

MINUTES

July 14, 2005

Minutes of the meeting of the State Board of Education held July 14, 2005, at the Iron School District Office, Cedar City, Utah. Meeting commenced at 8:05 a.m. Chairman Kim R. Burningham presided.

Members present were:

Chairman Kim R. Burningham
Vice Chairman Janet A. Cannon
Member Dixie L. Allen
Member Tim Beagley
Member Laurel Brown
Member Mark Cluff
Member Bill Colbert
Member Thomas Gregory
Member Greg W. Haws
Member John C. Pingree
Member Debra G. Roberts
Member Gary C. Swensen
Member Teresa L. Theurer

Members Bonnie Jean Beesley, Edward A. Dalton, Richard Sadler and Sara Sinclair were excused.

Also present were:

Executive Officer Patti Harrington
Associate Superintendent Christine Kearl
Associate Superintendent Patrick Ogden
Associate Superintendent Raymond Timothy
Public Affairs Director Mark Peterson
Board Secretary Twila B. Affleck

Executive Director, USOR, Blaine Petersen was excused.

Members of the Press:

Meg Cady, Daily News
Royce Van Tassell, Education Excellence Utah

State Office of Education Staff:

Larry Shumway, Law, Legislation, and Educational Services
Karl Wilson, Student Achievement and School Success
Carol Lear, Law, Legislation, and Educational Services

Board Secretary Twila B. Affleck recorded the minutes.

Welcome and Student Achievement Spotlight

Chairman Burningham excused Board Members Bonnie Jean Beesley, Ed Dalton and Sara Sinclair Board Member Debra G. Roberts lead the Board in the Pledge of Allegiance.

Board Member Thomas Gregory offered welcoming remarks.

The Board recognized Jason Davis who recently graduated from Cedar City High School and has never missed a day of school in 13 years of education. Jason is an honor roll student, and participated in baseball, basketball and coaching. Jason was presented a Certificate of Excellence from the Board.

The Board recognized Juan Madrigal who recently completed the 5th grade at Milford Elementary School. When Juan entered the Milford Elementary School two years ago, he was classified as an English language learner, with limited English proficiency. Right from the start, Juan excelled in the acquisition of English speaking and writing skills. Earlier this year, his progress was assessed, and he was reclassified as Fully English Proficient. Juan consistently earns A's in academics. He was selected to receive the "most Improved Reader Award," for the 2004-05 school year. Juan was presented with a Certificate of Excellence from the Board.

Online Writing Practice With Immediate Diagnostic Results

Associate Superintendent Christine Kearl reported that the State Office of Education has made a recommendation to State Purchasing that we award a writing software contract to CTB McGraw Hill. We are currently going through a procurement protest, but it is hoped this will be resolved in a short time. As we have talked with superintendents and curriculum directors about writing software, there is a lot of excitement and enthusiasm for this program. We wanted to have this presentation in July so we could do training in August and implementation in September. Our goal is to get this into as many high school, if not all, we can this year. State Purchasing has indicated we may go ahead with this presentation to get the process moving. Recognizing the importance of writing, the Utah State Office of Education first field tested the Direct Writing Assessment in grades six and nine to measure student skills in writing in 2001 and made it operational in 2002.

As the technological infrastructure in Utah schools and the related skills of students and faculty have developed sufficiently to maximize the impact of commercially available automated writing practice programs, the Utah State Office of Education is moving to ensure competence in writing for high school graduates.

Senate Bill 154 (2003) set forth the Legislature's plan for competency- measured (standards-based) instruction in Utah's classrooms. Funds associated with S.B. 154 are being used to support this writing initiative. In order to receive this software, participating high schools shall: (1) annually pretest (fall) and post-test (spring) students to measure growth; (2) create and enforce a common campus-wide writing scoring guide used by all teachers to improve writing abilities; (3) significantly increase the frequency of student writing experiences; (4) expect writing assignments of students at a proficient level (as determined by the scoring guide) in all classes, not just in language arts courses.

The scope of work for the Utah State Office of Education involves the deployment of the writing program,

the professional development of the educators working with the program, and the measure of the impact of the program on student writing skills.

Agneta Lenberg, Western Region Account Manager for CTB-McGraw Hill and Dr. Alan Sheinker presented a demonstration of how the writing program will be in used Utah high schools.

Superintendent Harrington suggested that there be a staff inservice on the program and include board members and legislators.

Dr. Harrington reported that this comes with strings. We will not just roll it out to high schools, they must have pretest and post-test, and a common rubric which the system itself will provide, and we are expecting them to increase the frequency of writing across the curriculum. We can monitor this with the software potential.

