

MINUTES

August 9, 2002

Minutes of the meeting of the State Board of Education held August 9, 2002, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:50 a.m. Chairman Kim R. Burningham presided. Members present were:

Chairman, Kim R. Burningham

Vice Chairman Janet A. Cannon

Member R. Michael Anderson

Member Pamela Atkinson

Member Linnea S. Barney

Member Laurel Brown

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 Greg W. Haws, David Jordan, and Max L. Torres were excused.

Also present were:

Executive Officer Steven O. Laing

Deputy Superintendent Gary L. Carlston

Associate Superintendent Bonnie Morgan

Associate Superintendent Patrick Ogden

Board Secretary Twila B. Affleck

Also present for portions of the Board meeting were:

Members of the Press: Jennifer Toomer Cook, Deseret News

Darci Marchese, KSL Radio

Shinika Sykes, Salt Lake Tribune

Jim Eldredge, Utah Education Association

Amadon Niang, Citizen

Tim Beagley, Citizen

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

Terri L. Elder-Hale, MESA/STEP Consortium

John Florez, Citizen

Susan Dayton, Utah PTA

Cheryl Phipps, Utah PTA

Bea Lieshman, Legislative Analyst

Edward Dalton, Citizen

Garn Coombs, Citizen

J. Michael Clara, Coalition of Minorities Advisory Committee

Jeffrey S. Turley, Sundance Mountain Charter School

State Office of Education staff:

Mary Shumway, Instructional Services, ATE

Dawn Kay, Instructional Services, ATE

Marv Johnson, Instructional Services, ATE

Patricia Bradley, Instructional Services

Chairman Burningham expressed appreciation to Member John Pingree and his wife Carman for hosting the Board social at their home last evening.

Board Member Laurel Brown led the Board in the Pledge of Allegiance.

Board Member Teresa L. Theurer offered the reverence.

Twila B. Affleck recorded the minutes.

Chairman Burningham excused Board Members Greg Haws and Max Torres.

Chairman Burningham stated that we live in very tempestuous times and times where one begins to doubt whether all of our leaders are totally ethical and honest. The first item in the Board's Code of Conduct states: "Represent the Board of Education with dignity and integrity." He emphasized the word "integrity." He felt that Board members need to be committed and recommitted to this goal. He further emphasized the issue with quotes from Emerson, John Morley, Robert J. Samuelson and Aristotle. (For complete details of the quotes, see General Exhibit No. 8845.)

Member Earl McCain quoted Theodore Roosevelt: "To educate a man in mind and not in morals, you create a menace to society."

Chairman Burningham reported that there is an effort lead by some legislators, particularly Speaker Marty Stephens saying that the federal government should be giving us some money to help educate our children because of the numerous parcels of federal land in our state. Speaker Stephens has prepared some excellent materials on the issues. He has also gone to the Western Coalition and gained their support for this initiative. If they can achieve this, Chairman Burningham felt it should be supported in every regard. In relationship to this initiative, Representative Stephens has formed a steering committee to try to give emphasis to that effort. He would like to have one or two members of the Board on that committee. The first meeting will be held on Monday, August 12, 2002 at 9:00 a.m. in room 303 of the Capitol. Chairman Burningham asked if there were Board members interested in serving on this steering committee to please let him know by lunch. Member Mike Anderson indicated an interest in participating on the steering committee.

Budget Overview

Associate Superintendent Patrick Ogden presented recent legislative action impacting the budget. (For complete details see General Exhibit No. 8846.)

Superintendent Laing commented that there has been some editorial comments about the State Office of Education singling out the Reading Clinic at the University of Utah. He indicated that of the list of cuts, we did not single out any of them. We told the legislators at the time they were asking for more cuts, that we thought they should put their favorite program on the block as well to be considered. In so doing, they listed the ones identified and then gave the State Office another unidentified \$500,000 cut.

Member Pamela Atkinson reported that there has been an effort for some private funding for the Reading Clinic at the University of Utah. Chairman Burningham appealed to the Board that if they have money and would like to donate their donation should be made to the University of Utah Reading Clinic.

Associate Superintendent Patrick Ogden also presented a document entitled "Dispelling School Funding Myths in Utah." He indicated that there is also a PowerPoint presentation on this as well which is available to Board Members.

Member Earl McCain suggested that the document be distributed to the media and to legislators. It was agreed by all to distribute the document as suggested.

Chairman Burningham reported that in the Board Leadership Committee meeting they discussed the need that facing these serious problems with the budget cuts and the devastating effect already illustrated to certain parts of our education program. We believe it is an appropriate time for the legislature to look at new sources of funding. He distributed a "draft" resolution suggesting that the Board of Education take the position in favor of finding new funds to fill some of these holes. (For complete details of the draft resolution, see General Exhibit No. 8847.) He indicated that this resolution is for Board Member to study and make comments to leadership, and then it will be presented for

action at the September meeting.

Member John Pingree noted that it was his understanding that in 1996 there was an agreement reached where the Constitution was changed relative to income tax and the funding of public education. This allowed other entities to start tapping into that with the understanding that public education would be held harmless. He felt that mention of this should be placed in the resolution.

Vice Chairman Janet Cannon reminded the Board that it is not the Board's job to provide the funding because the Constitution gives that responsibility to the legislature to establish and maintain our state's education system. However, we can encourage them and let them know of the critical needs in education.

Public Participation/Comments

Sister to Sister Summit - Sue Nissen, Anita Gander and Nicole

Ms. Nissen reported that the American Association of University Women and they are concerned with educational opportunities for women and girls. They have been focusing on middle school girls whom they feel are in a particularly vulnerable position in terms of their ability to take advantage of the educational opportunities that are there due to some non curriculum issue that face them particularly at that point in their lives. These include, sexual harassment, body image, teen pregnancy, violence and substance abuse. Ms. Nissen reported that the Sister to Sister Summit is an event for girls to come together to talk about the concerns they have and hopefully strengthen themselves and each other to feel more positively with these challenges that face them and to find ways to work through the system and resources that are available to help them make their way through. (For complete details of the letter presented, see General Exhibit No. 8848.) Ms. Nissen asked for the Board's help in communicating with the local boards of education with these concerns as well as counseling opportunities in the schools.

