

## MINUTES

March 3, 2006

Minutes of the meeting of the State Board of Education held March 3, 2006, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:35 a.m. At the request of Chairman 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 Bonnie Jean Beesley  
Member Laurel Brown  
Member Mark Cluff  
Member Bill Colbert  
Member Edward A. Dalton  
Member Thomas Gregory  
Member Greg W. Haws  
Member Debra G. Roberts  
Member Richard Sadler  
Member Sara V. Sinclair  
Member Gary C. Swensen  
Member Teresa L. Theurer

Member Randall Mackey 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  
Neil Hancey, Davis School District  
Cyndee Miya, Coalition of Minorities Advisory Committee  
Debra Tabor, Utah PTA  
Carmen Snow, Utah PTA  
Ron Frandsen, Utah Association of School Business Officials  
Barbara Dixon, Ririe-Woodbury Dance Company Advisory Board  
Shirley Ririe, Arts Council  
Cally Flox, BYU Public School Partnership  
Shauna Carl, Salt Lake City School District

Anne Marie Smith, Children's Dance Theatre  
David Doty, Utah System of Higher Education  
Tyler Kunz, Student, University of Utah  
Gayleen Gandy, Citizen  
Susan Sandack, Arts/Repertory Dance Theatre  
Melissa Adams, Utah Symphony & Opera  
Su Tullis, Nebo Performing Arts Council  
Janice Jones Schroeder, Salt Lake City School District  
Ron Wolff, Utah Professional Practices Advisory Commission  
Juneil Lyon, Utah Professional Practices Advisory Commission  
Paula Fowler, Utah Symphony & Opera  
Carrie Anne Barrus, Citizen  
Susan Bradford, Citizen  
JoAnn Handy, Utah Professional Practices Advisory Commission  
Matt Smith, Utah Professional Practices Advisory Commission

Vice Chairman Janet Cannon paid tribute to a friend's brother, Gary Alverson, a student and eventually a teacher at Tooele High School. She shared quotes from UCLA Coach John Wooden and Glennice L. Harmon to go with the story she shared about Mr. Alverson and his success as a coach and his love of teaching.

Vice Chairman Janet Cannon excused Member Randall Mackey.

### Welcome

Chairman Kim R. Burningham lead the Board in the Pledge of Allegiance.

Board Member Tim Beagley presented welcoming remarks relative to arts and science being complimentary to each other and inseparable. He shared two inspirational samples of how the arts and science compliment each other and help us understand each other. The first example was from 2500 years ago when a Roman Philosopher, Pythagoras founded the most precise of all sciences mathematics. Financial support for Pythagoras to finance his math school came from the production of musical instruments. Pythagoras observed that when the blacksmith struck his anvil different musical notes were produced depending on the weight of the hammer. His students were not only the first true mathematicians, but they were experts in making musical instruments. Secondly, he attended a regional conference where science educators were discussing new and innovative methods they were using to teach science. While there, during a presentation of biotechnology to high school students one teacher described how she taught her students about the workings of the DNA molecule using music. They were using a computer program that converts sequences of DNA into musical tones and while her students made music she had them unwittingly learning how genetic information works. He shared one of her students' works. The student made a musical piece from the human gene called chrysalis. This is the crystal clear protein that makes up the lense of your eye.

### Legislative Session Overview - 2006

Superintendent Harrington expressed appreciation to Associate Superintendents Cottam, Ogden and

Timothy for their tremendous work during the session.

Dr. Timothy commented that former Representative Lorraine Pace always commented during the session about how overwhelming it must be for education to be as impacted as we are from the number of bills introduced. She did a review of the previous three years, and how many bills were introduced on average. She noted that on average they had 84 bills introduced each legislative session that directly impacted public education; of those, approximately 50 percent were passed. She sent a letter to legislators asking them to refrain from introducing so much legislation dealing with public education. Dr. Timothy reported that this year we had 121 House bills introduced and 41 Senate bills introduced, for a total of 162 bills dealing with public education; 55 of which passed. He expressed appreciation to Board members for their attendance at the regularly scheduled Friday meetings.

Dr. Timothy indicated he felt there was a positive working relationship with our legislators.

Associate Superintendent Raymond Timothy presented the final actions taken by the legislature relative to public education including needed actions to be taken by the Board in the future relative to rules and other policy issues. The following bills were discussed at length by the Board:

### **2SHB 151 - Adjustments in Funding for Concurrent Enrollment**

Dr. Timothy reported that the bill as passed allows higher education to charge up to \$30 per credit hour for concurrent enrollment courses. The Legislature also passed a budget bill (SB 5) that contained sufficient dollars (\$2.3 million) to increase concurrent enrollment funding to its historic level of \$50 per student. The \$30 per credit hour from students would appear to be “double-dipping” at the expense of high school students. This is a great program, it is needed, but the concern is it hurts kids, particularly those of low income families.

Member Tim Beagley commented that the Commissioner had said they would set aside a certain amount of money to make sure that students who are eligible for free and reduced lunch would not have to pay this fee, so it would effectively be a fee waiver. He questioned where the money would come from? Dr. Timothy responded that the Commissioner has a plan but he has not seen it. When they took the funding they were going to give public education three-thirds and right now we get two-thirds and higher education gets one-third. The Commissioner’s plan was to take the one-third that goes to higher education and use that money to provide the “fee waiver” for those low income students. However, this is not in the bill.

Concern was expressed by Board members relative to the immediacy of the implementation of this bill because there are some students already registered in concurrent enrollment courses for next year who are not even aware of these fees.

Superintendent Harrington reported that she has directed her staff toward board rule and implementation immediately. A request for a Governor’s veto of this legislation would put this into abeyance.

Chairman Kim Burningham commented that he would like to go on record and indicate he has sat in on

conversations with the Commissioner where he understood he did not feel both were needed.

Member Mark Cluff commented that there is another option to recommending a veto. Since we have been fully funded for concurrent enrollment this year, the bill states it is up to \$30 which means we could work with the Commissioner and others and recommend that we have the money, so don't charge anything this year. This approach would give us a year to prepare and be aware of what the fees might be next year and then work with the students and give them a schedule of the costs.

Member Laurel Brown voiced concern with where the money is going. What is the money paying for? Currently the teachers are hired and paid by the high school with high school students in them.

Member Bonnie Jean Beesley commented that it would be helpful for the Board to have an audit of where the money goes in each organization.

Member Teresa Theurer voiced the same concerns and questioned why some colleges or universities can pull it off and some can't. Further, this is a huge issue for school districts to deal with and well as it is unfair to students.

Member Richard Sadler commented that there will be communication from the Commissioner to the colleges, but each, like school districts, operates differently. Some of the colleges may just decide not to offer the classes if the funding is not there.

Member Gary Swensen voiced concern that whatever the outcome we not diminish the opportunities for the low income students to participate in this program with these proposed changes.

Chairman Burningham commented that the Commissioner said he would sign a memorandum of understanding, to be signed by both groups, that the money would be set aside for low-income students.

Member Sara Sinclair commented that this is an issue the K-16 Alliance group could address.

Motion was made by Member Debra G. Roberts and seconded by Member Mark Cluff that the Board request a formal agreement from higher education indicating they would be willing to put off those charges this year, and they would also put into place some kind of fee waiver for low-income students. If they are not willing to do this before the veto window disappears, we would formally request a veto. Clarification was that the year definition is summer 2007.

Member Tim Beagley offered an amendment to add a third point that the agreement must have some kind of understanding about what the money is going to be used for in the higher education system. Amendment was accepted as part of the motion by Members Roberts and Cluff.

