

UTAH STATE BOARD OF EDUCATION MINUTES

May 14, 1999

Minutes of the meeting of the State Board for Applied Technology Education and the State Board of Education held May 14, 1999, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 11:50 a.m. Board Chairman John L. Watson presided for the first portion of the meeting and Board Vice-Chairman, Jill G. Kennedy presided for the afternoon portion of the meeting.

Members present were:

Chairman, John L. Watson
Vice Chairman, Jill G. Kennedy
Member Bette O. Arial
Member Linnea S. Barney
Member Kim R. Burningham
Member Janet A. Cannon
Member Cheryl Ferrin
Member Lynn Haslem
Member Susan C. Henshaw
Member C. Grant Hurst
Member Judy Larson
Member Denis R. Morrill
Member Joyce W. Richards
Member Marilyn Shields

Member Boyd F. Jensen was excused.

Also present were:

Executive Officer Steven O. Laing
Deputy Superintendent Laurie A. Chivers
Assistant Superintendent Gary L. Carlston
Associate Superintendent Robert O. Brems
Associate Superintendent Jerry P. Peterson
Executive Director, USOR, Blaine Petersen
Board Secretary Twila B. Affleck

Public Information Officer, Eileen Rencher was excused.

Also present for portions of the Board meeting were:

Members of the Press:

Kathy Kapos, Salt Lake Tribune
Jennefer Toomer-Cook, Deseret News

Darline Robles, Superintendent, Salt Lake City School District
Joyce M. Gray, Principal, West High School
Shaune Carl, Salt Lake City School District
Karen Derrick, Salt Lake City School Board
Bruce Beckman, Citizen

Pat Beckman, Westland Elementary School, Jordan School District
Bevan Wasden, Principal, Westland Elementary School, Jordan School District
Laurel Jorgensen, Citizen
Gayle Ruzicka, Utah Eagle Forum
Laurie Updike, Eagle Forum
Carole M. Glothlin, Citizen
I.D. "Skip" Nightengale, School and Institutional Trust Lands Board
Frankie Nightengale, Citizen
David Terry, School and Institutional Trust Lands Administration
Vona Hunsaker, Citizen
Jeanne Minert, Citizen
Vickie Peterson, Eagle Forum
Gregory S. Gough, Western Governors University
Con Rowley, Governor's Office
Kathy Webb, Utah Education Network
Jeanette Hammock, Utah Education Network
Laura Hunter, Utah Education Network
Steve Hess, Utah Education Network
Mike Cleary, Utah Education Network
Gary Ricks, Legislative Fiscal Analysts Office
Gail McBride, Park City High School
Barbara Farris, South Cache Freshman Center
Marilyn Janes, Mt. Logan Middle School
Barbara Richards, University of Utah
Sam Jarman, Provo High School

Members, State Office of Education staff:

Margaret Bird, Planning & Project Services
Gail Johnson, Planning & Project Services
Verne Larsen, Applied Technology Education Services
Dona Carling, Planning & Project Services
Rick Gaisford, Curriculum & Instruction Services
Becky Vaughan, Curriculum & Instruction Services

The Board repeated the Pledge of Allegiance.

Board Member Denis R. Morrill offered a reverence.

Board secretary Twila B. Affleck recorded the minutes.

Chairman Watson excused Member Boyd F. Jensen and Public Information Officer, Eileen Rencher.

Chairman Watson recognized Con Rowley who has just been named as the Deputy of Education in the Governor's Office.

Recognitions

Board Member C. Grant Hurst recognized **Pat Beckman** a teacher at Westland Elementary School in the Jordan District who has received "**The Clarissa Hug Teacher of the Year Award.**" This award honors an outstanding teacher of children with disabilities and/or gifts and talents who has demonstrated exemplary performance over a period of time as a teacher and has exhibited such qualities as innovation, knowledge of special education strategies, creativity, and the ability to inspire. He indicated that her moto is "There are no throw-away kids." Though her title is

"elementary resource teacher," Ms. Beckman has transcended the walls of her classroom. She developed several programs to help students become independent learners, including the bedrock of her work, the Integrated Strategies Program. This innovative program teaches students not only *what* by *how* to learn. She then expanded the program by creating parent/student workshops so parents could learn how to reinforce the skills their children learned in class.

Member Hurst presented Ms. Beckman with a Certificate of Recognition from the Board for this honor and her contribution in the lives of children.

Board Vice Chairman Jill Kennedy recognized **Joyce Gray**, Principal at West High School who was named **Secondary Principal of the Year**. She noted that Mrs. Gray has been a school administrator for the past 19 years in the Salt Lake City, Granite and Clark County School Districts. Mrs. Gray was also recognized as **Utah's First African American Principal**.

Vice Chairman Kennedy presented Mrs. Gray with a Certificate of Recognition from the Board for her leadership and human skills demonstrated to her students, parents, and teachers in assuring that each student receives challenging opportunities in both educational and self-growth pursuits.

Board Member Lynn Haslem recognized **I.D. "Skip" Nightingale** who was appointed to the **first Board of Trustees of the School and Institutional trust Lands Administration in July 1994**. Mr. Nightingale has guided the policies of the Administration of the School Trust Lands, whose permanent State School Fund has increased from \$84 million to about \$285 million during his tenure on the Board. He has undivided loyalty to the children and his integrity has always been evident in his votes as well as his actions.

