical testing practices training need only be administered by school districts one time per year rather than two times per year.

Staff reviewed the amendments to R277-473-9, Standardized Testing Rules and Professional Development

Requirements. (For complete details see General Exhibit No. 10064.)

The Committee made an amendment on lines 244-247, R277-473-9 E.(4) change wording to read: “(4) use of any prior form of any standardized test (including pilot test materials) that has not been released by the USOE in test preparation without express permission of the specific test publisher, including USOE and school district administration;”

The Curriculum Committee approved the amendments to R277-473-90, Standardized Testing Rules and Professional Development requirements on first reading and moves that the Board approve the rule as amended on second reading. Motion carried unanimously.

Comprehensive Assessment System

A study group was formed with key policy-makers to review the current state testing requirements under U-PASS and to recommend possible changes to improve the process to run more smoothly. The study group has now completed its review of the testing requirements, and the Assessment and Accountability Section presented the recommended changes to the Committee. (For complete details see General Exhibit No. 10065.)

Curriculum Committee suggested that the Board add \$1 million into \$30 million of the Boards budget request in the 21st Century Teaching and Learning request for software and help for districts in purchase things for the formative assessments.

Motion from the Committee that the Board endorse the recommended changes to the requirements under U-PASS and authorize staff to support legislation to enact the recommended changes. Motion carried unanimously.

Carl D. Perkins Career and Technical Education Improvement Act of 2006

The Carl D. Perkins Career and Technical Education Improvement Act of 2006, was approved by Congress and signed into law by the President. The Board is the Eligible Agency under the law and will be required to develop and implement a new state plan. A resolution was presented which will provide staff with the legal foundation for implementing the process and procedures outlined in the new law, including the responsibilities of the Board, and a plan for the development, submission and implementation of the State Plan. (For complete details see General Exhibit No. 10066.)

Motion from the Committee that the Board approve the resolution for the Carl D. Perkins Career and Technical Education Improvement Act of 2006 and authorize staff to begin the process of developing and implementing the new State Plan. Motion carried unanimously.

Awarding Competency-Based Credit

R277-705-3 requires districts to have policies and procedures to award credit based upon demonstrated competency. School districts and charter schools, in collaboration with the Utah State Office of Education Curriculum

Section, are currently developing competency measures to deploy in a consistent manner statewide to meet the credit awarding requirements of state law and Board rule.

The Curriculum Committee was provided an update on the Competency Measures Project and the development of policies and procedures that are currently under way in connection with this project. The Committee also discussed the procedures to establish and implement a competency-based assessment process for students to obtain high school credit. (For complete details see General Exhibit No. 10067.)

K-3 Reading Improvement Program

The K-3 Reading Improvement Program, S.B. 230, passed by the 2004 Legislature, calls for a program review at the end of the 2006-07 school year. School districts having a board leeway supporting the program must eliminate the K-3 leeway if local goals have not been met.

WestEd was selected to conduct an external evaluation of the K-3 Reading Improvement Program. Staff from WestEd provided an overview of the progress of the program on a statewide basis. In addition, Utah State Office of Education staff provided specific information pertaining to school districts and charter schools in meeting their local goals in order to continue the K-3 Reading Program. (For complete details see General Exhibit No. 10068.)

The Curriculum Committee received the report on the K-3 Reading Improvement Program.

Law & Policy Committee

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

Athletic Coaching Certification, R277-517

Athletic Coaching Certification, R277-517 requires all coaches to be trained in order to be able to coach in their respective areas. Previously the American Sport Education Program (ASEP) was the only certification tool approved by the Board. In the November 2006 Board meeting the Board approved the new National High School Federation Coaching Certification Program as another option Utah coaches can use to meet certification requirements. Amendments to R277-517 reflect that change in the rule. (For complete details see General Exhibit No. 10069.) Lines 55 and 56 add: that includes representation from the Board and USOE.

The Committee approved the language change to R277-517 allowing the National High School Federation Coaching Certification Program as another option Utah coaches can use to meet coaching certification requirements as well as the amendment to lines 55 and 46, and approved R277-517 on first reading, and moves that the Board approve R277-517, Athletic Coaching Certification amendments on second reading. Motion carried unanimously.

Sign Language Interpreter Task Force Report

The Utah Certification Board, recognizing the need for quality interpreting services in all settings (with emphasis on public education) made a proposal to eliminate temporary certification exemptions under statute 53A-26a-

305 Exemptions from Certification - Temporary or Restricted Certification. In response to this recommendation the Law & Policy Committee asked that a Sign Language Interpreter Task Force be formed to analyze and make recommendations regarding existing issues in the field.

