

# UTAH STATE BOARD OF EDUCATION

## MINUTES

February 9, 1996

Minutes of the meeting of the State Board for Applied Technology Education and the State Board of Education held February 9, 1996, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 9:05 a.m. Board Chairman Marlon O. Snow presided.

Members present were:

Chairman, Marlon O. Snow  
Vice Chairman Linnea S. Barney  
Member Daryl C. Barrett  
Member Neola Brown  
Member Janet A. Cannon  
Member Keith T. Checketts  
Member Thomas F. Davidson  
Member Katharine B. Garff  
Member Lynn Haslem  
Member C. Grant Hurst  
Member Boyd F. Jensen  
Member Kay McDonough  
Member Marilyn Shields  
Member Waynette Steel

Member Milton Kendrick was excused.

Also present were:

Executive Officer Scott W. Bean  
Deputy Superintendent Laurie A. Chivers  
Associate Superintendent Robert O. Brems  
Associate Superintendent Bruce Griffin  
Associate Superintendent Jerry P. Peterson  
Executive Director, USOR, Blaine Petersen  
Public Information Officer Eileen Rencher  
Board Secretary Twila B. Affleck

Also present for portions of the Board meeting were:

Members of the Press:

Cheryl Buchta, Standard-Examiner  
Marjorie Cortez, Deseret News  
Kathy Kapos, Salt Lake Tribune

Other Member of the Public:

Rosemary Tanner, KUED Media Solutions  
Marshall Johnson, KUED Media Solutions

Paul E. Burrows, KUED Media Solutions  
Candace Dee, Utah Association of School Psychologists  
Fran Stultz, Governor's Office  
Con Rowley, Governor's Office  
Janet Gibbs, Utah Professional Practices Advisory Committee  
Billie Telford, Utah Eagle Forum  
Steve Hess, Utah Education Network  
Fred Esplin, Utah Education Network  
Corrine Hill, Governor's Office  
Camille Elkins, Utah PTA

Members of the State Office of Education Staff:

Robert Petersen, Agency Services  
Margaret Bird, Agency Services  
Roger Mouritsen, Instructional Services  
Jerald Mikesell, Agency Services  
Nathan Taggart, Agency Services  
Max Jensen, Agency Services  
Judy DeWaal, Agency Services  
Jan Tyler, Strategic Planning Services  
Barbara Gardner, Strategic Planning Services

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The Board repeated the Pledge of Allegiance.  
Board Member Katharine B. Garff offered the reverence.  
Board Secretary Twila B. Affleck recorded the minutes.

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### **EXECUTIVE OFFICER REPORT**

Superintendent Scott W. Bean reported on the following items of information:

**Conferences.** Three Conferences were held this month: School-to-Work, Character Education/Values, and Migrant Education.

Associate Superintendent Rob Brems reported on the kickoff for the **School-to-Careers** efforts in Utah. He indicated that the Governor attended the kickoff along with Superintendent Bean and Commissioner Foxley. He further indicated that the conference helped to answer a lot of questions that people throughout the state had about the School-to-Careers program.

Associate Superintendent Jerry Peterson reported that a grant was received by a **consortium of districts and the State Office** to develop a district and community character education program. On January 30-31, 1996, a kickoff workshop was held at the Alumni House at the University of Utah with approximately 40 business, religious, governmental, PTA, and school personnel for a two-day workshop. Board Member Daryl Barrett who is the co-chair of the Governor's Commission on Centennial Values attended and made a valuable contribution. A report of the conclusions of that workshop will be available at a later date.

Associate Superintendent Jerry Peterson reported on the **Migrant Education Conference** this week which was a one-day seminar to update these educators on current law and rules and regulations to prepare them for the coming summer activities. The conference was well developed and attended. Migrant Specialist Jerry Ortega was responsible for the conference.

**Emergency Snow Day.** We have received several questions about the emergency or snow days. Dr. Bean indicated that three or four years ago when the rule was changed the Board eliminated make-up days for emergencies. At that time included in the rule was a suggestion to districts that they schedule emergency days.

He indicated that he would prefer a schedule that was open-ended. This is a preferable system because there are times when district officials are reluctant to close schools when they should because of hazardous situations for children. Dr. Bean reported that this is a district matter, and they will in the future set up policies for emergency days. The most difficult is the year-round school schedule. However, Salt Lake City and Granite School Districts have scheduled the days as well as for year-round schools.

