

## MINUTES

January 12, 2006

Minutes of the meeting of the State Board of Education held January 12, 2006, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:50 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 Randall A. Mackey  
Member Debra G. Roberts  
Member Richard Sadler  
Member Sara Sinclair  
Member Gary C. Swensen  
Member Teresa L. Theurer

Vice Chairman Janet A. Cannon was excused.

Also present were:

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

Members of the Press:

Cecelia Baker, Salt Lake Tribune  
Jennifer Toomer-Cook, Deseret Morning News  
Lynze Wardle, Standard Examiner

Board Secretary Twila B. Affleck recorded the minutes.

### Welcome and Student Achievement Spotlight

Chairman Burningham excused Vice Chairman Janet A. Cannon.

Board Member Tim Beagley lead the Board in the Pledge of Allegiance.

Board Member Edward A. Dalton offered welcoming remarks.

The Board recognized Eastmont Middle School for the Summer Math and Reading Program. Excellence

Certificates were presented to Bret Thomas, Technical Support; Dean Lowe, Math Teacher, Ann G. White, Principal; and Jon Van Wagoner, Reading Teacher.

### Board Standing Committee Reports

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

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

#### Rich School District Request for 4-Day School Week

In 1991, the Utah State Board of Education (USBE) modified the Pupil Accounting Rule R277-419 such that the length of the school year was measured only in hours and not in days. The rationale for the change was to 1) increase time on task; 2) increase local decision making ability; and 3) increase local flexibility. The result was the implementation of school calendars around the state that significantly reduced the number of school days in urban, suburban, and rural schools, and at all grade levels.

In 1995, USBE modified the rule again reestablishing the requirement of 180 days of school along with 990 hours, with a minimum of 4 hours in a school day.

In 1997, the Utah Legislature established a Modified School Week Pilot Program and provided for a comprehensive evaluation after a four year test period. Based upon the results of that study, no action was taken to modify the rule and schools on four day week schedules were required to go back to the 180 day/990 hour rule.

Rich County School District implemented a four day week in all four district schools during the 1992-93 school year. Based upon their previous experience and the desire to minimize interruptions to the school day as much as possible, they are requesting approval from the Board to operate on a four day week. (For complete details of the request see General Exhibit No. 9790.)

Member Roberts reported that Dave Nelson of IBRIC presented a report on his findings from their review of the Modified School Week Pilot Program. He shared the information he obtained as well as the criteria that needs to be met to be successful.

The Committee reviewed the information and request of Rich County School District and moves that the Board grant the waiver to Rich School District, they report annually on the success of the program, that it be re-approved three years from now, and a simple written agreement between USOE and Rich Board of Education agreeing to things that need to happen. Motion carried unanimously.

#### Utah State Office of Rehabilitation Employee Background Check Requirements, R280-204

It has been recommended by Human Resources, Risk Management, and USOE attorneys that the State Office of Rehabilitation develop and implement a Bureau of Criminal Identification policy to protect a potential

vulnerable population against potential abuse. Board Rule R280-204-1 outlines the Utah State Office of Rehabilitation Bureau of Criminal Identification policy. (For complete details, see General Exhibit No. 9791.)

The Committee made minor changes to the dates, changing all February 1<sup>st</sup> and 2<sup>nd</sup> dates to March 1st.

The Committee reviewed the recommended rule and approved it on first reading and moves that the Board approve R280-204, Utah State Office of Rehabilitation Employee Background Check Requirements on second reading. Motion carried unanimously.

Educator Licensing: Highly Qualified Teachers, R277-510

In the December 6, 2005 Board meeting, the Board gave approval to R277-510, while at the same time directing staff to continue to work in refining the wording for special education and multi-content teachers. USOE staff members have worked with special educators in making additional changes to the rule. R277-510-4 has been modified in compliance with NCLB law and addresses teacher content knowledge at the appropriate instructional level of students being served. (For complete details of the rule, see General Exhibit No. 9792.)

The Committee reviewed the rule and approved the modifications on second reading and moves that the Board approve R277-510, Educator Licensing: Highly Qualified Teachers on third reading.

Member Laurel Brown requested clarification relative to the time special educators who are teaching two or more subjects had to become highly qualified, specifically the June 30, 2006 date for those that are already teaching.

Associate Superintendent Ray Timothy indicated they would not have to take additional courses if they could pass one of the Board-approved multiple subject tests. Further, that they would not lose their jobs because of this, but that the district and school should work with these teachers to help them become highly qualified.

An amendment was made by Member Debra G. Roberts and seconded by Member Thomas Gregory to change lines 158 and 160, R277-510-4(5), to read Special Educators who teach two or more subjects may have until June 30, 2006 or two years beyond the special educator's date of hire to become highly qualified in additional course assignments.

Amendment to the motion carried unanimously.

Motion to approve the rule on third reading as amended carried unanimously.

Charter Schools, R277-470, Repeal/Reenact

The rule is being repealed and reenacted because of significant changes. The reenacted rule reflects changes in legislation over the past several years. The rule is primarily limited to rule requirements in the law; but adds two sections: Section 8, Charter School Parental Involvement and Section 3, Charter School Orientation and Training. The State Charter School Board felt this was essential.

The Committee reviewed the amendments for reenactment of R277-470 and had some concerns with some

of the sections and sent it back to the Charter School Board until next month.

Member Teresa Theurer voiced concern that charter schools need to have parental representation and if this is not happening then we need to go to the legislature to change the law exempting them from having a community council.

#### Western Governors University Masters of Arts in English Language Learning

The State Board of Education approved a teacher preparation program approval process where the request goes directly to the State Content Specialist for review. The specialist verifies that the proposed program meets state standards and submits a letter so indicating to the Board. Western Governors University has submitted a request for approval of a Masters of Arts in English Language Learning (ELL). The Utah English as a Second Language (ESL)(Program Standards are in the beginning stages of revision in order to incorporate the most recent research in developing literacy and academic achievement for ELLs. Once these state standards are revised, all ESL/ELL preparation programs will be expected to adjust these programs to meet the new state standards.

Nancy Giraldo, State Alternative Language Services Specialist, has reviewed the application of Western Governors University (WGU) for a Masters of Arts in English Language Learning (ELL). This program meets current Utah ESL Program Standards. It is Ms. Giraldo's recommendation that the Board approve the program with the expectation that WGU, and all ESL/ELL programs make any necessary adjustments to bring these programs into compliance once the new standards have been completed. (For complete details of WGU's Program, see General Exhibit No. 9793.)

