

MINUTES

May 3, 2007

Minutes of the meeting of the State Board of Education held May 3, 2007, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:45 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 Mark Cluff
Member Bill Colbert
Member Thomas Gregory
Member Greg W. Haws
Member Michael G. Jensen
Member Cyndee Miya
Member Denis R. Morrill
Member Richard E. Moss
Member Debra G. Roberts
Member Richard Sadler
Member Teresa L. Theurer

Members Randall Mackey, Josh M. Reid and Marlon O. Snow were excused.

Also present were:

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

Members of the Press:

Jennifer Toomer-Cook, Deseret Morning News
Rod Decker, KUTV-2
Julie Rose, KCPW
Nicole Stricker, Salt Lake Tribune
Lynze Wardle, Standard Examiner
Carmen Snow, Utah PTA
Caralyn Sharette, American Preparatory Academy Charter School
Leah Barker, Children First Utah
Ronda Rose, Utah PTA
Holly Langton, Utah PTA
Jodi Costa, Citizen
Nadia Costa, Sky View High School
Zan Burningham, Sky View High School
Carolyn Merrill, American Fork High School Principal
John Miller, American Fork High School

Jonathan Keith, American Fork High School
David Keith, Citizen
Melanie Keith, Citizen
Trent Mills, Tuacahn High School
Victoria Thompson, Citizen
Tanea Mills, Citizen
Ronald Baldwin, Citizen
Andrew Hunsaker, Citizen
Jan Shelton Hunsaker, Citizen
Alan Smith, Citizen
Sarah Meier, Utah School Boards Association/Granite School District
Michael Kjar, Governor's Office of Planning and Budget
Dee Larsen, Office of Legislative Research and General Counsel
Danny Schoenfeld, Legislative Fiscal Analysts Office
Courtney white, Utah Education Association
Vik Arnold, Utah Education Association
Lisa Johnson, Citizen
Mont Evans, Evans Consulting

Utah State Office of Education staff:

Marlies Burns, State Charter Schools
David Rodemack, Business Services Division
Carol Ann Goodson, Student Achievement and School Success Division

Welcome and Student Achievement Spotlight

Chairman Kim R. Burningham called the meeting to order.

Board Member Michael G. Jensen lead the Board in the Pledge of Allegiance.

Board Member Denis R. Morrill offered opening remarks.

Chairman Burningham excused Members Randall Mackey, Josh M. Reid and Marlon O. Snow.

Achievement Spotlight

Chairman Burningham reported that national recognition has been awarded from the Arts Recognition and Talent Search®, a Program of the National Foundation for Advancement in the Arts, to four students in Utah through the 2007 youngARTS™ program. youngARTS rewards the exceptional achievements of high school senior artists in dance, film & video, jazz, music, photography, theater, visual arts, voice, and writing.

The Board presented Excellence Certificates to the following students: Jonathan Allan Keith, American Fork High School, Music/Instrumental/Composition-Merit; Garrett David Smith, Riverton High School, Dance/Jazz-Level I; Nadia Chantelle Costa, Sky View High School, Visual Arts-Merit; and Trent Robert Mills, Tuacahn High School for the Performing Arts, Theater/Spoken Only-Merit. The Board also recognized the following teachers identified by the students as having the most significant influence on their artistic development: Irene Peery and John Miller, American Fork High School; Zan Burningham and Jeannie Millecam, Sky View High School; and Jan Shelton,

Tuacahn High School for the Performing Arts.

Recognition of Retiring Associate Superintendent

Chairman Burningham recognized Deputy Superintendent Raymond Timothy upon his retirement from the State Office of Education. Dr. Timothy was presented a school bell plaque. It was noted that Dr. Timothy has accepted the Superintendent position at Park City School District.

Introductions of New Staff Members

Superintendent Patti Harrington introduced Dr. Larry K. Shumway who will be replacing Ray Timothy as Associate Superintendent. She shared some background information on Dr. Shumway.

Superintendent Harrington introduced Dave Rodamack the new Human Resource Director, replacing Marlow Wilcox. Dr. Harrington noted he had recently served as Acting Director of Human Resources at the Department of Transportation.

Board Standing Committee Reports

Law & Policy Committee

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

Charter Schools, R277-470

The 2007 Utah Legislature passed H.B. 164, Charter School Amendments, which requires the Board to make rules outlining specific requirements of the bill. Changes to R277-470 include:

- identifying the maximum number of authorized charter school students statewide (R277-470-3);
- new or expanding charter school notification to prospective students and parents (R277-470-5);
- transfer student criteria (R277-470-6)
- expansion and satellite campuses for approved charter schools (R277-470-15);
- creating a charter school building subaccount (R277-470-17); and
- appeals criteria and procedures (R277-470-18)

The following amendments were made prior to the Committee meeting or by the Committee:

Page 4, beginning on Line 105:

- E. If the State Charter School Board does not receive notification of proposed locally-chartered schools by April 15, 2007 and [March 1] August 31, 15 months preceding the deadline required under Section 53A-1a-506.5 every year thereafter, the State Charter School Board may recommend approval of additional Board-chartered schools or expansions or satellites that include the entire total number of students allowed under 53A-1a-502.5.

Page 5, beginning on Line 152:

- (7) [~~required~~] provide for payments, if required, of a one-time fee per secondary school enrollment, not to exceed \$5.00, consistent with Section 53A-12-103.

Page 16, beginning on Line 499:

(6) Adequate qualified administrators, including at least one onsite administrator, and staff are available to meet the needs of the proposed student population at the satellite site;

Page 16, beginning on Line 504:

(7) The school has had an audit by Charter School Section staff regarding performance of the current charter agreement, contractual agreements, and financial records; and

Page 16, New (9) beginning on Line 508 following (8)

(9) A satellite campus that receives school LAND Trust funds shall have a School LAND Trust committee and satisfy all requirements for School LAND Trust committees consistent with R277-477.

Page 16, New Language at the end of (2) beginning on Line 517:

(2) A detailed explanation of the governance structure for the satellite campus, including appointed, elected and parent representation on the governing board, parental involvement and professional staff involvement in implementing the education plan. The parent school shall include at least two voting parent members representing the parents of students at the satellite site on its governing board; at least one parent shall be elected by parents of students attending the satellite school.

Page 17, beginning on Line 531:

(b) failure to secure a site by the required date [~~shall~~] may, at the discretion of the State Charter School Board delay the opening of the satellite campus for at least one academic year.

Page 17, beginning on Line 536

(6) A signed acknowledgment by the charter school governing board that the board understands the satellite campus [~~will~~] may not be eligible to participate in any federal or state start-up grant funding programs;

(For complete details of the rule and amendments see General Exhibit No. 10216.)

The Law and Policy Committee reviewed the amendments to R277-470 and amendments and approved them on first reading as amended and moves that the Board approve R277-470, Charter Schools on second reading.

Member Mark Cluff questioned the discussion on Line 27 relative to changing up to the first lottery for enrollment to the start of the school. Member Roberts indicated that the Committee felt there were concerns in terms of the federal definition of founding member and what was appropriate with a lottery and this is something that needed to go back to the State Charter School Board for discussion. Member Cluff indicated that there have been a few charter schools that did not have a lottery at all so there is no cut off for that school at all.

Amendment to the motion was made by Member Mark Cluff and seconded by Member Bill Colbert to change the language to: up until the first lottery for enrollment or the first day of school whichever comes first.

Amendment carried unanimously.

Original motion as amended carried unanimously.

Highly Qualified Teachers R277-510,
Repeal and Reenact

Highly Qualified Teachers, R277-510 was adopted to provide guidance for educators, LEAs and the USOE in meeting the standards for teacher assignment in No Child Left Behind. In 2006, the U.S. Department of Education required that all states submit revised plans for achieving highly qualified status for all teacher assignments. Utah's plan included the recognition that "the policies and procedures associated with highly qualified are excessively complex and cumbersome." The plan, which received acceptance from the Department in January 2007, stated the solution to this problem: "The SEA [the USOE] will convene a panel of practitioners to review highly qualified policies and procedures. The objective of this review will be to simplify highly qualified procedures. The aim of the panel will be to provide maximum flexibility in the state policy and procedure to ensure that highly qualified [rules] are as user friendly to LEAs and teachers as possible."

The work of the panel has been completed and the revision contains changes in rule organization, with the result that seems best to repeal the existing R277-510 and re-enact the new proposed R277-510. The most significant changes are found in the rules for secondary special education multi-subject teachers and small secondary schools multi-subject teachers. In both cases, the process for achieving highly qualified status has been simplified, limiting the testing requirement to a single Praxis examination. (For complete details see General Exhibit No. 10217.)

The Committee reviewed and approved the repeal and re-enact of R277-510 on first reading and moves that the Board repeal and reenact R277-510, Highly Qualified Teachers on second reading. Motion carried unanimously.

State Board of Education Bylaw Amendments

In its March 2007 meeting the Board passed several amendments to its Bylaws. During the discussion of the amendment proposals other amendments were suggested. The new proposed amendments deal with the Utah Schools for the Deaf and the Blind management and operation, including the Institutional Council. (For complete details see General Exhibit No. 10218.)

One additional change was made on page 17, g to add Board of Trustees to Utah High School Activities Association.

The Committee reviewed the amendments and approved them as presented. Motion from the Committee that the Board approve the amendments to the Board Bylaws. Motion carried unanimously.

Speech/Language Pathologist (SLP)

Committee Update

At the August 2006 Law and Policy Committee meeting, it was requested that a Speech/Language Pathologist (SLP) Committee be formed to address SLP critical shortages and that a preliminary progress report be provided to the Law and Policy Committee at future Board meetings.

The Committee received a progress report from the SLP Committee regarding SLP critical shortages. (For complete details see General Exhibit No. 10219.)

