

## MINUTES

January 10, 2008

Minutes of the meeting of the State Board of Education held January 10, 2008, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:25 a.m. Chairman Richard Sadler presided.

Members present were:

Chairman Richard Sadler  
Vice Chairman Mark Cluff  
Member Dixie L. Allen  
Member Laurel O. Brown  
Member Kim R. Burningham  
Member Janet Cannon  
Member Bill Colbert  
Member Greg W. Haws  
Member Michael G. Jensen  
Member Charlene Lui  
Member Randall A. Mackey  
Member Denis R. Morrill  
Member Richard E. Moss  
Member Debra G. Roberts  
Member Teresa L. Theurer

Members Rosanita Cespedes and Thomas Gregory were excused.

Also present were:

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

Members of the Press:

Roxanne Oroanna, Salt Lake Tribune  
Jennifer Toomer-Cook, Deseret Morning News  
Beth Young, Standard Examiner  
Heather Bennett, Salt Lake City Board of Education  
Rachel Thompson, Alpine School District Education Services  
Kate Ross, Alpine School District Education Services

### Welcome and Student Achievement Spotlight

\_\_\_\_\_ Chairman Sadler called the meeting to order. He excused Board Members Rosanita Cespedes and Thomas Gregory.

Member Dixie Allen lead the Board in the Pledge of Allegiance.

Board Member Randall Mackey offered opening remarks sharing a couple of quotations on education, and then offered a prayer.

The Board recognized Zachary Lintz for his outstanding accomplishments in the Dental Assisting and Surgical Technology Programs at the Jordan Applied Technology Center. An Excellence Certificate was presented to Mr. Lintz for his accomplishments.

Superintendent Harrington introduced the new associate superintendent over Business Services, Todd Hauber.

Chairman Sadler expressed appreciation to Mark Cluff for the book “With Anxious Care” The Restoration of the Utah State Capitol.

### Installation of New Board Member

Chairman Sadler issued the Oath of Office to Charlene Lui newly appointed Board Member representing the Coalition of Minorities Advisory Committee.

Ms. Lui expressed excitement in being a part of the Board. She indicated she felt comforted that the CMAC voice has been heard.

### Board Standing Committee Reports

#### **Finance Committee**

Member Greg W. Haws, Chair of the Finance Committee presented the following recommendations from the Committee:

#### Data Standards, R277-484

Data Standards, R277-484 has been revised and updated as a result of the normal five-year reauthorization process.

A summary of minor changes include:

- Repealed and no longer used statutory references and obsolete language has been deleted and/or modified as needed;
- The January 24 annual Adult Education Mid-Year Report for the current year has been deleted because it is no longer needed;
- The Redevelopment Agency (RDA) Taxing Entity Committee Representative List due January 24 from school districts has been added to comply with present and long standing practice;
- The Adult Education Final Report for prior year has been moved from August 24 to June 29 to better comply with when data is available and needed by USOE;
- The Adult Education Financial Audit Report for the prior year due date of September 15 has been added to comply with present practice;
- The school district and charter school Negotiations Report for the current year due date of November 1 has been added to comply with the provisions of 53A-1-301(3)(d)(vi) Utah Code and H.B. 382, 2007 Legislature (lines 129 to 135 for Educator Bonuses and lines 154 to 160 for Classified Bonuses);
- References to the Utah Education Association have been deleted;
- Deadline for the November 15 CACTUS Update for the current year is added to the list of reports for which deadlines may not be extended so that USOE is able to complete required reports to the

Legislature within the time required.

The Committee reviewed the minor amendments and approved R277-484, Data Standards on first reading. Motion from the Committee that the Board approve Data Standards, R277-484 on second reading. (For complete details see General Exhibit No. 10437.) Motion carried unanimously.

### Capital Equalization Resolution

The Finance Committee has been charged with developing a Capital Equalization Resolution representing the Board's position on this matter. Past-Chairman Mark Cluff presented the following points to include in the Resolution:

- Property tax should be equalized over the whole state;
- At the least, capital costs funded where the growth occurs;
- Allow for a base amount to go to each district;
- Reduce, by combining, the number of property tax levies allowed (maybe only three - Basic, State, and Local);
- Open up how a district can use their property tax;
- Freeze the Basic Levy;
- Income tax should not be used for equalization.

