

## MINUTES

October 5, 2001

Minutes of the meeting of the State Board of Education and State Board for Applied Technology Education held November 2, 2001, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:00 a.m. Chairman Kim R. Burningham presided. Members present were:

Chairman, Kim R. Burningham

Vice Chairman, Janet A. Cannon

Member R. Michael Anderson

Member Linnea S. Barney

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 Laurel Brown and Pamela Atkinson were excused.

Also present were:

Executive Officer Steven O. Laing

Deputy Superintendent Gary L. Carlston

Associate Superintendent Robert O. Brems

Associate Superintendent Patrick Ogden

Board Secretary Twila B. Affleck

Associate Superintendent Bonnie Morgan and Public Affairs Director Mark Peterson were excused.

Also present for portions of the Board meeting were:

Members of the Press:

Jennifer Toomer Cook, Deseret News

Beth Dove, Standard Examiner

Darci Marchese, KSL Radio

Chad Harris, Governor's Office of Planning & Budget

Marian Gardner, State PTA

Sylvia Andrew, Utah Eagle Forum

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

Linda Funderbenk, University of Utah

Mel Olson, Brigham Young University

Ruel Barker, Brigham Young University

Ed Alter, Utah State Treasurer

Richard Ellis, Utah State Treasurer's Office

Kent Michie, State Financial Advisor

State Office of Education Staff:

Pat O'Hara, Agency Services

Cathy Dudley, Agency Services

Angenette Pickett, Agency Services

Jean Hill, Planning & Project Services

Patricia Bradley, Instructional Services

Brett Moulding, Instructional Services

Gail Johnson, Planning & Project Services

Ron Stanfield, Planning & Project Services

Carol Lear, Planning & Project Services

Connie Amos, Instructional Services

Dave Steele, Planning & Project Services

State Office of Rehabilitation Staff:

Don R. Uchida, Rehabilitation Services

Chairman Burningham noted that this was the first meeting of the Board since the terrorist attacks on our country. He recognized the fact that many have had a myriad of feelings of this experience. The Board received a patriotic presentation that reflected some of these feelings.

Superintendent Laing shared a quote from Abraham Lincoln's second Inaugural address: "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

Board Members observed a moment of silence in remembrance of those who have given their lives, or their lives have been taken, and who have contributed much.

Board Member Linnea S. Barney lead the Board in the Pledge of Allegiance.

Board Member Teresa Theurer offered the Reverence.

Twila B. Affleck recorded the minutes.

Board Member Judy Larson shared her thoughts on Code of Conduct No. 4. Value the diverse opinions of others and resolve conflict amicably with civility and responsibility. She indicated that there are two distinct ideas in this statement: (1) Value the diversity of others - whether we are considering the diverse opinions of board members or those people who appear before the board we need to remember the words of William Arthur Ward. She then quoted Mr. Ward. (2) To resolve conflict amicably with civility and responsibility. There would be fewer conflicts if we tried to determine what is right instead of who is right.

Chairman Burningham noted that the report of the ELL Task Force has been pulled from the agenda today.

### Executive Officer Report

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

Park City School District Charter School - Park City School District has officially chartered a school. It is the Park City School District Learning Center. It will be a secondary school and primarily serve those students who have not found success in any other type of educational setting.

Utah Education Network - The Utah Education Network has been involved in some expansion work to broaden their ability to serve students across the state. They are having an open house on November 30, 2001. Further information will be provided to the Board.

State Accreditation Committee - The State Accreditation Committee will be meeting the last week of this month. They are inviting any to attend, and want to have a board member attend. Vice Chairman Janet Cannon indicated she would like to attend.

Olympic School Bus Pins - Superintendent Laing presented each Board Member with an Olympic School Bus Pin. He indicated that these were purchased some time ago for another function and these are a gift.

Teacher of the Year - Tim Bailey, a fifth grade teacher at Washington Elementary, Salt Lake City School District was selected as Utah Teacher of the Year for 2002. Dr. Laing commented that the Teachers of the Year that we have had over the last several years have been outstanding and Tim is no exception.

Joint Public Education Appropriation Committee - The tour of schools last month by the Joint Public Education Appropriation Committee was an overwhelming success. There were reports by legislators that their perceptions and attitudes were changed markedly by spending three days visiting schools and listening to teachers and administrators. He noted that most board members were in attendance at the joint dinner that evening with the committee and the following meeting. The budget proposal from the Board was received enthusiastically by the members of the committee who were present at the meeting.

Public Education Task Force - The Public Education Task Force will be meeting October 9 - 2:00 p.m. Room 129. Dr. Laing reviewed the agenda for the meeting.