**School Textbooks and Supplies Legislative Audit.** This morning at 8:30 a.m. the Legislative Audit Committee received the report of the School Textbooks and Supplies. This has to do with the Board's four percent (4%) rule (i.e., school districts are required by Board rule to spend four percent of their basic school program funds for textbooks and supplies). The legislature has also allocated supplemental funds in addition to that with which the audit dealt. The audit indicates that in small districts, textbooks and supplies are not much of a problem; they have enough money. However, in large districts along the Wasatch Front, it is a problem. In the letter of response drafted by our office, it says that the Utah State Office of Education agrees that the Board should review the rule regarding the four percent (4%) requirement for the following purposes: (1) to determine whether four percent (4%) of the amount is appropriate for all districts, (2) to determine what revenue sources should be counted in the expenditure, (3) to review the definitions, (4) to establish compliance monitoring through the annual single audit, (5) to define the training responsibilities through the State Office of Education for district business administrators, and (6) to outline procedures for non-compliance. Dr. Bean indicated that we have some of those in place now, and the way it has been done it is quite clear. (For complete details of the audit report, see General Exhibit No. 7509.)

**District Superintendent Retirements.** The following district superintendents have announced their retirements: Jordan, Granite, Ogden, and San Juan Districts. There may also be a couple of other districts that will have changes. When it is all over, and if there is a domino effect, we could have seven or eight districts in which we could have changes. Dr. Bean expressed appreciation for all of the work these superintendents have done. He recommended that it would be appropriate for the Board to send letters of commendation to these superintendents expressing gratitude for the work they have done.

Motion was made by Member Keith T. Checketts and seconded by Thomas F. Davidson that letters of commendation and gratitude be written to the retiring superintendents. Motion carried unanimously.

**Alaska Department of Education.** We had a visit from the Alaska Department of Education and state PTA president. They visited with the Center for Families in Education to gain information about that and looked at the models the center is sponsoring. They felt very good about the work that is being done here, and they will take much of it back and try to model a similar center in Alaska.

**Appropriations Subcommittee Meeting.** Today the Appropriations Subcommittee will meet at 2:00 p.m. If the Board meeting is finished, the Board members should attend that meeting. Dr. Bean reviewed the agenda for that meeting.

Dr. Bean reported that the staff meets every Monday, Wednesday, and Friday at 7:30 a.m. to discuss legislative issues. He welcomed the Board to attend any of those meetings. He also announced that there is an Education Coalition meeting every Monday at 12:30 p.m. He complimented Board Members Barrett and Cannon for their faithful attendance at these meetings.

Dr. Bean complimented the legislature in general. He indicated that many bills have been proposed; some are friendly, and others are not positive for public education. However, for the most part they have approved the positive bills and rejected the negative ones. He reported that we have received excellent support from the appropriations committee. Dr. Bean further reported that at the conclusion of the legislature we send letters to the legislators expressing our appreciation for their support and pinpointed the specific areas in which they have been supportive towards public education.

Member Katharine Garff reported on the drug bust at **Woods Cross High School** this past week. She complimented the Davis School District and Woods Cross High School for the positive way in which this was handled and the strong message that it sent to the public that school administrators will not tolerate this. She

indicated that the students were thrilled with this action because it shows that the administrators and faculty care about them.

Member Garff moved that a letter be written from the Board to the principal at Woods Cross High School with copies to the district and the Woods Cross Chief of Police commending them for their courage and the professional way in which it was handled. Staff was directed to write the letter.

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## **BOARD CHAIRMAN REPORT**

Member Daryl Barrett reported that **Bryant Junior High School** was named by the U.S. Department of Education as a Blue Ribbon School. She suggested that a note of congratulations be sent to them.

Member Tom Davidson presented a brochure on Counseling K-12 from Weber School District through **Freemont High School**. He indicated that this is an excellent program that is just getting started but has a lot of good results.

Member Kay McDonough reported that the **FACT Program** and Granite School District have been working with the community in Magna to write a family preservation grant to provide FACT services through the twelfth grade. The entire community has become involved through the FACT initiative.

