

MINUTES

January 10, 2002

Minutes of the meeting of the State Board of Education held January 10, 2002, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 9:20 a.m. At the request of Chairman Kim R. Burningham, Vice Chairman Janet A. Cannon presided. Members present were:

Chairman, Kim R. Burningham

Vice Chairman, Janet A. Cannon

Member R. Michael Anderson

Member Pamela J. Atkinson

Member Linnea S. Barney

Member Laurel Brown

Member Greg W. Haws

Member David J. Jordan

Member Judy Larson

Member A. Earl McCain

Member Denis R. Morrill

Member David L. Moss

Member John C. Pingree

Member Joyce W. Richards

Member Marilyn Shields

Member Teresa L. Theurer

Member Max L. Torres

Also present were:

Executive Officer Steven O. Laing

Deputy Superintendent Gary L. Carlston

Associate Superintendent Bonnie Morgan

Associate Superintendent Patrick Ogden

Public Affairs Director Mark Peterson

Board Secretary Twila B. Affleck

Also present for portions of the Board meeting were:

Members of the Press:

Jennifer Toomer Cook, Deseret News

Beth Dove, Standard Examiner

Janice Jones-Schroeder, Coalition of Minorities Advisory Committee

Supi Mailei, Coalition of Minorities Advisory Committee

Chris Segura, Coalition of Minorities Advisory Committee

Soulee Stroud, Coalition of Minorities Advisory Committee

J. Michael Clara, Coalition of Minorities Advisory Committee

Pat Rusk, Utah Education Association

Utah State Office of Education staff:

Vicky Dahn, Instructional Services

Nancy Giraldo, Instructional Services

Connie Tait, Instructional Services

Rebecca Anderson, Instructional Services

Laurie Lacy, Instructional Services

Ron Stanfield, Planning & Project Services

Barbara Gardner, Planning & Project Services

Janet Medrano, Agency Services

Randy Raphael, Agency Services

Connie Amos, Instructional Services

Barbara Lawrence, Planning & Project Services

Carol Lear, Planning & Project Services

Paul DeWitt, Planning & Project Services

Pat O'Hara, Agency Services

Larry Newton, Agency Services

Judy DeWaal, Agency Services

Cathy Dudley, Agency Services

Nan Gray, Instructional Services

Buddy Deimler, Instructional Services

Kent F. Mohlman, Internal Auditor

Patricia Bradley, Instructional Services

Linda Alder, Instructional Services

Shannon Fischio, Instructional Services

Scott Snelson, Instructional Services

Vice Chairman Cannon shared a quote "The only thing more costly than education is ignorance." Also "Most of the discussion of education in the United States is about money. Money is very important, but we ought to think once in a while about the things that money cannot do." by Robert M. Hutchins. Board Member Denis R. Morrill lead the Board in the Pledge of Allegiance.

Board Member Marilyn Shields offered the Reverence.

Twila B. Affleck recorded the minutes

MGT of America Final Report

Member Mike Anderson reported that the Board ad hoc committee assigned to pursue an audit of the State Office Of Education has been working with MGT of America as they have conducted and completed their work.

Dr. Linda Recio of MGT of America presented their final report to the Board outlining the major findings and recommendations of MGT concerning their study of the State Office of Education. (For complete details of the report, see General Exhibit No. 8729.)

Member Dave Jordan suggested that the Board receive a formal written response relative to the audit from the State Superintendent and the State Office of Education.

Member Mike Anderson suggested that the Leadership Committee create a committee, possibly the original audit

committee assigned to do oversee the audit, that would review the recommendations, evaluate them, and then assign them to proper standing committee so the information is used and to make sure this gets implemented. Superintendent Laing responded that both suggestions have merit because the board requested the audit. He indicated that he has prepared an initial response for the 91 recommendations, however, we are contemplating the impacts of budget cuts and the necessity of reorganization.

Motion was made by Member Michael Anderson and seconded by Member Marilyn Shields to express appreciation to MGT for their work and to accept the report. Further, that the Board Leadership Committee be directed to form a committee to respond to the recommendations made in the audit report.

Superintendent Laing expressed appreciation to Linda Recio and MGT for their work in preparing the audit.

The Board requested that a letter of appreciation be prepared to MGT for the job she has done, and how much we have enjoyed working with her.

Member Denis Morrill commented that he appreciated the professionalism in how the audit was handled and that it answered a lot of questions he has had since he has been on the board, especially the issue of enforcement and oversight.

