MINUTES

June 1, 2001

Minutes of the meeting of the State Board of Education and State Board for Applied Technology Education held June 1, 2001, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:20 a.m. Chairman Kim R. Burningham presided. Members present were:

Chairman, Kim R. Burningham

Vice Chairman, Janet A. Cannon

Member R. Michael Anderson

Member Bette O. Arial

Member Linnea S. Barney

Member Laurel Brown

Member Greg W. Haws

Member Judy Larson

Member Jill G. Kennedy

Member A. Earl McCain

Member Denis R. Morrill

Member David L. Moss

Member Joyce W. Richards

Member Marilyn Shields

Member Teresa L. Theurer

Also present were:

Executive Officer Steven O. Laing

Deputy Superintendent Gary L. Carlston

Associate Superintendent Robert O. Brems

Associate Superintendent Patrick Ogden

Interim-Associate Superintendent Bonnie Morgan

Executive Director, USOR, Blaine Petersen

Board Secretary Twila B. Affleck

Also present for portions of the Board meeting were:

Members of the Press:

Beth Dove, Standard Examiner

Heather May, Salt Lake Tribune

Marta Movosh, Salt Lake Tribune

Jennifer Toomer Cook, Deseret News

Merlynn Newbold, Utah State House of Representatives

Lee W. Robinson, Superintendent, Utah Schools for the Deaf and the Blind

Ronald L. Rencher, Citizen

Eileen Rencher, former USOE Public Relations Director

Jonathan Ball, Legislative Fiscal Analysts Office

Mike Kjar, Legislative Fiscal Analysts Office

Carol Dremer, Utah Education Association

Bo Hall, Superintendent, Wasatch Front South Applied Technology Center

Paul Flaig, Utah Schools for the Deaf and the Blind

Con Rowley, Governor's Office

Richard L. Maughan, Superintendent, Bridgerland Applied Technology Center

Richard N. Jones, Superintendent, Uintah Basin Applied Technology Center

Jan Thompson, Utah State Courts

Justice Christine Durham, Utah Supreme Court

Jah-Jun Ho, Utah State Courts

Mike Bouwhuis, Superintendent, Davis Applied Technology Center

Brent Wallis, Superintendent, Ogden-Weber Applied Technology Center

Corey Rowley, LCPD

Members, Utah State Office of Education staff:

Vicky Dahn, Instructional Services

Jan Tyler, Planning and Project Services

Pat O'Hara, Agency Services

Carol Lear, Planning and Project Services

Vicky Smith, Instructional Services

Rebecca Anderson, Instructional Services

Connie Amos, Instructional Services

Members, Utah State Office of Rehabilitation staff:

Don Uchida, Rehabilitation Services

John Woeste, Rehabilitation Services

The Board repeated the Pledge of Allegiance.

Board Member R. Michael Anderson offered the reverence.

Twila B. Affleck recorded the minutes.

Board Member Marilyn Shields shared her thoughts on Item 7 of the Board's Code of Conduct, Avoid Surprises - communicate and collaborate with our constituents, Board members, staff, the Governor, the Legislature, and the press frequently about our ideas and assignments. She felt this was appropriate at this time because of what the Board has been engaged in with regard to the Applied Technology Centers. She commented that a real effort has been made to communicate with our legislators, the Governor and others and through our own e-mail. This is really a key and we do need to communicate so that we all know what has been going on. Member Shields stated that she is the Director of a Historic Site in Tooele County and told of a situation with the placement of a cell tower adjacent to the historic site. The County had placed a stop order on the tower being put up, but it went up anyway. It all came down to a great deal of miscommunication and a county employee who did not send out a notice. She felt that communication with others is vital and important and that Board Members need to communicate between themselves and others that are involved in education, including their legislators.

Chairman Burningham announced that the Coalition of Minorities Advisory Committee (CMAC) report has been postponed until the July meeting.

<u>Recognitions</u>

Vice Chairman Janet Cannon recognized Eileen Rencher for her service at the Utah State Office of Education as the

Public Relations Director. She noted that Eileen received a Bachelors Degree from BYU and a Master's Degree from Utah State University. She taught first in a middle school where she had eight classes, not on the block, including a boys PE class. She then taught home economics at Northwest Middle School in the Salt Lake District. She went to the Ogden School District where she designed and wrote a grant for a summer home economics program. This was so successful that they moved her into public relations. She always had a cookie or a holiday remembrance or treat for everyone. In 1987, Superintendent Jim Moss brought her to the State Office of Education where she has served as the public relations director since that time. She has done an outstanding job in creating positive relationships with the media. Vice Chairman Cannon expressed appreciation from the Board for all the aspects of public relations that she has brought to the Board and the State Office of Education. She presented Mrs. Rencher with a school bell plaque. Mrs. Rencher expressed her appreciation to the Board and the staff of the State Office of Education as well as to the media for their coverage of education issues.

Chairman Burningham recognized Eileen's husband Ron Rencher who was a former member of the Utah House of Representatives.

Chairman Burningham read letter of resignation from Jill G. Kennedy. He indicated that the resignation would be effective July 1, 2001. Chairman Burningham commented that the members of the Board will miss her immensely.

Chairman Burningham noted that earlier this year each Board Member was asked to come up with an adjective to describe Jill and the qualities she had demonstrated as chairman of the board at that point. It was said that she was constant, vibrant, caring, competent, peace maker, capable, charming, classy, dignified, yet warm, poised, supportive, concerned, understanding, dedicated, passionate in a noble sort of way, humble, intelligent and Harvard all the way. Chairman Burningham expressed love and appreciation to Member Kennedy for her service on the Board and to the children of Utah. He then presented a school bell plaque.

