

## MINUTES

April 7, 2006

Minutes of the meeting of the State Board of Education held April 7, 2006, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:20 a.m. Chairman Kim R. Burningham presided.

Members present were:

Chairman Kim R. Burningham  
Vice Chairman Janet A. Cannon  
Member Dixie L. Allen  
Member Tim Beagley  
Member Bonnie Jean Beesley  
Member Laurel Brown  
Member Mark Cluff  
Member Edward A. Dalton  
Member Greg W. Haws  
Member Randall Mackey  
Member Debra G. Roberts  
Member Richard Sadler  
Member Gary C. Swensen  
Member Teresa L. Theurer

Members Bill Colbert, Thomas Gregory and Sara Sinclair were excused.

Also present were:

Deputy Superintendent Raymond Timothy  
Associate Superintendent Myron Cottam  
Associate Superintendent Patrick Ogden  
Public Affairs Director Mark Peterson  
Executive Director, USOR, Blaine Petersen  
Board Secretary Twila B. Affleck

Superintendent Patti Harrington was excused.

Members of the Press:

Cecelia Baker, Salt Lake Tribune  
Jennifer Toomer-Cook, Deseret Morning News  
Lynze Wardle, Standard Examiner  
Kathy Ridd, Heartland Elementary School  
Kristine Dunn, Heartland Elementary School  
Trenton Goble, Heartland Elementary School  
Charlotte Petersen, Citizen  
Brent Bateman, Parkside Elementary  
Joelle Rasmussen, Parkside Elementary  
Linda Auwerda, Parkside Elementary  
Rich Young, Pearson Educational Measurement  
Courtney White, Utah Education Association  
Marilyn Kofford, Utah PTA  
Erik Olsen, Canyon Rim Academy

Shana Heyn Jackson, Canyon Rim Academy  
Janice Jones Schroeder, Salt Lake City School District  
Lynn Rowe, Jump\$tart

Utah State Office of Education Staff:

Janice Christensen

Utah State Office of Rehabilitation Staff:

Vicki Mataele

Kyle Walker

Tom England

Russ Thelin

Don Uchida

JeNeal Shaw

Ann Otteson

Dee MacLee

Susan May

Elizabeth Thompson

Brenda

Gus Materazzi

Chairman Burningham shared two quotes, one from Tom Brokaw “There is a place in America to take a stand; it is public education. It is the underpinning of our cultural and political system. It is the great common ground. Public education after all is the engine that moves us as a society toward a common destiny....It is in public education that the American dream begins to take shape.”

Second quote from Thomas Friedman, New York Times, March 24, 2006: “My guess is that we’re at the start of a global convergence in education. China and India will try to inspire more creativity in their students. America will get more rigorous in math and science. And the convergence will be a great spur to global growth and innovation. It’s a win-win. But some will win more than others—and it will be to those who get this balance right the fastest in the most schools.”

### Welcome, Recognitions and Student Achievement Spotlight

Board Member Randall Mackey lead the Board in the Pledge of Allegiance.

Board Member Teresa Theurer offered opening remarks using a Native American “Great Spirt Prayer” and then offered a prayer herself.

Chairman Burningham excused Board Members Bill Colbert, Thomas Gregory and Sara Sinclair, and Superintendent Harrington.

### **Student Achievement Spotlight**

Associate Superintendent Myron Cottam recognized Parkside Elementary School in the Murray School District who has put into place several interventions to help with student achievement. He noted that the school has a

diverse student body of 27% minority, 15% English Language Learners, and 41% of students receiving free or reduced lunch. It is a Title I school, with approximately 175 students receiving Title I services in reading or math.

Representatives of the school were presented a Certificate of Excellence from the Board.

Associate Superintendent Myron Cottam recognized Heartland Elementary School in the Jordan School District for their outstanding efforts in improving the school's learning environment and increases in literacy across grade levels. He noted that the school has 48% of their students qualifying for free and reduced lunch, and 18% English Language Learners. They are not a Title I school. The school's principal, Mr. Goble, has worked hard at changing the school's mentality that they are "super impoverished." Instead, he has worked at convincing both teachers and parents to have high expectations of all students.

Representative of the school were presented a Certificate of Excellence from the Board.

### **Recognitions**

Chairman Burningham recognized R. Blaine Petersen for his service as the Executive Director of the Utah State Office of Rehabilitation for the past sixteen years and his service in the State Office of Rehabilitation for many years prior to that. He noted his vision and leadership of the State Office of Rehabilitation, especially his work in keeping the State Office of Rehabilitation under the State Board of Education. Dr. Petersen was presented a school bell.

Dr. Petersen expressed appreciation to the Board for the recognition and to his wife for her support. He indicated it takes a team to succeed.

Chairman Burningham announced that Board Member Gary Swensen has tendered his resignation from the Board effective April 15, 2006. Chairman Burningham admonished Member Swensen for his work with the Coalition of Minorities Advisory Committee (CMAC) and for his genuine concern for helping students, especially minorities, succeed. Chairman Burningham presented the traditional school bell to Member Swensen for his service on the Board the past two years.