The Sign Language Interpreter Task Force presented recommendations to the Law & Policy Committee regarding 1) Interpreter Training Programs; 2) Temporary Permits; 3) Interpreter Shortages; 4) Market Analysis; and 5) the role of the Utah Schools for the Deaf and the Blind (USDB) in this process. (For complete details see General Exhibit No. 10070.)

The Committee requested that the finance committee take into consideration in next year's budget interpreter salaries as well as other high need critical areas.

The Committee received the report as information.

Professional Excellence (ProExcel)

The Board during its work session on November 30 discussed the details of ProExcel, the Professional Excellence Initiative of the Board.

The Committee adopted the suggestions given in yesterday's study meeting and requested they be put into proposed legislation which will be sent to Board members for review. Member Roberts indicated that if we feel passionately about ProExcel, then individual board members need to take the time to visit with individual legislators explaining the need for this. She noted that in Colorado they put in \$25 million for their program and Minnesota put in \$240 million. We are only asking \$50 million.

Member Dixie Allen cautioned that we make sure we have a good evaluation model in place so we can prove it will make a difference.

Approval Process for Teacher Preparation Programs

At the November Law & Policy Committee meeting, questions were raised regarding the approval process for teacher preparation programs. Staff was asked to prepare information regarding the process currently in place and share it with the Committee.

The Law & Policy Committee reviewed the current process for approving teacher preparation programs for Utah. (For complete details see General Exhibit No. 10071.)

No action was required.

Finance Committee

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

Pre-K Initiative Update

In June 2006, Myron Cottam, Brett Moulding, Utah Legislators and Representatives from the Governor's

Office and PTA attended a CCSSO Conference. This conference was targeted at the twelve states that do not have state funded Pre-K programs. Utah is one of the states without allocated funds for Pre-K programs. Subsequent to this conference, a Pre-K Initiative Committee under the direction of Myron Cottam drafted a Pre-K Initiative.

A report of the Pre-K Initiative was presented to the Finance Committee. (For complete details see General Exhibit No. 10072.)

No action was recommended at this time.

Licensing Fee Schedule

In November the Finance Committee reviewed but did not approve the proposed fee schedule for teacher licensing fees. The Committee asked for additional information including a detailed examination of the licensing section's budget. The Committee also asked for a review on how licensing fees may impact the recruitment and retention of educators.

Staff reported that they will not propose an increase in licensing fees this year.

No action was recommended at this time.

Annual Enrollment Report

The annual school census report takes place on or about October 1. The report provided to the Committee summarized the findings of the census. For example: Total Enrollment (Fall 2006) 526,087; Increase from 2005 (3.2%), 16,075; Projected 2007 Increase (2.8%), 14,853. (For completed details of the report see General Exhibit No. 10073.)

No action was recommended at this time.

Other Post Employment Retirement Benefits (OPEB)

In a 2005 audit report the Legislative Auditor General recommended that:

- 1 "the Legislature require districts and the USBE to assess their full liability by having actuarial studies completed by June 2006 on all post-retirement benefits including stipends, insurance to age 65, and insurance after age 65."
2. "the Legislature require districts and the USBE to modify or eliminate post-retirement benefits to a level that is affordable, sustainable, and more comparable with the state's costs."
3. "the Legislature require districts and the USBE to develop plans to fund post-retirement obligations by modifying or eliminating benefits instead of requesting additional funding from the Uniform School Fund or local taxpayers and without negatively impacting educational services. These plans should be reported to the Legislature during the 2007 General Session."

In August, the Committee heard the results of an actuarial study on OPEB commissioned by USOE. The study revealed that districts had net annual OPEB liability ranging from less than zero to \$11.5 million. The study fulfilled the first recommendation of the Auditor's report.

In September, the legislative Retirement and Independent Entities Committee requested the State Office

poll districts as to the status of their post employment benefits and their plans for dealing with them and report back to the Committee in November. The district reports were reviewed by the Committee. In summary: 9 districts have eliminated benefits; 20 districts (including USOE) have modified benefits; 13 districts are planning on taking action; 211 districts have not and are not planning on taking action; and 7 districts did not report. (For complete details of the report, see General Exhibit No. 10074.) The Committee was also briefed on any further legislative direction or action required.

No action was recommended at this time.

Schools for the Deaf and the Blind Building Request

Utah Schools for the Deaf and the Blind (USDB) currently leases two facilities. They also have 25 classrooms in seven (7) Granite District schools for a total of 39 classrooms throughout the Salt Lake City area. Total existing space to be relocated in the proposed location is 64,137 gross square feet.

