

## MINUTES

April 5, 2007

Minutes of the meeting of the State Board of Education held April 5, 2007, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:50 a.m. At the request of Chairman Kim R. Burningham, Vice Chairman Janet A. Cannon presided.

### Members present were:

Chairman Kim R. Burningham  
Vice Chairman Janet A. Cannon  
Member Dixie L. Allen  
Member Laurel O. Brown  
Member Mark Cluff  
Member Bill Colbert  
Member Thomas Gregory  
Member Greg W. Haws  
Member Michael G. Jensen  
Member Randall Mackey  
Member Cyndee Miya  
Member Richard E. Moss  
Member Josh M. Reid  
Member Debra G. Roberts  
Member Richard Sadler  
Member Teresa L. Theurer

Members Denis R. Morrill (for the morning portion), and Marlon O. Snow were excused.

### Also present were:

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

### Members of the Press:

Tiffany Erickson, Deseret Morning News  
Nicole Stricker, Salt Lake Tribune  
Lynze Wardle, Standard Examiner  
Joanne R. Milner, Horizonte  
David Chavez, Horizonte  
Randy Smith, Davis Parents  
Agneta Lenberg, CTB/McGraw Hill  
Ronda Rose, Utah PTA  
Marilyn Kofford, Utah PTA

### Utah State Office of Education Staff:

Larry Shumway, Educator Quality Services  
Marty Kelly, Career and Technical Education

Carol Burns, Career and Technical Education  
Carolyn Johnson, Career and Technical Education  
Sandra Grant, Career and Technical Education  
Murray Meszaros, Career and Technical Education  
Jeffrey Galli, Career and Technical Education  
Gail Burningham, Career and Technical Education  
Tony Myers, Career and Technical Education  
Travis Rawlings, Educator Quality Services

### Welcome and Student Achievement Spotlight

Vice Chairman Janet Cannon called the meeting to order. Vice Chairman Cannon reported that yesterday the Board met in study sessions, one of which was on dropouts. She shared some information on dropouts.

Board Member Josh Reid lead the Board in the Pledge of Allegiance.

Board Member Greg W. Haws offered opening remarks.

### **Recognition of Adult Education Students**

Mary Shumway shared background information on two students who graduated from the Horizonte School in the Adult Education Program.

The Board recognized two students, Lee Butters and Irina Zaletnaya, who have received their high school diploma through the Adult Education Program at Horizonte Instruction and Training Center, formerly known as the Salt Lake Community High School. Both have dedicated their professional lives to helping other students achieve the same goal. Excellence Certificates were presented to each of these women.

### Board Standing Committee Reports

#### **Finance Committee**

Member Mark Cluff, Chairman of the Finance Committee presented the following recommendations from the Committee:

#### Student Enrollment Options, R277-437

Senate Bill 122, Administrative Rules Reauthorization, effectively repeals State Board rule R277-437, Student Enrollment Options as of May 1, 2007. The rule was written to implement the provisions of 53A-2-207 through 213 which direct the Board to develop rules for student enrollment options.

The law directs the Board to “adopt rules defining school capacities and average daily membership thresholds for use in determining whether a school must be open for enrollment or non resident students.” Nonresident students are defined by rule as those attending or seeking to attend a school other than the school of residence.

The following are highlights of the new rule:

- Specifies that it is the Board’s intent to allow, whenever possible, students, at their choice, to attend any public school within the state.
- Specifies that a school may be open to enrollment to the extent that fire and safety codes allow for the

following reasons:

- 1) the transfer is in the interests of the health of a student as determined by a medical doctor;
  - 2) the safety of the student;
  - 3) current attendance by a sibling;
  - 4) a parent or sibling is an employee of the school;
  - 5) services required by a student's IEP can only be delivered in a specific school or class;
- Specifies that a school may be closed to enrollment for the following reasons:
    - 1) to maintain or obtain a balanced socioeconomic demographic;
    - 2) to maintain or obtain parity between schools in course and program offerings;
    - 3) to maintain or obtain stated goals for class sizes;
    - 4) to maintain or obtain a certain pedagogical approach;
  - Changes the threshold from 90 percent of school capacity to 95 percent;
  - Changes maximum capacities for the following grades:

• Kindergarten	From 10	To 20
• Grades 1-3	From 15	To 20
• Grades 4- 6	From 20	To 30
• Junior High and Middle School	From 20	To 30
• Junior/Senior High Combinations	From 20	To 35
• Senior High	From 20	to 35

(For complete details of the rule see General Exhibit No.10192.)

Member Cluff reported that they heard from parents in the Davis and Granite School Districts. The Committee felt that they needed more information from the school district. The agreement from the school districts was that the current rule is too low, and staff numbers may be too high. The Committee requested a compilation of actual numbers. They may also look at other ways of determining what capacity is.

Motion at the Committee meeting was to table this item until the next meeting.

Member Richard Sadler voiced concern that this does not be opened up for transfers for athletics and recruitment purposes. Member Cluff responded that this issue was discussed and it was noted that the Utah High School Activities Associate rules, which takes care of anything to do with athletics, takes care of these issues. He indicated that the parents in the Davis District said their children want to transfer more for friends or for programs that are offered.

Member Teresa Theurer commented that if the rules are followed as far as transferring for athletic purposes, and the people tell the truth it works.

