

MINUTES

December 4, 2001

Minutes of the meeting of the State Board of Education held December 4, 2001, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:25 a.m. Chairman Kim R. Burningham presided. Members present were:

Chairman, Kim R. Burningham

Vice Chairman, Janet A. Cannon

Member R. Michael Anderson

Member Pamela J. Atkinson

Member Laurel Brown

Member Greg W. Haws

Member David J. Jordan

Member Judy Larson

Member A. Earl McCain

Member Denis R. Morrill

Member David L. Moss

Member John C. Pingree

Member Joyce W. Richards

Member Marilyn Shields

Member Teresa L. Theurer

Members Linnea S. Barney and Max L. Torres were excused.

Also present were:

Executive Officer Steven O. Laing

Deputy Superintendent Gary L. Carlston

Associate Superintendent Bonnie Morgan

Associate Superintendent Patrick Ogden

Public Affairs Director Mark Peterson

Board Secretary Twila B. Affleck

Also present for portions of the Board meeting were:

Members of the Press:

Jennifer Toomer Cook, Deseret News

Marta Murvosh, Salt Lake Tribune

Kaye Chatterton, Utah Education Association

Bea Leishman, Legislative Fiscal Analyst's Office

Nate Pierce, Governor's Office

Susan Dayton, Utah PTA

Paul Rice, HEM

Chad Harris, Governor's Office of Planning & Budget

Utah State Office of Education Staff:

Barbara Lawrence, Planning & Project Services

Tina Morandy, Planning & Project Services

Barbara Banks, Planning & Project Services

Hal Sanderson, Planning & Project Services

Nola Miller, Planning & Project Services

Vicky Dahn, Instructional Services

Mary Shumway, Applied Technology Education Services

Lynn Greenwood, Instructional Services

Ron Stanfield, Planning & Project Services

Georgia Loutensock, Instructional Services

Gail L. Johnson, Planning & Project Services

Chairman Burningham shared a quote from James Abram Garfield in an address to Williams College Alumni, New York, December 8171 regarding the importance of a good teacher. Chairman Burningham noted that it is a philosophy he believes in. He expressed appreciation to teachers and their importance in our school system.

Chairman Burningham excused Members Linnea S. Barney and Max L. Torres.

Board Member Marilyn Shields lead the Board in the Pledge of Allegiance

Board Member John C. Pingree offered the Reverence.

Twila B. Affleck recorded the minutes.

Board Member Joyce Richards shared her thoughts on Code of Conduct No. 5, Have The Courage to be Understood. She stated that she felt this is the time to send clear messages about what we are about. It is also a time to make sure we are not misunderstood. She quoted Aristotle and Emerson on this issue. She further stated that during her years of service on various community boards, she has learned that quite persuasion works best and the first line of defense if trying to get to a certain goal. When that particular tactic is successful, everyone goes away from the meeting feeling they all have won the battle. Sometimes when this tactic is not enough and persuasion needs to be a little stiffer, and this is where the courage part begins. She felt that the Board can accomplish its ends by being understood.

Other Items

Chairman Burningham shared correspondence from former Board Chairman Jill Kennedy.

Chairman Burningham noted that Board Members had received an addendum to the General Consent Calendar, Item G, Licensed Staff Salary Issue, and asked that they be prepared to act on it later in the meeting as part of the Consent Calendar.

Tuition Tax Credit Statement

Chairman Burningham presented and read a statement he prepared relative to the Tuition Tax Credit Proposal. Two specific concerns are the fear that tuition tax credits would be injurious to our divers society. Secondly, tuition tax credits would harm the scarce revenue available to fund public education. (For Complete details of the Statement see General Exhibit No. 8706.)

Member Denis Morrill commented that he would add his voice to the statement and felt that the other members of the Board would as well.

2000/01 U-PASS Program Test Results

(Stanford Achievement Test, State CRTs,

ACT, SAT, AP, NAEP, Kindergarten

Results

Barbara Lawrence, Coordinator Evaluation and Assessment presented highlights of the results of the 2000/01 U-PASS

Program Test Results (*Stanford Achievement Test*, State CRTs, ACT, SAT, AP, NAEP, and Kindergarten Results). (For complete details, see General Exhibit No. 8707.)

Chairman Burningham expressed appreciation to Ms. Lawrence. He commented that we are doing a much better job of reporting a lot of things and making good strides. With the availability of the information we can make significant differences. Further, it shows some areas that we need to improve in, but that is the purpose of it. Motion was made by Member Laurel Brown and seconded by Member David L. Moss to receive the report. Motion carried unanimously.