Nicole Bullard shared the following concerns she has: (1) the bathrooms in public schools, they are poorly cleaned and do not have adequate supplies, (2) sexual harassment by teachers and other students, and (3) discrimination.

Chairman Burningham expressed appreciation for receiving the list and that many of the issues must be resolved at the local district and school level. He will place this on the next leadership agenda to see what the Board can do to give emphasis to these issues.

Michael Clara, Chair-elect of the Coalition of Minorities Advisory Committee (CMAC) voiced concerns of CMAC relative to the termination of Mr. Papa Coulibaly, Minority Graduation Specialist in the Utah State Office of Education. The Committee asks that the Board investigate the circumstances surrounding this termination, and requesting that Mr. Coulibaly be reinstated and placed in the curriculum department as spelled out in the MGT of America Audit report. Mr. Clara reviewed the Audit report and the position Mr. Coulibaly held. He indicated that as Members of CMAC they have worked closely with Mr. Coulibaly, they can vouch for his work ethic, character and job performance.

Mr. Clara reported that it was felt that the termination of Mr. Coulibaly the MESA (Math, Engineering, Science Achievement) was the flash point. He referred to letter to the MESA Public Education Funding Application Review Committee from Dr. Steven O. Laing overriding a decision that was made by this committee. Mr. Clara stated that he has the greatest admiration for Dr. Laing, he supports his administrative authority and he endorsed everything in the letter, however, he disagrees with the conclusion. Mr. Clara also expressed appreciation and admiration for Dr. Gary Carlston relative to his support of CMAC on minority issues.

Mr. Clara reviewed the concerns CMAC has relative to the handling of the MESA issues.

(For complete details of the materials presented by Mr. Clara, see General Exhibit No. 8849.)

Chairman Burningham stated that the Board would be discussing this issue later in the meeting.

Terri Elder-Hale representing the MESA/STEP Programs provided information on the MESA/STEP Programs and the

goal of providing diversity and the number of students and their ethnicity participating in the programs. Ms. Hale also provided the interpretation of the Board rule and the purpose for the Math, Engineering and Science Program.

Executive Officer Report

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

Electronic High School - Distributed a copy of the catalog of courses for the Electronic High School entitled "A New Horizon in Education." (For complete details, see General Exhibit No. 8850.) This entity has become quite popular and the demand for the courses is growing continuously. He expressed appreciation to Dick Sidway for the leadership he provides. Dr. Laing reported that we are about to the point where we have about all of the intended core course work available online and could make a diploma for the electronic high school. Dr. Laing noted that we have not yet addressed this issue.

Governors Business Coalition - This is moving along and Dr. Laing has forwarded e-mails to Board Members as to what is happening there. The members from the educational family on the Coalition are Pat Rusk, UEA; Barry Newbold, Superintendents Association; Susan Dayton, PTA; Mike Shaw, Teacher; and Bill Moore a school board member from Davis County. Chairman Burningham stated that while he appreciates what is happening with the Coalition, failure to appoint a state board member, the constitutional responsibility that is education in the state, is troubling. He assured the Board that both he and the Superintendent have communicated that there should be a state board member on the Coalition. However, we still have high hopes for the Coalition and hope the recommendations will be good.

Member Pamela Atkinson indicated that it was her understanding the Frazier Bullock has been given a list of people who are involved in education in some way and he plans on speaking with them to gain first hand information.

Utah Basic Skills Competency Test - Dr. Laing reported that following the Enhancement in Public Education Task Force meeting in which legislators recognized or voiced concerns they were hearing about the priority of the Utah Basic Skills Competency Test and what the cut scores might be, we have proposed that it be delayed another year; and suggested that by doing so it would save some money. They were anxious to have consideration of all the concerns around these issues addressed. Dr. Laing noted that on July 25, 2002 there was an interesting editorial in the *Salt Lake Tribune* criticizing us for wanting to dumb-down the curriculum and the test.

Public Education Task Force Meeting - They spent most of the time talking with Representative Cox and his issue of instructivist and constructivist thinking. Dr. Laing will provide a future report on this issue.

Upcoming Legislation - We are aware that with the Supreme Court ruling on vouchers in the Ohio case, there is renewed interest in creating a tuition tax credit or a similar voucher program in Utah. Some legislators are interested in trying to resolve this once and for all by putting it as a ballot initiative to be voted on by all of the people.

Secondary School Completion Diploma R277-705 - This is under the Consent Calendar to be acted upon by the Board today. Dr. Laing reported that at the Utah School Superintendents Association meeting last week some discussion surfaced about this and of the superintendents there the vote was taken as to whether or not to support the rule. The vote was 15 in favor, 13 opposed. The opposition centers primarily around the issue of having a test that generates an equivalency diploma.

Dr. Laing reported that Utah is one of four states that does not recognize the GED as a diploma but a certificate. Dr. Laing indicated that the difference in a diploma and a certificate, within the state, in practice there was not much difference, but outside the state it could be somewhat significant. Dr. Laing stated that in conversations with the superintendents the vote could probably changed to 25 to 3 if the Board just modified the language in the rule around the equivalency diploma to say something like a general education, high school academic equivalency diploma. He did indicate that a board member would have to lift the rule from the General Consent Calendar to make the modifications.

Member Laurel Brown noted that as the Curriculum Committee reviewed the rule they spent a lot of time trying to be sure that there was a good marriage between a regular high school diploma and adult education. There are other rules

that help make this all fit together. She indicated that with all the work that was put into this she felt comfortable with the word diploma.

U.S. Department of Education National Center for Educational Statistics Award - For the sixth consecutive year Utah has been one of the very few states and territories to receive outstanding awards for both the financial and statistical report from the U.S. Department of Education National Center for Educational Statistics. Deanna Timothy and Cathy Dudley in the Finance Section work on this statistical and financial report and our VCS Computer Specialist and our Agency Computer Staff who compile these reports.