### Cost of Public Education in Utah

The Committee received the following background:

- The Utah Legislative Auditor General recently recommended that the Utah State Office of Education examine Minimum School Program funding formulas to determine if they are correctly weighted to accommodate the various costs of educating students with different characteristics.
- The first step in determining the appropriateness of the weights is to determine costs.
- Cost can either be defined as current spending with the assumption that what is spent is either adequate or more than adequate or, cost can be defined as the level of expenditure needed to allow students,

schools, and school systems to meet prescribed state standards.

The Committee discussed:

- How much it costs to provide the necessary educational services to allow students, schools, and school systems to meet U-PASS/UBSCT, and other standards.
- How the costs would be measured.
- Whether or not Minimum School Program weights properly aligned with student costs.

(For complete details of the material presented see General Exhibit No. 10193.)

Member Cluff reported that the Utah Auditor General in their audit of charter schools felt that there may be a disconnect between the weighted pupil unit or the Minimum School Program and the costs involved with educating children, particularly in special education and other areas. It was felt that an outside, independent study of what costs are for education in Utah is necessary to determine what the actual costs are. We will need to ask the legislature for money to conduct this study. In the meantime, we will be looking at what other states have done relative to their costs, and if we can use this information to look at our costs we could have preliminary information to begin working on this. We also need to look at where we are in our state and will move forward to obtaining funding for such a study.

Member Cluff reported that there was no action taken by the committee.

#### District Size Discussion

It has been proposed that the Board pursue a means by which district size is capped at 30,000 students. Currently, four districts exceed 30,000 students. Capping enrollment at 30,000 would require the creation of five new districts. (In addition, Weber County School District is nearing 30,000 and may reach that mark in the 2007-2008 school year.)

The Committee discussed the following issues:

- Whether or not district size influences student achievement;
- Whether or not district size influences parental satisfaction.
- Whether or not the Board should take a position on limiting district size, and if so, what that position should be and what action the Board should take to advocate for its position.

Member Cluff reported that there was no action taken by the committee. This will probably become an interim study item so we will continue our study of the issue.

Member Randall Mackey reported that there was not a consensus in the committee on the size issue. We will be looking further as to procedures that may be pursued if districts are divided. We will also look at adding additional board member seats in the districts.

Member Cluff reported that the current law prohibits the Board from taking action on changing these. However, we can provide input and information as well as a study of the issues.

Member Michael Jensen indicated that H.B. 22 from the 2000 Legislative session that the Board conduct a study relative to the optimum size of a school and school districts based on student population. There was a study done

in 2002. It was requested that everyone have a copy of the study.

### **Law & Policy Committee**

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

#### Novice Teacher Research Study

The Educator Quality Task Force recommended the State Board of Education and the Board of Regents work collaboratively in reviewing the current practice of teacher preparation programs to determine their effectiveness in providing quality teachers for Utah students. “A longitudinal study should be conducted tracking new teachers by preparation institution/route to licensure and determine if there is value added impact on student performance.”

Dr. John Bennion, of the Oquirrh Institute, is working with a collaborative team of higher education and public education members to conduct this multi-year, longitudinal study. The Law & Policy Committee heard an initial report at the June 2006 committee meeting and has requested an update on the progress of the study.

Dr. Bennion presented information to the Committee and provided an update regarding the Novice Teacher Research Study. (For complete details see General Exhibit No. 10194.)

The Committee received the report.

#### Basic Skills Education Program, R277-603

The 2007 Legislature, in H.B. 155, changed the date at which a stipend for basic skills education remediation is available to a student. Additionally, during the first year of implementation of the Basic Skills Education Program, improved implementation procedures have evolved. The amended rule provides the necessary changes to comply with the amended law and provides additional procedural changes to assist in data collection and streamlining of the process.

Larry Shumway and Travis Rawlings presented the amendments to the rule. (For complete details see General Exhibit No. 10195.)

The Committee made the following amendments to the rule:

Always add charter schools following school district.

R277-603-3 E. (3) within 60 days of final posting of UBSCT results to the data warehouse (delete mail) stipend payments will be sent directly . . .

F. (3) within 60 days of final posting of UBSCT results to the data warehouse (delete mail) stipend payments will be sent . . .

The Committee reviewed the amendments and approved the rule on first reading and moves that the Board approve R277-603, Basic Skills Education Program, on second reading. Motion carried unanimously.

#### Education Vouchers - Funding and

Procedures R277-606

The 2007 Utah Legislature passed H.B. 148, Education Vouchers, which requires the Board to make rules outlining specific requirements of the bill, including responsibilities for parents/students, public schools, eligible private schools that accept Education Vouchers from eligible students, and the Board in providing choice for parents who choose to have their children served in private schools, and in providing accountability for the citizenry in the administration and distribution of the Education Voucher funds.

Larry Shumway and Jean Hill reviewed the new rule with the Committee. (For complete details see General Exhibit No. 10196.)

The Committee amended the rule as follows:

R277-606-1 Definitions, I,(1) add: or designee. The coordinator will serve as the non-voting chair of the committee;

(3) add: a parent or private school advocate designated by the State superintendent of Public Instruction, as appropriate.

R. “Warrant” means payment by check to a parent of an eligible student delivered to a private school.

R277-606-2, C. The provisions of this rule are consistent with Legislative intent to fund ~~additional schools~~ an additional program within the public education system . . .

R277-606-3,(1),© documentation that the student has ~~official acceptance at~~ enrolled in or obtained admission to an eligible . . .

(5) As part of the application, parents shall agree to maintain a file, in their possession throughout ~~the term~~ each school year of Education Voucher program participation and for three years thereafter, of all . . .

