

MINUTES

February 15, 2001

Minutes of the special meeting of the State Board of Education and State Board for Applied Technology Education held February 15, 2001, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 11:00 a.m. Board Chairman Kim R. Burningham presided. Members present were:

Chairman, Kim R. Burningham

Member Mike Anderson

Member Linnea S. Barney

Member Laurel Brown

Member Jill G. Kennedy

Member Judy Larson

Member A. Earl McCain

Member Denis R. Morrill

Member David L. Moss

Member Marilyn Shields

Member Teresa L. Theurer

Members Bette Arial, Janet Cannon, Greg Haws, and Joyce Richards were excused.

Also present were:

Deputy Superintendent Gary L. Carlston

Associate Superintendent Robert O. Brems

Associate Superintendent Patrick Ogden

Interim-Associate Superintendent Bonnie Morgan

Executive Director, USOR, Blaine Petersen

Public Information Officer, Eileen Rencher

Board Secretary Twila B. Affleck

Executive Officer Steven O. Laing was excused.

Also present for portions of the Board meeting were:

Members of the Press:

Darci Marchese, KSL Radio

Heather May, Salt Lake Tribune

Royanne Boyer, Director, Mountainlands Applied Technology Center Service

Region

Marilyn Likins, USEAP

Lloyd Naylor, Murray School Board

Richard Maughan, Superintendent, Bridgerland Applied Technology Center

Richard Jones, Superintendent, Uintah Basin Applied Technology Center. February 15, 2001

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Brent Wallis, Superintendent, Ogden-Weber Applied Technology Center

State Office of Education Staff:

Vicky Dahn, Instructional Services

Judy DeWaal, Agency Services

Kathy Berg, Agency Services

Legislative Block Grant Proposals

Associate Superintendent Patrick Ogden reviewed the Block Grant proposals being discussed by the Education Appropriations Committee. He indicated they are proposing three additional non-teaching days to be used at the discretion of the district for professional development. The estimated cost for this would be \$15 million. Mr. Ogden also reviewed the unresolved issues with regard to block granting. (For complete details of the material presented, see General Exhibit No. 8535.)

Discussion ensued relative to the implications of block granting and how it affects the allocation for wpu and the Board's priorities.

Motion was made by Member Linnea S. Barney and seconded by Member Mike

Anderson that the Board support the proposal being made by the Utah State Office of Education

and to emphasize to legislators the importance of maintaining ongoing funding for these programs. Motion carried with Members Anderson, Barney, Brown, Kennedy, Larson, Moss, Shields and Theurer voting in favor; Members McCain and Morrill absent.

Chairman Burningham encouraged Board Members to contact legislators on the appropriation ;s committee.

Utah State Office of Education Budget

Deputy Superintendent Gary Carlston reported that the Legislative Fiscal Analyst has proposed the base budget that currently exists for the Utah State Office of Education. At the last committee meeting their was a motion to approve that and it did not pass. The co-chair of the committee explained that there was some discussion that maybe before adopting a budget for the State Office of Education there could be some way of looking at different ways of delivering services -- possibly districts contracting with the state office. It is anticipated that this will be up for discussion tomorrow.

House Bill 34 - Applied Technology Education Governance. February 15, 2001

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Associate Superintendent Robert O. Brems presented background information relative to the status of House Bill 34. He noted that there have been meetings with the Governor and the Speaker of the House relative to this legislation. The Governor is not in favor of the legislation because he feels it creates a third board.

Mr. Brems summarized the 3rd Substitute House Bill 34. (For complete details, see General Exhibit No. 8536.)

Discussion ensued relative to the perception that applied technology education is post secondary. It was noted that the high school applied technology education program is the highest education some students will receive.

Further discussion ensued relative to the fact that the State Board of Education made a concession in support of the Joint Applied Technology Education Council hoping it would be able to help provide an appropriate applied technology education program for students. It was also noted that the State Board of Regents have failed to take any stand on the proposed legislation. Board members felt betrayed with this new proposal feeling that they have put forth

a concerted effort and now it seems they are getting stabbed in the back.