Motion carried with Members Anderson, Barney, Brown, Burningham, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards, Shields and Theurer voting in favor; Member Torres was absent.

Chairman Kim Burningham indicated that Dr. Recio will be presenting the audit to the education interim committee later this morning.

Chairman Burningham noted that during the legislative session it may be necessary to call additional meetings of the Board to address some of the issues being presented and discussed at the legislature. He indicated that this would only happen if necessary.

Coalition of Minorities Advisory

Committee (CMAC) Quarterly Report

Board Member Marilyn Shields reported that she has had the opportunity to serve as liaison with the Coalition of Minorities Advisory Committee. She indicated that these people are passionate about the goals they wish to accomplish.

Janice Jones-Schroeder, Chair of the Coalition of Minorities Advisory Committee (CMAC) presented a quarterly report of the discussions and recommendations from the Committee. (For complete details, see General Exhibit No. 8730.)

Motion was made by Member Marilyn Shields and seconded by Member Laurel Brown to receive the report. Motion carried with Members Anderson, Barney, Brown, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards, Shields and Theurer voting in favor; Members Burningham and Torres absent.

Review of Budget and Potential

Legislation

Superintendent Steven O. Laing presented the comparison of the similarities and differences between the Governor's budget proposal and that of the State Board as amended in the December 4, 2001 Board meeting. (For complete details, see General Exhibit No. 8731.)

Dr. Laing provided an update on the budget process indicating that the Education Appropriations Committee would first focus on the 2002 budget, in which they are looking to cut \$20 million. He shared where the cuts were being

discussed for both public schools and the Utah State Office of Education, Utah State Office of Rehabilitation and the Schools for the Deaf and the Blind. One of the proposed cuts was a one day furlough for state employees, and also for schools, but the Analysts' thinking is that the schools use a preparation day or a career ladder day. In our response we pointed out that this would single out one employee group, the teachers, because they are the only ones that can participate in career ladders.

Dr. Laing indicated that the committee will be working on the budget cuts this week, and they want to be prepared to take their recommendation to the executive appropriations committee next week. It is anticipated that executive appropriations will do their work and have a bill ready to be addressed the first or second day of the session.

Dr. Laing reported that our presentation was to look at using rainy day funds. It is not anticipated that this will cover all of the cuts and whatever cuts are made they should not be in categorical areas, but once they are determined they should be given to the agency or the districts so they can make the cuts where they feel are necessary. This suggestion was not well received.

Member Pamela Atkinson reported that in the Higher Education appropriations committee the Board of Regents also asked that cuts be given in a bottom line figure, and not by institutions or others. Legislators were responsive to this recommendation.

Superintendent Laing commented that with some legislators we seem to have made some points of using the rainy day fund by recognizing it would not be ongoing funding, but one time. Still establishing the cuts and knowing that the districts and agencies 2003 budgets would reflect the lower amounts.

Member Dave Jordan reported that in a meeting with Senator Bennett earlier this week he indicated that it would be problematic to predict a recovery of the economy. Therefore, we should not have a high expectation of people letting go of the rainy day funds.

Superintendent Laing commented that during the Governor's Office of Planning and Budget presentation on the budget his representative was pointedly and inappropriately personally attacked on the use of rainy day funds as well as other recommendations in his budget.

Carol B. Lear, Coordinator, School Law and Legislation presented proposed legislation currently available that may affect public education. (For complete details, see General Exhibit No. 8732.)

Member Marilyn Shields commented that on the tracking sheet it shows that the Utah School Boards Association has already taken positions on some of these bills. She questioned when they had met to do this? Member Judy Larson responded that their legislative committee has met and this is reflective of their positions. Member Shields commented that she would like to see the Board take the lead with their position sooner. It was noted that the USBA Legislative Committee is meeting weekly to do some of this work and it is difficult to get the full State Board together for something like this.

Superintendent Laing reviewed with the Board the process for using the Internet and the USOE home page to review and track legislation and meetings of the different committees.

Vice Chairman Cannon noted that last year we had people who were interested in keeping us up-to-date on legislative issues. She requested that if anyone was interested in being more active in attending legislative meetings during the session to let leadership know. Member Pamela Atkinson indicated an interest in participating in this endeavor.