The Committee reviewed the Western Governors University Masters of Arts in English Language Programs and moves that the Board approval the program, with the understanding the all ESL/ELL programs make any necessary adjustments toward meeting state standards once they have been finalized. Further that WGU be included in the review process. Motion carried unanimously.

#### Educator Quality: 2000-2005 Report

The 1999 Educators Licensing and Professional Practices Act and subsequent board rules changed license requirements for Utah Educators. In the first three years of an educator's career, the educator is required to complete the Entry Year Enhancement (EYE) program and work towards moving from a level 1 to a level 2 license. Educators are also required to earn relicensure points in order to renew their education license. A member of the Law & Policy Committee requested information on whether the 3 tiered licensing system, along with the relicensure requirements, was making a difference in the quality of Utah educators.

Utah State Office of Education staff shared information with the committee regarding the number of educators licensed and working in Utah schools from 2000 to 2005 as well as from 1990 to 1995. Information was

provided showing the impact the rule changes have had on Utah educators. (For complete details of the report, see General Exhibit No. 9794.)

The Committee reviewed the impact of the 1999 legislation and Early Years Enhancement requirements and received the report as information.

### Legislative Update

The Utah State Board of Education maintains an active interest in the legislative process. State Board Members have been meeting with legislators to discuss Board priority issues. During the legislative session, the Board meets regularly to discuss legislation which impacts public education and to take a position regarding such legislation.

Findings from Board member meetings with legislators was presented and a list of proposed legislation was reviewed by the Committee. The Committee also reviewed a list of proposed legislation and moves the following action from the Board.

HB 77 School District Boundaries, recommends a position of oppose with comment noting concern with administrative costs, fiscal implications, this should not be mandatory and it should be left up to the voters.

Member Tim Beagley voiced concern with taking positions on the legislation today and requested that action be held off until the board meets later to discuss legislation to give board members an opportunity to review the legislation in detail.

It was noted that it is helpful for the Board to take positions so that other organizations know the position of the Board on the proposed legislation.

Motion to opposed HB 77 carried unanimously.

HB 81 Tuition Program for Students Seeking Teacher Licensure. Recommendation of support. Motion carried unanimously

HB 82 - Education Information Technology Systems - Recommendation to support with comment that we need to be very careful with privacy issues and question whether this is necessary at the legislative level or can we just move forward. Motion carried unanimously.

HCR 2 - Resolution Promoting Utah's Legislators Back to School Program - Recommendation support. Motion carried unanimously.

SB 8 - Care of Students with Diabetes in School. Recommendation to support. Motion carried unanimously.

SB 48 - School Nurses Legislative Task Force - Recommendation to support. Motion carried unanimously.

SB 49 - School Community Council Amendments - Recommendation to support. Motion carried unanimously.

(For complete details of the legislative materials see General Exhibit No. 9795.)

### **Finance Committee**

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

Fee Change for Alternative Routes to Licensure Candidates

The current fees for Alternative Route to Licensure (ARL) do not cover the costs of the Educator Licensing staff assigned (1.8 FTEs and overhead costs of the staff). Beginning July 1, 2006, the fees must be increased or subsidized through other means.

Fees for Alternative Routes to Licensure candidates need to be set at \$155 per year for a three year period (or \$450 if paid as a single, non-refundable fee at the beginning of the program) to maintain the current level of service for the ARL candidacy period. The application fee of \$50 is sufficient for the transcript review and issue of an employment letter. However, the fee for the service provided to employed ARL candidates includes designing an appropriate professional development plan; advising each candidate of the appropriate mandatory license test as well as test dates and sites; maintaining CACTUS records on each candidate; ensuring that each candidate makes satisfactory progress annually; ensuring that each candidate's supervisor submits an annual evaluation; issuing of an ARL temporary license to those whose performance indicates successful progress toward licensure; interacting with both candidate and supervisor as needed; responding to all general ARL phone inquires; and conducting all clerical support work to ensure documentation for eventual licensing or discontinuation of the process. In essence, this staff is completing all the work of a university teacher preparation education department with 1.8 staff members. (For complete details of the information relative to the fee change, see General Exhibit No. 9796.)

The Committee reviewed the proposed fee structure and moves to change the \$230 upfront, one-time fee for a three-year program to \$208 per year for Alternative Route to Licensing which could take up to 3 years to complete.

Member Tom Gregory indicated he would be voting no because we are already charging too much now.

Member Bill Colbert commented that legislators have been encouraging the alternative route to licensure process.

An amendment to the motion was made by Member Bill Colbert and seconded by Member Debra G. Roberts that the Board send a letter expressing our concerns that we are doing as required by the law, but by doing so we are putting a barrier to potentially getting candidates.

Member Tom Gregory requested that the motion be divided.

Motion to adopt the fee schedule as presented by the committee carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Haws, Mackey, Roberts, Sadler, Swensen and Theurer voting in favor; Member Gregory opposed.

Motion that the Board send a letter to the legislature indicating this may be counter productive in terms of

encouraging ARL. Motion carried unanimously.

Member Beagley further reported that the Committee reviewed the Schedule of Fees, again moving toward self-sufficiency for the licensure program.

Motion from the Committee that in the event the legislature does not appropriate the budget request of \$267,000 that the State Board adopt the fee schedule. However, we strongly urge the adoption of the budget request so that these fees for teacher licenses do not have to increase. Motion carried unanimously.

#### Review of Proposed Budget Initiatives

Last month the Committee reviewed proposed budget initiatives and asked for additional information. The initiatives are:

- Recreate a Categorical Program for Alternative Language Services
- Stabilize the Basic School Levy
- Recreate the Educational Technology Initiative (ETI)
- Dedicate a Portion of the Uniform School Fund Surplus to the Education Technology Initiative
- Make Special Needs Scholarship Funding Ongoing and non-Lapsing
- Seek legislative approval to use unspent FY 2006 charter school startup funding for startup grants in FY 2007.

The Committee did not have a chance to review the initiatives. They were passed out and on January 27, the first meeting to deal with proposed legislation, there may be a vote taken at that time. No action today. (For complete details of the initiatives see General Exhibit No. 9797.)

#### Statewide Testing - Time and Budget

Board members have been concerned about the amount of time and money that is being spent on student assessments. The Committee reviewed the costs of mandated statewide assessments. (For complete details, see General Exhibit No. 9798.)

The report was received by the Committee as information.

#### Governor's Budget Recommendations and Legislative Budget Action to Date Review

Governor Huntsman released his budget recommendations for the upcoming legislative session on December 9. The Legislative Executive Appropriations Committee met on December 14 to begin the legislative budget process with the adoption of revenue estimates and a based budget.