Member Joyce Richards reported that at the last meeting of the Task Force they discussed driver education and it is proposed that legislation be drafted that would eliminate and prevent school districts from offering the driving portion of the program. The schools could continue to offer the book work portion of the program. She indicated that this is a money issue, but the money comes from automobile registration fees.

Member David Jordan commented that if the Board is really concerned about this, and there is an experience base in other places, we should contact them to obtain information on how it is working, and its impact on safety, so we can present this to the legislature.

Strategic Planning Committee - The Strategic Planning committee met last week, and the sunset date for strategic planning is this coming June. In thinking about that, maybe this is a time to do some consolidation of all the planning that is required in legislation. Dr. Laing indicated that he has reviewed the Code jotted down references to where in legislation schools or districts are required to have a plan, either specifically or directly, or strongly implied. He presented a list of 33 different citations. He had grouped those into three natural areas: (1) Student achievement, (2) Professional Development, and (3) School Climate. He has been talking with some legislators about the possibility of doing a consolidation bill that would bring all of these planning items together so that there is one plan required of a school. This concept seems to be getting some positive response although it would be a monumental task. He questioned if the Board would be interested in staff pursuing this?

Member Denis Morrill commented that this is something we should be doing to help the school districts, and he applauded the superintendent for doing this. There was no opposition that direction should be followed.

Governor's Education Deputy - The Governor has selected Richard Kendall as his Education Deputy. He indicated that Dr. Kendall has had quite a bit of experience in public education and higher education in the past as well as business. The Governor has narrowed the area of focus and interest that the deputy will concentrate on. Dr. Kendall will be focusing on the following: (1) initiative on math, science and information technology, (2) advancement of the New Century Scholarships, (3) coordinate the implementation of UCAT, and (4) the Western Governors University. The Western Governors University just recently received a \$10 million grant to work with rural educators and the Governor's Office to provide ways and means of allowing rural educators to obtain certifications and endorsements without necessarily having to spend extended time on campus'. Dr. Laing indicated that we are interested in these areas

and pleased to be cooperative.

Deputy Superintendent Gary Carlston distributed a book "90% Reading Goal." He indicated that the State Office had purchased this for all school board members, elementary and secondary school principals and superintendents in the state. This is in support of legislation that has been enacted.

### Tuition Tax Credit

Superintendent Laing explained that during the 2001 General Session of the Utah State Legislature, Representative John Swallow introduced HB 138 Individual Income Tax and Corporate Franchise and Income Tax Credits for Qualifying Education Expenses. Although the bill was favorably recommended by the House Education Committee, Representative Swallow pulled the bill from further consideration expressing a desire for more widespread discussion on the merits of the proposal.

Representative John Swallow presented his proposed legislation and the concepts, issues and rationale surrounding it. (For complete details, see General Exhibit No. 8661.)

Following questions and concerns from Board Members, Chairman Burningham expressed appreciation to Representative Swallow for making his presentation.

Superintendent Laing distributed a copy of *Deseret News* Editorial and an Occasional Paper No. 33 from the National Center for the Study of Privatization in Education, Teachers College, Columbia University entitled "Tuition Tax Credits: What do we know so far?" (For complete details, see General Exhibit No. 8662.)

### Board Chairman Report

Chairman Burningham shared correspondence received from former Chairman Jill Kennedy, including an article from the St. Petersburg newspaper regarding education.

Chairman Burningham noted that the Board has meetings with the Legislature and Governor later in the month and he would like members who have not attended these meetings in the past to have an opportunity to do so. The following Board Members indicated they would like to attend the meeting with the Governor: Greg Haws, Teresa Theurer, Janet Cannon, Linnea Barney, Earl McCain and Mike Anderson. The following Board Members indicated they would like to attend the meeting with the Senate and House Democratic Leaders: Teresa Theurer, Joyce Richards, Janet Cannon, John Pingree, Marilyn Shields, and Mike Anderson. Chairman Burningham indicated that the topic of these meetings would be the Board's budget priorities.

School Board Member Redistricting -- Chairman Burningham distributed the final legislation and the maps of State School Board Member Redistricting. (For complete details, see General Exhibit No. 8663.)

Chairman Burningham requested that Board Members read their email as regularly as possible.

Board By-Laws - Chairman Burningham commented that the Board has been governed a little bit informally by things we know but are not written down. We have a Policy Manual on how we operate. However, that does not include bylaws which indicate our responsibilities as they are tied to laws. We believe we need to have a consistent statement of bylaws. This has been a point of great concern for Vice-Chair Cannon, and she has done considerable work in putting together a draft of bylaws. The Leadership Committee would like to have a committee of three or four Board Members to look at it closely prior to coming to the full board. Chairman Burningham requested that if members would be willing to sit on this committee to please let him know. Vice Chairman Cannon will chair the committee.