State Board Committee Reports

Curriculum Committee

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

Elementary Science Core Curriculum

The elementary Science Core Curriculum was revised through a process that occurred over the past 18 months. The document is ready to be submitted for public hearings to solicit public comment that addresses the content and intent of the Core and associated documents. The Elementary Science Core Curriculum was developed under the direction of a steering committee, an advisory committee, and grade-level writing committee. These committees consisted of teachers, parents, district science and curriculum coordinators, principals, superintendents, university science educators, and members of the science and business community. The Elementary Science Core Curriculum standards provide a comprehensive outline and content.

Major changes between the new Elementary Science Core Curriculum and previous curriculum include: (1) improved alignment of content to national standards; (2) greater detail in the objectives and indicators; (3) "Science Benchmarks" statements which define the content; (4) grade-band specific "intended Learning Outcomes," which have been developed and described; and (5) improved alignment between curriculum and assessment capabilities. (For complete details of the Elementary Science Core Curriculum, see General Exhibit No. 8733.)

Motion from the Committee that the Board authorize the Curriculum Section to provide public hearings on the Elementary Science Core Curriculum. Motion carried with Members Anderson, Barney, Brown, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Chairman Kim Burningham was absent.

The Board requested that they receive notice of the Public Meeting dates and times.

Secondary School Completion and

Diplomas, R277-705

During the last committee meeting significant discussion was held relative to the Secondary School Completion and Diplomas rule resulting in the rule being tabled. Staff was instructed to make specific revisions and bring the rule back for second reading.

The Secondary School Completion and Diplomas Rule, R277-705, is a new rule which will provide 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 differentiated diplomas and certificates of completion consistent with the law. The rule also provides a time line, testing requirements and procedures, 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 graduating class of 2005.

The Committee made the following amendments to the Rule beginning with Line 136 through 152 should read as follows:

(2) alternative completion of a diploma

(a) awarded to students if:

(i) have met all state and district course requirements for graduation;

(ii) provide documentation of at least three attempts to take and pass all subtests of the UBSCT; and

(iii) have not passed on subtests of the UBSCT.

(b) Current wording of (d)

(c) Current wording of (e)

(For complete details of the rule as amended by the Committee, see General Exhibit No. 8734.)

The Committee approved R277-705, Secondary School Completion and Diplomas on second reading as amended and moves that the Board approve the rule on third and final reading. Motion carried with Members Anderson, Barney, Brown, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Chairman Burningham absent.

Finance Committee

Member Mike Anderson, Chairman of the Finance Committee reported that the Finance Committee had no agenda today other than to discuss what they will be doing this year. It is the intent of the Committee to be more fully informed and to keep the Board apprised as to the financial condition of the Office of Education and education system as a whole. Some of the things we will particularly track will be the textbook audit, class size reduction audit, and proposed budget cuts. No resolutions or action items today.

Vice Chairman Janet Cannon suggested that the Committee also have oversight and knowledge of federal funds.

Member Mike Anderson indicated that this was also a topic that was discussed along with other areas that take place in the State Office that they would like to bring to the Board for information.

Law and Policy Committee

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

Repeal: R277-503, An Alternative Preparation for

Teaching Program.

Proposed: R277-503, Alternative Licensing Routes

The Board has identified as a priority an alternative route for teacher licensing for qualified individuals. The proposed rule was presented to the entire Board at the December meeting and approved on first reading. Some minor changes are suggested and are identified in bold type for consideration. (For complete details of the Rule, see General Exhibit No. 8735.)

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

Endorsement routes include: (1) demonstrated competence in content and pedagogical knowledge based on NCATE or USOE standards; (2) assessment and recommendation by a USOE specialist; or (3) completion of a USOE-approved or district-sponsored program. This proposed change in the alternative licensing route reflects a priority of the State Board of Education. These recommendations were studied by an ad-hoc task force and approved by the Educator Development Advisory Committee. Based on conversations with Senator Bill Wright concerning this rule and a few components of it, he is pretty much in support of the spirit behind it. However, the Committee recommends that the Board pass the rule on second reading and hold the third reading until February to give Senator Wright an opportunity to review it.

The Committee repealed R277-503, An Alternative Preparation for Teaching Program and approved on second reading R277-503, Alternative Licensing Routes, and moves that the Board approve the repeal/re-enactment of the rule and approve R277-503, Alternative Licensing Routes on second reading. Motion carried unanimously.

Pinnacle Canyon Academy Charter School

The Pinnacle Canyon Academy requested permission to add a second classroom per grade at Pinnacle Canyon. The proposed increase in enrollment will accommodate the needs of the students on the school's waiting list and will give the school the ability to group children from year to year for social and behavioral reasons. (For complete details of the request, see General Exhibit No. 8736.)