The Committee reviewed the Governor's recommendations and the legislature's intentions for the upcoming session. (For complete details, see General Exhibit No. 9799)

Member Beagley noted that we are pleased with the Governor's budget request and we feel that the Governor's Office is supportive of our budget request this year. He pointed out a few of the differences that were of concern.

The recommendations were received by the Committee as information.

### Long Term Enrollment and Budget Projections

Board members have expressed an interest in knowing more about impending enrollment growth and the possible budgetary implications of that growth. Recently, Dr. Pamela S. Perlich, from the Bureau of Economic & Business Research, University of Utah, made a presentation at the Utah Education Deans' Colloquium entitled *Utah's School Age Population Boom: Causes and Consequences*. This presentation provided the committee and the Board know more about what to expect in the coming years. (For complete details, see General Exhibit No. 9800.)

In the coming decade Utah's school age population will grow both in numbers and in diversity. Such growth will significantly challenge the state's budgetary capacity.

The report was received as information.

### Minimum School Program Review

The Finance Committee has expressed interest in studying the Minimum School Program for the purpose of identifying programs that can be consolidated or simplified.

This item was put off until next meeting.

### Legislative Update

The Utah State Board of Education maintains an active interest in the legislative process. State Board Members have been meeting with legislators to discuss Board priority issues. During the legislative session, the Board meets regularly to discuss legislation which impacts public education and to take a position regarding such legislation.

Findings from Board member meetings with legislators was presented and a list of proposed legislation was reviewed by the Committee. The Committee also reviewed a list of proposed legislation and moves the following action from the Board.

HB 84 - Income Tax - Education Funding - Recommendation to Support the Concept. Motion was amended by Member Gary Swensen to read the Board support the concept of adequate funding of public and higher education.

Member Laurel Brown presented a substitute motion to Hold for further study.

Amendment to support concept to adequately fund both public and higher education failed with Members Allen, Brown, Cluff, Colbert, Dalton, Gregory, Haws, Mackey, Roberts, Sadler, Swensen and Theurer opposed; Member Beagley in favor.

Original motion to support the concept.

A substitute motion was made by Member Laurel Brown and seconded by Member Bill Colbert to hold for further study.

Member Debra Roberts spoke against the hold position and suggested that the Board take no position.

Motion in favor of substituting the motion to hold carried with Members Allen, Beagley, Brown, Colbert,

Dalton, Gregory, Haws, Mackey, Sadler, Swensen and Theurer voting in favor; Members Cluff and Roberts opposed.

Motion to take the position of hold on HB 84 carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Haws, Mackey, Sadler, Swensen and Theurer voting in favor; Member Roberts opposed.

HB 218 - Schools for the Deaf and Blind Salary Adjustment - Recommendation of support. Motion carried unanimously.

SB 1 - State Agency and Higher Education Base Budget Appropriations. Recommendation to support. Motion carried unanimously.

SB 3- Minimum School Program Base Budget Amendments - Associate Superintendent Patrick Ogden reviewed the items that we see as important programs that were not included in these amendments. Serious concerns about lack of funding in base budget for enrollment growth.

Recommendation to Oppose with Comment for the reasons indicated. Motion carried unanimously.

HB 68 - School Fee Waiver Amendments - Recommendation to support. Motion carried unanimously.

### **Curriculum Committee**

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

#### Accreditation of Schools

In accordance with R277-418, Accreditation of Schools, schools in Utah that grant credit toward high school graduation and/or diplomas must be accredited by the Northwest Association of Accredited Schools (Northwest). The recommendations of the Utah State Accreditation Committee and Northwest reflect the status of schools with respect to the state and Northwest standards. The Utah State Accreditation Committee has reviewed the Annual Northwest Report as submitted by member schools and determined an accreditation status.

Middle level and junior high schools are accredited by the Utah State Office of Education using the Northwest standards and Utah's accreditation process for school improvement, "*Collaborating for Student Achievement*." 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.

Georgia Loutensock provided an overview of the summary report of the accreditation status for all Northwest accredited schools in Utah and those middle level and junior high schools accredited by the Utah State Office of Education. (For complete details, see General Exhibit No. 9801.)

The accreditation status of Utah schools will be released to the public. It is anticipated that schools not meeting the standards will make appropriate changes in order to fulfill the standards in which they are deficient prior to their next accreditation report and review.

The Committee reviewed the list of Utah state accredited schools and moves that the Board approve the recommendations of the Utah State Accreditation Committee and Northwest Association of Accredited Schools regarding the accreditation status of Northwest schools. Motion carried unanimously.

The committee requested that if a school is advised, or approved with comment they would like to see the notes as to reason.

### Legislative Update

The Utah State Board of Education maintains an active interest in the legislative process. State Board Members have been meeting with legislators to discuss Board priority issues. During the legislative session, the Board meets regularly to discuss legislation which impacts public education and to take a position regarding such legislation.

Findings from Board member meetings with legislators was presented and a list of proposed legislation was reviewed by the Committee. The Committee also reviewed a list of proposed legislation and moves the following action from the Board.

HB 62 - Reading Requirements for Student Achievement - Recommendation of Unnecessary. Motion carried unanimously.

HB 226 - Kindergarten Readiness - Recommendation of support the concept with comment. The comment is that it needs to have fiscal note included. Motion carried unanimously.

HB 230 - High School Curriculum - Recommendation of Unnecessary. Motion carried unanimously.

SB 56 - Secondary School Amendments - Recommendation of Oppose because need to know that the credit is worthy of a credit.

Amendment to the motion was made by Member Debra G. Roberts and seconded by Member Mark Cluff to add with comment that this opens it too wide and the Board has a rule already in place.

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

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

SB 96 - Public Education - Instruction and Policy Relating to the Origins of Life. Recommendation to Oppose.

Carol Lear, Director, Government and Legislative relations pointed out a concern with a provision in the proposed legislation on line 39 it states that the State Board of Education shall establish curriculum requirements. Not only has the State Board spoken on this issue and said this is our feeling about intelligent design or creationism, but it directs the State Board to do something that is an area that Constitutionally been with the State Board of Education. The Board should always be concerned about the erosion of that authority.

Ms. Lear indicated that the Dover, Pennsylvania federal court took a very strong position against intelligent design against the Board of Education in that state for its decision.

Member Greg Haws commented that he is reluctant to take position of opposition but would rather like to see it as unnecessary. The Board has taken a position and he did not want to be part of the fight. We already have the curriculum in place on this issue.

Substitute motion was made by Member Greg W. Haws and seconded by Member Mark Cluff that the Board take a position of unnecessary based upon his comments above.

