

MINUTES

November 1, 2002

Minutes of the meeting of the State Board of Education held November 1, 2002, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:25 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 Atkinson

Member Linnea S. Barney

Member Laurel Brown

Member Greg W. Haws

Member A. Earl McCain

Member Denis R. Morrill

Member David L. Moss

Member John C. Pingree

Member Joyce W. Richards

Member Marilyn Shields

Member Sara V. Sinclair

Member Teresa L. Theurer

Member Max L. Torres

Also present were:

Executive Officer Steven O. Laing

Deputy Superintendent Gary L. Carlston

Associate Superintendent Patrick Ogden

Public Affairs Director Mark Peterson

Board Secretary Twila B. Affleck

Associate Superintendent Bonnie Morgan was excused.

Also present for portions of the Board meeting were:

Members of the Press: Jennifer Toomer Cook, Deseret News

Lisa Roskelley, Standard Examiner

Shinika Sykes, Salt Lake Tribune

Cheryl Phipps, Utah PTA

Ann Fielden, Harcart Education Measurement

Ed Dalton, National Energy Foundation

Clayne Poulsen, Murray School District

Rod Crockett, Utah Association for Career and Technical Education

Susan Dayton, Utah PTA

MaryLou Seamons, Davis School District

Steven H. Peterson, Utah School Boards Association/Utah School Superintendents Association

Ron Ferguson, Superintendent, Grand School District

Dave Armstrong, Superintendent, Carbon School District

Jim Eldredge, Utah Education Association

Gregg Johnson, University of Phoenix

Board Member R. Michael Anderson lead the Board in the Pledge of Allegiance

Board Member John C. Pingree offered the reverence.

Twila B. Affleck recorded the minutes.

Vice Chairman Janet Cannon commented that while she was attending the NASBE Annual meeting, there were some feelings of discouragement expressed during those meetings. Brenda Welburn, Executive Director of NASBE made this statement: "There is no greater work than that which contributes to the quality of life for a child."

Public Participation and Comments

Phyllis "Teddi" Safman, Board of Regent's Office presented information relative to "Advise Utah" a resource for academic and career planning. (For complete details, see General Exhibit No. 8921.)

Philip Bernal, Manager of Outreach Services, Utah Higher Educational Assistance Authority, presented information on the Utah Mentor Program. (For complete details, see General Exhibit No. 8922.)

Graduation Requirements Ad Hoc

Committee Progress Report

Member Teresa Theurer, Chairman of the Graduation Requirements Ad Hoc Committee presented a report of the Committee's first meeting.

Motion was made by Member Teresa Theurer and seconded by Member Greg W. Haws from the Committee that the State Board of Education will revise Utah graduation requirements for the purpose of increasing the competency and proficiency in the areas of Language Arts, Mathematics, Natural Science, and Fine Arts. In the process of implementing this motion, the Board will consider the following: the transition from elementary to secondary education, upgrading student proficiency and/or competency standards, maximizing learning capabilities of all students, and full employment of student academic effort during the 11th and 12th grade years.

Member A. Earl McCain requested an amendment to the motion to include Social Studies along with the other courses listed.

Amendment accepted for discussion purposes by makers of the original motion.

Member Haws commented that he was in favor of increasing education in core areas, particularly in social sciences, we have recently increased the social science requirement and revised the core curriculum.

Member McCain clarified that his amendment was to "revise" not to increase.

Discussion ensued relative to the definitions of social sciences vs natural sciences. Also, whether the committee would be discussing increasing or revising the curriculum.

Member Haws commented that he felt by adding other areas it would dilute the core. He further commented that this is not what we started out at, and this will hinder the process.

Superintendent Laing noted that the Board had very recently adopted a revised curriculum in the social studies area that has increased both the requirement and specificity.

Motion carried unanimously.

Member Theurer announced that the next meeting of the Ad Hoc Committee will be November 22 in the North Board Room from 10:00 a.m. to 12:00 p.m. The committee will be considering a proposal to implement the motion. She requested that Board members provide a one page summary of their thoughts on what is going on with the revisions or process of the graduation requirements to Twila by November 8.