Executive Session

Motion was made by Member John C. Pingree and seconded by Member A.

Earl McCain to move into an executive session to discuss personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session during lunch at 12:35 p.m.

Motion was made by Member Teresa L. Theurer and seconded by Member Marilyn Shields to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:35 p.m.

Executive Officer Report Cont.

Dr. Laing reported that Dick Scott, the Human Resource Director has taken a position with the Salt Lake City School District. This position is being held open at the present time. Sharon Courtese has been appointed as an Interim-Director.

Comparing Public and Private Schools - Dr. Laing distributed a paper "Comparing Public and Private Schools which was prepared by Mark Peterson to look at the allegations that private education can be done for a lesser amount than public education. (For complete details, see General Exhibit No. 8851.)

Communication to Schools - With all the changes in the curriculum and U-PASS we felt it was important to communicate with the schools and the teachers in such a way to keep track of the most current version of the curriculum and assessments. We have prepared posters for elementary, middle and high schools which have been distributed throughout the districts and the schools.

Career Preparation for Solving a Growing Utah Crisis - Dr. Laing noted that a former board member, Richard Maxfield in collaboration with Garth Mangum and the University of Utah, has written this. This is a proposal for restructuring education focusing on the development of job skills and employment skills looking at competency based progress, etc. (For complete details, see General Exhibit No. 8852.) Dr. Maxfield has been working with the employer entities of the Governor's Business Coalition who seem to be quite intrigued by this.

Utah School Boards Association Public Relations Campaign - We have received a letter from the Utah School Boards Association acknowledging the Board's support of this effort and the fact that many of the Board Members have contributed to it.

Charter Schools - Dr. Laing noted that two questions have arisen relative to charter schools. One dealing with the Salt Lake Arts Academy Charter School, where the Board approved a charter for them effective January 1, 2003 and encouraged them to work with Salt Lake City School District to perhaps be chartered with the district. The question is since they are approved is it the intention that they have access to start-up funding this year? If so, now versus January 1. Dr. Laing indicated that administratively we would probably rule that yes they are entitled because the Board has awarded a charter. He requested Board direction relative to the issue.

Discussion ensued relative to the issue of whether the talks with the Salt Lake City School District were actually taking place and it was determined that they have been actively working with the Salt Lake City School District to execute their charter.

Further discussion ensued relative to the use of start-up funding and whether or not the school would open after they used the funds. Also, there was a question as to whether approval was for January 1, 2003 or if they were approved based on the date the Board approved the charter. It was also noted that the January 1, 2003 date was placed on the approval so they would have an opportunity to seek approval from the Salt Lake City School District. It was also clarified that the funds at issue are federal funds, not state fund.

Communications from Charter Schools opening this year requesting the opportunity to adjust their calendar slightly. Thomas Edison Charter School would prefer to open their doors on August 21 rather than September 3 so they more closely correlate with the district calendar in Cache Valley.

Another request from the Timpanogos Academy Charter School requesting a delay in their opening from August 26 to September 3 due to a delay by their contractor.

Dr. Laing noted that it was the intention of staff to approve these requests unless the Board felt differently.

There was discussion during the special session of the legislature to combine the Utah State Office of Rehabilitation with Workforce Services. There was quite an outcry from the community about this and the issue was never advanced. This is a statement about the agency and the quality of services they provide under the Board's oversight and supervision.

Utah State Office of Education Mission Statement and Goals - Dr. Laing reported that the office has completed the final draft of the mission statement and goals for the agency. Dr. Laing will send them out to the Board at a later time.

Mission: The Utah State Office of Education will promote consistency and implementation of education policy and advocacy for students through leadership, service and accountability.

Goals: Leadership through advocating sound educational practice, providing reliable information and facilitating collaboration. Service through providing technical and professional assistance and accountability through implementation of law and police in the collection and reporting of information.

Board Chairman Report

Chairman Burningham reported that the next Board meeting which is scheduled for September 5 and 6, was scheduled for a two day meeting because we thought we would leave Salt Lake City. However, with budget constraints, this is not the year to do that. It is proposed that we use September 5 for the Standing Committees to get together and complete their strategic planning detail; and September 6 will be the regular meeting.

Chairman Burningham reported that the Board Members assigned to the "Apple Initiative" being convened by Speaker Stephens will be Vice Chairman Janet Cannon and Member Mike Anderson.

Chairman Burningham noted that August 20, 2002 will be our meetings with the Governor and Legislators. At 8:30 a.m. will be Republican Leadership, Room 303; 10:00 a.m. Democratic Leadership in the Senate Lounge and 11:30 a.m. with the Governor. Speaker Stephens really wants a chance to talk to Board Members about his proposal and has asked that it be the major item on the agenda of the meeting with Republican Leadership. The following Board Members expressed an interest in attending the meetings: Teresa Theurer, Dave Moss, Earl McCain, Mike Anderson, Janet Cannon, Marilyn Shields, Linnea Barney, Pamela Atkinson, and Denis Morrill. Chairman Burningham suggested that the Board take their Mission and Vision Statements and Goals.

Chairman Burningham announced that the combined National School Boards Association and the National Association of State Boards of Education will host a national convention for board chairs in Salt Lake City at the Little America Hotel next Friday, Saturday and Sunday.

Chairman Burningham announced that the National Association of State Boards of Education will be holding their Annual Meeting in San Diego, in October. Please let Twila know by August 15 if you are planning to attend that meeting.

Vice Chairman Janet Cannon reported that she had been invited to go to the Governor's office where RC Willey in conjunction with the *Deseret News* made a presentation and she was the recipient. They presented an Olympic Book for each school in the State of Utah. She expressed appreciation to RC Willey and the *Deseret News* for their generous gift.

Vice Chairman Janet Cannon reported that Pat Clouber of the US Department of Education's Regional Office in Denver called to congratulate us on Utah's receiving the Reading First Grant. Ultimately this will mean approximately \$30 million to our state to promote reading. She expressed appreciation to staff who had written the grant for Utah. It was also noted that Utah was one of six states to receive the grant.