The Committee took comments from the Pinnacle Canyon Academy and the Carbon School District relative to the request.

Motion from the Committee to deny the Pinnacle Canyon application subject to re-submission after some guidance has been given and received from the legislature on how to deal with severe financial impact that would occur to the schools in this particular area.

Member Denis Morrill commented on the impact this would have on the remaining students in the Carbon County School District if this many students were to move to the Pinnacle Canyon Academy.

Member John Pingree questioned if it was anticipated that they will come back in a month. Member Moss responded that it would be as long as it takes until we have the opportunity to sit down with the legislature and have them give the direction we need on dealing with the situation of declining enrollments in school districts.

Member Pingree further questioned as to what percent of the total number of students in the district this impacted. Member Moss responded that it could be 10% of the total population of the district.

Discussion ensued relative to the financial impact the charter schools may have on school districts with declining enrollment, especially the rural school districts.

Member Mike Anderson commented that if we study the Senator Howard Stephenson bill, we cannot deny the application based on financial reasons.

Member Mike Anderson pointed out the following issues based on phone calls and correspondence he has received on this issue: (1) This is an elitist situation because of the way the students are chosen. (2) Access to the school where some parents do not have the ability of working and getting their child to school. He suggested that we need to look more closely at the charter school laws regarding transportation. (3) They do not have the adequate space to expand their population.

Member Anderson indicated that he felt it was appropriate to table the item or postpone it but did not feel the Board had the right to deny the request based on the financial impact of the school district.

Discussion of this item was postponed until after lunch with the Senate Democratic Leadership: Gene Davis and Ron Allen.

Executive Session

Motion was made by Member Teresa Theurer and seconded by Member Laurel L. Brown to move into an executive session to discuss personnel issues and the sale of real property. The Board was polled and by unanimous consent of all present [no one being absent], the Board moved into an executive session at 1:35 p.m.

Motion was made by Member A. Earl McCain and seconded by Member Laurel L. Brown to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 2:30 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member David L. Moss and seconded by Member Earl McCain to approve the recommendation of the Utah Professional Practices Advisory Commission in Case No. 01-576 and accept a stipulated agreement, including conditions of the agreement, whereby a former elementary school educator in Weber School District, voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension for at least 18 months from

the date of formal action by the State Board of Education. The recommended suspension results from the educator's inappropriate and unprofessional conduct with a male school district employee at school. Motion carried unanimously. (For complete details, see General Exhibit No. 8737.)

Coalition of Minorities Advisory Committee

Motion was made by Member A. Earl McCain and seconded by Member Judy Larson to appoint Missy Gillespie, Eric Cheng, Cameron Cuch (1 year term), Max Packineau (2 year term), and AnnaJane Arroyo reappointed. Motion carried unanimously.

Disability Determination Services Advisory Council

Motion was made by Member A. Earl McCain and seconded by Member Laurel Brown to appoint G. Barrie Nielson as an alternate on the Disability Determination Services Advisory Council. Motion carried unanimously.

Sale of Ogden Blind Center

Motion was made by Member Teresa L. Theurer and seconded by Member Marilyn Shields that the State Board of Education approve the sale of the Ogden Blind Center located at 538 25th Street in Ogden, Utah. Further, that the Board approve the Utah State Office of Rehabilitation to utilize the funds from this sale to purchase equipment for the Division of Services for the Blind and Visually Impaired. Motion carried unanimously.

Director, Division of Services for the Deaf and Hard of Hearing

Motion was made by Member John C. Pingree and seconded by Member Linnea S. Barney to ratify the appointment of Marilyn T. Call as the Director of the Division of Services for the Deaf and Hard of Hearing. Motion carried unanimously.

Pinnacle Canyon Academy Charter School Cont.

Member R. Michael Anderson moved a Substitute Motion and seconded by Member John C. Pingree to table the approval of the Pinnacle Charter School increase in student body until the following issues can be addressed: (1) the method of choosing students; (2) access to the school (transportation); (3) space capacity compliant with the law to handle the students; (4) that the new information that was received today be properly evaluated; and (5) that the staff be directed to respond to the impact of declining enrollment on rural districts; and that they create policy and rules to address the charter schools that are being approved on the original proposal or those that are requesting modifications to their existing charters.

