

MINUTES

February 2, 2001

Minutes of the meeting of the State Board for Applied Technology Education and State Board of Education held February 2, 2001, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 9:55 a.m. At the request of the Chairman, Board Vice Chairman Janet A. Cannon presided. Members present were:

Chairman, Kim R. Burningham

Vice Chairman, Janet A. Cannon

Member Mike Anderson

Member Bette O. Arial

Member Linnea S. Barney

Member Laurel Brown

Member Greg W. Haws

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

Member Joyce Richards was excused due to illness.

Also present were:

Executive Officer Steven O. Laing

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

Also present for portions of the Board meeting were:

Members of the Press:

Jennefer Toomer-Cook, Deseret News

Beth Dove, Standard-Examiner

Darci Marchese, KSL Radio

Deannie Wimmer, KSL-TV

Joseph DiLorenzo, Assistant Superintendent, Utah Schools for the Deaf and the Blind

Con Rowley, Governor's Office

Laura Bosell, Student, Timpview High School

Robert A. Schluter, Utah Eagle Forum

Kerry Dyslin, Cache County School District

Utah State Office of Education Staff:

Barbara Lawrence, Planning & Project Services

Linda Alder, Instructional Services

Connie Amos, Instructional Services

Vicky Dahn, Instructional Services

Utah State Office of Rehabilitation Staff:

Gary Nakao, Disability Determination Services

Dan Hooper, Disability Determination Services

Norma Whitney, Rehabilitation Services

Tracy Woolstenhulme, Rehabilitation Services

Rusty Wales, Services for Deaf and Hearing Impaired

The Board repeated the Pledge of Allegiance.

Board Member Marilyn Shields offered the reverence

Board Secretary Twila B. Affleck recorded the minutes.

Vice Chairman Janet Cannon shared some thoughts of third graders relative to how they would make laws.

Board Emphasis for the Coming Year

Motion was made by Member Jill G. Kennedy and seconded by Member Mike Anderson that the Board stay with five areas of focus already identified, that the Board leadership give specific areas of focus to be developed for legislation for the coming year. Motion carried with Members Anderson, Arial, Barney, Brown, Burningham, Haws, Kennedy, Larson, McCain, Moss, Shields and Theurer voting in favor; Member Morrill absent.

Motion was made by Member Judy Larson and seconded by Member David L. Moss that the chair be authorized to establish a performance audit task force consisting of Utah State Board of Education members to select and give oversight to an independent audit of the Utah State Office of Education. This audit will examine the office in regard to its mission, roles, and efficiencies. The audit should be completed and ready for a report to the State Board at its September 7, 2001 meeting. Motion carried with Members Anderson, Arial, Barney, Brown, Burningham, Haws, Kennedy, Larson, McCain, Moss, Shields and Theurer voting in favor; Member Morrill absent.

Chairman Burningham commented that he is pleased with the motions -- they give direction that is very important. Relative to the motion on the areas of focus, he felt it is important to reaffirm where we want to go, and he looks forward to the opportunity of suggesting some areas in which we can really give a proactive focus.

Chairman Burningham commented relative to the independent audit, feeling this is an appropriate step to allow the office to fulfill its responsibility with maximum efficiency and accountability. It will help us look at ways we can help the Board and the office to operate effectively as possible.

Chairman Burningham expressed appreciation to all the staff of the State Office of Education. He expressed appreciation for Superintendent Laing and his leadership. He feels the audit will give a better understanding of roles, mission and responsibilities to make the office work even more efficiently. Chairman Burningham appointed the following Board Members for the audit Committee: Jill G. Kennedy, Chairman; Greg Haws, Co-Chairman, Mike Anderson, Linnea Barney and Denis Morrill.

Utah State Board of Education

Code of Conduct

Chairman Burningham reported that A Code of Conduct was discussed at the orientation meeting held in January. He reviewed the draft Code of Conduct compiled from that discussion. (For complete details, see General Exhibit No.

8516.)

Motion was made by Chairman Kim Burningham and seconded by Member Judy Larson to adopt the Code of Conduct as presented.