Member Kennedy expressed her love to the Board. She stated that it was a privilege to work with the Board and the wonderful staff. She indicated that she and her husband were going on a new adventure, which she felt was going to be terrifying. She invited Board members to visit in St. Petersburg, Russia. She expressed appreciation for the opportunity to serve and for the recognition.

Chairman Burningham noted that the process is for the Governor to name a replacement. It was felt that the Governor would be making a nomination that could then be confirmed by the Senate in their July meeting.

Quality Professional Teachers/Principals

in Every School

Deputy Superintendent Gary Carlston indicated that the presentation would be done by a team approach consisting of himself, Vicky Dahn, Ron Stanfield, Rebecca Anderson and Bonnie Morgan.

Dr. Carlston reported that over the past decade, several compelling studies have identified the strong connection between student achievement and teacher preparation and skills. The business of schools is about teaching and learning.

Dr. Carlston then reviewed the Teacher Development Continuum, and information learned in the Utah Supply and Demand Study.

Vicky Dahn, Director, Curriculum and Instruction presented information on teacher recruitment and how states are increasingly developing ways to attract qualified teacher candidates. She also addressed recruitment into preparation programs, recruitment following graduation from preparation program and recruiting people in other professions who might consider a career change. Dr. Dahn then reviewed the Utah incentives in recruitment.

Ron Stanfield, Coordinator, Educator Licensing presented information on preparation. He indicated that effective recruitment must be partnered with effective preparation. He reviewed the effective preparation programs, Utah's teacher preparation institutions, and collaborative efforts that are taking place in Utah.

Mr. Stanfield then reviewed the licensure of teachers. He indicated that licensing must be aligned with accepted teaching standards. He noted that the State Board of Education establishes rules and standards for the qualification and licensing of educators. It also monitors educator assignments and credentials. He reported that the CACTUS (Computer Assisted Credentialing of Teachers in Utah Schools) has been a great assist in this area. Mr. Stanfield reported on the Utah Professional Educator License and Endorsements.

Rebecca Anderson, Specialist, Utah Academy for Teachers, reported on the Induction Program which takes place the first two years of a teachers experience in school.

Associate Superintendent Bonnie Morgan presented information on Professional Development. She reported that one of the things we are doing better in providing professional development is we understand that an in-depth learning experience needs to be ongoing, reflective and aligned with student standards and assessments.

(For complete details of the presentation, see General Exhibit No. 8591.)

Vice Chairman Janet Cannon questioned the reciprocity issue with regard to licensure of teachers, especially the board certified teachers.

Ron Stanfield responded that the issue of reciprocity is a big issue and we are looking at more as we see the mobility of a number of educators. He indicated that Utah does have reciprocity as long as it is from a state that is part of the NCATE standards. We also require an FBI background and fingerprint test. He indicated that many states are offering signing bonuses' and other incentives. Member Greg Haws questioned if there was any data relative to how many students graduate from a teacher training institution and become licensed and employed as a teacher. Mr. Stanfield responded that the State Office of Education provides only the license and the districts are the employers.

Vicky Dahn commented that if a person is trained in teaching mathematics or physics or one of those areas you will have multiple job offers. If you are trained in some of the other areas, you may not have a job offer. The question is, are we training sufficiently to fill all the needs, and the answer is increasingly becoming no.

Member Greg Haws noted that we do not have a shortage of people who would like to teach, the problem is we can't compete. He indicated that we need to counsel teachers through to get the proper endorsements. Ron Stanfield indicated that preparation institutions are making the adjustments in their programs.

Mr. Stanfield stated that yes there is a shortage of qualified teachers either by demographic or content area, who want to teach.

Chairman Burningham commented that he felt the continuum approach makes a lot of sense. He further stated that teacher quality is the most important thing we can do. He raised the following three issues: (1) A concern with alternative certification. He commented that there are people who would like to teach that we are not bringing in because our alternative certification program may not be adequate. Chairman Burningham indicated that he was happy that a task force is addressing this and the Board will receive a report in September on this issue. (2) Combat pay - this is something we need to start to look to very closely. He noted that they really struggle with these types of challenges in the downtown Ogden area. The most frustrating thing, however, is that the teachers do not stay. As soon as they can they go to a better school they do so. He feels that we need to look at something in the area of "combat pay." We need to deal with these challenging areas just as we have done with math, science and engineering. He indicated that in the standards and accountability discussion there was wording that once you identify schools through testing that are not doing very well, we will provide remedies. When this is identified, the remedy may have to be additional pay or provide differential salaries.

Further discussion ensued relative to providing salary incentives to teachers who will teach in struggling schools that need the help most. It was also clarified that we need to recognize that the local school districts set the salaries for teachers. Further, that the other area of need for teachers is in rural schools.

Member Laurel Brown commented that there is a teacher shortage in special education, and that teacher induction with

mentoring is a very important factor. She questioned how the mentoring program could be strengthened?

Ron Stanfield responded that we need to define what a good induction and mentoring program is and then let the districts provide their own program. He noted that the Utah Education Association is going to do a strong mentor training program this summer. However, there needs to be funding for the mentor teacher.

Chairman Burningham commented that his third item was the mentoring issue which to him the induction portion is vital. He reiterated that for mentoring to work you need money because if those people are really going to become mentors there needs to be rewards. He further commented that the mentoring money may already exists in career ladder funding if it were properly used. The career ladder funding has now been block granted and may not have a wpu increase, so there may not be any potential support there.

Superintendent Laing commented that there are three critical areas: (1) alternative preparation; (2) differential pay; and (3) mentoring.

Dr. Laing commented that differential pay allows you to do whatever you are doing. Most of this is through local autonomy, but are there some things that the State Board can do to provide incentive for that. He suggested that as the Board seeks funding from the legislature, we seek it for those specific kinds of purposes and then hold them accountable for the use of the money.