Member Earl McCain noted that there have been questions raised with regard to difference set of standards and also of the licensing of teachers and administrators in that school. He suggested an amendment to the motion to add these two items to the motion for investigation. Amendment was accepted by Members Anderson and Pingree.

Discussion ensued relative to a concern of inaccessibility of lower income families to be able to attend the school. Also, whether the Board could make rules that would solve some of these problems.

Member Laurel Brown suggested an amendment to the motion to include an investigation of the acceptance of students with disabilities into the school. The addition of this investigation was accepted into the motion by Members Anderson and Pingree.

Member McCain clarified the intent of his amendment was not just limited to licensure standards, but that all standards required of public schools are adhered to as well.

Member Linnea Barney commented that as she talked to parents about this issue they felt that the advantage to the charter school is the small class size, and this is the main reason they want their children in the charter school.

Member Barney also felt that the Board should consider what this issue is doing to the community.

Member Dave Moss read a letter from a mother in the Carbon District that asked that no copies of the letter be made. The letter related her feelings about the treatment of her special needs students at Pinnacle. He felt that this is a blatant violation of assurances they made when they originally were granted the charter. He felt that the issue needed to be tabled until the Board was able to do an investigation and come up with a process for dealing with these issues.

Further discussion ensued relative to the issue of tabling the request and the development of policies and rules that can be used as standards for evaluating these types of issues.

Member Laurel Brown withdrew her amendment feeling that rules and standards needed to be developed.

Member Teresa Theurer voiced concern that the Board did not know what was going on in any of the charter schools they have chartered. She further indicated that she had a personal concern about what was happening at the Pinnacle Canyon school and suggested that the Board visit this school and others to see for themselves what is going on.

Member Dave Moss clarified that the motion was to deny the request subject to re submission following the collection of information requested.

Superintendent Laing commented that the Board is responding to allegations that have been rumored recently, that have not been officially filed nor verified, therefore, there has not been any response to them. He indicated that this is a very sensitive issue and there is a very good likelihood that if we don't handle this very judiciously and carefully there will be a movement to create another chartering body. Also, there will be added reinforcement to accentuate choice through tuition tax credit. Dr. Laing stated that we need the specificity on the complaints and we need to investigate them. They have not yet been submitted. He continued that some of the issues, concerning as they are to us, we can't handle. Transportation is an issue we can't handle, there are fiscal constraints that will not allow us to do so. We right now recognize that socio economic status determines the quality of the school experience people have, and we will not be able to resolve this issue as well. The only thing the Board could base a denial on is if they are violating the conditions of their charter. To do anything other is tenement to inviting someone else to take this over.

Superintendent Laing stated that the only thing the Board could base their decision on to delay or to deny is if there was some reasonable expectation that there is an allegation that justifies investigation of the conditions of the charter. Carbon District will be upset if they loose students and it is going to cost them money. However, Carbon has more resources than the charter school does, such as taxing authority, local levies, and they get to keep it all. The philosophy of charter schools, as public schools of choice, is exactly the issue that it drives competition.

Member Teresa Theurer questioned the issue of the law and the percentage of the local district population that could participate in charter schools. Superintendent Laing clarified that for local school board charters it is 4%, but the guideline given to the State Board was the number of schools, not population.

Further discussion ensued relative to the Board's responsibility to investigate the claims that have been made and if there is a violation of the charter it should be dealt with in the proper manner.

Member Denis Morrill commented that based on Superintendent Laing's comments, he supported the substitute motion.

Substitute motion carried unanimously.

Executive Officer Report

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

Olympic Flags - Superintendent Laing noted the receipt of the Olympic Flag which was hung on the east wall of the Board Room. He indicated that there was also one on the flag poll in front of the building and that every school had received one as well. Public Relations Information - Superintendent Laing distributed copies of PR items requested by

the Board on Choice, Budget and Results. He requested that the Board contact Mark Peterson with any suggestions for modification or to let him know how many copies they would like.

Capital Outlay Study - Received a letter from the Utah School Superintendents Association suggesting that a study of capital outlay be commenced by the State Board of Education. The Board already has a committee working on that and he suggested that this letter be passed along to that committee for their consideration.

Tuition Tax Credit - Several school districts have been taking positions of opposition to tuition tax credits. They have been using the resolution considered by the Board. It appears that the board has been quite influential in that regard with local districts.