NASBE Annual Conference - Chairman Burningham noted that the NASBE Annual Conference had been cancelled. Member Marilyn Shields commented that as a member of the Board of Directors she has had several conference calls relative to the cancellation of the conference, but it was felt that there was concern with air travel from the east coast. Also, some of the NASBE staff are having a difficult time as they can still see the smoke from the Pentagon.

Member Teresa Theurer, shared a news release from BYU which indicates that Member Linnea Barney's husband received the 2001 Association for Education and Journalism and Mass Communications Distinguished Service Award.

Member Earl McCain shared information regarding Weber State University's annual Story Telling Festival taking place November 12-14, 2001.

### Tuition Tax Credit Cont.

Chairman Burningham noted that there is a lot of action taking place on this issue from various places. He indicated that he and Superintendent Laing have participated in meetings with educators from other education associations about which this is a key issue. The Utah Partnership has been approached with a particular resolution. It may be the desire of the Board that it react at this time in a particular way.

Superintendent Laing distributed a draft resolution for response from the Board. (For complete details, see General Exhibit No. 8664.) He indicated that it reflects some of his own philosophy, the concerns or issues that have been raised in several discussions, and his sense of some of the same concerns of Board Members based on the questions and discussion earlier. Motion was made by Member A. Earl McCain and seconded by Member Teresa L. Theurer that the Board unanimously adopt the resolution.

Member Dave Moss voiced concern that the resolution may be premature. He commented that Representative Swallow's bill is not undergirded by sufficient research. He questioned if the Board would be guilty of the same without further study. He felt we needed to show quality and economic issues. He would like to see the resolution undergirded by research on the topic.

Member Denis Morrill voiced a similar concern from a personal standpoint. He is not sure he really understands the factual background well enough to make this kind of assessment.

Member Earl McCain commented that many national and state legislative bodies seem to be jumping onto a band wagon that they call reform and he feels it is more abandonment. He is concerned that this is a ploy to abandon an education system that seems to be failing and it is not. He referred to the article given to the Board recently from the *Christian Science Monitor* which indicated that if you want to get their monies worth in education they should go to Utah where we ranked number one in the differential between the performance of our students and the number of dollars that our legislature has allocated to pay for education.

Member Joyce Richards spoke in favor of holding off on this simply because she did not want the Board to be lumped in with all the others without further research. She also would like the issue to be put to a public vote rather than just legislation passed.

Member Linnea Barney referred to Justice Christine Durham's comments to the Board earlier this summer that the founding father's main objective in establishing public education was to create good citizens and how important an educated populace is toward that goal. She felt this is a part of the discussion that has not come up and we need to meet our public education for our citizenship.

Member Greg Haws commented that one of the things that was striking to him about the proposal is that it assumes that the costs of education are variable. In reality most of our costs for education are fixed costs. Other concerns are the things that make up the costs. He indicated that most of our students do not add significantly to the cost. The average cost is associated with a lot of other things we do. Some students cost dramatically more to educate than the average.

Member Denis Morrill offered a substitute motion seconded by Vice-Chairman Janet A. Cannon that the Board direct staff to research the issue further, and to give the Board a better background in what factually we can determine to support it. Further, that it be done in a timely manner in order for the Board to take a position.

Member Earl McCain noted that there have been some Constitutional challenges raised with regard to vouchers and a similar concern with tuition tax credits as it relates to first amendment issues. He felt that this is another avenue staff should take into consideration with regard to the research. This was accepted as part of the substitute motion by

Members Morrill and Cannon.

Superintendent Laing noted that the Occasional Paper distributed earlier behind the *Deseret News* editorial is the best summary and most current existing research on tuition tax credits. Dr. Laing reported that most of the legal scholars are indicating that a tuition tax credit, because the money is not given directly to a school with any kind of special interest, does not compromise the separation of church and state and, therefore, is Constitutional. There have been very few challenges to tuition tax credits because of this and they have existed for several years in at least four states. This is because the money isn't government money going to a school it is a tax credit given to an individual who has invested money to send their student to a private school.

Member Mike Anderson commented that he did not consider the resolution a knee jerk reaction. It is important that this has been going on for a lot of years in our state. He did not feel that the community understands the impact and because of this they may vote to accept a tax credit. He suggested that rather than using the resolution it would be more beneficial to educate the public about the impact and significance of tax credits. He further felt that it was important for the Board to make a statement now and let the public know the impact of tax credits.