Dr. Harrington further emphasized that SB 154 came in 2003 with \$1.4 million for competency measured education. We have consistently put out to superintendents that when they want to move to competency measured education to please contact our office because we have money to help. She has had two indicate interest. The first from Logan's Alternative High School, and the second from Granite School District where they have three high school whose feeder system are moving to competency measured education with great support from Dr. John W. Bennion. This money needs to get out to help kids today. Dr. Harrington indicated that she has carefully been working this through with Senator Stephenson and Representative Christensen and others who have a concern about this issue.

Chairman Burningham commented that this approach is extremely valuable if it increases writing. If it becomes a replacement for a teacher, it will be devastating to our system.

Special Needs Scholarship, R277-602

In the June Board meeting, the Board adopted R277-602 Special Needs Scholarships as an emergency rule. This rule is in response to passage of the 2005 Legislature's Carson Smith Special Needs Scholarship bill. This bill allocates \$2.4 million for scholarships worth up to \$5,500 for special needs children whose parents elect to send them to a private school.

Passing this rule in its original form as an emergency measure allows parents of eligible students to make application by the July 1st deadline. It also allows the Board 120 days to take additional action, or to amend the rule.

A task force was formed to further study the rule, consider whether to expand the definition of "a private school which specializes in serving students with disabilities," and make recommendations to the Board. (For complete details of the materials presented, see General Exhibit No. 9659.)

Associate Superintendent Ray Timothy presented the Task Force Recommendation including the impact if the rule was left unchanged, and the impact if the definition in the rule were to be expanded. Dr. Timothy also presented information gathered relative to the applications currently received at the Utah State Office of Education and the status of the applications.

Member Laurel Brown presented how the definition of a school that specializes in services for students with disabilities might be expanded. Member Brown also added an amendment to the recommendation from the task force under (3)(a) to read: employs or contracts with special education teachers who have a Utah educator license with special education area of concentration.

The recommendation from the Task Force would be to replace Definition 1M with the following (including the amendment):

- M. "Private school that specializes in serving students with disabilities" means the school:
- (1) has a student population of at least 80 percent students with identified disabilities under Section 53A-1a-704(2); or
 - (2) is a Northwest accredited special purpose school that serves students with disabilities; or
 - (3) (a) employs or contracts with special education teachers who have a Utah educator license with special education area of concentration. The teachers are responsible for the evaluation, programming, instruction, and assessment of students with disabilities; and
(b) employs or contracts with licensed related service providers who are responsible for evaluation, programming, instruction, and assessment of students with disabilities; and
(c) the special education teachers and related service providers deliver services within the caseload guidelines in the Utah State Board of Education approved Special Education rules.

The current subsections (2) and (3) would be deleted from the rule.

Motion was made by Member Laurel O. Brown and seconded by Member Bill Colbert to replace Definition M as outlined above on page 3, beginning on line 84, of R277-602. The motion was held pending further staff presentation.

Associate Superintendent Ray Timothy reported that if the definition is expanded as explained by Member Brown, it is possible that eight of the applicant schools would meet the standards. In addition, because that will increase the numbers, some students who are already attending those private schools ten additional students would qualify at the 1.5 level. We further believe that there are approximately 50 applications that have yet to be processed, which is another \$285,000. This would still leave \$1.3 million of what was appropriated not used. This is the reason the task force in talking about this questioned the legislative intent. If there were sufficient funds, perhaps the intent was to expand the definition.

Dr. Timothy indicated that a letter on this issue has been received from the Utah School Boards Association. The letter was reviewed by the Board. (For complete details, see General Exhibit No. 9660.)

Member Brown commented that in terms of the changes and the possible monies left over this provides a good balance that is broadened enough to allow more schools to participate and yet restrictive enough to follow statute.

Motion was made by Member Laurel O. Brown and seconded by Member Bill Colbert to amend the previous emergency rule R277-602, Carson Smith Special Needs Scholarship Program, changing the wording in the rule under R277-602-1M as provided above, and delete the previous sections 2 and 3 under 1M, and approve the rule

as an emergency rule on second reading. Further, to expand the time that the parents may apply for students to July 22, 2005. This would change line 148, page 5 to read: by July 1, or later as allowed by the Board, prior to the year in which admission is sought, or for the 2005-06 school year July 22, 2005.. . . .

Motion to divide the motion was made by Member Laurel Brown and seconded by Member Bill Colbert.