Member Greg Haws suggested that something be added to the Code of Conduct relative to the use of cell phones during Board Meetings. However, he agreed that the Code of Conduct presented was more general than specific. Following discussion it was agreed that specificity (such as cell phone use) be made a part of operational procedures for the Board, and leave the Code of Conduct as presented.

Motion to adopt the Code of Conduct as presented carried with Members Anderson, Arial, Barney, Brown, Haws, Kennedy, Larson, McCain, Moss, Shields and Theurer; Member Morrill absent.

Utah State Office of Rehabilitation 2000

Annual Report and Vocational Rehabilitation

Performance Report

Dr. Blaine Petersen, Executive Director, Utah State Office of Rehabilitation presented highlights of the 2000 Annual Report and the Vocational Rehabilitation Performance Report. (For complete details, see General Exhibit No. 8517.)

Roger Kelm an Independent Living Program client reported on his experience with the independent living program and how it has helped him following a spinal injury. He noted that they have also found him employment two days a week so he can become more productive in supporting himself.

Wendy Carter reported on the services she is receiving from the Division of Services for the Blind and Visually Impaired. Ms. Carter is partially deaf and blind, and first started receiving services when she was in elementary school. She was one of the first to be mainstreamed into the school system in the Jordan School District. She noted that she has a Bachelors degree from BYU and a Master's degree in social work from the University of Utah. She expressed appreciation for the services she has received and noted how critical they were in her life.

Tracy Woolstenhulme, Vocational Rehabilitation Counselor in Logan, and Kerry Dyslin, special education educator in the Cache District reported on the coordinating services and responsibilities through the transition program they are providing to both public education and the vocational rehabilitation program.

Member Laurel Brown expressed appreciation for what is provided through the Office of Rehabilitation. She indicated that it is important that this remain in place. She stated that she is impressed with the work the transition specialists do. She indicated that transition efforts need to be made early on and that many of the people who require these services have individual needs that need to be met without a group service.

The Board received the report.

Committee Reports

Curriculum and Instruction Committee

Member Greg W. Haws, Chairman of the Curriculum and Instruction Committee presented the following recommendations from the committee:

Technology Life and Careers

Curriculum Revision

Over the past two years extensive work has gone into the revision of the Technology, Life and Careers program. The revised standards and objectives of this course were presented. (For complete details see General Exhibit No. 8518.)

Motion from the Committee that the State Board of Education approve the revised standards and objectives of the Technology, Life and Careers curriculum. Motion carried unanimously.

Nebo School District Waiver Request

The Nebo School District requested a waiver from the requirement to use the statewide parental notification form required under Rule R277-474, School Instruction and Human Sexuality. The common parental notification form resulted from the negotiations with the Governor's office over the veto of legislation in the 2000 General Session that would have restricted the scope of any instruction in human sexuality. Nebo School District has adopted an "abstinence only" curriculum and feels the inclusion of "contraception, including condoms" in either of two places on the required parental notification form is inconsistent with that policy. The Nebo School District asserts their "abstinence only" policy would be compromised if they were forced to use the Board approved form which includes specification that contraception including condoms, must receive parental permission before such instruction can take place. (For complete details of the request, see General Exhibit No. 8519.)

Member Haws clarified that this item deals only with the Parental/Guardian Consent Form. The Board's curriculum position that the public schools will teach sexual abstinence before marriage and fidelity after marriage, and Board Rule R277-474 are still in place. The Nebo School District has adopted a somewhat more restrictive curriculum which has been defined as "abstinence only," and in order to conform to that it is their opinion that our form could not be adapted to meet that. Member Haws reviewed the requested changes which are identified in the material presented.

The Committee discussed that the Nebo School District has every right and it is within their authority to restrict their curriculum as they have. We do not intend to imply they must teach a broader curriculum at this time, but felt that in order to maintain a consistent form throughout the state they did not feel the waiver should be granted.

Motion from the Committee that the request for waiver be denied. Further, that we do agree with their suggestion to move the one paragraph forward.