Mr. Haslem presented Mr. Nightingale with a Certificate of Recognition for his outstanding contribution to the present and future school children of Utah through his unselfish sharing of financial and business expertise in building and managing the School Trust during his term from July 1994 through June 1999.

Executive Session

Motion was made by Member C. Grant Hurst and seconded by Member Lynn Haslem to move into Executive Session for the purpose of discussion of personnel issues and possible litigation. The Board was polled and by unanimous consent of those present, the Board moved into Executive Session during lunch at 12.30 p.m.

Following the motion, Chairman Watson turned the gavel over to Vice Chairman Kennedy who conducted the remainder of the meeting. Chairman Watson was excused from the remainder of the meeting. Member Marilyn Shields was excused during the afternoon to attend the Utah School Boards Association meeting.

Motion was made by Member C. Grant Hurst and seconded by Member Denis R. Morrill to reconvene into open meeting. Motion carried unanimously.

The Board reconvened at 1:30 p.m.

Open Meeting

Trust Lands Strategic Task Force

Motion was made by Member C. Grant Hurst and seconded by Member Judy Larson to appoint Board Member Janet A. Cannon to the Trust Lands Strategic Task Force, and to appoint Susan C. Henshaw as an alternate on that task force. Motion carried unanimously.

National Association of State Boards of Education Officers and Directors

Motion was made by Member Linnea S. Barney and seconded by Member Bette O. Arial to submit the ballot from the Utah State Board of Education to the National Association of State boards of Education for the following officers and directors: President: Judith Stiegler, Oregon; Vice President: C. Grant Hurst, Utah; for Western Area Director: Janet

Cannon, Utah. Motion carried unanimously.

Coalition of Minorities Advisory Committee (CMAC)

Motion was made by Member Cheryl Ferrin and seconded by Member Denis R. Morrill to appoint JoAnn Wong-Kilpatrick to the Coalition of Minorities Advisory Committee (CMAC). Motion carried unanimously.

Personal Point: Task Force on School Accountability

Member Grant Hurst requested a personal point of concern to be discussed. He indicated that it had come to his attention that at the first meeting of the Task Force on School Accountability issues that the committee was directed to act as if they had been appointed as an interim committee of the legislature and therefore abide by the interim committee rules relative to voting. In the face of that decision, only the representation from the legislature now has control of that function of voting on that task force. He voiced concern that this would put members of the Board who serve on that task force in a terrible position of participating in the process and not being able to vote on recommendations, etc. He indicated that if this is the case, he would recommend that the Board seriously consider whether or not they want to continue to participate.

Member Cheryl Ferrin requested that Superintendent Laing review how the voting process works and why the task force members will not have opportunity to vote.

Superintendent Laing explained that at the end of the meeting the process was explained by legislative staff that the law requires the task force to operate under the rules for interim committee. For the task force to take any position, the vote in the task force must include a majority of one house, either the Senate or the House of Representatives, and it must at least tie in the other. Consequently, since there are five members of the House of Representatives and three members of the Senate, for an action to be represented as a Task Force action, it had to have a majority which would mean three in the House and at least two from the Senate. Further, it says that for the Task Force to do business it must have a quorum and a quorum is defined as a majority of the members from both houses. In this case, it would mean a quorum could consist of three members of the House and two members of the Senate; then applying the voting rules, the way they have been portrayed to us, a vote to carry the task force could be a majority in the House (2) and tie in the Senate (1) and three votes would outweigh the other ten members of the Task Force. For that reason, this is a great concern. The characterization was that the members on the Task Force could vote, but no action would be binding or valid except as it complied with the rules set up for Interim Committee.

Member Denis Morrill commented that it was hard to understand why this would be done this way. He indicated that this is task force is going to be putting together some very important things. Yet, if we don't have a vote, but when it comes out it will be labeled as the decision of the Task Force. He suggested that we not participate in this that in a sense is a sham and a mockery.

Member Kim Burningham indicated that his impression is that we are dealing in perceptions instead of realities. The first perception in looking at the bill is that the Task Force involves a wide array of people making a decision. However, as it turns out, if the voting is as it has been explained, this is a false perception. The real truth is someone else is making the decision. If someone else is going to be making this decision, he does not want to be part of a false perception and he would withdraw from the Task Force.

Vice Chairman Jill Kennedy reported that in view of this she and Chairman Watson asked Superintendent Laing to draft a letter to the Task Force Co-Chairs indicating the Board's concerns. The letter contains two options that we would like pursued. One would be that through an emergency procedure the rule would change so every member of the Task Force would have a vote. The other would be to wait and not hold any Task Force meetings until after the next legislative session so this could be corrected in the law at that time. Vice Chairman Kennedy further noted that we may want to add that we would like a timely response. (For complete details of the draft letter, see General Exhibit No. 8135.)

Motion was made by Member Janet A. Cannon and seconded by Member Bette O. Arial to send a letter to legislative leadership and leadership of the committee along with other members of the Task Force relative to the concerns

discussed earlier. Further that the letter should indicate a response prior to the next meeting of the task force. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Larson, Morrill, and Richards voting in favor; Member Shields absent.