Utah's Compliance with No

Child Left Behind Act

Laurie Lacy, Coordinator, Utah Reading Excellence Act, and Highly Impacted Schools presented a report on areas where Utah is currently in compliance with the No Child Left Behind Act, what is planned, and what still needs to be completed to be in compliance. (For complete details, see General Exhibit No. 8923.) She noted that there are four key principles contained in the act: (1) Accountability for results, (2) expanded state and local flexibility, (3) expanded choices for parents, and (4) focusing resources on proven educational methods, particularly in reading instruction.

Member Pamela Atkinson commented that there is not sufficient funding. She indicated that she had found a number of national foundations and groups that give money to education. She suggested that we be aggressive and seek some of these national funds.

Chairman Burningham comment we are making advances in a lot of the areas required. He asked that the

Superintendent share his honest assessment of how about our ability to do all of this.

Superintendent Laing responded that it is a voluminous document and as we understand and are trying to interpret it, we are well positioned to make progress. One of the biggest concerns is that the clarity with which the standard is being articulated that we have to meet is anything but clear. We are well positioned, and may be one of the few states that are making an effort in this regard. We are probably further along than most because of some of the things that have happened that naturally blended with our switch to the U-PASS, our emphasis and development of the core, some of the things we have done in the past with regard to ensure that teachers are well certified and endorsed. The language in the bill and interpretation that is coming from the department and administration is not in black and white so we can refer to it and say this is what you have said and this what we can follow. This creates many concerns, not only for us, but other states all across the nation. He indicated that for that reason, he is equally as apprehensive and uncomfortable about our ability to check off the requirements one by one. Member Denis Morrill voiced concern that regulations come and there is no money to help to implement them. He did not feel there was not enough money coming from the federal government to assure we can put into place the requirements.

Motion was made by Member A. Earl McCain and seconded by Member Laurel Brown to receive the report. Motion carried unanimously.

Utah School Boards Association

Public Relations Video

The Board viewed a video prepared in conjunction with the Utah School Boards Association public relations campaign.

Executive Session

Motion was made by Member David L. Moss and seconded by Member Teresa L. Theurer to moved into an executive session for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present, the Board moved into an executive session during lunch beginning at 12:45 p.m.

Motion was made by Member Joyce W. Richards and seconded by Member R. Michael Anderson to reconvene into open meeting. Motion carried The Board reconvened at 1:27 p.m.

Utah Professional Practices Advisory Committee Recommendations

Motion was made by Member David L. Moss and seconded by Member Laurel Brown to accept the Commission's recommendation in Case No. 02-590 and accept a stipulated agreement, including conditions of the agreement, whereby a former teacher in the Weber School District, voluntarily surrenders his educator license in lieu of an hearing for purposes of suspension for at least two years from the date of State Board of Education action. The recommended suspension results from the educator's possession of sexually-explicit material on school district computer equipment. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member Laurel Brown to accept the Commission's recommendation in Case No. 02-595 and accept a stipulated agreement with conditions whereby a former educator in Provo School District voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension for a period of not less than three years from the date of State board of Education action. The recommended suspension results from the educator's deliberate, improper changing of a student's grades and records by her on a school district's computer system. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member Laurel Brown to accept the Commission's recommendation in Case No. 02-621 and accept a stipulated agreement, including conditions of the agreement, whereby a teacher in the Granite School District, voluntarily surrenders her educator license in lieu of an hearing for purposes of suspension for at least two years from the date of State Board of Education action. The recommended suspension results from sexual misconduct with a student approximately 30 years ago. Motion carried unanimously.

(For complete details of the recommendations from the Professional Practices Advisory Commission see General Exhibit No. 8924.)

Board Standing Committee Reports

Curriculum and Instruction Committee

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

J-1 Visa Foreign Exchange Students, R277-615

Utah Code Section 53A-2-206, provides for the inclusion of membership and attendance of J-1 visa foreign exchange students in the apportionment of state monies (WPU's). Due to significant changes to R277-615, Foreign Exchange Students, it is necessary to repeal the existing rule and reenact a new rule. R277-615, J-1 Visa Foreign Exchange Students, provides for the assurance that foreign students will be placed with appropriately screened and trained host families and outlines the responsibilities of the sponsoring agencies. The rule also reassigns the responsibilities for supervision of the placement process from the Utah State Office of Education to local school boards/school districts.