### Board Standing Committee Reports

#### **Law and Policy Committee**

Member Debra G. Roberts, Chairman of the Law and Policy Committee expressed appreciation to staff for their expedient work in putting together the rules considered by the Committee. She presented the following recommendations from the Law and Policy Committee:

#### Review of UBSCT Performance

The graduating class of 2006 is the first class for which graduation is dependent on students' performance on the Utah Basic Skills Competency Test (UBSCT). Staff reviewed and analyzed UBSCT performance standards scores. Member Roberts highlighted some portions of the report. The committee received the report as information in

preparation for their discussion of R277-603, Basic Skills Education Program.. (For complete details, see General Exhibit No. 9873.)

### Basic Skills Education Program, R277-603

HB 181 (2006 General Session) authorizes the Basic Skills Education Program, intended to provide remedial instruction to students who have not passed the Utah Basic Skills Competency Test (UBSCT) after the spring of their junior year. The proposed rule established rules and requirements for Basic Skills Education providers and students/parents, as well as procedures for program administration. (For complete details, see General Exhibit No. 9874.)

The Committee amended the rule on page 2, line 50, R277-603-1, H, changing (5) to read: agrees, if the basic skills provider is an individual employed by a school district or charter school, to abide by all rules pertaining to conflict of interest of educators working in their own fields, consistent with Section 53A-1-402.5 and R277-107, Educational Services Outside of Educator's Regular Employment.

Member Teresa Theurer expressed concern with the need for funding to help with this process. Also, the number of times that a student can “fail” before help is provided. She further commented that we need to provide help to the districts next year.

Member Tim Beagley questioned the formality of the process. If they fail three time and then passes on the fourth does the money still go to the school? Larry Shumway responded that the intention of the funds is that there be some additional activity. Anticipation is that the remedial funds provide some sort of service.

Member Laurel Brown reported that there are districts that are currently helping students without the money.

Member Debra Roberts voiced concern that it is ELL students that need this the most, and if the student does not pass the parents are still liable for the payment of the remediation, which they cannot afford.

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

### Special Needs Scholarships - Funding and Procedures, R277-602 Amendments

The statute authorizing the Special Needs Scholarship program was amended by HB 351 “Carson Smith Scholarship Program Amendments.” The amendments modify requirements for student and private school eligibility, and require a written notification to parents of public school students with IEPs. (For complete details, see General Exhibit No.9875.)

The Committee amended the rule on page 10, R277-602-4 breaking up (D) and (E) with new language on (E). (D) would read: “School districts and charter schools shall cooperate with the Board in cross-checking special

needs scholarship student enrollment information, as requested by the Board.” (E) would read: “School districts and charter schools shall provide written notice to parents or guardians of students who have an IEP of the availability of a scholarship to attend a private school through the Special Needs Scholarship Program. The written notice shall consist of the following statement: School districts and charter schools are required by Utah law, 53A-1a-704(10), to inform parents of students with IEPs enrolled in public schools, of the availability of a scholarship to attend a private school through the Carson Smith Scholarship Program. Further information is available at [www.schools.utah.gov/admin/specialneeds.htm](http://www.schools.utah.gov/admin/specialneeds.htm).”

The Committee reviewed the rule and made amendments to R277-602 and approved the amended rule on first reading and moves that the Board approve R277-602, Special Needs Scholarships - Funding and Procedures on second reading. Motion carried unanimously.

School Counselors, School Psychologists, and School Social Workers Certificates and Programs, R277-506 - Amendments

Amendment to R277-507, School Counselors, School Psychologists, and School Social Workers Certificates and Programs, consists of amending terminology and removing the school counselor section of the rule. School counselor levels of licensure language is now incorporated into R277-502, Educator Licensing and Data Retention. (For complete details of the rule, see General Exhibit No. 9876.)

The Committee reviewed the amendments to R277-506 and approved the amendments on first reading and moves that the Board approve R277-506, School Counselors, School Psychologists, and School Social Workers Certificates and Programs on second reading. Motion carried unanimously.

Provo District School Professional Development Pilot Program Request

House Bill 100 (2004) and Board Rule R277-418 School Professional Development Days Pilot Program allows for a pilot for schools and districts to use up to 22 hours of the 990 hours of required student instructional time for professional development. Schools must submit a proposed schedule of activities and school schedule variances to the local school community council for recommendation to the local board. Local boards are to submit accepted plans to the State Board for review and approval.

Provo School District followed the appropriate procedure in securing local support for one elementary school for the 2004-2005 school year and submitted that information in their Consolidated Utah Student Achievement Plan (CUSAP), instead of submitting the request for approval directly to the Board. Two additional elementary schools received local support for the 2005-2006 school year. Again, Provo District submitted this information through their 2005-2006 CUSAP. After discovering that they had not received Board approval for participation in the School Professional Development Days Pilot Program, Provo School District is requesting formal approval for inclusion in the

pilot. (For complete details of the request, see General Exhibit No. 9877.)