Member John Pingree commented that if there is a delay it be prior to the time the legislature meets. He suggested that the substitution motion include the date of December or sooner. Members Morrill and Cannon accepted the inclusion of the date in the substitute motion.

Member Teresa Theurer indicated that the Board had taken a stand the beginning of this year on the original bill. She did not see that this is a different stand, but rather renewing our stand. She felt that the local school boards are taking stands against this and the public is being informed.

The Substitute motion with the two additions carried with Members Anderson, Barney, Cannon, Haws, McCain, Morrill, Moss, Pingree, Richards and Shields voting in favor; Member Theurer against.

The Board recessed into Committee Meetings.

#### English Language Learners (ELL) Task

##### Force Report

The report was postponed until the November 2001 meeting.

##### Executive Session

Motion was made by Member Teresa L. Theurer and seconded by Member Greg W. Haws to moved into an executive session for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present [Mike Anderson & Marilyn Shields absent] the Board moved into an executive session during lunch at 1:00 p.m.

Motion was made by Member Joyce W. Richards and seconded by Member A. Earl McCain to reconvene into open meeting. Motion carried with Members Anderson, Barney, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent.

The Board reconvened at 1:14 p.m.

#### **Utah Professional Practices Commission Recommendations**

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to adopt the Utah Professional Practices Commission recommendation and accept a stipulated agreement in Case No. 94-357, including conditions of the agreement, whereby a former educator in Cache School District, voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension for at least 18 months beginning May 30, 2001, by the State Board of Education. The recommended suspension results from a conviction of one count of issuing a bad check, a

third degree felony in 1994 and seven criminal charges related to handling student and school funds in May 2001. The education had received a previous warning letter from UPPAC and warnings from the school district. Motion carried with Members Anderson, Barney, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent.

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to adopt the Utah Professional Practices Commission recommendation and accept a stipulated agreement in Case No. 01-547, including conditions of the agreement, whereby a former educator in the Davis School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for a period of at least three years from the date of formal State Board of Education action. The recommended suspension results from inappropriate contact and conduct with students. Motion carried with Members Anderson, Barney, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent.

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to adopt the Utah Professional Practices Commission recommendation and accept a stipulated agreement in Case No. 01-572, including conditions of the agreement, whereby a former educator in Cache School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for a period of at least five years from the date of formal State Board of Education action. The recommended suspension results from accessing Internet pornography using a personal computer and the school district's telephone line. Motion carried with Members Anderson, Barney, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent.

(For complete details of the Professional Practices Commission recommendations, see General Exhibit No. 8665.)

### **Utah Statewide Independent Living Council**

Motion was made by Member Teresa L. Theurer and seconded by Member Judy Larson to appoint Steve Lordon (10/02) and Mark Smith (10/03), and to reappoint Marie McDonald (10/03), Gordon Richins (10/04) and Rebecca Wassen (10/04) to the Utah Statewide Independent Living Council. Motion carried with Members Anderson, Barney, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent.

### **Coalition of Minorities Advisory Committee (CMAC)**

Motion was made by Member Teresa L. Theurer and seconded by Member David L. Moss to appoint Chris Segura (12/03), and Michael J. Clara (12/02) to the Coalition of Minorities Advisory Committee. Motion carried with Members Anderson, Barney, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent.

### **Board Member Report**

Board Member Judy Larson reported on her attendance at the University of Utah Reading Clinic. The Clinic offers three basic thrusts. The first is assessment and intervention on sight. Secondly, Professional Development which is offered both at the clinic or at the schools. Third, are mobile clinics in rural Utah at the request of schools or school districts. She distributed a synopsis of the conference. (For complete details, see General Exhibit No. 8666.) She felt that there was a lot of good help there for reading specialists.

Superintendent Laing reported that this is a clinic that has been funded with a bill that Representative Karen Morgan has proposed for the last couple of years. They requested that we include \$500,000 of priority funding in the Board's budget for this in the future. We have told them that the priorities have already been developed and we would not designate that as such it would have to come through the districts opting for their services. The funding comes from the Minimum School Program.

### **Board Committee Reports**

#### **Curriculum and Instruction Committee**

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

### Math, Engineering, Science Achievement

#### (MESA), Rule R277-717

MESA is a long-standing program intended to encourage and support minority students and female students in the pursuit of study in the sciences and mathematics. The legislature appropriates funds for MESA which are distributed to schools through a competitive application process.