The Committee revised the rule and distributed a new copy. (For complete details of the new rule, see General Exhibit No. 8925.) The changes are as follows [referring to the new rule]: Lines 80-81, changed the percentage of exchange students you can have speaking different languages. Line 103, that the local board shall annually provide, **as part of the S-3 Report**, to the USOE the number of J-1 visa foreign exchange students accepted, their citizenship or nation of origin, the sponsoring agencies, and the J-1 exchange students' days of membership by semester and academic year. Add on line 22 the definition of what an S3 report is. Line 135, remove the words "or host family". The financial responsibility will be with the foreign exchange student.

The Curriculum Committee repealed R277-615, and reenacted R277-615, J-1 Visa Foreign Exchange Students on first reading and moves that the State Board repeal R277-615 and reenact R277-615, J-1 Visa Foreign Exchange Students on second reading. Motion carried unanimously.

Standard Setting and Proficiency Levels, Revisit

Superintendent Laing shared the results of his meeting with the leadership and testing personnel of the various school district with the committee. The committee discussed the implications of maintaining the previously approved number of proficiency levels, means of establishing proficiency, and range of minimum percent correct responses for the Near Mastery level. It was noted that there had been no comments received from district personnel since their meeting with Superintendent Laing.

The Committee postponed final decision on this issue at this time due to changes in staff at the Utah State Office of Education. The Committee will discuss this matter at the December meeting.

Secondary School Completion and

Diplomas, R277-705, Revisit

Superintendent Laing reported that following the October 4, 2002 Board Meeting, R277-705, Secondary School Completion and Diplomas was sent to the school districts with a request for comment. He reviewed the comments received from the districts. (For complete details, see General Exhibit No. 8926.)

The Committee removed two parts of the rule: Delete R277-705-4 B, 2, (iii) (C) In addition to R277-705-4B, school districts or schools shall also offer a high school equivalency diploma awarded to an individual eligible under R277-702 who has passing scores on all GED test components. Also remove the definition of GED.

Member Theurer indicated that the committee would like to continue to work on the rule, however, these are the only

modifications at this time.

Chairman Kim Burningham stated that he would vote in opposition to the motion because it relates to the issue of giving a diploma based on competency. There is a lot of merit in the concept. He further commented that he understood that the Committee made the best decision at this time.

Member Theurer indicated that this discussion did come up in the committee meeting, but the rule needs to be passed as proposed at this time.

Motion was made by Member Teresa L. Theurer and seconded by Member A. Earl McCain to repeal R277-705, and reenact as amended, R277-705 on third reading. Motion carried with Members Anderson, Barney, Brown, Haws, McCain, Morrill, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Chairman Burningham voting against for reasons stated above.

Law and Policy Committee

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

Persistently Dangerous Schools, R277-483

Title IX, Part E, Subpart 2, Section 9532 of "No Child Left Behind" Unsafe School Choice Options, requires a state receiving funds under the Act to establish and implement a statewide policy that a student who attends a persistently dangerous public school, or who is a victim of a violent criminal offense while in or on the grounds of a public elementary or secondary school that the student attends, be allowed to transfer to a safe public elementary or secondary school within the school district, including a public charter school.

In developing R277-483, district safe and drug-free school coordinators and student service directors from approximately 20 districts participated in meetings to review several drafts of the rule and to define persistently dangerous schools. (For complete details of the rule, see General Exhibit No. 8927.)

This rule will assist the Utah State Office of Education: (1) in collecting data about weapons and other criminal offenses from districts, (2) in identifying those school which are persistently dangerous, and (3) in complying with the federal legislation.

The Committee had a lengthy discussion and there are many issues that still need to be addressed and considered. The Committee withheld action on the rule, and request that it be revised based on the discussion, and brought back to the next meeting.

Letters of Authorization, R277-512, Proposed

Lifted from the Agenda prior to the meeting.

Appropriate Assignment of Teachers, R277-520

Lifted from the Agenda prior to the meeting.

Salt Lake Arts Academy Request to

Adjust Effective Date of Charter

The Board awarded the Salt Lake Arts Academy a school charter effective January 1, 2003, with the school to begin operation in the 2003-04 school year. This charter was granted by the Board with the provision that the founders of the Salt Lake Arts Academy work with the Salt Lake City Board of Education to obtain a charter from the local district in which the charter school will be located. The founders of the Salt Lake Arts Academy have stated they are unable to obtain a charter from the Salt Lake City Board of Education and request that the charter granted by the Board become

effective November 1, 2002. The advantage of an earlier charter date will allow the Salt Lake Arts Academy to begin drawing federal start up funds two months earlier than the original effective date of the charter. (For complete details of the request, see General Exhibit No. 8928.)