- 1) USDB leases property at 2870 South Connor Street (2140 East), Salt Lake City (44,337 square feet); property is owned by Boyer Company. This lease will end June 30, 2009 with no option of renewal. The current facility has undergone two remodels and is not compliant with current codes.
- 2) USDB leases property at 1350 West 14000 South, West Jordan (approximately 9,000 square feet) for the Bilingual/Bicultural Jean Massieu School of the Deaf (JMS) program; property is owned by Mount Hyrum Academy. This lease will end June 30, 2008 with no option to renew; the building will be demolished.
- 3) The classrooms are located in 7 Granite District schools: 4 elementary, 2 junior high schools, and 1 high school. The spring 2006 realignment of Granite School District boundaries has necessitated the relocation of ten classrooms.

The Utah Schools for the Deaf and the Blind is requesting funding from the legislature for one centralized building which includes: 33 classrooms, office space for approximately 70 staff, storage, a media center, and a multipurpose room. USDB students who will move to the new facility will be the 22 students served at the Connor Street office, 54 students served at the JMS, and approximately 78 students who attend classrooms throughout Granite School District. This proposal will support approximately 154 students attending the Total Communication (preschool - 6th Grade), Blind (Preschool-6th Grade), and Bilingual-Bicultural (Preschool - 12th Grade) programs; students in the oral, junior high school, and high school programs will remain in the USDB classrooms located in Granite School District.

The report provided the Committee with a better understanding of USDB's request for a new building. (For complete details see General Exhibit No. 10075.)

High Cost Students with Disabilities - Budget Request

Each year, several hundred students need educational services that cost in excess of \$15,000 each. The state appropriates \$161,000 a year to help districts and charter schools defray these costs. Total costs, however, exceed \$2.7 million.

The State Board of Education is requesting an additional \$1.7 million for districts and charters to help cover the costs of these students. Federal funding will help make up the difference.

The Committee reviewed the High Cost Students with Disabilities budget request. (For complete details see General Exhibit No. 10076.)

Member Debra Roberts requested the numbers relative to the high incident students. Nan Gray indicated she could provide those numbers.

Comprehensive Counseling and Guidance Funding

Comprehensive Counseling and Guidance funding has not kept pace as new schools have implemented the program. Counselor student ratios continue to increase and additional assignments of testing and tracking have diminished counselors time dedicated to comprehensive counseling and guidance activities. Districts with large student populations as well as small schools have a difficult time providing necessary funding for counselors to administer the program.

In December 2003, the funding formula was changed to provide a base of 6 WPU for enrollments up to 400 allocated to ever program plus a per-student stipend for enrollments beyond 400, capping at 1,200 students. This formula change reduced the allocation for large schools. School districts determined that additional funds would target reducing counselor teacher ratios in the larger schools. Over recent years superintendent with small schools have worked to raise awareness for additional funding and have requested that the base be increased from 6 WPU to 12 WPU for small schools.

The current Comprehensive Counseling and Guidance funding increase request for FY 2008 is \$4,400,000 with the intent of reducing counselor student ratios in large schools. In order to reduce student counselor ratios in large schools and increase the base in small schools and the funding request would need to be increased \$4,207,434 for a total of \$8,607,434.

The Finance Committee reviewed the Comprehensive Guidance and Counseling funding needs, formula, and scenarios and determined the FY 08 funding request from the State Board of Education should be. (For complete details see General Exhibit No. 10077.)

Motion from the Committee that the Board increase its FY 08 funding request for Comprehensive Guidance and Counseling from \$4.2 million to \$8.6 million. Motion carried unanimously.

Re-Examination of Board's Budget Request

The Committee learned more about three Board budget requests and as a result considered reopening the budget request for the purpose of changing the amounts or priorities. (For complete details see General Exhibit No. 10078.)

The Committee discussed moving Items 22 and 23 higher on the priority list. Recommendation that the priority list not change in this area.

Line 18 - 21st Century Teaching and Learning add \$1,000,000 for software from the Curriculum Committee.

Motion from the Finance Committee that with the exception of changing line 19 to 8,600,000 the priority list not change.

Amendment to the motion was made by Member Teresa Theurer and seconded by Member Edward A. Dalton to add to line item No. 18, 21st Century Teaching and Learning, \$100,000 for software for a total of \$31,000,000. Amendment carried unanimously.

Amendment to the motion was made by Member Laurel O. Brown and seconded by Member Bill Colbert to flip/flop line items 22 and 23, and move the high cost and ASSERT between 19 and 20. Member Brown indicated that the rationale for this is that these are real costs the districts are occurring and monies are being taken from other general education program budgets to cover these services.

Member Mark Cluff spoke against the amendment indicating that as we look at these, the Governor's decision has already been made and any changes we make will not have a great effect.