ATC Properties - An issue has come up with regard to the properties owned by the ATCs before they became Applied Technology Colleges. The Applied Technology Centers were owned under the State Board of Education as the legal entity. It is proposed that we will send those deeds to the Board of Regents and let them work through the process of getting the ownership name changed. ACT - Received a letter from ACT indicating one student in Utah, with last administration of the ACT, received a perfect score of 36. Garret Fox from American Fork High School received that honor. We have sent a letter of congratulations to him. Vice Chairman Janet Cannon suggested that the Board Members in the American Fork area write a letter of commendation and also to let their legislators know about this accomplishment.

Marilyn Shields suggested that we have him come to next board meeting for recognition by the Board.

MGT Audit - Superintendent Laing distributed and reviewed a matrix for initial consideration of the MGT audit recommendations. (For complete details, see General Exhibit No. 8738.)

Meetings with Legislators - Dr. Laing reported that in the meeting with Republican Leadership Speaker Stephens was quite exercised about his perception that we have not complied with the law. In a strict technical sense, after reading it, we have not. This has to do with the textbook allocation and some of the directive that was given to the school board subsequent to that. There was direction that the Board do a report from the districts that showed how many of their needs were met as well as how much they had spent of the textbook money. This was to be done by the first of August. It was late and when it was reported to the legislative committee the first time, there were some holes in the information because districts had not responded. There was some criticism at that time, Pat Ogden dealt with that and filled in the gaps. We gave the districts that opportunity to spend that money, because of the sizeable amount that it was, over two years. This gave them the leverage to maximize the use of the money with their adoption procedures. Most of the monies have been spent now. In the last Board meeting the Board made a motion to request a line item of \$9 million for textbooks. One thing that has not been done is we have not submitted to the legislature a proposal as to how we would keep textbooks current. The proposal to have a line item of \$9 million gets at that, but the specifics are not there. Dr. Laing indicated that it seems clear that in order for us to comply, as the Speaker intended in the legislation, we need to send them some more information. For that reason, we need to consider some options. With inclusion of \$9 million line item, we need to do something to assure the legislature that it will be spent to meet the needs for textbooks. In thinking of that he presented four scenarios: (1) have the line item for \$9 million, and then adjust the Board's existing rule, that specifies how districts spend monies for textbooks and supplies, more narrowly define it to textbooks only, and adjust percent they have to spend. This needs to be added to the money districts are already spending for textbooks. This would change the percent from 5.5 to 2.4% now just for textbooks. With \$9 million new money that should hold districts harmless.

Other possibilities would be to increase wpu by \$9 million and adjust the percentage the same; decide that the Board wanted to be more conciliatory to the legislature and request less than \$9 million and assume that the districts are not spending the money where they should and enforce them to spend more for textbooks, or simply recognize we probably won't get a \$9 million appropriation this year and just require the districts to spend more on textbooks.

MGT Audit Report - Member Denis Morrill commented that after hearing rumors after the MGT Audit was presented to the Legislature he questioned Superintendent Laing if he felt that this was a group he had in his pocket and they did everything favorable to him?

Superintendent Laing responded no. He indicated that there were two things that disappointed him about the audit. We asked them to give us some comparable data about some other states, and for several reasons the information is not comparable. It seemed that other states were not concerned about providing the data to the degree of specificity and accuracy that we did. They did not compare responsibilities comparably across states. The other issue is that an external auditor, spending the time they did, were unable to capture the flavor of the climate in which we work. While they knew about the legislative task forces that existed in the legislature, and that they have been driving certain things, some of the recommendations appear to be naive. For example, the recommendation for a strategic plan. A strategic plan presumes you have control over the issues that shape your destiny. We have no control over the budget, very little control over anything long-term, past a year. It does not make sense to have grand plans out beyond about one year. We need to have more of a work plan rather than a strategic plan.

Superintendent Laing reported that relative to the textbook issue he would bring some options to the Board before the end of the meeting.

Board Chairman Report

Chairman Burningham presented the following information:

Public Input Rule - The Public Input Rule will be presented to the Board at the February meeting. He noted that it reflects discussions held earlier by the Board.

Parliamentary Procedures - Vice Chairman Janet Cannon has taken the responsibility of preparing some information relative to the basic fundamentals of parliamentary procedures. Copies of the information were distributed to Board Members. (For complete details, see General Exhibit No. 8739.) Chairman Burningham indicated that it is our intent to take 3-4 minutes at the beginning of each meeting to talk about our parliamentary procedures, similarly as we did our Code of Conduct.

Vice Chairman Cannon reviewed the document and the issues addressed. She suggested that Board Members take these under advisement and that the new committee chairmen review them with their committee.