The Finance Committee reviewed the Draft Resolution outlining the Board's position on Capital Equalization as developed by Superintendent Harrington and Member Mark Cluff. (For complete details see General Exhibit No. 10438.)

Motion from the Committee that this be tabled for two months with no recommendation to the Board at this time.

Member Kim Burningham voiced concern that the Board would not take a position on this issue until after the legislature has taken action. By not taking any action we are stating that the Board does not have an opinion on this issue.

Member Haws indicated that it was felt that the Board could take a pro active approach as it deals with specific bills as they come along.

Member Randall Mackey commented that the committee had a lengthy discussion and had concerns about the details in the Resolution. They had instructed staff to get additional information that would be helpful to the Board as it deals with this issue.

Member Mark Cluff commented that the intent was to set general principles of the concept. He indicated it was his feeling that the Board needs to have a position of where it stands on this issue.

Member Teresa Theurer suggested, if possible, that the Board make a statement that the State Board agrees that equalization is in the best interest of the students of Utah.

Member Laurel Brown spoke in favor of doing something now. She encouraged the Board to take action on

the Resolution with the exception of the last three Resolved clauses. Motion was made by Member Kim R. Burningham and seconded by Member Denis R. Morrill to adopt the Resolution, eliminating the word “unanimously” in the first Resolved clause.

Member Janet Cannon noted that the committee had done some work on this and made three amendments that were passed in the committee prior to it being tabled.

Member Greg Haws noted that amendments made by the committee as follows: (1) remove the word “unanimously” from the first Resolved clause; (2) Remove the second Resolved clause; (3) On the third Resolved clause, more clearly define property taxes for capital development and acquisition; and (4) On the second to the last Resolved clause, they did not make a motion to have it removed but it was close to that before the motion for tabling.

Members Burningham and Morrill accepted the amendments as identified by Member Haws from the Committee.

Member Teresa Theurer requested that the motion be split and that action be taken on the first page with the exclusion of “unanimous” in the Resolved clause, and voting on the remainder of the Resolved clauses individually.

Member Colbert spoke against the motion because he did not feel this was the way for this to be resolved.

Member Denis Morrill commented that we need to be proactive on this issue and take a position. He would support equalization, just as on the income tax side which he hoped would win.

Member Richard Moss commented on the differing prices of land throughout the state.

Motion to adopt the first page of the resolution as written with the word “unanimously” struck carried with Members Brown, Burningham, Cluff, Haws, Jensen, Mackey, Morrill, Moss, and Theurer voting in favor; Member Allen, Cannon, Colbert and Roberts opposed.

Motion was made by Member Michael Jensen and seconded by Member Janet A. Cannon to strike the first Resolved clause on the second page. Motion carried with Members Allen, Brown, Cannon, Colbert, Jensen, Mackey, Moss, Roberts and Theurer voting in favor; Members Burningham, Cluff, Haws and Morrill opposed.

Motion was made by Member Debra Roberts to maintain the second Resolved clause unless there be one time money to help hold districts harmless . There being no second the motion died.

Motion was made by Member Dixie Allen and seconded by Member Bill Colbert to adopt the second Resolved clause on page two of the draft Resolution as stated. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Colbert, Haws, Jensen, Morrill, Moss, and Theurer voting in favor; Members Mackey and Roberts opposed.

Motion was made by Member Laurel O. Brown and seconded by Member Bill Colbert to remove the third Resolved clause on the second page of the draft Resolution.

Substitute motion was made by Member Mark Cluff and seconded by Member Dixie L. Allen to remove the last three Resolved clauses on the second page of the draft Resolution. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Colbert, Haws, Jensen, Mackey, Morrill, Moss, and Theurer voting in favor; Member Roberts opposed.

(For complete details of the adopted resolution see General Exhibit No. 10439.)

### **Curriculum Committee**

Member Dixie Allen, Vice Chair of the Curriculum Committee presented the following recommendations from the Committee:

#### Online Writing Program Implementation

The 2007 Utah State Legislature provided \$542,300 for school districts and charter schools to acquire and implement online writing programs. The Utah State Office of Education conducted a grant application process to fund programs for thirteen districts and one region.

