

## MINUTES

October 5, 2007

Minutes of the meeting of the State Board of Education held October 5, 2007, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:25 a.m.

Chairman Kim R. Burningham presided.

Members present were:

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

Member Richard Sadler was excused.

Also present were:

Superintendent Patti Harrington  
Associate Superintendent Brenda Hales  
Associate Superintendent Patrick Ogden  
Associate Superintendent Judy Park  
Associate Superintendent Larry Shumway  
Executive Director, USOR, Don Uchida  
Public Affairs Director, Mark Peterson  
Board Secretary Twila B. Affleck

Members of the Press:

Jennifer Toomer-Cook, Deseret Morning News  
Roxana Orellana, Salt Lake Tribune  
Beth Young, Standard Examiner  
Marilyn Simister, Utah PTA  
Holly Langton, Utah PTA  
Kris Fawson, Utah State Independent Living Council  
Pat Renfranz, Citizen  
Marla Palmer, Citizen  
Denise Colton, Citizen  
Curtis Blanco, Citizen  
Dan Mathis, Citizen

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Jeff Pollock, Citizen  
Julie Diaz, Citizen  
Todd Hauber, Utah Schools for the Deaf and the Blind  
Jan Ferre, LCPD  
Jodi Kinner, Citizen

### Welcome and Student Achievement Spotlight

Chairman Burningham called the meeting to order and shared thoughts about teachers and the affect they have on our children. He indicated that one of the great benefits teachers get is they get to see their students after many years and observe the growth they have attained. He shared quotes from Henry B. Adams, “A teacher affects eternity; he can never tell where his influence stops,” and from Craig E. Weatherup “You can’t teach unless people believe you care about them.”

Board Vice Chairman Janet A. Cannon lead the Board in the Pledge of Allegiance.

Board Member Cyndee L. Miya offered opening remarks sharing a book she has recently read “A Hero’s Journey.” She stated that sometimes we do not realize we are on this heroic path. She shared excerpts from the book. We are all working as individuals and collaborating together and searching for viable way to transform our schools and communities of academic integrity, life-long learning and extraordinary caring for the children we serve. All of us are heros. As a hero you expect nothing in return – you are doing things because you believe in them. She shared a video to emphasize the theme on heros.

Associate Superintendent Brenda Hales presented three students from Utah schools that received a perfect score on the ACT. Kimberly Richardson, Weber High School, Weber School District; Andy Dahl, Logan High School, Logan School District; and Alex J. Hanson, Olympus High School, Granite School District.

The Board recognized each with a Certificate of Excellence

### Executive Officer Report

Superintendent Patti Harrington presented the following items of information.

Information items:

- Governor hosted luncheon with the State Charter School Board.
- The Church of Jesus Christ of Latter-day Saints interest in providing seminary instruction for charter school students.
- Governor’s Blue Ribbon Panel on Assessment.
- Extended School Year Project at Provo High School.

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- Legislative Administrative Rules Committee sought further information on the Student Enrollment board rule.

Discussion Items:

- The Technology Plan is complete and was presented to the legislature. They were very receptive and asked what we wanted from them and she replied that we needed the \$50 million ongoing funding. There is also support from the Utah Education Network (UEN). Dr. Harrington also shared the eMINTS achievements over the past two years; the Milken Exchange on what the most current research has to say.
- Dr. Harrington reported that we are close to having the assessment on line and shared how the money is being used to get to that point. We have asked districts to try to be ready for full online assessment by 2010.
- Legislative Subcommittee:
  - Teacher Shortages, Quality and Compensation PowerPoint presentation from Connie Stephen, legislative staff on the status of performance based pay and general alternative ways of going about compensation systems.
  - ProExcel concepts in K-16 Alliance
  - Proposed legislation
    - Charter School Amendments proposal. Representative Bigelow has been designated to carry charter school legislation. School District and Charter School Local Revenue Sharing Formula, Allocation and Delivery Options. Concerns were expressed relative to the levy being made available without restrictions or earmarkings not only to charter schools but also traditional schools.
    - Constitutional Revision Commission information was presented by Carol Lear, School Law and Legislation Director reported that the Constitutional Revision Commission met a few days ago. She updated the Board on what is taking place. The issue of governance of the State Board came to the Commission through legislative leadership. Selection/Election of the State Superintendent and the Election of the State Board of Education. The Commission members discussion included that all issues should be on the table if they were going to study this issue. The next meeting of the

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Commission is October 11<sup>th</sup>, the following meeting is November 8<sup>th</sup> the day before our next Board Meeting at which time they would like to hear from the Board. Chairman Burningham suggested that a number of board members should try to attend the meeting on November 8<sup>th</sup>. He also indicated we may want to have a special meeting of those that can attend prior to the Commission meeting.