(6)B.(1) The parent of an Education Voucher student whose application is received by the USOE on or before July 15, 2007 or June 1 in all years thereafter shall be eligible . . .

(2) The parent of an Education Voucher student whose application is received after July 15, 2007 or June 1 in all years thereafter, . . .

The Committee approved on first reading R277-606 and moves that the Board approve R277-606, Education Vouchers - Funding and Procedures on second reading.

Member Mark Cluff indicated there was discussion in the original draft of payments beginning on September 1. Member Roberts indicated that it is separated into four different time periods.

Larry Shumway, Director, Educator Quality Services, responded that the circumstance that arises, and will arise this year with Carson Smith, the 15<sup>th</sup> falls on a Sunday in April when that payment is due and we will make it on Friday the 13<sup>th</sup>. There are occasions when we need to pay early because of the variations in the calendar. The statute lays out the dates and in our rules we do not repeat the dates. The first payment is on September 1, and then they will

receive quarterly payments thereafter.

Member Randall Mackey voiced a concern with having a non-voting chair for the appeals committee defined in Definition I.. He questioned the appointment of two individuals appointed by the State Superintendent on the Appeals Committee and whether they are citizens or people within the department.

Dr. Shumway responded that the intention is to allow some flexibility in finding two people who would be recommended to the Superintendent and at her discretion would appoint people that would be meaningful members of the Committee.

Member Mackey indicated he would feel more comfortable, from a legal standpoint, to have more people selected from the community and outside the office. He would also designate one of those three as the voting chair and then have staff assisting the committee.

Amendment to the Motion was made by Member Randall A. Mackey and seconded by Member Teresa L. Theurer to change the Appeals Committee to have two individuals designated by the State Superintendent of Public Instruction from outside the State Office; the Chair of the committee be one of these two people, designated by the Superintendent. The coordinator from the State Office be a part of the process but not a voting member.

Member Tom Gregory voiced concern for the cost of bringing in professional people to serve on the committee, especially those in the legal area. Member Mackey indicated it was his thought that they be volunteers.

Dr. Shumway clarified that the Appeals Committee language was crafted from the Carson Smith Special Needs Scholarship program, and that process worked well. The staff in that process was the Carson Smith Coordinator, USOE Special Education Director and an advocate for students with disabilities. He did not feel that the constituency of the committee would be as troublesome if you did it another way. He did not see any problem making changes as Board Member Mackey proposes.

Superintendent Harrington concurred, indicating it would keep us away from the worry and spectrum that somehow we are conflicted in what we are doing. She felt there would be many good people that could be so designated.

Member Richard Sadler suggested that under this section number (2) be moved to number (1) clarifying the motion as follows: (1) two individuals outside of the State Office of Education designated by the State Superintendent of Public Instruction, one of whom shall be designated as chair. Then move (3) to (2) as it is; (1) move to (3), the USOE Education Voucher coordinator shall serve as an ex-officio non-voting member of the committee.

Amendment carried unanimously.

Member Bill Colbert commented that several places in the rule it talks about residency and questioned if it was clear as to what was meant by residency.

Member Roberts clarified that in the back of the rule it lists the six documents that will be used in practice,

three for the parent, three for the private school and in that it designates what kind of proof can be used to declare residency.

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

Member Roberts expressed appreciation to all the staff that have worked on this. This has been an enormous task in a short time period.

#### Charter Schools, R277-470

The 2007 Utah Legislature passed H.B. 164, Charter School Amendments, which requires the Board to make rules further detailing specific provisions of the bill. Required amendments to R277-470 include:

- Identifying the maximum number of authorized charter school students statewide (R277-470-3)
- New or expanding charter school notification to prospective students and parents (R277-470-5)
- Transfer student criteria (R277-470-6)
- Expansion and satellite campuses for approved charter schools (R277-470-14)
- Creating a charter school building subaccount (R277-470-16)
- In a prior joint meeting of the Board and State Charter School Board an appeals process was outlined and conceptually approved (R277-470-17)

The Committee reviewed the above amendments to the rule. (For complete details see General Exhibit No.10197.)

The Committee supported the concept of the amended rule identified above. The rule will be reviewed on first and second reading at the May 2007 Board meeting.

Member Roberts indicated there were several substantial changes made from the one in the board agenda and asked that as the rule comes back next month that Board Members review it carefully to note the changes.

Member Roberts expressed appreciation to Marlies Burns on moving this forward. It has come further than what we had a year ago with some very good things added. Further, it was done in conjunction with the State Charter School Board.

#### **Curriculum Committee**

Member Teresa Theurer, Chair of the Curriculum Committee presented the following recommendations from the Committee:

#### Critical Languages Program, R277-488

The 2007 Legislature passed S.B. 80, which requires the development and implementation of courses of study in the critical languages of Chinese, Arabic, Russian, Farsi, Hindi, and Korean. The law requires the Board to make rules on critical languages courses to include notification to school districts and charter schools on the times and places of the course offerings and instructional materials for the courses.

The Board shall establish a pilot program for the 2007-08 school year, for school districts and charter schools to initially participate in the Critical Languages Program that provides: (1) \$6,000 per language per school, for

up to 20 schools, for courses offered in critical languages; (2) \$100 per student who completes a critical languages course; and an additional \$400 per foreign exchange student who completes a critical languages course. The funds the first year will be awarded by USOE to support successful proposals submitted by school districts and charter schools focused on the instruction of a critical need language, Mandarin Chinese and Arabic, through the *Enhance EDNET* pilot program. In subsequent year, the same process will be followed for the other critical languages.