MESA, when coupled with its higher education counterpart, Science, Technology, Engineering Program (STEP) is commonly referred to as MESA/STEP and is overseen by a board of directors comprised of higher education and public education representatives. However, the actual functioning of MESA in the public schools falls under the general oversight of the Board. The proposed rule changes provide clarification and definition to (1) who comprises the committee which reviews and recommends grant recipients for approval to the Board, (2) who are the appropriate MESA participants, and (3) what are appropriate MESA activities.

The following changes were made to the rule by the Committee: Under definitions, Item E, MESA, leave in Public Education, and to make it consistent throughout the document. There are several places in the document it states designated minority and female, this is an attempt to emphasize designated minority, and all female students. Change the language to read "designated minority and all female students." (For complete details of the amended rule, see General Exhibit No. 8667.)

The Curriculum and Instruction Committee approved Rule R277-717, Math, Engineering, Science Achievement (MESA) as amended on first reading and moves that the State Board of Education approve the rule on second reading. Motion carried with Members Anderson, Barney, Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Theurer voting in favor; Member Shields absent.

### Capital Outlay

Superintendent Steven O. Laing reported that capital outlay revenues are the sources of funds used to build and equip buildings. The primary source of these funds is the property tax levied by each district specifically for such purposes. Because of the different ratios of property wealth to students between the various districts, the amount of money raised through a similar tax effort varies around the state. Currently, the state contributes a very small (relatively) amount toward the capital costs of school districts. Superintendent Kolene Granger from Washington School District has considered this issue intensely and has proposed changes to the way buildings are funded in Utah.

Dr. Granger presented her proposed strategies for changes to capital outlay funding. (For complete details, see General Exhibit No. 8668.)

Superintendent Laing clarified that the essence of the presentation was that debt should be a state function. Secondly, that districts would levy a tax rate for capital and accrue those funds to meet their needs in an ongoing basis.

Mr. Ed Alter, Utah State Treasurer presented issues around state and public financing that may also be impacted by changes in capital outlay funding strategies.

Mr. Alter stated that there is no question that this problem is important and enormous and something we need to give thought to. He reported that districts have put on at least \$1.2 billion in debt in the last four years at a time when enrollment was not growing. We are now quickly going to be moving into a time period when enrollment starts to grow rapidly. It is not just existing buildings and wearing out buildings, but we will need to build a whole new school district worth of buildings in the growth areas. He indicated that we need to become innovators but this can also create

a number of problems. This suggestion is a massive change in the way we have done business. When you do this, you need to get a lot of people on board and the idea needs to be sold to a lot of people.

Mr. Alter indicated that if we go through with this kind of proposal there will need to be a transition period. Assuming that other districts help with existing debt or the state was to take over all of the existing debt and let the districts start free and clean, there would be a transition period where you are paying twice. He seriously questioned whether the state could work through such a transition period. He likened it with social security.

Mr. Alter indicated that there is also an issue of fairness. There are school districts who have no debt and others that have gone without just to keep out of debt, and others who have had no choice but to incur debt just to keep going.

Mr. Alter explained that there is an explicit constitutional prohibition against the state assuming school district debt. Another issue is that there is more school district debt outstanding than state has constitutional debt authority. There is a formula specified in the Constitution that is related to the taxable value of property in the state and that formula limits the amount of debt that the state itself can issue. There is also a statutory debt limit of approximately \$600 million.

Mr. Alter commented that any kind of a new system that relies on the legislature to be fair, proper and equitable in the distribution of monies to school districts for capital facilities has serious problems because the Legislature does not have good history of being fair, equitable the proper in the distribution of capital facilities money.

Mr. Alter further commented that this is an issue we need to focus on. We will have a hard time funding the enrollment growth a few years from now, much less the capital facility needs. We will need to work together and innovate, and come up with ideas we have never come up with before, and even then it is going to be very difficult in the next ten years.

Superintendent Granger commented that these buildings are needed and only one program is compulsory, and growth is the disqualifying factor. She felt that the unfairness issue is how we have handled growth across the districts.

Member John Pingree questioned that the state cannot assume the debt, but can it underwrite it? Mr. Alter responded that there is a school district guarantee program which allows all districts to sell bonds at a Triple A rating which brings it down to that level. This is what is happening now.

Superintendent Laing explained the guarantee portion that the state stands behind the bond and if a district ever were to default we would pay it by withholding their transfer of funds.

Discussion ensued relative to the property tax levy rates that school districts may be able to assess. It was noted that property tax is the hardest place to raise revenue.

Superintendent Granger suggested that if you were to raise the sales tax by 1% for five years and we could get out of debt. Member John Pingree stated that raising taxes would not be supported by the people.