Motion from the Committee that the Board grant this request which will enable the Salt Lake Arts Academy to begin to draw federal start up funds effective November 1, 2002. Motion carried unanimously.

Charter School Application Review

R277-470, Charter Schools, provides a time line for charter schools to apply for a charter approval. The most recent considerations of charter school applications by the State Board were reviewed by the Law and Policy Committee at a meeting held October 29, 2002. The committee reviewed applications from the Pinnacle Canyon High School and the Moab Community School. Some of the deliberation was also had during the committee meeting this morning.

The Committee recommends/moves that the Board deny the application from the Pinnacle Canyon High School.

Vice Chairman Cannon passed the gavel to Chairman Burningham.

Vice Chairman Cannon explained that in the committee meeting she had voted in favor of granting the Pinnacle Canyon charter because she has been an advocate for parents on the board. In her opinion that we have an entity in Pinnacle Canyon that has taken the bull by the horns. They have showed us they can be a viable public school; they have done a good job with the children they are educating; and they have done it with fewer funds than the public schools have. She stated that sometimes in public education we don't reward people when they have been successful. She feels that Pinnacle has shown themselves to be successful and they could offer a viable alternative to parents and students in that area.

The gavel was returned to Vice Chairman Cannon.

Denis Morrill commented that he voted against the charter in the committee meeting for three or four reasons. This is not the same school that was approved earlier. The eighth grade has not been that successful. This is a new school and some of the same people are involved. This could take 40% of the high school students out of the Carbon School District. The ones left behind will be in a disastrous situation. Member Morrill indicated he could not approve something like this. He felt that if the legislature will provide funding mechanism which, if they do, we will be double funding something and that is not right either. We can't afford two or three school systems. He felt that with the limited number of charters, granting two to the same person is not appropriate.

Member Mike Anderson voiced concerned that they are moving ahead too quickly, and they have not had a chance to see how successful the increase in student population in their other school will be yet.

Chairman Kim Burningham noted that he will vote no on the motion and voted no in the committee. He indicated that the experience of Pinnacle Canyon and the Carbon School District has been very unpleasant and we have tried very hard to resolve it. He did not feel that all of the parties in Carbon County were trying to resolve the issues. He Appealed to the parties involved, Ms. Hardy, Superintendent Armstrong and the Carbon School Board to come together any try to make this a win/win situation.

Member Pamela Atkinson commented that the Board requested over a year ago for collaboration between the school district and the charter school applicant. The win/win needs to be for the children of the Carbon School District. She feels that the Legislature needs to look at this to see what is needed to make clearer guidelines. She felt it was time to start collaboration and not turn backs on one another.

Member Laurel Brown voiced concern that there are a lot of issues relating to accrediting a high school and there are a lot of things that need to be put together.

Motion to deny Pinnacle Canyon High School charter carried with Members Anderson, Barney, Brown, Burningham, Haws, McCain, Morrill, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Vice Chairman Cannon

opposed.

Motion from committee that the application from the Moab Community School be denied.

Member Dave Moss stated that this application and process has been difficult for him. He has received a lot of communications concerning the applicant, and concerns about the Waldorf process that they are proposing to use at the Moab Community School. It seems like, as in Carbon, in Grand County there is a ways to go before we see collaboration between the various groups in that area. He is not sure that the method is a bad thing, particularly if you are looking at a private school setting. He stated the following reasons he is opposed to this particular application: (1) The condition of the application which was extremely poor and unprofessional. (2) The fact that the applicant had received notification in April she was not able to align herself with the national organization that is over the Waldorf method. We did not receive that information until the Law and Policy Committee review of the applications. (3) The Waldorf method, in and of itself, that it can be taught one way in a private setting and in another way in the public setting. In a private setting this is probably a very nurturing and good way for kids to learn. However, this is by definition a very religious program, and he is fearful of encroachment of first amendment issues because of this method. Other states sponsored this method in a public settings, but we have no information about how they are succeeding.