Further discussion ensued relative to the reauthorization of the task force that studied this issue last year and the duties of that task force which assumes that the Legislature and Governor have concluded that applied technology education in Utah is post-secondary education. Further that the task force shall determine if applied technology education in Utah should be governed by: (a) the State Board of Regents; or (b) a single board of education governing public education, higher education, and applied technology education. Another alternative that is not mentioned was an independent board such as JATEC. Obviously missing is that applied technology education be left with the State Board for Applied Technology Education.

Motion was made by Member Jill G. Kennedy and seconded by Member David L.

Moss that the State Board seek a sponsor for an amendment to the 3rd Substitute House Bill 34.

The amendment would be to strike line 127 and 128 up to the word $\frac{1}{2}$ the, ² add after (a) the State Board of Education; (b) State Board of Regents; (c) The single board of Education and (d) to include the language that was there before regarding JATEC. Motion carried with Members. February 15, 2001
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Anderson, Barney, Brown, Kennedy, Larson, McCain, Moss, Shields and Theurer voting in favor; Member Morrill absent.

Motion was made by Member Teresa L. Theurer and seconded by Member Laurel

Brown that the Board's position relative to 3rd Substitute HB 34 be opposed unless it is amended as identified by the previous motion. Motion carried with Members Anderson, Barney, Brown, Kennedy, Larson, McCain, Moss, Shields and Theurer voting in favor; Member Morrill absent.

House Bill 138 - Individual Income Tax and Corporate

Franchise and Income Tax Credits for Qualifying

Education Expenses

Chairman Burningham noted that there is proposed legislation H.B. 138 which deals with tuition tax credits. The Utah School Boards Association has a strong position in opposition to this legislation. The USBBA has planned a press conference tomorrow at 12:00 Noon on the steps of the capitol to state their position of opposition to this legislation. They have invited

representatives of the PTA, the Utah School Superintendents Association and the Chair of the State Board to make a statement relative to this legislation.

Member Judy Larson commented that the USBA is opposed because they feel it is an erosion of public education.

Discussion ensued relative to the feeling that this would cause an erosion of the public education system which has been operating in this country and has been very successful.

Motion was made by Member Marilyn Shields and seconded by Member Judy Larson to strongly oppose HB 138, and anything else that would erode public education.

Discussion ensued relative to the possibility of this type of funding being provided through private foundations and donors to help build a system for less privileged students in providing scholarships. It was also felt that this is very inequitable.

Motion carried unanimously.

Chairman Burningham noted that he would represent the Board at the press conference tomorrow and indicate a strong opposition to this legislation and anything else that would erode public education.

Positions on Legislation (Tracking Sheet).February 15, 2001
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Carol Lear reviewed the proposed legislation that the Board has not yet taken a position on. (For complete details of the tracking sheet, see General Exhibit No. 8537.) The following action was taken by the Board:

HB 78 - Sales and Use Tax

Motion was made by Member David L. Moss and seconded by Member Laurel Brown to support the concept.

Discussion ensued relative to whether this would benefit schools and activities and not create a dramatic impact on us. Also, the need to provide additional administrative efforts to figure the taxes.

Motion failed with Members Brown, Kennedy, Larson, McCain, Moss, and Shields voting against; Members Anderson, Barney and Morrill and Theurer voting in favor.

Motion was made by Member A. Earl McCain and seconded by Member Linnea S.

Barney to support HB 78. Motion carried with Members Anderson, Barney, Brown, Kennedy, Larson, McCain, Moss, and Shields voting in favor; Members Morrill and Theurer opposed.

HB 99 - Reading Skills Development Center Amendments

Motion was made by Member Linnea S. Barney and seconded by Member Mike Anderson to withdraw the position of support from HB 99.

Discussion ensued relative to public education money going to one institution for a reading clinic. Also, that it appears to be research oriented.