School Trust Lands Presentation

Two years prior to statehood in 1894, Congress granted over seven million acres in trust for the support of Utah's public schools. Today there remain 3.4 million school acres in over 7,000 separate parcels managed by the School and Institutional Trust Lands Administration under the policies set by the Board of Trustees. The trust is protected by provisions in the Utah Enabling Act, the Utah State Constitution, state statute, and oversight by the beneficiary. The lands generated \$143 million gross last fiscal year for schools. All net revenue is invested by the State Treasurer in the permanent State School Fund which is now nearing a billion dollars. Interest and dividends are distributed annually to the School LAND Trust program (\$18.5 million in FY 2007), and unrealized and realized capital gains are retained to build the fund (\$167 million in unrealized gains since equity investments began in 1995).

The Committee received a presentation informing them about the school trust, the management of the lands, the investment of the permanent State School Fund, and the implementation of the School LAND Trust program funded from the interest and dividends derived from the investment of the permanent fund. (For complete details see General Exhibit No. 10220.)

The Committee received the report.

21st Century Teaching and Learning

21st Century Teaching and Learning focuses on enhancing student performance through the effective use of technology. During the 2007 Legislative Session, the Utah Legislature appropriated \$50 million one time technology funds to "*enhance and facilitate learning for students.*"

The Committee reviewed and discussed the guidelines that have been developed for school districts in the development of their 21st Century Teaching and Learning plans. (For complete details see General Exhibit No. 10221.) It was noted that the Committee will be prepared to review and approve district plans in the June Board meeting.

Education Vouchers

The Utah State Board of Education approved R277-606, Education Vouchers on first and second reading at the April 5, 2007 Board meeting. The rule is based on H.B. 148 and H.B. 174. Since that time, referendum petitions have been delivered to county clerks and the Lt. Governor's office is responsible to verify, if sufficient numbers of signatures have been collected to place the voucher issue on the ballot for a public vote.

The Committee discussed options regarding H.B. 148 and H.B. 174. (For complete details see General Exhibit No. 10222.)

The Committee presented the following three recommendations:

Motion from the committee to remove Item H, Rule R277-606, Education Vouchers - Funding and Procedures, from the General Consent Calendar and table it today.

Member Mark Cluff voiced concern that as of Monday H.B. 174 will become law, and it states that the Board will have a rule in place by May 15, therefore we will be breaking the law. He asked about the discussion in the committee relative to this issue.

Member Roberts reported that the discussion was that it was impossible to have this in place by May 15, legally or ethically.

Member Bill Colbert commented he could see the need to remove it but not to table it.

Chairman Burningham commented that in Roberts Rules of Order there are two motions, one to remove from the table and one to bring it back. Therefore, it is still on the table. Member Roberts clarified that it was the intent of the committee to table it for future discussion. Chairman Burningham noted that it seemed the request was for a division of the motion.

First motion to remove Rule 277-606, Education Vouchers - Funding and Procedures from the General Consent Calendar. Motion carried unanimously.

Second motion was to put it on the table.

Member Thomas Gregory questioned if it was appropriate at this time to move the motion to table until after the discussion of the entire issue.

It was agreed by consent of the Board that the motion to table be held until after further discussion of the issue.

Motion from the Committee to direct staff to seek out answers to numerous questions, in addition to those questions, some to be asked in an opinion from the Attorney General given, not to the Governor, but to the State Board of Education in terms of whether or not we have the authority to write a rule on something that cannot stand alone until a court opinion comes. This would include the Board having authority to write definitions, etc. Further to ask some of the questions to the Division of Finance in terms reaching in and taking money out to use if we have to implement H.B. 174. Member Roberts handed out a sheet of questions for staff, the Attorney General and the Division of Finance. (For complete details see General Exhibit No. 10223.) She indicated there may be more than this, but these are the kinds of questions we need to have answered.

Member Roberts reported that in the Committee meeting a representative from the Attorney General's Office was present and she made it clear that the opinion was given to the Governor about whether or not the statute could stand alone. It had nothing to do with the Board's capability, as constitutionally mandated, to reach in and create a rule from the bill. The Committee felt it was not legally or ethically for the Board to move forward until these kinds of questions are answered.

Member Bill Colbert voiced concern that the Board may have to meet in an emergency meeting to adopt these rules in order to comply with the law.

Jean Hill, Specialist, Law and Legislation, responded that of the many law suits the Board may face on this rule, this is one that is the least of a challenge. Until there is agency action, there is no lawsuit. The Board will miss the May 15th deadline, has made a good faith effort to meet the deadline, and an act that no one predicted at the time the laws were passed has intervened and that is the referendum which has changed the landscape significantly. As a practical matter it is impossible for the Board to get a rule in place by May 15th dealing only with H.B. 174. The rule on the General Consent Calendar cannot be passed because it is based on a law that is no longer in existence.

Motion to seek out answers addressed on the handout as well as others that may arise, carried unanimously.

Member Roberts reported that there are both legal and ethical questions. The legal questions we need to have answered to do our job as Board Members, and to move forward appropriately. The bigger ethical question is should any action be taken, when essentially, even if you want to separate out H.B. 148 and H.B. 174, we are putting a referendum to the people to vote on whether they want a voucher program in Utah.

Member Roberts reported that there was discussion in the committee, and with some disagreement in the committee, as to whether we should ask the Governor too simply (don't know if he has the authority to do this under a special session) to bring together the referendum question in an up or down vote on vouchers. She indicated that this is in reference to the request made by Senator McCoy, that this needs to be clarified. Right now it is muddy waters, it is politicized and a game that is being played.

Motion from the Committee to approach the Governor and ask him if he has it in his power to suggest a process of combining H.B. 174 and H.B. 148 for an up or down vote on the voucher issue. Member Morrill clarified that we would be asking the Governor to put this on the agenda for a special session.

Member Mark Cluff commented that governance needs a set of laws and rules that you abide by and the current law is that if you do a referendum it is against one single law, H.B. 148 in this case. If we wanted to have an up and down vote on vouchers that is an initiative which means you would go forth and get the votes to get on the ballot for an initiative. Based on this, he will be voting against the motion.

Member Teresa Theurer commented that it is her belief that because H.B. 148 was passed, there was a number of legislators who voted against H.B. 148, but voted in favor of H.B. 174 because they knew the one had already passed, and H.B. 178 would make improvements. She would like to see this come up in a discussion in the legislature for clarification. Further, she questioned if there were too many questions to even attempt to write a rule for H.B. 174.

Jean Hill responded that at this point there are huge questions on how we would do a rule for H.B. 174 primarily with definitions because you would not be able to look back at those definitions because that law does not

exist. For example, income eligibility guidelines, which are wide open now, what is the Board's authority to define it. If the Board has authority, the question is, does the board need to decide how that would be defined, staff needs that direction. Another area is that one of the pieces of H.B. 174 is the Board's rulemaking authority which says the Board will make rules on certain things and one of those pieces is that the Board will make rules implementing 53A-1a-107 which is the mitigation money. 53A-1a-107 no longer exists. With regard to the deadline, if the Board ignores its statutory mandates to make rules on a section it is in trouble, if you try to make rules on a section that does not exist you have to make it up, you are in trouble. We need someone to tell us what we do with a statutory section that the Board is mandated to make rules on but does not exist. There is no definition of private schools. There are constitutional issues we know exists that the Attorney General's opinion references on the private schools. Can the Board make definitions that would cover those constitutional issues to try and prevent a constitutional lawsuit based on the definition? There are a lot of questions that need answering before staff can move forward in preparing a rule.

Member Greg Haws suggested that the most prudent and effective action would be to request that the implementation date be moved back on H.B. 174. Ms. Hill responded that there is not time to do that. Member Haws commented that a special session to solve the immediate problem would also take time and would not require them to change their position on the whole concept, but from a practical standpoint this cannot go forward until the referendum issue is resolved and the implementation of H.B. 174 could just be delayed.

Member Laurel Brown commented that in the Committee it was noted that H.B. 174 is an amendment to another law and all it does is change, modify or amend the other law. Implementation of that, there is case law that indicates it cannot stand alone. If we are to implement the law, we will have legal problems because we are implementing something that is not supposed to be standing alone.

Ms. Hill commented that one of the problems with H.B. 174 is truly whether it can stand alone or not. Utah Supreme Court case law says when the original bill fails the amendments fails with it. This was not included in the Attorney General's opinion, but this is from the Supreme Court in 1982. If the implementation date is moved, there is still the question as to whether or not the Board can implement H.B. 174.

Member Bill Colbert commented that under the Constitution the Board cannot do anything, even about a special session, they can combine H.B. 148 and H.B. 174. It may be more appropriate if a special session is called by the Governor that they try to address some of these questions.

Member Denis Morrill commented that he did not see, legally, how H.B. 174 could stand alone. He indicated that it was an opinion from the Attorney General and as an attorney he could take the same set of facts and write an opposite opinion that would be every bit as valid as theirs would be.

Member Tom Gregory commented that he agreed with the comments made by Member Morrill. However, there is conflicting case law and the other side of it is the U.S. Supreme Court case. Because H.B. 174 uses the word

enacts, there is no amendment, the amendment comes in the title and in the description but not in the actual bill itself.

Secondly, on Member Cluff's point of an initiative as opposed to a referendum, yes, they can go ahead and do that, but it is not Germaine to the discussion today because of what we are asking from the Governor and Legislature to do.

Member Gregory continued that in reference to Member Colbert's point they could not legally or ethically try adding language in because that language would necessarily be so similar to what H.B. 148 states, which is under a referendum, they could not do that. However, they could add a contingency and indicate that this will go into effect if the other goes into effect. The request/motion is to tie a contingency to it and give it the same faith.