Staff presented an update on the implementation of the 14 funded projects. (For complete details see General Exhibit No. 10440.)

The Committee received the update. No action was required.

#### No Child Left Behind Adequate Yearly Progress (AYP) and Submission of U-PASS

##### Accountability Plan

Recent requests and subsequent decisions about appeals on determinations of NCLB's Adequate Yearly Progress (AYP) have led to varying interpretations of the appeals process. These variances have caused confusion among districts and charter schools. The confusion has led to a more careful review of NCLB law guidance and the Utah workbook for AYP. In a related matter, the U.S. Department of Education has now invited all states to submit a growth model for possible approval in determining AYP. Utah's U-PASS Accountability plan is a growth model. It has previously been turned down by the UDSOE, but that occurred at a time when the USDOE limited the number of states that could apply.

Member Theurer reported that the federal government is now going to accept a few more growth models, which is what we wanted from the very beginning. The Committee reviewed the growth flexibility that we want to turn into the federal government which would include our U-PASS report.

The Committee received information on the appeals process for AYP. The Committee learned that the word "appeal" is not what appeal means in most cases. Once an appeal is made there is no one that will say we accept or reject that appeal. The question is who will decide the appeal and how it takes place. A summary of the appeal process was provided for the Board. Member Theurer reviewed the appeal process. She noted that whatever is in the

Accountability Workbook for a specified year is the rule. The 2007 Accountability Workbook did not include any sort of averaging on achievement. The State Office of Education feels that non uniform averaging and safe harbor averaging would be something worth asking the federal government to include in our upcoming workbook for 2008. As of now, averaging is not included in the results for 2007, therefore averaging should not be a part of the 2007 LEAs appeals.

Member Theurer questioned staff if the Board could be assured that no schools or districts are using non uniform or safe harbor averaging in their data submissions for 2007.

Superintendent Harrington commented on whether or not the State Office would hold schools accountable reporting that the law states very clearly that the LEA determines appeals. She suggested the following process that LEAs make their determination of their appeals and they file those determinations locally and notify us of their decision about an appeal. Those appeals must be made upon state set criteria as it appears in the workbook, including the workbook that oversight for 2007 which would not allow appeals that had to do with averaging this past year and the workbook for 2008 as it may be approved by the US Department of Education for which we are seeking non-uniform averaging. Therefore, we understand that we follow the workbook for 2007 and eliminate any averaging that has been done at the point of appeal; reestablish the guidelines for appeals for 2007 and the Board then reviews carefully the workbook for 2008 before the February 15 deadline.

(For complete details see General Exhibit No. 10441.)

Motion was made by Member Teresa L. Theurer and seconded by Member Laurel O. Brown that the Board direct staff to inform local education agencies (LEAs) we are following the appeal process of the 2007 Accountability Workbook, including that non uniform averaging is not a part of it. Motion carried unanimously.

### **Law & Policy Committee**

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

#### **Educator Evaluation**

In its December 7, 2007 meeting, the Law and Policy Committee discussed educator evaluation issues arising from the implementation of HB 382. The manner of educator evaluation in Utah public schools is described in 53A-10-1 through 53A-10-11.

Utah State Office of Education staff reviewed the statutory provisions for educator evaluation in Utah public schools. Staff from Jordan School District presented the Jordan Performance Evaluation System (JPAS). It was noted that this is very time and labor intensive for such an excellent evaluation program. There are six other school districts in the state that are using Jordan's JPAS. It was further noted that this evaluation is to help teachers improve their teaching and is not tied to salary.

(For complete details see General Exhibit No. 10442.)

The Committee considered whether or not additional direction should be given to LEAs through Board rulemaking to help districts that do not have good evaluation systems. Therefore, the Committee determined that we need to know what is actually happening in the state; how can we literally increase capacity; and do we need to create a state board rule to make the statute more useable.

Member Dixie Allen suggested that as we review this we also look at the evaluation from Utah State University, which evaluates the school and teachers from the student, parent, and community point of view. She felt there needs to be a combination. JPAS is good for what it does, but if you want other things with evaluation system it takes more than JPAS brings to the table.