Committee Assignments - Chairman Burningham expressed appreciation to the members of the Board in accepting the new committee assignments. He indicated that those individuals assigned to committees outside of the board were encouraged to make reports from those groups when relevant.

Chairman Burningham noted that we are represented on the NASBE Board of Directors by Marilyn Shields. He indicated that the Western Area Director position for this next year is still a tie. There will be a new procedure wherein the western area states will vote once again at the meetings next week in Alexandria during the NASBE Board and Committee meetings. Marilyn will cast our vote based on our previous directions.

Utah School Boards Association Board of Directors

Chairman Burningham indicated that the Board needs to elect one of the members to serve on the Board of Directors of the Utah School Boards Association. In the materials that were sent out asking for interest in serving on such boards or committees no one indicated an interest. Therefore, the Board Leadership approached Member Denis Morrill and he indicated he would be interested in serving.

Member Linnea Barney commented that she supported Member Morrill entirely on the Board, however, she felt that there should be an open nomination process during a Board meeting.

Vice Chairman Cannon opened nominations for a Board Member to serve on the Utah School Boards Board of Directors.

Motion was made by Member David L. Moss and seconded by Member John C. Pingree to nominated Denis Morrill.

With no further nominations being received, motion was made by Member A. Earl McCain and seconded by Member

Judy Larson to cease nominations. Motion carried unanimously.

Member Denis Morrill was elected to serve on the Utah School Boards Association Board of Directors by unanimous vote.

Member Laurel Brown reported that she has been serving on the Alcohol Policy Coalition and they have been discussing the public health issue in regard to alcohol consumption, specifically in relationship to the Olympics that are coming. A Mr. Dag Rekbe from Norway who is an expert in the area of alcohol and alcohol consumption, had planned for some time to be in the states during the Olympics so he could study the whole alcohol consumption issue in the states. He met with the Alcohol Coalition on Monday and indicated to them some of the areas he is hoping to study during the Olympics which include: the awareness of advertising and changes of attitudes due to advertising in relation to the Olympics, both for adults and for students; the political aspects of changes in local ordinances and political pressure that come to bear when a sporting event such as the Olympics comes around as far as changes to alcohol laws; tracking of DUI accidents and arrests related to alcohol consumption during the Olympics. Member Brown further reported that the Alcohol Policy Coalition recently worked together with Mayor Rocky Anderson to set up rules for alcohol consumption in Washington Square during the Olympics, and they have some tight rules for consumption.

Member Earl McCain offered an opportunity for someone on the 25th January to attend the Rural Education Association meeting at BYU at 4:00 p.m. at the Harman Center. Member Linnea Barney indicated that she could attend the meeting.

Chairman Burningham indicated that each Board Member had received a list of all future board meetings. He noted that the April 4-5 meeting would be held somewhere other than at the State Office of Education with a visit to a school or program. He indicated that it was planned that a Board retreat be held possibly the evening of April 4.

Superintendent Laing reported that there is an Education Policy group which includes the Utah School Boards Association, Utah School Superintendents Association and one of the things they decided to do was try to ascertain the public's perception about a variety of things, including if there is support for public education, why is that, and does it translate to opposition to tuition tax credits. This was completed and will be reported tomorrow at the Utah School Boards Association Convention Opening Session. The most interesting finding is that there is a strong support for public education, and that they support it for the reasons we all think they should - it builds the strength of democracy, all kids should have access to quality education, and that everyone should be responsible for paying for public schools. There are also concerns such as we are not as responsive as we should be to individual parental concerns; we are not as successful or as apparent in being able to eliminate people from employment field as effectively as they might like. He indicated that the entire poll is very interesting as soon as it becomes public board will receive a copy.

General Consent Calendar

Motion was made by Member Laurel Brown and seconded by Member Teresa Theurer to approve the General Consent Calendar as presented. Motion carried with Members Barney, Brown, Burningham, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Anderson absent.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held December 4, 2001.

2. Contracts

(A) Office of Research and Sponsored Projects. \$125,000. 11/15/01-6/30/02. RECEIVABLE - Fed.

The Western Region Outreach Center and Consortia (WROCC) is funding a program to expand the array of educational opportunities available to students who are deaf and hard of hearing in the Western Region. A full-time coordinator and part-time secretary will be hired based on WROCC funding to develop curricula and resources.