The Committee reviewed the request for the Provo District to participate in the School Professional Development Days Pilot Program, however, there was only three members present and they could not come to a unanimous vote to pass a motion.

Motion was made by Member Richard Sadler and seconded by Member Debra G. Roberts that the Board approve Provo School District's request for approval of their School Professional Development Days Pilot Program.

Vice Chairman Janet Cannon explained that she was the opposing vote in the Committee because of her concerns in providing time for professional development for teachers and losing instructional time for students.

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

### **Curriculum Committee**

Member Teresa Theurer, Chairman of the Curriculum Committee also thanked the staff for their expedience in putting together the rules and information for the Committee. She presented the following recommendations from the Committee:

#### Request for Proposals (RFP) for Programs to Improve Mathematics Achievement in Grades Four through Six

The 2006 Legislature passed H.B. 181, which appropriated \$7,500,000 of non-lapsing one-time funding from the Uniform School Fund to fund proposals from school districts and charter schools to improve mathematics achievement test scores of students in grades four through six. Legislation requires the Board to issue the RFP for submission by school districts and charter schools.

Qualifying proposal shall use professional development, incentive bonuses, or a combination of professional development and incentive bonuses as strategies to improve mathematics achievement test scores of students in grades four through six. Proposals for funding shall be evaluated and approved by appropriate staff on behalf of the Board, and selected based on the criteria stated in the RFP with priority given to Title I schools. (For complete details, see General Exhibit No. 9878.)

Member Theurer reported that the Committee made a change on page 3 under Assessment to specify what types of assessments we want, and to add a third item under this section. Under IV. Proposal Requirements, C. Assessment will now read as follows:

1. Describe procedures for determining annual increases in proficiency on Utah's Mathematics CRTs at each grade level (4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup>). *An annual report on mathematics proficiency is required.*
2. Describe formative and summative assessments (e.g., screening, diagnostic, pre/post tests) to be utilized in measuring student progress in mathematics.

3. Describe the mechanisms to communicate to parents, student progress in mastering grade-level standards and objectives.

Member Theurer reported that there will be a meeting on April 19 to pass out the information. They have asked staff that if there are significant changes to the process suggested at the April 19 meeting that the document be brought back to the Committee and the Board with those changes.

The committee reviewed and approved the draft RFP Program to Improve Mathematics Achievement in Grades Four Through Six and moves that the Board approve the RFP process. Further, that the Board direct staff to proceed with implementation of the program. Carol Lear, Director of Government and Legislative Relations, commented that the monies for this program will be through competitive grants. There have been issues recently that competitive grants through our office are public information. She felt there should be a simple statement added in the RFP that as long as this program is ongoing the grant applications will not be public information, so there is no competitive advantage from year to year.

Motion was made by Member Teresa Theurer and seconded by Member Laurel Brown that the motion be amended to include a simple statement be added to the RFP document that the grant information will not be public information.

Amendment carried unanimously.

Motion as amended carried unanimously.

District Policy Explaining Credits  
Earned and Reciprocity for Credit for  
Demonstrated Competency, R277-705-3

Amendment

S.B. 56, passed during the 2006 legislative session, requires public schools to accept credit and grades from schools that have been accredited by the Northwest Association of Accredited Schools. R277-705-3, District Policy Explaining Credits Earned and Reciprocity for Credit for Demonstrated competency, is amended to comply with this legislation. (For complete details, see General Exhibit No. 9879.)

The Committee reviewed and approved the amendments to R277-705-3 on first reading and moves that the Board approve the amended rule R277-705-3, District Policy Explaining Credits Earned and Reciprocity for Credit for Demonstrated Competency on second reading.

Tim Beagley voiced concern this change may have ripple effect on concurrent enrollment classes. There are college classes that transfer back to the high school, but the way they transfer back is that someone at the State Office takes the outline of the college class and compares it to the core curriculum and they determine if it counts as the class specified. The problem is that we now have college science classes that don't transfer back to the high school science class because they did not match exactly with the core curriculum. He suggested that a better definition of what it

means to be aligned to core curriculum was needed.

Member Theurer commented that we want our core to be a part of this and maybe there needs to be work between higher education and the State Office on this issue.

Member Laurel Brown commented that the rule allows for the granting of credit based on demonstrated competency, assessment, or mastery. If a student is competent in a college level English class, it would seem that the rule provides that credit can be granted.

Member Dixie Allen commented that you need to look at the other side and ask if you want students in a higher level concurrent enrollment class at core level. If we are allowing students to take concurrent enrollment and they have not passed the basic core or cannot pass a competency test at the basic level, should we be giving credit for a concurrent enrollment class?

Brett Moulding, Curriculum Director, explained the current process.