Member Roberts noted that the Board was scheduled to meet with legislators the evening of October 17<sup>th</sup> and that could be a possible date for another meeting of the board.

(For complete details see General Exhibit No. 10354.)

#### Board Standing Committee Reports

##### **Finance Committee**

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

##### Standards for Selling Foods of Minimal Nutritional Value in Schools, R277-719

In its September meeting, the Finance Committee discussed R277-719, Standards for Selling Foods of Minimal Nutritional Value in Schools restricting the sale of foods of minimal nutritional value in schools.

The Board delayed taking action on the rule until the following changes could be made:

- define “unit”;
- explicitly define foods of minimal nutritional value;
- clarify that FMNV cannot be sold “anywhere on campus”;
- prohibit the sale of caffeinated food and beverages;
- set an effective date of July 1, 2008.

(For complete details see General Exhibit No. 10355.)

The Finance Committee considered feedback from districts, schools and teachers. The Committee made a couple of amendments and sent it back to staff for further modification. The Committee amendments were to Line 84 following after school grounds added except for faculty rooms. This change would also be made on line 92. Also, a definition of a faculty room.

Member Cluff reported that there are some on the committee that would like to make it a guidelines and recommendation rather than a rule and requirements.

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No action recommended.

Options for Increasing Per Pupil  
Funding in Utah

In its June meeting the Finance Committee asked staff to identify ways in which per pupil funding could be increased.

Some possible ideas presented were:

- Freezing the basic rate levy;
- Changing the constitutional earmarking of income tax;
- Exchanging fewer income tax dollars for sales tax revenue through the higher education budget.

The Finance Committee examined the possible ideas and received the report as information. (For complete details see General Exhibit No. 10356.)

**Law & Policy Committee**

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

Early Childhood, Elementary, Secondary,  
Special Education (K-12) Communication  
Disorders, and Special Education (Birth-Age 5)  
Certification, R277-504

Utah Public Schools are experiencing a shortage of Communication Disorders Specialists (Speech Language Pathologists).

The Board requested that a committee make recommendations for actions that would address the shortage. The committee reached consensus on recommendations for amendments to R277-504, Early Childhood, Elementary, Secondary, Special Education (K-12) Communication Disorders, and special Education (Birth-Age 5) Certification. The Board passed these amendments on first reading in the August 3, 2007 Board meeting.

The proposed rule has been presented to Special Education Directors across the state and has been posted online.

The Committee reviewed the amendments to the rule and the summary of public comment. (For complete details see General Exhibit No. 10357.)

Further amendments were presented at the meeting. (For complete details see General Exhibit No. 10358.) These amendments were made from comments made by others.

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The Law & Policy Committee approved R277-504, Early Childhood, Elementary, Secondary, Special Education (K-12) Communication Disorders, and Special Education (Birth-Age 5) Certification as amended on second reading and moves that the Board approve R277-504 on third and final reading.

Member Laurel Brown commented that where we are in terms of this has come a long way and she is feeling good about what is in the rule. However, she is concerned about the basic structure upon which we are building our services for students who have communication disorders. This is a fundamental change. Rather than having a person who is highly qualified working with those students is building a structure where students are going to be served by technicians. She has other concerns and is very conflicted about this, however she feels it is better than where we started.

Motion carried with Members Allen, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Members Brown and Cannon opposed.

Speech Language Pathologist and  
Technician Handbook

Proposed revisions to R277-504 create rules that provide for speech language technicians to work in Utah public schools under the supervision of licensed speech language pathologists. The proposal of speech language technicians has created the need of a handbook that will provide guidelines and direction to LEAs that ensure:

- 1) that the newly created speech language technicians are appropriately assigned in the services they provide to students. Carefully determined assignments are necessary to be certain that students receive services from licensed speech language pathologists as required by state and federal statutes.
- 2) that speech language technicians are appropriately supervised by licensed speech language pathologists in accordance with reasonable and acceptable professional standards.
- 3) that LEAs ensure speech language technicians receive appropriate training for the assigned duties.