Member Roberts indicated the committee will be having further conversations, and make it a part of the strategic plan.

#### Law and Policy Committee Strategic Planning

\_\_\_\_\_The Committee did not have time to discuss this item.

### **Board Meeting**

#### Public Participation/Comment

Heather Bennett a member of Salt Lake City Board of Education addressed the issue of capital equalization and the need to be cautious of a blanket statement of where equalization revenues come from. Further, that the Board pay close attention to what the local district business officials have put forth on this issue.

#### Executive Session

Motion was made by Member Denis Morrill and seconded by Member Dixie L. Allen that the Board move into an executive session for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session during lunch at 12:50 p.m.

Motion was made by Member Laurel O. Brown and seconded by Member Janet A. Cannon to reconvene into open meeting. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Colbert, Jensen, Mackey, Morrill, Roberts and Theurer voting in favor; Members Haws and Moss absent. The Board reconvened at 1:25 p.m.

#### Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

#### Information Items:

Superintendent Harrington distributed copies of the following:

- meeting times for the Utah School Superintendents Association and the Utah School Boards Association
- a copy of the Performance Audit of Class-Size Reduction

- a pocket sized publication of the board's budget priorities.
- *Tough Choices or Tough Times* a publication that has a very intriguing plan for improving the education system in the U.S.

Superintendent Harrington addressed the following information items:

- Concurrent Enrollment issues relative to the 60/40% formula. Information will be sent to superintendents this afternoon.
- Year-round conference following the legislative session, including national experts on Year Round Education and Extended School Year.
- Community Council Training
- Charter schools and where the decisions can best be made on established charter school requests

Discussion Items:

- Inspections process concerns. The process for inspections across the state involves the State Superintendent. It requires that local districts and schools notify the State Office of their intent to build either an addition, remodeling or new building. It requires a series of inspections at intervals throughout that process that guarantee the building is to the standards for a school. The process is well understood in the sense that it is well posted on our web site, annual conferences have been held, and yet we are finding some non compliance. This has been brought to us by Representative Larry Wiley who is also a building inspector, as well as other building inspectors. With Representative Wiley's help we have determined a process to help clean this up. We will continue inservice and development with district officials and charter school officials about their requirement by law to follow the inspection process. It will include the Superintendent hiring temporary help for the next six months someone who has background in construction and can go on site and do the work required by statute that the State Superintendent does. We will be putting a consequence loop inside the inspection process such that if schools fail to follow the inspection process there will be a graduated withholding of their money. If they fail to notify us entirely about the building project there will be a penalty fine.

Member Bill Colbert suggested that municipalities also be notified of the this process.

- Superintendent Harrington updated the Board on the progress of the Governor's Blue Ribbon Panel on Assessment.
- Superintendent Harrington reviewed the outcome of the Class Size Reduction Audit.
- Associate Superintendent Brenda Hales presented the results of the Iowa Test from last fall. This information was e-mailed to the Board earlier in the week. She indicated they show continuing

growth.

- Deputy Superintendent Larry Shumway updated the Board on the data systems at the State Office of Education, and the vendor selection process. He reported that the timeline for receiving those proposals is next week.
- Superintendent Harrington presented the Accomplishments of the office for the last three years and the goals for 2008 to 2011.

(For complete details of the Executive Officer Report see General Exhibit No. 10443.)

### Legislative Update

Deputy Superintendent Larry Shumway updated the Board on proposed legislation that will come before the Legislature during the 2008 general session. (For complete details see General Exhibit No. 10444.) The Board took the following action on the proposed legislation presented:

#### **Proposed Constitutional Amendment, Article VI, Section 29**

Motion was made by Member Kim R. Burningham and seconded by Member Janet A. Cannon that the Board support the Proposed Constitutional Amendment relative to the school land trust program. This would authorize the state to subscribe to stock funds with permanent funds. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Colbert, Jensen, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Member Haws absent

#### **HB 85 - Teacher Loan Program**

Motion was made by Member Kim R. Burningham and seconded by Member Richard Moss that the Board support the bill with comment questioning the funding for staff to administer it. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Colbert, Jensen, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Member Haws absent.