Member Teresa Theurer spoke against the amendment could not feel good about moving ASSERT below the other.

Amendment failed with Members Brown, Colbert, and Dalton voting in favor; Members Allen, Beagley, Burningham, Cluff, Gregory, Haws, Mackey, Roberts, Sadler and Theurer voting against.

Motion to approve the budget priorities as amended carried unanimously.

Public Participation and Comments

Marilyn Williams, Jordan School District expressed concerns from the district relative to the amendment request for Summit Academy Charter School to expand. They feel they should be approved on the same time lines as new charter school and this expansion will require a relocation of the school. This will affect their district staffing for schools as well as other budgetary issues. They requested that the Board not approve the Summit Academy request to expand.

Marilyn Kofford and Carmen Snow, State PTA, presented the Board with Book Bags that they gave to parents during their Reading Summit.

Executive Session

Motion was made by Member Laurel O. Brown and seconded by Member Edward A. Dalton to moved into an executive session to discuss personnel issue. The Board was polled and by unanimous consent of those present the Board moved into an executive session following lunch at 12:50 p.m.

Motion was made by Member Debra G. Roberts and seconded by Member Dixie L. Allen to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:30 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Laurel O. Brown and seconded by Member Tim Beagley to accept the Commission recommendation in acceptance of a stipulated agreement in Case No. 05-745, including conditions of the agreement, whereby a former teacher in Weber School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for four years from the date of formal action by the Board. The educator's suspension results from engaging in reckless behavior with a minor resulting in his conviction in the Fifth District Court to one year in jail and thirty-six months probation and ordered not to have unsupervised contact with children under the age of 12 until further court review. Motion carried unanimously.

Motion was made by Member Laurel O. Brown and seconded by Member Tim Beagley to concur in the recommendation of the Commission and the Hearing Panel following a hearing in Case No. 05-751 that the educator license of a former teacher in the Washington School District be revoked for five years from the date of formal action by the Board. The revocation results from possessing, cultivating, using, and selling or attempting to sell marijuana. The educator tested positive for marijuana and methamphetamine in a test conducted during school hours. He was convicted of a third degree felony possession of a controlled substance within 1000 feet of a school. Motion carried unanimously.

Motion was made by Member Laurel O. Brown and seconded by Member to concur in the recommendation of the Commission and the hearing panel following a hearing in Case No. 06-760, that the educator license of a teacher in the Salt Lake City School District be permanently revoked from the date of formal action by the Board. The revocation results from engaging in a sexual relationship with a junior high school female student over the course of several years. Felony trials are pending in two jurisdictions. Motion carried unanimously.

(For complete details of the recommendations see General Exhibit No. 10079.)

Board Leadership

Motion was made by Member Dixie L. Allen and seconded by Member Randall A. Mackey to suspend the rules and by acclamation elect Kim R. Burningham, Chairman and Janet A. Cannon, Vice Chairman of the Board. Motion carried unanimously.

Motion was made by Member Teresa L. Theurer and seconded by Member Richard Sadler to appoint Dixie L. Allen to serve as the Boards representative on the Utah School Boards Board of Directors; along with recognition to

Member Ed Dalton who has been serving on that Board of Directors.

General Consent Calendar

_____Member Greg Haws asked that Items D, State Charter School Board Recommendations for Charter School Amendments; G, USBE Annual Calendar; and H, Utah State Board of Education Proposed 2007 Meeting Schedule be pulled from the General Consent Calendar and addressed separately.

Motion was made by Member Richard L. Sadler and seconded by Member Mark Cluff to approve the General Consent Calendar with the exception of Items D, G and H. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education held November 3, 2006.

2. Contracts

The following contracts were approved:

(A)Eschenback Optik of America, Inc. \$100,000. 11/1/06-10/31/07. - Amend.

To purchase low vision products

(B)Department of Administrative Services (DFCM). \$136,549.23. 7/1/06-6/30/07 - Fed.

To begin the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation located at 950 East 25th Street, Ogden, Utah.

© National Ctr for the Improvement of Educational Assessment, Inc. \$371,903.02. - 10/16/06-10/14/08 - Amend. - Fed.

Amendment #3 is to extend the contract by 2 years and accomplish the following major tasks: 1) Assist USOE in the implementation and evaluation of the U-PASS Accountability System, particularly the high school system. 2) Continue to provide scaling and equating services for USOE. 3) Provide professional development to USOE staff on equating designs, item and test quality (including alignment), and quality assurance procedures. 4) Assist USOE with the implementation of UALPA, particularly during the transition between IPT and UALPA.

(D)Riverside Publishing Co. \$35,100. 11/15/06-6/01/09. - Amend.