Youth In Custody Rate Increase for FY02

Patricia Bradley reported that beginning in FY02 the Youth in Custody Program was funded below the line. Due to this change, the funding must now cover the cost of social security and retirement for Youth in Custody teachers and staff. The Board approved a 12 percent increase for FY02 in March. This increase fell short of the estimated 22 percent needed to hold programs harmless. The final counts from School Year 2000-2001 indicate that the Youth in Custody Program did not grow. Therefore, funds are available to adjust the rates closer to a level to cover the added expense of social security and retirement. (For complete details of the material, see General Exhibit No. 8708.)

Motion was made by Member David L. Moss and seconded by Member R. Michael Anderson that the Board approve the rate increase of an additional 7% to Youth in Custody programs for FY02 as recommended by the Utah Coordinating Council for Youth in Custody (UCCYIC). Motion carried unanimously.

Minimum School Program Budget

Request FY 2003

Superintendent Laing reported that we are now looking at trying to put a reality screen on the budget proposal we have been developing and have shared in several quadrants. Further, recognizing the discussions we have had with legislative bodies, leadership in both houses and both parties, have indicated that our initial request of \$117 million is a little aggressive. The concern we have been wrestling with is that they do not feel it is realistic. This is an opportunity for the Board to re look at the budget proposal to see if we want to make some adjustments, to continue to build the collaborative spirit we want to have with legislators. He indicated that there will not be sufficient funds to do what we have initially requested.

Associate Superintendent Patrick Ogden reviewed the changes and presented a new spread sheet. (For complete details, see General Exhibit No. 8709.)

Member Dave Moss commented that last month he voiced his concern about the fact that the Board not dilute its request and that the dilution should be done by the legislature. Obviously, as we have seen some deterioration in the local economy, and the fact that the republican leadership has stated they would not consider an unrealistic budget. He indicated he would like to formally withdraw his objection. However, he felt that the original request was very realistic of the needs faced in the state in public education. Although we may have to temper our request to reflect reality, he would still like to find a way to communicate what the specifics are and to advocate for them with the idea that the economy we are facing right now is not going to be ongoing.

Motion was made by Member Denis R. Morrill and seconded by Member John C. Pingree to reduce the 5 percent increase in the weighted pupil unit (wpu) to 3 percent cost of living. This would make the request in the wpu to \$49,329,400. Motion carried unanimously.

Board members commented that they all wish it could remain at 5%, but in light of the financial conditions this reduction is necessary.

Motion was made by Vice Chairman Janet Cannon and seconded by Member Teresa L. Theurer to remove the dollars for staff development or the third day of training of U-PASS. Vice Chairman Cannon commented that it would be good to get the full funding for the two days of staff development.

Member Laurel Brown voiced concern with the effect this will have on students. She commented that the ELL Task Force is concerned that there needs to be an additional day for training of teachers in ELL.

Superintendent Laing noted that the two days could be used to train teachers in ELL for U-PASS.

Motion carried with Members Anderson, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards, Shields and Theurer voting in favor; Member Brown opposed.

Member Pamela Atkinson commented that the Board needs to specify the ramifications the cuts will create.

Member David Jordan questioned the item for capital outlay restoration. Superintendent Laing explained that this is \$10 million appropriation of ongoing funds made by the legislature to be added to the ongoing \$28 million in the Capital Outlay Foundation Program. Early on in the process of announcing holdbacks, the Governor, recognizing that this \$10 million was in the Minimum School Program and therefore beyond his ability to request it as a holdback unilaterally asked the Board to voluntarily hold it back. The Board so honored that request and did so. Subsequently, the Governor proposed, and we are confident the legislature will go along with the proposal, that this now become an actual cut. Therefore, no new money would be going into the Capital Outlay Foundation Program.

Member Teresa Theurer voiced concern that there are currently capital outlay projects that are in the middle and there is not money to complete them.

Superintendent Laing suggested that another possibility for the Board to consider if it decides to recognize the unlikelihood that the ongoing \$10 million will be approved is to utilize it to reduce the ongoing budget, but make the request for one time money to hold the districts who have contracts harmless.

Motion was made by Member Denis R. Morrill and seconded by Member Joyce W. Richards, that recognizing what has been said and acknowledging the bind some districts are in, the Board delete the \$10 million Capital Outlay Restoration. Motion carried with Members Anderson, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards, and Shields voting in favor; Members Brown and Theurer opposed.

Motion was made by Member Michael R. Anderson and seconded by Vice Chairman Janet A. Cannon to cease the process of reviewing the budget with the approximately \$50 million that has been cut, the bottom line on the budget now at approximately \$67,546,000.

Member Laurel Brown commented that the Board needs to keep in mind that the budget we pass is based on needs and needs to reflect what we have wrestled with our priorities and what the needs are for the students.