The Committee reviewed the new rule including those that were made after the Board received their packet. (For complete details see General Exhibit No. 10198.)

The Curriculum Committee approved R277-488 on first reading and moves that the Board approve R277-484, Critical Languages Program on second reading. Motion carried unanimously.

#### Highly Impacted Schools, R277-464

Highly Impacted Schools, R277-464 establishes the criteria and procedures for distributing funds to highly impacted schools in order to provide students with increased educational contact with qualified staff. The formula for distribution of funds takes into consideration the total of all students enrolled in the school and equally weights the following five factors: (1) student mobility; (2) students eligible for free school lunch; (3) students of ethnic minorities; (4) English Language Learners; and (5) students from single parent families. Based on available funds, schools shall be guaranteed three years of funding.

R277-464 is being amended to: (1) include procedures for public schools in the event of a school closure during the three-year funding cycle; and (2) shift data collection from a self-report to a report generated from the USOE end-of-year data warehouse information and U.S. Census.

The Curriculum Committee reviewed the amendments to the Highly Impacted Schools rule. (For complete details see General Exhibit No. 10199.)

The Committee approved R277-464 on first reading and moves that the Board approve R277-464, Highly Impacted Schools on second reading.

Member Greg Haws reported that in the study group yesterday it was reported that the dollar amount for this has not changed since 2000. The amount does not follow growth. We should consider asking the legislature for an increase in this area. It was noted that this is an item below the line and is not affected by the WPU.

Motion carried unanimously.

#### Optional Extended-Day Kindergarten - Responsibilities, Timelines, and Funding

##### R277-489

The 2007 Legislature passed S.B. 49, establishing a program through which school districts and charter schools may provide voluntary extended-day kindergarten. The legislation establishes program requirements and

funding priorities, as well as requires school districts to report certain information on program outcomes and use of program monies to the Board. Legislation also requires the Board to make rules establishing application and reporting procedures necessary to administer the program.

The Optional Extended-Day Kindergarten is available to students who are most in need of instruction based on a locally-determined pre-assessment of school readiness skills. Funds available for the Optional Extended-Day Kindergarten will be awarded by USOE according to an allocated funding formula based on the WPU and district/charter school free lunch counts from the previous school year.

The Committee reviewed the new rule. (For complete details see General Exhibit No. 10200.)

The Committee approved R277-489 on first reading and moves that the Board approve R277-489, Optional Extended-Day Kindergarten - Responsibilities, Timelines, and Funding on second reading. Motion carried unanimously.

### Elementary Mathematics Core Curriculum

#### Request for Public Hearings

The Elementary Mathematics Core Curriculum has undergone revisions and is now ready to be submitted for public hearings. The Elementary Mathematics Core Curriculum was developed under the direction of a steering committee from Utah State University. The Elementary Mathematics Core Curriculum standards provide a comprehensive outline of grade and subject specific content in mathematics.

Major changes between the new Elementary Mathematics Core Curriculum and the previous curriculum include: 1) alignment to the National Council of Teachers of Mathematics Curriculum Focal Points (released in 2006); and 2) greater detail in the objectives and indicators.

The Committee reviewed the draft of the proposed Elementary Mathematics Core Curriculum. (For complete details see General Exhibit No. 10201.)

Member Theurer expressed sincere appreciation to the staff for getting this ready in an extremely short time frame.

Chairman Burningham requested permission to address a question to Nicole Paulson Elementary Mathematics Specialist. He asked about the nature of the committee that did the work on this core curriculum, who was included on the committee and their ultimate support of the document.

Ms. Paulson responded that Superintendent Harrington asked the Chair of the Math Department at Utah State University to identify someone from their department to lead the steering committee. Russell Thompson is the Dean of the Department and he volunteered. He selected individuals from the mathematics side (professors from various universities that would be considered mathematicians as well as university professors who would be mathematics educators), teachers in education that are involved with mathematics, district representatives, Dianna

Suddreth, Secondary Math Specialist USOE and herself. That Steering Committee took charge of this and lead the writing. They held focus groups with teachers during the month of February. They were able to meet with over 150 elementary teachers that provided input. She was impressed with the Committee's ability to listen to the teachers and to incorporate the changes and modifications within the revision as well as addressing each of the suggestions the teachers made. There were some very contentious discussions, but there was consensus and at the last full Steering Committee and the entire committee voted to move forward with the draft presented today.

Chairman Burningham commented that some have been critical in the past of positions and at this point they have indicated a consensus of the document.

Ms. Paulson further indicated that one of the decisions that was made by the Committee was to ask for an external evaluation of the draft by three university professors, one with expertise in mathematics, one in mathematics education and one in curriculum design. With that they wanted one internal reviewer and they chose a former professor from Utah State University that has expertise in curriculum, a mathematician that is very well known and works well with math educators as well as mathematicians and a math educator which helped write the curriculum. Two of the three are from out of state. The review will be done concurrently with the public hearings so input from both the hearings and the external review will be included in the document for the June Board meeting.

Member Theurer indicated that staff is currently working on the secondary math core which they hope to have in place by this fall as well.

The Curriculum Committee approved the request for public hearings for the Elementary Mathematics Core Curriculum. It was noted that after review and comment in public hearings, the Elementary Mathematics Core Curriculum will be presented to the Board in June for approval.