Amendment is to provide enhancement to the Riverside Local Scoring Pro (RLSP) software to further enable scoring and reporting of Iowa Test scores.

(E)USU Contract Grant Office. \$20,480. 7/1/06-6/30/07. - Amend.

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.

(For complete details of the contracts see General Exhibit No. 10080.)

3. Administrative Licensure and Programs, R277-505

R277-505 Administrative Licensure and Programs has been under review for the past six months. It has been updated and revised with input from higher education, various groups of administrators, and other stakeholders. The rule is now aligned with the proposals in ProExcel and with national administrative standards.

The rule now provides for testing requirements and emphasizes a professional development requirement for administrators in Utah schools. It also provides for mentoring and induction activities for new administrators.

The Board approved the amendments to R277-505 at its November 3, 2006 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-505, Administrative Licensure and Programs on third and final reading. (For complete details see General Exhibit No. 10081.)

4. 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. 10082.)

5. Utah State Accreditation Committee Recommendations

The Utah State Accreditation Committee has reviewed the Annual Northwest Association of Accredited Schools (Northwest) Report and determined an accreditation status. The accreditation process provides an important vehicle for school accountability regarding student achievement, compliance with state rules and regulations, regional standards, and school-wide improvement. Utah public high schools are required to be accredited by Northwest (R277-418). The recommendations of the Utah state Accreditation Committee and Northwest reflect the status of schools with respect to the state standards and to Northwest standards. (For complete details see General Exhibit No. 10083.)

The Board approved the recommendations of the Utah State Accreditation Committee and the Northwest Association of Accredited Schools regarding the accreditation status of Northwest schools.

6. 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. 10084.)

7. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses was approved by the Board. (For complete details see General Exhibit No. 10085.)

8. Claims Report

The Claims Report in the amount of \$214,987,290.95 for October 31, 2006 was approved. (For complete details see General Exhibit No. 10086.)

USBE Annual Calendar

Member Greg Haws offered a correction to the USBE Annual Calendar that the August 2007 meeting of the

K-16 Alliance will be on the 19th. The meeting is actually in September so this date need to be taken off. (For complete details of the Annual Calendar, see General Exhibit No. 10087.)

Utah State Board of Education Proposed 2007 Meeting Schedule

Member Haws questioned the changes in the meeting schedule for the first part of the year away from the first Friday of the month. Chairman Burningham responded that a preliminary calendar was presented last month and we asked for input and received some input from three people in particular that felt there were some major conflicts they would like to see resolved. This was an attempt to resolve some of the problems some members had conflicts with.

Member Richard Sadler suggested that the May 10 meeting date be moved to May 3. Motion was made by Member Richard Sadler and seconded by Member Bill Colbert to make the change from May 10 to May 3. Motion carried unanimously. (For complete details of the Meeting Schedule see General Exhibit No. 10088.) The Meeting Schedule as amended was approved.

Motion was made by Member Debra G. Roberts and seconded by Member Laurel O. Brown to accept the correction in the August calendar. Motion carried unanimously.

State Charter School Board Recommendations for Charter School Amendments

In its October Board meeting the State Charter School Board (SCSB) reviewed requests for amendments to the charters for Summit Academy, Walden School of Liberal Arts, and Moab Community School.

The State Charter School Board recommends the following amendments:

Summit Academy - Expand Student Count for School Year 2007-2008; Elected Parent to Board of Trustees

Moab Community School - Name Change to Moab Charter School.

Walden School of Liberal Arts - Grades K-12 Configuration.

Motion was made by Member Teresa L. Theurer and seconded by Member Mark Cluff to approve the amendment requests for the Walden School of Liberal Arts and the Moab Community School. Motion carried unanimously.

Summit Academy Amendment Request

Member Mark Cluff reported that he had a discussion with Scott Smith, State Charter School Board Chairman about the Summit Academy, who indicated that the State Charter School Board approved the school to obtain land, and if they had not purchased the land and started to build in time they would have to wait until next year to open their school as a K-9. Member Cluff asked if there was room for the school to add grade 8 at their current location and there was not an answer to that question.

Motion was made by Member Mark Cluff and seconded by Member Bill Colbert to approve Summit Academy's request to go to K-9 if they can secure property by the end of January, and if not, that they can, if they

have room available for 8th grade for the first year, hold off on the 9th grade to 2008-2009.

Member Bill Colbert commented that he did not think there was any room on their campus to expand to further grades. He felt that the conditions placed on them are impossible to meet.