Member Neola Brown also commented on the FACT program, and that it is doing very well throughout the entire rural area. Everyone is supporting it, and she hoped the financial support can continue.

Member Marilyn Shields complimented Superintendent Bean and the excellent work on the **Superintendents Annual Report**. She paid credit to the staff in the agency who put it together. Superintendent Bean commented that the staff puts this together. He expressed appreciation and commendation to his Administrative Assistant Lorraine Austin who was in charge of pulling all of this together. Dr. Bean indicated that next year it will be a little more glossy presentation because it will be geared to the Centennial including historical information that normally would not be included.

Member Keith Checketts reported that he attended the **NASBE meetings on the Governance Study Task Force**, and this was a productive two days.

Member Daryl Barrett reported that she had attended the Board of Directors meeting for NASBE which was an orientation for the Board. She indicated that it is a unique position to represent the western area on a national board.

Stevan Kukic, Director, Special Education and At Risk Students, reported that at the **National Association of State Directors of Special Education** meeting held in Salt Lake City, each state that participated brought a quilt block (which had been requested prior to the meeting). Thirty-five states participated and a quilt was put together. He displayed the quilt and indicated that it will be circulated around to the other states.

Member Grant Hurst stated that with the announcement of the retirement of five school administrators across the state, we will be losing in the next six to eight months 135 years of combined service from those five administrators. He felt that this leaves a message about the pressure and context of being an administrator in a large district. He suggested that we need to look at this issue to see if there is an underlying issue that needs to be considered.

Superintendent Bean commented that the tenure on large district superintendents is generally three years or less. The calculation CCSSO did on state superintendents last year indicated that the tenure was about 1.8 years. In the last two years, about sixty percent of that group has changed. There are more and more negative things people encounter, especially in large districts. This presents a serious problem for keeping administrators. Dr. Bean commented that he felt the most serious problem in administration is getting and retaining good high school principals. That area of administration is the most stressful of all, and we are seeing the same trend there

also.

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## **COMMITTEE REPORTS**

### **ADMINISTRATION, FINANCE, STRATEGIC PLANNING, AND LEGISLATION COMMITTEE**

Member Linnea S. Barney, Acting Chairman of the Administration, Finance, Strategic Planning, and Legislation Committee, reported on the following recommendations from the committee:

#### **Certification Committee Meeting Agenda**

The Committee reviewed the recommendation of the **Utah Professional Practices Advisory Commission** in case No. 95-367 to accept a stipulated agreement whereby Robert D. Lisota, a former educator in the Alpine School District, will voluntarily surrender his certificate, in lieu of a hearing, for purposes of having it suspended by the State Board of Education as a result of an alleged drug offense.

Motion from the Committee to accept the stipulated agreement, and suspend the certificate of Robert D. Lisota, Case No. 95-367, as a result of an alleged drug offense. Motion carried with Members Barney, Barrett, Brown, Cannon, Checketts, Davidson, Garff, Hurst, Jensen, McDonough, Shields, and Steel voting in favor; Member Haslem was absent.

The Committee reviewed the list of requests for **temporary authorizations**.

Motion from the Committee to approve the requests for temporary authorizations as presented in the Agenda with the following exceptions: Kane District, Catherine Reed and Dan Shaw; South Summit District, Clark Bayles; Washington District, Jeffery Adamson; and Ogden District, Juan Galvan. Motion carried with Members Barney, Barrett, Brown, Cannon, Checketts, Davidson, Garff, Hurst, Jensen, McDonough, Shields, and Steel voting in favor; Member Haslem was absent.

(For complete details of the Certification Committee Agenda, see General Exhibit No. 7510.)

#### **Utah Professional Practices Advisory Commission Annual Report**

Janet Gibbs, a member of the Utah Professional Practices Advisory Commission, presented the Annual Report of the Utah Professional Practices Advisory Commission. Ms. Gibbs also discussed the duties and responsibilities of the Commission. (For complete details of the Annual Report, see General Exhibit No. 7511.)

Member Janet Cannon commented that Senator Scott Howell has sponsored a bill in the Senate that states students can be suspended from school for use of profane and abusive language. Is there anything that indicates teachers, coaches, etc., must also adhere to the same conduct?

Ms. Gibbs responded that the Ethical Standards addresses that as well as Professional Conduct. Board members requested that copies of those documents be sent to them.