Member Bill Colbert presented an amendment to the motion to change R277-602-1 M (1) to reduce the 80% to 65%. Amendment was seconded by Member Mark Cluff.

Member Colbert commented that this would still demonstrate that the school is predominantly serving students with identified disabilities, and would broaden the scope to allow an additional school or two to come in.

Member John Pingree clarified that with the changes recommended by the task force the percentage figure would not matter.

Members Colbert and Cluff withdrew the amendment.

Member Tom Gregory, commented relative to the number of students this year who may receive services compared to next year. There has been some slight criticism of the public education system for not letting its parents know about the Carson Smith Scholarship. The private schools have let their parents know. Secondly, it was his desire to try to make this amendment slightly broader, but as the committee tried to get a consensus we tried to get a rule that was easily administrable and cost conscious.

Member Gary Swensen questioned what the motion would do to the concerns expressed by the Utah School Boards Association? Carol Lear responded that the letter was a concern and caution that the board should be sensitive to the plain language of the statute relative to the deadlines. They felt this bill had significant potential impact for the school districts and their caution was that the language of the statute was chosen carefully. The suggestion is also in the letter that if a broader interpretation is used there could be litigation as well. Dr. Lear felt that the proposed amendments to the rule would not be objectionable to the school boards.

Member John Pingree commented that it was his understanding that the bill was to take care of the severely disabled individuals. He felt that expanding it to include many other situations would not be supported by the Utah School Boards and others. With the expansion we are expanding the eligible schools. His concern is whether it was the intent of the legislation to help children with disabilities in specialized schools, or to help any child who has a disability in any school? He continued that it was his understanding that it was not intended for the latter, but to help a child with a disability that is in a private school where that disability is being taken care of.

Member Laurel Brown, clarified that the law creates scholarships for students who attend a private school. There is more than one way to do that, they can be in public schools and transfer to a private school. The law is not specific as to the types of disabilities nor does it speak to the level of disability.

Member Mark Cluff applauded the task force for trying to look at ways to open this up to allow more

children to be blessed with the money. He also appreciated what was trying to be done. As he understands it, their intent was to make sure that students who are receiving special education services with this scholarship have the correct services, and they are administered by an instructor who is properly trained? Member Laurel Brown indicated they wanted to make sure that the students whose parents received the scholarship have a higher chance that they will be receiving, although we cannot mandate, special education services. This will give us a higher assurance that parents and taxpayers will be receiving appropriate services.

Member Mark Cluff commented that what we are defining is what private school students receive the scholarship, not where they go to school. He indicated that the statute already defines what an eligible school is, and any private or public school students, who qualifies for the scholarship, can go to any eligible school if they are accepted. What our term of “specialized school” does is define who of the students receive the special scholarship. Just because that school has these types of services they also have to qualify to be an eligible school. Therefore, we are saying that public education students are held to a different standard than private education students. Member Cluff’s concern is that it is not broad enough and we should be using the definition that a specialized school is an eligible school.

Member Teresa Theurer spoke in of the motion was written because it opens it up. A parent with a child with extreme disabilities in a public school is aware of the bill, and the reason a lot of them have not applied is because they are happy with the services they are receiving in the public schools.

Member Theurer called for previous question on the motion, seconded by Member Dixie Allen. Motion failed.

Member Debra Roberts requested clarification on the schools on the list that would qualify with the expanded definition. Karl Wilson responded that in their contacts with private schools during the last three weeks, they asked them to self report if this definition were to go in, how many would feel they would qualify as a school that specializes, Cache Valley Learning Center indicated they would. There were at least three Catholic schools that indicated they would qualify. This is if their self reporting is accurate.

Chairman Burningham recognized Royce Van Tassel, Educational Excellence Utah. Mr. Van Tassel commented that in the discussion earlier as to what the growth pattern might look like. He indicated that based on the Florida experience, year one they had 1,400 students apply, they are now five years out and they have approximately 15,000 students participating. He could not know what the growth curve will look like in Utah, but it does say that word of mouth takes time. He indicated that he was disappointed that the State Office was not willing to help them in getting the word out. Secondly, he is greatly concerned that the proposed rule by importing special education standards from elsewhere in the code is a violation of the statute. Section 709 of the statute says that this does not grant authority to regulate private schools except as expressly set forth in this part. He felt that the authority the Board was taking in

this regard was clearly in violation of Section 709. Mr. Van Tassell further commented that there is something odd about setting differentials standards for students that come from the private sector versus the standards of those from the public school sector. He indicated he was aware that the Board is concerned about how public dollars are spent, but in both cases they are public dollars. The legislature has set the criteria for an eligible school suffices in guarding the public dollar. In expanding or making that definition of the accountability standard in specialized schools significantly higher than what is required of a student attending eligible schools, again so well beyond what legislative intent was. Mr. Van Tassell indicated that Representative Newbold has spoken with the Administrative Rules Committee and indicated that the intent of the legislation was to meet the specific needs of individual students. What is proposed, focuses more on schools as opposed to individual needs.