Member Bill Colbert commented that we do need to be careful about not caring about the Attorney General's opinion. We do have to care under our system of government - we dishonor our oath if we don't care. Ultimately it will be a court that will decide what this all means. The Attorney General is our senior attorney for the State of Utah and we need to respect that. It will be challenged and no matter what side we are on we need to honor the law.

Member Roberts clarified that is why we are asking for an opinion for the Board. The original opinion was given to the Governor regarding the statute and had nothing to do with the Board's authority and what we should be doing.

Member Richard Sadler commented that we do need to look carefully, but we are also an independent body who interprets and looks at things and in our best stead under the law does that. Honest people disagree in a variety of ways and this is important for us to look at and weigh and judge.

Motion to ask the Governor to consider in a special session asking the legislators to somehow combine H.B. 148 and H.B. 174. Member Roberts clarified to rescind H.B. 174 or to have a contingency for H.B. 174, so it is a single vote. Motion carried with Members Allen, Brown, Cannon, Gregory, Jensen, Morrill, Moss, Roberts, Sadler and Theurer voting in favor; Members Cluff, Colbert and Haws opposed.

Motion to table R277-606, Education Vouchers - Funding and Procedures. Motion carried with Members Allen, Brown, Cannon, Gregory, Haws, Jensen, Morrill, Moss, Roberts, Sadler and Theurer voting in favor; Members Cluff and Colbert opposed.

Curriculum Committee

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

Testing Procedures, R277-473

Testing Procedures, R277-473 has been amended to include the required answer document submission deadlines for all assessments: CRT, UAA, NRT, DWA, UBSCT and UALPA. It also includes that the Utah State

Board of Education will be informed in a full board meeting of districts who do not meet the required deadlines. It was noted that further amendments were made to the rule in between the mailing of the agenda and the Board Meeting.

Those changes include:

Page 2, beginning on Line 44:

M. "Utah Alternative Assessment (UAA)" means a USOE-designated test to measure [~~writing performance for students in grades six and nine~~] academic performance of students with severe cognitive disabilities.

Page 2, beginning on Line 48:

N. "Utah Basic Skills Competency Test (UBSCT)" means a USOE-designated test to be administered to Utah students beginning in the tenth grade to include components in [~~English, language arts, reading,~~] writing, and mathematics. Utah students shall satisfy the requirements of the UBSCT, in addition to state and school district/charter school graduation requirements, prior to receiving a high school diploma that indicates a passing score on all UBSCT subtests.

Page 2, beginning on Line 54:

[F]Q. "USOE" means the Utah State Office of Education.

Page 3, New Language is added to the end of Line 108:

(4) School districts/charter schools shall return UALPA answer sheets to the USOE no later than May 15, for traditional schedule schools and June 15 for year-round schedule schools beginning with the 2007-08 school year.

Line numbering may be altered because of changes.

(For complete details see General Exhibit No. 10224.)

The Curriculum Committee reviewed the amendments to R277-473 and approved it on first reading. Motion from the Committee that the Board approve Testing Procedures, R277-473 as amended on second reading. Motion carried unanimously.

Data Standards, Deadlines and Procedures, R277-484

Data Standards, Deadlines and Procedures has been amended to improve the process and the time-lines for districts to submit data files to the Utah State Office of Education. Notable amendments are:

- Moving the Year End Clearinghouse deadline from July 15 to July 10 beginning in 2008.
- Requiring all districts to correct data errors by November 1.
- No longer allowing extended deadlines for the Year End Clearinghouse deadline and the November 1 Data Error Corrected File.
- Informing the Utah State Board of Education in a full board meeting of districts who do not meet the required deadlines.

The following amendments were made to the rule:

Page 4, beginning on Line 106, Remove D.

Page 4, beginning on Line 113:

~~[E] D.~~ July ~~[15] 10~~, beginning with the 100~~[0]7-0[9]8~~ school year (due July 15 for the 100~~[7]6-0[0]7~~ school year)

Page 5, beginning on Line 148

~~[F] I.~~ November 1

~~[(1) CACTUS update for current year;]~~

~~[(2) 1) Data Clearinghouse File - [optional revised final} required error corrected~~ comprehensive update for prior year; (renumbering continued)

Page 6, beginning on Line 160

~~[K] J.~~ November 15 ~~[--]~~

~~(1) CACTUS - update for current year; and~~

~~(2) Free and Reduced Price Lunch Enrollment Survey - as of October 31 for current year.~~

Page 6, beginning on Line 174

to the USOE. The request shall be received by the USOE State Director of School Finance ~~[at the]~~ at least 24 hours before the specified deadline in Section 3 and include:

Page 7, beginning on Line 208:

F. Exceptions - Deadlines for the following reports may not be extended:

(1) June 29 CACTUS Update;

~~(2) July [1]10 Data Clearinghouse File [The July 1 deadline may be phased in by granting limited extensions as necessary in the 2006-07 and 2007-08 school years; and~~

~~(3) Data Clearinghouse file]- final comprehensive update for prior year [Assessment, Accountability and Data] for 2007-08 school year and July 15 for 2006-07 school year only [.] ; and~~

~~(3) November 1 error corrected Data Clearinghouse File.~~

Line numbering may be altered because of changes.

(For complete details see General Exhibit No. 10225.)

The Committee reviewed and approved the amendments to R277-484 and moves that the State Board approve R277-484 Data Standards, Deadlines and Procedures on second reading. Motion carried unanimously.

Accreditation of Secondary Schools, R277-413

Utah schools offering credits toward high school graduation and/or diplomas, as required by law, are accredited by the Northwest Association of Accredited Schools and USOE as their agent. The Northwest Association of Accredited Schools has adopted new Core Standards for Accreditation. The proposed changes to R277-413, clarify definitions, outline accreditation protocol and outline the newly revised Northwest standards, bringing the rule into

compliance with current USOE practice and policy. (For complete details see General Exhibit No. 10226.)

The Committee reviewed and approved the amendments to R277-418 and approved it on first reading.

Motion from the Committee that the Board approve R277-413, Accreditation of Secondary Schools on second reading.

Motion carried unanimously.

Distribution of Funds Appropriated
for Library Books and Electronic
Resources, R277-467

The 2007 Utah State Legislature passed H.B. 160, which authorized funding for Library Books and Electronic Resources. It is necessary to establish a new rule to outline how funding would be appropriated and used by school libraries in accordance with the legislative intent.

A draft of R277-567, Distribution of Funds Appropriated for Library Books and Electronic Resources was presented and reviewed by the Committee. (For complete details see General Exhibit No. 10227.)

The Committee approved R277-467 on first reading and moves that the Board approve R277-467, Distribution of Funds Appropriated for Library Books and Electronic Resources on second reading. Motion carried unanimously.

Instructional Materials Commission
Operating Procedures, R277-469

The Instructional Materials Commission, as originally set up by the State Legislature, has been reviewing textbooks for over one hundred years. Since the inception of No Child Left Behind 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 districts 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.

The amendment to R277-469, Instructional materials Commission Operating Procedures will 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 will also provide requirements for online posting to publisher websites.

The following amendments were made to the rule in committee:

Page 1, New Definition to Begin on Line 36

F. "Independent party" means an entity that is not the Board, not the Superintendent of Public Instruction or USOE staff, or an employee or board member of a school district, or the instructional materials creator or

publisher, or anyone with a financial interest in the instructional materials, however, minimal. The USOE shall develop a list of approved independent parties to be recommended to the Board.

Page 2, beginning on Line 57

J. “Primary Instructional Material” means a comprehensive basal or Core textbook or integrated instructional program for which a publisher seeks a recommendation for Core subjects designated in R277-700-4, 5, and 6 [~~the following Core or basic skills courses: (1) Language arts; (2) Mathematics through Geometry; (3) Science; (4) Social Studies~~].

Page 2, beginning on Line 79

[~~F~~] N. “State Core Curriculum (Core)” means minimum academic standards provided through courses as established by the Board which shall be completed by all students K-12 as a requisite for graduation from Utah’s secondary schools. The Core is provided in R277-700.

Page 8, beginning on Line 262

A. assurances signed by the school district superintendent and school principal(s) that primary instructional materials have been aligned to the Core by an independent party and that the completed Core alignment mapping is available on a public website free of charge for teachers and the general public [~~for the following courses: (1) Language Arts; (2) Mathematics through Geometry; (3) Science; and (4) Social Studies~~].

Page 8, New Language begins following Line 271:

C. Consistent with legislative direction, charter schools are exempt from using only instructional materials that have been reviewed consistent with this rule under Section 53A-1a-511(4)(g).

Page 8, Changes beginning on Line 282:

(a) the publisher provides a detailed summary of the Core alignment mapping on a public website at no charge [~~for use by teachers and the general public~~]; and

Line numbering may be altered because of changes.

(For complete details see General Exhibit No.10228.)

The Committee reviewed and approved the amendments to R277-469 on first reading and moves that the Board approve Instructional Materials Commission Operating Procedures, R277-469 on second reading.

Member Bill Colbert noted that the State Office is going to maintain the publically accessible website as far as how we are integrated, the data from a multitude of publishers, and making sure we have adequate mapping.

Brett Moulding explained that we will have a list of approved independent suppliers posted on the website. In addition, we will have at the State Office of Education a list of each instructional material that is deemed primary and linked to that will be a file that has our standard format of Core Curriculum for each subject area and the alignment of that instructional material.

Member Thomas Gregory questioned why we were choosing to have a summary provided rather than a full report. Mr. Moulding responded that it is in the legislation.