Associate Superintendent Bonnie Morgan reported that Laurie Lacey, Jan Dole and others. She reported that the grant was deemed "brilliant" by the federal government. In 19 of the 25 categories we were rated exemplary. Dr. Morgan indicated that there are 12 districts who will be eligible for the money and it will be distributed through a competitive grant process.

Salt Lake Arts Academy

Start-up Funding Request

Member Mike Anderson referred the Board to the June 14, 2002 minutes wherein it states that the Salt Lake Arts Academy charter would be granted effective January 1, 2003, with the stipulation that they pursue chartering within the Salt Lake City School District. He felt the approval of the charter for the Salt Lake Arts Academy was not in place until January 1, 2003.

Superintendent Laing commented that anything the charter school does until January 1, 2003 that would encumber the expenditure of funds would not be eligible to file for reimbursement of this special start-up money.

Member Anderson clarified that the expenses incurred by the charter school from June 14, 2002 to January 1, 2003 can be reimbursed, but their charter is not effective until January 1, 2003.

Motion was made by Member R. Michael Anderson and seconded by Member Teresa L. Theurer that effective June 14, 2002 expenses incurred by the Salt Lake Arts Academy may be reimbursed 30 days after January 1, 2003 according to the State Board of Education Rule R277-470, and federal legislation.

Member Anderson indicated that the Finance Committee will be recommending approval of a revision of R277-470 and asked that action on the motion be postponed until after action on the rule.

Executive Session Actions

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member and seconded by Member David L. Moss and seconded by Vice Chairman Janet A. Cannon to accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 01-580, and revoke, based upon default, the license of a former educator in Iron School District. This action is taken following the educator's conviction by a jury of forcible sexual abuse of a minor, a second degree felony, in Utah Fifth District Court. The educator had a sexual relationship with a 16-year old female student. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Vice Chairman Janet A. Cannon to accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 02-585 and revoke, based upon default, the license of a former elementary school educator in Granite School District. The action is taken following the educator's conviction of theft in Utah Third District Court. The educator stole items from teachers on school property. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Vice Chairman Janet A. Cannon to accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 02-594 and accept a stipulated

agreement, including conditions of the agreement, whereby a substitute teacher, voluntarily surrendered his educator license in lieu of a hearing for purposes of revocation for a period of not less than five years. The educator's revocation results from inappropriate sexual behavior at school that was witnessed by students. Motion carried unanimously.

(For complete details of the Professional Practice Commission Recommendations see General Exhibit No. 8853.)

Board Standing Committee Reports

Curriculum Committee

Member Teresa Theurer, Chairman of the Curriculum Committee, presented the following recommendations from the Committee:

Comprehensive Guidance Program

R277-462 - Amendments

The Comprehensive Guidance Program rule is amended to provide consistency with language and intent made by the revision of the law through HB 262. The amendments provide for stronger integration of Comprehensive Guidance into the school improvement plan and process consistent with R277-413, Accreditation of Secondary Schools, Alternative or Special Purpose Schools. (For complete details of the rule see General Exhibit No. 8854.)

The Committee approved the amendments to R277-462, Comprehensive Guidance Program on first reading and moves that the State Board of Education approve the amendments on second reading. Motion carried unanimously.

Secondary Applied Technology

Education, R277-911 - Amendments

The Secondary Applied Technology Education rule, Section 4, Disbursement and Expenditure of Applied Technology Education Funds-General Standards, was amended in December 2001 to include grades 7 and 8 in the calculation. Due to cutbacks in FY 2002 and FY 2003 district budgets, it has been determined that any change should be delayed at least one year. Further study is needed to determine if changes in the formula would adequately fund ATE programs in grades 7-8 without placing an increased burden on district funding sources. (For complete details, see General Exhibit No. 8855.)

The Committee approved the amendments to R277-911, Secondary Applied Technology Education on first reading and moves that the State Board of Education approve the amendments on second reading. Motion carried unanimously.

Utah Schools for the Deaf and the

Blind Superintendent Evaluation

The Committee received in an executive session a report from the Utah Schools for the Deaf and the Blind Institutional Council Chair, Mary Ann Smail, relative to an evaluation of the Superintendent of the Schools for the Deaf and the Blind. The Committee supported the recommendation to retain Superintendent Robinson. During the past year the school has gone through some difficult and challenging times with public relations and budget reductions and the Institutional Council felt that Superintendent Robinson has done a good job in handling these issues.

Motion from the Committee that the Board accept the recommendation of the Utah Schools for the Deaf and the Blind Institutional Council to retain Dr. Lee Robinson as Superintendent. Motion carried unanimously.

State Board Goal Objectives

The Committee reviewed the information provided on the State Board Goal Objectives. The Committee had the following suggestions/additions to the material presented:

Goal #2, Objective 1, Ensure families of each student have U-PASS and Utah Basic Skills Competency Test information. Add to the end of the Action Steps "and emphasize the importance of such testing." Also, change after SEP/SEOP conferences a vital tool to disseminate: . . .

The Committee asked for a review of all the rules that may apply to getting information to parents.

Objective 2 - change the wording to read: Review the way the law stands working with judges and others who may be able to help parents assist their children succeed in school. Under time line, initiate a review of that by February 2003.

Objective 3 - Add the words "improve the" at the beginning. Time line, March 2003.

Motion from the Committee to adopt the revisions and additions to the time lines. Motion carried unanimously.

Goal 4 - Objective 1, Action Step 1A. **Direct the Utah State Office of Education to address the ELS needs as first priority and reorganize the specialists responsibilities to define basic level ESL skills for teachers, best practices and develop a professional development model.**

Discussion ensued relative to whether the committee wanted to direct staff or to initiate actions in these areas.

Action Step 1B delete the last word "training" and replace it with "education."

Action Step 1C Determine how all teachers can acquire ESL endorsements.

Objective 3, change to read: "Provide English-learning resources to families of ESL students; parents should be encouraged to develop English proficiency concurrently with their children."