Member Dave Moss commented that as he has visited schools and talked to teachers there is an increasing number who are strictly unhappy. They feel there are too many hoops to keep jumping through, especially special education teachers. He felt that this is a fundamental issue when looking at the teacher shortage because the word is getting out that this not the profession to get into.

Vice Chairman Janet Cannon commented that she has been very interested in national board certification. She noted that we now can pay 50% of certification costs, and questioned if there is there a limit? Superintendent Laing responded that there is no appropriation for it, and it is limited to the amount we can come up with. Ron Stanfield reported that we now have eight national board certified teachers in Utah.

Vice Chairman Cannon suggested that there need to be some kind of recognition for mentor teachers. She suggested that this could possibly come through donations from education foundations or some kind of recognition from the State Board of Education such as the "Light of Learning Award."

Member Denis Morrill commented that when you look at differential pay from a local board point of view, it is very difficult because you are negotiating contracts and those you are negotiating with do not like differential pay. He further commented that it is very complicated because you have 40 different negotiations.

Deputy Superintendent Gary Carlston stated that we need to stay competitive with salary and benefits. So every year when the State Board considers the WPU increase that is where this will come from. Secondly, in other budget hearing considerations they have a lot to do with working conditions. We need to provide adequate tools and conditions for teachers to work in. We need to provide opportunities to help them be successful.

Dr. Carlston also indicated that our discussion has been mostly on teachers and we need to remember to focus on the principal and other administrators who have significant impact in the schools.

Chairman Burningham asked staff to address the three issues talked about and come back to the Board for decisions on differential pay, and mentoring. He indicated that the alternative certification issue was already being addressed.

Executive Session

Motion was made by Vice-Chairman Janet A. Cannon and seconded by Member Laurel Brown to move into an Executive Session for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an Executive Session during lunch at 12:50 p.m.

Motion was made by Member Teresa Theurer and seconded by Member Joyce W. Richards that the Board move into open meeting. Motion carried unanimously. The Board reconvened into open meeting at 1:30 p.m. It was noted that the Board would go back into executive session following the time certain item on the Utah Education Justice Project.

Utah Education for Justice Project

Justice Christine M. Durham presented a report on the theoretical origins of all public education in the United States derive from the fundamental idea that the basis of our government is a literate, informed, politically functional electorate. She presented information on the Utah Education for Justice Project as a means to build a more formal partnership relationship with the Utah State Office of Education and its curriculum experts to achieve this idea. (For complete details, see General Exhibit No. 8592.) She indicated that genesis of this project is the growing need and awareness of a number of people inside the justice system about the quality and scope of citizenship education.

Justice Durham reported that there is a Consortium, which consists of a number of people in the judicial branch in Utah, that is devoted to community outreach and communication, the Utah State Bar Association, and the Utah Education Law Related Education Project.

They feel they can provide subject matter expertise for curriculum development; resources, in the form of project materials, videos, grant money, national contacts and programs; and people - judges, court staff and Utah State Bar staff (volunteer basis). This would be a coordinated effort to help provide all the resources available. They would like to see a partnership between the Consortium and the Utah State Board of Education. They would also like to see in the next ten years every elementary, middle and high school in the state having a working partnership with the local courts in their local area.

Jan Thompson, Communications Director Judicial Branch of the State of Utah presented the actual projects that have been implemented. She described a project where judges go out to schools and talk to the students on all levels; particularly a program at Lincoln Elementary School. She presented a list of attorneys in different areas who have agreed to volunteer in the schools in the areas they reside in to promote the program. Ms. Thompson reported that she has developed a video tape "Parent to Parent" which has judges at the Juvenile Court talking as parents to other parents, teachers and students about the juvenile court system.

Member Denis Morrill commented that this is what public education is all about and if you start weakening public education through such things as the voucher system it is wrong.

Member Marilyn Shields commented that she endorsed the program. However, it takes a teacher to be motivated to do it.

Justice Durham stated that they hope to bring back values education to the school curriculum which are the fundamental civic values upon which this country was established.

Justice Durham reported that the Consortium has been invited to participate in the secondary core curriculum revision. In the meantime they are mobilizing resources to get the materials out to the schools, especially those in the pilot districts.

Justice Durham stated that they would like a policy determination that this is a valuable priority, and that it is in some way very high on the list of things which the State Board believes public education should be accomplishing.

Member Laurel Brown suggested that the Board's Curriculum and Instruction Committee could take this proposal, study it and come back to the Board with a recommendation for action.

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Marilyn Shields that the Board accept the report by Justice Durham, and express appreciation to them for their efforts in behalf of the school children. Further, that the Utah State Board of Education considers this a valuable priority in terms of its mission for public education, and that the Board is supportive of a collaborative effort with the Consortium in the future. Motion carried unanimously.

Executive Session Cont.

Motion was made by Member Teresa Theurer and seconded by Member David L. Moss to reconvene back into an executive session for the purpose of discussing personnel issues. Motion carried unanimously. The Board moved into an executive session at 2:15 p.m.

Motion was made by Member David L. Moss and seconded by Member Teresa L. Theurer to reconvene into open meeting. Motion carried unanimously.

The Board reconvened into open meeting at 3:05 p.m.

Utah Professional Practices Commission Recommendations

Motion was made by Member David L. Moss and seconded by Member Jill G. Kennedy that the Board accept the recommendation of the Utah Professional Practices Commission and revoke, based upon default, the educators license in Case No. 00-530, a former teacher in the Jordan School District. The action results from the educator's possession of pornographic material at the school. It was noted that a UPPAC complaint was mailed to the educator on January 3, 2001 and no response either verbal or written was ever received. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor; Members Arial and Larson absent.