Motion carried unanimously.

Discussion ensued relative to the language surrounding the budget. Superintendent Laing clarified the issues.

Superintendent Laing reported that the Local District Administrators and Associate Superintendent Ogden have been looking at how to fairly distribute monies that have been blocked. They have a proposal that would take the block monies, 8 percent of which would be distributed on an equal basis to districts, the remaining 92 percent of each block would then be distributed based on kindergarten enrollments, 1-12 grade enrollments and necessarily existent small school enrollment. This would work for the Interventions for Students Success Block and the Local Discretionary Block.

Superintendent Laing recommended distributing blocks on the basis of a base amount, and then distribution on average daily membership.

Motion was made by Member Teresa L. Theurer and seconded by Member John C. Pingree to change the block distribution for the Intervention of Student Success and the Local Discretionary blocks on the base amount and then distribution on average daily membership. Motion carried unanimously.

Superintendent Laing recommended the Quality Teaching Block formula would be based on the number of teachers and on the weighted pupil unit.

Motion was made by Member Laurel Brown and seconded by Member Teresa L. Theurer that the Board direct staff to develop a formula for the quality teaching block based on number of licensed educators eligible for career ladder money and the weighted pupil unit. Motion carried unanimously.

Superintendent Laing clarified that the Board felt it was desirable and worthwhile to advocate that the local discretionary block be rolled back above the line. The Board reaffirmed that position.

Member Denis Morrill commented that the legislature asked us to develop a funding plan to keep us from falling behind in textbook funding. The figure is about \$9 million. The Planning, Finance and Legislation Committee discussed this early today and one suggestion was through the wpu, another suggestion was a block for textbooks. He indicated that we need to address this ongoing commitment to keep textbooks from falling behind.

Associate Superintendent Patrick Ogden suggested that rather than it being put in as part of the wpu, use the 3 percent increase.

Member Morrill indicated that the Committee preferred to keep it out in focus as a line item and not buried in the weighted pupil unit. Superintendent Laing commented that one advantage to having it as part of the wpu and then adjusting the requirement in the board rule that they expend so much money for textbooks and supplies. Adjust it only for textbooks to make sure they are spending the additional \$9 million. If it is part of the wpu, it is increased regularly. As a line item, you need to get it increased or be persuasive enough that it becomes a categorical line item so it is funded by the wpu and increased on a regular basis.

Further discussion ensued relative to the best place to request the monies to be used for textbooks.

It was determined that this issue would be further discussed as part of the Committee reports, and the possibility of a further adjustment to the budget at that time.

Executive Session

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member David L. Moss for purposes of dealing with personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session during lunch at 1:20 p.m.

Motion was made by Member Teresa L. Theurer and seconded by Member A. Earl McCain to reconvene into open meeting. Motion carried unanimously.

The Board reconvened at 1:30 p.m.

Deaf and Hard of Hearing Advisory Council

Motion was made by Member John C. Pingree and seconded by Member A. Earl McCain to appoint Donna Wilkerson to the Deaf and Hard of Hearing Advisory Council, term to expire June 2004. Motion carried with Members Brown, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards, Shields and Theurer voting in favor; Member Anderson absent.

Board Leadership

Motion was made by Member John C. Pingree and seconded by Member David L. Moss that the Board elect by acclamation Kim R. Burningham as Chairman and Janet A. Cannon serve as Vice Chairman. Motion carried with Members Brown, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards, Shields, and Theurer voting in favor; Member Anderson absent.

Appointment of Board Secretary

Motion was made by Member John C. Pingree and seconded by Member Marilyn Shields to reappoint Twila B. Affleck as the secretary to the Board for the next year. Motion carried with Members Anderson, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards, Shields and Theurer voting in favor; Member Brown absent.

Board Committee Issue

Chairman Kim Burningham expressed appreciation to Board Members for all the work they have been doing. He indicated that it is felt that the committee structures be refined at this time. It is the intent to have three sub committees at the beginning of the new year: (1) Finance Committee (budget issues, larger scale help with fiduciary responsibility for USOE and other agencies under our purview, and issues relative to federal monies.) (2) Curriculum Committee (Core and other curriculum concerns, and applied technology.) (3) Law and Policy Committee (Governance, oversight legislation and board rules, and strategic planning from the point of view of the legislature.)

Chairman Burningham requested that Board Members think about which of these committees they would like to serve on as well as if they had a desire to be a chairman of one of these committees. He indicated that Twila will be sending out a form for them to indicate their preferences. A suggestion was made that a vice chair be appointed to the Committee in case the chairman was detained or unable to attend the meeting. It was also requested that clarification be provided as to whether or not the chairman or vice chairman can vote and also what constitutes a quorum in the committee.