Deputy Superintendent Ray Timothy commented that their concern is their 7th graders would have to go to another school and then come back. They have very limited space in their facility. They would like to keep the 7th graders there and may reduce the enrollment in the younger grades in order to do so. They can't go out and purchase the property without the knowledge they have been approved for the increase in enrollment. They have waiting lists sufficient in size to increase by that number. They are a well performing school and there is a demand in that area for the school. If they can't get everything lined up in time to open in the fall they will not open. Another possibility they have discussed is obtaining portable classrooms.

Member Mark Cluff requested he change his motion to approve the school to go through K-9 starting in 2007-2008. Second still stands by Member Colbert.

Motion was made by Member Richard Sadler to table the Summit Academy request until the next State Board meeting in order to have all sufficient information come both to the State Charter School Board as well as to give the Jordan School District a chance to deal with this. Motion to table failed with Members Allen, Brown, Dalton, Haws, Sadler and Theurer voting in favor; Members Beagley, Burningham, Cluff, Colbert, Gregory, Mackey, and Roberts opposed.

Member Laurel Brown voiced a concern about where the school would be located. Is the property they are looking at in Draper or Alpine or where?

Deputy Superintendent Timothy indicated that there was never any mention of relocating other than in the Draper area.

Member Colbert commented that the Board cannot consider the impact to another school district via statute. He recommended that the Board give them an opportunity to buy the land and build the school.

Member Tim Beagley noted that the motion approved by the Board a couple of months ago to put these items on the Consent Calendar included that they not increase more than the equivalent of one grade level. This request probably should not have been on the Consent Calendar.

Member Mark Cluff requested that he again change his motion to approve Summit Academy to go to a K-8 for the 2007-08 school year with a student limit of 900, and if land is acquired and building permit approved by the end of February 2007 they be allowed to go K-9; otherwise approve them K-9 for 2008-09 for 1000 students. Second still stands by Member Bill Colbert.

Member Richard Sadler spoke against the motion even acquiring the land by the end of February is

unrealistic for school to start in the fall. Member Cluff indicated that is a concern, but they are hoping that portables can be added to the current site for the 8th grade for the continuation of the students from the 7th grade.

Motion carried with Members Allen, Beagley, Brown, Burningham, Cluff, Colbert, Gregory, Haws, Mackey, Roberts and Theurer voting in favor; Members Dalton and Sadler opposed.

(For complete details of the Charter School amendments, see General Exhibit No. 10089.)

Driver's Education Handbook

Motion was made by Member Teresa L. Theurer and seconded by Member Mark Cluff that based on the conversation yesterday about the age for students to take drivers education, that the Board change the wording in the Drivers Education Handbook to remove the notation of the 15-1/2 age for the drivers education course, and allow districts and schools and community councils to make the decision when they feel it is best for their students in their district to take the course. Further, that for the time it takes to make the change the Board allow local districts to ask for a waiver relative to that line.

Deputy Superintendent Ray Timothy explained that during the presentation to the legislature it was Representative Dougals' intent that it was an opportunity for parents that wanted their children to have more behind the wheel time could do so. Concern was expressed that it may force drivers education down to the junior high level. This is not what the representative was trying to do. He was trying to give parents the independence to take their children and work with them either on their own or through a private drivers education course, but not necessarily to change drivers education the way it is delivered in the schools. We have been working on a revision of the Handbook to reflect that change. The reason the 15 year six months was in place was that they could not be behind the wheel by statute. As the committee has been working, realizing that they can have a learners permit at age 15. The motion presented today suggests that there not be an age limit noted.

Information on drivers education was distributed. (For complete details see General Exhibit No. 10090.)

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

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

Dr. Harrington reviewed upcoming Events. Governor's Budget meeting - December 12, 2007 at 9:45 a.m. Governor's Office, E220 and the Education Appropriations Committee Meeting - December 6, 2007, 8:00 a.m., W125.

Dr. Harrington reviewed visits - Specifically noting the visits with the State Charter School Board, Senator Bramble and the Governor regarding specific legislation sought by charter schools.

Dr. Harrington asked Associate Superintendent Myron Cottam to present the 2005-2006 U-PASS and AYP Summary including charter schools.

Dr. Harrington reviewed the discussion points contained in her report:

- K-12 Math Curriculum Revision.
- Grades 4-6 Elementary Math Endorsements
 - Dr. Harrington indicated that her procedure would be to continue the revision of the math, have it done by the committee through Utah State University, that be our only action to this point, waiting for a board motion that teachers in grades 4-6 pick up an elementary math endorsement. There was no opposition or concerns expressed by the Board.
- Legislative Update
 - Dr. Harrington presented concept drafts of legislation for the board priorities.
 - Deputy Superintendent Ray Timothy presented a proposed legislative calendar for the Board for 2007.
- American Academy Charter School
 - Dr. Harrington reported that the working group has been meeting with the principals of the American Academy. Member Tom Gregory reported that Dick Siddoway will be retiring in December 2006 and the office will bring him back on a contract basis to handle the American Academy agreement. He then reviewed the discussion items and the unanswered questions from the November 30 meeting.