Member Gregory commented that on line 281 it talks about how the publishers will provide a public website at no charge. One of the hidden costs of doing business on the Internet, are people like to collect personal information. He would like to see added that no charge also means, I don't have to divulge any personal information, i.e, e-mail address, zip code or any other information. Mr. Moulding responded that by having it at the State Office of Education the teachers do not need to go to the publishers website – our site will provide them with everything they need and we will not be collecting any of that information. Mr. Moulding indicated that if it was the desire of the Board that could be added to the approval process that publishers did not collect that. Member Gregory responded that he would like the office to liberally interpret “No Charge.”

Member Gregory further commented that the publisher is the one who owns the copyrights to the summary as well as the detailed report. He questioned if we should explicitly say that anyone has distribution rights to that copyrighted material. Not the right to modify it, but the right to distribute it or summarize it. Mr. Moulding indicated this could also be placed in the agreement if it does not already.

Motion to approve R277-469 carried unanimously.

Concurrent Enrollment of High School
Students in College Courses, R277-713

Concurrent enrollment provides Utah students with a challenging college-level and productive secondary school experience, particularly in the senior year, and provides transition courses that can be applied to postsecondary education. R277-713, Concurrent Enrollment of High School Students in College Courses, establishes the standards and procedures for concurrent enrollment courses and criteria for funding appropriate concurrent enrollment expenditures.

The 2007 Legislature passed H.B. 79, which (1) separates concurrent enrollment from other programs in the accelerated learning programs appropriation; (2) requires the appropriation for concurrent enrollment to increase based upon the increase in the value of the weighted pupil unit; and (3) provides for the distribution of the concurrent enrollment appropriation between the State System of Public Education and the State System of Higher Education, and among public schools and institutions of higher education that participate in concurrent enrollment. (For complete details see General Exhibit No. 10229.)

The following amendments were made during the Committee meeting:

Lines 127 to 134 the same thing is being said so the Committee removed lines 129 to 131 because the next section states this.

Page 4, beginning with line 127:

E. Concurrent enrollment is intended primarily for students in their last two years of high school.

~~[Attendance Participation in concurrent enrollment courses by younger students before their junior year is discretionary with the public school and the USHE institution.] Participation by younger students shall be approved by both the public school and the USHE institution, and be consistent with a student's SEP/SEOP.~~

Line 269 take out and after school districts and put in a slash(/) charter schools.

Line 274 A.

Collaborating school districts/ charter schools ~~public schools~~

Line 296 C. The annual concurrent enrollment agreement between a USHE institution and a school district/charter school who has responsibility shall:

The Committee reviewed the amendments to R277-713 and approved it on first reading as amended and moves that the Board approve R277-713 Concurrent Enrollment on second reading. Motion carried unanimously.

Comprehensive Counseling and Guidance Program, R277-462

R277-462, Comprehensive Guidance Program, is amended to make the funding process required by rule consistent with 53A-17a-113.5: "of the monies allocated to the comprehensive guidance programs pursuant to board rules, \$1,000,000 in grants shall be awarded to school districts or charter schools that: a) provide an equal amount of matching funds; and b) do not supplant other funds used for comprehensive guidance programs." The chair of the Legislature's Education Appropriations Committee said that districts that accepted Comprehensive Guidance funds should commit to lowering the counselor to student ratios. The amendment to the Board rule reflects a target goal of a counselor to student ratios no greater than 1:350.

R277-462 has also been amended to reflect the program title, "Comprehensive Counseling and Guidance," as recommended by the statewide CCGP Steering and Advisory Committees.

The following amendments were made in the Committee meeting:

Change all ATE to CTE.

Adding the word "Counseling" throughout the rule.

Page 3, beginning on Line 102:

(c) ~~show effort~~ improved ratios from current levels in order to make the counselor to student ratio for Comprehensive Counseling and Guidance Programs no greater than one counselor for every 350 students.

(For complete details see General Exhibit No. 10230.)

The Committee reviewed and approved the amendments to R277-462, on first reading as amended and moves that the Board approve R277-462, Comprehensive Counseling and Guidance Programs on second reading. Motion carried unanimously.

Social Studies Assessment Recommendation

At the Utah State Board of Education meeting in December 2006 the Comprehensive Assessment System

Recommendations were presented to the Board. The recommendations included a recommendation to “Explore options to assess social studies curriculum on a large scale assessment.” At that time, the Board requested that a report be presented in the spring Board meeting.

The Curriculum Committee reviewed and received the Social Studies Assessment Proposal. (For complete details see General Exhibit No. 10231.)

The Committee accepted the Social Studies Assessment Proposal Recommendations.

Utah’s 3 Tier Model of Reading Instruction

Three years ago, the Utah State Office of Education produced the 3 Tier Model of Reading Instruction for grades K-3. This document was created to support the implementation of Utah’s K-3 Reading Improvement program. All districts and many charter schools currently utilize the 3 Tier document to guide the development of district and school reading plans, as well as the delivery of appropriate instruction for all students.

Due to the success of the current 3 Tier Model of Reading Instruction and numerous requests from local school districts, the model has been expanded to a 3 Tier Model of Reading Instruction for grades K-12.

The Committee received an overview of the 3 Tier Model of Reading Instruction for grades K-12. (For complete details see General Exhibit No. 10232.)

Adolescent Literacy Network - Statement of Support

A team from Utah recently attended the NASBE Adolescent Literacy Network conference in Washington, DC. The purpose of the conference was to learn about needs in adolescent literacy, examine models in other states, and to form a team to plan and apply for a planning grant. The planning grant is competitive, and if awarded, would supply \$15,000 for the state to develop a statewide network, curricula, assessments and organizational supports for improved literacy of adolescent students. If Utah is accepted to receive this smaller grant, underwritten by the Carnegie Foundation, it will help us be prepared and poised to apply for a much larger federal grant for striving readers, which is expected to come available within the next year or two.

As part of the grant application, the team must demonstrate a State Board of Education Leadership role, documenting the Board’s support, guidance, and exertion of leadership in adolescent literacy efforts. The Committee reviewed a draft letter of support from the Board for the grant application. (For complete details see General Exhibit No. 10233.)

Motion from the Committee that the Board approve the letter as presented for use with the Adolescent Literacy Grant Application. Motion carried unanimously.

Finance Committee

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

Legislative Supplemental Salary Adjustments, R277-110

House Bill 382, Amendments to Education Funding, appropriated funding an educator salary adjustment. The adjustment is an annual amount that is the same for every designated educator employed by school districts, charter schools, and the Schools for the Deaf and the Blind. Designated educators are: classroom teachers, speech pathologists, librarians or media specialists, preschool teachers, school administrators, mentor teachers, teacher specialists, teacher leaders, guidance counselors, audiologists, psychologists or social workers who are licensed educators.

The proposed rule, R277-110, ensures:

- the amount is the same for each full-time-equivalent educator;
- that each person who is not a full-time educator receives a proportional salary adjustment based on the number of hours the person works in their current assignment as an educator;
- that each educator that receives a salary adjustment has received a satisfactory or above job performance rating in their most recent evaluation;
- requires the amount and qualifications be specified in the salary schedule.

Member Cluff reported that the Committee amended the rule removing Lines 68 - 70 [R277-110- 3-D.(4)] because they conflict with lines 28 - 32 [R277-110-3.A.(1)].

(For complete details see General Exhibit No. 10234.)

The Committee approved R277-110 as amended on first reading, and moves that the Board approve R277-110, Legislative Supplemental Salary Increase as amended on second reading. Motion carried unanimously.

Student Enrollment Options, R277-437

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

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

In April the Committee requested: 1) clarification of “core classes”; (2) examples of how the proposed rule would impact actual schools; and (3) additional district and parent input.

The rule specifies:

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

following reasons:

- 1) the transfer is in the interests of the health of the student as determined by a medical doctor;
- 2) the safety of the student;
- 3) current attendance by a sibling;
- 4) a parent or sibling is an employee of the school;
- 5) services required by a student's IEP can only be delivered in a specific school or class;

- that a school may be closed to enrollment for the following reasons:

- 1) to maintain or obtain a balanced socioeconomic demographic;
- 2) to maintain or obtain parity between schools in course and program offerings;
- 3) to maintain or obtain stated goals for class size;
- 4) to maintain or obtain a certain pedagogical approach;

- Changes the threshold from 90 percent of school capacity to 95 percent;

- Changes maximum capacities for the following grades

- | | | |
|-----------------------------------|----------|--------|
| • Kindergarten | From: 10 | To: 20 |
| • Grades 1-3 | From: 15 | To: 20 |
| • Grades 4-6 | From: 20 | To: 30 |
| • Junior High and Middle School | From: 20 | To: 25 |
| • Junior/Senior High Combinations | From: 20 | To: 25 |
| • Senior High | From: 20 | To: 25 |

(For complete details see General Exhibit No. 10235.)

Member Cluff noted that this is still a working document, however, the Committee discussed the following amendments to the rule:

Line 7, originally the rule had 90 percent, the law states it should be 90 percent, therefore they changed 95 back to 90 percent.

Line 17 - add: local board of education has assigned or could assign...

Member Cluff reported that in statute the Board has the responsibility of defining the average daily membership threshold as well as what the maximum capacity of a school is or how to determine what the maximum capacity of a school is. It was felt that in the original rule the number was too low. However, no one agreed with the new proposal feeling it was too high. For him, personally, the issue in both cases was a fixed number to try to attain to. Each school district is different and having the number set at some level may hurt the school district that is trying to lower their class size numbers or if they have a certain number they would like to lower them to. The philosophy discussed was it be set to make it easy for a school district to close schools. The rule did die on Monday. Therefore it made it easy for them to tell someone they could not transfer without giving a reason. Member Cluff indicated that he met last week with the Legislative Administrative Rules Committee, and their feeling is to make sure we are more

open. The statute indicates we should be trying to make sure schools are open and it gives the authority to the local school board to either to accept or deny applications. The goal is to increase open enrollment and then when it is not appropriate for the students to transfer whether they want to save room for growth, save a program, then the school board has authority to deny that application. It also requires them to give a reason why they are denying the application.