Member Haws clarified that the Nebo District's concern is that by having this in the form it might be confusing to the parents and constituency, because they do not teach these areas. The Committee suggested they need to take the burden of explanation that through a cover letter that goes with the form to parents.

Motion carried unanimously.

Accreditation of Schools

The Utah State Accreditation Committee has reviewed the Annual Northwest Report and determined an accreditation status. The accreditation process provides an important vehicle for school accountability regarding student achievement, compliance with state rules and regulations, regional standards, and school-wide improvement. The Committee reviewed and approved the list of Utah state accreditation schools. (For complete details, see General Exhibit No. 8520.)

Motion from the Committee that the State Board of Education approve the recommendations of the Utah State Accreditation Committee and the Northwest Association of Schools and Colleges regarding the accreditation status of Northwest schools.

Member Haws reported that the Committee received a report from Juab School District that was very disturbing, and we were very sympathetic to the concern they raised. They were placed on "warned status" because of a situation at Juab High School where they do not have a certified media specialist, but they do have a media center and a qualified person in the center. He felt that this points to a bigger issue as we get into concept of standards and accountability in what we do in the case of a standard not being met, and whether or not we are prepared to step in with intervention. They are concerned that they are doing their best, yet they have this issue that existed in a prior report and now they are in a "warned status."

Member Haws reported that following the meeting they made the comment that they would like us to not approve this report, and look at some of these standards that perhaps do not have as much impact on the actual end result. He felt they had a valid point, however, it was not addressed in the committee and the committee did not discuss this aspect. The Committee motion is to accept the report.

Member Bette Arial commented that on the last report accepted by the Board there were several schools in her district that were on "warning status" and they are not there now. There is a reality of the funding not being adequate to often accommodate mandates being given.

Superintendent Laing commented that this funding issue was part of the wisdom in the Board's budget recommendation of splitting the weighted pupil unit to help them address areas they deemed more critical. The Governor's budget has reflected that same idea and there seems to be favorable discussion going on in the preliminary stages of the budget process in the legislature. He indicated that there are needs that schools have that are unique to them or are such that some funding that is discretionary to their local board would be valuable in addressing some of these needs.

Member Linnea Barney questioned the effect of not approving this report or approving it with it a caveat that we recognize the problems the rural schools face.

Superintendent Laing noted that another thing that didn't come up is that even though they are warned, they are still an accredited school, and have some time to address these issues. Further, we should not do it thinking we have created a situation that students are being adversely impacted at this time. The school needs to address some of these problems, or we have to look at whether we want to maintain those standards and criteria.

Member Marilyn Shields questioned if there was a way of explaining this to the media, because the reports this morning through the media were that these kids may not graduate because of this status.

An amendment to the motion was made by Member Bette Arial that the report be accepted, but there should be some kind of a prioritization, and that the Board attach to their approval a letter to Northwest Accreditation that there be a prioritization and that is reflected.

Member Haws accepted the amendment to the motion.

Chairman Burningham questioned that when the results are published or known in the area, if this is not reflected in the letters to the districts.

Associate Superintendent Bonnie Morgan responded that letters do include the reasons for their status. She distributed copies to each board member of the letters that were sent in their districts.

Dr. Morgan commented that one of the things they try to do with accreditation is to raise the level of accountability on the part of our schools for school improvement. Schools have different needs, but we do need certified librarians. She indicated that this letter is a tiny piece of information given back to the school. For each curricular area they are given accommodations and recommendations. Schools do have a lot of information to help them look internally at what is going on in their school and how they can improve.

Member Teresa Theurer suggested that the Board accept the report and as individual board members we look at our individual schools and help them to comply.

Chairman Burningham commented that this report is important. He felt that the information is not intended to label, but to know why and then that information must go out.

Member Arial withdrew her amendment to the motion.

Original motion to accept the report carried unanimously.