Personal Point: Congressional Delegation and Trust Lands

Member Janet Cannon requested a personal point to be discussed relative to her visit with the congressional delegation in Washington and their discussion relative to the trust lands. During that visit they had requested copies of the bills on trust lands that passed in our state legislature. She requested the legislation be sent to all congressional offices.

Executive Officer Report

Superintendent Steven O. Laing presented the following items of information:

Letters of Commendation -- Dr. Laing reported that we had sent letter of commendation to the following: The eight semi finalists for 1999 presidential scholars and two winners from Utah out of 141 nationally. [Monique Barricat, Lone Peak High School; Todd Gruber, Brighton High School] The 2 participants from Utah in the Senate Youth Program. [Cory Lastinger, Brighton High School; Brandon Lawrence Wilson, Kearns High School] The ten award winners from Huntsman Awards for Excellence in Education. Six of our school districts out of the 15,000 plus in the nation, were among 2,000 recognized by the School Match Corporation, "Giving Parents What They Want." [Box Elder, Davis, Granite, Jordan, Ogden and Salt Lake City.]

Tobacco Settlement -- This has been proceeding and there are some great expectations. Dr. Laing distributed a Tobacco Settlement Information Briefing dated April 21, 1999. (For complete details, see General Exhibit No. 8136.)

Youth in Custody -- Dr. Laing indicated that in a previous meeting Member Boyd Jensen had made request relative to the use of the term "Youth in Custody." He referred to the materials in the General Consent Calendar under Tab F, Rule R277-709, the third page of that rule under Section 277-709-5, item A indicates that transcripts and diplomas for students who have been participants in programs funded with youth in custody monies cannot reflect the term "youth in custody." Our existing rule already accommodates the concern addressed that students are unfairly branded with a negative title. He further indicated that the term "Youth in Custody" is a title used to differentiate the money in the appropriations process at the legislature, but does not attach to the student in a particular program.

Class Size Reduction Monies -- The federal government has appropriated money for class size reduction. Part of the stipulations that accompany that appropriation required the money to be used to hire full-time equivalent teachers. Further that in districts that didn't receive enough to hire a full time person, they had to collaborate with adjacent districts so they could hire a full-time person. Because of the concerns we have with the sparse nature of some parts of our state and the small size of the districts, we requested a waiver of Secretary of Education on the basis that to require collaboration and hire a person in some of our areas the individual hired would spend all the time on the road and do very little. Dr. Laing reported we were given the waiver to allow our districts to utilize the money and hire part-time teachers and encourage them to use that money in conjunction with other funds that have come from our local legislature for the reduction of class size and the instruction in reading. Both focus on grades 1 through 3, so it is compatible. Also, our letter has been mailed to all of the other states as a model and indication that they too could request

Consulate from Spain -- The Consulate from Spain who is located in Los Angeles was in Salt Lake City and we signed a "Memorandum of Understanding" whereby they pay for the facilitation of Spanish instruction and cultural exchange. Primarily it works out as a teacher exchange program. In the process they also pay to have an individual come and work with teachers on an exchange basis. This person will be located here at the State Office with our Foreign Language staff. This will be an interesting experiment for our people to have direct access to someone from another culture, as well as an opportunity to have teachers exchanged and get teachers into our schools that are not only native speakers, but native speakers of what are often considered the aristocracy of Spanish.

Newspapers Clippings -- He asked the Board to consider how valuable the newspaper clippings were to them, and

encouraged the Board to express their concern and thoughts to Twila.

Board Chairman Report

Vice Chairman Jill Kennedy expressed appreciation to Board Members for their participation in the retreat and indicated that the summary of the material will be distributed next month.

Vice Chairman Kennedy also requested that the Board provide feedback relative to the retreat, as well as what they would like for the next one and when.

Technology, Life, and Careers Curriculum Revision

Associate Superintendent Robert O. Brems reported that the 1999 Legislature provided funding to support a planned revision to the Technology, Life, and Careers program. This program will be piloted in the 1999-2000 school year by approximately 50 schools. He presented an overview of the proposed revisions to the program. (For complete details, see General Exhibit No. 8137.)

Motion was made by Member Susan C. Henshaw and seconded by Member Bette O. Arial to receive the report on the planned revision to the Technology, Life, and Careers curriculum. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Larson, Morrill, and Richards voting in favor; Members Hurst and Shields absent.

Utah Education Network (UEN) Report

Steve Hess, Director of the Utah Education Network, provided a brief overview of the Utah Education Network.

Mike Clery, Director of Technical Networks reviewed the convergence fusing of EdNet and UtahLink. He indicated that EdNet is an analog system and UtahLink is a digital system. He indicated that some equipment upgrades will be required on the fusing, but for the most part they are interchangeable.

Laura Hunter, Director of Content, reviewed the coordination of the content area which includes the electronic high school. She also reviewed the summer ITV guide.

Jeannett Hannock, Manger of Software Development, reviewed the joint catalogue of courses between public and higher education.

Kathy Webb Instructional Support Specialist, reviewed the online course work.

(For complete details of the materials presented, see General Exhibit No. 8138.)