Karl Wilson, Special Education Director, responded that the statute clearly distinguishes between eligible schools, which in many ways is a very minimal threshold. It does talk about the different threshold that an eligible school that specializes in serving students with disabilities. One of the things that the school that specializes in serving students with disabilities has to be able to do is to pull together the assessment team that can readily determine, with accuracy, whether or not a child would qualify for special education services. Eligible private schools with a lower threshold could be employing people who have had some experience working with children with disabilities and what expertise might those people have in being able to readily determine the qualifications for special education. From the perspective of an advocate for children with disabilities, we need to look at defining where it was not defined in statute, what is a school that specializes, what expertise do they have to serve a student with disabilities.

Carol Lear, Coordinator Government and Legislative Relations commented that the concern about the 709 section of the law regulating private schools, she did not believe would be affected by the expanded definition.

Member Tim Beagley, commented that the analysis is for the current year, but part of the statute is retroactive. He questioned if there was enough money to cover this definition? Associate Superintendent Patrick Ogden responded that the money allocated last year lapsed at the end of June. The \$2.4 million can be used to cover the retroactive monies needed.

Member Beagley stated that it would mean that if we leave the application deadline open we would potentially fall into a lottery situation. Associate Superintendent Ray Timothy responded that of the total amount, we had \$1.7 million with existing rule of the \$2.4 million, we will still not reach the maximum of going to a lottery.

Superintendent Harrington spoke in support of the amendment. She indicated she believes strongly that there are some children for whom our system cannot reach their need, though they are limited in number, and this honors that limit while still honoring their needs.

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

Motion relative to the deadline extension carried unanimously.

Chairman Burningham expressed appreciation to the Task Force for their work and disbanded the task force.

Board Standing Committee Report

Finance Committee

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

Budget Priorities

Utah State Office of Education staff and others have developed requests for additional funding. The requests have been reviewed and ranked by the State Superintendent and her staff.

In preparation for its annual budget request to the Legislature the committee reviewed and discussed requests for additional funding that have been developed through the superintendency of the State Office of Education, and the State Office of Rehabilitation. (For complete details, see General Exhibit No.9661.)

Member Beagley noted that the Governor has given us preliminary budget guidelines. The guidelines divide the budget requests into existing programs and new programs and within the existing program category, mandatory items and other items. For the new program requests, the Governor has put in the guidelines that they not exceed 2 percent of our ongoing state funds.

The Committee has directed staff to pull out of the list of prioritization all items that could be considered as mandatory, i.e., growth, increases in WPU, Utah Alternative Language Proficiency Assessment, and ongoing Carson Smith funding. After that is done, they were asked to take items on top part of the prioritization list, including the math initiative, K-3 reading improvement, UBSCT support, etc. and then move to bottom of list and raise items up in a prioritized fashion until we are at the 2%. Staff was also asked to develop a third list of items we could categorize as one time expense with the possibility that revenue projections are looking very well for next year which would provide for one time expense should the money be available to us.

The committee has not completed their work and will meet again on August 12 at 9:00 a.m. to try to speed up this process.

No action was required by the Board.

Executive Appropriations Committee Report

Utah State Office of Education staff briefed the Committee on the items that will be discussed at the July 19 meeting of the Legislative Executive Appropriations Committee. (For complete details, see General Exhibit No. 9662.)

Member Beagley highlighted bullet 2, reported that bullet 3 has been pulled off the agenda and put on the September agenda. The last bullet item of a report on computer access in schools will be presented.

The Committee received the report. No action was required from the Board.

Meeting with Members of the USBA/USSA Executive
Committees to Develop a Possible Joint Budget
Strategy for the Upcoming Budget Cycle

The Committee reviewed with representatives of the Utah School Boards Association and the Utah School Superintendents Association its recommended budget priorities as well as reviewed the associations' suggestions.