#### **HB 88- Elementary Education Co-teaching Pilot Program**

Motion was made by Member Teresa L. Theurer and seconded by Member Kim R. Burningham to support the concept with comment that the Board would like input on the legislation relative to the makeup of the co-teacher.

Motion was made by Member Debra Roberts to table the motion until we have further information. Motion failed with Members Allen, Cannon, Cluff, Colbert, Mackey, Moss and Roberts voting in favor; Members Brown, Burningham, Jensen, Morrill, Sadler and Theurer opposed. Member Haws absent.

Following further discussion, Member Teresa Theurer withdrew her motion and no action was taken.

#### **HB 96 -Retired Teachers Return to Work**

Motion was made by Member Debra Roberts and seconded by Member Richard Moss to support. Motion carried with Members Allen, Brown, Burningham, Cannon, Cluff, Colbert, Jensen, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Member Haws absent

### **SB 36 - Charter and Online Schools Participation in Extracurricular Activities**

Motion was made by Member Teresa Theurer and seconded by Member Janet A. Cannon to take a position of unnecessary. Member Theurer indicated that right now students can participate if the school allows it to happen. Motion carried with Members Allen, Burningham, Cannon, Colbert, Jensen, Mackey, Morrill, Roberts and Theurer voting in favor; Members Cluff and Moss opposed; Member Brown and Haws absent.

### **SB 37 - Home School and Extracurricular Activities Amendments**

Motion was made by Member Teresa L. Theurer and seconded by Member Denis R. Morrill that the Board's position is unnecessary. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Jensen, Mackey, Morrill, Roberts and Theurer voting in favor; Member Moss opposed; Members Brown and Haws absent.

### **HB 244 - State School Board - Elections and Districts**

Motion was made by Member Denis R. Morrill and seconded by Member Michael Jensen to oppose. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Jensen, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Members Brown and Haws absent.

### **SB 48 -Equalization of School Capital Outlay Funding**

Motion was made by Member Denis R. Morrill and seconded by Member Kim R. Burningham to oppose. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Jensen, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Members Brown and Haws absent.

### **SB 55 - Basic Skills Competency Test Amendments**

Motion was made by Member Mark Cluff and seconded by Member Kim R. Burningham to support.

Member Debra Roberts spoke against the motion because it did not address the students who have test anxiety and are good and competent students otherwise.

Amendment to the motion was made by Member Teresa Theurer and seconded by Member Dixie L. Allen to support concept and add comments that we would like to see ELL and special circumstance students included in the legislation.

Member Denis Morrill commented that the Senator could do what she has stated in the legislation and add these other things so you are not closing the door so drastically. To accomplish what she wants to for the disabled she doesn't need to close the door on others.

Carol Lear, Director, Law and Legislation, commented that the Governor's office opposed this idea because students will not get a diploma and that will have a negative effect of graduation rates. This will have a significant consequences for not giving diplomas.

Both the amendment and original motions were withdrawn.

## **SB 104 - State Capital Facility Board - Creation and Oversight**

Motion was made by Member Kim R. Burningham and seconded by Member Mark Cluff to oppose. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Jensen, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Members Brown and Haws absent.

### Executive Session Actions

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

Motion was made by Member Kim R. Burningham and seconded by Member Mark Cluff to adopt the Commission's recommendation in Case No. 04-684 and accept a stipulated agreement, including conditions of the agreement, whereby a teacher in the Salt Lake City School District, voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension for six months from the date of formal action by the State Board of Education. The educator's license may only be reinstated following a hearing and action by the State Board of Education. This action is taken because the educator failed to comply with a previous Letter of Reprimand issued by the Utah Professional Practices Advisory Commission on October 25, 2004. She was required to provide two-self-evaluations regarding her discipline of students and classroom discipline policies. The Letter of reprimand resulted from the educator's harsh physical treatment of students. The educator has since engaged in inappropriate touching of a student in a disciplinary situation, grabbing a student by the chin and yelling at her. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Jensen, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Members Brown and Haws absent.