Member Earl McCain commented that he found some things on the Internet about the Waldorf method that were positive and impressive. In terms of general curriculum it is not offensive, but he received additional information that provided alarming relationships with a religious type of philosophy that concerned him. This application might be strengthen in terms of addressing the first amendment issues if they were able to describe the curriculum in terms that are less specific to the Waldorf underlying philosophy. Much of the curriculum proposals were fairly well backed by good practice.

Member Marilyn Shields commented that she is very concerned about what is happening in rural areas and what this does in rural areas. She does not think it is a fit with the Moab community and she did not feel that the people wanted it.

Motion to deny the Moab Community Charter carried unanimously.

Member Dave Moss expressed appreciation and commendation to Patricia Bradley and her ability to take over the charter school process and applications in the State Office of Education and being able to pick up a difficult issue and run with it.

(For complete details of the Charter School Applications presented, see General Exhibit No. 8929.)

Board Goal Number 3, Ensure an Adequate

Supply of Quality Teachers for all Utah Children

The time line for the Board's Strategic Plan to receive a definition of a highly qualified teacher is November 2002. A proposed definition was presented to the Law and Policy Committee for consideration. (For complete details, see General Exhibit No. 8930.)

The committee will be working closely with Gary Carlston and Laurie Lacy to come up with a good definition of what constitutes a highly qualified teacher based on No Child Left Behind and by December or latest January have a definition to be able to work with.

Finance Committee

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

Loss in Student Enrollment, R277-485

The Committee reviewed a proposed rule that implements 53A-17a-139, Loss in Student Enrollment. The rule outlines a formula which seeks to aid districts with 4% or greater enrollment losses. The section of the code that this rule is based on has been in existence for some time. However, no definitive means have been developed for how to consistently and appropriately apply the statutory language to conditions that arise in the state. (For complete details of the rule, see General Exhibit No. 8931.)

The Finance Committee amended rule and approved rule Loss in Student Enrollment, R277-485 on first reading and moves that the Board approve the rule on second reading. Since the Committee meeting staff has informed the committee that the amendment is not necessary.

Motion was made by Member John C. Pingree and seconded by Member R. Michael Anderson to approve on second reading R277-485 as presented in the November 1, 2002. Motion carried unanimously.

Annual Textbook Report

State law requires the Board to make an annual report on textbook needs to the Legislature. The report was made to the Education Interim Committee on October 23, 2002. The Finance Committee reviewed the report along with the Utah State Office of Education's recommendations. (For complete details, see General Exhibit No. 8932.)

Last year \$24 million was provided for textbooks, about 96% of the funds have been expended in this current year; the remainder has been committed but will not be spent until the next fiscal year. It was noted that not only the school districts as a whole not supplant the money, but they put in \$6.7 million more of their own dollars into textbooks. The Committee found this quite laudable in light of the problems we have been facing with our textbooks.

The Committee reviewed and accepted the Textbook Report and recommended the board support the repeal of the textbook statute 53A-12-201.5 because it imposes central control over the local school districts, and we would like the control to return to the local school level.

Chairman Kim Burningham commented that the Governor's Employers Coalition at some times have seemed to favor or recommend a move back toward statewide control of things like textbooks, in which case we would need the legislation.

Associate Superintendent Patrick Ogden clarified that the Board currently has a rule requiring districts to spend a certain percentage of the budget on textbooks and supplies. We don't need this particular legislation to change any of that.

Motion to repeal 53A-12-201.5 carried unanimously.

Review of Various Proposals that, if

Legislatively Implemented, Could

Increase Public Education Funding

The Committee received presentations from the Banking Community and Credit Unions identifying reasons why they should or should not be taxed. Most credit unions are working within their normal bounds, serving a finite group of people with a specific purpose. When they do so those funds are left in a pot for the benefit of those people. However, there are at least two credit unions one with approximately \$2 billion in assets, the other with \$790 million in assets that are acting more as banks. They have been grandfathered in because of legal battles over the last two years. Both parties seemed to be of one mind that those credit unions not acting in their initial planned role should be considered for this act of taxation.

Member John Pingree indicated that an issue that was not answered is are there sufficient funds in their retained earnings that is not distributed that should be taxed. The question that needs to be answered is are there monies that are not taxed that could be taxed that would benefit the children of the state. Further, that the funds that are left over not

distributed to participants in credit unions, what the correct amount is, and if they were taxed at the normal tax rates, what is the benefit to the state?

Associate Superintendent Patrick Ogden clarified that the presentation indicated that \$2.5 million would go to the uniform school fund based on the two large credit unions. However, there is more studying to do.