Member Beagley reported that we would like to make sure that all budget requests add up to the same numbers, and that we ask for same increase for the WPU. They have a slight difference in priorities in terms of the finances. They view transportation as a first priority right after growth and increases in the WPU. They have supplied evidence to show that the increases in transportation costs over the last few years have taken money away from other programs. Four years ago the state was paying approximately 70 percent of the cost per mile of transporting students, and that number has fallen to 55 percent. They have responded by cutting back the number of field trips, doubling up on buses and transporting fewer students that probably need to be transported. We may consider moving that up at their request.

No action was required from the Board.

Communications Committee

Member Tim Beagley reported that the main activity of the Communications Committee is the production and circulation of a 12-16 page newspaper insert. The Cost for this insert is approximately \$50,000. We have already received \$20,000 pledged. He indicated that this will be a statewide insert and the people and organizations that donate to its production will be listed on the back page with a nice thank you. They are requesting recommendations from Board member areas that may be approached for contributions.

The newspaper insert is in the works and a copy has been sent to the *Deseret Morning News*. This is a real opportunity for organizations to contribute to pay for this.

Chairman Burningham, stressed that we need \$25,000. He indicated he has a letter that Member Dalton has drafted to be sent to potential sponsors.

Member Laurel Brown commented that the content of the insert would be helpful as board members approach others for contributions. Mark Peterson will provide a summary of the insert.

Member Debra Roberts reported that the meeting that was to take place with the *Spectrum* yesterday was cancelled by the *Spectrum*.

General Consent Calendar

Motion was made by Member Teresa L. Theurer and seconded by Member Mark Cluff to approve the General Consent Calendar with two amendments to the minutes. Motion carried unanimously.

Corrections to minutes on page 16823 relative to the financial literacy course that beginning with the 9 grade this year, those graduating in 2008, will be required to take this course for graduation. Further, that the discussion with Congressman Matheson, that PELT grants be corrected to PILT (payment in lieu of taxes).

1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education held June 3, 2005.

2. Contracts

A. Utah Education Network. \$24,000. 7/1/05-6/30/06. - Amend.

To pay EDNET site/system fees associated with USOE-originated video conferences.

B. Art Access/VSA Utah. \$40,000. 7/1/05-6/30/06 - Amend. - Fed.

To ensure integrated arts for students with disabilities. Train and recruit professional artists to provide direct service to students and provide inservice training to teachers, aides, parents and administrators. Use "Start With the Arts" Curriculum for preschoolers learning basic skills through art.

C. Riverside Publishing Co. \$37,427. 9/3/04-6/1/09 - Amend

Amendment is to acquire additional report templates for school reports and certificates of achievement. The Iowa Tests are norm-referenced tests that are administered in grades 3, 5, 8 and 11 to determine our achievement in relation to national achievement.

D. Utah Parent Information and Training Center. \$80,000. 7/1/05-6/30/06. - Amend. - Fed.

The Utah Parent Information Center is the only center in the state which serves as a statewide clearinghouse for parents with disabled children. UPC provides information, referral, training and support to parents.

E. NCS Pearson, Inc. \$2,003,563. 6/1/05-5/30/07 - Fed.

To develop, print and distribute the mathematics criterion-referenced tests for elementary and secondary levels for use in Utah public schools.

F. DSPD. \$30,000. 3/25/05-11/30/05. - RECEIVABLE - Fed.

To take a broad look at the Supported Employment and study current philosophies, policies, and goals guiding the program, support for the program and its implementation including resources and rates.

G. Division of Workforce Services. \$20,000. 5/17/05-6/30/05 - RECEIVABLE - Fed.

Grant monies from Division of Workforce Services to be used for purchase of interpreter training equipment, materials as well as upgrade of the Interpreter Training Lab.

H. Kane County School District. \$8,006. 7/1/05-6/30/06. - Amend. - Fed.

To provide funding for a Transition Facilitator to provide for transition services to Special Education and 504 students in the Kane County School District. This target population is comprised primarily of Vocational Rehabilitation clients and potential Vocational Rehabilitation clients.

(For complete details of the Contracts see General Exhibit No. 9663.)

3. Educator Licensing Renewal, R277-501

The addition of NCLB “highly qualified” information to Board Rule R277-501 Educator Licensing Renewal and NCLB qualifications made the rule both lengthy and confusing. Rule R277-501 has been amended to include license renewal information only. The Board approved R277-501, Educator Licensing Renewal on second reading at its June 3, 2005 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-501, Educator Licensing Renewal on third and final reading. (For complete details, see General Exhibit No. 9664.)