Deputy Superintendent Gary Carlston recommended that the Board change its position to $\frac{1}{2}$ support concept, ² but the money should not come from public education appropriations.

It was clarified that the Board is not opposed to a reading clinic, they are opposed to the funding going to one institution.

Motion to change support to support concept carried unanimously.

HB 131 - Internet Child Protection Act

Motion was made by Member Teresa L. Theurer and seconded by Member Judy Larson to support HB 131. Motion carried unanimously.

HB 142 - Addressing Physical Fitness and Nutrition in Public Education. February 15, 2001 -15661-

Motion was made by Member Denis R. Morrill and seconded by Member Judy Larson to oppose HB 142.

Discussion ensued relative to supporting the concept of physical fitness, but that it is already addressed in the core curriculum.

Substitute motion was made by Member Teresa L. Theurer and seconded by Member Mike Anderson that the Board's position be $\frac{1}{2}$ unnecessary. ²

Substitute motion failed with Member Kennedy and Theurer voting in favor;

Members Anderson, Barney, Brown, Larson, McCain, Morrill, Moss, and Shields voting against.

Original motion carried with Members Anderson, Barney, Brown, Larson, McCain, Morrill, Moss and Shields voting in favor; Members Kennedy and Theurer opposed.

HB 145 - Reading Achievement in Elementary Schools

Motion was made by Member Teresa L. Theurer and seconded by Member Linnea S.

Barney to oppose HB 145 because of the retention aspect. Motion carried unanimously.

HB 168 - Notice by School to Custodial and Noncustodial Parent

Motion was made by Member Judy Larson and seconded by Member Teresa L.

Theurer to support HB 168. Motion carried unanimously.

HB 189 - Federal Government Acquisition of Real Property in the State

Motion was made by Member Laurel Brown and seconded by Member Judy Larson

to ½ watch ² HB 189. Motion carried unanimously.

HB 235S1 - Publication of School District Expenses

No action

HB 267 - Enhancement of Public Education Task Force

Motion was made by Member Teresa L. Theurer and seconded by Member A. Earl

McCain to take the position of ½ unnecessary ² on HB 267. Motion carried unanimously.

HB 273 - Education Protection Funding Program

Motion was made by Member Jill G. Kennedy and seconded by Member Linnea S.

Barney to take the position of ½ oppose ² on HB 273. Motion carried with Members Anderson,

Barney, Brown, Kennedy, Larson, McCain, Morrill, and Moss voting in favor; Members Shields

and Theurer absent..February 15, 2001

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HB 281 - Individual Income Tax

Motion was made by Member Mike Anderson and seconded by Member Judy Larson

to take the position of ½ support ² on HB 281. Motion carried with Members Anderson, Barney,

Brown, Kennedy, Larson, McCain, Morrill, Moss and Shields voting in favor; Member Theurer

absent.

HB 283 - Individual Income Tax Credit for Volunteers in Schools

Motion was made by Member Mike Anderson to take the position of ½ support on HB

283. There was no second.

Motion was made by Member Jill G. Kennedy and seconded by Member David L.

Moss to take the position of ½ oppose ² on HB 283. Motion carried with Members Anderson, Barney, Brown, Kennedy, Larson, McCain, Morrill, Moss and Shields voting in favor; Member Theurer absent.

HB 309 - Educational Neglect and Truancy Amendments

Motion was made by Member David L. Moss and seconded by Member Jill G.

Kennedy to take the position of ½ support ² on HB 309. Motion carried with Members Anderson, Barney, Brown, Kennedy, Larson, McCain, Morrill, Moss and Shields voting in favor; Member Theurer absent.

HB 324 - Extension of the School Year

Motion was made by Member Marilyn Shields and seconded by Member Judy Larson

to take the position of ½ support concept ² on HB 324. Motion carried with Members Anderson, Barney, Brown, Kennedy, Larson, McCain, Morrill, Moss and Shields voting in favor; Member Theurer absent.