Motion was made by Member David L. Moss and seconded by Vice Chairman Janet A. Cannon that the Board accept a Stipulated Agreement, with conditions contained in the Agreement in Case No. 00-536, whereby a former teacher in the Tooele School District, voluntarily surrenders his educator license in lieu of a hearing for purpose of at least a two-year suspension from the date of formal action by the State Board of Education. The suspension follows a plea in abeyance between the educator and the court for 12 months for possession of a controlled substance. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, McCain, Morrill, Moss, Richards, Shields and Theurer voting in favor; Members Arial and Larson absent.

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain that the Board accept a Stipulated Agreement, with conditions contained in the Agreement, in Case No. 01-556, whereby a former teacher in the Alpine School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of at least a two-year suspension from the date of formal action by the State Board of Education. The suspension results from the educator's access of sexually explicit material on school-owned computers over at least a nine-month period. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, McCain, Morrill, Moss, Richards, Shields and Theurer voting in favor; Member Arial and Larson absent.

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to accept a Stipulated Agreement, with conditions contained in the Agreement in Case No. 01-557, whereby a former teacher in the Jordan School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of at least a five-year suspension from the date of the State Board of Education action. The suspension results from the educator's possession of sexually-explicit materials at school and his access via school computer equipment of inappropriate material in violation of the district's acceptable use policy. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor; Members Arial and Larson absent.

(For complete details of the Professional Practice Commission Recommendations, see General Exhibit No. 8593.)

Blind and Visually Impaired Advisory Council

Motion was made by Member Joyce W. Richards and seconded by Member David L. Moss to appoint Ted Carpenter (2/02), Bill Peterson (6/03), W. Kent McGregor (6/03), and to reappoint Ronald Mecham (6/03) to the Blind and Visually Impaired Advisory Council. Term expirations noted in parentheses. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor;

Members Arial and Larson absent.

Utah Instructional Materials Commission

Motion was made by Member Joyce W. Richards and seconded by Member Laurel Brown to appoint Bruce Barker, Rebecca Hunt and Don Link to the Utah Instructional Materials Commission. Terms to expire April 30, 2005. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields and Theurer voting in favor; Member Arial absent.

Coalition of Minorities Advisory

Committee (CMAC) Quarterly Report

Postponed until the July meeting.

Board Committee Reports

Planning, Finance and Legislation Committee

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

K-3 Math Endorsement

The Advisory Committee for Educator Preparation reviewed and recommended that the State Board of Education approve the K-3 Math Endorsement and Standards at its meeting on April 12, 2001. The program meets the National Council for Accreditation of Teacher Education (NCATE) requirements for a mathematics endorsement. Teachers who earn this endorsement will become better prepared to teach math concepts and skills to students in younger grades. This endorsement is an opportunity for teachers to enhance their skills, yet is optional for them in their assignment. (For complete details, see General Exhibit No. 8594.)

The Planning, Finance and Legislation Committee approved the K-3 Math Endorsement on first reading and moves that the State Board of Education approve it on second reading. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor; Member Arial absent.

Amendment to the Utah Constitution,

Article X, Section 5

The inflation protection language supported by voters in 1994 was part of a strategy to increase the permanent State School Fund to a level where it could provide a meaningful annual distribution. This strategy requires an annual reinvestment to cover inflation on the entire State School Fund before the remaining funds can be distributed to the schools. As the fund has increased in size from $91 million in 1994 to over $350 million in 2001 coupled with the increase in the rate of inflation, the State School Fund could potentially become an impressive savings account with no distribution to schools if the inflation protection language were to remain.

As inflation rates began to increase early in 2000, Edward T. Alter, State Treasurer, requested an opinion from the office of the Attorney General to resolve the conflict between the Utah Enabling Act and the 1994 amendment to the Utah Constitution. The conclusion from John S. McAllister, Assistant Attorney General is that the 1994 inflation protection provision is invalid as applied. It is the recommendation of the State Treasurer, the Attorney General's Office and the Utah State Office of Education that the language be repealed. (For complete details, see General Exhibit No. 8595.)

The Planning, Finance and Legislation Committee supports a change to the Utah Constitution, Article X, Section 5, to

remove a 1994 inflation amendment, protect the equity strategy, and clarify the distribution of interest and dividends and moves that the State Board of Education support the proposed change. Further, that the position of the State Board of Education be conveyed to Constitutional Revision Commission. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor; Member Arial absent.

Chartering Process

The Committee reviewed the current charter school application process for the eight charter schools currently in operation. They also reviewed a proposal for receiving, reviewing, and considering new charter school applications to be approved by the Board. (For complete details, see General Exhibit No. 8596.)

Member Morrill noted that on the Consent Calendar for third reading is a distribution of funds for charter schools and charter school approval time lines. The Committee discussed the time lines today, and the way it reads in the Consent Calendar is how it will continue to be.

Member Morrill reported that the Committee discussed the process for approving charter school applications. The Committee approved and recommends approval by the Board Option A, with a change on the second line at the end of the parenthetical statement which states (". . . presentation by the applicant **and the school district**)." It was clarified that the committee of the Board would be the Planning Finance and Legislation Committee. Their recommendations would be presented to the full Board.

Vice Chairman Janet Cannon suggested that the word "determine" in the last line be deleted and it read ". . . and **recommend to the Board** whether or not to approve the application."

Chairman Burningham stated the option as amended to read: "State Board of Education members (or the Planning, Finance and Legislation Committee of the Board) could read and review (may include site visit or presentation by the applicant and the school district) each charter school application and recommend whether or not to approve the application to the entire Board."

Superintendent Laing offered another change for clarification, on the first line take out "or a committee of the Board" and replace it with (Planning Finance and Legislation Committee) replace the word "could" with **will** read and review.

Motion from the Committee that the State Board of Education approve Option A as amended, as the process for reviewing charter school applications for the 2001-2002 and 2002-2003 school years. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor; Member Arial absent.