#### Elementary Physical Education Core Curriculum, Request for Public Hearings

The Elementary Physical Education Core Curriculum has undergone revisions and is now ready to be submitted for public hearings. It was developed under the direction of steering and writing committees comprised of representatives of public and higher education, the State Office of Education, district physical education specialists, elementary classroom and adapted physical education teachers and the PTA. The Elementary Physical Education Core Curriculum standards provide a comprehensive outline of grade specific content in physical education and nutrition.

Major changes between the new Elementary Physical Education Core Curriculum and the previous curriculum include: (1) alignment to the National Physical Education Standards developed by the National Association of Sport and Physical Education (NASPE), the national governing body, (2) an added emphasis on nutrition education and (3) a wealth of physical education/nutrition resources for the elementary classroom teacher.

The Committee reviewed the draft of the proposed Elementary Physical Education Core Curriculum. (For

complete details see General Exhibit No. 10202.)

Member Theurer noted that it requires students to receive 150 minutes of structured physical education instruction activity per week. This is in addition to recess or intermural programs offered at the school. This will be implemented in the fall of 2008 because of the professional development for teachers.

The Curriculum Committee approved the request for public hearings for the Elementary Physical Education Core Curriculum. It was noted that after review and comment in public hearings, the Elementary Physical Education Core Curriculum will be presented to the Board in June for approval.

Member Greg Haws commented on the bottom of page two of the document to try to modify the paragraph a little. In particular, “. . . students who are eliminated first in dodge ball are typically the ones who most need to be active and practice their skills. Many times these students are the ones with the least amount of confidence in their physical abilities. Being targeted because they are the ‘weaker’ players, and being hit by a hard-thrown ball, does not help kids to develop self confidence.” The last sentence is the one everyone focus’ on. He would like a way to say it does not help develop their self confidence or their physical skills. He would like to see it end with another sentence outside of the quotes indicating this does not also build their physical skills.

Utah’s State Plan Under Carl D. Perkins  
Career and Technical Education Improvement  
Act of 2006

The newly authorized Carl D. Perkins Career and Technical Education Act of 2006 (Act), requires eligible states to submit a State Plan for a 6-year period. During the first fiscal year following the enactment of the Act, states may fulfill the obligation by submitting a one-year transition plan.

The Utah State Plan includes narrative in the key areas of planning, coordination, and collaboration prior to State Plan submission; program administration; provision of services to special populations; accountability and evaluation; tech prep programs; financial requirements; and EDGAR certifications and other assurances. Budget and accountability components are also included in Utah’s State Plan.

The Committee reviewed the proposed one-year transition plan for implementation of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 for the state of Utah. The plan includes both secondary and postsecondary CTE programs. (For complete details see General Exhibit No. 10203.)

The Curriculum Committee approved the one-year transition plan for implementation of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, and moves that the Board approve the plan authorizing staff to submit the plan to the U.S. Department of Education, Office of Vocational and Adult Education for approval, and to begin implementation of the plan. Motion carried unanimously.

Utah Schools for the Deaf and the  
Blind Superintendent Review

Every year, the Utah Schools for the Deaf and the Blind (USDB) Institutional Council conducts a review of the performance of the Superintendent of the School. Bill Gibson, Chair of the USDB Institutional Council presented the results of the review of Superintendent Rutledge to the Curriculum Committee in an executive session.

The Committee heard the results of the review and will report them to the full Board in the full board executive session later in the day.

#### Public Participation/Comment

The Board heard from:

Randy Smith representing a parent advocacy group in Davis School District spoke to the issue of open enrollment. He indicated that the vast majority of parent are happy with the schools. It is the needs of individual concerns that need to be addressed by new rules. Shared a story of a young girl who struggled with an eating disorder and wanted to move to another school with her peers. Her parents requested a variance and was denied. Local control in a situation like this should be at the kitchen table not the district offices. We should not put the system above the needs of individuals.

Ray Briscoe commented that education is his life. He indicated that the variance issue is a kissing cousin to vouchers. He commented that parents should be involved in decisions for their children's education. He further stated that variance proponents assume that school choice is a right and a privilege that automatically help schools improve as the parent chooses the school they wish for their children. It is also assumed that school should automatically enroll new students from out of boundaries based on space availability. Both of these assumptions will be harmful to public schools.

Mr. Briscoe presented his views on how to deal with this issue. (For complete details see General Exhibit No. 10204.).

Marilyn Kofford, State PTA presented a request from the PTA for the Board to make a rule adding a parent to the teacher evaluation process with regard to the Professional Excellence Program, H.B. 38.

Mrs. Kofford also presented information and models from their reading conferences.

(For complete details see General Exhibit No. 10205.)

Rhonda Rose, State PTA presented a check to the Board representing volunteer hours by the PTA members giving themselves \$12 per hour. The check total was \$103,860,548.00. Along with this check she presented checks to individual board members for the PTA volunteer hours in their individual districts.

It was noted that Mrs. Rose will be retiring from her PTA position as legislative vice president. She expressed appreciation to everyone for the respect she has received from the Board.

The Board expressed appreciation to the PTA for their dedication and support of public education and the school children. They expressed appreciation to Mrs. Rose for her support and dedication.

## Executive Session

Motion was made by Member Laurel O. Brown and seconded by Member Richard Sadler to move into an executive session following lunch to discuss personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session following lunch at 1:10 p.m.