Advanced Placement (AP) Incentive

Program Grant

Utah has led the nation in the number of students per capita taking and passing AP tests, however, participation for minority and rural students is lagging behind their white and urban counterparts. Advanced rigorous course work such as AP can dispel the attitude of many poor and minority students that college is not an option for them. Educators and counselors need to be made aware of traits and characteristics of advanced learners so that minority students are encouraged to take AP courses. (For complete details of the report, see General Exhibit No. 8521.)

The Committee received the report and moved that the Board receive the report. Motion carried unanimously.

Chairman Burningham commented that about ten years ago when he was in the Legislature he sponsored a bill that would give additional grants and he feels strongly about this. He emphasized that participation by minority students is lagging behind and this is a challenge to the Board and we need to get more minority students into advanced placement course work.

Planning, Finance and Legislation Committee

Member Denis R. Morrill, Chairman of the Planning, Finance and Legislation Committee presented the following recommendations from the Committee:

Waiver Request Allowing WPU

Money to Flow From USOE Directly

to Charter Schools

State Board Rule R277-470 stipulates that all funding for charter schools flow through school districts. During the first eighteen months of charter school operation, there has been problematic and sometimes duplicative work for charter schools, local districts, and the State Office of Education (USOE) in ultimately getting money to them. This waiver request would streamline the appropriate WPU, state funding, and supplemental federal funding directly to charter schools from the Utah State Office of Education. The local school district business managers, superintendents, and the charter schools feel this waiver will result in being more effective and efficient in transferring funds to these schools which operate under the State Board and the Utah State Office of Education. (For complete details of the waiver request, see General Exhibit No. 8522.)

Motion from the Committee that the State Board of Education approve the waiver request and permit the state and federal funds to flow directly from the State Office of Education to the following charter schools: Success School, Center City School, Tuacahn High School for the Performing Arts, Sundance Mountain School, Pinnacle Canyon Academy, and Jean Massieu School. Motion carried unanimously.

Educator Licensing Fees

The Committee reviewed the fee schedule relating to the issuance of educator licenses and endorsements. Following the review the Committee affirmed the educator licensing fee schedule. (For complete details, see General Exhibit No. 8523.)

Motion from the Committee that the State Board of Education affirm the educator licensing fee schedule as presented.

Member Jill G. Kennedy offered an amendment that the Board approve it, but put it on the consent calendar next month to provide discussion time to groups who have concerns about this. Amendment was seconded by Member David L. Moss.

Member Dave Moss commented on concerns he has received from teachers. He indicated that in September the UEA did a survey of all teachers about how much they spend on professional development since June 1, 2000. He indicated that the majority had spent more than \$100 with up to more than \$2,000. He stated that the \$15 is not a lot of money and teachers are willing to spend money on their students and professional development. The concern is that this is one more thing, and when is it going to stop.

Member Moss indicated that ways we may look at this is to see what the status of HB 211, which if passed, would be able to provide teachers significant break in tuition for classes they take toward relicensure. Another area would be to look at charging fees to new teachers coming into the system. Another group is those that wish to maintain their license but are not actively teaching at the moment.

Deputy Superintendent Gary Carlston, commented that these other fees are already being charged. There has been discussion at the legislature to add three days to the school calendar for professional development for teachers. With regard to this fee specifically, while there is concern there are various ways people can renew.

Member Denis Morrill commented that somewhere the money has to come to pay for the services that this fee represents. If we say, we are not going to charge the fee, where will we get the money to perform the services.

Discussion ensued relative to the actual costs of processing the renewal, and the need to get the message out to teachers so they know what it is for.

Deputy Superintendent Gary Carlston commented that one of the things these funds would be used for is to hire an additional technician to assist us with this. We would need permission from the legislature for this as well. That will happen before we meet again.

Superintendent Laing commented that the number of people in the section has been the same over the past 25 years. We also recognize that over that time technology has become much more conducive to that kind of record management. The difference that is coming into play is the additional requirement for professional development and the options that have been extended to educators to get that professional development in any one of a number of ways to be most beneficial to them. Prior to that time we had renewal but there was no cost associated to renewal because it was simply a matter of recognizing whether or not the individual has been employed three out of the five years for the license. This is something a computer can do easily. Now we have to receive the reports from the individual educators and enter their professional development. The degree of detail will require entry and need for additional staff.