Executive Officer Report

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

College Board Advanced Placement Program - Annually the College Board recognizes two students in each state. The criteria by which they choose the students centers around those who take the most number of advanced placement tests, pass those tests with at least a passing grade of 3, 4 or 5, and then looking for the students who have the highest average passing score on those tests. The two students selected from Utah are Ghazal Mohajer, from Highland High School in Salt Lake City, now attending the University of Utah. Kevin J. Powell, Fremont High School in the Ogden area, now attending Brigham Young University. Letters of congratulations in behalf of the Board have been sent.

Dr. Laing commented that for those students who want to they can get an experience in the public schools in the United States and especially here in Utah that compares with any educational experience you can find any place in the world.

Evaluation and Assessment Director - Dr. Laing introduced Dr. Louise Moulding as the new director of Evaluation and Assessment. He noted that Dr. Moulding has both academic training, experience in the schools, experience with curriculum and the personality and tenacity to step into this position. Dr. Laing distributed a press release relative to this appointment.

Dr. Laing indicated that Dr. Moulding has been a teacher in Weber and Davis School Districts, has worked in administration in those districts, has a doctorate degree from Utah State in psychology and the psychometric areas of measurement and assessment and has been working with testing and assessment in the Davis School District.

Dr. Louise Moulding expressed appreciation for the opportunity and the confidence that has been shown in her.

Utah School Superintendents Association Resolution - The Utah School Superintendents Association in response to the Boards resolution relative to the importance concerning funding and increasing funding including the consideration of Proposition 6 passed several years ago, during their October 7, 2002 meeting they took a position of unanimous support for the State Board of Education position on Public Education Funding. They noted that the Utah School Superintendents Association sincerely congratulates the State Board on taking the initiative and having the courage to step forward with a positive position on public education funding.

Substitute Teaching Summary Report - Dr. Laing distributed a copy of a summary report on Substitute Teaching that was presented at the Legislative Interim Committee. (For complete details, see General Exhibit No. 8933.)

Governor's Employers Coalition - This group is getting closer to making a recommendation, and we are starting to hear and see some of the elements of the recommendations. Dr. Laing reported that Duke Mossman of our Applied Technology area was at a presentation of the Utah Instructional Technology Association wherein Frasier Bullock, Chair of the Employers Coalition presented what he considered to be the five major elements that were emerging from the coalition. The five proposals are: (1) The State Board of Education be changed from elected board to one appointed by the Governor; and the Board still appoint superintendent. That would require a Constitutional change. (2) Do away with all non self supporting athletics and extra curricular activities, and make them self funded or sponsored by the community. (3) Eliminate the drivers education program. (4) Tax credit for private school tuition without an adjusted gross income limit. Dr. Laing reported that he has been meeting with some of the people on Frasier's staff who have been working on this to help them understand that you cannot take the total investment in public education in the state and divide it by the number of students and say that is the average per pupil expenditure. The tuition tax credit issue is one that is at least on the main line for the Employers Coalition group as it exists right now. (5) Revision of graduation requirements, with an increase in math, science, and language arts.

Concern was expressed by Chairman Kim Burningham who has been involved in the meetings of this group indicating that this is the first time he has heard the one to make the board an appointed board. He questioned what strategy the Board felt should be pursued on this issue. Member Denis Morrill felt that the Board needed to scream on this issue.

Member John Pingree voiced concern about the tuition tax credit issue. He questioned if the mandate of the group was to come up with suggestions about helping education be properly funded or is it just what they think ought to be done. Chairman Burningham indicated it was the latter. They have cloaked their original support on tuition tax credits on the funding issues and it is a way to get greater competition.

Member Pingree indicated that competition is not the model that works in education. He felt that this is an issue we should fight. Member Joyce Richards commented that she did not see why people would not want any less than an elected board that represents the entire state. The Board represents the people. Member Pamela Atkinson commented that there needs to be a response, but it needs to be well thought out and measured. She suggested that the Board invite Frasier Bullock to come and talk with the Board and let us hear some of the rationale behind the assumptions of where it is coming from. She felt there is a great deal to be said for an elected board.

Member Laurel Brown commented that another area of concern is that of making the board partisan, and it should not be taken lightly.