Chairman Burningham clarified that as the motion has been made it is separate from another motion that might come at another time to recommend to the Governor that he veto this legislation. Member Roberts indicated yes.

Motion carried with Members Allen, Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Haws, Roberts,

Sadler, Swensen and Theurer voting in favor; Member Gregory opposed; all others in favor.

### **2SHB 155 - Education Testing Graduation Amendments**

Associate Superintendent Timothy reported that this bill did not pass. He indicated that when the Board adopted a rule on this issue it went to the Legislative Rules Committee with questions on the diploma issue. The Committee agreed with the Board rule and asked Representative Holdaway to sponsor this legislation to change the statute to match the Board rule. The bill failed, the statute was not changed.

Superintendent Harrington commented that the current board motion was that the diploma, as the word itself exists, would be used for both the students who passed UBSCT with value added language that also indicated they passed and the word “diploma” would be used on certificates to signal exiting high school with appropriate course completion for those students who did not pass UBSCT with no other language indicated passing or not passing. She indicated that transcripts clearly state a student’s score and whether or not they passed or not passed the UBSCT. This is the document that is used by higher education and employers. This is now back to the board and its original decision and we wait until the Rules Committee calls us back. She indicated that the Board could do nothing today or they could revisit the rule again.

Jean Hill, Education Specialist, Government and Legislative Relations, commented that the Board rule still fits within the statute.

### **2SHB 172 - Local Land Use Provisions Relating to Schools**

Superintendent Harrington commented that cities and municipalities are very upset about this bill. She further commented that this is not an educational matter.

Motion was made by Member Thomas Gregory and seconded by Member Richard Sadler to add this to our veto request list with an explanation that this is a heavy administrative load on the State Office.

Chairman Kim Burningham suggested it might be wise to review all of the legislation and then take motions relative to veto recommendations rather than moving on them individually as we discuss them.

Vice Chairman Cannon ruled that we would deal with the motion and if there were further discussion or questions at the end of the discussion of legislative issues we would address them at that time.

Motion carried unanimously.

### **1SHB 181 - Education Reform**

Associate Superintendent Timothy indicated that this bill still has the three components: UBSCT Remediation Program of \$7.5 million; Orderly Termination and Grades 4-6 Math Improvement.

Member Debra Roberts voiced concern that the criteria established for the proposals that other areas of the curriculum are not harmed as we work to increase the math.

Member Teresa Theurer voiced concern with teacher bonuses and incentives portion of the legislation

because she felt we would be setting ourselves up for teachers to get more involved in what students are in their classes. Associate Superintendent Timothy reported that this legislation does fit into the Educator Quality Plan that was adopted by the Board, however, it is a fine sliver of that overall plan. He indicated that the concern is that we are hearing a lot of rhetoric in opposition to merit pay. There are a lot of negative connotations with merit pay because that is the sole focus. With a professional compensation plan or differentiated compensation, they are looking at student performance as one part of professional compensation. He further commented that this is perhaps the first step in trying to roll out that professional compensation component.

Chairman Burningham commented that the Board has had different position on this than he personally; and he clarified that the State Office did as exactly as the Board decided.

Jean Hill commented on the opinions received by the Utah School Boards Association relative to the Constitutionality of the legislation. The Constitution states that public funds may not be applied for religious instruction or given to religious institutions. This would cause a problem if the student were to take a voucher to the private institution for remediation and if they pass UBSCT, the institution receives the stipend as provided in the legislation.

Associate Superintendent Patrick Ogden offered a possible approach to this particular bill. He indicated that the Governor has line item appropriation veto authority. In this particular bill there are two appropriation items: one for UBSCT vouchers for \$7.5 million, and another for the math incentive program of \$7.5 million. The Governor could, theoretically, veto the appropriation of \$7.5 million for one or the other of these programs, effectively gutting the program and leaving us with no money to implement it. He further noted that the Governor also has the ability to let law go into effect without his signature.

### **HB 351 - Carson Smith Scholarship Program Amendments**

Associate Superintendent Timothy explained the amendments to HB 351 will require amendments to Board rule R277-602 relative to audit, eligible students, eligible private school provisions and parent notification requirements. The legislation takes out the language relative to a school that specializes in these services.

### **1SSB 56 - Secondary School Amendments**

Associate Superintendent Timothy reported that this bill requires a public school to accept credits awarded to students by certain accredited schools. It started out lifting the board rule on what credit we will and will not accept and the process we go through in identifying credit. There were some further changes on that.

Superintendent Patti Harrington noted two additional changes in the bill that was passed by both houses. The bill requires the public schools to accept credit **and grades** awarded to students by certain accredited schools. In addition, there was a last minute amendment on the floor of the House, that if the courses were taken as core courses in the accredited school, it remains as a core course transcribed on the high school transcript. She explained that

Northwest Accreditation says that courses taken from an outside provider must be counted at least as an elective credit.

Associate Superintendent Patrick Ogden presented the final actions taken by the Legislature relative to the budget for public education.

Mr. Ogden commented that the numbers he is presenting are preliminary in nature. He reported that education has received approximately \$215.8 million of new revenue or a 11.5 percent increase. He presented the detail in what was received and what was not received.

Chairman Kim Burningham noted that there was no money allocated to the State Office of Education for U-PASS. Superintendent Harrington voiced concerns relative to the need for the funding. She reported that we have contracts that have increased due to increase in costs as it relates to the cost of living, and the increased enrollment in the state. Further, one of the things we have tried to include in the contract is a faster turn-around time in getting the results back. We have obligated ourselves to the \$3.4 million. We have pulled it from other monies this year to make it happen. She noted that in her Executive Officer report later in the meeting she would present other ways that may be used to help fund this. We will also be looking to cut some of the costs. In addition to the contracts, there is nothing more important than teachers taking data and assessment information and putting it to work on how to improve the students ability. This is one of many things that Judy Park and her staff have been able to do. These are not mandated by state and federal law, but they are ways you reach your goals and they may be some of the things put on the cutting block.

Member Bill Colbert suggested that if this was an oversight on the part of the legislature that the Board ask the Governor to include this as part of the special session if it fits within the rules for such.

Mr. Ogden reviewed Public Education's New Income Tax Revenue. He indicated he had estimated that the legislature had \$309 million of one time education revenue available and \$376 million, ongoing education revenue. Public education received \$44 million of the one-time and \$216 million of the ongoing for a total of 38 percent of the total available education funding.

Motion was made by Chairman Kim R. Burningham and seconded by Member Laurel Brown to recommend to the Governor he veto of 1SHB 151, Adjustments in Funding for Concurrent Enrollment. Chairman Burningham pointed out that the success of the concurrent enrollment program is not questioned by anyone, it is a highly successful program and when we are talking about high school rigor - this is the heart of it and it is critical. Secondly, it is in financial jeopardy. No one questions that. We recommended a remedy to the problem by advocating an appropriation of \$2.3 million. This was appropriated by the legislature, the question remains as why we also charge students and jeopardize a program that was so valuable seems highly counter productive. He indicated there are many political ramifications, but it boils down to when you appropriated money to resolve a problem you are also now going

to allow us to charge kids which will deter their participation. For the board to do anything but oppose is unconscionable.

Member Tom Gregory commented that he feels we have a gentleman's agreement from higher education that they are working to make sure those concerns are being taken care of. Part of his big complaint about the legislative session in general is that he feels the legislators don't trust the State Board of Education or the local school boards. He further commented that he trusts higher education, and whether this is vetoed or not, they can help provide an outcome that is positive for all students. He noted that they are not required now to charge.