Lines 53-61 there is currently a set number, the proposal was to either look at a student/teacher ratio or an average class size in the district. The committee amended it to average class size in the district. They will continue to look at numbers relative to this. There was a discussion that for high school and junior high it should be on core classes or should it be all instructional stations.

Associate Superintendent Patrick Ogden pointed out that the Finance Committee did not take any action on the rule, these are amendments suggested to the rule.

Member Cluff reported that the Administrative Rules Committee, last week, requested that they would like to see the rule in their July meeting for them to review and comment on.

Line 122-123 adding in wording acceptance or rejection and notified of the reason or justification for the rejection.

Member Tom Gregory questioned if the Administrative Rules Committee could consider a rule that does not exist. Member Cluff responded they could give input on what the Board is looking at. It does not mean the Board has to accept or do anything, but he felt it was courteous that the Board work with them in the spirit of cooperation. Member Gregory suggested that the Administrative Rules Committee's role takes place after the rule has been adopted by the Board.

Line 162, change may to shall, and with that remove lines 175-176.

Lines 156 to 159 - change wording to "A local board of education may set the standards for acceptance or rejection based on the following standards [identified in the statute]."

Member Denis Morrill commented that everyone understands that this whole process is initiated because one district would not handle about 30 students. What we are trying to do is put it in a position where maybe we can get districts to think of the students rather than programs. If we can set parameters indicating that this many schools under these parameters are open, but the district has discretion.

Classroom Supplies Appropriation, R277-459

House Bill 160, Minimum School Program Amendments, appropriated \$2.5 million in one-time funds for classroom supplies and materials for first year teachers.

The rule:

- Specifies that funding for classroom supplies and materials for first year teachers will be distributed

proportionately up to \$500 per teacher. If the amount exceeds \$500 per teacher, additional teachers become eligible to receive funds.

- Clarifies that classroom supply and material funding can be carried forward to the next year if not claimed by teachers.

The Committee made the following amendments to the rule:

Lines 52-64 as follows: F. “First year classroom teacher” means any teacher who currently has one year of no experience posted in the teacher’s CACTUS file in the school/school district in which the teacher is currently assigned as of the November 1, 2007 CACTUS update.

G. “Intern” means a teacher education student, who, in an advanced stage of preparation, usually as a culminating experience, may be employed in a school setting for a period of up to one year and receive salary proportionate to the service rendered. An intern is supervised primarily by the school system but with a continuing relationship with college personnel and following a planned program designed to produce a demonstrably competent professional.

Lines 84 - 85 add **intern teachers**. The USOE shall generate from the CACTUS database a teacher count of the full-time classroom teachers and intern teachers as defined . . .

Line 99 - 101 - changed to read: (2) If the teacher allocation in R277-459-3B(1) exceeds \$500 per **first year teacher/ intern as defined under R277-459-1G**,. . . .

(For complete details see General Exhibit No. 10236.)

The Committee reviewed and made the above amendments on first reading. Motion from the Committee that the Board approve R277-459, Classroom Supplies Appropriation on second reading. Motion carried unanimously.

Board Meeting

Public Participation/Comment

Rhonda Rose, State PTA, stated that as a representative governing body who was elected by their constituents, she expressed appreciation to the Board for honoring the wishes of those 135,000 constituents who took the time to sign the petition asking for a voice in the voucher issue. She urged the Board to continue to refrain from moving forward on any voucher rules until the voice of the citizens has been heard. She stated it was not just walking across the living room and getting someone else to sign, and there was a lot of work by a lot of volunteers. There was no coercion in the process. She expressed further appreciation for the actions taken by the Board today on the Voucher rule.

Executive Session

Motion was made by Member Teresa L. Theurer and seconded by Member Michael G. Jensen to move into an executive session for the purpose of discussing personnel issues and potential litigation. The Board was polled and

by unanimous consent of those present the Board moved into an executive session at 12:55 p.m.

The Board recessed from Executive Session at 1:20 p.m. for lunch and discussion with Chief Justice Christine M. Durham.

Lunch with Chief Justice Christine M. Durham

Chief Justice Christine Durham expressed appreciation to the Board for placing a mandatory civics education course in the curriculum for the 12th grade.

Chief Justice Durham began with a quote from Thomas Jefferson: “If a nation expects to be ignorant and free, it expect what never was and never will be.” One of the primary understandings of the founders was that in order for this nation to pull off the truly astonishing task it had set for itself it was going to require an educated citizenry. The concept, ideas, practices contemplated in the years and decades of the founding – it was so clear and it was repeatedly asserted in numerous contexts that America’s constitutional system of ordered liberty would only last if its citizens retained a vital understanding and comprehension of its central principals.

Chief Justice Durham stated her reasons for being interested in civic literacy and education. She stressed the importance of the nations citizenry to being learned in civics and their duties and obligations in this regard. She cautioned that there is an astonishing amount of evidence that the fundamental understanding and level of public trust and confidence in all of the institutions of government, including the courts, are waning. The people in this country have lower degrees of confidence and higher degrees of distrust and a sense of alienation toward government institutions.

Chief Justice Durham continued that the reason public education in this nation was created and deemed to be important was the need to provide civic literacy for the people. Her view is that if public education does not meet its mission in educating citizens for the future and dealing with the civic health of young people and therefore the future generations of leaders and citizens in this country, we will not preserve what we have. As the Board deals with difficult questions such as alternative education, public support for private education, it is important to remember the central mission of public education and civic literacy.

Chief Justice Durham shared some information on what is going on in the community relative to this movement. She noted that jury service is one of the ways in which democracy operates in the judicial branch of government. It is a way for large numbers of citizens to come into contact with the working government on a direct basis. Jurors who come in and serve leave with a better opinion of government and the courts. She reported on the community outreach programs such a law related education in the schools and the community, mock court programs, and programs run by the Boy Scouts.

She reported that they have put together a Coalition for Civic, Character and Service Learning. Ed. Dalton, former member of the State Board was an active member of that Coalition. This involves people in K-12, public

education as well as higher education in teacher and student education at the college level. There are about 37 different programs and organizations that are represented in the Coalition.

Chief Justice Durham reported that Congress will be sponsoring a Conference this fall on Civic Education where they invite teams from every state in the nation. Utah has been sending a team each year. As a result of attendance at that we have developed an Action Plan which included a proposal that Senator Hale and Representative Christensen passed in the legislature a year ago to create a state level commission on civic, character and service learning education. They also sponsor the annual Dialogue on Democracy which is a two to three-day event.

Chief Justice Durham commented in closing that she had received a copy of a report by the National Conference on Citizenship entitled “America’s Civic Health Index. – Broken Engagement.” They document the ways in which a number of indicia of civic engagement have been falling off steadily over the last two to three decades, including volunteerism. Another indicia they found that she found disturbing was something they called trusting other people. The report says, “What has happened to our trust of others?” In the index they measured trust in three ways, asking questions as to whether people are viewed as honest, as helpful and as can be trusted. Over the last 30 years social trust in this nation on this index has dramatically declined. The exact reasons are not clearly understood, however, what is clear is that as individuals, as communities we pay a high personal cost for these declines. Our democracy, our economy and society in general rely on our ability to trust others in order to facilitate basic, everyday interactions. Unfortunately over the past three decades there has been a sharp decline in the levels of trust in others a key component of any nations social capital. She felt the Boards work included building a sense of community, trust and respect for the work they do and the institutions they manage. She hoped that the Board would not do anything in the area of public education that they do not look at any curricular changes, standards, or policies affecting any aspect of public education without having the notion about the core mission of public education and its relationship to our constitutional democracy.

Chairman Burningham commented that our whole political process nationally, and locally has become more mean, angry and confrontive than it once was. Chief Justice Durham responded that one of the things that is counter intuitive is that while trust in other people and in public institutions has been declining, it is not entirely clear that it is related to the political and partisan polarization that we see in politics.

Member Tom Gregory commented that one of the things he has been thinking about recently is financial literacy education and the relationship between a household financial success and their political participation which has been confirmed by statistician. He questioned if this has been considered as a tangent to civics education or is it something that the coalition has considered or would be interested in considering. Chief Justice Durham commented that understanding how the economy works and the relationship between our constitutional system and the economic system, it is vital. The problem is you need to decide where to start. She noted another report called “The Coming

Crisis in Citizenship,” but it is focused on higher education’s failure to teach American History in institutions. The report shows that they have assessed students when they enter the institution as Freshmen and then evaluate them at the end of their college degrees and at a number of institutions they actually score lower on American History than they did going in. We need a way to get American History in institutions so we can make the education we want to provide on things like financial literacy relevant.

Member Denis Morrill questioned if this is why it is hard to impose our system of government on some other nations who are basically much more “illiterate” than we, or not. Chief Justice Durham commented that what is reflected in our system is over two hundred years of tradition and history and education. The things we value so deeply about, for example the rule of law, do not have the same history and traditions built up around them in many other nations. You see national leaders, including the President talking about the longing of people everywhere to be free and this is probably a fair thing to say, except what they mean by being free may not be what we mean by being free within our constitutional system. One of the lessons to us may be, however to be concerned about the degree to which we respect and understand our own traditions. If we loose touch with them, we are at risk.

All of the work that has been done in the area of character education, giving students language, vocabulary, tools and techniques for problem solving, nonviolent problem solving, the movements going on in many schools around the state to engender respect for decision making process, respect for each other, respect for people with difference, all is part of civic literacy, it isn’t just how many branches of government there are.