4. Lehi Elementary School Variance Request to R277-419, Pupil Accounting

Flooding in front and in back of Lehi Elementary in the Alpine School District began on Saturday, May 21. They subsequently shuttled teachers and students across the river in the parking lot and kept students off the playground in back. Each day the stream got wider and deeper. Lehi City officials calculated that the run off would peak on Friday, May 27.

Friday, May 27, 2005 is the last day of school for Alpine School District. Out of concern for safety the Alpine School District and Lehi Elementary are requesting a variance in the pupil accounting rule allowing the Lehi Elementary School to close on Thursday, May 26, 2005. The school schedule has added 5 minutes to each day during the year so that at the close of school on Thursday, students will have had over 999 hours of instruction. (For complete details of the request see General Exhibit No. 9665.)

The Board approved the variance request for Lehi Elementary School in the Alpine School District to R277-419, Pupil Accounting for closure of the Lehi Elementary School on Thursday, May 26, 2005.

5. Administrative Rule Review

Under provisions of 63-45a-9, U.C.A. 1953, all administrative rules shall be reviewed every five years. There may be minor non-substantive changes within these rules. The following rules were reviewed and approved:

R277-107	Educational Services Outside of Educator’s Regular Employment
R277-474	School Instruction and Human Sexuality
R277-475	Patriotic Education
R277-476	Incentives for Elementary Reading Program

(For complete details, see General Exhibit No. 9666.)

6. State Board of Education Administrative Rule Repeal

R277-515, Approval of Educator Preparation Programs, has been replaced by R277-503-4 (1) licensing routes which transfers the approval of teacher preparation programs to the two national accreditation organizations: National Council for Accreditation of Teacher Education (NCATE) and Teacher Education Accreditation Council (TEAC).

The third accreditation is covered by state statute and R277-503-4(2): “regionally-accredited competency-based” teacher preparation programs.

The procedures and regulations specified in this rule are no longer in effect.

R277-516, Library Media Certificates and Programs - Library media is no longer a license area of concentration but rather an endorsement to be posted on another license area. The Library Media Specialist, Georgia Loutensock, provided the leadership in changing the license requirements to an endorsement two years ago. The procedures and regulations specified in this rule are no longer in effect.

R277-515 and R277-516 were repealed.

(For complete details, see General Exhibit No. 9667.)

7. Monthly Budget Report

The Monthly Budget Report provides information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. (For complete details, see General Exhibit No. 9668.)

8. USBE Agenda & Strategic Planning Calendar 2005-2006

The Utah State Board of Education Agenda & Strategic Planning Calendar for 2005-06. This is provided for information to the Board. (For complete details, see General Exhibit No. 9669.)

9. Utah School Boards Association Dues

An invoice for the Utah School Boards Association Dues for Fiscal Year 2006 in the amount of \$1,500.00 was approved for payment. (For complete details see General Exhibit No. 9670.)

10. Licensed Staff Cost-of-Living Increase for FY 2006

As outlined in Utah Code (53A-1-302) it is the responsibility of the State Board of Education to establish the salary schedule for licensed staff of the State Office of Education, the superintendency, and the Executive Director of the Utah State Office of Rehabilitation.

The Board authorized a cost-of-living increase of 2.5% to all eligible licensed employees of USOE, administration, board staff, and the Executive Director of USOR, consistent with the legislative appropriation effective July 2, 2005 and the cost-of-living increase required by the legislature for non-licensed personnel.

The Board further approved a one-step increase for licensed employees and the Board Secretary.

The Board also approved the changes in the Licensed Educational Staff Pay Schedule for FY 2006 as follows:

- Eliminate step 1 of the current pay plan and renumber the remaining steps.
- Convert longevity steps L1-L5 to standard steps 10-15.

(For complete details see General Exhibit No. 9671.)

11. Ratification of Employment

Lorie Rawlings was ratified as an Educational Specialist in the Student Achievement and School

Success Division.

Lisa Putman was ratified as an Educational Specialist in the Law, Legislation and Educational Services Division.

12. Advisory Committees – Notice of Vacancies

The following vacancies occur on the respective State Board of Education Advisory Committees:

Governor’s Committee for Employment of People with Disabilities

- Job Training and Placement
- Business and Industry (Person with a Disability)
- Business and Industry
- Veterans
- Business and Labor (3)
- Person with a Disability
- Public Education

13. List of Applicants for Licenses

The list of applicants for initial and renewal licenses were approved by the Board. (For complete details, see General Exhibit No. 9672.)

14. Claims Report

The Claims Report in the amount of \$172,467,750.96 for May 31, 2005 was approved by the Board. (For complete details, see General Exhibit No. 9673.)