Motion was made by Member Kim R. Burningham and seconded by Member Dixie L. Allen to adopt the Commission's recommendation and that of the hearing panel in Case No. 07-800 that the educator license of a former educator in the Cache School District be suspended for two years from the date of formal action by the State Board of Education. The educator's license may only be reinstated following a hearing and a decision for reinstatement by the State Board of Education. This action is taken because the educator viewed and allowed students to view sexually inappropriate and pornographic videos and pictures on his school computer and allowed a female student to sit or bounce on his lap while viewing a sexually explicit video. The educator also attempted to coerce students not to testify against him, despite a district directive to refrain from contacting students. Criminal charges are pending. (The hearing report was provided in the Executive Session.) Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Jensen, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Members Brown and Haws absent.

Motion was made by Member Kim R. Burningham and seconded by Member Bill Colbert to adopt the Commission's recommendation in Case No. 07-818 and accept a stipulated agreement, including conditions of the agreement, whereby a former teacher in the Tooele School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of revocation for five years from the date of formal action by the State Board of Education.

The educator's license is revoked until and unless the educator applies, in a minimum of five years, and has a reinstatement hearing and the State Board of Education determines that reinstatement is warranted. This action is taken because the educator inappropriately touched at least eight students in his classroom. He has plead guilty to eight second degree felony counts of sexual abuse of a child. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Jensen, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Members Brown and Haws absent.

(For complete details see General Exhibit No. 10445.)

### Board Chairman Report

Chairman Richard Sadler presented the following items of information:

Member Dixie Allen reported that at the UCAT Board of Directors meeting yesterday they took a stand that the proposed merger of the Salt Lake Tooele ATC and Salt Lake Community College is not in the best interest of the Tooele students or the ATC program. It was felt that more time was needed to get the Salt Lake Tooele ATC up and running because it is showing some growth during the past year and there is not a plan in place to service the Tooele students. Member Allen suggested that the Board visit with Tooele and see what we can do to help service those students.

Member Teresa Theurer questioned if the Board could take a support or non support of this issue. If not, she would encourage board members who are not in support of combining these two entities to visit with their legislators. We need to not give up on Tooele and service to the secondary students. It will be extremely hard for Salt Lake Community College to service those students.

Member Janet Cannon reported that at the Board of Regents meeting in December they took action to support this merger. They did this without providing sufficient time and input from the State Board. Members did have information from Mary Shumway and her thought was that perhaps this could be done with several caveats which Member Cannon presented at the Board of Regents meeting. She suggested that before the Board takes any action it may want to hear from Mary Shumway. One of the caveats was a concern for services to high school students in Tooele,

Member Randall Mackey commented on his service on the Salt Lake Tooele ATC Board of Directors and felt there was a tremendous duplication of resources. He spoke in favor of combining the two entities.

Chairman Richard Sadler presented the following items:

- At 5:00 p.m. tonight there is a dinner meeting with the Utah School Boards Association Board of Directors in the Arizona Room at Little America. .
- Reviewed calendar items.
- With regard to Committee assignments there will be two changes. Michael Jensen will serve on the

UCAT Board of Directors replacing Teresa Theurer and Teresa Theurer will remain on the Utah High School Activities Association Board of Directors.

- Leadership met yesterday with Governor Huntsman in the newly redecorated Governor's Board Room. The Governor reviewed his budget items. His remarks at our luncheon with him next week will be on that topic as well. The Governor was warm and welcoming and suggested he needed our support for his priorities. He indicated he would like to meet with us during the course of the legislative session.
- Relationships with legislators. As we meet with legislators we should involve local board members.
- We are planning to hold meetings during the legislative session on Fridays at 10:00 a.m. to 11:30 a.m. There is also a meeting on Fridays at noon with other education groups. Chairman Sadler indicated that several of our sessions will be held at the capitol so we might have legislators participate with us.
- Strategic Planning on April 3 - We have secured Brenda Welburn of NASBE to facilitate this session. He requested that Board Members give suggestions for this session to he or Mark Cluff. They will be talking with Brenda in two weeks while at the NASBE meetings. The meeting will be held in the Board Room.

Member Janet Cannon suggested that the recommendations of the three study groups be included in the Strategic Planning meeting.

#### General Consent Calendar

Motion was made by Member Janet A. Cannon and seconded by Member Denis R. Morrill to approve the General Consent Calendar as presented. Motion carried with Members Allen, Burningham, Cannon, Cluff, Colbert, Jensen, Mackey, Morrill, Moss, Roberts and Theurer voting in favor; Members Brown and Haws absent.