Chairman Burningham voiced uneasiness with Objective 2.

Motion from the Committee to adopt the recommended changes. Motion carried unanimously.

(For complete details of the Goals document, see General Exhibit No. 8856.)

Law and Policy Committee

Member David L. Moss, Chairman of the Law and Policy Committee presented the following recommendations from the Committee:

Annual Assurance of Compliance by

School Districts, R277-108

In the April meeting, after reviewing legislative action, the Board indicated a desire to have districts submit positive assurance of compliance with legislative directives for which the Board was given no specific responsibility for monitoring. While the Board recognized the responsibility for compliance was directly given to the local school districts, it also acknowledged the fact that it and the Utah State Office of Education (USOE) are invariably asked about whether or not districts are complying with legislative directive. The external audit performed by MGT of America also indicated the Board, through the USOE, needed better clarity with regard to monitoring compliance.

Rule R277-108 Annual Assurance of Compliance by School Districts puts in place a process by which the Board can consistently acquire the information needed to respond to legislative requests for information about district implementation. It was noted that the rule will need annual revision of subsection 5 Assurances (lines 50 through 77) as new legislation is identified following the general legislative session. (For complete details of the rule, see General Exhibit No. 8857.)

The Committee approved R277-108, Annual Assurance of Compliance by School Districts on first reading and

recommends that the Board approve the rule on second reading. Motion carried unanimously.

Testing Procedures, R277-473,

Proposed Amendment

Testing Procedures, R277-473 is proposed to be amended to provide additional definitions, specific testing dates, additional information about security of testing materials, and dates for the return of testing results to schools from the USOE.

The Committee further amended the rule on page 3, R277-473-4 B. Each school district shall maintain a record of the number of booklets of all secure test materials sent to each school in the district, and shall submit the record to USOE upon request. (For complete details of the amended rule, see General Exhibit No. 8858.)

The Committee approved R277-473, Testing Procedures, on first reading and moves that the State board approve the rule on second reading. Motion carried unanimously.

Entry Years Enhancements (EYE) for

Quality Teaching Level 1 Utah Teachers,

R277-522

In accordance with amendments to the Higher Education Act of 1965 Title II, the Utah State Board of Education approved and submitted to the U.S. Department of Education a plan to report teacher preparation programs and licensing in Utah. Part of the plan outlines Entry Years Enhancements (EYE) for beginning teachers. The enhancements provide an induction process to promote quality teaching. The federal Higher Education Act (1998) requires each state to submit a plan to improve the quality of teacher preparation programs and to report annually the status of each program. Because accountability is an important component of the federal requirement, the Utah plan, previously approved by the Board, identifies the beginning years of experience (3 years) as very important for new teachers, and the plan provides a structured set of enhancements leading to quality teaching. Under R277-522, beginning January 2003, new teacher graduates from Utah preparation programs who are employed in Utah shall expect the following enhancements to their preservice training in order to move from Level 1 to Level 2 licensure, typically within a three(3) year process: (1) Be assigned a trained mentor; (2) Pass the Praxis II Principles of Learning and Teaching Examination; (3) Have successful district evaluations; and (4) Show evidence of a working portfolio.

The Utah plan provides a conceptual framework to assess new teachers, and Administrative Rule 277-522 implements that framework. The Law and Policy Committee reviewed and approved this rule on first reading at the June 14, 2002 Board Meeting. Districts were given additional time for input. (For complete details of the rule see General Exhibit No. 8859.)

The Committee reviewed R277-522, Entry Years Enhancements (EYE) for Quality Teaching Level 1 Utah Teachers and moves that the State Board of Education approve it on second reading. Motion carried unanimously.

Update Charter Schools Evaluation

Utah State Office of Education staff and Board Member Dave Moss received an update of the methodology and research questions that are part of the formalized evaluation of charter schools in Utah. At the end of the first three-year cycle, an independent evaluation of charter schools is being conducted pursuant to original legislation. The evaluator is a research group from Utah State University associated with The Center for the Schools of the Future, and they provided an overview of the evaluation and reporting time table. The current agreement is to provide the Board with the complete evaluation in the October Board Meeting. (For complete details of the update, see General Exhibit No. 8860.)

Charter School Application Review Process

The Board requested a process for review and consideration. This process has been developed and reflects the general outline to be followed as new charter school applications are submitted and considered. (For complete details, see General Exhibit No. 8861.)

The Committee amended the process to include a new box on the flow chart which reads: USOE technical assistance available for applicants and for districts receiving the Charter application. Last box may also be changed based upon action by the Board later in the meeting to change from 45 to 30 days of receipt of application. It was clarified that if there was a motion later in the meeting to approve a rule, the change would apply.

The Committee moves that the State Board of Education approve the process. Motion carried unanimously.

Sundance Mountain Charter School

Request for a One-year Closure

Sundance Mountain Charter School lost its building lease through the Sundance Resort Foundation during the spring of 2002. There have been several unsuccessful attempts to secure a new location that would be in close proximity to the current location. A recent development is the possibility of a location in the Wasatch School District; however, at the time of the publishing of the agenda, those discussions were in process. The charter school board is requesting permission from the State Board to keep its charter and seek a new location intending to reopen for the 2003-2004 school year. The Committee considered the following options: (1) Grant the request and allow the school one year to find a new location. If a new location is not secured in one year, the charter is discontinued. If a new location is found, the charter will continue in the 2002-2003 school year. (2) Discontinue the present charter and require application or reapplication to a local board when the school is ready to resume operation.

Other issues the Committee considered were: (1) The original charter was for a specific number of students in a specific locale. (2) What will happen to the students while no school exists. And, (3) Whether these and related issues change the essential elements of the charter and do they invalidate the existing charter. (For complete details of the request, see General Exhibit No. 8862.)

Motion from the Committee for the Sundance Mountain Charter School to change from the Alpine District to the Wasatch District for one year. At the end of that period of time, the Sundance Mountain Charter School will seek a charter from the Wasatch School Board. Further, if the Wasatch School Board or any other school board does not grant Sundance Mountain Charter School, they can apply to the State Board for a new charter. Motion carried unanimously.