Member Laurel Brown spoke in favor of the motion. She indicated that it is not in the best interest of our students to have to pay those charges. She concurs with Member Theurers' previous comments that many of the students who are going to be affected by this are either not at the poverty level, but yet family finances are such that they would not be able to pay for this. The students who actually using concurrent enrollment are in that middle area and would be knocked out of the game.

Member Bonnie Jean Beesley, noted that the money will go to public education. She indicated that it was appropriate that both the public and higher education sides have a good understanding as to where the money goes. She recommended that an audit be performed to show where the money goes on the public education and higher education sides.

Member Mark Cluff spoke against the motion. He indicated he was one that lead the charge against the bill, particularly because he was concerned about what would happen to the lower income students. However, the principal of the bill, of charging a fee, is appropriate. The \$30 could be something else. If it is \$30, \$90 for a class versus what you pay in college is a big difference. It is only the credit issue relative to the fee – if you want to take the class and not have the credit there is no fee. The only thing ever heard about where the money goes is administrative costs in giving credit. He further indicated that he felt this was an area we could work with higher education on, especially through the K-16 Alliance.

Member Teresa Theurer spoke in support of the motion because no one has said what will happen with middle income students.

Member Sara Sinclair spoke in agreement with Members Beesley and Cluff and she would like to see public and higher education work together on this for the best interest of all students.

Member Debra Roberts commented that charging students \$90 for a high school class is never appropriate. However, she spoke against the motion because she believes we have veto request in place if we can't work out the issues with higher education. Further, we need to work with the K-16 Alliance. She indicated that if something could not be worked out that she trusted leadership to make the decision to go for a veto.

Vice Chairman Janet Cannon indicated that leadership would not take a position to recommend a veto

without a formal action of the Board.

Member Roberts indicated that it was her motion earlier that if a formal agreement could not be worked out, then the Board would request a veto.

After checking the secretary's record of the motion the only indication was that the Board would request a formal agreement from higher education indicating they would be willing to put off the changes and fee waivers for low-income students. Clarification was also provided that this would be the 2007 school year.

Member Roberts indicated it was part of her motion and her intent that if an agreement could not be worked out that a request for a veto would go forward.

It was agreed that the tape of the meeting be reviewed for the complete motion.

Chairman Kim Burningham commented that the \$2.3 million request was agreed upon by both higher and public education to begin with. He further reported that the Governor's Office is looking very seriously at this veto.

Member Debra Roberts commented that she felt a veto needs to be an option, but she felt a discussion should take place first. She was not sure if this was understood in the earlier motion and it was acted upon appropriately.

Member Tom Gregory commented that he is not willing to encourage the Board to veto it now. However, if higher education came with a position that they would like to see it vetoed he would support that. However, he would like to see it worked out first.

Member Tim Beagley commented that he was not sure the statute says anything about the Board of Regents establishes rules or policies on this. He questioned whether or not the college and universities would adhere to anything coming from the K-16 Alliance. He could not see any use in having the two boards come to an agreement because the law allows the institutions to charge fees and the institutions will go forward with the charges.

It was agreed that the original motion would be checked on the tape during the break.

Substitute motion was made by Member Mark Cluff and seconded by Member Bill Colbert to table the motion until after the executive session. Motion carried unanimously.

Member Bill Colbert requested that the legislative discussion be continued later in the afternoon.

(For complete details of the legislation and budget information, see General Exhibit No. 9856.)

#### Elementary and Secondary School Core Curriculum, R277-700 Amendments

Associate Superintendent Myron Cottam reported that in the February 3, 2006 Board meeting the Board voted to consider increasing the high school graduation requirements for language arts, mathematics, and science. The Elementary and Secondary School Core Curriculum Rule R277-700 is amended to increase the required units of credit under R277-700-6, High School Requirements, as follows:

- Language Arts - 4 units of credit
- Mathematics - 3 units of credit
- Science - 3 units of credit

He reported that an approved list of elective Core courses in language arts, mathematics, and science has been developed which will enable students to select courses consistent with their SEOP in order to meet the required elective credits. A process will be developed to assess additional future courses to determine if they meet the Core Curriculum standards for inclusion on the approved list.

Dr. Cottam reviewed Rule R277-700, The Elementary and Secondary School Core Curriculum amendments. (For complete details of the rule and the list, see General Exhibit No. 9857.)

Dr. Cottam recommended that Lines 264-268 [R277-700-6, D(11)(1) of the rule be deleted if the additional courses are added.

Dr. Cottam indicated that the local district superintendents are in agreement with the 4, 3, 3. The concern is with the details of the 4, 3, 3. He further recommended that the year be put back to 2011. Issues are: senior year concerns; what courses should be on the list; should this course or that course from the arts or CTE be on the list; intervention – are we just adding more or how do we intervene and help kids with the learning that needs to take place as they struggle with some of these courses; and how strong is the SEOP process. There are a lot of questions, but this is not presented as the final draft. He requested that more time be given and that a committee of board members, district superintendents, principals, counselors, arts people, CTE people and USOE staff. Not to start all over, but taking the direction the Board has given now and move that forward. This will allow time to deal with some of these issues and questions. He recommended that the Board review the rule again in May. He indicated we would provide this to the superintendents and have them take it to the people in their district for feedback.

Superintendent Cottam indicated that Member Tim Beagley has proposed a resolution for the Board to review and possibly adopt it which would let people know we are serious about looking at the issue. Then after this committee meets, we can come back with a better response. (For complete details, see General Exhibit No. 9858.)

Member Teresa Theurer commented that the concerns and issues were the same as were shared two years ago when a committee was formed to review this same issue.

The following individuals addressed the Board with their concerns relative to increasing the graduation requirements:

Mary Ann Kirk, Parent, Arts Administrator, and former PTA president spoke in opposition to increasing the graduation requirements. She agreed with competency and rigor, but each child is different and by focusing on math and science you become narrow minded.

Neil Hancey, Davis District CTE - Spoke against the increase in graduation requirements, but was

encouraged that a list of options would be developed.

Shirley Ririe - Arts Council and POPS - Spoke in favor of a high school student having a balanced curriculum. She voiced concern that student choice is threatened by increased requirements for math and science.

Gayleen Gandy - Parent - spoke against increasing the graduation requirements because: (1) every time a graduation requirement is added, the ability as a parent is decreased. (2) who should school be accountable to the legislature or the parents of students; and (3) the Board has been elected to direct education and this is your opportunity as a board to say this is our role.

Rhonda Rose - State PTA Legislative Vice President - Parental choice is more important than every child being required to take more math and science classes.

Jackie Morgan, Teacher and Parent - They have students who only come to school because they enjoy art. She cautioned that there will be a larger drop out rate if the requirements are increased.

Su Tullis - Parents who are interested in music. They have created a coalition in the Nebo School District. They are concerned that policy be created that would hurt the arts programs.

Rachel Goldman - Student U of U, shared her experience as a student in Ohio where there were severe restrictions to her choice. This represents a lack of respect to her ability to choose the direction she wanted in learning. She would like to see electives retained.

Tom and Janna Findlay - letter was distributed.

Zan Burningham - Milken Educator, art teacher Sky View High School. Their school district has already implemented 27 credits for graduation. She spoke against increasing the requirements because she has seen the effect of increasing the graduation requirements in her drama and music programs.

Janice Jones Schroeder - Salt Lake School District would like to see consideration given to World Language as graduation requirements are increased.