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

Superintendent Harrington reviewed speaking and visiting she has done during the month.

Superintendent Harrington provided an update on No Child Left Behind. She reported that we have received nothing in writing from the department since we requested highly qualified teaching status for teachers of Special Education and multi-subjects in April. We have received verbally that our highly qualified teachers in this area need to be altered but we are still awaiting written direction and confirmation. Our participation rate request was declined because we didn’t test the children that we were instructed not to test. We are continuing to work with CCSSO offices in helping to broker these deals as best we can.

Superintendent Harrington reported that Representative Margaret Dayton has asked her to travel with her to the American Legislative Exchange Commission Conference the first week of August. The Secretary of Education is to be in attendance and visit with this Commission. The Commission is poised to look at a motion to support No Child Left Behind. Representative Dayton has been very instrumental in their Commission to stop it. After visiting with Chairman Burningham and her Associate Superintendent she will join Representative Dayton for one day at that

meeting; mainly because Congressman Bishop will be the keynote speaker and he has offered to arrange a meeting with the Secretary, Representative Dayton and herself.

Superintendent Harrington reported that she had talked with Dr. Reeves yesterday before his breakfast session. He has brokered a conversation with Connecticut and the U.S. Department about their issues and he indicated that there is a clear understanding on the Department's part, in his mind, that they must compromise with the states. He encouraged her to be actively involved in these discussions.

Superintendent Harrington reported that on June 14, Associate Superintendent Kearn hosted many of the education partners and some legislators on a visit to Spring Creek Elementary relative to social promotion.

Superintendent Harrington reported on the evaluation of the Ken Garff Automotive Group "Keys to Success" Program.

Superintendent Harrington reported she was with the Utah Technology Commission, this group consists of legislative and vested interest people that are giving direction to the legislature as it relates to technology. She presented information to them on what we are doing in technology our goals in relationship to technology. She recommended that at some point it might be helpful for the Board to have a complete overview of what is going on in technology in our schools. This meeting began with a report from Martin Frey, Director of Economic Development relative to their plans.

Superintendent Harrington reported that we are gathering information on proven programs of student achievement. We will be launching a dissemination web site that will begin to give feedback across the state as to what is working very well.

The Working Group on Student Achievement. This was called the Task Force on the Achievement Gap. The words "task force" are reserved to the legislature. There is not yet a recognition that there is an achievement gap, so those words were struck. It is now a working group on student achievement. They have subdivided into subcommittees. The subcommittees are to report on August 18. She has chosen to not be a voting member, only participate as a resource. Dr. Harrington reviewed some of the items discussed at this meeting.

Dr. Harrington reported that during the meeting Senator Stephenson indicated to her that he thought Representative Morgan was going to carry a bill that will require full K-3 reading funding, maybe the \$2.5 million we are trying to pick up, conditional upon ending social promotion.

Superintendent Harrington presented a letter to Senator Chris Buttars regarding evolution.

Superintendent Harrington reported that the State PTA would like to begin hosting in co-sponsorship with the State Office, literacy summits for parents across the state. State Board Members will be invited to participate.

The School Land Trust people in our office are anticipating receiving \$14 million this year. There have been increases in mineral lease land as well as other areas.

Dr. Harrington reported that Education Excellence has invited us to travel with a group of legislators to

Milwaukee to review the voucher program. It will include Board Members as well.

The Governor's Office has set August 24 for the Governor's Summit on Education. This is the first week of school and therefore she has encouraged his office to reschedule this summit. However, we have not seen an agenda on this activity yet.

Dr. Harrington reported that the Charter School Directors have asked her to encourage the Board to visit their schools. She suggested that Board Members visit the Charter Schools in their districts.

Today at 4:00 p.m. the Legislative Auditors will be presenting three audits, one on Nebo School District, this is non sequential. The second audit it on the open meetings law. The third is on the post-retirement benefit audit. As soon as these are released, she will get these to the Board. She indicated that we are being represented by Jean Hill from our legal department.

(For complete details of the Superintendents report, see General Exhibit No. 9674.)

Board Chairman Report

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

(1) NASBE Items

Vice Chairman Janet Cannon reported on the following information from NASBE:

- Election for Officers has been completed that the new President-Elect is Bradley Bryant from Georgia and the Western Area Director, Randy DeHoff, Colorado.
- The New Board Member Institute will be held next week and will be attended by Members Mark Cluff, Bill Colbert and Tom Gregory.
- The Annual Meeting this year will be held in Phoenix; next year in Louisville; and 2007 in Philadelphia.