(B) Institute for Behavioral Research in Creativity (IBRIC). \$92,988. 1/11/02-12/31/03.

To produce the Accountability Reports for all Utah schools based on the yearly Statewide Testing Program using the Stanford Achievement Test, Ninth Edition.

(C) Michelle Roderick. \$18,000. 01/10/02-01/09/03. - Fed.

Teach and coach several groups of secondary language arts teachers in the areas of reading comprehension and reading/writing connection.

(D) Dr. Ralph P. Vander Heide. \$10,000. 01/10/02-02/28/03. - Amend.

The accreditation consultant will assist the state accreditation committee chair with accreditation responsibilities.

(E) Department of Human Services. \$100,000. 1/10/02-6/30/02 - Fed. - RECEIVABLE

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

(F) Elliot R. Lawrence. \$32,000. 1/10/02-1/10/04

To serve as hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

(G) A. Robert Thorup. \$32,000. 1/10/02-1/10/04.

To serve as hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

(H) Daniel Lau. \$32,000. 1/10/02-1/10/04.

To serve as hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

(I) G. Blaine Davis. \$32,000. 1/10/02-1/10/04.

To serve as hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

(J) Karen McCreary. \$32,000. 1/10/02-1/10/04.

To serve as hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

R. Chet Loftis. \$32,000. 1/10/02-1/10/04.

To serve as hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

(L) Hugh Craig Bunker. \$32,000. 1/10/02-1/10/04.

To serve as hearing officer for the Utah Professional Practices Advisory commission for e3ducator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

(For complete details of the Contracts, see General Exhibit No. 8740.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts were approved. (For complete details, see General Exhibit No. 8741.)

4. Athletic Coaching Certification, R277-517

The requirement that athletic coaches be licensed educators has become increasingly problematic for school districts, resulting in some cases with educators being assigned coaching duties for which they were ill prepared, and more tragically, coaches assigned teaching duties for which they were ill prepared. The modifications to R277-517 removes the requirement for coaches to be licensed educators, but keeps in place the important requirements for criminal background checks and at the same time expands the requirement for appropriate training specific to coaching.

The Board received public input and made several changes to the rule including the addition of the Coaching Standards and that coaches will be required to have CPR training prior to becoming a coach. The Board at their December meeting approved Rule R277-517, Athletic Coaching Certification on second reading. There have been no substantive changes to the rule since that time. (For complete details, see General Exhibit No. 8742.)

The Board approved Rule R277-517, Athletic Coaching Certification on third and final reading.

5. Charter Schools, R277-470

The 2001 Legislature appropriated \$420,000 to be given to charter schools to match the one-half of local funding that charters currently receive from districts. The rule clarifies how and when the funding will be distributed to charter schools. The Board approved the rule on second reading at their December meeting. There have been no substantive changes to the rule since that time. (For complete details, see General Exhibit No. 8743.)

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

6. Ratifications

Max Lang was ratified as an Educational Specialist, Title 1, Migrant Education, in the Curriculum and Instruction Division.

7. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved by the Board. (For complete details, see General Exhibit No. 8744.)

8 Claims Report

The Claims Report in the amount of \$161,384,082.72 for November 30, 2001 was approved by the Board. (For complete details, see General Exhibit No. 8745.)

Executive Officer Report Cont.

Superintendent Laing presented four options for determination by the Board of how to ensure that expenditures are consistently made to maintain adequacy of textbooks. (For complete details, see General Exhibit No. 8746.) He recommended Option 1: Consistent with MGT audit recommendation, request line item appropriation, "above the line" (indexed with the WPU) consisting of: \$9,074,764 new dollars plus \$14,556,271 from existing "Local Program Block" a total of \$23,631,036; Revise Rule R277-408 to change 5.5% of value of WPU for textbooks and supplies to 2.4% for textbooks (only). Allocate to districts as dollar amount (2.4% of WPU value per student) according to number of students. Leave the existing statutory language (53A-12-202) defining textbooks.

Discussion ensued relative to the issue of hard bound textbooks and consumables and how this would be dealt within Option 1.

Motion was made by Member Denis R. Morrill and seconded by Member Judy Larson to approve Option 1 and instruct staff to move forward based on the intent of Option 1. Motion carried with Members Barney, Brown, Burningham, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Anderson absent.

Vice Chairman Cannon announced that the Board would be having dinner with the Utah School Boards Association Board of Directors at Little America in the Arizona Room at 5:00 p.m.

Meeting adjourned at 4:15 p.m.