State Board Goal Objectives

The Committee reviewed the Board Goal Objectives and made the following recommendations:

Goal 3, Action Steps 1B, change the word adopt to **review**.

Motion from the Committee to adopt the Objectives and Action steps as amended. Motion carried unanimously.

Goal 5, Objective 1, added "**maintain** and encourage legislative contacts: keep them going and be dynamic.

Objective 2, add the word **Increase**. Increase community participation and visibility.

Objective 3, **Concentrate** on strategic planning and on the development of the strategic plan.

Objective 2 - Action Steps, 2B. **Consider** creation of a pictorial booklet after elections to use at Legislature and to give at school visits.

Objective 3, Action Steps 3A. Create in advance an agenda for one year that includes ongoing strategic planning.

Motion from the Committee to approve the Goals, Objectives, and Action Steps as amended. Motion carried with Members Anderson, Barney, Brown, McCain, Morrill, Moss, Pingree, Richards, Shields and Theurer voting in favor; Vice Chairman Cannon absent.

Finance Committee

Member R. Michael Anderson, Chairman of the Finance Committee presented the following recommendations from the Committee:

Charter Schools, R277-470

The Committee reviewed the summary of proposed changes to R277-470, Charter Schools. Some of the changes were reviewed in the June Board meeting by the Law and Policy Committee. Additional changes dealing with funding charter schools were proposed. It was noted that because of the preponderance of changes dealing with funding, the rule was considered by the Finance Committee. (For complete details of the rule and the proposed changes, see General Exhibit No. 8863.)

The Committee made two amendments: Page 1, Line 22, delete between, add **with**. Page 8, Line 273, R277-470-8 should be R277-470-6.

Member Anderson reviewed the change in the rule under application reducing the time from 45 days to 30 days for the open enrollment period.

Superintendent Laing noted that the problem with the flow chart has to do with the language on page 3, beginning with Line 101. If this stays in place the flow chart would need to be changed because if a charter submitted an application quickly and the Board does not need to make the decision until the November meeting, we have exceeded 45 days. He suggested that the final box on the flow chart should read: By the November Board meeting for applications received by September 1.

Deputy Superintendent Gary Carlston indicated that the law specifies 60 days. One way to correct it is to change the September 1 to September 10.

Member Mike Anderson suggested that it be changed to indicate 60 days prior to the November Board meeting.

Member Mike Anderson suggested that the change be made on Page 3, Line 104 and delete by September 1 and replace it with **60 days prior to the November Board meeting**.

Carol Lear, Coordinator, School Law and Legislation indicated this would pose a problem in administrative rule writing because it would be a floating date from year to year and would not provide adequate notice. She suggested absolute dates and to add a definition for "receipt by the Board means."

Superintendent Laing suggested writing the definition to read "those applications that are in the possession of the State Office of Education on or before a certain date and are considered to be received as of that date."

Motion was made by Member R. Michael Anderson that the application be received by the Board by the September Board meeting. There was not second to the motion.

Member Teresa Theurer voiced concern with not putting in a specific date. Member Dave Moss agreed that there needed to be a date listed because our Board meetings may change for one reason or another.

Motion was made by Member R. Michael Anderson to change Line 104 to read September 15 instead of September 1. Amendment was accepted.

Member Anderson indicated that one of the big changes is that there has been a disincentive for the local school districts to take on a charter school. This rule accomplishes the task that all charter schools will then receive the extra

half of the wpu, so there are no disincentives.

Motion from the Committee that the Board approve R277-470, Charter Schools on second reading with the amendments noted above. Motion carried with Members Anderson, Barney, Brown, Morrill, Moss, Pingree, Richards, Shields and Theurer voting in favor; Member McCain opposed and Vice Chairman Cannon absent.

Motion from earlier made by Member R. Michael Anderson and seconded by Member Teresa L. Theurer relative to the Salt Lake Arts Academy that from June 14 when the application was submitted until the effective approval date of January 1, 2003 the charter school is authorized to accrue expenses that are eligible for reimbursement according to federal statutes and that those funds will be disbursed back to them according to the rules approved today, R277-470. Motion carried with Members Anderson, Barney, Brown, McCain, Morrill, Moss, Pingree, Richards, Shields and Theurer voting in favor; Vice Chairman Cannon absent.

State Board Goal Objectives

The Committee reviewed the Board Goal Objectives and made the following recommendations:

Goal 1, Item 1, added time line of October of each year.

Chairman Burningham suggested deleting the words "being advocated." in Item 1.

Motion from the Committee to approve the changes to Goal 1. Motion carried with Members Anderson, Barney, Brown, McCain, Morrill, Moss, Pingree, Richards, Shields, and Theurer voting in favor; Vice Chairman Cannon absent.

Goal 6 was deferred until September 5th.

General Consent Calendar

Motion was made by Member Laurel Brown and seconded by Member R. Michael Anderson to approve the General Consent Calendar as presented. Motion carried with Members Anderson, Barney, Brown, McCain, Morrill, Moss, Pingree, Richards, Shields, and Theurer voting in favor; Vice Chairman Cannon absent.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held June 14, 2002.

2. Contracts

(A) Utah Education Network. \$24,000. 8/9/02-6/30/03 - Amend.

To pay EDNET site/system fees associated with USOE-originated video conferences.

(B) Governor's Council for People with Disabilities. \$47,292.00. 7/1/02-6/30/03 - Amend. - Fed.

Provide funds and operating guidelines for a statewide information and referral program (ACCESS UTAH NETWORK) to meet information needs for persons with disabilities and their families in the State of Utah. The program will be administered by the Utah Governor's Council for People with Disabilities.

(C) Kane County School District. \$7,903. 7/1/02-6/30/03. - Amend. - Fed.

To provide funding for a Transition Facilitator to provide for transition services to Special Education and 504 Students in the Kane County School District. This target population is comprised primarily of Vocational Rehabilitation clients and potential Vocational Rehabilitation clients.