HB 355 - Public Schools Surveys Amendments

Motion was made by Member Linnea S. Barney and seconded by Member Marilyn

Shields to take the position of ½ support concept ² on HB 355. Motion carried with Members Anderson, Barney, Brown, Kennedy, Larson, McCain, Morrill, Moss and Shields voting in favor; Member Theurer absent.

HB365 - Institutional Trust Lands Amendments.February 15, 2001

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Motion was made by Member Laurel Brown and seconded by Member David L.

Moss to take the position of ½ support ² on HB 365. Motion carried with Members Anderson, Barney, Brown, Kennedy, Larson, McCain, Morrill, Moss and Shields voting in favor; Member Theurer absent.

SB 16 - Teacher Quality Amendments

Motion was made by Member Linnea S. Barney and seconded by Member A. Earl

McCain to take the position of ½ support ² on SB 16. Motion carried with Members Anderson, Barney, Brown, Kennedy, Larson, McCain, Morrill, Moss and Shields voting in favor; Member

Theurer absent.

SB 63 - Residential Property Tax Exemption - Secondary Residences

Motion was made by Member Judy Larson and seconded by Member David L. Moss

to take the position of ½ oppose ² on SB 63. Motion carried with Members Anderson, Barney, Brown, Kennedy, Larson, McCain, Morrill, Moss and Shields voting in favor; Member Theurer absent.

SB 70 - Limiting Redevelopment Agency Tax Increment from School Districts

Motion was made by Member Marilyn Shields and seconded by Member Judy Larson

to take the position of ½ support ² on SB 70. Motion carried with Members Anderson, Barney, Brown, Kennedy, Larson, McCain, Morrill, Moss and Shields voting in favor; member Theurer absent.

SB 182S1 - Liability Coverage for School District and School Employees

Motion was made by Member Judy Larson and seconded by Member David L. Moss

to take the position of ½ no position ² on SB 182S1. Motion carried with Members Anderson, Barney, Brown, Kennedy, Larson, McCain, Morrill, Moss and Shields voting in favor; Member Theurer absent.

SB 251 - Prohibiting Employment of Relatives - Amendments

Motion was made by Member Judy Larson and seconded by Member Marilyn Shields

to take the position of ½ oppose ² on SB 251. Motion carried with Members Anderson, Barney, Brown, Kennedy, Larson, McCain, Morrill, Moss and Shields voting in favor; Member Theurer absent..February 15, 2001

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SB 274 - Property Tax - Voter Approval

Motion was made by Member David L. Moss and seconded by Member A. Earl

McCain to take the position of ½ oppose ² on SB 274. Motion carried with Members Anderson, Barney, Brown, Kennedy, Larson, McCain, Morrill, Moss and Shields voting in favor; Member Theurer absent.

Revisit HB 34 - Applied Technology Education Governance

Member Marilyn Shields requested that the Board revisit HB 34. Discussion ensued

relative to whether it would be feasible to request the Board of Regents take a formal position on HB 34. It was allegedly reported that the full Board of Regents had not been involved and made aware of this legislation, it was just being pushed by a few. It was noted that we are close to the end of the session and it may not be possible to get such a resolution.

Motion was made by Member Marilyn Shields and seconded by Member David L.

Moss that the State Board of Education request the Board of Regents to identify their position on this matter. Motion carried with Members Anderson, Barney, Brown, Kennedy, Larson, McCain, Morrill, Moss and Shields voting in favor; Member Theurer absent.

Outline for Request for Proposal

Study/Audit of the Utah State Office
of Education

Member Jill Kennedy presented a draft Outline for Request for Proposal to Study/Audit the Utah State Office of Education. (For complete details, see General Exhibit No. 8538.) She indicated that the proposed draft would give the bidder on the RFP an idea of what we have in mind without being too limiting so they can define the study/audit. Member Kennedy reported that the committee would be meeting on Monday morning at 10:00 a.m. and would like any input from Board members.

It was noted that the time line to get this to state purchasing would hopefully be within the next two weeks.

Meeting adjourned at 2:55 p.m.