Member Tim Beagley commented that he prepared the resolution because he has come to realize that the situation is not the same this time around. A couple of years ago when we went through this discussion we did not have a legislative threat hanging over us. He believed that the only reason we were not talking about the 4, 4, 4 plan is that we agreed to do a 4, 3, 3 plan. He continued that we must control the process because if we don't those that have forced this upon us will not care as much as we do about the electives, the fine arts and CTE.

Motion was made by Member Tim Beagley and seconded by Member Dixie L. Allen to accept the change in Board rule as written, deleting line 264-268, on first reading; and the resolution as defining the framework the State Board of Education would like to have this policy implemented against. Member Beagley also included in this motion to add one more bullet to the Whereas portion - to read: "Whereas, the State Board of Education has affirmed the essential role of the challenging study in the fine arts." Member Allen accepted the addition.

Member Mark Cluff spoke in support of the motion. He commented that as an individual who cares greatly about the arts it is critical we have the arts. The arts complete what a student can be. However, as he looks at the handout comparing Utah and other states, we are third lowest in our nation relative to requirements. He hoped as this was worked on over the next few months he would like to see flexibility of adding classes into what is defined as science and math to allow parents and children to select what is best for them. He would like to see more of the CTE classes added that would support math and science requirements. He further commented that our NAEP scores last year, in every sub group Utah is below national average, we not only need rigor but we need to improve the classes that we have to meet the needs of the student.

Member Greg Haws commented that it is hard to speak against arts in our schools and if we do this there will be less people taking ceramics. Those who are following flat world concept are saying we don't need more artists we need more scientists. It is not ones artistic training that causes them to rise economically it is their scientific training. Those that have done this use these resources to expand into arts to have a better life. Most of those who are patrons of the arts are people who have become wealthy because of their scientific or technological abilities. As a country if we are to remain or gain our competitive role in the world we need more scientists and mathematicians. As he has talked with parents what is important to them is that they have the opportunity to choose the education their children receive. He further commented that the Regents Scholar Program, the Commissioner is suggesting that the requirements will not drive this but there must be an incentive. A lot of our students are already taking this higher road. Another conflicting principle we are operating under is the concept of no child being left behind. Member Haws spoke against the motion because he feels the principle that is important is parental choice. He further commented that the Board will be making a mistake in trying to push this. He realizes the threat we are under, but as a society we are making a mistake.

Member Laurel Brown requested that the motion be divided. She indicated that she has discussed with Member Beagley some substitute language to the resolution that she would like to make an amendment to the resolution. She presented her amendments as follows: (1) To add the word urban in the second bullet; (2) add a new bullet after second bullet that would read "Determine to provide adequate interventions for achievement of students with learning challenges." (3) Changing effectual date from 2010 to 2011; and (4) Under therefore resolved, after bullet 2 add "Create a model for increased interventions for student success targeted at students with learning challenges.

Substitute motion was made by Member Laurel O. Brown and seconded by Member Richard Sadler to divide the motion to act upon the rule and then the resolution with the proposed amendments above.

Member Ed Dalton commented that he would like to see another part added to the resolution and if part of this is being driven by our desire to be more competitive upon the world market, more math and science gets us as far

as we would like to go, but we also need to be looking at language and culture. He would like to add that the Board consider world languages and alternatives along with the focus on fine arts.

Member Dalton further commented that in line one of the proposed resolution he was not sure that the Board had committed to increasing high school graduation requirements, but that we have committed to consider increasing them. He questioned if we are increasing graduation requirements or increasing the rigor and quality of education across the entire curriculum. Further, we need to recognize that adding two more high school classes that may seem harder for every child to do may not help most of the kids, it could cause terrible problems for many of them.

Member Bill Colbert commented that he had concern with adding the proposed amendments made by Member Brown. Also, he was not sure the average person reading this will understand the dimensions.

Member Laurel Brown commented that the proposed resolution is designed to give marching order to the State Office.

Vice Chairman Janet Cannon passed the gavel to Chairman Kim Burningham.

Vice Chairman Janet Cannon spoke in favor of the motion doing so from a point of view of learning some things as part of her service on the State Board of Regents. As she has looked at the discussions that occurred there we can make some comparisons about the preparation of students going to college and the output of those students as college graduated. We best prepare our students for college work in the area of English and most students going to college do not need remediation in English and most of our graduates graduate with degrees in areas of liberal arts education. We also see a real need for remediation in other areas such as mathematics before students can attempt the challenges they face at the college level in mathematics. We have fewer students receiving degrees in both math and science. If you look at a world scale we have wonderful programs for engineers and pharmacists, but we do not have students qualified to take these courses. She indicated that she loves the arts and likes to have her children involved in them, but it is important also for her children to have a job that they will be able to make a good living in. She spoke in favor of more arts in the elementary grades.

The gavel was returned to Vice Chairman Janet Cannon.

Member Dixie Allen spoke to the issue of parent involvement and parent choice. It has been her experience in 25 years in public education that about 60 percent of the students do not have parents to help make those choices. As a result they opt for the path of least resistance and many of them drop out because they don't have the math, science and English skills to be successful in any of the other core classes.

Member Richard Sadler commented that the issue is not just about high school graduation requirement it involves much of what we have done in asking that we are better able to teach 4-6 math. We need to be very cognizant of where rural schools are in this area. He spoke in favor of the motion. He felt that it is very important, and linked to

this is the idea that a committee be put together to look at what kinds of courses can qualify and the rigor that is associated with those courses. Member Sadler further commented on the lack of attendance by parents at parent teacher conferences on the high school level. Someone has to be in partnership with parents and have parents be able to choose from a variety of courses, but we also need to set some standards. We have a large number of students that come to college but have to take so many remedial classes and we have a backlog of people there, we have to make certain we are doing better so they don't have this problem of taking remedial classes before they can take the college courses they need to graduate.

Chairman Kim Burningham spoke in favor of the adoption of the resolution. He pointed out four parts, (1) committed to process increase; (2) acknowledges areas of challenge (3) it has great deal of suggestions for expansion and not reduction [we accept more things than we have in the past]; and (4) it can be a cleansing of our curriculum.

Member Greg Haws commented that he is in favor of increased rigor, but he felt there was contradiction in what was being said because if we increase the graduation requirements we are limiting the options of civics, arts, and other courses. Member Haws stated that he did not feel we needed to increase our graduation requirements – what we need is to increase rigor, fewer students in high school being teachers aides in their junior and senior year. They need to be in rigorous educational pursuit. He recognized there may or may not be a lot of parent involved, but we should never supplant the parents role. He is opposed to setting limited opportunities for student to pursue things they and their parents desire.

Member Debra Roberts commented that we may need to look at increasing or improving the SEOP process. This is a real key to success for high school students. Maybe it is time to go back to the legislature for funding for SEOP.

Member Roberts further commented that in the rural districts they cannot move forward as we open up these opportunities, and require the CTE teachers required to have the equivalent of an English or math major. She commented that she had asked some of the high schools in her area to send their class offerings – in rural Utah they are barely meeting the core - they don't have offerings for ceramics, etc. If we implement this we need to look at ways to offer applied courses. She would also like to see if Distance Learning as an option is effective.

Member Roberts suggested that as we look at a 4<sup>th</sup> English class, obviously a foreign language class should be offered for that credit. She also felt we need to look at other areas of our graduation requirements.

Member Roberts commented that she loves the arts and all of her children have taken piano lessons since they were in the second grade. However, we require 1.5 credits of art and for a child who is not going into a fine arts area, just being in band or a choral group really doesn't give them a deep appreciation for the arts. She suggested considering requiring for those students who do not want to “major” in fine arts a class that is a broader, more distinctive course to teach them the beauty of the arts that are out there.