Amended motion to place on the March Consent Calendar carried unanimously.

Secondary Applied Technology

Education, Rule R277-911

Circumstances in districts require adjustments in the language of R277-911 allowing applied technology education administrators who work in multi-district assignments additional latitude in job assignments. Originally the rule required that multi-district directors be only assigned applied technology education duties, however, financial circumstances in districts and requests from superintendents and directors for flexibility in the rule have resulted in these recommended changes. (For complete details of the revised rule, see General Exhibit No. 8524.)

The Planning, Finance and Legislation Committee approved the amendments to Rule R277-911, Secondary Applied Technology Education on first reading.

Motion from the Committee that the State Board of Education approve amendments to Rule R277-911, Secondary Applied Technology Education on second reading. Motion carried unanimously.

ATC and ATCSR Report of Competency and

Placement Information for FY 2000

Using a common student data system, Utah's ATCs and ATCSRs collect information detailing their annual activities and production. Data detailing membership hours and growth were approved by the Board last fall. Based on a follow-up procedure conducted by USOE, and in conjunction with the Department of Workforce Services employment records, the placement information for FY 2000 is now available. In addition, approved competencies and certifications are reported and audited in a number of program areas on students who have passed industry or state certification exams. (For complete details of the report, see General Exhibit No. 8525.)

Motion from the Committee that the State Board for Applied Technology Education approve the report on competency attainment and placement results for secondary and adult students attending applied technology centers and applied technology center service regions during the period of July 1, 1999 through June 30, 2000. Motion carried unanimously.

Audit Committee

Chairman Kim R. Burningham reported that the Board Audit Committee received the audit report of the Voluntary Deferred Compensation Plans administered through the Utah State Office of Education.

Motion from the Audit Committee that the State Board of Education discontinue, at the end of fiscal year 2001, the deferred compensation plans currently administered through the Utah State Office of Education and directs the plan's administrator to inform the participating employees at least three months prior to discontinuation.

Chairman Burningham noted that there has been considerable change in this program over the past several years and we have moved away from this and the number of people in the program is diminishing. Further, it has not had the kind of oversight needed because there are no administrative funds to support it.

Member Earl McCain questioned how many people will be affected. Chairman Burningham responded that there are approximately 92 people, most of whom work at the Utah Schools for the Deaf and the Blind and the Utah State Office of Rehabilitation.

Superintendent Laing noted that by discontinuing these plans it does not preclude them from participating in another program, or setting up a payroll deduction using one of the flexible categories that exist through the state payroll system.

Motion carried unanimously.

Executive Session

Motion was made by Member Denis R. Morrill and seconded by Member Marilyn Shields that the Board move into an Executive Session for the purpose of discussing personnel issues and possible litigation. The Board was polled and by unanimous consent of those present, the Board moved into an Executive Session during lunch at 12:20 p.m.

Motion was made by Member Denis R. Morrill and seconded by Member Bette O. Arial that the Board reconvene into open meeting. Motion carried unanimously.

The Board reconvened at 1:25 p.m.

Utah Professional Practices Commission Recommendation

Motion was made by Member Linnea S. Barney and seconded by Member A. Earl McCain to accept the Utah Professional Practices Commission recommendation in Case No. 00-516, and accept a stipulated agreement whereby a former teacher in Sevier School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension by the State Board of Education for at least 18 months beginning November 1, 2000. The suspension results from prescription drug abuse and physical and verbal abuse which may have been caused by the excessive use of prescription drugs. Motion carried unanimously.

Motion was made by Member Linnea S. Barney and seconded by Member A. Earl McCain to accept the Utah Professional Practices Commission recommendation in Case No. 00-525, and accept a stipulated agreement whereby a former teacher in Granite School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for at least two years from the state of formal action by the State Board of Education. The suspension results from the use of excessive physical force against students. Motion carried unanimously.

(For complete details of the Utah Professional Practices Commission recommendations see General Exhibit No. 8526.)