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

#### Transfer or Acceptance of Credit, R277-410-4

S.B. 56, passed during the 2006 legislative session, requires public schools to accept credit and grades from schools that have been accredited by the Northwest Association of Accredited Schools. R277-410-4, Transfer or Acceptance of Credit, is amended to comply with this legislation and to be consistent with R277-705-3, District Policy Explaining Credits Earned and Reciprocity for Credit for Demonstrated Competency. (For complete details, see General Exhibit No. 9880.)

The Committee reviewed and approved the amendments to R277-410-4 on first reading and moves that the Board approve the amendment to R277-410-4, Transfer or Acceptance of Credit on second reading. Motion carried unanimously.

#### **Finance Committee**

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

#### Funding Public Education's Future

Early this summer, the Governor will call a special session of the legislature to deal with income tax reform. It is important that the Board be informed as to the implications of such reform. If it deems appropriate, the Board may choose to support or oppose the changes in income tax.

Dr. Gary Cornia is the Director of BYU's Romney Institute of Public Management; the Stewart Grow Professor of Public Management; a former Utah State Tax Commissioner; and chair of Governor Walker's Tax Review Commission, provided background and insight into the future of public education taxation in Utah. (For complete

details, see General Exhibit No. 9881.)

The Committee became better informed of the issues surrounding the income tax reform movement and staff will put together some talking points in the form of a resolution which they would like to see passed at the May meet in Vernal. This will indicate that the State Board will go on record as to what we think tax reform should focus on and what the parameters of that will be in advance of the potential special session on May 17.

#### Seismic Safety of Public Schools

Board members have expressed an interest in developing a plan for upgrading existing schools for seismic safety. USOE is undertaking a study of seismic upgrade needs and updated the committee on the current results of the study, the Utah Facilities Operation and Maintenance Association's fall meeting on seismic safety, and USOE's purchase of asset management software for districts and charter schools. (For complete details, see General Exhibit No. 9882.)

The Committee received the report as information and is now better informed on efforts taken on upgrading for seismic safety. The Committee will continue to assess and perhaps make recommendations on how the schools in the state that are in danger of property damage, but more importantly a potential loss of life, from some kind of seismic activity. It was noted that there are a number of schools that are not prepared structurally for earthquakes, etc. They would like to come up with some type of course of action on how to deal with these issues.

#### Post Employment Benefits Study

The Committee did not have time for this item and will discuss it at the next meeting.

#### **Communications Committee**

Member Edward A. Dalton, Chairman of the Communications Committee reported that the Attendance Awareness Coalition has put together a specific program plan for a campaign called "Missing School is Missing Out." This plan has been presented to the Board Leadership Committee and they have given the committee permission to proceed with phase one to see if we can raise enough money to carry out the campaign. If the contributions are sufficient enough to move forward, it is planned that we begin in September and run for about four months. If they are unable to secure the funds, it will be assessed further and not proceed until we have the resources to do it.

It is anticipated that the Governor and his wife will be the spokespersons for the campaign. Some very good messages have been put together for targeted groups. This is mainly to focus on elementary school parents with the hope that they will think twice when they decide to keep their children home from school. It is hoped that through this it will be another step to help children to succeed. The next meeting is next Tuesday.

#### Public Participation/Comment

Janice Jones-Schroeder a Member of the Utah Chapter of the National Association for Multicultural Education Board of Directors announced to the Board the details of the National Association for Multicultural

Education's upcoming spring conference, The Power to Name. (For complete details, see General Exhibit No. 9883.)

Lynn Rowe, Product Manager Zions Bank, Financial Literacy and Marketing and Chair of the Utah JumpStart Coalition. He indicated that the Coalition's objective is to promote instruction of personal financial literacy in schools around Utah. He noted things that are being done around the state. He expressed appreciation to the Board for including the general financial literacy course as a standalone, one semester course. He indicated that Julie Felshaw, Economic Education Specialist at USOE, is at the meeting of the National Association of State Boards of Education because of Utah's model actions in financial education. He indicated that Idaho is preparing to rework its curriculum because of what Utah has done. He shared some of the statistics in this area which continue to be alarming. He encouraged the board to leave the course in its present format as a one semester course.

Erick Olsen Trustee, Canyon Rim Charter School discussed the unique situation that the Canyon Rim Charter School is in. He noted that he understands that the State Charter School Board is responsible for assessing applications and making recommendations to the State board. However, their situation is unique and unusual. They have met with the Granite School District and asked the Superintendent for a waiver of the time line in the Boards rules related to charter schools. The reason for the request is that this is a converted charter school under the section of the charter statute that permits an existing public school to be converted to charter status, there are certain steps that need to be followed. They have followed these steps, the third step is to obtain the conversion itself from the chartering entity, which here is the State Board. The problem is that Granite District has determined to close Canyon Rim Elementary School at the end of this school year. They are then left with the problem that the time line imposed by the Board rules essentially prevents the application from being approved for this fall. If they cannot open this school this fall, they will not be able to open next year because teachers will be assigned to other schools.

#### Executive Session

Motion was made by Member Dixie L. Allen and seconded by Member Richard Sadler to moved into an executive session following lunch to discuss personnel and litigation issues. The Board was polled and by unanimous consent of those present the Board moved into executive session at 12:40 p.m.