Motion was made by Member C. Grant Hurst and seconded by Member Thomas F. Davidson to receive the report with commendation. Motion carried with Members Barney, Barrett, Brown, Cannon, Davidson, Garff, Hurst, Jensen, McDonough, Shields, and Steel voting in favor; Members Checketts and Haslem were absent.

#### **School Trust Lands Annual Report**

Margaret Bird highlighted the Annual Report on School Trust Lands for Fiscal Year ending June 30, 1995. (For complete details, see General Exhibit No. 7512.)

Chairman Snow commented on a letter he received from a county commissioner addressing what they feel is a problem for livestock people getting permits to put their cattle on range lands. Ms. Bird responded that grazing permits are issued in 15 year blocks and at the end of the 15 years. It is not advertised, but they are made a public record. Once they do go to bid, the current grazing lessee is allowed to meet the high bid.

Discussion ensued relative to the positions on the nominating committee and the Board of Trustees. Ms. Bird indicated she would provide the Board with information relative to the time lines and positions coming up on the nominating committee and the Board of Trustees.

Motion was made by Member C. Grant Hurst and seconded by Member Keith T. Checketts to receive the report with commendation to Ms. Bird. Motion carried with Members Barney, Barrett, Brown, Cannon, Checketts, Davidson, Garff, Hurst, Jensen, Kendrick, McDonough, Shields, and Steel voting in favor; Member Haslem was absent.

### **Utah Education Network Presentation**

Steven Hess, Director of the Utah Education Network, presented information regarding the cooperative efforts between the State Office of Education and the Utah Education Network. His presentation focused on *The World of Work* and the *Utah Collections Project*. (For complete details, see General Exhibit No. 7513.) Mr. Hess introduced Fred Esplin, KUED Station Manager, and Rosemary Tanner and Paul Burrows from KUED who are working on these project.

Fred Esplin reported that this is a private/public partnership with the State Office of Education and others. They have prepared both a video tape and study guide for parents of children in preschool entitled "Ready to Learn." For parents of children in the late elementary grades, they have prepared a guide entitled "Ready to Study" to help them with study tips; and a guide for parents and students in late high school years titled "Ready to Work." He indicated that copies have been distributed to every school and library in the state, and they are available at cost to parents. The Board previewed the "Ready to Work" video.

Their second presentation, "Utah Collections," included video resources, text resources, maps, and graphs that are being generated at KUED and with other partners and will be made available on CD-ROM and on-line through Utah Link. The first part of the collection has to do with social studies and history. The Board previewed a portion of the "Utah Collections."

Motion was made by Member Thomas F. Davidson and seconded by Member Katharine B. Garff to receive the report with commendation. Motion carried with Members Barney, Brown, Cannon, Checketts, Davidson, Garff, Hurst, McDonough, Shields, and Steel voting in favor; Members Barrett, Jensen and Haslem were absent.

### **Budget Summary for 1996-97**

Deputy Superintendent Laurie A. Chivers highlighted the areas of the budget that had significant differences between the State Board of Education request, the Governor's budget, and the analyst's recommendations. (For complete details of the budget summary, see General Exhibit No. 7514.)

Member Grant Hurst voiced concern about the funding support for the arts and fine arts programs. He felt there needed to be something done to raise the awareness of these programs.

Motion was made by Member Keith T. Checketts and seconded by Member Waynette Steel to receive the report. Motion carried with Members Barney, Barrett, Brown, Cannon, Checketts, Davidson, Garff, Hurst, Jensen, McDonough, Shields, and Steel voting in favor; Member Haslem was absent.

### **Comprehensive Guidance Program, Rule R277-462**

Associate Superintendent Robert O. Brems presented some proposed changes in the Comprehensive Guidance Program Rules to reflect a need to modify language which has been interpreted as exclusionary relative to the personnel hired to deliver this program. He indicated that while the program is designed to be delivered by school counselors, in some instances districts may desire or need to use other personnel in the program. (For complete details of the proposed revised rule, see General Exhibit No. 7515.)

Motion was made by Member Keith T. Checketts and seconded by Member C. Grant Hurst to approve the proposed rule changes to Rule R277-462, Comprehensive Guidance Program, on first reading.