Superintendent Laing questioned how many of the bonds are actually sold back into Utah. Kent Michie, Zions Bank Public Finance responded that Utah is a net importer of capital. Investors are large insurance companies so many of the bonds go to Hartford, Connecticut, New Jersey, Florida, Texas or California. Not very many of the bonds that are sold of Utah School Districts come from Utah entities. There is a national market, and money flows where credit is available and where the interest rate is there to pay it.

Mr. Michie indicated that they do not have a hard time selling Utah school bonds because of the guarantee of the state. The value of this topic is to point out the problem. One of those pieces is that we are going to grow over this next decade at an enormous rate and it is not from people coming into the state, but from our own children. We are going to create one new school district per year the size of Provo School District. This will not occur across the state but in pockets. We need to start an educational campaign to educate the people of this problem.

Mr. Michie indicated that bonds are not part of the problem but are part of the solution. There are other parts of the

solution. There are only four ways to raise money for any kind of capital project: (1) save up and set aside; (2) get a grant; (3) pay as you go; and (4) borrow, generally through bonding methods. The fifth way is some combination of the four, which is the best way. He suggested that we need to be very clever at getting money from all four sources.

Chairman Burningham expressed appreciation to Dr. Granger and Ed Alter for bringing this issue at this time.

Chairman Burningham questioned the next steps.

Member John Pingree suggested that we call this matter to the attention of the legislature.

Member Dave Moss suggested that the state may be able to develop a method to pass on to the districts ways they could educate their patrons as to what the problem is. He felt that we need to get to the people so they are not blind sighted.

Chairman Burningham suggested that some members of the Board be assigned to come back next month with possible approach. Chairman Burningham appointed a short-term task force for the purpose of responding to what has been presented, with believable next steps. He appointed Member John Pingree to serve as chair of the task force with Members Greg Haws and Earl McCain. State Office of Education staff will provide support to the task force. The task force was asked to provide something for the November Board meeting.

### Committee Reports

#### **Planning, Finance and Legislation Committee**

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

#### Testing Procedures, Rule R277-473

The amendments to this rule are necessary to provide clear guidance to school districts and educators regarding test protocol, and violations of testing protocol policies or procedures. These amendments reflect changes suggested and approved by the Planning, Finance and Legislation Committee at the September 7, 2001 meeting. (For complete details, see General Exhibit No. 8669.)

The Planning, Finance and Legislation Committee approved Rule R277-473, Testing Procedures on second reading and moved that the State Board of Education approve the rule on third and final reading. Motion carried unanimously.

#### Educator Licensing and Data Retention

#### Rule R277-502

The amendments to this rule provide definitions required by state law. The amendments also update terminology consistent with legislation and provide an explanation of the Computer-Aided Credentials of Teachers in Utah Schools (CACTUS).

The following changes were made to the rule by the Committee: Page 1 alternative school settings delete with self-contained classrooms. To add a definition of Professional Development. Under R277-502-6 add E "Special assignment educators not meeting the minimum professional development requirements, shall be placed on a state approved endorsement program." (For complete details of the rule as amended, see General Exhibit No. 8670.)

The Planning, Finance and Legislation Committee approved with above changes Rule R277-502, Educator Licensing and Data Retention on first reading and moves that the State Board of Education approve the rule on second reading. Motion carried unanimously.

#### Charter Schools, Rule R277-470

The amendments to this rule provide for changes to the title of the rule, add definitions, provide specific requirements for charter school applications, and provide for compliance with federal law.

Further Changes were made by the Committee as follows: R277-470-1 Definitions, (c) Charter Schools, identifying the different types of charter schools that exist in the state. Under R277-470-4, that the anticipated LEA status be included in the application. Further that the assurances be included in the application to the Board. Under R277-470-6 reordered the paragraphs. (For complete details of the amended rule, see General Exhibit No. 8671.)

The Planning, Finance and Legislation Committee approved with the above changes the proposed amendments to Rule R277-470, Charter Schools on first reading and moves that the State Board of Education approve the rule on second reading. Motion carried unanimously.

#### Athletic Coaching Certification, Rule R277-517

Member Morrill reported that the Committee is putting this rule off until the next meeting. The Committee received testimony from Superintendent Mullins of the South Sanpete District who was much in favor of this and who gave testimony of the difficulty in those areas of finding a certified teacher, and in fact they have not done it this way. Superintendent Granger of the Washington School District also testified in favor of this for the same reason which gives them some flexibility.

There were also educators from Brigham Young University, Utah, and Utah State University athletic departments who were very much against this.