Motion was made by Member Richard Sadler and seconded by Member Gary Swensen to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:35 p.m. Motion carried with Members Allen, Brown, Cannon, Cluff, Dalton, Mackey, Roberts, Sadler, Swensen and Theurer voting in favor; Members Beagley and Haws absent

#### Utah Performance Assessment System for Students (U-PASS) Accountability

#### Plan 2004-05 Results

The Utah Performance Assessment System for Students (U-PASS), enacted by the Utah Legislature in 2000, requires the Utah State Office of Education to put an accountability plan in place and prepare an annual report of

assessment results and behavior indicators of Utah schools. The U-PASS Accountability Plan includes the following achievement components:

#### Achieved State Level of Performance

Schools are identified as **achieving** the state level of performance if:

- The *Percentage* of students participating on each assessment is 95% (or greater); and
- The *Total School* overall status is 75% (or greater) or the Total School overall progress is 185 (or greater); and
- The *subgroup* overall status is 7% (or greater) or the *Subgroup* overall progress is 185 (or greater)

#### Overall Status

The overall status of a school is acceptable or unacceptable based on the total score calculated as follows:

- Grades 3-8: 35% language arts, 35% math, 20% science, 10% attendance
- High School: 30% language arts, 25% math, 25% science, 10% attendance, 10% graduation rate.

#### Overall Progress

The overall progress of a school and/or subgroup is a longitudinal measure defined as low, medium or high by comparing the achievement levels of the same student from one year to the next year.

Judy Park, Director, Assessment and Accountability presented the U-PASS Accountability Plan results for the 2004-05 school year. (For complete details, see General Exhibit No. 9884.)

Member Teresa Theurer questioned how many schools did not meet the state level of performance. Ms. Park indicated that there were ten schools or about 6 percent that did not make the state level of performance. Member Theurer commented that as she participated in the U-PASS Committee that developed the cut scores it was felt that ten to twelve percent of the schools should appropriately be designated as needing assistance. She suggested that with the figures presented we may want to look at raising the cut scores.

Motion was made by Member Teresa L. Theurer and seconded by Member Mark Cluff to ask staff to revisit the level of cut scores.

Ms. Park indicated that it was the original intent was that we always have an ongoing evaluation process. She clarified that if it is the intent of the motion is that they re-look at data reexamine whether or not it would be appropriate and/or determine if it would be appropriate to increase either the status or the progress or both, they can do that.

Member Tim Beagley clarified that they were asking the Board to adjust the levels of proficiency so that more schools are listed as needing help. If this is the case this indicates the numbers are arbitrary. Member Theurer responded that they always knew they were arbitrary.

Further discussion ensued relative to how the cut scores were set and the reasons for setting them where

they are currently set.

Member Tim Beagley offered an amendment to the motion to include a discussion with the Board of an explanation of where the cut scores came from and what they mean in terms of how the system is performing. The amendment was accepted as part of the motion. Chairman Burningham suggested that it also include what we are doing to help those that are not passing. Ms. Park suggested that a work session of the Board would be a better place for such a discussion because it would take quite a bit of time.

Motion carried with Members Allen, Beagley, Cannon, Cluff, Haws, Mackey, Roberts, Sadler, Swensen and Theurer voting in favor; Members Brown and Dalton opposed. Being Proactive in School Violence and Bullying Prevention

Bullying among school children and youth continues to be a topic of great public concern. Some adults have, unfortunately, viewed the experience of being bullied as a rite of passage for children and youth. In recent years, however, concerns about bullying have increased dramatically among school personnel, parents, the general public, and policy makers. Utah is not immune to bullying and its negative effects. Every student has a right to attend a school that is safe and secure and conducive to learning.

Dawn Kay, Coordinator, Student Services and Comprehensive Guidance, presented a report entitled, "Bullying in Utah Public Schools" that was prepared by the Utah State Office of Education. (For complete details, see General Exhibit No. 9885.)

Ms. Kay presented a first rough draft rule defining bullying and development of local district policies. She indicated that this was not for public distribution, but only for the Board to see the beginning work in this area.

Ms. Kay noted that we need to provide a rule to districts as a resource, training and implementation of school-wide positive behavior initiatives.

Member Teresa Theurer commented on the hazing that has gone on in schools recently and suggested that hazing be a part of the rule.

Member Randall Mackey questioned if sexual harassment had been discussed as part of the rule. Ms. Kay responded that there should be policies in place already in schools regarding sexual harassment both for employees and students.

Member Debra Roberts reported that she has received several letters and phone calls from parents indicating that part of bullying problem in elementary schools is not sufficient supervision during recess. She questioned if there was any way to partner with the PTA and have parents assist during recess.

Marilyn Kofford, Utah PTA, indicated that PTA's are already involved. There is a legal issue to look at, but we need to establish what is required.

Member Roberts requested that the Board address this on a policy level; recognizing we can't ask teachers

to take on more and more.