Motion was made by Member Cheryl Ferrin and seconded by Member Joyce W. Richards to receive the report. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Larson, Morrill and Richards voting in favor; Member Shields absent.

General Consent Calendar

Motion was made by Member C. Grant Hurst and seconded by Member Lynn Haslem to approve the General Consent Calendar as presented. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Larson, Morrill and Richards voting in favor; Member Shields absent.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board for Applied Technology Education and the State Board of Education held April 9, 1999.

2. Contracts

The following contracts were approved by the Board:

- (A) Four Corners Mental Health. \$10,800.00. 3/15/99-3/14/2002. - Fed.

To provide janitorial services of Division of Rehabilitation Services Office located at 662 West Price River Drive, Price, UT.

- (B) John Blaydes. \$3,000. 4/13/99-4/14/99.

To secure consultant for April 13-14, 1999 Utah Principals Academy Seminar.

- (C) Valley Mental Health. \$19,500. 5/1/99-4/30/2000. - Fed. - Amend.

Vocational Rehabilitation services through community rehabilitation programs that will result in employment of eligible consumers.

- (D) Lelani Pickett Abalos. \$4,000. 7/1/99-6/30/00. - Amend.

Pickett-Abalos Translation Services has been designated as the accepted bilingual translator for Spanish/English for U.S.O.E. programs and projects from the School Law, Child Nutrition, Curriculum, SARS/Title I, and Educational Equity Sections.

- (E) Simmons Associates. \$38,000. \$7/1/99-6/30/00. - Fed. - Amend.

Development of model schools displaying discipline, management, positive climate attributes as discussed in Effective Schools Literature. This project is called the "B.E.S.T. Project" (Behavioral & Educational Strategies for Teachers).

- (F) Susan Fister. \$22,000. 7/1/99-6/30/00. - Fed. - Amend.

Federal Special Ed. Law, I.D.E.A. mandates that we provide a comprehensive system of personnel development. Consultant will develop and promote the B.E.S.T. Project (Behavioral Ed. Strategies for Teachers) in rural and urban elem/middle/secondary model sites with regular education resource/self-contained components. Training, follow-up and evaluation will be given to Utah's teachers on site.

- (G) Dr. William Jenson. \$22,500. 7/1/99-6/30/00. - Fed. - Amend.

Federal Special Ed. Law, I.D.E.A. mandates that we provide a comprehensive system of personnel development. Consultant will develop and promote the B.E.S.T. Project (Behavioral Ed. Strategies for Teachers) in rural and urban elem/middle/secondary model sites with regular education resource/self-contained components. Training, follow-up and evaluation will be given to Utah's teachers on site.

(For complete details of the Contracts, see General Exhibit No. 8139.)

3. Administrative Rule Review

Under provisions of 63-46a-9, U.C.A. 1953, all administrative rules shall be reviewed every five years. There may be minor nonsubstantive changes within these rules. The following rule

was reviewed and approved:

R277-438 Dual Enrollment

(For complete details of the Rule, see General Exhibit No. 8140.)

4. Funded Utah Centennial Schools Renewal Applications

USOE staff has reviewed the renewal applications from Utah's existing year-two Centennial Schools. The Utah Code Annotated (53A-1a-301-304) Section 3(1) states: "The State Board of Education in collaboration with the Governor's Office shall select the schools to participate in the Centennial Schools Program." A list of the schools that are being recommended for redesignation and funding as Utah Centennial Schools for their third and final year during the 1999-2000 fiscal year. (For complete details, see General Exhibit No. 8141.)

The State Board of Education with the collaboration of the Governor's Office, renewed the Centennial Schools status and funding of the listed year-two schools for the 1999-2000 fiscal year with the condition that each of these schools satisfactorily meet the requirements of renewal funding prior to the actual allocation of funds.

5. 70% Utilization of School Buildings, Rule R277-458

The rule definition of what constitutes capacity has been questioned. The differing positions in the law and our rules have resulted in direction being given to the Division of Administrative Rules by the Legislature to examine the Board's 70% Utilization of School Buildings Rule and amend all other related Board rules. Such action inappropriately usurps oversight of an elected body's rules and rule-making authority. In addition, the action of the Legislature, as explained in the attached memorandum, would create a serious conflict of law.

On April 27 and 28, 1999, Members of the State Board of Education were individually polled to accomplish an emergency repeal of Rule R277-458, 70% Utilization of School Buildings. (For complete details of the Rule and Attachments, see General Exhibit No. 8142.)

The Board ratified their polling action and repealed Rule R277-458, 70% Utilization of School Buildings.

6. Education Programs Serving Youth in Custody, Rule R277-709

Changes to R277-709, Education Programs Serving Youth in Custody will give emphasis to districts to accept credit given by YIC programs and also clarifies the language "State Supervision" instead of "in the custody of the state." The rule was approved on second reading at the April 9, 1999 Board meeting. There have been no further changes to the rule since that time.

The State Board of Education approved Rule R277-709, Education Programs Serving Youth in Custody on third and final reading. (For complete details of the Rule, see General Exhibit No. 8143.)