Rehabilitation Services Advisory Council

Motion was made by Member David L. Moss and seconded by Member Jill G. Kennedy to appoint Eileen Glather to the Rehabilitation Services Advisory Council. Ms. Glather's term to expire September, 2003. Motion carried unanimously.

Applied Technology Center and Applied Technology Center

Service Region Board Members

Motion was made by Member Teresa L. Theurer and seconded by Member David L. Moss to appoint Michael J. Madsen, Brian Leishman and Christie Needham to the Bridgerland Applied Technology Center Board. Motion carried unanimously.

Motion was made by Chairman Kim R. Burningham and seconded by Member A. Earl McCain to appoint Chester Goodson, A. Earl Erickson, Barbara Smith and Marian Storey to the Davis Applied Technology Center Board. Motion carried unanimously.

Motion was made by Member Greg W. Haws and seconded by Member Bette O. Arial to appoint Douglas Holmes, Brent Richardson, Steve Smith and Dee Wilcox to the Ogden-Weber Applied Technology Center Board. Motion carried unanimously.

Motion was made by Member A. Earl McCain and seconded by Member Bette O. Arial to appoint John Busch, Lindon Dye, Michael J. McKee, Claire Reed, and Dennis Stevens to the Uintah Basin Applied Technology Center Board. Motion carried unanimously.

Motion was made by Member Jill G. Kennedy and seconded by Member Laurel Brown to appoint Jane Callister, H. Lynn Cundiff, Lynn Davidson, Karen Derrick, Douglas Fannesbeck, Mildred Horton, Carol Jefferies, Randall Mackey, Barry Newbold, Darline Robles, Stephen Ronnenkamp, Larry Shumway, Richard Tranter and Bart Warner be appointed to the Wasatch Front South Applied Technology Center Board. Motion carried unanimously.

Motion was made by Member Linnea S. Barney and seconded by Member Teresa L. Theurer to appoint, Earl Blonquist, Vern Henshaw, Michael G. Jacobsen, Danny Talbot and Ed Trammel to the Mountainlands Applied Technology Center Service Region Board. Motion carried unanimously.

Motion was made by Member A. Earl McCain and seconded by Member Denis R. Morrill to appoint Boyd Bell, Gary Cameron, Grace Jones and Taylor Palmer to the Southeast Applied Technology Center Service Region Board. Motion carried unanimously.

Motion was made by Member Bette O. Arial and seconded by Member Greg W. Haws to appoint Myron Cottam, Harry Brown, John Clemons, Kolene Granger, Robert Huddleston, Don Ipson and Michael Williamson to the Southwest Applied Technology Center Service Region Board. Motion carried unanimously.

Legislative Update

Carol Lear reviewed the proposed legislation relating to education. (For complete details of the tracking sheet, see General Exhibit No. 8527.) The following actions were taken:

Motion was made by Chairman Kim R. Burningham, and seconded by Member Judy Larson to change the staff recommended position to board positions on the house bills, except HB 80, HB 256 ; further, to change HB 34 and 38 instead of S to S1. Following questions of clarification on some of the bills, motion carried unanimously.

Motion was made by Chairman Kim R. Burningham and seconded by Member Bette O. Arial that the Board position on HB 174 be S2.

Member Denis Morrill voiced concern with putting a lot of money in this pilot when we don't have enough money for math, counselors in the schools, textbooks, and other basic education courses.

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

Motion was made by Member Denis R. Morrill and seconded by Member Jill G. Kennedy that the Board position on HBs 102 and 248 be oppose.

Member Morrill felt that the State Board should support local school districts. He further indicated that he felt this is a very self-centered personally directed activity toward a particular school closing in the Salt Lake School District, but it can harm others. The local board needs the prerogative to say what schools are open or closed.

Motion carried unanimously.

Motion was made by Member Greg W. Haws and seconded by Member Judy Larson that the Board support HB 58.

Following discussion relative to how this would change the current law, motion carried unanimously.

Motion was made by Chairman Kim R. Burningham and seconded by Member Judy Larson that the Board support the concept of HB 267 if the amendments pass to include state school board members. Motion carried unanimously.