The Committee reviewed the Handbook and decided that it would be treated the same as if it were a rule and pass it on first and second reading today with a third reading in November.

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The Committee made a few changes from recommendations made from the comments. She briefly reviewed the changes . (For complete details see General Exhibit No. 10359.)

Concern was expressed as to whether adopting the handbook as a “rule” and handbooks do not have the force of rule. It was clarified that it will not have the force of rule, but in practice they are given the configuration of a rule. This is the process of adopting a rule we are following, not adopting a rule.

Vice Chairman Janet Cannon voiced concern that we are lowering our standards because we cannot get qualified speech/language pathologists. She feels there may not be a lot of oversight of the technicians.

Chris Fawson, Statewide Independent Living Council, and also serving on a national accreditation council for ASLPA and this is a huge discussion with the American Speech Language Pathology Association. She feels this is a very scary step to be taking by allowing technicians to be working with students.

Member Debra Roberts reported that the Committee has asked that the Special Education Division monitor this, and they have been asked to make a report back to the board.

The Committee approved the handbook on first reading and moves that the Board approve the Speech Language Pathologist and Technicians Handbook on second reading. Motion carried with Members Allen, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Members Brown and Cannon opposed.

Quarterly Report. Teachers-Teachers.com

For many years, the education employment offices at Utah’s colleges and universities cooperatively managed a single statewide education online employment application for the state’s school districts. In 1006, these offices announced that they would no longer provide this service. After careful consideration, the USOE determined that it was appropriate to the role of the office to take over this service, and the coordination of the project was assigned to the Educator Quality and Licensing Section. It was believed that USOE could add to the services that had been previously part of higher educations effort to make this online application part of a broader statewide recruiting effort to assist districts in addressing teacher shortages.

The Utah State Office of Education entered into an agreement with Teacher.Teachers.com to provide an online recruiting presence for Utah. The office recently received a report of the first quarter of work under this agreement.

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Sydnee Dickson, Director, Educator Quality and Licensing and representatives of Teachers.Teachers.com presented a report on this statewide application and recruiting project. (For complete details see General Exhibit No. 10360.)

The Committee received the report. No action was required.

Utah High School Activities Association  
and Charter School Student Eligibility

The Utah High School Activities Association (UHSAA) has changed the interpretation of its bylaws to allow students enrolled in certain charter schools to be deemed eligible for participation in UHSAA activities at the member school if the student resides within the established boundaries of the member school.

Utah State Office of Education staff met with the UHSAA staff to discuss the charter school eligibility issue after appearing before the Administrative Rules Committee on the issue. After these meetings, the UHSAA developed a course of action independent of the Utah State Office of Education and has moved to implement policy changes to that end.

It was reported that Utah State Office of Education staff is currently undertaking an audit of extracurricular activities costs; the audit will likely be completed by December.

The Committee discussed the issue of charter school student eligibility. It was noted that this is not a policy action item as eligibility determination is a Utah High School Activities Association matter.

The Committee determined that there needs to be more discussion on this issue. No action was required.

Utah Rural Schools Association

The Utah Rural Schools Association (URSA) has deep concern for the equity of educational opportunities for students in the state's rural areas. The Association's concern arises from the challenges associated with small schools, isolation from major population centers, and low taxable values.

Dr. Brent Thorn, Superintendent, Sevier School District, representing URSA made a presentation of their concerns to the Law & Policy Committee. (For complete details see General Exhibit No. 10361.)

The Committee received the presentation as information. The Committee felt that this information needs to go to the finance committee. No action was required.

**Board Meeting**

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Public Participation/Comment

Curtis Blanco shared his concerns with the new math core curriculum. It was noted that he had also sent an e-mail to the Board relative to these concerns. (For complete details of the e-mail see General Exhibit No. 10362.) He suggested Singapore Math statewide or Saxon Math.

Board Standing Committee Reports Cont.

**Curriculum Committee**

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

Instructional Materials Commission  
Operating Procedures, R277-469

The Instructional Materials Commission, as originally set up by the Utah Legislature, has been reviewing textbooks for over one hundred years. Since the inception of No Child Left Behind (NCLB) and greater accountability concerns, the Instructional Materials Commission has been requiring publishers to align submitted basal/core materials to the appropriate Utah Core for Language Arts, Mathematics, Science, Social Studies, Fine Arts, and Health.