7. Bridgerland Applied Technology Center Accreditation

In November 1998, review teams under the direction of the Applied Technology Education Services Division conducted accreditation visits of 20 programs at the Bridgerland Applied Technology Center. Following the visits and necessary interviews with Bridgerland personnel, a written report was reviewed and approved by the Utah State Applied Technology Education Accreditation Committee. The Committee recommended that the Bridgerland Applied

Technology Center be granted FULL accreditation status.

The State Board for Applied Technology Education approve the recommendation of the State Applied Technology Education Accreditation Committee and granted FULL Accreditation to the Bridgerland Applied Technology Center through November 2003.

8. Utah State Office of Rehabilitation FY 2000 State Plan for Vocational Rehabilitation

Public hearings on the State Plan were held in Salt Lake City and St. George. Participants at these public hearings received a personal copy of the state plan and the plan was discussed in detail. Copies of the State Plan were also sent to other agencies for their review and comment. Comments received discussed various aspects of the vocational rehabilitation program and how it is implemented. The Rehabilitation Services Advisory Council also provided consultation concerning the plan. The comments and the agency's response will be included as part of the plan that is sent to the Rehabilitation Services Administration.

The State Board of Education approved the FY2000 State Plan for Vocational Rehabilitation on final reading.

9. Certificated Staff Salary Increase

It is the responsibility of the State Board of Education to set the salary schedule for the certificated staff of the State Office of Education, including the superintendency and the Executive Director of USOR.

The Board approved the recommendation that the certificated staff pay schedule and the superintendents' pay schedule be advanced 2.75%; effective May 15, 1999.

The Board further approved the recommendation that the administration be authorized to give merit step increases of 2.75% to all eligible certificated employees, including administration and Board staff, consistent with the legislative appropriation, effective June 26, 1999.

10. List of Applicants for Certificates

The list of applicants for initial and renewal certificates was approved by the Board. (For complete details see General Exhibit No. 8144.)

11. Claims Report

The Claims Report in the amount of \$147,632,737.38 ending April 30, 1999, was approved by the Board. (For complete details, see General Exhibit No. 8145.)

Board Committee Reports

Planning, Finance & Legislation Committee

Member Janet A. Cannon, Chairman of the Planning, Finance & Legislation Committee presented the following recommendations from the Committee:

Certification Committee Agenda

The Committee reviewed the recommendations from the **State Advisory Committee on Teachers Education (SACTE)** on the Proposed Elementary Science Teaching Speciality Standards. The proposed new standards will assist elementary teachers in teaching the elementary Science Core Curriculum. The

Committee moves that the State Board of Education approve the Elementary Science Teaching Speciality Standards. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Hurst, Larson, Morrill, and Richards voting in favor; Member Henshaw and Shields absent

The Committee reviewed the recommendation proposed by Superintendent Steven O. Laing regarding the **Western Governors' University**. The Western Governors' University has proposed a Master's Degree in Technology and Learning and they are in need of students to get up and running. They will offer up to 50 scholarships to practicing Utah educators interested in being trained and earning a Master's degree. The Western Governors' University is not yet an accredited university, but they are working toward this. The benefit to us is that we receive educators that will become masters in technology. The idea is that we would have one educator from each of the 40 school districts participate in this. The Committee moves that the State Board of Education grant provisional program approval on a pilot basis, for the Western Governors' University Masters Degree in Technology for up to 50 Utah educators and that WGU provide assurances that students will receive their degrees from an accredited institution. In the event WGU does not receive full accreditation by the time the students in this program complete the requirements for the degree, we have asked that they assure that one of their partners' institutions that already has accreditation would then grant the degree. Also, an incentive for this is an offer by WGU to pay the tuition for these 50 educators. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Larson, Morrill and Richards voting in favor; Members Hurst and Shields absent.

The Committee reviewed the **requests for temporary authorization** for individuals who began teaching after the November 15, 1998-cutoff date, and some because of educators leaving in the middle of the year for one reason or another. Motion from the Committee to approve the requests for temporary authorization as presented in the agenda and distributed at the meeting.

Motion carried with Members, Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Larson, Morrill and Richards voting in favor; Members Hurst and Shields absent.

The Committee reviewed the recommendation of the **Utah Professional Practices Advisory Commission** in Case No. 99-464 and based on that recommendation moves that the Board accept a stipulated agreement in Case No. 99-464 whereby Richard Kent Harmston, a former Utah State Office of Education employee, voluntarily surrenders his teaching certificate, in lieu of a hearing, for purposes of revocation by the State Board of Education. This revocation results from unprofessional conduct evidenced by inappropriate Internet use and unauthorized operation of State-owned equipment and computer systems. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Larson, Morrill, and Richards voting in favor; Member Hurst and Shields absent.

(For complete details of the Certification Committee Agenda, see General Exhibit No. 8146.)

Charter School Application Approvals

The Committee reviewed the recommendations of the Charter School Program Task Force which was established by the State Board. Based on the review by the Task Force and clarifying information gathered by USOE staff. The schools are **the CBA Center in the Millard School District and the Success School in the Granite School District**. There is an addendum to the Success School in the Granite District because of a misunderstanding. The Committee moves that the State Board of Education approve The CBA Center in the Millard County School District and provisional approval of the Success School in the Granite School District as charter schools, as well as startup funding in the amount of \$63,500 for each upon satisfactorily responding to issues raised by the Board, and that the application is found in compliance with all regulations provided by law, rules and guidelines governing charter school applications. (For complete details of the Charter School Applications, see General Exhibit No. 8147.)