Motion was made by Member Marilyn Shields and seconded by Member A. Earl McCain to support concept of HB 212. Motion carried with Members Anderson, Arial, Brown, Burningham, Haws, Kennedy, Larson, McCain, Morrill, Moss, Shields and Theurer voting in favor; Member Barney opposed.

Motion was made by Member Greg W. Haws and seconded by Member Judy Larson that the Board support HB 256.

Superintendent Laing questioned if it made any difference if language changes shall, to may? He indicated that there was a lot of discussion around this and it could easily happen with an amendment.

Discussion ensued relative to the issue of local board receiving up to the \$6,000 and the state board automatically receiving the \$6,000. Board Members did not want it to be their intention that they are voting for themselves a raise, they would like to see more latitude for the local school boards.

Member Earl McCain spoke against the motion, feeling this is more of a public service position with a small stipend.

Substitute Motion was made by Member Bette O. Arial and seconded by Member David L. Moss that the Board take no position on HB 256.

Substitute motion carried with Members Anderson, Arial, Barney, Brown, Burningham, Kennedy, Larson, Morrill, Moss, Shields and Theurer voting in favor; Member Haws and McCain voting against.

Motion was made by Member Mike Anderson and seconded by Member Greg Haws to oppose HB 264 on the basis that he did not feel this is something that should be taught in schools.

Member Earl McCain commented that there are some elements of the bill that are reasonable such as fire arms and gun safety. It is unclear with regard to instruction in upper grades. There is also the assumption that cost is going to be

handled by volunteers.

Member Mike Anderson commented that there are other ways of providing gun safety outside of the school system and he was uncomfortable with adding something that is not part of our normal responsibility. Associate Superintendent Bonnie Morgan reported that there is a part of our health core curriculum dealing with personal safety where we talk about firearm safety and we talk about the safety issues. She indicated that opposing this bill will not prohibit us from doing this.

Member Laurel Brown commented that it indicates it will be for high school seniors, and she has a concern that this is late to be teaching this.

Motion carried unanimously.

Jean Hill, Specialist, School Law and Legislation presented information on the Senate Bills.

Discussion ensued relative to SB 7 State Textbook Commission amendments.

Motion was made by Chairman Kim R. Burningham and seconded by Member Bette O. Arial that the Board adopt the recommendations presented with the exception of Senate Bills 7, 16 and 61.

Following questions for clarification motion carried unanimously.

Motion was made by Chairman Kim R. Burningham and seconded by Member David L. Moss that the Board support with a "1" [S1] SB 16 Teacher Quality Amendments, without amendments or oppose with current amendments. Motion carried unanimously.

Motion was made by Member Jill G. Kennedy and seconded by Member Laurel Brown to support SB 7 without amendments or oppose with amendments.

Chairman Kim Burningham indicated he was in support of the amendments because we need flexibility in what the textbook commission does. He felt that the commission would last because districts can't work without it. However, on some issues there needs to be flexibility with an appeal process, if we believe in local control.

Motion to support in original form or oppose in amended form carried with Members Anderson, Barney, Brown, Haws, Kennedy, Moss, Shields and Theurer voting in favor; Members Arial, Burningham, Larson, McCain and Morrill opposed.

Superintendent Laing provided an explanation relative to SB 75. He further explained the correlation between SB 7 and SB 75. It was noted that there needs to be consistency between the two bills.

Motion was made by Member Teresa L. Theurer and seconded by Member A. Earl McCain to oppose SB 75. Motion carried unanimously.

Superintendent Laing reported that SB 61 would have been one of the Board priorities without the amendment. It is to provide incentives for teachers in math, science and information technology and has been amended to include a scholarship for teachers to become qualified and get a degree in those areas. There has also been another amendment relative to letters of authorization.

Motion was made by Chairman Kim R. Burningham that the Board support (1) SB 61 without amendment. No second was offered.

Discussion ensued relative to the implications of what this might require the Board to do, and a concern relative to the possibility of having non-licensed teachers in the classrooms.