Member Daryl Barrett commented that she felt there were two inconsistencies in the rule, one in R277-462-3-

(3)C "Evidence that eighty percent of aggregate *counselors* time is devoted to DIRECT services to students; . . . ." The term "counselors" should be modified to "certified personnel" or similar term; and the same should be done in R277-462-4-B(1) "Districts may pay for the costs incurred in hiring NEW personnel as a means of reducing the pupil/*counselor* ratio and eliminating time spent on non-guidance activities in order to meet the program criteria."

Associate Superintendent Brems commented that we have a well established term that is used a lot in accreditation processes, etc. This is a generic term in the way it is used. Member Checketts suggested that staff review the two terms and see if they are still satisfied with their recommendations.

Amendment to the motion was offered by Member Daryl C. Barrett and seconded by Member C. Grant Hurst to direct staff to review these two areas. Motion carried unanimously.

### **Status Sheet for the 1996 Legislative Session**

Deputy Superintendent Laurie Chivers presented the latest status sheet of proposed legislation for the 1996 Legislative Session. The Board reviewed the recommended positions on the legislation. (For complete details, see General Exhibit No. 7516.)

Member Grant Hurst requested that a review of career ladders (how the money is being used by districts and the results of the program) be scheduled for the Board. Superintendent Bean commented that the review had been held for the Board a few months ago, and we would get that information to Mr. Hurst.

Following discussion of some of the proposed bills, motion was made by Member Keith T. Checketts and seconded by Member C. Grant Hurst to adopt the positions recommended with amendments as follows:

- HB 66, Civil Nuisance Amendments, change to support;
- HB 76, Centennial Schools Amendments, change to support;
- HB 104, Local School Board Amendments, change to no position;
- HB 117, Student Education Plan/Student Education Occupation Plan Amendments, change to support;
- HB 118, Preassessment of Principal Candidates, change to support concept;
- HB 228, Accelerated Learning Amendments, change to support;
- HB 235, Reducing Class Size in Public Schools, change to support;
- HB 236, School Breakfast Program, change to support concept;
- HB 247, School Board Compensation, change to support;
- HB 261, Critical School Building Needs Appropriation, change to support;
- HB 311, Sales Tax Exemption for Textbook and Lab Fees, change to unnecessary;
- HB 359, Academic Contest Fund, change to hold;
- HB 365, Property Tax Deferral for Elderly, change to hold;
- SB 33, School Discipline Amendments, change to support;
- SB 104, Public Notification of Sex Offender's Location, change to support;
- and
- SB 201, Education Assessment Program, change to support.

Motion carried with Member Barney, Barrett, Brown, Cannon, Checketts, Davidson, Haslem, Hurst, Jensen, McDonough, Shields, and Steel voting in favor; Member Garff was absent.

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### **GENERAL CONSENT CALENDAR**

Motion was made by Member Keith T. Checketts and seconded by Member C. Grant Hurst to approve the General Consent Calendar as presented. Motion carried with Members, Barney, Barrett, Brown, Cannon, Checketts, Davidson, Haslem, Hurst, Jensen, McDonough, Shields, and Steel voting in favor. Member Garff was absent.

## 1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board for Applied Technology Education and the State Board of Education held January 11, 1996.

## 2. Contracts

The following contracts were approved by the Board:

(a) State Department of Human Services. \$55,065. 7/1/95-6/30/96. - RECEIVABLE.

Purchase 20% of Mary Ann William's Salary/Benefit/Indirect cost through October 6, 1995 and 100% from October 7, 1995, through June 30, 1996, for development services of a system of care for children (and their families) with serious emotional disorders.

(b) Lawrence C. Walters. \$4,000. 1/2/96-6/30/96.

To study interdistrict fiscal equity using data envelopment analysis.

(c) Lois A. Huebner. \$24,000. 1/1/96-12/31/96 - Fed.

Professional and technical medical services for USOR/DDS.

(d) University of Mississippi. \$17,787. 10/1/95-9/30/96. - Fed.

To develop and present curriculum to be used in training Child Nutrition personnel in the state to bring school meals into compliance with new regulations and the dietary guidelines for Americans.

(e) Michael Josephson. \$3,500. 3/17/96-3/23/96.