Chairman Burningham noted that Debra Roberts and Mark Cluff will present a report in September on their study group experiences.

Chairman Burningham noted that all of the Board is pretty well committed to the idea that there be a greater continuum of K-16 education and we get a greater tie between public education and higher education. Chairman Burningham reported that he and Superintendent Harrington met with Commissioner Rich Kendell and Nolan Karras, Chairman of the Board of Regents and they decided they would like to more formalize that relationship to give it a higher profile with the whole business of trying to get greater integration between higher education and public education. We will be formalizing that more publically, probably putting the chair, and vice chair and two other members on a committee plus the same from Board of Regents. More information will be forthcoming.

Chairman Burningham reported that at the Education Commission of the States meeting either today or tomorrow they will be presenting an award to two states Utah and Florida. Lt. Governor Herbert is going to the

meeting in Denver to receive the award. The recognition highly talks about the successes in higher education. However, one thing it singles out very strongly is that our system does a great job in preparing people for higher education. Chairman Burningham reported that we have met with leadership of the Senate and House on a regular basis and they are now requesting that it be semi-annually. He will continue to work out meetings again for September.

Meeting with legislative leadership: The Senate prefers it be semi-annually. We will try to work out some type of meeting in September. Chairman Burningham stressed the importance of Board Members meet with their legislators. There is nothing better we can do during the remainder of this month, August and September. He reported that he and Member Sadler have had some wonderful meetings, they talked about the math initiative, they were very interested and also shared some good ideas. They also took a little gift, prints of the painting “n God We Trust” which can be obtained from the Davis Education Foundation.

Chairman Burningham reported on the following calendar activities:

July 20 - Revenue and Taxation Committee – They have asked us for testimony on our reaction on tax reform. Our remarks will focus on a move to equalization and point out the bulge for education needs.

July 19 - Presentation to Executive Appropriations Committee

July 20 - Interim Education Committee and Taxation and Revenue Committee

July 23-25 - NASBE New State Board Member Institute

August 5 - Combined dinner meeting between USBA/USBE

August 12 - Finance Committee Meeting

August 17 - Board Leadership Meeting

August 24 - Governor’s Summit on Education

September 1-2 Board meeting. This will include diversity training. The Board also requested that the presentation on IB that was made to the Charter School Board be made to the Board at that time.

September 29 - Meeting with Education Interim Committee and Education Appropriations Sub-Committees.

October 3-4 Milwaukee meeting on vouchers.

Executive Session

Motion was made by Member Thomas Gregory and seconded by Member Janet A. Cannon to move into an executive session for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 11:45 a.m.

Motion was made by Member Janet Cannon and seconded by Member Dixie L. Allen to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 12:10 p.m.

Professional Practices Commission Recommendations

Motion was made by Member Thomas Gregory and seconded by Member Tim Beagley to accept the

recommendation of the Commission and the hearing panel to reinstate the educator license of a former educator in the Granite School District. The license was suspended for at least two years on October 4, 2002, for misconduct with a student 18 years ago. The license has expired and reinstatement is contingent upon completion of a satisfactory criminal background check and renewal credit. It was noted that the hearing report was reviewed by the Board. Motion carried with Members Allen, Beagley, Brown, Cannon, Cluff, Gregory, Haws, Pingree, Roberts, Swensen and Theurer voting in favor; Member Colbert opposed.

(For complete details of the Professional Practices Commission Recommendations, see General Exhibit No. 9675.)

Coalition of Minorities Advisory Committee (CMAC)

Motion was made by Member Laurel O. Brown and seconded by Member Tim Beagley to appoint Tevita Supiliani Mailei representing Pacific Islanders on the Coalition of Minorities Advisory Committee, term to expire 12/31/05. Motion carried unanimously.

Division of Services for the Blind and Visually Impaired

Motion was made by Member Laurel O. Brown and seconded by Member Tim Beagley to appoint Leslie Gertsch, Zora Foote and reappoint Lynne Krumm to the Services for the Blind and Visually Impaired Advisory Committee. Terms to expire 6/07. Motion carried unanimously.

Division of Services to the Deaf and Hard of Hearing Advisory Council

Motion was made by Member Laurel O. Brown and seconded by Member Tim Beagley to appoint Cherie Hodson, representing Interpreters, to the Deaf and Hard of Hearing Advisory Council, term to expire 6/08. Motion carried unanimously.

Motion to adjourn Teresa Theurer.

Meeting adjourned at 12:15 p.m.

The Board had an informal lunch and discussion with local school board members from the area.