(For complete details of the Executive Officer report see General Exhibit No. 10091.)

Monticello Academy Charter School

Member Tim Beagley noted that listed on today's agenda was State Charter School Board Recommendations. He noted that in September the State Charter School Board approved the Monticello Academy to add 9th grade to their charter school. They are currently operating a K-8 school and they have the accreditation and room, etc. to add the 9th grade. That has been mistakenly left off the Board agenda. It is our understanding that we cannot give them complete approval today because of the open meetings law requirements and staff needs to check with the district to make sure there are no problems with the district. On the January agenda there will be a charter school recommendation to add the 9th grade to the Monticello Academy.

Members of the Monticello Academy staff and some of their students were present today thinking this was an item on our agenda.

Motion was made by Member Tim Beagley and seconded by Member Debra Roberts that the Board give the Monticello Academy preliminary approval to add the 9th grade for the 2007-08 school year pending the January complete and unconditional approval.

John Broberg, Executive Director for the State Charter School Board indicated that the mistake was theirs and the approval that they had was for the 2008-09 school year. They were turned down for the 2007-08 school year. For the motion just made it would require them asking for a waiver from the State Board for the 2007-08 school year. He indicated this was because Monticello had missed the deadline for the 2007-08 school year.

Following the clarification, Member Beagley included in his motion that the Board waive the deadline restriction for 2007-08. Second still stands by Member Debra Roberts. Chairman Kim Burningham voiced concern as to whether the Board could legally give approval even it is just preliminary to something that is just presented. We have not given any notice of such an action. Member Bill Colbert agrees that a notice should have been given. Member Colbert suggested that maybe a special meeting of the Board be called to address this issue.

Member Beagley withdrew his motion.

Motion was made by Member Bill Colbert and seconded by Member Mark Cluff to find a date for a special meeting of the Board whereby a quorum could be in attendance could address this issue.

Member Richard Sadler suggested that all information from the Charter School Board and others involved be presented to the Board. Further, we inform all of the people that may be affected by this

Discussion ensued relative to the appeal process, whether there was one in place. There was a question as to whether or not this was an appeal to the Board or an action from the State Charter School Board.

Mr. Broberg explained that the State Charter School Board only approved the 2008-09 school year. The mistake was that recommendation was not brought to the State Board for approval. The school had requested the 2007-2008 school year approval but was late in their request. It was the State Charter School Boards action to deny that request because it was late, but approved the 2008-09 school year. The State Charter School Board should have brought forth the recommendation to approve the 2008-09 school year. Therefore, the next process is for the school to appeal to the State Board to override the State Charter School Board to add the 9th grade for the 2007-08 school year. The appeal should be in a written letter to the Board requesting the appeal.

Deputy Superintendent Ray Timothy suggested that the school write an official appeal letter to the State Board and it be addressed in the January Board meeting.

Member Bill Colbert voiced concerned that he made the motion without having all the information and it was based on a mis-communication between both bodies and it is a lot more complicated than that and now does not feel there should be a special meeting called. Both Members Colbert and Cluff agreed to withdraw their motion.

Vice Chairman Janet Cannon noted that based on the discussion and next move would be a letter requesting an appeal to be brought forward to the State Board of Education and once that happens the Board can address it at its next meeting.

Board Chairman Report

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

NASBE - Board Members Laurel Brown, Dixie Allen and Richard Sadler and Mark Cluff will be attending the NASBE Board of Directors, Study Groups and GAC meetings in January in Alexandria, Virginia.

Committee Assignments - Very shortly the Board will receive information on Committee assignments seeking your input. He stressed that it is important for board members to provide input. He indicated that as Leadership discusses and makes assignments personal preference are given, however we tend to lean toward longevity unless circumstances on the whole necessitate a change. Also, we consider balance of male/female on the committees.

Chairman Burningham noted that there is a question relative to the Communications Committee remaining as a committee. He indicated that on the request will be a note for Board Members to give input as to whether the committee should continue and if so suggestions on how it should be formed.

Member Ed Dalton suggested that the Board maintain the best practices sharing and time on task and how they relate to the attendance awareness campaign started by the Communications Committee.

Superintendent Harrington reported that because of the emphasis the Board has put on time on task this has been put into the curriculum section.

Member Randall Mackey commented that he would be opposed to a fourth standing committee, but suggested that leadership consider incorporation of the communications committee duties into each of the other committees.