Expenditure of Appropriation for District

Services, Rule R277-479, and Repeal of

Rule R277-456, *Funding Regional Service*

Centers

This past session, the legislature transferred four programs (Regional Service Centers, Contingency Fund, Reading Improvement Scholarship Program, and Staff Development Funding) from the Minimum School Program to the State Office of Education. Funding for the programs was consolidated into a single amount called "District Services." The legislature also repealed the statutory definition of the four programs. Rule R277-479 recreates the repealed definitions. Rule R277-456, *Funding Regional Service Centers*, is incorporated into this new rule and can, therefore, be repealed upon adoption of this rule.

The statute created an advisory board to the Edith Bowen Laboratory School at Utah State University. Questions were raised at the last State Board meeting as to a need to create the advisory board in State Board rule and action on the

rule was postponed until more information could be obtained.

It has been determined that it is unnecessary to recreate the advisory board to the lab school in State Board rule.

The new rule will define how the State Office of Education allocates District Services funding and eliminates reference to the advisory board of the Edith Bowen Laboratory School. (For complete details of the Rule, see General Exhibit No. 8597.)

The Committee approved the Rule on first reading at the May 4, 2001 Board meeting and approved it on second reading with the clarification of the question on creating an advisory board, and the following amendment to Section R277-479-4 A (2) to delete (2) entirely, and add an (f) under (1) to read **"other uses as determined by the Board**."

Motion from the Committee that the State Board of Education approve Rule R277-479, Expenditure of Appropriation for District Services on third and final reading. Further, that the Board repeal Rule R277-456, *Funding Regional Services Centers*. Motion carried with Members Anderson, Barney, Brown, Cannon, haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields and Theurer voting in favor; Member Arial absent.

Curriculum and Instruction Committee

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

Advanced Readers at Risk, Rule R277-480

The 2001 Legislature appropriated funding for advanced readers at risk programs. The purpose of this rule is to establish local programs for advanced readers at risk in Utah's public schools. The rule provides procedures for school districts to schools or consortia of districts or schools to receive funds to develop local programs that encourage advanced readers to develop and apply advanced reading skills, to train and involve parents in reading activities, and to promote student service projects that develop from the students' reading skills and activities. (For complete details of the Rule, see General Exhibit No. 8598.)

The Committee approved the Rule on first reading and moves that the State Board of Education approve Rule R277-480 Advanced Readers At Risk on second reading. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor; Member Arial absent.

Accreditation of Schools

Member Haws reported that at the Board's request the State Accreditation Committee met with members of the Curriculum and Instruction Committee of the Board to discuss accreditation standards and procedures and the role of the Board in developing or adjusting those procedures. The purpose of the meeting was to address concerns raised by schools regarding their accreditation ranking and the adverse publicity generated by certain designations.

The Curriculum and Instruction Committee adopted the recommendations for Accreditation Procedures as discussed and developed at the meeting held on May 16, 2001, including the Utah State Accreditation Committee and various members of the Board. (For complete details of the Recommendations, see General Exhibit No. 8599.)

The Committee moves that the State Board of Education adopt the recommendations with a correction to the last paragraph which should read: "**Request that the Northwest Association of Schools and Colleges consider the growing trend toward block scheduling and consider revisions pertaining to class size.** Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields and Theurer voting in favor; Member Arial absent.

Secondary Applied Technology

Education Rule R277-911

The 2001 Legislature combined three applied technology education-related programs with the District Applied Technology Education program within the Minimum School Program. The programs are Comprehensive Guidance, Technology, Life and Careers (TLC), and Work-Based Learning.

Because the funding sources are now merged into one line item governed by Applied Technology Education, the existing rules for funding and running the programs are being referenced in R277-911, Secondary Applied Technology Education. This is consistent with rules integration for other block grant programs. (For complete details of the Rule, see General Exhibit No. 8600.)

The Curriculum and Instruction Committee approved the revised Rule on first reading and moves that the State Board of Education approve Rule R277-911, Secondary Applied Technology Education on second reading. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor; Member Arial absent.

Work-based Learning Endorsement

At the May 4, 2001 meeting the Curriculum and Instruction Committee approved the proposed Work-based Learning Endorsement on first reading with a request that further clarification be made to questions that arose during the presentation. There was a concern about the definition of 16 semester hours. (For complete details, see General Exhibit No. 8601.)

Following a brief discussion of those issue, the Curriculum and Instruction Committee approved the proposed Work-based Learning Endorsement on second reading and moves that the State Board of Education approve the endorsement on third and final reading. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor; Member Arial absent.

Secondary Fine Arts Core Curriculum

Utah's Secondary Fine Arts Core Curriculum has been reviewed by a committee of USOE and district personnel. It has also been extensively piloted by teachers at nearly every state of its development, and shared with curriculum developers across the country. The Secondary Fine Arts Core Curriculum standards provide a comprehensive outline and content. (For complete details, see General Exhibit No. 8602.)

The Curriculum and Instruction Committee moves that the State Board of Education authorize the Curriculum Section to provide public hearings on the Secondary Fine Arts Core Curriculum. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields and Theurer voting in favor; Member Arial absent.

Proposed Dates for Administering the

Utah Basic Skills Competency Test

(School Year 2001-2002

The passage of H.B. 33 in the 1999 Legislative Session and H.B. 177 in the 2001 Legislative Session requires development and administration of a Basic Skills Competency Test. It is proposed that a full administration of the test be conducted in School Year 2001-2002 to provide the necessary information to set standards and cut scores and to provide experience with the testing for the benefit of students, teachers, parents, and the public. The February 2003 administration will be the first that will count toward awarding student diplomas. Because administration of the test is relatively time consuming (4-5 hours total testing time), it is essential that districts be aware of the dates for testing well in advance. (For complete details of the dates, see General Exhibit No. 8603.)