Member Tom Gregory spoke in favor of the oppose position indicating it supported the Board's Constitutional authority.

Member Gary Swensen commented that the Board's position has been very firm in the past. He applauded Chairman Burningham's comments that too much time and debate will be spent by the legislature on these emotional issues rather than more important issues.

Member Mark Cluff commented that when you come out opposed, you are opposed to the idea and you are not stating you have any other recommendation, where unnecessary shows you have already taken action.

Member Teresa Theurer commented that she is opposed to how the entire bill reads.

Member Richard Sadler spoke in favor of oppose because it states it in the strongest possible terms.

Member Debra Roberts spoke in favor of unnecessary so it will not be confused that we are opposed to the origins of life.

Member Tim Beagley commented the he did not think we want to be withdrawn from argument because if the Board does not take position it leaves it open to something that may be worse and that is to push through local boards. A strong opposition from us keeps it away from them.

Substitute motion unnecessary instead of opposed failed with Members Allen, Beagley, Brown, Dalton, Gregory, Mackey, Sadler, Swensen and Theurer opposed; Members . Cluff, Colbert, Haws and Roberts in favor.

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

#### Secondary School Completion and Diplomas, R277-705 - Amendment

At the December 6, 2005 Board meeting, the Curriculum and Instruction Committee discussed at length proposed changes to R277-705, Secondary School Completion and Diplomas, and approved the rule as amended on second reading and recommended Board approval on third reading. The Board unanimously passed the rule on third reading. There has not been any further action, i.e. publishing, of the rule since that time.

The December 6, amendments proposed changing the language of "basic diploma" to "Diploma: student has

satisfied all sub-tests of the Utah Basic Skills Competency Test (UBSCT)” and “alternative completion diploma” to Diploma (allowing schools/districts to determine locally whether they will indicate that the student DID NOT satisfy all sub-tests of the UBSCT). The amendments were proposed on short notice in response to concerns raised by Utah higher education institutions that the “alternative” language used in the previous Board rule may not qualify higher education aid-especially without additional assessment(s). The Board unanimously voted to approve the amendments; the most salient point of the discussion was that if a wording change could qualify deserving students more readily for higher education assistance, the amendments were well-advised and NOT inconsistent with the statute.

On December 14, 2005, a Board member (Teresa Theurer represented the Board) and Superintendent Patti Harrington were summoned to report to the Legislative Rules Review Committee (LRRC). Board Member Theurer and Superintendent Harrington had no specific information about the questions that the Legislative Rules Review Committee would pose. They were supported by many USOE staff members, two representatives from the Attorney General’s Office, several school district curriculum directors, the Deputy Commissioner for the Board of Regents who had visited Washington, D.C. on December 6 to assure the Department of Education that both diplomas offered by Utah schools/districts as authorized by law (and now renamed in Board rule) were both valid and legitimate diplomas. There was no assertion that they were equal diplomas, only that both were valid.

After extensive discussion and questioning, the LRRC “said” that it could accept the amended language of the “basic diploma” and a high school’s diplomas could say “Diploma: student has satisfied all sub-tests of the UBSCT” or similar language. HOWEVER, the LRRC seemed to want diplomas of students who did NOT pass the UBSCT to reflect that failure. Committee members expressed concern that employers should be informed if students (with high school diplomas) had not passed a state-mandated basic skills test.

LRRC members desired additional information before giving “direction” or advice to the Board: How had other states with high stakes exit exams addressed this same concern? What kinds and what names of diplomas did other state have/ The Committee set a meeting for the day after the January 12, 2006 Board meeting to review the actions of the Board and determine how to advise the Board about the consistency of the Board’s rule with the diploma statute, 53A-1-611.

Immediately after the meeting, Superintendent Harrington directed various USOE staff to contact other states and seek answers to the Committee’s questions, as well as additional relevant information. USOE staff is currently industriously researching answers. An amended R277-705 will be provided to Board members at the January 12 meeting with language reflecting conclusions of research and recommended amendments to R277-705. Districts are currently under deadline to submit their orders for the printing of spring 2006 diplomas and are seeking advice on the wording of those diplomas.

The Curriculum Committee discussed the issues and amended the rule as indicated in

green, the blue and red indicate changes made since last month.

Proposed changes made today:

Line 224 - add the words "high school."

Line 230 added "beginning with the graduating class of 2007"

Line 231 - add "UBSCT"

Line 313 - add "including provisions of this rule"

On page 9, the High School Diploma has to indicate that a student did not receive a passing score on all UBSCT subtests.

(For complete details of the rule, see General Exhibit No. 9802.)

Member Tim Beagley voiced concerns that part of the confusion on this has come from an Attorney General's opinion that students who do not actually get something that says Diploma would not be eligible for financial aide in college. He is not sure why we want them to have financial aide if they haven't measured the basic skills. What happens to many of these students is the financial aide they get is going to be in the form of student loans. After that, if they don't complete their degree, they get stung first without a degree, but then they have to pay the student loan back.

Member Theurer commented that passing the UBSCT is one way of showing competency. She did not believe that just because a student does not pass UBSCT they are not competent. It may be that they just can't show that competency in an exam. She believes there are students in the system that while they are not able to pass a portion of UBSCT can be successful in college.

Member Mark Cluff voiced concern that no one will read on the diploma if the student passes or not.

Associate Superintendent Myron Cottam commented that most diplomas are not seen by anyone other than the student. When applying for jobs or college it is the transcript that is required and the transcript will indicate that they have not received a passing score on all UBSCT subtests.

The Committee approved the rule as amended on second reading and moves that the Board approve the rule on third reading. Motion carried with Members Allen, Brown, Colbert, Dalton, Gregory, Haws, Mackey, Roberts, Sadler, Swensen and Theurer voting in favor; Members Beagley and Cluff opposed.

### Mathematics, Engineering, Science

#### Achievement (MESA), R277-717 - Amendment

The purpose of MESA is to increase the number of under served ethnic minority and all female students who pursue course work, advanced study, and possible careers in mathematics, engineering, and science areas. MESA programs are composed of classes and/or clubs in the secondary grades.

The proposed changes to R277-717, Mathematics, Engineering, Science Achievement (MESA), clarify definitions and policy and bring the rule into compliance with current Utah State Office of Education practice and

policy. Specific changes are:

- Beginning June 15, 2006, proposals shall be submitted every three years instead of yearly by school districts, schools, and charter schools. This change will provide more longevity for programs.
- The MESA Public Education Funding Application Review Committee will prohibit representatives of school districts to review applications when the district has applied for MESA funding.

(For complete details of the rule, see General Exhibit No. 9803.)