Chairman Burningham expressed sympathy and concern to Mark Peterson in the death of his son Ian.

An Alternative Preparation for Teaching Program

Repeal - R277-503. Proposed: Alternative Licensing

Routes, R277-503

Gary Carlston reported that an alternative route for teacher licensure for qualified individuals has been identified as a Board priority. The repeal of R277-503, An Alternative Preparation for Teaching Program is necessary because changes are significant.

Ron Stanfield, Coordinator, Educator Licensing, presented the work of the committee that has been reviewing the issue of alternative licensure, and the recommendation to repeal the old rule R277-503 and replace it with the new rule based on the work of the committee.

The purpose of the new R277-503, Alternative Licensing Routes, it to provide several routes whereby an individual may acquire a Utah educator license or a specific educator endorsement. Licensing routes include: (1) completion of a university program; (2) an agreement among a higher education institution, the USOE and a Utah school district that specifies requirements of a candidate for a Level I license; (3) successful completion of content and pedagogical exams, and demonstrated competence to a district's satisfaction by a candidate for a license.

Endorsement routes include: (1) demonstrated competence in content and pedagogical knowledge based on NCATE or USOE standards; (2) assessment and recommendation by a USOE specialist; or (3) completion of a USOE-approved or district-sponsored program. This proposed change in the alternative licensing route reflects a priority of the State Board of Education. These recommendations were studied by an ad-hoc task force and approved by the Educator Development Advisory Committee. (For complete details, see General Exhibit No. 8710.)

Deputy Superintendent Gary Carlston reported that universities support this. He complimented the committee on their work on this rule.

Member Pamela Atkinson recommended that work be done to let current teachers know about this process so they can be advocates for it and feel comfortable with it.

Motion was made by Member Marilyn Shields and seconded by Member David L. Moss that the Board repeal R277-503, An Alternative Preparation for Teaching Program, and reenact R277-503, Alternative Licensing Routes on first reading. Motion carried unanimously.

English Language Learners (ELL)

Task Force Report

The 2001 Legislature required that the Utah State Office of Education convene a task force to study the needs of English Language Learners in Utah and related issues. The Task Force made a report to the Education Interim Committee in its October meeting. The Interim Committee requested a second report at its November meeting on federal requirements and standards for providing equal access to education for all children.

Bonnie Morgan identified the members of the ELL Task Force and expressed appreciation to them for their time.

Kathy Ortega, Assistant Superintendent Ogden School District and Sandra Buendia, ELL Specialist in Salt Lake District reviewed the recommendations made by the ELL Task Force in the report presented to the Interim Committee. (For complete details, see General Exhibit No. 8711.)

Chairman Burningham expressed appreciation to Board Member Laurel Brown and Kathy Oretga and Sandra Buendia for their work on this committee and presenting the issues.

Board Committee Reports

Planning, Finance & Legislation Committee

Member Denis R. Morrill, Chairman of the Planning, Finance & Legislation Committee presented the following recommendations from the Committee:

Athletic Coaching Certification, R277-517

At the last Board meeting the Committee received additional public input regarding adoption of this rule. After receiving input and having a discussion, staff was directed to make the following changes to the proposed rule: (1) A statement expressing that it is always preferred to utilize a licensed teacher to fill a coaching position wherever possible; (2) Wherever "USOE approved" language is used, the rule should read "Board approved"; (3) That the Board approved training programs be aligned with the specified standards or domains; (4) That the USOE gather data from districts regarding compliance with training requirements and the numbers of licensed and non-licensed coaches that are utilized; and (5) That coaches who are not trained within a specified time shall not continue to coach. These concepts have been incorporated into the rule. Member Morrill distributed a new version of the rule containing the following changes: (For complete details, see General Exhibit No. 8712.)

Page 2, line 22 change coaching endorsements to **coaching positions**.

Page 3, line 11 eliminate the word **and** at the end.

Page 3, line 35 add the word **and** in Item B rather than or.

Page 4 line 5 under Criteria Items A and B are added.

Member Mike Anderson explained the changes which were identified from the Coaching Standards.

Member Morrill reported that the rule still provides the flexibility superintendents need in hiring coaches; and provides more specifics as to the training needed.

The Committee approved R277-517, Athletic Coaching Certification on first reading and moves that the Board approve

the rule on second reading.

Member Laurel Brown voiced concern with a coach being hired without having a CPR course prior to coaching. The rule just indicates a basic first aid course.

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Laurel Brown to amendment page 3 line 13 adding after first aid **and CPR** training prior to becoming a coach. Motion carried with Members Anderson, Brown, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent

Motion to approve the rule on second reading as amended carried with Members Anderson, Brown, Cannon, haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent.