#### 1. Minutes of Previous Meeting

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

#### 2. Contracts

The following contracts were approved by the Board:

(A) NCS Pearson, Inc. (\$224,371.) 11/1/05-11/30/07 - Amend. - Fed.

Amendment is to formally reflect a \$224,371 credit as outlined in the attached letter from Pearson.

(B) Majestic Investment Company. \$202,312.00. 2/1/08-7/31/08 - Amend. - Fed.

Lease of office space for Disability Determination Services located at 555 East 300 South, Salt Lake City, Utah.

© Cedar South Station, Inc. \$292,874.58. 2/1/08-1/31/13. - Amend. - Fed.

Lease of Division of Rehabilitation Services Cedar City Office, 925 South main Street, Cedar City, Utah.

(D) NCS Pearson, Inc. \$1,623,173. 11/30/07 - 7/15/08 - Amend. - Fed.

Amendment is to extend the current contract to July 15, 2008 to allow for Spring 2008 online administration of computer-based CRTs.

(E) Questar Assessment, Inc. \$14,760. 10/18/02 - 2/28/22. - Amend. Fed.

Amendment is to re-determine item difficulties for all speaking items based on specified item score value adjustment; develop new UALPA-2 cut-score tables and associated matrices; and facilitate an additional 1-day scorer training for Ogden School District & Charter Schools.

(F) Pearson Educational Measurement. \$499,922. 12/15/07-9/30/09 - Amend.

Amendment is for the purpose of extending the original contract by 4 months, modifying the scope of work for the remainder of the contract and establishing that PEM is responsible for the development, printing, and distribution of mathematics criterion-referenced tests for elementary and secondary levels.

(G) USU. \$46,000. 5/1/08-4/30/13. - Amend. - Fed.

To lease the office space for the Division of Rehabilitation Services in the Vernal Office at 1680 West Hwy. 40, Suite 1060 (Ashton Energy Building) Vernal, Utah.

(For complete details see General Exhibit No. 10446.)

3. Educator Licensing and Data Retention, R277-502

Title 53A, Chapter 6 outlines rules for “Educator Licensing and Professional Practices.” Section 104 specifically refers to the licensure which in practice is governed by Board Rule R277-502. Upon reviewing this rule, the following changes were made: (1) Alignment of the rules with updated practices and codes; (2) updated language in the rule to ensure compatibility with practice; and (3) reassignment of sections to appropriate rule. In addition, the addition of a new K-6 area of concentration was added in R277-502-5. The Board approved R277-502, Educator Licensing and Data Retention as amended above on second reading in its December 7, 2007 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-502, Educator Licensing and Data Retention on third and final reading. (For complete details see General Exhibit No. 10447.)

4. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2008 is provided for information to the Board. (For complete details see General Exhibit No. 10448.)

5. Monthly Budget Report

The Monthly Budget Report provides information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. (For complete details see General Exhibit No. 10449.)

6. Ratifications

Tim D. Eccleston was ratified as an Educational Specialist in the Data Assessment and Accountability Division.

7 Recommendations from the Utah State Instructional Materials Commission

On December 13, 2007, the Utah State Instructional Materials Commission met and approved approximately 3,500 titles for recommendation to the Board. The Commission also recommended that the Board accept the bids received from the publishers and direct staff to award contracts to the publishers to furnish instructional materials to the schools of Utah. A complete printout of the recommendations was available in the Board office for perusal by members of the Board. The Board adopted the recommendations of the Utah State Instructional Materials Commission and directed staff to award contracts to the various publishers. (For complete details see General Exhibit No. 10450.)

8 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. 10451.)

9 Claims Report

The Claims Report in the amount of \$216,942,519.34 for December 31, 2007 was approved by the Board. (For complete details see General Exhibit No. 10452.)

Vice Chairman Mark Cluff shared information on other bills that are proceeding: One on teacher licensing and alternative licensure and another on open enrollment. He has the information and will be e-mailing information as to what these involve. as to some bills that will be proceeding, one on teacher licensing and alternative licensure

Motion was made by Member Debra Roberts to adjourn. Meeting adjourned at 3:30 p.m.