The 2007 Legislature passed H.B. 364, S1, which: (1) prohibits a school district from purchasing certain instructional materials unless the materials have been evaluated by an independent party for alignment with the core curriculum; (2) requires that the alignment evaluation be made available on a website at no charge; and (3) exempts charter schools from the evaluation requirement.

An amendment to R277-469 was made in the May 2007 Board Meeting to support the recent legislation and provide guidance to publishers who want to sell primary instructional materials to Utah schools, on the correct procedures and forms required for consistent, independent party alignment to the core. It also provided requirements for online posting to publisher websites.

The proposed amendment to R277-469 will direct the Utah State Office of Education to develop a Request for Proposal that will result in one vendor conducting all independent alignments for all publishers.

The amendments to R277-469 were reviewed by the Committee. (For complete details see General Exhibit No. 10363.) The Committee approved the amendments to R277-469,

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Instructional Materials Commission Operating Procedures on first reading and moves that the Board approve the rule on second reading. Motion carried unanimously.

#### English Language Learner Proficiency Standards

An analysis of the current Utah English Language Proficiency Standards revealed a deficiency between the current standards and the ability to write testable items for the development of the Utah Academic Language Proficiency Assessment (UALPA). Therefore, the standards were rewritten to support UALPA and to provide guidance in the following ways: (1) Define the academic English proficiency by grade band, for students to access the Utah Core Curricula objectives. (2) Establish criteria for UALPA.

The English Language Learner Proficiency Standards have been completed. The standards have been submitted for comment to focus groups statewide, ALS Directors, Questar, and WestEd.

The English Language Learner Proficiency Standards were reviewed by the Committee. (For complete details see General Exhibit No. 10364.)

The Committee received the report on the English Language Learning proficiency Standards and expressed appreciation to the staff on a job well done.

#### Minority Student Achievement Plan

Two years ago, representatives from the educational community gathered to seek out research and best practices in closing the achievement gap between minority students and white students. Coupling effective research and experience in Utah schools, the Minority Student Achievement Plan was developed.

The plan provides a common framework for school districts, schools, parents, and policymakers to use in their efforts to reduce and eventually eliminate the achievement gap. It is a systematic approach with a compilation of proven practices and strategies that have been successful in narrowing the gap between student subgroups. While targeted interventions are necessary, the aim on the plan is to create schools in which virtually all students are learning at high achievement levels.

The Committee received an overview of the Minority Student Achievement Plan with compliments to staff on a job well done. (For complete details see General Exhibit No. 10365.)

#### State and National Test Results

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The most recent results from state and national tests are available for review. The Committee received a briefing from staff of the results giving particular attention to four-year trends. (For complete details see General Exhibit No. 10366.) The information provided will be useful to Board members in monitoring and promoting student achievement.

Member Theurer reviewed some of the test information presented to the Committee.

The Committee received the report.

### **Board Meeting**

NOTE: The item on the Utah Schools for the Deaf and the Blind Legislative Workgroup was delayed awaiting an interpreter for the deaf.

#### Utah Foundation Report on Teacher Attrition

Stephen Kroes, President of the Utah Foundation presented their research report on Teacher Attrition. He noted that teacher attrition is part of the teacher shortage problem. A high rate of teacher attrition is harmful in three ways: (1) constant churn of new recruits; (2) increase inequity in student opportunities; and (3) decreases efficiency of the education system. Dr. Kroes reviewed the findings of the research. He reported that the research indicates that with the current surge in Utah's student population, a wave of baby boomer retirements coming soon, and teachers being drawn away to other states or other careers, the stakes are high for solving this problem. If teacher attrition is not reduced, Utah will experience increasingly severe teacher shortages. In conclusion, a well-rounded package of policies designed to provide support and training to new teachers and reforming teacher compensation in ways that respond to the labor market would be most likely to reduce teacher attrition in the most cost-effective manner. (For complete details of the Teacher Attrition Research Report, see General Exhibit No. 10367.)

#### Utah Schools for the Deaf and the Blind (USDB) Legislative Workgroup Update

Utah law defines the purpose and authority of the USDB under the Utah State Board of Education. During the 2007 legislative session, questions were raised concerning statutory language and the need to update the law to align with current special education rules. A legislative workgroup, made up of stakeholders and legislators, has been meeting to consider concerns and to propose recommended language for legislation.

Karl Wilson, Director of Title I, presented recommendations from the legislative work group for review and discussion, including draft language that might be proposed to

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address concerns. He also shared some of the feedback and input from the last meeting of the USDB legislative work group.