It was noted that the dates for subsequent years are still being researched. As soon as staff can verify dates to avoid conflict with other school activities, they will be submitted to the Board for approval.

Motion from the Committee that the State Board of Education give preliminary approval to the following dates for administration of the Utah Basic Skills Competency Test (UBSCT) for school year 2001-2002: March 12, 13, and 14, 2002. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor; Member Arial absent.

Utah Schools for the Deaf and the

Blind Superintendent Evaluation

This item was deferred until the July meeting.

Audit Committee

Chairman Burningham noted that the Board Audit Committee met earlier in the day.

Member Denis Morrill reported that the Audit Committee had previously recommended action by the Board to no longer support the 403b retirement program for employees. He reviewed that this is a salary withholding type program and that the State Finance Office will not administer it. They withhold it, put it into a check and send it to our payroll office who in turn has to spread it out to the various investment accounts for employees. The Audit Committee had a presentation this morning by one of the providers of the program and information from one participant, and a representative from the Utah Public Employees Association on the subject. At the conclusion of that meeting, the Audit Committee passed a motion that we defer implementation of our decision to terminate the program for 90 days in order to give them and us a chance to convince the State Finance Office to do it as they do other withholding programs. Within that time if State Finance does not agree to do it, the Board's decision will stand or the Board could take further action.

Motion from the Audit Committee is that the Board defer implementation of the above described directive for 90 days (From July 1 to October 1) Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor; Member Arial absent.

State Office of Education Audit Committee

Member Jill Kennedy reported that they had sent out the RFP for the audit of the State Office and received nine responses. Following a review of all of the responses, they interviewed the top three. It seemed clear that one of the companies was in the best position, both in terms of experience and readiness to go ahead with the audit. The Committee recommends to the Board that it contract with MGT for the audit. There was no objection by the Board. She noted that their contract will appear on the General Consent Calendar next month for approval by the Board.

General Consent Calendar

Motion was made by Member David L. Moss and seconded by Member Judy Larson that the Board approve the General Consent Calendar as presented. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor; Member Arial absent.

- Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education and State Board for Applied Technology Education held May 4, 2001.

2. Contracts

(A) Department of Human Services. $100,000.00. 5/4/01-6/30/01 Fed. RECEIVABLE

Provide funds for inservice training, curriculum development, materials for substance abuse prevention programs, part-time secretary, and other expenses associated with the substance abuse prevention specialist.

(B) 150 North LTD. $446,901.84. 7/1/01-6/30/06. - Amend. - Fed.

To lease office space for the Division of Rehabilitation Services, Northern Ogden District Office located at 150 North Washington Blvd., Ogden, Utah.

(C) Utah Independent Living Center. $239,331. 7/1/01-6/30/02. - Amend. - Fed.

To provide Independent Living and Assistive Technology services to individuals with Severe disabilities residing in the Wasatch Front of Utah Independent Living Rehabilitation District.

(D) Red Rock Center for Independent. $267,873. 7/1/01-6/30/02. - Amend. - Fed.

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

(E) Price Partners I, LLC. $133,716. 5/1/01-4/30/06. Amend. - Fed.

To lease office space for the Division of Rehabilitation Services located at 662 West Price River Drive, Price, Utah.

(F) Bear River Mental Health. $17,638. 3/1/01-2/28/02. - Amend. - Fed.

Vocational rehabilitation services through community rehabilitation program that will result in employment for eligible consumers.

(G) Entrada Properties. $333,353.48. - 2/1/01-1/31/04. - Amend. - Fed.

To lease office space for the Division of Rehabilitation Services located at 5020 South State Street, Murray, Utah.

(H) Valley Mental Health. $11,679. 5/1/01-4/30/02. - Amend. - Fed.

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

(I) Tri County Independent Living Center of Utah. $300,000. 7/1/01-6/30/02 - Amend. - Fed.

To provide Independent Living and Assistive Technology services to individuals with Severe disabilities residing in Morgan, Davis and Weber Counties.

(J) Utah Statewide Independent Living Council. $88,996. 7/1/01-6/30/02

To provide resources to the Independent Living Program in accordance with Title VII Part B and the State Plan for Independent Living.

(K) Psychological Corporation. $189,113. 6/1/01-12/1/03. - Amend.

To purchase the Spanish Assessment APRENDA and related materials as well as pay for the off-level Lexile scores for the 1997 - 2003 Statewide Testing Program.

(L) State Health Department. $35,000. 6/1/01-12/01/01. Fed. RECEIVABLE

To provide funding for collaborative projects.

(For complete details of the Contracts see General Exhibit No. 8604.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts were approved. (For complete details, see General Exhibit No. 8605.)

4. National Association of State Boards of Education (NASBE) Dues

An invoice for the National Association of State Boards of Education Dues for Fiscal Year 2002 in the amount of $15,896; and the Legal Conference dues for School Year 2002 in the amount of $110, for a total of $16,006.00 were approved. (For complete details, see General Exhibit No. 8606.)

5. Block Grant Funding Rule, R277-478

House Bill 3, *Minimum School Program Act*, directs that districts report the expenditure of block grant funds to degree of specificity and detail required by the Board. This rule establishes the framework for spending and reporting block grant funds. Modifications were made to the rule at the May 4, 2001 Board Meeting, and the Board approved the rule

on first and second reading. There have been no substantative changes made to the rule since that time. (For complete details, see General Exhibit No. 8607.)

The Board approved Rule R277-478, Block Grant Funding on third and final reading.

6. The State School Building Program, Rule R277-451

Senate Bill 30, *Public Education Capital Outlay Act Amendments*, eliminated the Emergency Building Needs Program. Reference to the program needs to be removed from the Board Rule. The Board approved Rule R277-451 on second reading at the May 4, 2001 meeting. There have been no substantative changes made to the Rule since that time. (For complete details, see General Exhibit No. 8608.)