Motion was made by Member Laurel O. Brown and seconded by Member Debra G. Robert to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 2:30 p.m.

### **Disability Determination Services Advisory Council**

Motion was made by Member Laurel O. Brown and seconded by Member Mark Cluff to appoint Vanya Mabey to the Disability Determination Services Advisory Council, term to expire June 2008. Motion carried unanimously.

### **Coalition of Minorities Advisory Committee (CMAC)**

Motion was made by Member Denis R. Morrill and seconded by Member Mark Cluff to appoint Eulogio Alejandre to the Coalition of Minorities Advisory Committee, term to expire December 31, 2007. Motion carried unanimously.

### **Human Resource Director Appointment**

Motion was made by Member Denis R. Morrill and seconded by Member Richard Moss that upon recommendation of Superintendent Harrington to appoint David Rodemach as the Human Resource Director at the Utah State Office of Education. Motion carried unanimously.

### **Utah Schools for the Deaf and the Blind Superintendent Retirement**

Chairman Kim Burningham reported that the Board has received and accepted a letter of intent to retire, effective the end of this school year, from Superintendent Linda Rutledge, Utah Schools for the Deaf and the Blind. The Board will begin immediately to form a committee to establish criteria and process for a search for a new superintendent.

## Charter School Board Recommendations

In its March Board Meeting, the State Charter School Board reviewed an amendment request to Ogden Preparatory Academy to add 9<sup>th</sup> grade for 2007-2008. The school currently serves K-8 students. Their October 1, 2006 enrollment count was 550 students. In 2004, Ogden Preparatory Academy charter was amended and approved for a K-8 school with a 600 student enrollment cap. The request to add a 9<sup>th</sup> grade does not require a change of the cap, just a change to service K-9th grade students. Ogden Preparatory Academy recognizes that it might need to use a lottery process for 9<sup>th</sup> grade students should more parents request a placement than seats are available. The State Charter School Board positively and unanimously recommends this action. (For complete details see General Exhibit No.

10206.)

Motion was made by Member Laurel O. Brown and seconded by Member Greg W. Haws to approve the Ogden Preparatory Academy amendment to add 9<sup>th</sup> grade for 2007-2008. Motion carried unanimously.

#### General Consent Calendar

Motion was made by Member Mark Cluff and seconded by Member Laurel O. Brown to approve the General Consent Calendar as presented. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held March 7, 2007.

2. Contracts

The following contracts were approved:

(A) Xerox Corporation. \$62,636.28. 4/1/07-6/30/07 - Amend.

To lease 2 Docutechs 6135 for the use in the print shop until bid system is complete for 2 new high speed copiers. (Extension for lease is for 3 months)

(B) Department of Workforce Services. \$1,700.00. 10/31/06-10/31/07. RECEIVABLE. Amend. Fed.

Provide an onsite Benefits Specialist to the department Departments Cetral Reg.

(For complete details see General Exhibit No. 10207.)

3. State Board of Education Administrative Rule Repeal

R277-416, Experimental and Developmental Program, is being repealed because funds were not appropriated for the program making the rule unnecessary. The Board approved the repeal of R277-416, Experimental and Developmental Program. (For complete details see General Exhibit No. 10208.)

4. Educator Licensing Requests for Temporary Authorization

Requests for Temporary Authorizations as submitted by the school districts were approved by the Board. (For complete details see General Exhibit No. 10209.)

5. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2007 was provided for information to the Board. (For complete details see General Exhibit No. 10210.)

6. Monthly Budget Report

The Monthly Budget Report provides information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. (For complete details see General Exhibit No. 10211.)

7. WestEd Board of Directors Appointment

Under the provisions of the Joint Powers Agreement for WestEd, the Utah State Board of Education appoints two members to their Board of Directors – one to represent the Utah public school districts, and one to represent the Utah State Office of Education.

Currently Superintendent Patti Harrington represents the Utah State Office of Education [term expires 5/31/2008]. The position of a representative from the Utah public school districts will expire on 5/31/2007 [Barry Newbold currently represents the Utah public school districts].

The Board appointed W. Bryan Bowles, Superintendent Davis School District for a three-year term, beginning June 1, 2007 and ending on May 31, 2010, representing Utah public school districts.

8. 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. 10212.)

9. Claims Report

The Claims Report in the amount of \$224,527,761.49 for March 31, 2007 was approved by the Board. (For complete details see General Exhibit No. 10213.)

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

Dr. Harrington shared her Visits and attendances at Conferences focusing on her meetings with legislators.

Dr. Harrington indicated that she met with legislators as she traveled to the Utah School Boards Association meetings around the states. The USBA legislative meetings were also covered by Ray Timothy, Patrick Ogden and Judy Park.

Dr. Harrington reported she had also attended the Utah School Superintendent Meeting along with their business administrators.

Dr. Harrington shared the following discussion items:

The K-16 Alliance-sponsored Teacher Shortage Report was released in quite a public way through the press. She has been asked by numerous superintendents on how supportive the Board is of this report. They are concerned that it was inferred that all of us were excited and supportive of this report. The report will be presented to the Board next month by Dr. David Sperry. She indicated she is not fully supportive of the report. There are areas in the final draft that ignored input from State Board Members. There are some excellent ideas contained in the report, however, some lack understanding of the reality of what parents will bear or not as it relates to education as a mandated matter statewide. The motion from the K-16Alliance was that the report come to both Boards for further discussion and action.