- Large support for amending the statute to lift the cap at the USDB for services.
- USDB Institutional Council Study on Governance is not available, the group proposes that there be one superintendent who oversees the school with two assistant superintendents.
- Eligibility for USDB. There are differing opinions on who should be served by USDB when it comes to those students who are deaf, blind, deaf/blind and have other disabilities.
- Legislative workgroup take time to consider other state models.
- Legislative workgroup also echoed that when USDB provides it services to students, the must be high quality and help to insure that students are challenged to maximize their learning.
- Continuing conversation regarding funding. How they are funded as a legislative line item and not formula driven.

The Board also received several e-mails and letters relative to the issue. Mr. Wilson summarized the thoughts and recommendations from those communications.

(For complete details see General Exhibit No. 10368.)

In terms of next steps, we will continue to work with the USDB Legislative Workgroup to come to a consensus so there is a recommendation of specific language that can come to the State Board to look at any funding implications that would result in changes in the statute and then as the Board feels the recommendations are supportable to have the opportunity to work with the public and have community members look at proposed changes in the language in the statute and provide input before taking these to the state legislature.

#### Public Participation/Comment

The Board received comments from the following relative to the Utah Schools for the Deaf and the Blind Legislative Work Group report:

Cheralyn Creer, parent of a blind child [also presented a letter to the Board] requested support for looking at other states and the Institutional Council's recommendation to have a study done, improve conditions at USDB to provide an intense emersion program.

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Ron Gardner, President, National Federation of the Blind of Utah but speaking as a private individual, reminded the Board that the Institutional Council has endorsed that an RFP go out to do a study to look at possible structural changes, look at splitting the schools for educational reasons and not for political, administrative or budgetary concerns. The school needs to be inclusionary.

Dan Mathis, deaf community member, stated he was not impressed with the programs in Utah. He has seen much better programs throughout the United States for deaf children and their education. Need to improve services to deaf children. He supports the proposed changes to the code other legislative processes that allow USDB to give parents better options and services to children who are deaf, blind and deaf/blind.

Marla Palmer, President, Utah Parents of Blind Children, [also presented a letter to the Board] commented that parents do not feel safe in approaching the administration at the USDB. Her concern is the quality they are receiving currently. They need emersion programs.

Jeff Pollock, commented we can't stop in changing the law. There are systematic problems throughout USDB that affect deaf education in Utah. Deaf students are not being prepared for college.

#### Executive Session

Motion was made by Member Laurel O. Brown and seconded by Vice Chairman Janet A. Cannon to moved into an executive session following lunch for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present [Members Bill Colbert and Denis R. Morrill absent] the Board moved into an executive session following lunch at 2:50 p.m.

#### Utah Foundation Report on Utah's Education Funding Effort

The Board recessed for lunch with Stephen Kroes, President of the Utah Foundation who presented their research report on Utah's Education Funding Effort. He presented the following highlights of the report:

- Utah's funding effort for K12 public education fell significantly from 1996 through 2004.
- In response to large budget surpluses, the Legislature has increased Utah's education funding effort for fiscal years 2007 and 2008.

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- Before the most recent two years, Utah's downward trend in funding effort was unprecedented, given the state's history of very high proportion of personal income dedicated to public education.
- Part of the reason for lower education funding effort was a change in spending priorities facilitated by loosening the earmarking of income taxes for education. Growth in health, transportation, and prison spending took higher priority in the late 1990s and early 2000s.
- After a period of rapid income tax growth, higher education is now receiving very little funding from the state general fund. This will cause the earmarking of income taxes to once again have a significant impact on budget policy choices.
- Utah's per-pupil spending for K-12 public education is last in the nation; it has held this rank since 1988. To rise by only one rank would have cost \$500 million in 2005. To rise to the national median would have cost \$1.4 billion.

(For complete details see General Exhibit No. 10369.)

#### Review and Discuss Capital Equalization

The Legislature met in special session on August 22, 2007 to consider legislation regarding equalization of funding for school district capital outlay in counties of the first class. It created a task force to study the issue and prepare recommendations by December for the general session.

In the October Finance Committee, staff was directed to follow the task force discussion and keep the Board informed on the issue. Since legislation is likely to be considered in the general session, the Board would like to have a complete understanding of the issues so that it can make an informed decision on its position on the legislation.