The Board approved Rule R277-451 on third and final reading.

7. Distribution of Funds for Charter Schools, Rule R277-470

The 2001 Legislative Session created additional state and locally approved charter schools resulting from the passage of SB 169. Rule R277-470 has been modified to reflect consistency between charter school code and State Board rules. Rule R277-470, Distribution of Funds for Charter Schools was approved by the Board on second reading at the May 4, 2001 meeting. There have been no substantative changes to the Rule since that time. (For complete details, see General Exhibit No. 8609.)

The Board approved Rule R277-470, Distribution of Funds for Charter Schools on third and final reading.

8. Math, Engineering, Science Achievement (MESA), Rule R277-717

The MESA Program has been operating with legislative statute language that does not provide the framework for establishing and maintaining a clear mission statement and a set of objectives for the program. The creation of this Board Rule will provide guidelines and a clear mission statement and objectives. The Rule will also provide

consistency between programs and legislation. The Board approved the Rule on second reading at the May 4, 2001 meeting. There have been no substantative changes to the Rule since that time. (For complete details, see General Exhibit No. 8610.)

The Board approved Rule R277-717, Math, Engineering, Science Achievement (MESA) on third and final reading.

9. Uintah River High School Addition of Students

Due to an increasing need, Uintah River High School has requested permission to add 15 students. The school would maintain the original goal in their charter of a 15 student to 1 teacher ratio.

The Uintah River High School has capacity to meet the needs of additional students and be within the purview of their approved charter. Approval of this request will help meet the needs of students who may choose to enroll in the Uintah River High School.

The State Board of Education approved the request of the Uintah River High School, a charter school, to add 15 students for the 2001-2002 school year.

10. Redevelopment Agency Taxing Entity Committee Appointment

House Bill 7 "Recodification and Amendments of Redevelopment Agencies Statutes" requires the State Board of Education to appoint a representative for all Taxing Entity Committees (formerly called Taxing Agency Committees) created by redevelopment agencies under the new statute. Larry Newton has served as the State Board of Education's representative on all Taxing Agency Committees established since June 1993.

The State board of Education reappointed Larry R. Newton as its representative on all future Taxing Entity Committees.

11. Licensed 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, Executive Director of USOR and the Internal Auditor.

The Board approved a 2.75% merit salary increase for Educational Specialists and Educational Coordinators. The Board further approved a 2.75% Administrative Salary Increase for Educational Directors and the Electronic High School Principal.

The Board approved a 4% salary increase for the State Superintendent, Deputy Superintendent, Associate Superintendents, Executive Director of the Utah State Office of Rehabilitation, and the Performance Auditor (with an additional 2.75% for the Performance Auditor to maintain parity with his work group.

12. Claims Report

The Claims Report in the amount of $178,381,853.13 ending May 31, 2001 was approved by the Board. (For complete details, see General Exhibit No. 8611.)

Executive Officer Report

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

The White House 2001 Presidential Scholars - We have received notification of two winners from Utah have been selected to receive the White House 2001 Presidential Scholarships. They are Melissa McNutt of Bountiful High School and Samuel Smith of Jordan High School. He noted that letters of commendation had been sent to them on behalf of the Board.

National Center for Substance Abuse Prevention - Our Prevention Dimension Program received national recognition from the National Center for Substance Abuse Prevention. Vern Larson is our Specialist with this program which is for pre kindergarten through grade 12 and stresses refusal skills and positive decision making skills that are necessary to avoid drug abuse. Students who participated in the curriculum demonstrated a significantly lower risk of substance abuse. The program will receive the Exemplary Substance Abuse Prevention Program Award for being a promising program.

Lincoln Elementary School - Superintendent Laing received symbolically from Smith Food King, Inc. a check in the amount of $702,000 which is equal to that which they have distributed to schools across the state through their "Earn and Learn Program." Lincoln Elementary School will receive a little over $4,000.

Redistricting Committee - Superintendent Laing received a call yesterday Representative Jerry Adair who is one of the

chairs of the Redistricting Committee inviting any board members who have interest to contact him about redistricting. He indicated that this may be something the Board would like to look at as a Board. The agendas for that committee are available on the internet along with other legislative committees.

Chairman Burningham asked that Board members make sure they share any concerns with the Board leadership because he felt we should send a State Board recommendation. One thing he has heard from two board members is a configuration that keeps the upper valley of Ogden together and Cache Valley together.

Applied Technology Education Governance - Dr. Laing noted that many Board Members were in attendance at the Legislative Interim Committee wherein there was a presentation made by the two cosponsors of a new piece of legislation that is intended to be the grist for the special session. Following the Interim Committee meeting caucus meetings were held. He attended the Republican House Caucus meeting which was open for the first hour wherein the latest draft of the legislation was reviewed. Dr. Laing noted that the Board reviewed in the last Board meeting the draft just prior to latest draft. The change was relatively significant, but only a few lines. Dr. Laing noted that when the Board reviewed the draft the Utah College Applied Technology Education was created, there was to be a president of that body. The draft we reviewed had an either or situation; either the president would be chosen from a short list of nominees from board of trustees or it would be appointed by the Board of Regents. The draft that was reviewed in the Interim Committee opted for the second option which made the President of UCAT an appointee of the Board of Regents.

Superintendent Laing reported that the Interim Committee took no position because of this change which was proposed just that morning. The caucus meeting centered around an explanation of that. The Governor and Speaker Stephens spoke favorably of it. He was asked to portray the board's position. He told them of the Boards position in opposition to the loss of governance, the Board appreciated the fact that many of the principles that the Board had espoused had been recognized and attempts had been made to incorporate them, but because of concern the Board had that the services would not flourish under another governing structure the Board was opposed to it moving. They then closed the caucus and what we have heard from that is only by anecdotal report.