She and Chairman Burningham attended the Learning First Alliance meeting of educational groups that lead the nation, such as PTA, NEA, local boards of education, state boards of education, state superintendents and the Association of Curriculum Development. There were excellent moments, one issue in particular was how well we are

educating children to understand the Jewish/Muslim issue. The board may want to look at this in more detail. This presentation was a Sunday morning and it was fascinating. The Muslim gentleman stated: “The future of this planet is dependent on resolving this issue.”

Member Randall Mackey reported that at Harvard University one of the areas they are currently considering offering more courses in world religion. This tends to be central to so many international issues today. He feels that as we start to understand people’s backgrounds, particularly different religious beliefs, you can understand and deal with them more easily and have a greater tolerance. He would like to see this expanded to understanding world religions more in general.

Member Richard Sadler commented that he feels that a large majority of our teachers are uncertain how to deal with religion, how to teach it. Alternatively, we need to be teaching the concepts of what people believe so that there is an understanding in a variety of ways. He echoed the fact that we have a very diverse society and this is crucial for all of us to understand these things.

Member Laurel Brown suggested that the Board review how well this is implemented or taught in our world civics classes to make sure they don’t just gloss over some of these important issues.

Chairman Kim Burningham reported that we have in one regard in this state a real step up over almost the entire nation. We are considered the premier state membership of the 3Rs Organization. We have received more of their national grants. The 3Rs are: Rights, Responsibility and Respect. This is all based on the item that you understand other peoples culture and their religious belief. They provide inservice training all over the state. We have had more grant schools coming here that are developing programs to effectively handle religion without being religious (proselyting).

Superintendent Harrington indicated that we may develop a future discussion of where we are with world history, the 3Rs and what is being done in this area in Utah.

Dr. Harrington reported that there is a joint committee formed with the State Charter School Board to develop ideas that are related to replacement of local funding. Representing the Board on that Committee are Laurel Brown, Mark Cluff and Denis Morrill. There has been one meeting held. If you have any influence you would like to bear on that subject, please let one of these three members know.

Dr. Harrington reported that she is in the process of interviewing for a new associate superintendent to replace Myron Cottam. She indicated she has opened it up widely to superintendents, curriculum directors and others. She will be putting together a lead team to interview the finalists.

Dr. Harrington reported that we have begun work for improving the process relative to veto considerations. She reviewed a preliminary process.

- Contact sponsor to carefully review bill

- Determine specific language that may pose problems
- Provide lead copy of sponsor's view and specific language to board ahead of board meeting.

The Board expressed acceptance of the process.

Dr. Harrington noted that we need one board member to participate in the data management review committee. Judy Park by assignment from the legislature through legislation. The Committee will be meeting on April 19 and 20 and again on May 17.

Dr. Harrington reported that there will be a School Safety Conference held on April 20 at 8:30 a.m. at the Larry Miller Complex, 3491 West 9000 South. Governor Huntsman is scheduled as a keynote speaker. Anyone wishing to attend is welcome but please let Patrick Ogden know so registration can be completed.

Vice Chairman Janet Cannon commented that as Superintendent Harrington met with the leaders in the legislature and asked how USOE could do better, if they gave any insight on how the State Board operated or may operate differently during the session.

Superintendent Harrington responded that the question led to a much broader discussion. There is great support for Pro Excell, even though it did not pass. There was concern expressed by two or three of them that they wanted to make sure the Board understood they are very supportive of Pro Excel but given the way teacher money rolled out this year in such a different way, not connected to the WPU, they were fearful of doing much more to move to a merit type system this year. The teacher money issue is a big issue. There were several expressions to make sure we maintain local control. Many indicated they were happy that the Board partisan issue did not succeed, and to make sure the state office stays away from partisan politics. There was also an expression by one to return UCAT to the K-12 system. The other item was the referendum and the voucher issue.

(For complete details of the Executive Officer Report see General Exhibit No. 10214.)

### Board Chairman Report

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

#### NASBE Reports

Member Mark Cluff reported that at the NASBE Board of Directors meeting there was a discussion on the funding for children with disabilities and that all children should be covered and there are some that feel NASBE should come out with a position supporting that issue.

Member Richard Sadler reported that there were six Board Members in attendance at the NASBE Legislative Conference and the entire group met in every representative and senators office receiving different recognition and reception. There was great support. We passed to them our stance on NCLB and NASBE's. Utah was very well represented at the conference.

Member Dixie Allen reported on the Study Group on Models of Success: Policies and Strategies for

Restructuring and Schools in Need of Improvement. There are five options if we have a school in trouble: (1) chartering; (2) turning around school; (3) contracting; (4) state takeover; and (5) other. She reported that Utah has ten out of 920 schools or 1% of our schools that are on school improvement and only one is past year five. We have 14 of our 40 districts who are on school improvement. She indicated that the one school that is five years and over in Utah is in her district and she feels somewhat responsible for them and she does not feel we have given them enough help. She requested that the State Board look at all of the possibilities and to become more actively involved. She shared a quote from the meeting: "Many communities lack the collective will to act boldly on their own." It is very hard to correct your own problems.

(For complete details of this report see General Exhibit No. 10215.)

Member Richard Sadler commented that we should become a little more politically astute than we are. Last year when we visited a certain senators office that was up for reelection we were treated royally. This year, his education liaison could not find a place for us to meet so we met in the outer-outer lobby almost on the street. Alternatively with NCLB up for reauthorization this year, Secretary Spelling talked with the group at the Department of Education.