The intent of capital equalization, as described by legislative staff, is to:

- Allocate funds to school districts based on (a) the new enrollment growth formula – districts with low valuations per student get more than the base amount, districts with high valuations per student get less – and (b) the capital outlay foundation program;
- Fund the allocations by (a) requiring each district to send in revenues from a uniform rate or revenues that would be generated by a uniform rate, (b) redirecting \$2.9 million ongoing capital outlay enrollment growth money to the

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foundation program, and (c) recapturing revenues from districts affected by the rate reduction limitation explained below;

- Adjust each district's certified tax rate (up for net contributors, down for net recipients) so that each district ends up with the same amount of revenue as they would otherwise have under their existing capital outlay levies, with a limitation that a net recipient district cannot drop its rate below a certain threshold. (Revenues from the difference between that threshold rate and the rate that would provide the district with the same amount of revenue is sent back to the "pool" for distribution, so the district still ends up with the same amount of revenue.)
- Districts whose taxpayers receive tax decreases could then (potentially) increase their capital outlay revenues after truth in taxation.

Representative Aaron Tilton reviewed what has been done so far by the legislative committee/task force studying this issue. This included three equalization factors: Ability, Effort, and Needs. (For complete details see General Exhibit No. 10370.) He indicated that a proposal will be presented to the task force on Tuesday.

Member Mark Cluff suggested that the equalization issue should include charter schools and USDB. It was noted that this should be a position coming from the State Board. It was further noted that the Board has yet to take a position on the issue, however, the Finance Committee will be bringing recommendations to the Board in November to take to the legislature.

#### Executive Session

The Board moved into executive session at 2:50 p.m. Motion was made by Member Dixie L. Allen and seconded by Member Richard Moss to reconvene into open meeting. Motion carried Denis, Bill, Janet Greg, Debra absent. The Board reconvened at 3:00 p.m.

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

Motion was made by Member Mark Cluff and seconded by Member Laurel O. Brown to accept the recommendation of the Commission and of the hearing panel in Case No. 04-711 and reinstate the license of a former teachers in the Washington School District. The license was previously suspended as a result of the educator's attendance at school while under the influence of alcohol. He also was in possession of alcohol in his classroom during contract hours. It was noted that the hearing report was reviewed by the Board in Executive Session. Motion carried

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with Members Allen, Brown, Cluff, Gregory, Jensen, Moss, Roberts and Theurer voting in favor; Members Cannon, Colbert, Haws Mackey, and Morrill absent.

Motion was made by Member Mark Cluff and seconded by Member Michael Jensen to accept the commission's recommendation in Case No. 07-803 and revoke based upon default the educator license of a former educator in Cache School District. This action is taken because the educator entered a plea of abeyance to two of five misdemeanor charges of lewdness. The charges stemmed from the educator's conduct with two 15-year old boys. As part of the plea, he is prohibited from having unsupervised contact with children under the age of 18. Motion carried with Members Allen, Brown, Cluff, Gregory, Jensen, Moss, Roberts and Theurer voting in favor; Members Cannon, Colbert, Haws Mackey, and Morrill absent.

Motion was made by Member Mark Cluff and seconded by Member Michael Jensen to accept the commission's recommendation in Case No. 07-809 and revoke based upon default the educator license of a former educator in the Granite School District. This action is taken because the educator engaged in a sexual relationship with a student beginning in 1998. Sexual relations occurred both on and off school property. Motion carried with Members Allen, Brown, Cluff, Gregory, Jensen, Moss, Roberts and Theurer voting in favor; Member Haws abstained; Member Cannon, Colbert, Mackey and Morrill absent.

(For complete details see General Exhibit No. 10371.)

#### Board Study Group Reports

In April 2007 the Board began to study three issues that it determined to be top priorities for the Board. In September 2007 the study groups looked at how we can apply the information they gleaned, where the Board should take it and action steps to proceed. The Study Groups identified were: Achievement Gap, Dropout Prevention, and Funding the WPU.

Member Dixie Allen presented the findings and recommendations from the Dropout Prevention Study Group. (For complete details see General Exhibit No. 10372.)

Motion was made by Member Teresa L. Theurer and seconded by Member Mark Cluff to endorse the concept of getting the staff position and examination of all of the recommendations presented for a systematic approach for the items. Motion carried with Members Allen, Brown, Cluff, Gregory, Haws, Jensen, Moss, Roberts and Theurer voting in favor; Members Cannon, Colbert, Mackey and Morrill absent.