Member Richard Sadler suggested that if the Board wants to legitimize the committee and not dilute the others, it should meet at another time other than regular board days. Secondly, that a member of the staff be assigned to work with the committee. Or it could be given one year as an ad hoc to see if it works.

Relationship with legislators. Chairman Burningham congratulated the Law & Policy Committee for excellent meeting last Wednesday evening. There was a good exchange and better understanding. Our relationships with legislators is important and he encouraged Board Members to look for ways they can work with their assigned legislators. We should meet with new legislators quickly. He further encouraged them to work with school districts and legislators.

Chairman Burningham noted that the Board will hold special meetings to discuss legislative bills and take positions periodically. The issue was brought up that we only demand we have a quorum there. If there is not a quorum can't take action. However, if only have a quorum then the vote must be unanimous. Anything that is divided in any way it becomes a moot issue. He encouraged member to attend those additional meetings if at all possible. The meetings are only about two hours.

Chairman Burningham noted that there is a meeting scheduled with the Governor on Friday December 8. The Governor will be releasing his budget recommendations on December 12th.

Member Laurel Brown reported that all of the Utah Public Education Coalition members support and are in unanimity with the 10% WPU. On December 18 will be a Partnership Networking training at Little America Hotel. It is more focused for district teams to help train and empower their community councils. Information will be forthcoming to Board Members. This is co-sponsored by the members of the Public Education Coalition.

Member Brown reported that in regards to the LAND Trust Advisory Committee there are three areas of legislation that will be coming up this year in regards to trust lands:

1. Perhaps opening up the law about school community councils on the timing of the election process.

2. Margaret Bird and Paula Plant have indicated that the funding for school trust land program in terms of administration of the funding is getting really tight. They are running the entire program with three people and \$80,000. With the increase in the income from the trust land and everything they need to watch over they are wanting to see if they can get further administrative funds.

3. There may be possible changes with the State Treasurer. Two pieces of legislation which would include a compensation package for the State Treasurer to ensure qualified candidates are in the State Treasurer's position as they invest the trust land income. They would like to seek having the compensation package for the State Treasurer be similar to the Lt. Governor and Attorney General. Those compensations involve 95% of the Governor's salary. Whereas the State Treasurer is capped at \$81,000. The other piece of legislation will cover compensation for all executive officers, providing the same benefits as the Governor and legislators in regard to retirement, post-retirement, etc.

Member Brown requested that if Board Members knew of anyone who could represent the rural areas on the nominating committee for the trust lands board to let her know.

Chairman Burningham distributed a calendar of upcoming events.

Chairman Burningham indicated that in the meeting with the Governor they will be talking about the following issues:

1. He had talked to the Governor at one time about the very poor laws relating to reporting procedures of candidates for any office in the state. The Governor responded that he would like to know how we want it changed to make it a good reporting system. If you have thoughts on candidate reporting he would appreciate receiving that information.

2. There is an issue about reporting of "surplus" taxes. They are not going to be reporting that because of a change in the Tax Commission rules This has been heavily discussed, and he and Patti are writing a letter of inquiry to see what can be done. This may have great importance to us. We may even want to make an appeal to the legislature.

3. Davis County there is great angst over the evidence of fraud in that district in the Title I administration. We are appalled by it. He personally has been aware of it for about one year. When Davis discovered it they told he and Superintendent Harrington about it and they immediately turned it over to the proper authorities. The bigger

question is should this office, if the funds come through this office to the district, do more to try and deter abuse and fraud as has been reported.

Member Randall Mackey commented that if money flows through the Board we have a responsibility to provide more monitoring and oversight. Internal audits are very important and essential and we should be doing more internal audits where we have direct control of funds. School Districts have a certain amount of independence and autonomy. However, we maybe should think about having some rules, suggestions, etc. relative to internal audits by school districts. This is an opportunity to step back and find ways to take affirmative steps so chances of this happening again are minimized. We will probably have to augment the staff.

Chairman Burningham noted that the Board has requested in the budget for several years that we should have at least one more auditor in the state office.

Superintendent Harrington suggested that staff bring to the Board the current processes by which we audit Title 1 and Special Education dollars, and perhaps some recommendations on how we might improve that situation.

Superintendent Harrington reported that when Davis District called they had already contacted the FBI and Police. Their call was to let her know that the FBI and police would be asking for our records which we, of course, we were open to give. We immediately also did some homework. John Ross worked at the State Office, retired from here and was over Title 1 dollars going to the district. This was a great concern to us immediately. To the point we understand we don't see any involvement from our office in this matter as it relates to misuse of funds.

Meeting adjourned at 3:45 p.m.