Chief Justice shared another act from the report on institutions of higher learning indicating that after the evaluators in study controlled for other student, family and college variable, a full one percent of their scores were added in civic learning when parents were married and living together. Having a mother with at least a bachelors degree added significantly to a student’s civic learning. Family discussion appeared to contribute to civic learning. Seventy-three percent of students families at a couple of schools discussed current events or history on a weekly or daily basis. When they took the lowest ranking colleges only half of all families engaged in discussions of current events or history on a weekly to daily basis. The implications of those kinds of findings for K-12 are enormous. It is in K-12 that you really have the most parental contact and involvement and to the degree that the community councils, PTA and school and teacher and community and family connection you have the capacity not just to be instilling basic principles of civic literacy in the students in the schools, but articulating to their families and larger community what they need to be doing.

Vice Chairman Janet Cannon commented that if the Chief Justice were empowered for a day to make some changes in relation to the course at the end of the 12th grade, to make changes in our public schools that would make a difference for our students, what might that be?

Chief Justice Durham respond that a lot of the partners in the Coalition are working on those same things.

For example, the law related education project and the We The People Project both have superb curricula for teaching about the workings of government and the rule of law. The head of the Law Related Education Project estimated that approximately ten percent of Utah's public school students have an opportunity to participate in the mock trial program. Yet we know from all the studies done on that program, it has a huge impact. Students love it and they come to understand all kinds of things about how the government works and decisions get made, and it is fun. The materials are in the classroom and if the will is there we are hoping to increase opportunities to do teacher training, She would try to find the resources to do the professional education and start in the schools of education at the university. There is a quiet movement going on there.

Member Dixie Allen commented that we have had over the years a number of really good programs, however, once the money dries up they go away. Instead of having a test for students as to whether they know the subject, it would be better for them to truly have them use it in their everyday lives. We need to focus on the mock trials and the things that allow students to use this. Chief Justice Durham indicated that the Coalition is working and will allow lawyers, judges and courthouses available to teachers and schools as learning centers and instructors. Even the volunteer effort requires someone to do the coordinating and scheduling.

Member Greg Haws commented that he and Ed Dalton both sat on the National Association of State Boards of Education (NASBE) study group on civics education and many of the Chief Justices' efforts were discussed there and Utah was held up as an example in this area. One of the high points was the connection between service and citizenship and the more you serve the more likely you are to vote, etc. We have a very active population of young people who give service. We have improvements that we need to make, but we are a long way ahead of many other states.

The Board resumed into executive session at 2:20 p.m.

Motion was made by Member Denis R. Morrill and seconded by Vice Chairman Janet A. Cannon to reconvene into open meeting. Motion carried with Members Brown, Cannon, Cluff, Colbert, Gregory, Morrill, Roberts and Theurer voting in favor; Members Allen, Haws, Jensen, Moss and Sadler absent. The Board reconvened at 3:15 p.m.

Executive Session Action

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Denis R. Morrill and seconded by Member Bill Colbert to adopt the Commission's recommendation in Case No. 07-795 and revoke, based upon default, the educator license of a former educator in the Jordan School District. This action is taken because the educator accessed and downloaded pornographic materials on multiple occasions using district computer equipment at the Jordan Applied Technology Center-West Campus. The educator was contacted by UPPAC by correspondence and did not respond. Motion carried

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

(For complete details see General Exhibit No. 10237.)

K-16 Alliance Task Force on Teacher Shortages Report

Because of its concern over growing shortages of K-12 teachers in the State of Utah, the K-16 Alliance appointed a task force to provide recommendations for addressing the following questions:

- 1) What should be done to entice, recruit, and retain more individuals, especially minorities into the career of K-12 teaching?
- 2) What should be done to enhance the State's capacity to produce and retain greater numbers of K-12 teachers.
- 3) What should be done to address the State's immediate teacher shortage in the areas of math, science, special education, and early childhood education?

Dr. David Sperry, Chair of the task force, presented the recommendations contained in the report entitled "An Education Initiative for the State of Utah." (For complete details see General Exhibit No. 10238.)

Dr. Sperry shared an Editorial from the *Las Vegas SUN* "Teachers in short supply." (For complete details see General Exhibit No. 10239.) The model noted in the editorial is similar to the Pro Excel model.

Member Laurel Brown in reference to the mention in the report of approximately 9,000 teachers in Utah with current Utah teaching licenses and yet are not teaching [assuming that a fair number may be females who have children and are desiring to stay at home to be with their children] if there had been any discussion in the committee of perhaps modeling some pilot programs where they could come in and rather than take a full-time contract or position to work it out in a job share type of opportunity. Dr. Sperry indicated this had come up in discussions in a couple of the meetings and it never took root as a specific recommendation. A couple of superintendents on the committee indicated there were a number of districts that are allowing for that to happen.

Motion was made by Member Debra G. Roberts and seconded by Member Greg W. Haws to accept with great appreciation the hard work of the Task Force and especially of Dr. Sperry.

Member Roberts presented a reaction of some of the concerns the Board has. Not included in a letter she had sent to the Board was to let everyone know we are prepared to move forward as expeditiously as possible on the things that the Board can affect, primarily Recommendations #2 and #5. With Professional Excellence we will be doing everything we can in terms of working with the legislature to maintain that market competitiveness, raising salaries, and working on differentiated pay issues. With Recommendation #5, we are scheduled in August to talk about the idea of licensure and some of those possibilities are there to work on that recommendation. Recommendations #3

and #4 are more in the realm of higher education.

Member Roberts indicated that regarding the year-round concept, this has some really intriguing possibilities that we want to look at and do everything we can to further them, but recognize in many ways that this has been a possibility for twenty-five years and has been attempted in many places. However, there are obstacles that need to be acknowledged and looked at. We need to look at the real world concerns as we move forward to encourage any situation using this as a way to address a teacher shortage. The greatest concern is always going to be parental reaction to this. We need to be able to show parents a greater advantage of going year-round to overcome those traditional schedules.

Member Roberts indicated that in addition we need to recognize the savings in brick and mortar. Cost efficiencies only comes for those districts that are growing expeditiously. It comes to potentially five districts that could recognize that kind of savings. There are, however, districts that in order to recognize that kind of cost savings would have to close schools, and this may not be a direction the Board would want to take in forcing districts to do this. In addition, such a consolidation in rural schools and closing of schools would bring about transportation costs. We need to look at costs in terms of utilities, addition of air conditioning, etc.

Also, we need to recognize that to really look at this on the high school level has not been done widely or even successfully anywhere in the nation. She indicated that the Boards position would be that we would encourage and do anything we can to support a pilot program that would include a high school with all of its feeder schools to see if this can actually work and bring about the savings needed.

Member Roberts suggested we look at the intriguing possibilities and recognize the games that can come, but we need to have more scrutiny and evaluation to see if this is even a possibility. We would encourage the proposed model of the high school and all of its feeder schools to examine both the feasibility and cost savings that can result, incentives might be applied to the model, and parents, teachers and administrators must all be heavily involved in the process.

The publicity has all been around this idea, in the end the teacher shortage issue comes back to salary and work environment, and this needs to be the highest priority in helping us to bring teachers into the profession and helping us keep them.

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

Dr. Sperry commented that he appreciated the motion and the kind words from Member Roberts. He would caution the Board on one issue with respect to Member Robert's comments, that a year-round model is one form of an efficiency model. The report does not call for either one, the enactment of a year-round model nor does it mandate or recommend mandating the use of an efficiency model statewide. Dr. Sperry voiced concern with the fixation on

Appendix D which was a prototype of an efficiency model that is, indeed, a year-round model. He indicated that we don't need that, it is to the extreme. There are a number of efficiency models that are not necessarily year-round that could be successfully enacted that could accomplish the same thing of maximizing some of the existing resources that we currently have.

Member Teresa Theurer asked for clarification of another efficiency model for capital facilities or teachers other than what has been suggested. Dr. Sperry responded that in Alpine School District, all of the middle schools, have expanded their school day by one period. Therefore, they can increase the capacity of the buildings and the number of students they serve by 17 percent by just adding one additional class period during the day. If you extend to teachers, the option of teaching seven periods rather than six, you can pay them a sixth more money. Another example, if you, in Davis School District, take 15 or 20 of your best science teachers and offer a math/science semester in the summer in one of the high schools, these would not be classes for enrichment, but classes for credit. This would be an area where you have a critical shortage of teachers and those teachers are then able to teach one-third more students.

Member Dixie Allen commented that as a Board we have not really talked about this but she disagrees with Member Brown on this issue. After having been at a high school there are a lot of efficiency models that work similar to what Dr. Sperry has shared. For example, the trimester model where you have three separate grading periods during the school year and you have one grading period you could do opposite that. It does not have to be year-round for all kids, but it can be year-round for some students and some teachers. There are lots of things that can be done that do not have to be top down or year-round.

Vice Chairman Janet Cannon suggested to the Board the possibility of scholarships and loans for students that are going into teaching as a way to help. It would be in the Boards best interest to track that. There was money put into the Public Education Job Enhancement and the T.H.Bell Scholarships. We then could report back to the legislature on how that money is helping the profession of teaching in Utah. This may help to have the funding sustained or hopefully increased. Secondly, we might want to work on treating teachers who are coming back into the profession with a professional license like the ARL model. The suggestions already mentioned of the measures and models that can be used where we do need to increase efficiency, not necessarily statewide. Vice Chairman Cannon commented that she is very thrilled with ProExcel and a lot of things in the report tie into the work we have been doing with ProExcel.

Member Debra Roberts commented that she would just like to see the Board look at realities. The trimester model has been jumped on by the media and others as a silver bullet and she would just like us to step back and look at all efficiency models.