The Curriculum Committee reviewed the proposed amendments and approved R277-717, Mathematics, Engineering, Science Achievement (MESA), on first reading and moves that the Board approve R277-717 on second reading. Motion carried unanimously.

#### Alternative Language Services for Utah Students, R277-716

R277-716, Alternative Language Services for Utah Students, was created to facilitate consistent services and effective academic results for English Language Learners (ELL). The rule will serve to provide a framework to develop English literacy and close the achievement gap for ELL in the public schools in Utah. (For complete details of the rule, see General Exhibit No. 9804.)

The Curriculum and Instruction Committee approved R277-716, Alternative Language Services for Utah Students on first reading and moves that the Board approve the rule on second reading. Motion carried unanimously.

#### **Communications Committee**

Member Edward A. Dalton chairman of the communications committee reported on the following activities of the committee:

The Committee is still very interested in trying to formalize the achievement awards that we would like to be able to present based upon the achievement shown on the CRTs. Also, to formalize the process to identify, recognize and share the best practices. They requested to meet with Superintendent Harrington to see how staff may be able to assist in putting that together.

Attendance Awareness Campaign - This grew out of the Attendance Resolution - There will be a committee formed at the State Office to help with the rolling out of the awareness resolution. There still needs to be quite a bit of discussion to see what would be done and how it would be paid for, etc.

Member Dalton expressed appreciation to Members Debra Roberts and Gary Swensen for their service on the committee this past year.

#### Public Participation/Comment

Marilyn Kofford, Utah PTA Legislative Vice President presented the PTA's Resolutions passed in their Legislative Conference in October. They are: 1) Nutrition and Exercise, 2) National Teen Dating Violence Awareness and Prevention Week; 3) Education of Students with Disabilities. (For complete details, see General Exhibit No.

9805.)

Ed Dalton expressed appreciation to the PTA for their support of the Board's Newspapers in Education project. Mrs. Kofford commented this was a fine piece of information and all of the PTA districts were extremely happy to receive them.

### Executive Session

Motion was made by Member Teresa Theurer and seconded by Member Tim Beagley to move into an executive session for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session during lunch at 12:25 p.m.

Motion was made by Member Tim Beagley and seconded by Member Richard Sadler to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:50 p.m.

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

Motion was made by Member Thomas Gregory and seconded by Member Tim Beagley to accept the recommendation of the Commission in Case No. 05-730 and accept a stipulated agreement, including conditions of the Agreement, whereby a former teacher in the Uintah School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license or 18 months from the date of formal action by the State Board of Education. This action is taken because the educator engaged in a pattern of inappropriate and unwanted touching of female students, inappropriate comments directed at female students, and downloading inappropriate material from the Internet onto his school computer. Motion carried unanimously.

Motion was made by Member Thomas Gregory and seconded by Member Tim Beagley to accept the recommendation of the Commission in Case No. 05-735 and accept a stipulated agreement, including conditions of the Agreement whereby a former teacher in the Cache School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license for 18 months from the date of formal action by the State Board of Education. This action is taken because the educator accessed inappropriate, sexually explicit Internet sites and participated in sexually explicit chat room or other Internet based conversations before, during and after school hours using district/school equipment. Motion carried unanimously.

(For complete details of the recommendations see General Exhibit No. 9806.)

### **Advisory Committees**

The Board received nomination information for the Utah Schools for the Deaf and the Blind Institutional Council and the Adult Education Advisory Committee.

Motion was made by Member Greg W. Haws and seconded by Member Tim Beagley to appoint Bobbie Kirby [12/31/09], Dave Rettie [12/31/09], Dr. Jack Rasmussen [12/31/07], Mary Lou Damjanovich [12/31/10] and Paul Noble [12/31/10] to the Utah Instructional Materials Commission. Terms to expire as noted in parenthesis.

Motion carried unanimously.

### Regents' Diploma

The PreK-16 Alliance is underway, with public and higher education represented by members of the Utah State Board of Education, Higher Education Board of Regents, the State Superintendent and the Commissioner. In addition, Senator Howard Stephenson and Representative Kory Holdaway are members as is Christine Kearn, Governor's Education Deputy. The agenda is ambitious and already in full activity, planning for the sharing of data, common assessment, and course expectations. Of course, its major goal is to increase expectations of student performance for the youth of Utah.

One of the premiere agenda items of the Alliance is the Regent's Diploma. The idea for the diploma is rooted in nationwide evidence which indicates that the more rigorous the courses students take in high school, the greater success they realize in higher education pursuits.

The diploma will be offered to high school graduates who have maintained a high grade point average (GPA), have met all state and district criteria for a Basic High School Diploma, including achieving a passing score on the Utah Basic Skills Competency Test (UBSCT), have taken rigorous courses in high school including four years each of Language Arts and Math and three years each of Science and Social Studies. In addition, those who have successfully completed the Regent Scholar curriculum and qualifies for a Regent's Scholar Diploma, become eligible for automatic admission at any postsecondary institution within the Utah System of Higher Education, without an ACT or SAT score, and automatically qualify for a Regents' Opportunity Grant of \$1,000.

Commissioner Richard Kendell spoke to the Board about the diploma. He indicated that it is anticipated that several math and science-related courses might be used to meet the increased math and science requirements, including some from Career and Technology Education in the science and business fields. The diploma would be an award in addition to the high school diploma. The diploma would require a curriculum of four years mathematics, four years of English, three years history and social studies and three years of science. Students who complete this curriculum with a 3.0 GPA, they would receive automatic admission to any college or university in the state and it is hoped that they would receive a scholarship award for that achievement [the money is not yet in place]. It is anticipated that they would try to give every person who completed this Regent's Diploma a \$1,000. It would not be given to them at the time of their graduation, but they would be given a promissory note in the eighth grade. Prior to approval, the proposal requires detailed work and coordination between higher and public education representatives.

Dr. Kendell presented a Policy Paper relative to the Regent's Diploma and Ten Recommended Steps suggested by the National Governors Association in forming alliances and setting higher expectations.

Dr. Kendell indicated that it is hoped that a full proposal will be presented to both the Board of Regents and the State Board after visiting with those involved. Once it is ready they foresee a rather big public event launching this

along with a campaign for students so they can then prepare.

(For complete details of the materials presented, see General Exhibit No. 9807.)

Member Sara Sinclair suggested that it be noted in the document that this will not track students.

Member Teresa Theurer questioned if this would only be available to eighth graders or if it would become available to others now. Dr. Kendell responded that he hoped it could be made available immediately, but the target would be the eighth graders so they can be preparing.