Member Tom Gregory voiced concern that by adding some of these things we are diluting the focus of the resolution what the resolution started to be. The resolution is saying we want to make public education better. He spoke in support of the motion, but has concern that the rule focus' on which courses should and should not be added to the list. He did not feel this was a discussion for a two hour board meeting. He would like to see the Board in smaller groups work on this and bring proposals back to the Board.

Substitute motion to approve the resolution as amended carried with Members Allen, Beagley, Brown, Burningham, Colbert, Gregory, Roberts, Sadler, Swensen and Theurer voting in favor; Members Cluff, Dalton and Haws opposed.

Motion to pass the rule on first reading as amended deleting lines 264-268.

Member Teresa Theurer clarified that two years ago there was similar political pressure, and what we came out with was Performance Plus. She supports the committee idea. Another thing that was talked about before was this will force every district to go on the block schedule. Member Theurer spoke in favor of the motion.

Chairman Burningham commented that this is the first reading of the rule and there will be two more readings and this will give the committee something to work from.

Member Greg Haws commented that he will vote in favor of this motion because he considers voting on first reading and this will place the rule out so people can comment on it. However, he is still not in favor of changing requirements.

Member Ed Dalton made an observation on the table as to how we compare relative to the rest of the country. He commented that we did not need to apologize about it at all because throughout the country everyone is being driven by standards, testing, and teaching to the test and if it just takes more requirements to do that, it is one thing, but it is the wrong motive. We should be trying to create the types of educational programs that are appropriate for every child. That does not all root in standards. We are doing better on less requirements for our children than the rest of the country is with higher requirements.

Member Tom Gregory questioned that the way the rule is currently written if someone were to take a CTE course that filled the applied science requirements, would it fill the ATE and Applied Science requirement or would that require two separate courses. Member Dixie Allen responded that this is what is already happening in our schools. Associate Superintendent Cottam further clarified that a student can only choose one credit, but it can apply to one place of their choice.

Member Gregory commented that we a looking at proposed math requirements as they are in the proposed rule, looks to him like they are weaker and not stronger and this is a concern he would like to see addressed.

Member Mark Cluff commented that we do have some students who are doing great but our NAEP scores still indicate we are below average. He looked at the California math standards and the NAEP between California and

Utah for 2005 and Utah is below California in the sub groups in mathematics. Further, as we look at going to the 4, 3, 3, he represents Alpine School District and their current standards are 4, 3, 2 so we are not far off from what many of our school districts are already requiring.

Member Debra Roberts questioned why we shouldn't allow a course to cover two credits – are we about seat time or knowledge? If a person takes a class that fills the science requirement and a CTE requirement it should count for both.

Motion to approve the rule on first reading carried unanimously.

#### Public Participation/Comment

Barbara McCulley Lovejoy reported to the Board that one way they addressed the achievement gap for Hispanic students was to pilot a program at Backman Elementary School in the Salt Lake City School District where they had a bookstore where students could buy donated books for \$.25 or less in order to get books into their homes. With the money they bought Spanish books to put in the bookstore to sell. Research shows that the more books children have in their home (in their first language as well as English), the more they read, and the more they read, the better they do in school.

Ms. Lovejoy reported that by the end of this month they will probably have at least thirteen schools or organizations with a bookstore.

She shared some talking points on this program. (For complete details, see General Exhibit No. 9859.).

She thanked the Board for bringing books to help with this project. She asked that they share the information with others, to have individual book drives in their neighborhood, school; donate money to help buy Spanish books, etc.

#### Executive Session

Motion was made by Member Richard Sadler and seconded by Member Thomas Gregory to move into an executive session following lunch 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 at 1:34 p.m.

#### Lunch

The Board during lunch and held an informal discussion with members of the Utah Professional Practices Advisory Commission.

#### Executive Session Cont.

Motion was made by Member Richard Sadler and seconded by Member Dixie L. Allen 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 Mark Cluff and seconded by Member Tim Beagley to accept the

Commission recommendation in acceptance of a stipulated agreement, with conditions, in Case No. 05-739 whereby a former educator in the Cache 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 State Board of Education. The suspension results from the educator engaging in an inappropriate relationship with a student, sending emails and text messages to the student, and traveling with the student in his personal vehicle in violation of his supervisory's written and verbal directives to cease the relationship. The educator also used or possessed marijuana. Motion carried with Members Allen, Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Haws, Roberts, Sadler, and Theurer voting in favor; Members Gregory and Swensen absent.

Motion was made by Member Mark Cluff and seconded by Member Tim Beagley to accept the Commission recommendation in Case No. 05-752 and revoke based upon default the educators license. This action is taken as a result of the educator violating standards of professional conduct by his conviction in Oregon for Public Indecency, a Class A violation (non-criminal). The educator performed a sexual act in a public restroom with another male. It was noted that the educator's attorney did not respond to UPPAC communication. Motion carried with Members Allen, Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Haws, Roberts, Sadler and Theurer voting in favor; Members Gregory and Swensen absent.

Motion was made by Member Mark Cluff and seconded by Member Tim Beagley to accept the Commission recommendation in Case No. 06-762 to accept a stipulated agreement, with conditions, whereby a former teacher in the Jordan School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license for three years from the date of formal action by the State Board of Education. The educator accessed pornographic material using his school computer during school hours. His actions were reported to school authorities by students. Motion carried with Members Allen, Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Haws, Roberts, Sadler and Theurer voting in favor; Members Gregory and Swensen absent.

(For complete details of the recommendations, see General Exhibit No. 9860.)

**Nominating Committee for the Board of Trustees of the School and Institutional Trust Lands Administration**

Motion was made by Member Bill Colbert and seconded by Member Tim Beagley to appoint Skip Nightingale, Karen Rupp and Randall Mackey to the Nominating Committee for the Board of Trustees of the School and Institutional Trust Lands Administration. Motion carried unanimously.

**Utah State Office of Rehabilitation Executive Director**

Member Tim Beagley announced that the Board has received notice of the retirement of Blaine R. Petersen as Executive Director of the Utah State Office of Rehabilitation.

Upon recommendation of Superintendent Harrington motion was made by Member Tim Beagley and

seconded by Member Dixie L. Allen to approve the appointment of Donald R. Uchida as Executive Director of the Utah State Office of Rehabilitation effective April 15, 2006.

Motion carried unanimously.

Don Uchida expressed appreciation to the Board for this appointment. He commented that with the appointment it comes with additional responsibility, but he has been extremely fortunate that during the past 15 years he has had a tremendous mentor in Blaine Petersen and has been surrounded by very a very dedicated, conscientious and competent staff.

Blaine Petersen commented that this has been a very hard decision for him to make. However, after 38 years with the State of Utah, 36 years with the State Board of Education, he will miss it, but this is something he needs to do at this time. He expressed appreciation to the Board stating they have been great to work with and their support. He also commented that the State Board of Education is the right place for Rehabilitation to reside.

Vice Chairman Janet Cannon expressed appreciation to Mr. Petersen on the wonderful service he has provided to the Board and the State of Utah.

#### Proposed Regents' Scholar Award

The purpose of the Regents' Scholar Award is to encourage all Utah high school students to take a rigorous high school curriculum that will prepare them for admission to, and success in, college and in the workplace; to provide incentive for all Utah high school students to use their senior year of high school for serious learning and preparation for the future; and to increase the participation of all students, particularly disadvantaged and minority students, in the Utah System of Higher Education's (USHE) ten postsecondary institutions.

Lucille Stoddard, Assistant Commissioner, Utah System of Higher Education explained the Award. (For complete details, see General Exhibit No.9861.) She indicated they wanted an incentive so students would move from high school right into college.