Member Denis Morrill questioned why a provision approval was being recommended for the Success School if they have not complied, and does the Board have the authority to do so.

Superintendent Laing responded that we have done this in the past because of the timeliness of the Board meetings. We have had contact with Granite School District and their concern is in communications, we therefore felt they should have opportunity to respond. They have reviewed it, but their board has not, but will do so this week. We have agreed that a tentative approval would be okay in order to allow the concern to be addressed. If it is as anticipated by both our office and the Granite School District, the charter could go forward. If it is not, then the approval with all of them is a moot point because they have to meet all of the criteria.

Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Larson, Morrill and Richards voting in favor; Member Shields absent.

Driver Education Programs for Utah Schools, Rule R277-746

The amendments to this rule changes the revision date of the Driver Education for Utah High Schools Handbook. The rule states that the State Board of Education local school boards and school districts shall act in compliance with the Handbook as revised. (For complete details of the rule, see General Exhibit No. 8148.)

The Committee approved the amendments to the rule on first reading and moves that the State Board of Education approve the amendment to Rule R277-746, Driver Education Programs for Utah Schools on second reading. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Larson, Morrill and Richards voting in favor; Member Shields absent.

Driver Education for Utah High Schools: Organization, Administration, and Standards Handbook

A statewide committee was formed in the fall of 1998 under the direction of Gail Johnson, USOE Driver Education Specialist, to update/revise the 1988 education of the handbook for driver education entitled Driver Education for Utah High Schools: Organization, Administration, and Standards Handbook. The Committee met on February 3, 1999, to proceed with the handbook revisions. The revised draft of the handbook was then given to all Utah Driver and Traffic Safety Education Association (UDTSEA) board Members. They were asked to review the draft and to share it with their respective constituents statewide. Several corrections and comments were made by the UDTSEA members which are on file with the USOE Driver Education Specialist. (For complete details of the revised Handbook, see General Exhibit No. 8149.) The Committee revised the organization draft, aligned one item with law, and corrected some spelling errors.

Motion from the Committee that the State Board of Education approve the revised Driver Education for Utah High Schools: Organization, Administration, and Standards Handbook, including revisions adopted by the committee. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Larson, Morrill and Richards voting in favor; Member Shields absent.

Curriculum and Instruction Committee

Board Member Kim R. Burningham, Chairman of the Curriculum and Instruction Committee presented the following recommendations from the Committee:

Provo City School District Request for Extension for High School Graduation Requirement Waiver

Provo School District requested approval to graduate students who earn 23 total credits. Their request is based on the following reasons: (1) Provo's subject-specific credits meet or exceed state requirements; (2) Class periods are a few minutes longer each day, resulting in 150-159 hours of instruction compared to 141 at most Utah high schools; (3) Graduates complete an advanced studies' graduation requirement; and (4) High school students consistently perform well on standardized tests. (For complete details of Provo City School Districts Request, see General Exhibit No. 8150.)

One concern was brought up in the committee that it might, though it is agreed that there is a strong rigorous academic program, harm some of the elective areas such as the arts, and applied technology. The Committee was assured that there have been no significant changes in those particular areas in testing, nor a reduction in enrollment. We have also been assured that we will receive further evidence and a report to specifics to make this clear in the future.

Motion from the Committee that the State Board of Education approve the graduation requirement's waiver for Provo School District for a period of three years. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Larson, Morrill and Richards voting in favor; Member Hurst opposed and Member Shields absent.

Secondary Health Core Curriculum

The new Secondary Health Core Curriculum is a revision of the Core produced in 1994. The Core includes a *Scope and Sequence* chart showing the progression of teaching health from the 6th through the 12th grades. Sixth grade is included to accommodate middle schools. There have been two public hearings held on the revision of this core curriculum and the committee heard additional comments. (For complete details of the new Secondary Health Core Curriculum, see General Exhibit No. 8151.)

Member Burningham shared a statement presented to the Committee by Member Susan Henshaw, which the Committee unanimously endorsed. It is a statement about the Board's general philosophy in relationship to matters of the health core curriculum and parental involvement, emphasizing respect for parental rights. (For complete details of the statement, see General Exhibit No. 8152.)

Motion from the Committee to accept the statement as the Board's position. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Larson, Morrill and Richards voting in favor; Member Shields absent.

Member Burningham reported that there is considerable concern that since state law requires notification must be given to parents, that the process to obtain a waiver for their child to be excused from certain portions of the curriculum is not clear in some instances. Some people don't know exactly how to do it, or feel it may not be sensitively handled. The Committee felt the clarity and sensitivity issues need to be improved. As a result the Committee instructed Ms. Rose and her team to come back in a couple of months with a more specific delineation of exactly how that notification is made clear to the parents along with some guidelines or suggestions for how to be sensitive to students who have opted out of a program. This would include the preparation of a parental information guidebook and notification form that could universally be used in all 40 school districts. Further that not just teachers, but principals have an opportunity to review that process so they can give guidance to it from an administrative standpoint.

Motion from the Committee that the State Board of Education approve the new Secondary Health Core Curriculum.