Chairman Burningham shared a resolution that passed in the last legislative session encouraging state universities and school institutional trust lands efforts in enhancing state trust lands.

Chairman Burningham noted that the next scheduled study session of the Board is on August 2<sup>nd</sup> which will be on budget. In September we will hold our second session on the study issues begun yesterday. The September meeting will be held in Washington County.

Chairman Burningham reported that he and Superintendent Harrington will be meeting with the Governor on April 27. If there are issues board members would like discussed at that meeting please get them to him prior to that time.

Chairman Burningham announced that the next Board Leadership meeting will be held on April 13<sup>th</sup>. If you have input send it in and we will include it in that meeting.

Chairman Burningham shared a concern he has had and has done some research about. The issue is fine arts and registration in our schools for the classes. There is considerable indication that the fine arts registrations are going down rather significantly as we are emphasizing basic skills more and more. He requested that the Board give some consideration and thought to this issue.

Member Randall Mackey commented that having had eight children go through the system, this is a serious problem, we need to look at the whole curriculum. If there are possibilities of combining classes without harming the core curriculum, this may be preferable alternative

Member Dixie Allen commented that having been an elementary principal and a secondary principal, it goes

beyond this. Unless we loosen up some funding so we teach arts in the elementary grades we are never going to have the number of students we need to maintain quality programs in high school. Students self-select to take the arts program if they are interested in it and have some drive; but if they have never been exposed, which a lot of the lower income ethnic minority students have not, there is no incentive in later years. We do not have the funding in Utah for arts and music specialists. All elementary schools are doing these types of things by voluntary help.

Member Teresa Theurer commented that we need more data to see what is really happening. She feels that there is room in every schedule for fine arts. She felt that drop may be that they may be taking less fine arts classes.

Chairman Burningham reported that the Citizens for Education Excellence group is growing. He noted the committee members. They sent a resolution to the legislature this past session. They have also listened to the report on teacher shortage by Dr. Sperry. They will come out with a statement soon somewhat in support of looking into those concepts further. Scott Anderson and Olene Walker are co-chairs of the

group. Chairman Burningham commented that he recognizes that he has a visible and obvious position on the referendum petition drive. He clarified that his comments are not to be persuasive to a particular point of view but he just wanted to present some information. The Board has taken a position in opposition to vouchers, but has taken no position on the referendum. This issue can impact the Board's work considerably. The deadline on the petition drive is Monday, April 9. He reported that the work is very intense. He indicated that it is clear that more than the 95,000 required signatures are already achieved. There are a lot of questions that will be important for the Board. One is, if the signatures are obtained, when would a referendum would be held. The Governor has suggested it might be in June. We will know much more very soon.

Chairman Burningham noted that Sara Christopherson from Congressman Matheson's office will be in Salt Lake City next week and would be available to meet with us on April 13<sup>th</sup>. If a Board members would like to meet with Ms. Christopherson please let Twila know.

It was suggested that invitations to the congressional delegation be sent inviting them to have lunch with the Board when their schedule allows.

Chairman Burningham noted that there have been discussions about Utah Professional Practices Commission recommendations relative to the number of educators reinstated, how it compares with private industry. Superintendent Harrington reported that she is working on this and will provide a report to the Board in May.

Chairman Burningham indicated that he has received a request from one of the Board members who feels we should rely a lot more on email and less on printing material than we currently do. Some boards have gone entirely to paperless meetings and other communications. We have variations between our Board Members and how they like to work relative to this issue.

Member Denis Morrill commented that we may have some problems with open meetings laws relative to

discussions via e-mail.

The possibility of a CD with everything for the Board meeting was suggested as an alternative to a paper agenda.

Chairman Burningham commented that it is his personal belief it is the absolute right of every Board Member to have their own unique opinions and he supports that to the end. Some would like us that once the Board has taken a position, nobody ever says the opposite, and that is hard for him. However, how we do it is very important. For him the most important thing is openness. He has had a couple of Board Members come to him with the following concern. In the March meeting we recommended three Gubernatorial vetoes. On all three veto issues we were unanimous on the decisions. The next day he and Patti went to the Governor, and later learned through a newspaper article, that at least one board member had indicated they had changed their mind and was so noted by the Governor. He indicated he did not think the trouble was that the board member had changed their mind, you have the right to change your mind. However, we must make sure that we let the other Board Members know the change in our opinion. One of the pieces of the Board's Code of Conduct is – No surprises. He stressed that we just need to be open and clear with one another.

Member Denis Morrill commented that he felt that it is good boardsmanship that if the Board takes a vote and something passes, the Board should support it. He did not think it was right to go out and bad mouth the Board because you lost the vote. It makes it hard to implement the decisions if some go forth against what the Board does.

Member Randall Mackey commented that it is one thing to go and tell a neighbor, but to change your mind and then go to the Governor's office troubles him. We have operated over the years that we have a debate on the issues, and we will never agree on everything, but once a position is taken there is a responsibility to support the Board's position.

Vice Chairman Janet Cannon indicated that her concern is when we take a vote in Board meeting, the power that is granted us is granted to us as a board. Individually we do not have power. When we have a vote of the board, there are minutes taken, it is done in an open meeting, and that becomes the board's position. If someone finds their position has changed or they discover other information they should bring it to the Board for reconsideration.

Motion was made by Member Michael Jensen and seconded by Member Debra G. Roberts to adjourn.

Meeting adjourned at 3:40 p.m.