Prevention Dimensions - Dr. Laing commended Verne Larson, Coordinator Safe and Drug Free Schools has, in conjunction with people from the Health Department. They have spent a great deal of time developing the program Prevention Dimensions. This program was submitted to the National Registry of Effective Programs and reviewed and has been selected as a promising program, and listed on their list of those sorts of programs that are promising and have shown effect in reducing the use of alcohol, tobacco and violence. Letter from Secretary Rod Paige - Dr. Laing distributed a copy of lengthy letter from Secretary Rod Paige. This letter provides a sense of the tone that the federal government and federal department is striking with regard to public education generally, and in particular the No Child Left Behind Act. He requested that Board Members take the time to read it. (For complete details, see General Exhibit No. 8934.)

Utah Basic Skills Competency Tests - The UBSCT sample tests are being made available to the public today. The *Salt Lake Tribune* will run them as an insert, and it is also available from our web site. From these you can see the questions that were asked as part of the Basic Skills Competency Test. When we first administered this and shortly after the administration as we were working through the process of setting anticipated cut scores there was concern expressed that they were too difficult, they were not basic skills, and on the other hand some said they were too easy. The Legislative Interim Committee opted to save money by delaying the implementation, thus allowing us to release this version. Dr. Laing noted that we will also contract with the survey company to see what people think of these tests. Are they the kind of basic skills we expect students to have at about the 10th grade level. He further noted that the initial raw scoring of the test was relatively encouraging. The reading average correct was about 78%, writing was 63% and math was 65%. He invited board members to look at them and consider taking them.

Board Chairman Report

Chairman Kim Burningham presented the following items of information:

Chairman Burningham reported that in an interview with the *Salt Lake Tribune* he had yesterday the reporter indicated that they had a number of people to participate but when those people found their scores will be made public, they refused to take the test.

Meetings with Legislators and Governor. Governor Leavitt on Monday, November 18, 3:00-4:00 p.m. Republican Leadership on Tuesday, November 19, 8:30 a.m. He noted that the Democrats are looking for a time. Members Anderson, Atkinson, Moss, Haws, Morrill and Shields indicated they would be able to meet with the Governor. Members Anderson, Atkinson, Cannon, Pingree, Richards and Shields indicated they would be able to meet with the Republican Leadership.

Chairman Burningham shared some correspondence he had received via email from former Board Member Judy Larson concerning the school system in Greece compared with ours.

Chairman Burningham shared a poem he had written that morning entitled "October's Gone!"

Member Earl McCain announced the 7th Annual Story Telling Festival at Weber State University, October 11, 12 and 13. There are five national storytellers this year, and there are two children who introduce each section that are just outstanding. He encouraged Board Members to attend if possible.

Member Earl McCain shared a quote from Horace Mann.

Member Marilyn Shields expressed appreciation to Vice Chairman Janet Cannon for her leadership and help in conducting the Western Area meetings of the National Association of State Boards of Education. Vice Chairman Cannon presented the information on the APPLE Initiative.

Member Marilyn Shields expressed appreciation for the opportunity of participating in the presentation of the Milken Award in Emery County.

Deputy Superintendent Gary Carlston reported that the Utah School Superintendents Association will be proposing at their next meeting a Resolution in support of the services of the State Office of Education and with a special commendation especially to Superintendent Laing. They recognize that this office does play an important role and in they are in effect saying it is time to stop criticism of the office, and calling for people to start working together.

General Consent Calendar

Motion was made by Member Teresa L. Theurer and seconded by Member R. Michael Anderson to approve the General Consent Calendar as presented. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held October 4, 2002.

2. Contracts

The following contracts were approved by the Board:

(A) Department of Administrative Services. \$77,027. 7/1/2002-6/30/2003. - Amend.

To renew the Operating and Maintenance agreement with DFCM and Utah State Office of Rehabilitation, Division of Services for the Blind and Visually Impaired located at 250 North 1950 West, Salt Lake City, Utah.

(B) Craig Enterprises - CommGap. \$40,000. 10/1/02-8/1/06 - Amend.

CommGap Translation Services has been designated as the accepted bilingual translator for various languages for various USOE programs and projects from the Ed. Equity, School Law, Child Nutrition, Curriculum, Rehabilitation and SARS. This contract will facilitate translation payments from 10/1/02-8/1/06 up to \$53,400 aggregate without having a C7a processed for each time services are required.