Member Mark Cluff questioned if there was a legal issue relative to using volunteers rather than paid aides to help with this issue.

Carol Lear responded that there is a provision in Utah Code that allows volunteers to be covered as employees relative to insurance coverage. However, there are some legal issues that go to training, dependability, unsupervised access to students and then the criminal background checks which become expensive.

Chairman Burningham asked Associate Superintendent Myron Cottam to take the responsibility of talking about Member Robert's concern of using volunteers particularly on recess supervision in the next executive committee meeting to see how we can appropriately respond and react.

Ms. Kay recommended that the Board move forward with updating the rule and begin to put in place, to the extent we are able, help for schools relative to training, and relevant research, etc.

Member Dixie Allen commented that this is a very important process and definition we need to get out, especially to districts and teachers. One of the things that she received during a presentation at the NASBE conference was the idea that even adults bully adults and teachers bully students. The definition needs to be concrete enough that we can identify what bullying looks like and how it is demonstrated. It is also important to train staff so they understand and know what bullying looks like. Further, the Utah Behavior Initiative has provided a wonderful way of looking at this. We need to get policies and procedures in place to define what it is and what our expectations are.

Member Randall Mackey commented that we need to expand the definition of bullying.

Motion was made by Member Laurel O. Brown and seconded by Member Randall A. Mackey to receive the report with thanks and authorize staff to move forward and continue to work on drafting the rule, and that it be brought back to an appropriate committee in a timely manner. Further to authorize the Utah State Office of Education to distribute, as they deem appropriate, detailed information to support districts in receiving research about bullying and they develop a plan to offer training to school professionals.

Member Ed Dalton questioned if the charge to staff included how we might address the supervision issue. It was clarified that this would be incorporated into the training component. It was assumed that this is within the motion.

Motion carried unanimously.

### Executive Session Actions

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

Motion was made by Member Teresa L. Theurer and seconded by Member Mark Cluff to appoint Marsha Rawlings to the Disability Determination Services Advisory Council. Motion carried unanimously.

#### **Utah Schools for the Deaf and the Blind Institutional Council**

Motion was made by Member Teresa L. Theurer and seconded by Member Mark Cluff to appoint Kye

Miner to the Utah Schools for the Deaf and the Blind Institutional Council, term to expire July 2008. Motion carried unanimously.

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

Motion was made by Member Richard Sadler and seconded by Member Edward A. Dalton to accept the Commission recommendation in Case No. 04-718 and accept a stipulated agreement, with conditions, whereby a former educator in the Salt Lake City School District voluntarily surrenders his educator license in lieu of a hearing for revocation of his license for five years from the date of formal action by the State Board. The action is taken as a result of the educator's inappropriate relationships with female students. Motion carried unanimously.

(For complete details of the recommendation see General Exhibit No. 9886.)

### **General Consent Calendar**

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Dixie L. Allen to approve the General Consent Calendar with the exception of Tab E, State Board of Education Administrative Rule Repeal, Rule R277-474, School Instruction and Human Sexuality. Motion carried unanimously.

#### 1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held March 3, 2006.

#### 2. Contracts

The following Contracts were approved:

##### (a) Amsource Z-Value, LLC. \$150,751.32. 7/1/06-6/30/11. - Amend. - Fed.

To lease office space for the Division of Rehabilitation Services located at 982 North Main Street, Tootle, UT.

##### (b) Hill Properties. \$268,106.40. 12/31/06-12/31/11. Amend. - Fed.

To lease office space for Division of Rehabilitation Office in Layton at 2984 N Hill Field Road #A, Layton, Utah.

##### (c) Public Service Commission of Utah. \$336,312. 1/1/06-12/31/07. RECEIVABLE

The Division of Services to the Deaf and Hard of Hearing, Utah Interpreter Program, will provide interpreter training and mentoring services utilizing funds regulated by the Public Service Commission. The goal is to increase the number of qualified, certified sign language interpreters for relay services, community and educational settings within the state of Utah.

##### (d) RennuB Services, LLC. \$9,996. 4/1/06-3/31/08. - Fed.

To provide the funds for the janitorial needs of the Bountiful Office 150 N Main #103.

##### (e) Murray City Corporation. \$2,500. 1/1/06-12/31/06. RECEIVABLE

Allow Murray City Corporation to utilize Gymnasium at Sanderson Community Center of the Deaf and Hard of Hearing when available. Murray City will reimburse State for costs.

(f) Asset Evolution L.L.C. \$200,000. 4/1/06-3/31/09.

To provide an Internet based enterprise software solution that includes fixed asset capital management, maintenance and implementation plan for Utah's school districts and charter schools.

(g) Adaptive Solutions Inc. \$119,600. 2/17/06-2/16/07.

To provide training on the use of "Cognos" software for school and district personnel and for the State Office of Education staff.

(h) CTB/McGraw Hill LLC. \$1,145,613. 2/15/06-6/30/08.

To provide online writing practice with immediate diagnostic assessment, analysis and evaluation of software implementation.