Member Tim Beagley commented that he is very supportive of this concept, but is concerned that it will become symbolic. He hoped we would not become distracted because we have some other problems that need to be taken care of, such as raising the standards for some of our institutions and the high school learning environment is sufficient for this. For that reason, more of the same may not remedy the situation.

Member Bill Colbert suggested that a foreign language requirement also be included.

Member Dixie Allen voiced concern that we are sending mixed messages to our high school students. First of all, we have a scholarship available that rewards kids for dropping out at the end of the 11<sup>th</sup> grade - \$2,000. Secondly, we have another scholarship for students who want to earn an associates degree.

Dr. Kendell commented that he felt the state has been focused on the wrong matrix. The matrix for the legislature for years has been cheaper and faster. This ignores the qualitative dimension of the high school experience. We should be interested in the quality. A better way to go is we are giving you an incentive for completing a quality rigorous program, not just for finishing early.

Board Members were asked to review the materials presented and give feedback to Commissioner Kendell and board leadership.

### ACT Results

In August 2005, ACT released the national and state ACT results for students taking the ACT in 2005. The ACT assesses high school students' general educational development and their ability to complete college-level work. The multiple-choice tests cover four skill areas: English, mathematics, reading, and science. The Writing Test, which is optional. Measures skill in planning and writing a short essay.

Judy Park, Director of Evaluation and Assessment, provided an overview of the 2005 ACT results which included information on the importance of taking core and rigorous classes in order to perform well on the ACT. (For complete details, see General Exhibit No. 9808.)

### Full Day Kindergarten Resolution

Utah Code 53A-3-402-7 states that kindergartens are an integral part of the state's public education system and requires each local board of education for the forty school districts to provide kindergarten classes free of charge for kindergarten children residing within the district. School districts receive state monies from the Minimum School

Program for  
kindergartens.

In October 2005 Chairman Burningham in his Board Chairman Report distributed a draft of a proposed Resolution in support of full-day kindergarten. Following considerable discussion on the Resolution, a motion was made to table the matter until the November meeting.

In the November 2005, Board meeting Paul Puzey, Coordinator, Concurrent Enrollment and Early Graduation provided an overview of research supporting kindergarten programs, kindergarten issues in Utah, and costs associated with kindergarten implementation. Also, Mary Kay Kirkland, Assistant Superintendent, Box Elder School District and Charlie Hausman, Associate Superintendent, Salt Lake City School District presented information from their full day kindergarten pilot programs.

Also at the November meeting a motion was made and passed to take the expansion of kindergarten resolution from the table; further that it be assigned to a committee of five for refinement and rewriting. That the committee consist of Board Members Debra Roberts, Tom Gregory, Randall Mackey and Richard Sadler and a staff member to be assigned by Superintendent Harrington. That the Committee consider rewriting the resolution so that the language requires that: a) kindergarten still be optional to all participants, and b) that it be particularly focused toward at-risk children. That the Committee report its recommendations to the entire Board in the January meeting.

Paul Puzey, Coordinator, presented the re-written draft of the Resolution developed by the Committee. (For complete details of the Resolution see General Exhibit No. 9809.)

Member Greg Haws voiced concern with the words “low-achieving” and “underachieving.”

Member Laurel Brown commented that in the models they were not targeting kindergarten just for the students, but schools were targeted as those having a high poverty level. She felt it should be on the school level versus an individual student level.

Member Bill Colbert spoke in favor of the term “at risk” rather than low achieving.

Motion was made by Member Richard L. Sadler and seconded by Member Dixie L. Allen to adopt resolution as presented.

Motion was made by Member Teresa Theurer and seconded by Member Bill Colbert to amend the resolution to change the fourth whereas, and the first and third resolves from under achieving or low-achieving to **at risk**.

Member Dixie Allen voiced concern that the term “at risk” brings in a lot of other issues that can’t be defined or measured.

Member Debra Roberts commented that the intent was to find a way to say yes you fit this definition and we do have the pre-kindergarten test that we can immediately identify those kids. The best way to say it is that they are

under or low achieving.

Concern was voiced by Members Theurer and Sinclair that low-achieving is a label that will stay with the child and this can be devastating.

Amendment to change language to at risk in the three locations failed with Members Brown, Colbert, Haws, Mackey and Theurer voting in favor; Members Allen, Beagley, Cluff, Dalton, Gregory, Roberts, Sadler and Swensen opposed.

Motion was made by Member Greg W. Haws and seconded by Member Edward A. Dalton to amend the resolution and insert the words “at risk” and reorder the wording to read “give children who are at risk of low performing or low achieving.”

Member Dixie Allen suggested taking out “at risk and low achieving” and putting in functioning below expectation or performing below expectation.

Superintendent Harrington commented that the way this will happen is we give a pre- screening either the week before or the first week of school and it is not uniform across the state, but has some uniformity. It will be the children that do not perform well on that screening that are the ones that will be beneficiaries. At risk is a larger group and students who are low-performing may be a subset of the at risk group.

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

Motion was made by Member Debra Roberts and seconded by Member Mark Cluff to add the concept that we have a diagnostic tool that will tell us who will be put into this program.

Member Colbert suggested that there may be other tools besides just this one test.

Member Teresa Theurer voiced concern with adding wording that will tell the districts how they do this.

Member Debra Roberts commented that this is a resolution not a rule. The point of the resolution is to communicate a position and a thought to parents and the public.

Paul Puzey clarified that the wording be at risk of low performance as determined by pre-screening.

Member Richard Sadler commented that the Resolution is to aid the Governor with the legislature in order to have this pass. We should make it as simple as possible rather than complex and then deal with how to administer it later.

Amendment to the motion failed with Members Cluff, Dalton and Roberts voting in favor; Members Allen, Beagley, brown, Cluff, Colbert, Gregory, Haws, Mackey, Sadler, Swensen and Theurer opposed.

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

Charter School Applications/Amendments Recommendations

John Broberg, Executive Director, Utah Charter School Board and Ray Timothy, Associate Superintendent presented the recommendations from the State Charter School Board to re-charter from the State Board of Education to the State Charter School Board, Tuacahn High School for the Performing Arts and to amend the charter of Liberty Academy to provide for a 9-12 grade component for the 2007-08 school year. (For complete details of the recommendations, see General Exhibit No. 9810.)

Motion was made by Member Teresa Theurer and seconded by Member Mark Cluff to approve the recommendations of the State Charter School Board to re-charter from the State Board to the State Charter School Board Tuacahn High School for the Performing Arts and an amendment to the Liberty Academy.

Member Ed Dalton asked that the motion be split.

Motion to approve the re-charter the Tuacahn High School for the Performing Arts from the State Board to the State Charter School Board carried unanimously.