Superintendent Harrington commented that we have an obligation to report to the Legislature annually about teacher shortage. We will be doing this in a couple of weeks during the Interim meetings. The report will be sent

to the Board via e-mail prior to the Interim meetings.

Member Mark Cluff commented that the reasons given for increasing scholarships are to get more people to our schools of education. However, he understands that our schools of education are already filled to capacity - maybe some room to grow. He can see the scholarships being beneficial to encourage more minorities into the program and this would be the focus he would like to see. Dr. Sperry responded that the schools of education are not operating at full capacity. There were several deans on the task force and they indicated they had room to take more students if they could get them. Where we don't have capacity are in certain selected areas, like speech pathology and audiology, and special education.

Chairman Burningham reported that he and Superintendent Harrington were in a meeting with the Governor last week and this report was discussed at great length. The Governor was one who had heard primarily of the trimester report. Chairman Burningham commented that the trimester is a wonderful pilot project, but we need to move toward investigation in these areas.

Vice Chairman Janet Cannon reported that at the Regents meeting shortly before Dr. Sperry presented this report, they heard from the University of Utah who had just announced a new dean at the College of Education. They feel they specialize in science, math and engineering and they are a very good university in these areas. They are taking this on as a way of paying back the community providing public education with math and science teachers. As they hire new deans, they are looking toward making this happen. She would like us to follow-up with the University of Utah to see what we can do to help get those students to teach in math and science.

Chairman Burningham noted that we need to send this report to one of the standing committees for some recommendations and approaches. At the next Board Leadership meeting that assignment will be made.

General Consent Calendar

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Denis R. Morrill to approve the General Consent Calendar as presented noting earlier action of the Board to pull Item H, Vouchers - Funding and Procedures. Motion carried with Members Brown, Cannon, Cluff, Gregory, Jensen, Morrill, Roberts and Theurer voting in favor; Member Colbert opposed; Members Allen, Haws, Moss and Sadler absent.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held April 5, 2007.

2. Contracts

The following contracts were approved by the Board:

(A)Questar Assessment, Inc. \$3,384,818. 3/16/07-2/28/11. Fed.

To obtain test development services for continuation of an English language proficiency test for use

in Utah Public Schools, grades K-12.

(B) Public Service Commission of Utah. \$10,000. 7/1/07-6/30/08 - RECEIVABLE

The Division of Services to the Deaf and Hard of Hearing, Southern Utah Services to the Deaf and Hard of Hearing office, will distribute PSC telecommunication devices for the Deaf or Hard of Hearing to individuals approved by the PSC at the St. George location.

(C) Central Utah Center for Independent Living. \$451,619. 7/1/07-6/30-/08. - Amend.

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

(D) Active Re-Entry. \$471,591. 7/1/07-6/30/08. - Amend. Fed.

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

(For complete details see General Exhibit No. 10240.)

3 State Board of Education Administrative Rule Repeal

R277-416, Experimental and Developmental Programs, is recommended for repeal because the law and funding for the program no longer exists.

R277-481, Charter School Accountability and Assistance, is recommended for repeal because amendments to R277-470, Charter Schools, now includes accountability and assistance language.

R277-487, Charter School Revolving Loan Fund, is recommended for repeal because amendments to R277-470, Charter Schools, now includes provisions for a charter school building subaccount which provides for loans to charter schools.

R277-611, Medical Recommendations by School Personnel to Parents, is recommended for repeal because the 2007 Legislature enacted H.B. 202, Medical Recommendations for Children, making the rule no longer necessary.

R277-617, Authorization of Student Clubs and Organizations, is recommended for repeal because the 2007 Legislature enacted H.B. 236, Student Clubs Amendments, making the rule no longer necessary.

The Board repealed R277-416, R277-481, R277-487, R277-611, and R277-617.

(For complete details see General Exhibit No. 10241.)

4. Highly Impacted Schools, R277-464

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

closure during the three-year funding cycle; and (2) shift data collection from a self-report to a report generated from the USOE end-of-year data warehouse information and U.S. Census. The Board approved the amendments to R277-464 on second reading at its April 5, 2007 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-464, Highly Impacted Schools on third and final reading. (For complete details see General Exhibit No. 10242.)

5. Critical Languages Program, R277-488

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

The Board shall establish a pilot program for the 2007-08 school year, for school districts and charter schools to initially participate in the Critical Languages Program that provides: (1) \$6,000 per language per school, for up to 20 schools, for courses offered in critical languages; (2) \$100 per student who completes a critical languages course; and an additional \$400 per foreign exchange student who completes a critical languages course. The funds the first year will be awarded by USOE to support successful proposals submitted by school districts and charter schools focused on the instruction of a critical need language, Mandarin Chinese and Arabic, through the *Enhance EDNET* pilot program. In subsequent year, the same process will be followed for the other critical languages.

The Board approved the new rule R277-488 on second reading at its April 5, 2007 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-488, Critical Languages Program on third and final reading. (For complete details see General Exhibit No. 10243.)

6. Optional Extended-Day Kindergarten - Responsibilities, Timelines, and Funding, R277-489

The 2007 Legislature passed S.B. 49, establishing a program through which school districts and charter schools may provide voluntary extended-day kindergarten. The legislation establishes program requirements and funding priorities, as well as requires school districts to report certain information on program outcomes and use of program monies to the Board. Legislation also requires the Board to make rules establishing application and reporting procedures necessary to administer the program.

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

The Board approved the new rule R277-489 on second reading at its April 5, 2007 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-489, Optional Extended-Day Kindergarten - Responsibilities, Timelines, and Funding on third and final reading. (For complete details see General Exhibit No. 10244.)

7. Basic Skills Education Program, R277-603

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

changes to assist in data collection and streamlining of the process. Amendments to the rule was presented, and the Law and Policy Committee made further amendments to the rule.

The Board approved the amendments to Rule R277-603 on second reading at its April 5, 2007 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-603, Basic Skills Education Program on third and final reading. (For complete details see General Exhibit No. 10245.)

8. Educator Licensing Requests for Temporary Authorization

Requests for Temporary Authorizations as submitted by the school districts were approved. (For complete details see General Exhibit No. 10246.)

9. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2007 was provided for information to the Board. (For complete details see General Exhibit No. 10247.)

10. 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. 10248.)

11. Ratification of Employment

Terra L. Everett was ratified as an Educational Specialist - CNP in the Business Services Division.

Nate Ober was ratified as an Educational Specialist - Curriculum in the Student Achievement and School Success Division.

David A. Smith was ratified as an Educational Coordinator - Assessment in the Data and Assessment Division.

12. Recommendations from the Utah State Instructional Materials Commission

On April 25, 2007, the Utah State Instructional Materials Commission met and approved 507 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. The Board adopted the recommendations by the Utah State Instructional Materials Commission and directed staff to award contracts to the various publishers. (For complete details see General Exhibit No. 10249.)

13. Advisory Committees - Notice of Vacancies

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

State Rehabilitation Council

Rehabilitation Counselor
Business (2)
Service Provider

Title 121 Program
Education
Independent Living Council
Individual with Disability

Independent Living Council

People with Disabilities (5)
Association of Independent Living Center

Services to the Deaf and Hard of Hearing Advisory Council

Deaf Consumer/So. Utah

14. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved. (For complete details see General Exhibit No. 10250.)

15. Claims Report

The Claims Report in the amount of \$205,594,936.17 for April 30, 2007 was approved by the Board. (For complete details see General Exhibit No. 10251.)

Utah Electronic High School and American Academy Agreement

In the November 3, 2006 Board meeting, Anthony Meyer and Paul Pilser presented a proposition that a second campus of the Electronic High School be created. This campus would be a partnership between the Board of Education and two private individuals (Paul Zane Pilser and Anthony E. Meyer), who would market The Electronic High School's courses outside of Utah primarily to the 18-30 year old population who have not earned a high school diploma.

Carol Lear, Educational Director, Government and Legislative Relations, has been leading conversations with a subcommittee of the Board, the American Academy, and USOE staff.

The American Academy is moving forward in refining their business plan and will present an abbreviated Term Sheet (a precursor to a contract), a Summary of Benefits, and a short Question and Answer sheet. (For complete details see General Exhibit No. 10252.)

Carol Lear, Educational Director, Government and Legislative Relations reviewed the Preliminary Term Sheet [contract that has some flexibility and will grow as the program is completed and flushed out]; a question and answer document including more detailed information about the principles of the business; and an executive summary of the program. She indicated that the final agreement will be brought to the Board for final approval in the June meeting.

Kathy Webb shared an overview of the Electronic High School, including their curriculum, the students and the teachers, budget and their needs and how this agreement will benefit them as a high school.

Bill Evans, Assistant Attorney General addressed the two main legal issues that they would like to make sure show up in the documents as they are finally prepared. First, we should not speak of this as a partnership. This is two independent contractors working together protecting each other from each others liabilities and responsibilities and also to protect the Board so there is no downside risk in any way. The second issue is to protect the Board in its legislative role as creating and operating the Utah Electronic High School. We do not want to compromise the ability of the Board to maintain that important and successful function. This is an opportunity of a win/win way to accomplish this. The procedure is also interesting because this is not a typical contract for procurement because we are not buying or selling anything. This is much more typical of an affiliation agreement.

Tony Meyer and Paul Pilser, American Academy, and Jim Jardine, their legal counsel briefly explained the overall business plan.

Member Teresa Theurer questioned if the salary schedule for teachers will be comparable to the Electronic High School so there will not be competition. Mr. Meyer responded that they will be prohibited from hiring teachers that are working for the Electronic High School. Secondly, they anticipate on building on the successful teacher recruitment that the Electronic High School has done.

Member Denis Morrill commented that he has been involved in the process of this agreement and he is excited about this. This will allow us to do things with the Electronic High School what we otherwise would never be able to do.