Member Morrill reported that he also voted to direct staff to look at the application of the coaching rule to club sports. The rule approved does not apply to club sports.

Charter Schools, R277-470

The 2001 Legislature appropriated \$420,000 to be given to charter schools to match the one-half of local funding that charters currently receive from districts. The rule clarifies how and when the funding will be distributed to charter schools. (For complete details of the Rule, see General Exhibit No. 8713.)

The Committee approved the rule on first reading with following amendments:

Page 3, paragraph 4 at the bottom of the page it states "Section 53a-1a-503, insert **and the Board approved**, and eliminate and the, then insert **complete with assurances** submitted to . . . "

Page 5, Line 22 the first two words "the district" change to **its**.

Motion from the Committee that the Board of Education approve the rule as amended on second reading. Motion carried with Members Anderson, Brown, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent.

Agency Budget Cuts FY2003

In light of the discussion in last month's Board meeting surrounding FY 2003 budget cuts, staff developed a list of additional reductions that could be taken in lieu of charging an educator license fee. Those cuts include eliminating six part-time fine arts specialists (\$65,000), eliminating a physical education and applied technology education specialist (\$193,600), cutting regional service center funding (\$35,200), reducing fine arts and science grants (\$91,300), further reducing staff development funding (an additional \$100,900 for a total reduction of \$292,100), and reducing educational services to inmates of Utah correctional facilities (\$50,000). (For complete details of the recommendations, see General Exhibit No. 8714.)

The Committee reviewed and approved the budget cuts for USOE and USOR and recommends that the Board also approve the amount of \$3,415,100, and use the itemization as an example of how it could be done, but to not specifically allocate the cuts at this point, but to wait until we have more specific information.

Motion was made by Member Joyce W. Richards and seconded by Member Teresa L. Theurer to amend the motion to eliminate from the list the HIV AIDS Specialist which would become part of the health core; and retain the PE Specialist. Motion carried with Members Anderson, Brown, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent.

Original motion as amended carried with Members Anderson, Brown, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent.

Textbook Funding Report

The Utah State Office of Education was directed to study and come up with a recommendation on funding textbook needs. Using a mathematical model, staff has determined that to fully fund ongoing textbooks would require an additional annual appropriation by the Legislature of \$9,000,000. (For complete details, see General Exhibit No. 8715.)

The Committee reviewed staff's recommendation on textbook funding.

Discussion ensued regarding the \$9 million additional funds that are required annually keep textbooks from falling behind.

Motion was made by Member Denis R. Morrill and seconded by Member R. Michael Anderson that the Board include in the budget \$9,074,764 in a visible place where it won't get lost or become a mandate that would get eaten up by the wpu.

Superintendent Laing, requested clarification as to whether the new line item would be the \$9 million when the annual need is approximately \$23.6 million. There needs to be an accounting for the additional \$14 million currently in the wpu. Member Mike Anderson clarified that the \$14 million would remain where it is, and place the \$9 million into a line item.

Discussion ensued relative to whether to include the total amount required in a line item or to separate the two items. Further, whether to put the \$9 million in the budget at all. Superintendent Laing commented that the Legislature directed us to determine a number, which we have done. We will take that number back to them. Their next question may be, is this important for school districts or not, and if it is, why isn't it in your budget? If it isn't why have you been screaming about textbooks for so many years.

Dr. Laing suggested that the Board create one line item for textbooks and include the \$14 million from the ongoing. The textbook line item would recognize the ongoing amount of \$24.5 million, it recognizes the existence of the district expenditures on an ongoing basis, and also recognizes the new money. This categorical appropriation then goes to the districts, and they must spend it for textbooks. The Board can reduce its rule to accommodate the 5.5 percent, then what is left is for materials and supplies.

Associate Superintendent Patrick Ogden commented that if you create a line item for textbooks, call it a textbook supplemental appropriation of \$9 million. Another suggestion would be that rather than request a 3 percent increase in the wpu, request 2.5 percent, and use the \$9 million from the reduction.

Member Mike Anderson commented that textbooks have been a very important issue to the legislature. He felt that the Board needed to identify the \$9 million directly to them. He felt that if it was put into the wpu it will get lost.

Member Teresa Theurer commented that in a perfect world we all want \$9 million for textbooks. However, she feels that earlier today there were cuts made in other areas that are equally important. She did not feel the entire amount of \$9 million should be put forth. It is not saying we don't agree with the amount, or that it is not important, but it has not been one of the priorities discussed by the Board earlier.

Further discussion ensued relative to the issue of whether the Board should include the \$9 million for textbooks in their budget based on the cuts they have had to make in their priorities.