David Doty, Assistant Commissioner, Utah System of Higher Education presented the Impact of Regents' Scholar Curriculum on Utah High School Graduation Requirements. (For complete details, see General Exhibit No. 9862.)

Lucille Stoddard indicated they have worked collaboratively with the staff of the State Office of Education on this.

Member Bill Colbert commented that there is no requirement for languages in the proposal. David Doty responded that the State Scholars Program does require two years of foreign language and they are expecting to pilot it in some of the districts. It was not included in the Regent's Diploma is because some of the most recent data has found that taking higher math and science courses in high school provided the greatest academic momentum and predictor for college success, more than three classes in foreign language and more than advanced placement courses.

Member Tim Beagley questioned if there was a way to track this if it is implemented. Dr. Stoddard responded that there is a way by getting the buy-in from the colleges and universities. She further indicated that it is if it is comparable or compatible with the ACT and SAT.

Member Ed Dalton questioned if they had any idea of how many students in the system right now will qualify for this. David Doty responded that they do not have any idea, but they are hoping that many students will take advantage of this. He noted that they are planning on making an aggressive campaign with our minority populations with this program because the data is conclusive that taking this rigorous core curriculum is better for minority students than Anglo students. Mr. Doty indicated that part of the reason for creating the chart was to dispel some of the misunderstanding that appears to be in the public as to what happens to the core curriculum or the students ability to take electives, etc. if they opt into this type of program. As indicated on the chart assuming an eight period block schedule a student could take at least one elective every block every semester the entire four years.

Member Dalton questioned where the money for the scholarship would come from? Mr. Doty responded that this is one of the details still being worked out. They are hoping to get a legislative appropriation, and raise some private funds and to get the business community involved. As of right now, there is not a commitment for funding and that is why it is being called the Regent's Scholar Award rather than Scholarship.

Member Richard Sadler commented that it suggests to receive the award you cannot get below a B average and no final grade below a C. In terms of automatic admission to a Utah System of Higher Education institution. There is no ACT or SAT score required for immediate enrollment in credit bearing courses without placement exams. Specifically related to mathematics, which course would students who are involved here be allowed to move directly into. Math 1010? Dr. Stoddard indicated that if this was completed in the high school they would not have to take the course in college.

Chairman Kim Burningham commented that he is strongly supportive of the Award. It is very positive that a student who completes the requirements and receives the appropriate grade cannot be denied entrance by any state university or college.

Member Teresa Theurer questioned if a student were to do all of this do they for sure get the \$1,000 scholarship. Mr. Doty responded that not yet, right now it would be automatic admission into a state college or university.

Member Theurer further questioned the enrollment within 12 months? Her concern was for those young men going on LDS missions. Mr. Doty responded that they will re-look at this language. It is not the intent to automatically exclude any of the population in this regard.

Member Gary Swensen commented that this presentation needs to be made to the Coalition of Minorities Advisory Committee. Further, he questioned how they intended to get this message to the families of minority

students? Mr. Doty responded that all of the documents will be translated in Spanish and possibly other languages. They are also planning to bring a group together to look at these issues.

Member Ed Dalton suggested that MESA would be another valuable contact. He further commented that this also came up as a discussion in the USBA meeting and concerns were expressed from local school board members. He suggested that this presentation also be made to the Utah School Boards Association.

Chairman Burningham commented that the money is the biggest incentive we have, however, he realizes that this issue is still up in the air

Motion was made by Chairman Kim R. Burningham and seconded by Member Edward A. Dalton that the State Board of Education go on record in favor of the Regents' Scholar Award. Motion carried unanimously.

#### Legislative Session Review Cont.

Motion was made by Member Laurel O. Brown and seconded by Member Mark Cluff to lift from the table the discussion of the Legislative Update. Motion carried unanimously.

#### **1SHB 151 - Adjustments in Funding for Concurrent Enrollment**

Vice Chairman Janet Cannon clarified the previous motion made by Member Roberts that was in question as follows: (1) putting off the charges for concurrent enrollment credit until the summer of 2007; (2) to have a deliberate plan for assisting students of poverty so they can access concurrent enrollment classes; and (3) to specifically delineate what the \$30 per credit hour would be used for by higher education. If this was not agreed to or accomplished then a veto be requested. Later in the meeting was another motion made by Chairman Burningham to request that the Governor veto this bill.

Member Richard Sadler suggested that since there was some confusion on the motion made by Member Roberts that the Board reconsider it again, splitting out the first three parts from the veto recommendation.

Motion was made by Member Richard Sadler and seconded by Member Tim Beagley that the Board reconsider and vote on the previous motion made by Member Roberts.

It was noted that this would need to be a substitute motion.

Substitute motion was made Member Richard Sadler and seconded by Member Mark Cluff to reconsider the earlier motion and split it with the first three items from the veto portion.

Member Bill Colbert expressed concern that all of these issues could not possibly be resolved prior to the time the Governor would need to veto this.

Member Sara Sinclair commented that she felt this can be negotiated with memorandum of agreement. She clarified that statutory requirement of the Regent's that they hire, evaluate and fire presidents and any recommendations for changes in fees does come before the Regents.

Member Dixie Allen voiced concerned about the third point. She indicated that our high schools can do this

right now with any college or university. She could see this as a bidding war between the colleges, therefore the Board did not have to worry about this.

Member Teresa Theurer commented that in her conversations with members of the PTA they have requested that the Governor veto this legislation.

Chairman Kim Burningham noted that the issue is to substitute the original motion. The first motion is whether or not we want to recommend to the Governor that he veto the legislation. Therefore, the Board needs to vote to accept and vote on the substitute motion.

The vote to accept the substitute motion failed with Members Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Haws, Roberts, Swensen and Theurer opposed; Members Allen, Gregory and Sadler in favor.

Chairman Burningham's motion to recommend to the Governor that he veto 1SHB 151.

Member Laurel Brown commented that a vote in support of the motion does not preclude the Board from continuing to work and communicate with higher education on this issue.

Member Tim Beagley spoke in support of the motion. He noted that it says in the legislation that a college or university could charge up to \$30 per credit hour per student. That could be up to \$120 per student for four credit hours of a concurrent enrollment class with a class size of 35, which would compute to approximately \$5,000 out of the pockets of families in his district to take classes that they otherwise would not have to pay for.

Chairman Burningham commented that we have received every assurance from the Regents office that they may put it off for a year to do these other accommodations discussed. The issue is what do you want on the legal books of the state. Do you want them to say that they can charge for concurrent enrollment? If you put it on the books you encourage the charges and if we really believe in concurrent enrollment being free to kids in public education then we need to urge the veto.

Member Tom Gregory commented that the impression he is receiving is that by allowing this to remain on the books we are somehow eliminating access to these classes. This is not the case, a student can still take the class, they only have to pay if they want to receive the college credit.

Chairman Burningham commented that concurrent enrollment is taught in different ways in different schools. He indicated that when he taught concurrent enrollment it was a class that was taught separately and not a part of another class. If this is the case, it could be eliminated. If the option is that it is part of a class it could remain.

Member Teresa Theurer commented that if you take away the incentive of receiving college credit for that class you will lose students.

Member Bonnie Jean Beesley commented relative to the costs and where the funds go. She indicated that higher education would be happy to show where those funds go, but would also like to see where they go on the public education side. To veto a bill that would allow higher education, when necessary, to charge fees indicates that there is a

sense of mistrust.