Member Laurel Brown questioned the issue of intellectual property and ownership of intellectual property. What has been done in terms of intellectual property, who owns it, the curriculum, etc. and what protections are in place. Mr. Jardine commented that there are two categories of intellectual property, one intellectual property that the Utah Electronic High School has, which will be licensed from them, a license they will be obligated by contract that if they utilize it in other places or partners all the protections are in place. The piece that is exciting for the Utah Electronic High School is as they get going they expect to enhance the curriculum and they will license that back, at no cost, to the Utah Electronic High School. They may develop other programs that are beyond what the Electronic High School is doing and they will agree to license those back at no charge.

Member Tom Gregory commented that he has also been involved in the process of this agreement and it has been good to see the progress the group has made. He indicated he was content with the position we are at and the progress that has been made.

Vice Chairman Janet Cannon questioned what would happen to the intellectual property should American

Academy decide to sell. Mr. Jardine responded that if they decided to sell, those contract rights would follow any of the assets or company. Anyone who purchased those would be obligated by whatever contractual obligations they have imposed on themselves, which would include, first and foremost, those intellectual licenses.

Vice Chairman Janet Cannon questioned the proctoring of exams. Mr. Meyer responded that this was negotiated as part of the package as protections for the Electronic High School that they would continue to operate their business pursuant to the standards by which the Electronic High School is operating. They have not sorted out who would proctor the exams, but it was an important point to both sides.

Chairman Kim Burningham commented that we care a great deal about the Electronic High School because it fills a need for lots of kids. It is stable, growing and getting better and better. He is, however, worried that this same promise of stability for that to grow for kids in the future. It was clarified that American Academy cannot sell in the State of Utah. The company will be based in Utah. However, there are 24 states that have nothing like this and they are excited that they could receive such a program that has a curriculum created by the State Board with the Board controlling the standards.

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

Superintendent Harrington shared information relative to legislative meetings she has attended. She reported that she has been asked by the Administrative Rules Committee to submit to them three items: (1) Are transfer policies for charter schools and traditional school identical? (2) They want to know the parameters that are related to decisions about boundaries and enrollment and why it must be individualized per district. (3) They would like her to cite statutory language that allows the Board to require one parent on each charter schools governing board. Their key concern as it relates to the charter school rule is about satellite campus. The concept that was reviewed in the draft, they felt good about.

Member Denis Morrill questioned the role of the Administrative Rules Committee. Carol Lear responded that they have the directive in statute to review rules from state agencies. Member Morrill indicated that would be after the Board has passed the rule, not while it is in draft format. Ms. Lear responded that there is not anything that precludes the committee from having discussions with agencies. Superintendent Harrington reported that she was direct with them that she will never produce for them what the Board has not taken action on or seen first and they were very respectful of that.

Superintendent Harrington reported that Representative Ferry would like to see a Board rule assuring vertical transfers, meaning from school to school or from grade to grade for students who are ready to accelerate. He would also like to see transportation provided. She indicated she concurred with him in this matter. Whether this is something that comes to the Board as a rule or whether we want to study this as it relates to gifted and talented and accelerated

opportunities still needs to be reviewed.

She briefly reviewed the Executive Appropriations Committee and the Public Education Interim Committee meetings.

Superintendent Harrington reported that by H.B. 164 that Representative Bigelow carried about charter schools there was a directive that the Board join with the State Charter Board to come up with an agreeable solution to both parties for local replacement funding. We established that joint committee. She shared the brainstorm of that meeting. Subsequent to that meeting Representative Bigelow called and asked if she and others would join him in a regular monthly meeting about resolving charter school issues, one subset of which is this local replacement funding. As it now seems reasonable that just one committee meet rather than the two. With permission of the representative she will seek to move away from the joint committee idea and moving into his committee to resolve these issues. Dr. Harrington noted that Representative Bigelow has the full support of leadership to solve the charter school issues. She then identified the members of Representative Bigelow's committee.

Dr. Harrington indicated that the genesis of this is the disgruntlement of many legislators who are now seeing the state funding two systems, traditional public education system and now the charter school system at the local level. Dr. Harrington indicated there are a lot of issues that need to be resolved.

Member Laurel Brown stated that the issues need to be resolved, however, the State Charter School Board is advisory to the State Board and we should be the Board that is talking to the legislature and the legislation should be generated by the State Board. She felt this was an overt move to take away the control the Board has of general supervision and putting it into the hands of the State Charter School Board. She is not opposed to all the discussions and brainstorming. She did not see this being beneficial.

Discussion ensued relative to the issue of the possibility of this becoming a governance issue.

It was noted that Representative Bigelow is a very supportive legislator and is trying to work out all these problems with charter schools. Chairman Burningham suggested that Superintendent Harrington have a conversation with Representative Bigelow explaining the concerns mentioned by the Board.

Member Mark Cluff commented that he appreciated what Member Brown was saying, but he feels they are looking for those who are the experts in charter schools talking with the district leaders. Representative Bigelow's purpose is to get these groups together.

Dr. Harrington reported that the question was raised at one point as to why we were not participating in the NASBE grant on the HIV Prevention Project. This is because the Utah Legislature voted some years ago to discontinue the acceptance in use of funding that had any support for instruction on HIV/AIDS.

Dr. Harrington shared information as to what degree we address religion in our schools. This was prepared by Robert Austin, Social Studies Specialist.

Dr. Harrington reported that questions have been raised of the possibility that our state requirements and regulations are over and above the federal rules and regulations. There is a time period federally regulated that we have to have an open discussion with locals. No decisions can be made within that time frame (60 days) or else someone could launch a law suit against us saying they did not have a fair hearing on the matter. There has been no commitment on the feedback we are receiving from these hearings. That 60 day period is now completed and there have been two facilitative meetings. Dr. Harrington indicated she has given the direction that we will not exceed federal regulations. There are some caveats to that discussion including a federal case load in some cases is more than a state education case load. There are some places where we will want to deviate from the federal education regulations and rules. This will, however, not yield greater paperwork for our teachers.

Superintendent Harrington reviewed some of the meetings she has had over the past month. She highlighted the one on curbing campus violence and a meeting with Secretary Leavitt and Governor Huntsman. She stated that Secretary Leavitt indicated his desire to insure that we are taking action as a state. She felt there needed to be more state leadership in this regard and that it should come from the State Office. She indicated she will be considering this with her leadership team and how we might do this.

Superintendent Harrington reported that she had attended the Milken Educator Awards in Los Angeles. Utah had two teachers who received \$25,000 each.

Superintendent Harrington noted an attachment to her report of a Major Study on Software.

Superintendent Harrington noted an attachment to her report of a letter from Colin Gardner regarding his concerns on school safety and the Virginia Tech issue.

Superintendent Harrington reported that she has spent two days in interviews for a new associate superintendent over student achievement. She indicated that she will be making a decision and an appointment in the next two weeks.

Superintendent Harrington expressed appreciation to Dr. Ray Timothy who is leaving the office and a welcome to Dr. Larry Shumway who will be taking Dr. Timothy's place.

Superintendent Harrington reported that we had a single financial audit that covered both the Utah State Office of Education and the Utah State Office of Rehabilitation. There were 17 findings which is the highest we have had in recent years. Two or three things have occurred: 1) Because of Enron and WorldCom and others that have caused enormous problems in the economy and full of fraud, the auditor's requirements are much more stiff than they have been in the past. Rather than a verbal warning, this time they have given concerns in writing. They tell us this will be even stiffer next year, with a faster turn around time on the audit as well as more deliberate discussion of substantial deficiencies. Dr. Harrington noted there is room for improvement. We had some math errors, allocation errors, all of which has been corrected. We were cited on such things as a missing signature on an individualized plan

for USOR, some eligibility determination differences between what the auditor thought we should do and what we did, some poor documentation by some of our employees, most of whom were in the probationary in nature and most of whom have moved on, It also included a horrible finding on what is going on with Title 1 in Davis District, but most of the issues were documentation in nature - nothing of fraud that related to either of the offices. She expressed appreciation for the work of Don Uchida and Patrick Ogden in getting these cleaned up.

Chairman Burningham noted that there was a meeting of the Board's Audit Committee last evening and this was discussed and Superintendent Harrington had gone through each of those items and he is convinced that action has already taken place on all of the items to resolve the issues.

(For complete details of the report see General Exhibit No. 10253.)

Board Chairman Report

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

Chairman Burningham acknowledged Mark Shurtleff who has been with us for part of the afternoon. We have asked if he wanted to say anything and his answer has been no. Chairman Burningham noted that the Board Leadership will be meeting May 24 and if there are additional concerns or items anyone would like them to consider to please be sure to send them along to him.

Chairman Burningham noted that on June 13 there will be a joint meeting of the Legislature, State Board and Board of Regents at Utah State University. More details will be forthcoming.

Chairman Burningham noted that Twila working with others in the office is putting together a survey of our e-mail use and electronic board packets, etc.

Chairman Burningham noted that the Children's Land Alliance Supporting Schools (CLASS) Conference is being held in Salt Lake City on July 21-24. Some Board Members may want to participate in this conference. Vice Chairman Janet Cannon noted that this is a wonderful conference where Board Members can find out everything on trust lands and as they involved other states throughout the nation and where we are comparative to other states.

Associate Superintendent Larry Shumay noted that the National Association of State Directors of Teacher Education and Certification's national conference will also be held in Salt Lake City, June 3-6. He will mail an agenda to each Board Member. Carol Lear noted that they will also be special presentation of the Doug Bates Award in honor of its 10th year.

Motion was made by Member Teresa L. Theurer and seconded by Member Michael G. Jensen to adjourn.

Meeting adjourned at 5:15 p.m.