### **Liberty Academy**

Member Ed Dalton questioned the number of students in the charter high schools. Mr. Broberg responded that they are under 200. Member Dalton voiced concern that the full high school opportunity be afforded to these students. He questioned if there were resources in a school of 200 students to provide the counseling, academic core and other special needs of high school students. Mr. Broberg responded that charter schools receive a 1.2 wpu rather than just a 1 wpu for secondary students, which is much the same for necessarily small existent schools across the state..

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

### Utah State Board of Education Priorities

In November 2005 the Board identified the following seven priorities during a Strategic Planning Session:

- High performance of all students
- Standards-based education
- Quality teachers, staff and administrators
- Achievement of students with learning challenges
- Partnerships with family, community, industry and higher education
- Safe schools and healthy students
- Maximum value of education resources

Motion was made by Member Debra G. Roberts and seconded by Member Tim Beagley to adopt the above priorities and directed Superintendent Harrington to move forward in developing objectives and time lines. Motion carried with Members Allen, Beagley, Brown, Cluff, Colbert, Dalton, Gregory Haws, Mackey, Roberts, Sadler, and Theurer voting in favor; Member Swensen absent.

Member Richard Sadler suggested rewording maximum value of education resources in the future.

## 21<sup>st</sup> Century ETI

Utah's Educational Technology Initiative began in 1990 with the passage of House Bill 468 and a \$15,000,000 initial appropriation. Over 11 years, \$123.4 million was appropriated to public education. The ETI was repealed in 2001 and \$8.9 million of line item funding was rolled into the Student Success block grant.

In February 2005, the Legislative Auditor General's office completed an audit called Best Practices in Using Technology in Public Education. The report stated:

For teachers and students to utilize technology in an efficient and effective manner and to fully take advantage of the benefits of using technology to improve the education of students, three components must be present. These are:

- Access to technology, i.e., the hardware, software, and infrastructure
- Professional development opportunities for teachers in the use of the technology
- On-going technical support to maintain the systems.”

[Http://www.le.utah.gov/audit/05\\_04rpt.pdf](http://www.le.utah.gov/audit/05_04rpt.pdf)

In May 2005 Education Week released their annual Technology Counts report showing Utah as last in the nation in student access to technology in the classroom. Surprisingly, the report also names Utah as first in the nation in technology use. With that report, the Utah Technology Commission (July 12), Executive Appropriations (Sept 20, October 18), and the Education Appropriations (Nov 16) committees requested information and recommendations on effective use of technology in our public schools.

It has been recommended that the legislature re-establish the Educational Technology Initiative. The initiative could be started with the Board's request for \$10,000,000 for online testing and another \$10,000,000 from the Board's request for technology funding. It has been recommended that next year's legislature consider appropriating \$25,000,000 annually for new money for student access to technology, with districts using existing funding to match one to one for professional development, technical support, and administrative computing.

Associate Superintendent Ray Timothy reviewed the need for technology in the classroom and the funding needed. He explained that they are requesting that in next years budget we look at reinstating the educational technology initiative. Looking at the three components of student access, professional development (with district match) and technical support. The cost analysis is approximately \$25 million per year. The board's budget request this year is supported and the first step in reinstating ETI.

### Coalition of Minorities Advisory

### Committee (CMAC) Semi-Annual Report

\_\_\_\_\_Cyndee Miya, Chairman of the Coalition of Minorities Advisory Committee (CMAC) presented their semi-annual report to the Board. The report included the CMAC Town Meeting held on December 1, 2005, and Key Points

from the Town Hall Meeting; CMAC's State Involvement; Utah Education Deans' Colloquium; MESA Rule Revisions and recommendations; Representative Morgan's Proposed Legislation; and an Update on June, 2005 CMAC Recommendations. Ms. Miya expressed appreciation for the reappointment of CMAC members and new appointments as well as the appointment of Gary Swensen from the State Board.

Recommendations for MESA rule, could not find anything on appeals process, data reporting form, no conditions relative to withholding funding.

Teresa Theurer report that as she reviewed the MESA Rule, all of the CMAC recommendations were covered.

(For complete details of the report, see General Exhibit No. 9811.)

### Technology, Life, and Careers

#### Core Curriculum (TLC) Report

Technology, Life, And Careers is Utah's exploratory Career and Technical Education Core Curriculum requirement for middle/junior high school. The purpose of this program has been to allow students to be involved in activity-centered lessons, which utilize technology, develop beginning skills, and explore careers.

In order to maintain the relevancy of this curriculum, it is the intention of the CTE Section to review and revise the standards after obtaining input from parents, business and industry, school district staff, charter school personnel and higher education representatives.

Mary Shumway, Director of Career and Technical Education provided an overview of this core curriculum and the need to review and revise the core curriculum standards. (For complete details, see General Exhibit No. 9812.)

### General Consent Calendar

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

#### 1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education held December 6, 2005.

#### 2. Contracts

The following contracts were approved:

##### A. Main Street Investments, LLC. \$249,435.60. 1/1/06-12/31/2010. - Amend. - Fed.

To lease office space for the Bountiful Office located at 150 North Main Street, Bountiful, Utah.

##### B. Governor's Council for People with Disabilities. \$49,792. 7/1/05-6/30/067 - Amend. Fed.

To provide funds and operating guidelines for a statewide information and referral program

(ACCESS UTAH NETWORK) to meet information needs for persons with disabilities and their families in the state of Utah. The program will be administered by the Utah Governor's Council for People with Disabilities.

C. Price Partners. \$147,500.80. 5/1/06-4/30/11 - Amend. - Fed.

To lease office space for the Division of Rehabilitation Services located at 662 W Price River Drive, Price, Utah

D. Manti City Corporation. \$54,510. 1/1/06-12/31/2010. - Amend. - Fed.

Lease of office space for the Division of Rehabilitation Services Manti Office located at 55 South Main Street, Suite 2, Manti, Utah.

E. Utah State University. \$43,250. 1/12/06-6/30/06. - Fed.

Development of 4-6 evidence-based reading modules, Powerpoint presentations, presenter materials, and participant materials.

(For complete details of the Contracts, see General Exhibit No. 9813.)

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. 9814.)

4. Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program, R277-477

R277-477 was amended to reflect the following changes in the law. 1) The creation of the Interest and Dividends Account within the Uniform School Fund where interest and dividends from the Permanent State School Fund are received during the year prior to distribution for dividends from the Permanent State School Fund are received during the year prior to distribution for implementation of the School LAND Trust Program; 2) School plans are approved by the State Charter School Board for state sponsored charter schools; and (3) A requirement for schools to have a school community council that prepared and approves the school plan. Charter schools may use the school charter board with elected parents, to approve the plan if they choose. The rule was also amended to:

- clarify that for Utah Schools for the Deaf and the Blind the average statewide base allocation is the base allocation for the school and that the plan is to be approved by the State Superintendent or designee.
- require that school districts report the meeting dates when the school board approves school plans and that districts select school plan submission dates not later than May 15<sup>th</sup> each year. It clarifies that districts are responsible for complete and accurate submission and download of information to the School LAND Trust website if they choose to submit through a more comprehensive district plan.
- require that school plans and reports provide an explanation if more than half of the allocation is carried over to the next year. If a school misappropriates funds, subsequent allocations will be withheld until those funds have been restored. It also clarified that plans including academic goals, steps to meet the goals and expenditures are specific.

The Board approved R277-477, Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program, on second reading at the December 6, 2005

meeting. There have been no substantive changes to the rule since that time. (For complete details of the rule, see General Exhibit No. 9815.) The Board approved R277-477 on third and final reading.

5. 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. 9816.)

6. Ratification of Employment

Lisa Arbogast was ratified as a Compliance Coordinator in the Student Achievement and School Success Division.

Wendy Carver was ratified as an Alignment Facilitator in the Student Achievement and School Success Division.

Murray Jensen was ratified as an Educational Specialist in the Student Achievement and School Success Division.

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. 9817.)

8. Claims Report

The Claims Report in the amount of \$179,947,302.80 dated November 31, 2005 was approved by the Board. (For complete details, see General Exhibit No. 9818.)

Executive Officer Report

Superintendent Patti Harrington presented the following items of information for the Board:

Dr. Harrington reviewed the Visits/Speaking. She reported that the Salt Lake Area Chamber of Commerce has set up a task force under the direction of Pat Jones to help youth succeed. It is underway and they have invited her to participate. It is expected that the Chamber will take some pretty strong stands on education and how they might support education, up to and including the possibility of a one or two hour release each month of employees who could then go to their school to help children.

Dr. Harrington reviewed the Items of Interest. She specifically highlighted the StudentTracker portion of the K-16 Alliance projects. She indicated that this follows high school graduates into colleges/universities for six years following high school graduation. She invited Board members to attend the training on February 7 and 8 at the Marriott Hotel downtown. She requested that if a board member were interested they contact Twila or Lorraine.

**Electronic High School Accountability and Tracking**

Dr. Harrington indicated that at a prior board meeting a member had asked if the Electronic High School

could be held accountable for its own purposes and are we able to track the performance of students at private tutoring agencies such as Oxford and Sylvan. The Electronic High School is virtually seen as a service in the state as opposed to its own identity as an institution so we don't track it in that sense. When kids take a course on the Electronic High School and they don't pass it, then they take it again and pass it we expunge the first performance. Secondly, we have trouble finding and tracking that which comes from Oxford and Sylvan because it is like the Electronic High School, it is seen as a service as opposed to a comprehensive institution.

### **No Child Left Behind**

Dr. Harrington reported that she had advised the Board via e-mail that we would submit U-PASS for the NCLB Growth Model. The Secretary has sought up to 10 applications of growth models from across the nation as well as some index models. Dr. Harrington noted that we have a No Child Left Behind Accountability Plan in action and we have a U-PASS Accountability Plan in action. We are hesitant to create a hybrid between those. We have taken the initial step of taking with the Department, hoping to quietly work through some of the issues around jelling NCLB and U-PASS. Our early indicators are not positive. There are three major sticking points between how U-PASS see accountability and how NCLB sees it and we are having trouble stealing two or three of those without undoing the entire U-PASS accountability. We are not ready to give up, we will submit the plan and continue working at whatever point we feel we are at a real stopping point she will inform the Board with exact details of what is in our way. In general it is how we treat the 40 boxes, any one of which could fail a school. We see that differently in U-PASS we think it should be just more than ten kids that fail a school. Also, the 2014 proficiency issue.

Dr. Harrington reported that during the legislative session, the State Office will be running a shuttle from our agency and invited board members to use the shuttle as well.

(For complete details of Dr. Harrington's report, see General Exhibit No. 9819.)

### **Board Chairman Report**

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

NASBE Board and Committee Meetings - Four members of the Board will be in Alexandria next week.

Chairman Burningham reported that he and Superintendent Harrington had met with Governor on Tuesday. During that meeting we shared the kindergarten resolution draft, the tax reform resolution, and talked about various aspects of the budget. We will be meeting with him in February if he can meet our schedule. If not, we will work on another type meeting with him..

Chairman Burningham reported that Members Brown, Colbert, Cluff, and Theurer and he all met with the House Republican Leadership and then with the Senate Leadership. He indicated he was very impressed with House, particularly, we had their full group. They are not particularly concerned about the math initiative, but they are very

concerned about the retirement deficit and want us to look at that issue. They also reviewed the teacher quality initiative and both groups were very pleased with this in general.

The Senate wants to meet with us twice a year or whenever we have a critical issue.

Chairman Burningham reported that the meeting with Democratic Leadership will be scheduled shortly.

Chairman Burningham noted that it is important that individual Board Members contact their legislators. It is critical to meet and talk with those people. The reports of the earlier meetings was presented in each committee. He encouraged members to get their reports into Ray Timothy. These are important, especially if there is a need to contact one of them on a particular legislative issue they may be in support of.

Board Legislative meetings are scheduled every Friday at 10:00 a.m. in the Board Room to decide our current stand on legislative bills. He indicated that January 19 is the USBA's Day on the Hill. He urged members to participate. Thereafter every Friday, beginning January 27, we are planning to meet.

Chairman Burningham commented on the Board Committee Assignment changes, noting that there were not many changes.

Chairman Burningham reported that Superintendent Harrington will be putting together some objectives and time lines with respect to our priorities and that will come forward in a future meeting.

Chairman Burningham presented the following Calendar:

January 13-14 - USBA Convention

January 16 - Legislative Session Begins

January 17 - 6:30 p.m. Governor's State of the State Address at Washington Elementary in Davis School

District - RSVP's required

January 19- 21 - NASBE Board and Study Group Meetings

January 19 - USBA Day on the Hill

January 24 - Board Leadership - 9:00 a.m.

January 27 - Board Legislative Meeting

February 3 - Board Meeting

February 7 - 8 Student Tracker Workshop, Marriott Hotel Downtown SLC

Motion was made by Member Tim Beagley and seconded by Member Mark Cluff to adjourn.

Meeting adjourned at 4:20 p.m.