Member Denis Morrill expressed concern and requested that the comment made by Dr. Stan Weed in the committee meeting about the underlying premise of our comprehensive sex education system being false be addressed further.

Associate Superintendent Jerry Peterson commented that this is not a sex education curriculum, it is a health education curriculum that contains a couple of areas where the primary concern is relative to HIV/AIDS other communicable diseases.

Member Morrill questioned if the Board had any other sex education program? Dr. Peterson responded that we did not.

Margaret Rose responded that districts have the opportunity to adopt certain pregnancy prevention

programs at the district level and they have to form a review committee, representing district administrators, school administrators, a health professional, a health educator and a parent. She indicated that one of the comments made by Dr. Weed, was that the most significant point is that knowledge alone does not change behavior. The core is not just knowledge based, you don't see a tremendous amount of skill development being explicitly addressed in the curriculum because those are instructional methods teachers would need to incorporate into a classroom.

Member Janet Cannon indicated that as she reviewed the core there were many acronyms she didn't understand. She felt that a document coming from the Board should be easily readable and the acronyms should be spelled out. Ms. Rose explained that further details on the acronyms were supposed to be included in the packet and that has been developed and will be made available on the final printing of the core.

Member Cannon addressed page 3, Section 7100-0201 about substance abuse prevention. She indicated that she had researched some information based on 20 years drug prevention programs, and what the programs had in common that worked. One of the things they brought out was "normative" information. In other words kids need to be told that it is normal to not use drugs and the majority of young people do not use drugs. This is an important part of the successful prevention programs. Ms. Rose indicated that this is somewhat of a "given" in a classroom.

Member Cannon addressed page 5, Section 7100-0305-- "Determine how abstinence from sexual activity can enhance the development of relationships." She suggested that be changed to add the word *inappropriate*. "Determine how abstinence from inappropriate sexual activity can enhance the development of relationships."

Discussion ensued relative to the age group identified for the curriculum. It was felt that to make a definition of appropriate or inappropriate would be the wrong approach because some may then feel there would be some that would be appropriate.

Member Cannon addressed page 6, last bullet "Describe how HIV/AIDS affects everyone. She related a personal experience of being in an elementary school when this was being presented and they had indicated that one of the things they stressed very much was that "anyone can get AIDS, AIDS can affect everybody." She did not feel this was an appropriate thing to be telling elementary children. She suggested that it be changed to "Describe how HIV/AIDS mainly affects only those who engage in risk taking behaviors.

Member Grant Hurst indicated this was not true and suggested that if we want to do anything we could underline affects. He indicated that no one ever gets HIV/AIDS without it affecting and impacting a lot of people around them.

After further discussion it was suggested that the curriculum needs to delineate what this does.

Member Bette Arial suggested that on Page 14, under Disease Prevention and HIV/AIDS Education, 7150-0402 bullet 2, relative to body piercing that there be a statement that indicated they should avoid body piercing.

Member Janet Cannon addressed page 14 dealing with the correct use of a condom. She indicates this translates as "following the directions on the package." She questioned if teachers know that does not mean demonstration. Ms. Rose responded that teachers are trained and they know it does not mean demonstration, but they talk about it factually and indicate they are only effective if used correctly and to follow the directions on the package. It was suggested that it be changed to read: "correct condom usage according the package instruction."

Member Denis Morrill questioned if we had somewhere what we were trying to accomplish by this portion of the curriculum? What will be measured with respect to the sex education portion of this? How

do we measure that what we are teaching is doing any good or will this do any good?

Ms. Rose responded that they relied heavily on the Youth Risk Behavior Survey in the development of the curriculum, and in the State of Utah sexual behavior questions have not been asked. We do not have information about sexual behavior among the youth in the state. We do, however, have a lot of data from the Utah Department of Health, Epidemiology, and other statistics that show ever increasing rates of all forms of sexually transmitted diseases. She further commented that this type of education needs to become a partnership between parents, teachers and the students. The only things we have to rely on are trends and rates. Our adolescent pregnancy rate is down in this state.

Member Denis Morrill commented that he felt there was another side of this that has not been looked at and we need to look at other sides.

Amendment to the motion was made by Member Janet A. Cannon and seconded by Member Kim R. Burningham that the Health Core Curriculum include definitions of acronyms; in Section 7100-0201 a bullet be included concerning normative education; in Section 7100-0402 describe how HIV/AIDS affects everyone be revised to be more explanatory in terms of costs to society, family members, etc.; and in Section 7150-0402 the third bullet be revised to say "correct condom usage according to package directions."

Amendment to the motion passed with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Larson, Morrill, and Richards voting in favor; Member Shields absent.

Member Lynn Haslem commented that this discussion illustrates the need for health education guidelines for teachers and alternative ways to what has been used as an approach to health education, particularly as it applies to sex education. He indicated that in his experiences in education, both as a teacher and an administrator, the bulk of students with problems are students who receive no instruction at all from adults. He felt we definitely need guidelines, and most people who take an active role in these courses are responsible people.

Member Haslem indicated that he had come to the meeting prepared to vote against the curriculum as suggested because of concerns raised, not because he did not believe there is a need. Based on that view, and after hearing the positions both pro and con in the committee meeting, our best solution is to do something. He commended Ms. Rose and her committee for handling a very difficult subject area and resulting in a reasonable solution.