Member Mike Anderson indicated that after the committee meeting he visited with Superintendent Mullins regarding the rule and he suggested that within the next two to three weeks he will get together with some of the superintendents and come back with a proposal on how we can maintain the rule we currently have requiring licensed teachers and still have the option that may address some of these other problems.

Member Denis Morrill commented that the Superintendent's Association has already gone through the rule and agreed with this rule. He felt that if we are going to go back for more testimony from superintendents we should go back to the group as a whole.

Superintendent Laing indicated that the rule as it is written is still permissive.

Deputy Superintendent Gary Carlston commented that the rule isn't lowering the standard. Part of the discussion was the implication that coaches are trained by universities, and that is not the case, they are not preparing all coaches.

#### Public Relations

This item was postponed until the November meeting.

#### General Consent Calendar

Motion was made by Member Judy Larson and seconded by Member Linnea S. Barney to approve the General Consent Calendar as presented. Motion carried unanimously.

#### 1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held September 7, 2001.

## 2. Contracts

The following contracts were approved by the Board:

- Davis County Schools Warehouse. \$150,000. 10/1/01-9/30/02 - Amend. - Fed.

Warehousing of USDA foods for Child Nutrition Programs.

- (2) Life Long Learning. \$13,677. 8/9/01-5/7/02

To secure consultant(s) for three Utah Principals Academy seminars.

- (3) IBRIC. \$49,500. 10/5/01-7/31/02.

Proposed research is to evaluate the effectiveness of twelve POPS outreach programs in accomplishing the three major objectives of the POPS effort.

- Grand County School District. \$84,718. 7/1/01-6/30/02.

To provide services of the principal of Grand County High School to act as Director of the Utah Principals Academy for the 2001-2002 school year.

- (5) LASON. \$8,432. 7/1/01-6/30/02.

To provide maintenance of optical imaging system.

(6) Utah State University/Center for the School of the Future. \$38,024.96. 9/1/01-8/30/02. - Fed.

To determine to what degree the Utah State Board of Education authorized charter schools are efficiently and effectively meeting their charters and statutory responsibilities.

(7) Utah Navajo Development Council. \$127,123. 10/1/01-9/30/02 - Amend. - Fed.

To establish parental information and resource centers to provide information, training, and support to parents of children ages birth-7. For parents to expand their knowledge and confidence in teaching and nurturing their children, as well as other-rearing activities. For parents to develop partnerships with their children and work together to enhance the developmental progress of each child. The main emphasis will be the recruitment of teen parents for center-based activities.

(8) Department of Workforce Services. \$427,147. 11/1/01-10/31/02. - Fed.

To assist individuals with disabilities obtain competitive employment outcomes through a cooperative agreement.

(9) Southeastern Utah Public Health. \$6,300. 8/1/01-7/31/04 - Amend. - Fed.

Lease of Division of Rehabilitation Services, Castle Dale office located at 45 East 100 South, Castle Dale, Utah.

(10) Bear River Adult Skill Center. \$3,600. 9/1/01-8/30/04. - Fed.

Janitorial services for three year period for the Division of Rehabilitation Services office located at 695 South Main, Brigham City, Utah.

(11)Utah Association for the Deaf, Inc. \$1,800. 11/1/01-10/31/02 RECEIVABLE

Provide space for the Utah Association for the Deaf (UAD) Bookstore for individuals who are Deaf, Hard of Hearing or Speech Impaired.

(For complete details of the Contracts, see General Exhibit No. 8672.)

## 2. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts. (For complete details, see General Exhibit No. 8673.)

## 3. District Career Ladder Plan Approval

The following District's have met the requirements set by the State Board for their 2001-2002 Career Ladder Plans. Each plan has been submitted on a standard form and carefully reviewed by the State Career Ladder Review Committee:

One Year - Cache, Duchesne, Grand, Granite, Iron, Millard, Morgan, Murray, North Sanpete, Ogden, Park City, Provo, Rich, Salt Lake City, Tooele, Wayne, and Weber School Districts; and Edith Bowen Laboratory School, and the Utah Schools for the Deaf and the Blind. (For complete details, see General Exhibit No. 8674.)

The Board approved the 2000-2001 Career Ladder funding.

## 4. Coaching Standards and Athletic Clinics, Rule R277-605

Rule R277-605 Coaching Standards and Athletic Clinics has been modified to conform with Rule R277-517, Athletic Coaching Certification and the repeal of Rule R277-606. The Board approved the rule on second reading at the September 7, 2001 meeting. There have been no substantive changes made to the rule since that time. (For complete details, see General Exhibit No. 8675.) The Board approved Rule R277-605, Coaching Standards and Athletic Clinics on third and final reading.