Member Tim Beagley indicate he could agree, but there are institutions in the state that would just as soon not offer concurrent enrollment so the easiest thing for them to do to make sure it doesn't happen is to charge the maximum amount.

The motion to recommend to the Governor a veto carried with Members Beagley, Brown, Burningham, Colbert, Dalton, Roberts, Sadler, Swensen and Theurer voting in favor; Members Allen, Cluff, Gregory and Haws opposed.

Superintendent Harrington reported that she and Commissioner Kendell have talked and they intent to begin working on this immediately.

### **1SHB 181 - Education Reform**

Motion was made by Member Dixie L. Allen and seconded by Member Teresa L. Theurer to request that the Governor veto 1SHB 181.

Member Laurel Brown spoke in favor of the motion indicating that the Board had requested certain items and this only contains part of what was requested.

Member Debra Roberts commented that she felt this legislation is a slam to teachers to tell them if they would just work a little harder they could improve math in the 4-6 grades. The bottom line is kids and we have some kids that need the help with remediation on UBSCT. Although she dislikes the way the legislation is proposed, she will vote against the motion because the bottom line is kids.

Member Teresa Theurer commented that to say we are giving up \$7.5 million is false. As far as the math, sure we need the help - no one has indicated that the \$7.5 will help.

Chairman Kim Burningham commented that he understands, and has conflicting feelings on what we have done. He indicated that it is better to go ahead with it than not. Member Theurer has indicated that the \$7.5 million will go out of the system, but he did not think this was the case. It is not given money outside the system, it is given to students who fail UBSCT and they are all public school kids. He felt that the bulk of the money will go to our public school math teachers who will tutor rather than take another job to help supplement their income. As to the \$7.5 million for math, he would much have preferred our math initiative, but 50% will go just as the Board has said. Any local districts would apply to the Board for the money and the only requirement is that they must spend 50% in some for as incentives. He felt this will be used for math training and helping the program. He clarified that it is prioritized to Title I schools, but they are not the only ones who can receive it.

Member Tim Beagley commented that the last time the Board voted on this, to oppose it, a number of comparisons were made to a previous catastrophe we know as SB 154. He did not think those comparisons hold. Don't think those comparisons hold because Representative Urquhart came and talked to us about this bill. When he came on

the Board three and a half years ago, that would have been unthinkable. He further commented that he did not like major portions of this, but the fact that they talked to us about it and tried to make it as palatable as possible. This money can help students.

Member Tom Gregory commented that the proposals from districts can all be professional development based - 50 percent of the money budgeted must go to incentive plans, but if no district offers an incentive plan then we don't have to spend that 50 percent of the budget..

Member Mark Cluff commented that this is an opportunity where we can show by using the money for doing professional development, improves scores and a bonus plan does not, then we have proof in our own state what works and what does not.

Vice Chairman Janet Cannon handed the gavel to Chairman Kim Burningham.

Vice Chairman Janet Cannon commented that she didn't have opportunity to speak to this last time because of problems with the PolyCom. She commented that we need to be cognizant and to learn from our past experience. We had a wonderful Governor who went forward to get money for our reading program, but it created a lot of ill will with the legislature. It doesn't seem to make good sense to bite our hand to smite our foot. This is not the bill we wanted, but each portion is a little of what we wanted. If we try to do a good job with this we can go back next year with a proposal. If we keep putting up walls don't see us making progress.

The gavel handed back to Vice Chairman Cannon.

Member Ed Dalton questioned if there was any money associated with this for the state office to implement and monitor all of these pilots? Associate Superintendent Timothy responded that there was not. Member Dalton further questioned if there was any feedback of what the Governor will do on this and are the constitutional questions related to this significant enough that they need to be addressed. Jean Hill responded that there is a serious constitutional question with a voucher program of any kind in this state. Our constitution states that any public funds may not be *applied to* which is the language that creates a major constitutional question on the voucher that would go to any private school, including a parochial school.

Member Teresa Theurer commented that while she appreciates the fact the Senator Urquhart came and discussed this with the Board, she questioned the influence the Board had in making modifications to this bill. Every suggestion we made was not addressed.

Superintendent Harrington reported that the UBSCT and Orderly Termination of the bill did not change. The last piece of it did change it was going to roll it all out into incentive pay and it was changed that 50% would go for incentive and 50% would go for professional development, and those go out through a Request For Proposal (RFP) rather than mandate out of the office.

Substitute motion was made by Member Teresa Theurer and seconded by Member Dixie L. Allen to request

the Governor for a veto of the fiscal note on UBSCT, as well as noting the constitutional issues Motion failed with Members Allen, Brown, Dalton and Theurer voting in favor; Members Beagley, Burningham, Cluff, Colbert, Gregory, Haws, Roberts, Sadler and, Swensen opposed.

Motion to request a veto on 1SHB 181 failed with Members Allen, Brown and Theurer voting in favor; Members Beagley, Burningham, Cluff, Colbert, Dalton, Gregory, Haws, Roberts, Sadler and Swensen opposed.

#### Charter School Applications/Amendment Recommendations

Associate Superintendent Ray Timothy presented the following recommendations from the State Charter School Board:

##### **Academy of the Americas**

Recommendation to approve a new charter school, Academy of the Americas.

Motion was made by Member Bill Colbert and seconded by Member Tim Beagley to approve the charter of the Academy of the Americas Charter School. Motion carried with Members Allen, Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Gregory, Roberts, Swensen and Theurer voting in favor; Members Haws and Sadler absent.

##### **C.S. Lewis Academy**

Recommendation to approve a new charter school, C.S. Lewis Academy.

Motion was made by Member Gary C. Swensen and seconded by Member Dixie L. Allen to approve the charter of the C.S. Lewis Academy Charter School. Motion carried with Members Allen, Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Gregory, Roberts, Swensen and Theurer voting in favor; Members Haws and Sadler absent..

##### **The Ranches Academy**

Recommendation to approve the amendments to the charter of The Ranches Academy to add 7<sup>th</sup> and 8<sup>th</sup> grades with 50 additional students per grade now rather than two years from now.

Motion was made by Member Mark Cluff and seconded by Member Bill Colbert to approve the amendments to the charter of The Ranches Academy to add 7<sup>th</sup> and 8<sup>th</sup> grades with 50 additional students per grade. Motion carried with Members Allen, Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Gregory, Roberts, Swensen and Theurer voting in favor; Members Haws and Sadler absent.

(For complete details of the recommendations see General Exhibit No. 9863.)

#### Legislative Session Discussion Cont.

Motion was made by Member Debra G. Roberts and seconded by Member Bill Colbert to direct staff to request that the Governor make a part of the special session the \$3.5 million to continue the U-PASS. Motion carried with Members Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Roberts, Swensen and Theurer voting in favor; Members Allen, Burningham, Haws, and Sadler absent.

## General Consent Calendar

Motion was made by Member Debra Roberts and seconded by Member Tim Beagley to approve the General Consent Calendar with the exception of Tab D, Charter Schools R277-470 which has some problems with the time line and it will be taken back to the Law and Policy Committee next month. Motion carried with Members Beagley, Brown, Cluff, Colbert, Dalton, Gregory, Roberts, Swensen and Theurer voting in favor; Members Allen, Burningham, Haws and Sadler absent.

### 1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education held January 27, 2006, February 3, 2006, February 10, 2006, and February 17, 2006.

### 2. Contracts

The following contracts were approved:

#### (a) Department of Natural Resources. \$36,000. 1/20/06-9/30/06 RECEIVABLE - Fed.

To have performed energy audit reviews of plans and blueprints on approximately 25 schools (high schools, middle schools, and elementary schools) for special projects grant R804511.