Motion to add a line item for a supplemental textbook appropriation in the amount of \$9,074,764 carried with Members Anderson, Cannon, Haws, Larson, McCain, Morrill, Moss, and Richards voting in favor; Members Brown, Pingree and Theurer voting against; Member Shields absent.

Charter Schools Update

The Board, upon approval of the three new charter schools, requested an update that assurances have been met. The Committee received an update on the new charter schools. The committee was impressed with the amount of training

provided to the three new charter schools. There will be additional training sessions also. There is an independent evaluation being conducted by Utah State University-Center for the School of the Future on all eight charter schools. Also, a federal grant award was received in the amount of \$1.9 million for 2001-2002 for all 12 charter schools.

Member Morrill noted that the three new charter schools were asked to clean up their applications and that has been done. He distributed new copies of the three new charter school applications.

(For complete details of the material presented, see General Exhibit No. 8716.) This will be an action item on the agenda next month.

Curriculum and Instruction Committee

Member Greg W. Haws, Chairman of the Curriculum and Instruction Committee presented the following recommendations from the Committee:

Secondary School Completion and

Diplomas, R277-705

Secondary School Completion and Diplomas, R277-705 provides local boards of education and school districts with consistent definitions and minimum requirements for Utah students completing high school, including specific and alternative methods of awarding credit. The rule provides criteria for diplomas and certificates of completion consistent with the law. The rule also provides passing scores, a time line, and an appeals process for students who take and pass or fail the Utah Basic Skills Competency Test required for a high school diploma beginning with the 2003-04 school year. (For complete details of the rule, see General Exhibit No. 8717.)

The Committee had considerable discussion of the rule and had a motion to table and to send it back to staff with specific recommendations for changes. It will be brought back next month.

The Elementary and Secondary School Core

Curriculum and High School Graduation

Requirements/The Elementary and

Secondary School Core Curriculum, R277-700

Due to significant changes in Core Curriculum practices and policies, it is necessary to repeal the existing rule, R277-700, and reenact a new rule. The new rule provides updated state Core Curriculum definitions and requirements. The sections of the repealed rule related to graduation, diplomas, and student assessments are incorporated in the new rule, R277-705. (For complete details, see General Exhibit No. 8718.)

The Committee made the following amendments:

Added an effective date on page 10, line 2, 2005-2006 graduating class.

Page 12, line 34 mathematics (2.0 units of credit), requiring students to go through geometry or an equivalent course.

Further clarification was provided on the changes being recommended by the Committee from the rule that was in the agenda.

Chairman Burningham requested that in the future a one page sheet be included which identifies the changes being recommended.

The Committee repealed R277-700, The Elementary and Secondary School Core Curriculum and High School Graduation Requirements, and reenacted R277-700 The Elementary and Secondary School Core Curriculum on second

reading and moves that the Board repeal R277-700 and approve the new rule on third and final reading. Motion carried with Members Anderson, Brown, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent.

Instructional Materials Commission

Operating Procedures, R277-469

R277-469, Instructional Materials Commission Operating Procedures, is amended as follows to reflect legislation passed in S.B. 7 by the 2001 Legislature and to make other necessary changes:

- Provide a process to: (1) allow three school districts or more to use or substitute in courses within the state curriculum framework instructional materials not recommended by the Utah State Instructional Materials Commission; and (2) appeal any recommendation of the Commission to the Board.
- Amend the definition of instructional materials to reflect recent changes in the law to include textbooks, workbooks, computer software, laserdiscs or videodiscs, and multiple forms of communications.
- Change the standard approval period from four to five years.
- Eliminate the opportunity for publishers to increase the price of instructional materials during the approval period.
- The Board shall require each publisher to maintain at least one depository where instructional materials are available for review and/or purchase by school districts.

The Committee made the following amendments:

Page 5, Line 19, (b) "If a school district or school selects and purchases materials approved under this category, it shall also have a plan for using appropriate supplementary materials assuring coverage of Core Curriculum requirements."

Page 7, Line 19, A. "The Board shall require a publisher to maintain at least one depository in Utah where the publisher's textbooks are available for purchase and distribution."

Page 7, Line 27, C. eliminate "or depositories designated by the Board."

(For complete details of the Rule, see General Exhibit No. 8719.)

The Committee approved the amendments to R277-469, Instructional Materials Commission Operating Procedures, on second reading, and moves that the Board approve the amendments to the rule on third and final reading. Motion carried with Members Anderson, Brown, Cannon, Haws, Larson, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member McCain abstained, Member Shields absent.