Member Grant Hurst commented that there needs to be a program part of this. A very strong continuing teacher and administrative educational format so that we don't just assume that school superintendents, school principals, and health education teachers understand the process we are going through.

Superintendent Laing commented that during the course of the presentations that there has been extensive effort with regard to professional development and any time we have a new curriculum, those issues need to come with the introduction of the curriculum.

Member Kim Burningham, summarized that we need to view the whole thing as a package. The package includes a statement that reaffirms abstinence. Instructions that say, yes under state law they cannot teach certain things and we need to be sensitive to those needs.

Member Denis Morrill commented that he hoped we would keep open mind and look at some of the research that is going on that casts some shadows on what we are talking about. There may be a better way to do it, and we should not say just because we pass this that we don't think about it anymore.

Associate Superintendent Jerry Peterson commented that is the intent.

Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst,

Larson, Morrill and Richards voting in favor; Member Shields absent.

Motion was made by Member Janet Cannon and seconded by Member Cheryl Ferrin that after adoption of the curriculum, the Board becomes the author. That as a policy of the Board when they receive a curriculum, it would be helpful to know who wrote it with phone numbers, so if they have questions they could call the members of the committee. Further that the Board receive documentation, i.e., a bibliography.

Vice-Chairman Kennedy commented that this may put committee members in difficult positions and as long as we have staff to answer those questions and provide the rationale, we don't need the names of the committee members.

Superintendent Laing commented that the health curriculum was given to the board a month in advance of the board meeting, there were at least two hearings held. He was not comfortable with making some of the information requested part of the public record. Committee members have to engage in a very difficult process and as the committee work goes on a concept which may originate in one corner, but after it is discussed and refined, it takes on the position of the committee. He further commented that staff should be the respondents to questions regarding the documentation.

Motion failed with Member Cannon voting in favor; Members Arial, Barney, Burningham, Ferrin, Haslem, Henshaw, Hurst, Larson, Morrill and Richards voting against.

Technology Literacy Challenge Fund

This item was postponed until next month.

Applied Technology and Rehabilitation Committee

Member Joyce W. Richards, Chairman of the Applied Technology and Rehabilitation Committee presented the following recommendations from the Committee:

Technology, Life, and Careers, and Work-based Learning Program Rule R277-916

The 1999 Legislature provided new funding for a revision of the Technology, Life, and Careers program and also for Work-based Learning coordination. Both programs were funded by a single allocation to enhance additional career exploration in the public schools. Rule R277-916 provides the required State Board Rule for this program. The rule originally specified allocations in dollars, and has subsequently been changed to be indexed by weighted pupil units. The rule with these changes was distributed. (For complete details see General Exhibit No. 8153.) All of the distribution of this money will be indexed to the weighted pupil unit.

The Committee approved Rule R277-916, Technology, Life, and Careers, and Work-based Learning Program on first reading and moves that the State Board of Education approve the Rule on second reading as amended. Motion carried with Members Arial, Barney, Cannon, Ferrin, Haslem, Henshaw, Larson, Morrill, and Richards voting in favor; Members Burningham, Hurst and Shields absent.

Comprehensive Guidance Program Rule R277-462

In March, the Board reviewed revisions to Rule R277-462 Comprehensive Guidance Program which modifies funding processes and defines small group student education occupation plan meetings.

Since the last meeting there has been considerable discussion on what comprised a small group SEOP. The rule presented in the agenda contained a compromise. However, the compromise has been compromised. The rule needs to be approved because of the "hold harmless" section. The section on the small group SEOP would be eliminated for now. (For complete details of the revised Rule, see General Exhibit No.

8154.)

The Committee approved the revised rule which has eliminated definition g, "Small group SEOP." on second reading.

Motion from the Committee that the State Board of Education approve the revised rule on third and final reading.

Motion carried with Members Arial, Barney, Cannon, Haslem, Henshaw, Hurst, Larson, Morrill and Richards voting in favor; Member Burningham, Ferrin and Shields absent.

Motion from the Committee that the State Board of Education appoint a task force charged with the responsibility of resolving the issues related to conducting small group SEOP conferences. This task force shall consist of the following members: 2 representatives from the PTA, 2 representatives from the Utah School Counselor Association, 2 representatives from the Utah School Boards Association, a representative from the Utah School Superintendents Association, the USOE student services coordinator, and the USOE Specialist for Comprehensive Guidance.

Superintendent Laing recommended that there be a time line established for this task force.

A time line was added to the motion that the task force report back to the Board in the September meeting.

Motion carried with Members Arial, Barney, Cannon, Ferrin, Haslem, Henshaw, Hurst, Larson, Morrill and Richards voting in favor; Members Burningham and Shields absent.

Member Judy Larson requested a copy of the board policy or process of how the curriculum is developed. She voiced concern that the health core curriculum went to the public before the board had a copy. She requested that the process of curriculum development be discussed at a future board meeting.

Member Larson commented that the advance copy the Board received did not show what had been changed, what was added, or whether or not the focus was changed, where the emphasis was, etc.

It was agreed that in the future documents being changed would have changes, additions, etc. identified.

Meeting adjourned at 4:30 p.m.