(D) Washington County School District. \$14,641. 7/1/02-6/30/03. - Amend. - Fed.

To provide funding for a Transition Facilitator to provide for transition services to Special Education and 504 Students in the Washington County School District. This target population is comprised primarily of Vocational Rehabilitation clients and potential Vocational Rehabilitation clients.

(E) LASON. \$6,090. 7/1/02-6/30/03 - Amend.

To provide maintenance of the optical imaging system.

(F) Utah Parent Information and Training Center. \$60,000. 7/1/02-6/30/03. Amend. - Fed.

The Utah Parent Information Center is the only center in the state which serves as a statewide clearinghouse for parents with disabled children. UPC provides information, referral, training and support to parents.

(G) Art Access/VSA Utah. \$40,000. 7/1/02-6/30/03. - Fed.

To ensure integrated arts for students with disabilities. Train and recruit professional artists to provide direct service to students and provide inservice training to teachers, aides parents and administrators. Use "Start With the Arts" Curriculum for preschoolers learning basic skills through art.

(H) Utah State Department of Human Services. \$35,000. 4/1/02 - 3/30/02. - RECEIVABLE - Fed.

To provide funds to employ one benefit counselor full time to work the SSI/SSDI referrals.

(I) LuAnn Mitchell Walkenhorst. \$22,000. 8/9/02-9/30/03 - Amend. - Fed.

Safe, Orderly schools; ServSafe Training promotes increased food safety. Basic Knowledge: Nutrition curricula are Utah state approved curricula literacy improvements for all students. Good nutrition is linked with literacy.

(J) ACT, Inc. \$6,028,250. 8/9/02 - 12/2010.

Construct Utah Core Assessment Criterion-Referenced Language Arts Tests.

(K) Measured Progress. \$221,255. 8/9/02 - 10/01/04. - Amend.

To develop the Utah Core Curriculum Secondary Language Arts End-of-Course Criterion-Referenced Tests. The 1st amendment included development of constructed-response and viewing items, production/duplication of video tapes and admin. Of spring 2001 operational assessment. 2nd Amendment allows for equating and scaling of scores for the tests in order to compare performance year to year with the new tests that are provided.

(L) Metametrics. \$167,600. 8/9/02-6/30/04. - Amend.

With the use of Metametrics the USOE can describe a student's reading level based on comprehension skills. To provide Lexile information based on the Utah Core Criterion-Referenced tests, it is necessary to complete a study to establish a relationship between the test scores and Lexile levels. The research cost is included in the annual license fee.

(For complete details of the Contracts, see General Exhibit No. 8864.)

(3) State Board of Education Administrative Rule Repeals

The law no longer requires the rule or practice and funding has changed or been eliminated making the rule no longer necessary.

R277-402 Incentives for Excellence in Public Schools

R277-403 Productivity Project Studies: Classified Employee Program

(For complete details of the rules, see General Exhibit No. 8865.) The Board repealed the above listed rules.

(4) Administrative Rule Review

Under provisions of 63-46a-9, U.C.A. 1953, all administrative rules shall be reviewed every five years. There may be minor non-substantive changes within these rules. It is recommended that the following rules be reviewed and approved:

R277-101 Public Participation in Utah State Board of Education Decisions

R277-103 USOE Government Records and Management Act

R277-112 Prohibiting Discrimination in the Public Schools

R277-115 Copyrighting Material Developed with Funds that Flow Through the Board

R277-116 USOE Internal Audit Procedure

R277-400 School Emergency Response Plans

R277-401 Child Abuse-Neglect Reporting by Education Personnel

R277-407 School Fees

R277-408 Expenditures for Instructional Supplies Required in Utah Public Schools

R277-410 Accreditation of Schools

R277-411 Elementary School Accreditation

R277-412 Junior High and Middle School Accreditation

R277-433 Disposal of Textbooks in the Public Schools

R277-445 Classifying Small Schools as Necessarily Existent

R277-502 Educator Licensing and Data Retention

R277-505 Administrative/Supervisory Certificates and Programs

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

R277-514 Board Procedures: Sanctions for Educator Misconduct

R277-608 Prohibition of Corporal Punishment in Utah's Public Schools

R277-703 Centennial Scholarship for Early Graduation

R277-713 Concurrent Enrollment of High School Students in College Courses

R277-720 Child Nutrition Programs

R277-750 Education Programs for Students with Disabilities

R277-911 Secondary Applied Technology Education

(For complete details of the rules, see General Exhibit No. 8866.)

5. Utah Professional Practices Advisory Commission Appointment Process

R277-106

The Utah Professional Practices Advisory Commission Appointment Process rule has been amended to make minor clarifications in the Utah professional Practices Advisory Commission appointment process. The amendments also recognize the appointment of two PTA members to the Commission. The Board approved the amendments on second reading at the June 14, 2002 Board Meeting. There have been no substantive changes to the rule since that time. (For complete details, see General Exhibit No. 8867.) The Board approved R277-106, Utah Professional Practices Advisory Commission Appointment Process on third and final reading.

6. Distribution of Funds to Arts and Sciences, R277-444

Senate Bill 1, passed by the 2002 Legislature eliminated the appropriation to the Utah State Office of Education to distribute funds to arts and sciences organizations which are not identified in line items within the bill.

Twelve organizations, identified in S.B. 1, continue to receive line item funding from the Legislature. Consequently, the provisions of the rule for reporting and accountability are still necessary. Amendments to the rule were made by the Board at the June 14, 2002 Board Meeting and the Board approved the rule on second reading with the amendments. There have been no substantive changes to the rule since that time. (For complete details, see General Exhibit No. 8868.) The Board approved R277-444, Distribution of Funds to Arts and Sciences on third and final reading.