#### 5. School Instruction and Human Sexuality, Rule R277-474

S.B. 75, passed by the 2001 Legislature, requires that school districts have decision-making authority in the adoption of human sexuality instructional materials which have not been approved by the Instructional Materials Commission. Materials to be adopted must be medically accurate and comply with the new criteria of Utah state law. Distribution of teen pregnancy prevention funding to school districts will be consistent with Section 53A-13-101. Modifications to the rule were made by the Board and the rule was then approved by the Board on second reading at the September 7, 2001 meeting. There have been no substantive changes made to the rule since that time. Rule R277-752, Teen Pregnancy Prevention Funding was repealed at that time because the requirements are satisfied by the amendments to this rule. (For complete details of the rule, see General Exhibit No. 8676.) The Board approved Rule R277-474, School Instruction and Human Sexuality on third and final reading.

#### 6. ESL Endorsement Program at Davis School District

The Board received a report of the ESL Endorsement Program at Davis School District at its September 7, 2001 meeting. The Planning, Finance and Legislation Committee recommended revisions to Page 3 of the Report under "General Recommendations." The revised report G is the revised report was approved by the Board. (For complete details, see General Exhibit No. 8677.)

#### 7. Ratification of Employment

Pat Beckman was ratified as an Educational Specialist, Special Education, Access to General Curriculum, Instructional Services Division.

#### 8. Educational Leave for Associate Superintendent Robert O. Brems

Associate Superintendent Robert O. Brems has requested one year of educational leave during the period of January 1, 2002 through December 31, 2002. During this time he plans to complete work on his doctoral program. This request is in accordance with the Utah State Office of Education's educational leave policy. Mr. Brems would return to work in January of 2003. The State Board of Education approved educational leave for Associate Superintendent Robert O. Brems for a period of one year beginning January 1, 2002 through December 31, 2002.

#### 9. College of Eastern Utah Accreditation

In March 2001, review teams under the direction of the Applied Technology Education Services Division, conducted accreditation visits of 14 programs at the College of Eastern Utah. Following the visits and necessary interviews with College of eastern Utah administration and instructors, and ATE personnel, a recommendation for FULL Accreditation status is suggested. The State Board of Education granted Full Accreditation status to the College of Eastern Utah Applied Technology Education Programs.

#### (10) Visually Handicapped Trust Fund Expenditures

The Division of Services for the Blind and Visually Impaired Council unanimously approved the following grants to be paid out of the Visually Handicapped Trust Fund interest:

**Braille Resource and Literacy Center - \$3,791** - to make braille materials more widely available and increase the literacy of blind individuals

**National Federation of the Blind of Utah - \$2,979** - to hold a seminar for blind students which will help them understand their rights and responsibilities in regard to their education and aid them in making employment goals

**Ogden Association of the Blind - \$525** - to provide a pottery and crafts class in Ogden which will assist blind and visually impaired individuals to gain skills which aid in adapting to blindness and increase their confidence in their own abilities

**Ogden Association of the Blind - \$4,874** - to provide low-cost transportation to blind and visually impaired individuals in the Ogden, Weber County, and north Davis County areas

**Palisade Pals - \$812** - to provide low-cost transportation to blind and visually impaired individuals in the Manti area

**Utah Council of the Blind - \$3,790** - to make braille materials specifically requested by individuals available and increase braille literacy among the blind

**Utah Council of the Blind - \$2,000** - to provide ceramics classes in the Salt Lake City area which will assist blind and visually impaired individuals to increase their dexterity and skill in using their hands and their self-confidence and self-esteem

**Utah Council of the Blind - \$2,979** - to hold a conference for teachers and parents of blind children, training them in methods of seeing that their children who are mainstreamed are able to participate fully in all aspects of the educational process

**Utah Council of the Blind - \$3,000** - to provide low-cost transportation to blind and visually impaired individuals throughout the state

**Utah Council of the Blind - \$3,250** - to make adaptive technology available to blind individuals for their personal use at a cost they can afford

**Total: \$28,000**

The State Board of Education approved the above expenditures from the Visually Handicapped Trust Fund interest.

(11)List of Applicants for Certificates

A summary of the list of applicants for initial and renewal certificates for September 2001. (For complete details, see General Exhibit No. 8678.)

Superintendent Laing noted that he had given Board Members a copy of USBA/USSA Legislative Program for 2002. If you compare their program to the four priorities the Board has established you can see that there is extremely close comparability.

Motion to adjourn was made by Member Teresa L Theurer.

Meeting adjourned at 3:20 p.m.