Secondary Applied Technology Education, R277-911

The Curriculum Committee approved this rule on first reading in the November meeting with the understanding that some additional dialogue be held with school districts and higher education regarding proposed changes to the district applied technology education programs. That dialogue has been held and it has been determined to postpone decision on some issues, but move forward on language clarifications and methods of accounting applied technology education membership. (For complete details of the Rule, see General Exhibit No. 8720.)

The Committee made the following amendments:

Page 7 line 14 delete "and unique" after the word specific.

Page 10 Lines put back in lines that were crossed out under 2a .

The Committee approved the revised Rule R277-911, Secondary Applied Technology Education on second reading and moves that the State Board approve the rule on third and final reading. Motion carried with Members Anderson,

Brown, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent.

Utah Basic Skills Competency Test

The Curriculum Committee in November received and gave preliminary approval for the Reading, Language Arts, Writing and Mathematics curriculum framework to be used to develop the UBSCT test questions. Following the work/study meeting yesterday where the full Board reviewed in detail the curriculum and assessment items used in the UBSCT, the Curriculum Committee recommends to the Board approval of the curriculum frameworks for the Utah Basic Skills Competency Test. Motion carried with Members Anderson, Brown, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent. (For complete details, see General Exhibit No. 8721.)

Executive Officer Report

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

Statutes Considered for Repeal and Impacted Administrative Rules - The Enhancement of Public Education Task Force requested that we submit language that we felt ought to be repealed or that was unfunded mandates. He distributed the list that was given to the Task Force. (For complete details, see General Exhibit No. 8722.) Most was very well received, but one caused a great deal of consternation, student education plans and student education occupation plans. The program was never funded. At the time Dr. Laing presented the report, he indicated that while this was not a funded program, it is a good program. Subsequently, the Task Force has discussed this two other times. It is being characterized that he said they should eliminate it. Dr. Laing indicated that at one time he did recommend eliminating a lot of the language, but not to eliminate SEP's, it is a good program and he would prefer keeping it, even as an unfunded mandate.

Dr. Laing reported that most of the list was very well received, and they are pulling out a lot of the things that have become superfluous. The Interim Committee has not taken action, but they will probably do so in their meetings the first two weeks in January.

Vice Chairman Janet Cannon noted that as the task force reviewed this Superintendent Laing did a wonderful job of identifying areas that need to be changed. She noted that as they went through the discussions with the task force they told them of the value and importance of the SEP and SEOP's. Their thinking is that with the block program they should put these at the local level. She indicated that her concern is that if we decided to let local districts decide some of these things, they would not provide the opportunities. She further indicated that she felt strongly that the SEP and SEOP are a vital part of our education programs. Vice Chairman Cannon indicated that a lot of money went into these programs through the Centennial Schools Program. The discussion with the legislature will be should this be required by the state or can we afford to let the locals decide if they want them or not. It will not be on the value of the program.

Superintendent Laing indicated that this still needs to go to the interim committee. In a survey of the local superintendents, 29 said language should be left in the bill, nine said we should fund it, and one district said you don't need to leave it there because we are going to do whatever we are going to do anyway. Dr. Laing indicated that clearly there is an appetite from educators that it is a good program and it should be left alone, and if anything funding added to it.

Member Pamela Atkinson questioned if there were measurable outcomes on the good of the programs. Superintendent Laing responded that there are some measurable outcomes and also some correlation data that shows that since comprehensive guidance has come into play, more students are taking applied technology courses, etc. He noted that the Board has great control over the SEOP because it is embedded in Comprehensive Guidance through Board rules. However, the Board has no lever on the SEP elementary portion.

Consolidated School Improvement Plan Concept - Dr. Laing noted that there are a lot of requirements for schools and districts to do planning. He identified thirty-three areas in the code. He distributed a paper listing these areas. (For

complete details, see General Exhibit No. 8723.) He also grouped them where they would fit together. Dr. Laing indicated that there are a couple of legislators who are looking at the possibility of a law that would create a Consolidated School Improvement Plan. Two chairs of education committees have agreed to cosponsor this legislation and it is currently being worked on by the Office of Research and General Counsel.

Franklin Elementary School - Dr. Laing reported that he had the opportunity to attend a special recognition at Franklin Elementary School that was selected by the federal government as a Promising Site Award under the Comprehensive School Reform Development Program. He reviewed accomplishments that the school has made.

State Government Office Hours During Olympics - The Governor's Office is working all different divisions of state government relative to office hours during the Olympics. They are suggesting that where possible we try to recognize the goal of the Department of Transportation to reduce the amount of traffic on the road, we will have the official office hours during the Olympics as 6:00 a.m. to 2:00 p.m. We recognize that there will be things that will have to go on after 2:00 p.m., but for the most part our office hours will be as identified.