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Member Greg Haws presented the findings and recommendations from the Funding the WPU Study Group. (For complete details see General Exhibit No. 10373.)

It was recommended that the Finance Committee pick up the ball and continue to look at the formulas and concepts that cause the money to flow following the four basic recommendations as we review and look at support.

The next action would be that the Board examine, through the finance committee, the overriding principle as we look at equalization in the hope that the principles presented apply in our evaluation of that as well as other legislative initiatives.

#### State Charter School Board Semi-Annual Report

The State Board of Education requested that the State Charter School Board prepare a semi-annual report regarding the current status of charter schools. The report included its progress regarding the 2006 legislative audit, bylaws, and its newly approved accountability process. (For complete details see General Exhibit No. 10374.)

Superintendent Harrington presented a Draft of Charter School Legislative Proposals for 2008 and beyond from the Utah Association of Public Charter Schools and the National Association of Public Charter Schools. (For complete details see General Exhibit No. 10375.)

The Board received the report.

#### Board Chairman Report

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

Laurel Brown presented information on the Adolescent Literacy Grant and the conference upcoming in November.

Member Mark Cluff noted that the NASBE Annual meeting will be held next week, and in the General Consent Calendar there are changes to the NASBE Bylaws and Policy Statements. Mark Cluff will be our voting delegate at the business meeting voting on our response to these documents. He noted that several board members will be attending the annual meeting in Philadelphia.

Chairman Burningham reminded Board Members that tonight is the Teacher of the Year banquet at the Red Lyon Hotel beginning at 6:00 p.m.

Chairman Burningham asked if there was any further comment or issues on the math curriculum and the discussion before the state legislative committee. In the next legislative

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meeting they will be organizing a committee to review what the math curriculum in the state will look like.

Associate Superintendent Brenda Hales expressed appreciation for everyone's comments and stated that everyone is right on. The issue isn't what we teach but how we teach it. She indicated that our math curriculum is excellent, but there are some things that can be improved. She would like to have another go at editing it to make it more easily understandable to parents. She would like to see changes in semantics rather than changing the standard. The part that is controversial is that you can take 30 mathematicians in one room and ask them how to teach the same subject, and you will get 30 different opinions. Part of the math war we are currently going through is that the politics have gotten into how you teach math. She stated that we need to keep the rhetoric out of the discussion rather than how do we teach appropriately and train teachers and how you teach math.

Chairman Burningham noted the following calendaring:

October 17 - 6:00 p.m. Board meeting with legislators. There are approximately 25 legislator currently planning to attend. He asked that if at all possible board members should attend this meeting.

At the meetings with the Governor on September 17<sup>th</sup> the assessment issue was discussed as well as ProExcel at great length. He indicated that we will get parts of the ProExcel.

October 24 - presentation of the budget to the Governor.

October 24 - Board Leadership.

December 11 - K-16 Alliance meeting

November 5 - Citizens for Educational Excellence

The Board's meeting schedule for next year is included in the General Consent Calendar under Tab G, for action by the Board.

Next month's board meeting November 9<sup>th</sup> changed from November 2<sup>nd</sup>.

Board Member Michael Jensen is now serving on Charter School Loan Committee replacing Member Greg Haws.

#### General Consent Calendar

Motion was made by Member Teresa L. Theurer and seconded by Member Laurel O. Brown to approve the General Consent Calendar as presented. Motion carried with Members

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Allen, Brown, Cluff, Gregory, Haws, Jensen, Moss, Roberts and Theurer voting in favor;  
Members Cannon, Colbert, Mackey and Morrill absent.

1. Minutes of Previous Meeting

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

2. Contracts

The following contracts were approved by the Board:

(A) Red Rock Center for Independence. \$55,000. 10/01/07-6/30/08.- Amend. - Fed.

To provide Assistive Technology services to individuals with severe disabilities residing in the Southern Utah Independent Living Rehabilitation District.

(B) Central Utah Center for Independent Living. \$15,000. 10/1/07-6/30/08. - Amend. - Fed.

To provide Assistive Technology services to individuals with severe disabilities residing in Utah, Wasatch, Juab, and Sanpete Counties.

(C) Utah State Health Department. \$250,000. 10/11/06-6/30/08 - Amend. RECEIVABLE

To pay and house a Health Education Specialist to oversee the high school training program.