#### (b) Utah Department of Workforce Services. \$70,000. 7/1/05-6/30/06 - Amend. - RECEIVABLE

To provide funding for a Pre-K-To-Kindergarten Literacy Specialist to perform the tasks identified in the Scope of Work and to assist the Department in improving the quality of education in the State of Utah.

#### (c) Daniels Fund. \$57,000. 5/23/05-5/22/06 - RECEIVABLE

To support teacher training on the American History lesson plans.

(For complete details of the Contracts see General Exhibit No. 9864.)

### 3. Educator Licensing Requests for Temporary Authorizations

Approved the Requests for Temporary Authorizations as submitted by the School Districts. (For complete details, see General Exhibit No. 9865.)

### 4. Licensing Routes, R277-503

The State Board of Education rule R277-503-3-C requires all level 1 license applicants after July 1, 2005 to submit a board-approved content assessment score. USOE Educator Quality & Licensing staff have set final Utah passing scores for many of the tests being used based on the recommendation of members of "Impact Study Groups" who reviewed the actual scores of those new Utah educators and the scores of educators in other states who took the same tests. As new tests are adopted, license applicants in any content subject without a final Utah passing score shall continue to be licensed until the final passing scores have been set.

The proposal to amend this rule to require a passing score of all applicants in any Utah license area or

endorsement for which a final Utah passing score has been set was reviewed. Applicants for initial Utah licenses who submit scores below the Utah passing score may be issued a level 1 “conditional” license valid for a single three year period. During that three year period the educator must submit a passing score or the conditional license will expire and the educator shall not be eligible for any subsequent authorization or waiver. The educator’s employer shall not collect professional staff cost for any educator whose conditional license has expired. The Board approved R277-503 on second reading at their February 3, 2006 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-503, Licensing Routes on third and final reading. (For complete details of the rule, see General Exhibit No. 9866.)

5. Education Programs Serving Youth in Custody, R277-709

Education Programs Serving Youth in Custody was amended to provide the Utah Coordinating Council for Youth In Custody (UCCYIC) and the Utah State Office of Education (USOE) the ability to reserve funds for the following specific purposes: statewide coordination of professional development, electronic educational services, data collection (Youth In Custody Student Information System), site visits, and semi-annual comprehensive program review. Funds will also be reserved in order to more effectively meet the needs of Local Education Agencies (LEA) working with this highly mobile population. The Board approved on second reading the amendments to R277-709 at its February 3, 2006 meeting. There have been no further substantive changes since that time. The Board approve R277-709, Education Programs Serving Youth in Custody on third and final reading. (For complete details of the rule, see General Exhibit No. 9867.)

6. Utah’s Alternate Assessment (UAA) Achievement Standards

Federal Peer Review process requires that the Utah State Board of Education approve Utah’s Alternate Assessment Achievement Standards used by students with significant cognitive disabilities. The IEP team makes the determination as to whether a student may participate based on specific criteria. (For complete details of Utah’s Alternate Assessment along with sample task sheets used in the assessment, see General Exhibit No. 9868.) The Board approved Utah’s Alternate Assessment Achievement Standards.

7. Monthly Budget Report

The Monthly Budget Report provides information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. (For complete details, see General Exhibit No. 9869.)

8. Ratification of Employment

Christine Timothy was ratified as an Educational Specialist in the Student Achievement and School Success Division.

Luann Elliott was ratified as an Educational Coordinator in the Data and Business Services Division.

Marilies Burns was ratified as an Educational Specialist in the Law, Legislation and Educational Services Division.

Diana L. Suddreth was ratified as an Educational Specialist in the Student Achievement and School Success Division.

Lynne Greenwood was ratified as an Educational Coordinator in the Student Achievement and School

Success Division.

Barbara Faust was ratified as an Educational Specialist in the Data and Business Services Division.

9. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved by the Board. (For complete details, see General Exhibit No. 9870.)

10. Claims Report

The Claims Report in the amount of \$188,015,423.72 for January 31, 2006 was approved by the Board. (For complete details, see General Exhibit No. 9871.)

Executive Officer Report.

Superintendent Patti Harrington presented the following information for the Board.

Dr. Harrington reported that the U-PASS accountability reports were due to be released to the public, following district and school scrutiny, on February 27, 2006. The scrutiny and double check on the reports found an error in the data computation performed by an outsourced agent serving the USOE. As a result, reports have been computed once again with correct data and redistributed to districts and schools on March 2, 2006. Following their one month review and consideration of appeals, these reports will be released to the public on April 3, 2006. This will include the report and the first level of drill down data. Fully disaggregated reports will be publicly available one month later, following more work at the USOE, on May 2, 2006.

The 2003-04 U-PASS accountability reports are the baseline for U-PASS accountability. The 2004-05 U-PASS reports add growth indicators and give the state two years' worth of comparable U-PASS reports. In the future, it is expected that U-PASS reports will be reported within weeks following the core test administration.

The State Office of Education hosted a Title I Audit with representatives from the U.S. Department of Education in December. In the past our Title I audits have been flawless. However, now we are under No Child Left Behind it is different and they have had several findings for the office and state. Many states are reeling under the same kind of findings. The findings are primarily about whether or not we have an intervention team that actually goes out and save schools and districts and to what degree we put those prevention and interventions in place. Everyone is struggling with this because it is a very costly matter. In large measure our plan has been to increase the capacity of local district people to handle that improvement and because our scores continue to go up that is working to some degree. However, we need to do everything we can to meet the requirements of the federal government as it relates to No Child Left Behind and to Title I.

Dr. Harrington reported that we have submitted our growth plan to the U S Department of Education for consideration. The Utah plan was well-received by assessment directors across the nation and provides both the unique

student identifier and two years' worth of student data for consideration by the US Department of Education. The most important element is that it adds growth to the accountability plan, a long-sought-for addition to Utah's NCLB plan, and a more fair method of holding schools accountable than the one-size (and one pace)-fits-all status model. Dr. Harrington reviewed the differences from the US Department of Education guidelines.

Dr. Harrington reviewed the following briefs with attachments:

- Public Education: Charter School Intent Language for Consideration
- Progress Made to Date on the Actuarial Study of Benefits at School Districts
- A Case Study of Statewide Administration of the ACT: A Key Component in Improving Student Preparation for College and Work

(For complete details of the Executive Office Report, see General Exhibit No. 9872.)

### Board Chairman Report

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

Chairman Burningham expressed appreciation to Board Members for their attendance at the additional legislative meetings held in February.

Chairman Burningham reported that the Finance Committee will be looking at the seismic study issue. The Law and Policy Committee will be reviewing the Board's Advisory Committees.

Chairman Burningham reported that many Board Members will be involved in the NASBE Legislative Conference, as well as Study Groups and other committees.

Chairman Burningham reported that in April the Board will be reviewing the initiatives they established last fall. Superintendent Harrington has developed objectives for each of the initiatives established. Dr. Harrington will be sending those to Board Members for their review. He requested that members review these and provide input back to Superintendent Harrington in a timely manner.

Chairman Burningham reported that he had received a letter from CMAC complaining that the Board did not seek their input prior to taking a position on HB 7. Once our position was explained and clarified they were okay with it.

Chairman Burningham reviewed the following calendar of events:

Reminder that the filing period of reelection is March 7-17

Neighborhood caucus meetings March 21

K-16 Alliance meeting March 22

There will be an activity planned for the April meeting with the Symphony and Opera.

Motion was made by Member Debra Roberts and seconded by Member Mark Cluff to adjourn.

Meeting adjourned at 3:50 p.m.