Board Chairman Report

Board Meeting Calendar - When we scheduled the meeting for next year we scheduled the March Board meeting on the 8th because the 1st was too close to the end of the Olympics. However, we failed to recognize that there are some Board Members who will be attending NASBE Board and Committee meetings in Washington, D.C. He suggested that the March meeting be held on Tuesday, March 12th. There was no opposition to the change.

January Meetings - Chairman Burningham identified the following meetings taking place in January:

Tuesday, January 8

- • 9-12 a.m. Education Interim Committee
- • 10-11 a.m. State Board Members meet with the Governor (Board Members John Pingree, Dave Moss, Mike Anderson, Pamela Atkinson, Laurel Brown, Denis Morrill, Janet Cannon and Greg Haws)
- • 12:30 p.m. - House Democratic Caucus - as many Board Members as can be present. We will have a 15 minute presentation.
- • 2-5 p.m. Education Appropriations Committee Meeting

Wednesday January 9

- • 2-5 p.m. - Education Appropriations Committee Meeting

January 10

- • Board meeting
- • 9-12 - Education Interim Committee
- • Lunch with Senate Democrats with us here
- • 2-5 - Education Appropriations Committee
- • 5:00 - USBA/USBE Dinner - Little America

Meetings with Republican Legislators are pending we intend to meet with leadership and also request a presentation to their caucus.

General Consent Calendar

Motion was made by Member Judy Larson and seconded by Member Mike Anderson to approve the General Consent Calendar as presented, including Addendum G, Licensed Staff Salary Issue. Motion carried with Members Anderson, Brown, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held November 2, 2001.

2. Contracts

(A) Perpetual Storage, Inc. \$37,500. 11/02/01-11/01-06.

To provide high security, temperature controlled, earthquake proof storage for computer tapes.

(B) Mergenthaler Transfer & Storage. \$105,000. 01/01/01-12/31/02. - Amend.

To provide pickup, delivery, and warehousing of educational forms for district computer services.

(C) Dr. John W. Bennion. \$4,000. 10/01/01-9/30/02. - Fed.

To provide consulting services to the Utah State Office of Education's Comprehensive School Reform & Demonstration Program. Specific details are contained in the "Scope of Work" portion of the contract.

(D) Utah State University. \$29,411.38. 11/6/01-3/6/02. - Fed.

To successfully complete the application for the FY 2001 U.S. Department of Education, Office of Elementary and Secondary Education School Renovations, IDEA and Technology Grant to USOE> The contractor will also develop the Local Education Agency Application, guidance and instructions to be distributed by USOE to Utah school districts.

(E) Pitney Bowes Inc. \$48,018.45. 12/2/01-2/01/07. - Amend. - Fed.

Rental of B700 Postage Machines at 15 locations, all Division of Rehabilitation Offices.

(F) BOOST. \$998. 11/20/01-12/01/01. - Amend.

To operate and facilitate the Governor's Committee on Employment of People with Disabilities.

(G) State of Utah Department of Workforce Services. \$463,970. 7/1/01-6/30/03. RECEIVABLE. Fed.

Federal Grant to State Partnership between Education and Department of Workforce Services.

(For complete details of the Contracts, see General Exhibit No. 8724.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts. (For complete details, see General Exhibit No. 8725.)

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

In conjunction with revisions to R277-911, Secondary Applied Technology Education, changes have been made to R277-916. The Board approved the changes to R277-916, Technology, Life, and Careers and Work-based Learning on

second reading at its November 2, 2001 meeting. There have been no substantive changes made to the rule since that time. It is recommended that the Board approve Rule R277-916, Technology, Life, and Careers, and Work-based Learning on third and final reading. (For complete details, see General Exhibit No. 8726.)

5. List of Applicants for Certificates

The list of applicants for initial and renewal certificates. (For complete details, see General Exhibit No. 8727.)

6. Claims Report

The Claims Report in the amount of \$167,176,631.34 for October 31, 2001. (For complete details, see General Exhibit No. 8728.)

7. Licensed Staff Salary Issue

House Bill 68 authorized a portion of annual leave in excess of 320 hours to be converted into dollars and deposited in a defined deferred contribution plan, 401K or 457. The amount cannot exceed a value of \$250.00. The bill defined "employee" as an employee classified by the State of Utah in accordance with statute. Licensed staff in the employ of the Utah State Board of Education are exempt from classification and thus not entitled to this benefit unless UBOE notified the State Division of Finance that it wishes its employees to be included.

The State Board of Education adopted the provisions of HB 68 and direct the inclusion of licensed staff in the implementation of its provisions.

Meeting adjourned at 4:43 p.m.