7. Instructional Materials Commission Operating Procedures, R277-469

The Instructional Materials Commission Operating Procedure rule was amended as follows to reflect legislation passed in 2001 and 2002:

- Amend the definition of instructional materials to reflect changes in the law to include textbooks, workbooks, computer software, laserdiscs or videodiscs, and multiple forms of communication.
- Clarify the difference between primary instructional materials and student resource materials.
- Change the standard recommendation period from four to five years.
- Eliminate the opportunity for publishers to increase the price of instructional materials during the recommendation period.
- Require each publisher to maintain at least one depository where instructional materials are available for review and/or purchase by school districts or schools.
- Allow for school districts or schools using local review committees to select their own instructional materials, and provide for accountability to the Utah State Office of Education.

The Board approved the amendments to the rule on second reading at the June 14, 2002 board meeting. There have been no substantive changes to the rule since that time. (For complete details, see General Exhibit No. 8869.) The Board approved R277-469, Instructional Materials Commission Operating Procedures on third and final reading.

8. Patriotic Education, R277-475

House Bill 79, passed by the 2002 Legislature, requires schools to display the national motto of the United States, "IN GOD WE TRUST," in one or more prominent places in each school building. R277-475 has been amended to reflect this new legislation.

The Board approved the amendments to the rule on second reading at the June 14, 2002 board meeting. There have been no substantive changes to the rule since that time. (For complete details, see General Exhibit No. 8870.) The Board approved R277-475, Patriotic Education on third and final reading.

9. Secondary School Completion and Diplomas, R277-705

The Secondary School Completion and Diplomas rule provides local boards of education and school districts with consistent definitions and minimum requirements for Utah students completing high school, including specific and alternative methods for awarding credit. The rule provides criteria for diplomas and certificates of completion, including the adult education diploma, consistent with the law. The rule also provides passing scores, a time line, and an appeals process for students who take and pass or fail the Utah Basic Skills Competency Test required for a high school diploma beginning with the 2003-04 school year. The Board approved R277-705 on second reading at the June 14, 2002 board meeting. During the 2002 Fifth Special Session, which took place after the June 14, 2002 Board meeting, the Legislature, in H.B. 5007, amended the law to extend the beginning date for the tenth grade basic skills competency test, by a year, changing the date from the 2002-2003 school year to the 2003-2004 school year. Those necessary date changes are now reflected in this rule. (For complete details of the rule, see General Exhibit No. 8871.) The Board approved R277-705, Secondary School Completion and Diplomas on third and final reading.

10. Charter School Accountability and Assistance, R277-481

Legislation requires the State Board to work with charter schools to ensure that they meet the provisions of their approved charters. At the April and May meetings of the State board, the Law and Policy Committee considered R277-481 and recommended changes which have been incorporated. Specifically, this rule applies to charter schools that are approved by local boards of education as well as the State Board of Education. The rule has been refined to clarify

definitions, procedures, and processes that will be followed by the state and local boards in working with charter schools to meet the provisions of their charters and to satisfy Board responsibility for charter school compliance with the law and the schools' charters. The rule also provides procedures in the event of noncompliance. Further amendments were made to the rule at the June 14, 2002 meeting and the rule was adopted by the Board on second reading. There have been no substantive changes to the rule since that time. (For complete details, see General Exhibit No. 8872.) The Board approved R277-481, Charter School Accountability And Assistance on third and final reading.

11. Negotiated Agreement Between The Utah Schools for the Deaf and the Blind

Education Association and the Utah Schools for the Deaf and the Blind 2002-2003

The Negotiated Agreement between the Utah Schools for the Deaf and the Blind Education Association, and the Utah Schools for the Deaf and the Blind for 2002-2003 school year was reviewed. (For complete details, see General Exhibit No. 8873.) The agreement has been endorsed by the Utah Schools for the Deaf and the Blind Institutional Council and the USDB Education Association.

The State Board of Education approved the Negotiated Agreement for the 2002-2003 school year.

12. Utah State Board of Education E-mail Guidelines

Because any e-mail communication among Board members represents permanent Board records that can be subject to public disclosure, the Board directed staff to prepare guidelines for Board members to follow when using e-mail to communicate with one another. (For complete details of the Guidelines, see General Exhibit No. 8874.)

The State Board of Education approved the E-mail Guidelines as presented.

13. Utah School Boards Association Dues

An invoice for the Utah School Boards Association Dues for Fiscal Year 2003 in the amount of \$950.00 was approved by the Board. (For complete details, see General Exhibit No. 8875.)

14. Brigham Young University Teacher Education Program Review

The educator preparation program approval process provides an ongoing mechanism for the Board to monitor the types of programs available and to ensure that programs meet standards. Good preparation programs lead to more qualified educators in the field and improved learning experiences for students.

Program reviews are conducted every five years. The process includes an institution self-study and an On-Site Team visit to assess the institution's practices with state standards. The report contains commendations, recommendations, and suggestions to which a response from the institution is required within one year. Brigham Young University completed the Self-Study Report and an On-Site Team completed the review. The University will now prepare a response to the review within a reasonable period of time but not to exceed one year from the date of the Board approval. (For complete details of the Program Review see General Exhibit No. 8876.)

The State Board of Education approved the Brigham Young University Teacher Education Program Review submitted by the On-Site Review Team.

- Utah Valley State College's Proposal for a Secondary Education Endorsement

in Business/Marketing

Utah Valley State College has proposed adding an endorsement program in the area of Business/Marketing. The college has identified student interest in this program and it has been approved by the State Board of Regents. The Educator Development Advisory Committee has reviewed the proposed endorsement and recommends approval. (For complete details, see General Exhibit No. 8877.)

The State board of Education approved Utah Valley State College's proposal for a Secondary Education Endorsement in Business/Marketing.

16. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses was approved by the Board. (For complete details, see General Exhibit No. 8878.)

17. Claims Report

The Claims Reports for May 31, 2002 and June 30, 2002, in the amount of \$168,653,098.21, \$160,059,886.22, \$160,230,435.11, and \$4,244,544.67 respectively were approved by the Board. (For complete details, see General Exhibit No. 8879.)

Motion was made by Member Denis R. Morrill to adjourn. Motion carried.

Meeting adjourned at 4:00 p.m.