(i) College Entrance Examination Board. \$72,020. 4/7/06-3/2/07. - Fed.

To pay Advanced Placement (AP) test registration fees for low-income students.

(j) Utah State Health Department. \$18,000. 9/25/05-3/30/06 - RECEIVABLE

To provide funding for the Gold Medal Schools training.

(k) Leslie Gertsch. \$110,000. 3/1/06-2/28/08

To provide Braille transcription services to state agencies as coordinated through DSBVI.

(For complete details of the Contracts, see General Exhibit No. 9887.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts were approved by the Board. (For complete details, see General Exhibit No.9888.)

4. Administrative Rule Review

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

R277-513	Dual Certification
R277-517	Athletic Coaching Certification

(For complete details, see General Exhibit No. 9889.)

5. Negotiated Agreement Between the Utah Schools for the Deaf and the Blind Education Association and the Utah Schools for the Deaf and the Blind 2005-2006

The Negotiated Agreement between the Utah Schools for the Deaf and the Blind Education Association, and the Utah Schools for the Deaf and the Blind for the 2005-2006 school year has been endorsed by the Utah Schools for the Deaf and the Blind Institutional Council and the USDB Education Association. The State Board of Education approved the Negotiated Agreement for the 2005-2006 school year. (For complete details, see General Exhibit No. 9890.)

6. Monthly Budget Report

The Monthly Budget Report provides information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. (For complete details, see General Exhibit No. 9891.)

7. Ratification of Employment

Russell J. Thelin, was ratified as the Rehabilitation Division Director in the Utah State Office of Rehabilitation.

Karl A. Wilson be ratified as the Title 1 Director, Student Achievement and School Success Division.

Nan R. Gray be ratified as the Educational Director, Special Education in the Student Achievement and School Success Division

8. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved by the Board. (For complete details, see General Exhibit No. 9892.)

9. Claims Report

The Claims Report in the amount of \$178,055,371.82 for 28, 2006, was approved by the Board. (For complete details, see General Exhibit No. 9893.)

Item E. Administrative Rule Repeals - R277-474.

Question was raised by Vice Chairman Janet Cannon as to whether or not the entire rule was being repealed or just the portion underlined. It was suggested that it was just the underlined portion of the rule and not the entire rule but no definitive answer was readily available.

Motion was made by Member Richard Sadler and seconded by Vice Chairman Janet Cannon to table this item until next meeting requesting clarification at that time. Motion carried unanimously.

Executive Officer Report

Deputy Superintendent Ray Timothy presented the following items of information for Superintendent Harrington:

Title I Monitoring Report - An Executive Summary and Findings was distributed. Karl Wilson, Title I Director, highlighted the information from the United States Department of Education Title I Monitoring Report and what the State Office has changed or will change to meet the requirements based on the report. (For complete details,

see General Exhibit No.9894.)

Turn Down on Growth Model - A copy of an Email from Superintendent Harrington indicating the notification from the U.S. Department of Education that Utah's growth model was not approved and the reasons why was distributed. (For complete details, see General Exhibit No. 9895.)

Dr. Timothy noted that U-PASS is a much more comprehensive plan of evaluating the progress of our schools. However, it does not match up with the exact wording of No Child Left Behind. We will continue with what we are doing with U-PASS and feel comfortable with the direction we are heading. We will continue with dual accountability system, work closely with our congressional delegation and they are working with the Department of Education on making these changes.

Member Richard Sadler reported that as Board Members visited with the congressional delegation during the NASBE Legislative Conference they indicated that the reauthorization may be put off for a while. This suggests that we may want to look at whether or not we should be against the reauthorization or try to make changes.

Concurrent Enrollment - Superintendent Harrington has met with Commissioner Rich Kendell and she feels good about the discussion she had with him. She feels that both sides are back on the same page and share the same feelings that we want to make sure that concurrent enrollment is vibrant and continues. We will be looking towards a study of concurrent enrollment where we will be reviewing the funding issues, the services being provided, and reaching consensus between public and higher education in what direction we should be going especially in meeting student needs.

Deputy Superintendent Ray Timothy presented the following items of information:

Article in today's paper "Teacher Perk Cuts Stand" - Jordan District is cutting their post retirement benefits due to the changes in the law to make sure the funds are there to fund the post retirement benefit. The impact in Jordan is that more than 700 veteran employees will retire this year. We will see a real demand for teachers this year. We need to keep in the forefront how we are going to attract, train, and retain quality educators for all students. The time is here that we will see a shortage. The direction we are going with Educator Quality Initiative will help get us where we need to be.

Legislative Rules Committee – We were asked to go to the Legislative Rules Committee two weeks ago and we talked about two specific issues: (1) The diploma - they did not take any action, they saw where we are (board rule) and most of the members indicated they should have passed the bill because of the wording of the board rule. (2) High School Activities Association and Eligibility Requirements - a push to place the High School Activities Association under the umbrella of the State Board of Education. We talked them out of that, it is a private organization that works with member schools. He felt they are more comfortable with the arrangement as is after we explained it to them.