(C) Xerox Corporation. \$115,242. 10/7/02-9/31/05. - Amend.

To lease 2 Docutech 6135 for use in the printshop. (Upgrade existing NP135 to Docutech 6135 and to extend contract 6 months.

(D) Steve James Productions. \$189,800. 10/1/02-6/30/03. - Amend. - Fed.

Steve James Productions will provide musical components for the Prevention Dimension Resource lessons.

(E) NCS Pearson. \$2,746,558. 10/1/02-9/30/03. - Amend. - Fed.

Direct writing assessment and constructed response scoring for USOE. This amendment will extend contract one year while in process of evaluation program. To add development and scoring of pre-algebra; math 7; elem-algebra; and geometry for one year.

(F) Department of Workforce Services. \$175,657. 10/1/02-9/30/03. - Amend. - Fed. RECEIVABLE

To extend the period of performance for the Choose to Work services statewide through September 30, 2003.

(G) Utah Association for the Deaf, Inc. \$1,800. 11/1/02-10/31/03. - Amend. RECEIVABLE

Provide space for the Utah Association for the Deaf (UAD) Bookstore for individuals who are deaf, hard of hearing or speech impaired.

(H) Department of Administrative Services. \$19,441. 7/1/02-6/30/04. - Amend. - Fed.

To renew the Operating and Maintenance Agreement between DFCM and the Utah State Office of Rehabilitation, Division of Services for the Deaf and Hard of Hearing, located at 5709 South 1500 West, Taylorsville, Utah and to increase the square footage by 7,402.

(I) Utah State University. \$14,800. 7/1/02-6/30/03. - Fed. RECEIVABLE

Training for Benefits Planning and Outreach Counselors.

(J) Utah Department of Health. \$50,000. 10/1/02-9/30/04. - RECEIVABLE

To promote and increase employment opportunities for people with disabilities through education and involvement of employers.

(For complete details of the Contracts, see General Exhibit No. 8935.)

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. 8936.)

4. Utah State Board of Education Proposed 2003 Meeting Schedule

A revised proposed meeting schedule for the State Board of Education for 2003 was approved. (For complete details, see General Exhibit No. 8937.)

- Program Proposal for University of Phoenix Masters of Arts in Education with

Specialization in Elementary Teacher Education

The University of Phoenix has proposed a Masters of Arts in Education that will lead to a Utah Professional Educator License Level 1 with an Elementary area of concentration. The courses for this license area will be offered as part of a masters degree program. The Educator Development Advisory Committee has reviewed the proposed program and recommends its approval. (For complete details, see General Exhibit No. 8938.)

The State Board of Education approved the University of Phoenix Masters of Arts in Education degree with a specialization in Elementary Education.

6. Medical Recommendations by School Personnel to Parents, R277-611

Medical Recommendations by School Personnel to Parents provides clarification regarding the recommendations or directions that school personnel may give to parents or guardians about specific treatments or medications for their children. The rule responds to the concerns of supporters of H.B. 123, Medical Recommendations for Children, (2002 General Session of the Utah State Legislature) which was vetoed by the Governor.

The Board approved on second reading R277-611, Medical Recommendations by School Personnel at the October 4, 2002 meeting. There have been no substantive changes to the rule since that time. The State Board of Education approved R277-611, Medical Recommendations by School Personnel on third and final reading. (For complete details, see General Exhibit No. 8939.)

7. Monthly Budget Report

The Monthly Budget Report provides information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education and the Utah State Office of Rehabilitation. (For complete details, see General Exhibit No. 8940.)

8. Schmitt, Griffiths, Smith & Co. Expenditure Approval

The Utah State Legislature set aside approximately \$500,000 for studies and audits associated with the Minimum School Program. At the September 6, 2002 Board meeting the Board approved a Contract with Schmitt, Griffiths, Smith & Co. to perform such audits. The Board Audit Committee met on October 4, 2002 and reviewed a proposal from Schmitt, Griffiths, Smith & Company and recommends that the Board approve the expenditure of \$15,800, for a charter school funding study. The Board approved the expenditure of \$15,800, for a charter school funding study.

9. 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. 8941.)

10. Claims Report

The Claims Report in the amount of \$164,738,318.84 ending September 30, 2002, was approved by the Board. (For complete details, see General Exhibit No. 8942.)

Meeting adjourned 3:35 p.m.