To provide consultation and training in character education to personnel of school districts/community partnerships in consensus building and planning for two-day training of approximately 95 people.

(f) Utah Parent Information & Training Center. \$29,608. 9/1/95-8/31/96. - Fed. - Amend.

To serve parents of children with emotional, behavioral, and mental disorders. This includes a volunteer support component, as well as minority outreach, rural area services, resource materials, and Allies with Families Project. **Additionally:** Transition Specialist-Parent Consultant to assist in the transition from school to adult programs and services.

(g) Computer Software Solutions. \$4,510. 2/1/96-12/31/96.

To build DOS version of DSVH Client Management System.

(h) Entrada Properties, Inc. \$372,424.20. 2/1/96-1/31/01. - Fed.

Lease agreement for South office located at 5020 South State Street, Salt Lake City, Utah.

(For complete details of the Contracts, see General Exhibit No. 7517.)

## 3. SBR/SBE Joint Liaison Committee Meeting Minutes

Minutes of the Joint SBR/SBE Liaison Committee Meetings held January 8, 1996. The State Board of Education approved the minutes of the Committee Meetings, and ratified the actions of the Joint Liaison Committee. (For complete details of the minutes, see General Exhibit No. 7518.)



#### 4. Emergency Preparedness Plan, Revision of Rule R277-400

The revision to the Emergency Preparedness Plan, Rule R277-400, brings the rule into compliance with the State Fire Marshall codes. At the January meeting the Board made additional changes to the rule. There have been no other modifications recommended to the rule. (For complete details of the Rule, see General Exhibit No. 7519.)

The Board approved Rule R277-400, Emergency Preparedness Plan, on third and final reading.

#### 5. Budgeting, Accounting, and Auditing of Utah School Districts, Revision of Rule R277-425

A revision of Rule R277-425, Budgeting, Accounting, and Auditing of Utah School Districts, was presented and approved by the Board at the January 11, 1996, Meeting. There have been no other modifications recommended to the rule. (For complete details of the Rule, see General Exhibit No. 7520.)

The Board approved Rule R277-425, Budgeting, Accounting, and Auditing of Utah School Districts, on third and final reading.

#### 6. Sevier Valley Applied Technology Center Land Lease Agreement

Information Technology Services, a division of Utah Administrative Services, has proposed a special use land lease agreement to place a facility on the campus of Sevier Valley Applied Technology Center. The concept was discussed with the Board several months ago and a contract has now been prepared to formalize the agreement. (For complete details of the Land Lease Agreement, see General Exhibit No. 7521.)

The Board approved the lease agreement/contract at the Sevier Valley Applied Technology Center.

#### 7. Ratification of Employment

Patricia Ann Smart was ratified as the Educational Specialist, Student Services and Occupational Planning, in the Applied Technology Education Division.

#### 8. Payroll Changes in the Utah State Office of Education and Utah State Office of Rehabilitation

Payroll changes in the Utah State Office of Education and the Utah State Office of Rehabilitation. (For complete details, see General Exhibit No. 7522.)

#### 9. List of Applicants for Certificates

A summary of the list of applicants for initial and renewal certificates for January, 1996. (For complete details, see General Exhibit No. 7523.)

#### 10. Financial Statement and Claims Report

The Claims Report in the amount of \$125,037,149.39, and Financial Statement ending January 31, 1996. (For complete details, see General Exhibit No. 7524.)

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### **EXECUTIVE SESSION**

Motion was made by Member Keith T. Checketts and seconded by Member Boyd F. Jensen to move into Executive Session for discussion of personnel issues and potential pending litigation. The Board was polled and by unanimous consent of those present [Member Garff was absent.], the Board moved into Executive Session at 1:10 p.m.

Motion was made by Member C. Grant Hurst and seconded by Member Linnea S. Barney to reconvene into open meeting. By unanimous consent of those present the Board reconvened at 2:05 p.m.

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## **OPEN MEETING**

Motion was made by Member C. Grant Hurst and seconded by Member Boyd F. Jensen to approve the following recommendations for the Adult Education Advisory Committee: Darline Robles, Jenny Barber, and Ron Hermanson; and for the Custom Fit Advisory Committee: Tom Hargreaves, and Steve Miller. Motion carried unanimously.

Meeting adjourned at 2:10 p.m.