Superintendent Laing reported that subsequent to that the Governor completed a swing through the northern part of the state and held town meetings at each of the three ATCs, Davis, Ogden Weber and Bridgerland. He attended the general session at Ogden-Weber. Dr. Laing indicated that there is a lot of momentum moving toward this. He indicated that speculation is that the Governor will be asked by the Legislature to call a special session.

Associate Superintendent Rob Brems reported that the meetings held by the Governor were well attended. There were a number of public education people who came to the meetings as well as education entities. The Governor essentially gave the same presentation he did to the Board last month. Mr. Brems observed that there were some differences in reactions of the communities, but he did not think any of that had sway with the Governor. Mr. Brems noted that Speaker Stephens attended the Ogden-Weber ATC meeting, and made the comment that it was felt that they had assembled the votes needed for passage of the bill. They would, within a couple of days, be recommending to the Governor that he call a special session. Mr. Brems indicated that we will probably be hearing that a special session will be called for June 20 or 21.

Superintendent Laing commented that we continue to receive invitations to provide any suggested amendment or "tweaking" language of the bill. If we were to do something of that nature, it would go along with the understanding that with that kind of amendment or change we would be supportive. As he has conveyed in the Board's behalf, the major issue is the fact that the governance would be removed from the State Board of Education to higher education. Not that higher education is to be maligned in any way, but that their primary focus is considered to be something other than in the best likely prospect of advancing applied technology education.

Superintendent Laing indicated that our position will stand and we will watch to see if something inevitable is going to happen. He indicated that at some point in time a statement from the Board should be made that we will do everything to advocate for applied technology education through whomever the provider.

Member Denis Morrill commented that as he understands it, when this happens, all of the ATC services provided to our high school students will be under the governance of someone other than us. Superintendent Laing responded that

all of the services that have been provided by the ATCs, programs that are exterior to those uniquely a part of the high school, would be under this jurisdiction.

Member Morrill suggested that the Board ask the Attorney General for a legal opinion on how that stands with the Constitution article that states "The general control and supervision of the public education system shall be vested in the State Board of Education." He felt that this new proposed system would take the general control and supervision of that piece of the public education system out of the hands of the Board.

Superintendent Laing responded that by definition, the way the legislation would change things, it would no longer make the applied technology centers part of the public education system and the services that we allow students to go to at the ATCs would be a kin to concurrent enrollment and other such programs.

Superintendent Laing explained that the funding would come directly from the legislature from income tax revenue which is dedicated to public and higher education. This is one of the reasons they want to make sure that the ATCs stay in either public education or higher education because it makes it easier for them to use this money to fund them.

Further discussion ensued relative to the budget and appropriation process and whether or not this was usurping the Board's constitutional authority.

Vice Chairman Janet Cannon requested a copy of the side by side comparison between the proposed legislation and the Board positions that were requested by Representative Buffmire at the Interim Committee meeting.

Chairman Burningham indicated that there was a question as to whether or not there should be any course of action from the Board today relative to this issue and he concluded that it is pretty well done. He did not feel that the Board should change its position. It is clear, however, once the decision goes ahead how we act and respond will be extremely important. He felt that the response should be that whatever is best for secondary students to make sure their needs are addressed.

Board Chairman Report

Chairman Kim R. Burningham presented the following items for information.

Governor's Education Coordinating Council - The Governor has organized an Education Coordinating Council. This includes people from higher education, The Governor's office, the State Superintendent and the Board Chairman. This Council will meet quarterly and the next one will be in six weeks. He and Superintendent Laing have attended the first of those meetings.

Superintendent Laing reported that one of the Governor's campaign issues was parent access to student information through technology. He is very impressed with the SIS 2000 System that has been developed in our District Computer Services. He is hiring an individual who has expertise in information technology to go out and market our SIS System to school districts and schools and to do some similar work with regard to higher education and their on-line counseling. This will make it more known and visible so that people will be accessing it more frequently. We also addressed the importance of making sure that whatever we do in that regard does not inordinately burden teachers further as well.

Chairman Burningham reported that the Coalition of People for Quality Education (CPQE), which was a Legislative Coalition that Karen Morgan, Karen Hale and Lloyd Frandsen were involved in to bring legislators together with others. He attended their most recent meeting and they have reorganized their focus to more heavily emphasize legislators that are educationally oriented coming together in support of each other and less of other people.

Rural Schools Conference July 11-13, please let Twila know if you are planning to attend.

Applied Technology Summer Conference June - August, please let Twila know if you are planning to attend that as well.

Received an invitation to attend the Waterford School Graduation June 7th.

Letters were sent to our two senators relative to the Board's position on the ESEA amendments currently before Congress that relate to governance of funding for ESEA. He noted that our senators from Utah have been very supportive of our position.

Member Laurel Brown reported that earlier in May she and Mae Taylor, Director of the At Risk area, attended a conference in New Orleans regarding Early Childhood Education and its impact on Special Education. Each state had a team and we had some good planning time. There are a few things that came out of that which she will put into a written report. She commented that as we are moving to an accountability phase and having students take the 10th grade test, we need to start in kindergarten.

Assistive Technology Fair

Blaine Petersen, Executive Director, Utah State Office of Rehabilitation reported to the Board that Assistive Technology is having a major impact on individuals with disabilities from pre-school to adults. The Technology Fair consists of examples of how technology is allowing individuals with disabilities to participate more fully in education, employment, etc.

He indicated that John Woeste and his staff have put the fair together. Board Members attended the Assistive Technology Fair.

Motion was made by Member Teresa Theurer to adjourn.

Meeting adjourned at 4:10 p.m.