## Board Chairman Report

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

Utah High School Activities Association - Member Teresa Theurer explained a little about how the association works. On their web site there is a statement from both the High School Activities Association and the State Board of Education. She reported that the Board of Trustees is made up mostly of local boards; they sponsor 13 sports, 2 musical groups, and two speech activities. She discussed the membership requirements and the eligibility requirements. They are currently working on the transferability rule. Member Theurer also shared information on the alignment of classifications which takes place every four years; certification for officials, and the dead times and moratoriums during the year. She also noted that the Association is very concerned about sportsmanship. They have an Academic All State where they honor ten athletes in each classification for each sport on their academic achievement. She noted that there are all kinds of sports that want to join the association. This is a difficult thing right now and right now the three that want to join are cheerleading, hockey and lacrosse.

Member Theurer expressed appreciation for the opportunity of sitting on the Utah High School Activities Association Board.

Chairman Burningham questioned the scheduling, especially with regard to the concerns expressed relative to the UBSCT administration and sports activities. Some feel that the athletic schedule takes over everything and whether or not a whole week should be devoted to a state basketball tournament. Member Theurer responded relative to the UBSCT issue and the fact that when they schedule a state tournament it is done years in advance, and the money that is spent on the facilities. She further commented that it is the local boards making the decisions on the week for a basketball tournament.

NASBE Obesity Conference - Member Teresa Theurer reported that the one thing they came away with is that all schools have to provide a Wellness Policy to the students by June or July. Yes, we have a crisis, it is a problem that has been 30 years in the making, yes, we need to fix it but we are not going to fix it tomorrow. It is lets do what we can as a state to make sure people are following their wellness policy and review them to see if there needs to be changes. The big push is to have physical education every day. If this would happen, our students would test better. We need to get to a point where we are willing to accept research and study and data and somehow put it into practice. One speaker said that kids need 60 minutes a day of physical activity, and the school should provide 30 minutes of that.

NASBE Elections - Elections for NASBE Board of Directors will require action from the Board at the May meeting. All Board members should receive information from NASBE about it soon. Mark Cluff unopposed for Western Area Director. There is competition for President Elect Position. This will be included in the May agenda and action will be taken to submit to NASBE.

Our May meeting will be held in Vernal and Twila has been in contact with all relative to accommodations. May 11 will be a dinner meeting with the local board in the area beginning at 6:00 p.m at Stockman's Restaurant. Our meeting will be held at Utah State University's Extension building next door to the Weston Plaza.

Strategic Planning – Based on our meetings yesterday and the concerns expressed by several board member that it was frustrating. Our goal is to try to identify out of the priorities and objectives to indicate the things we want to work on this year. It should be a list of six or seven not 25. A draft of yesterday's work is prepared; the leadership has appointed a committee of four people to try to get the broad document refined. The Committee will be chaired by Vice Chairman Janet Cannon with Teresa Theurer, Tim Beagley and Debra Roberts (or their designee) Their responsibility will be to bring recommendations of objectives by the May meeting. Board members need to give input on the objectives as soon as possible relative to what you want to do. This should be sent directly to Janet.

Vice Chairman Cannon distributed the document after yesterday's planning meeting. She indicated it is intended that the Committee will meet the afternoon of Thursday, May 11 and have it refined by the meeting on Friday.

Member Dixie Allen suggested that it all be done by email. Everyone should email Janet and the number that come back show priority, then those are the priorities of the Board. Everyone is involved rather than small group. Email to Janet our priorities and things we feel should be scratched, then whatever the majority gives back to her becomes our priorities.

It was agreed that the combined process would be used.

Chairman Burningham shared some correspondence he has received from former Board Member Joyce Richards.

Chairman Burningham shared the following calendar items::

April 7 - 6:00 p.m. Alta Club Special Education Utah State University

April 14 - University of Utah - Impact Day

April 17 - Possible Special Session

April 19 - Graduation Committee meeting

April 21 - Utah Rural Schools Educational Summit at BYU

April 27 - Board Leadership meeting

May 1 - 3R's Meeting

May 2 - Cultural Alliance meeting to discuss graduation requirements

May 3 - U-PASS Advisory Committee

May 15 - Digital Bridge will be demonstrated here. System of using the computer to bridge all the information systems.

Chairman Burningham noted that the Audit Committee is scheduled to meet this afternoon at 4:00 p.m.

Chairman Burningham requested that the members of the Curriculum Committee meet in Superintendent Harrington's office for a few moments in an executive session regarding litigation issue.

Motion was made by Member Teresa Theurer and seconded by Member Dixie Allen that the Curriculum

Committee meet in executive session for the purpose of discussing a litigation issue. The Board was polled and by unanimous consent of those present the Curriculum Committee met in executive session following the meeting.

Motion was made by Member Laurel Brown and seconded by Member Dixie L. Allen to adjourn.

Meeting adjourned at 4:00 p.m.