(D) West Broadway JDJ, LLC. \$1,214,338. 2/1/08-1/31/13. - Fed.

To lease office space for the Division of Rehabilitation Services located at Chase Tower Building, 50 West Broadway to the Downtown Office.

(For complete details see General Exhibit No. 10376.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the school districts were approved as submitted. (For complete details see General Exhibit No. 10377.)

4. Utah Educator Standards, R277-515

This rule is established as a result of a survey, research, and development by a broad group of educators. The new rule establishes statewide standards for licensed public school educators, provides notice to educators and prospective

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educators and notice and protection to public school students and parents. The new rule recognizes that licensed public school educators are professionals and as such, should share common professional standards, expectations and rule model responsibilities. The revised rule makes a new distinction: some educator behaviors/activities shall result in license discipline, ranging from a warning letter to revocation. Other behaviors/activities may result in license discipline, depending upon the facts of the situation, the pattern of behavior and other factors. This suggested reorganization comes from school district personnel and the Utah Education Association. USOE staff met with UEA representatives in August, with the result that wording in the rule was improved and clarified considerably.

Amendments were made to the rule at the September 7, 2007 Board meeting and the Board approved R277-515 on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-515, Utah Educator Standards on third and final reading. (For complete details see General Exhibit No. 10378.)

5. Education for Homeless and Emancipated Students and State Funding for Homeless and Disadvantaged Minority Students, R277-616

The amendments to this rule provide for terminology changes to make the rule consistent with the terminology used in the federal law. The amendments also add the section of the Utah Code that provides for emancipation of minors to the rule.

The Board approved R277-717, Education for Homeless and Emancipated Students and State Funding for Homeless and Disadvantaged Minority Students at the September 7, 2007 Board meeting on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-616, Education for Homeless and Emancipated Students and State Funding for Homeless and Disadvantaged Minority Students on third and final reading. (For complete details see General Exhibit No. 10379.)

6. Adult Education Programs, R277-733

Utah Constitution Article X, Section 53A-15-401 places general control and supervision of Adult Education Programs under the Board. The Adult Education rule as presently written is out of date with both state and federal adult education policy and procedures. The Adult Education rule as it presently stands is to be repealed and reenacted with the reenacted rule defining the present and future direction of adult education. The proposed rule requires school districts/adult education programs and community-based organization accepting state and/or federal adult education funds to provide services to adult learners based on state and federal adult education standards and policies. The proposed rule provides definitions, program standards fiscal procedures, pupil accounting curriculum standards and data management standards appropriate for adult education

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learners. An amended rule was reviewed by the Committee. Additional amendments were presented to the Curriculum Committee at the September 7, 2007 meeting. In addition to those amendments the Committee further amended the rule on page 8, to move lines 320 to 355 be moved ahead of line 288, moving the exceptions to the end rather than the beginning. The rule also more strictly defines how the WPU follows the student.

The Board approved R277-733, Adult Education Programs at the September 7, 2007 Board meeting on second reading. There have been no substantive changes to the rule since that time. It is recommended that the Board approved R277-733, Adult Education Programs on third and final reading. (For complete details see General Exhibit No. 10380.)

7. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2007 is provided for information to the Board. (For complete details see General Exhibit No. 10381.)

8. Monthly Budget Report

The Monthly Budget Report provides information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. (For complete details see General Exhibit No. 10382.)

9. National Association of State Boards of Education (NASBE) Proposed Changes to the Public Education Positions and Bylaws

Each October, the state delegate assembly meets during the NASBE Annual Conference at the business meeting to vote on proposed changes to the association's bylaws and public education positions. The proposed changes to the NASBE Bylaws and Additions/Changes to the NASBE Public Education Positions were approved by the Board. (For complete details see General Exhibit No. 10383.) The Voting Delegate from Utah will then be able to vote on the proposed changes at the NASBE Annual meeting in October.

10 Utah State Board of Education Proposed 2008 Meeting Schedule

The proposed meeting schedule for the State Board of Education for 2008 was approved by the Board. (For complete details see General Exhibit No. 10384.)

11. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses was approved by the Board. (For complete details see General Exhibit No. 10385.)

12. Claims Report

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The Claims Report in the amount of 251,309,249.46 for August 31, 2007 was approved. (For complete details see General Exhibit No. 10386.)

Motion to adjourn was made by Member Dixie L. Allen. Meeting adjourned at 4:00 p.m.