Superintendent Laing clarified that we have expressed support for the bill consistent with the adoption of the budget priorities, we have also registered a concern about the implications of what it requires us to do. Our concern centers

largely around capacity. The bill authorizes \$19 million up to \$20,000 per person, which is 950 people the first year, \$2.4 million on-going annually thereafter, so you could add another 120 people. Then it requires us to provide staffing for a committee that consists of two board members, two regents, and three business people. That committee will be the body that reviews applications or nominations and makes awards and enter into contracts. The increased requirement for staff will be a real concern.

Motion was made by Chairman Kim R. Burningham, and seconded by Member Jill G. Kennedy to support the general overall concept of SB 61, recognizing we are not tying ourselves to a lot of details that are still developing that we are unsure of. Motion carried with Members Anderson, Arial, Barney, Brown, Haws, Kennedy, Larson, Morrill, Moss, Richards, Shields and Theurer voting in favor; Member McCain opposed.

Member Jill Kennedy requested reconsideration of SB 7. She questioned if currently the districts do not have an appeal process relative to textbooks.

Associate Superintendent Bonnie Morgan responded that districts currently do not have an appeal process relative to textbooks. She felt that if we get too loose with our policy, textbook publishers will look at this as a "hay day" and try to influence districts to buy any textbook. Another concern is that it will be more difficult to account for the textbook funding. She commented that we need to maintain the integrity of the Textbook Commission and it is important that there be an appeal process for the local school districts.

Member Kennedy suggested that the Board change its position because there are other things in the bill that we will throw out if we oppose it. Motion was made by Member Jill G. Kennedy and seconded by Member Denis R. Morrill to change the Board position to support the concept of SB 7.

Superintendent Laing spoke in favor of the motion because this bill will reauthorize the existence of the State Textbook Commission. He indicated that even though we haven't had a strong rule in place the law requires the Textbook Commission to adopt books for mandatory use in the schools. The Textbook Audit identified the fact that we have not enforced that. We haven't had in place the process or the personnel to audit districts and determine whether or not they have been purchasing those materials and then enforcing interruption of funds as a penalty if they haven't. The auditors did identify a significant number of materials that were not on approved lists.

Motion carried unanimously.

It was noted that there are still several "box car" bills that we do not have information to act upon. It was suggested that if there is legislation that needs the Board attention that Board Members either be polled for a position or that a special meeting of the Board be called in about two weeks.

Proposed Revisions to Cut Scores for

Standard Setting and New Process for

Setting Standards for U-PASS

Deputy Superintendent Gary Carlston reported that over the last six months, as part of the accountability bill and process, staff has been engaged in a standard setting experience that has culminated in recommendations and adoption at the last Board meeting of cut scores for use with the CRTs. He commented that there has been a great deal of confidence in that process. However, since this is the first time our state has engaged in such a process, and it is in that sense a new territory, there involves some discovery. He indicated that we have received some concern, raised by individuals who have not participated directly in the standard setting process, about some of the scores not reflecting some of the higher expectations we all have for some of our students. As we have reexamined and continued to look at this, we are suggesting that we extend the standard setting process. He indicated that the people who participated in the process have done a very good job. In an attempt to all we can to make certain that we have covered all the bases, we are suggesting that the Board hold the cut scores in abeyance in the standards, and to go through a process of a validation study. To do this we will take the scores and standards presently adopted, and bring in some of the people who participated in the original process, and also bring in others that did not participate such as parents, representatives

of the business community, school district superintendents, colleges and universities, state and local school board members, and extend this process over the next couple of months to make sure we have done all that we can. He continued that we are also suggesting the possibility of using facilitation by a national expert in the standard setting process. Dr. Carlston reiterated that the process has had a good foundation, the work that has been done is really good. This continuation of the process would just extend it and make greater certainty that we are doing the right things.

Member Dave Moss questioned if this would be looking at making any changes in the cut scores themselves based upon the extension of time.

Dr. Carlston responded that there could be changes. The process would validate those scores or make recommended changes.

Member Moss questioned if the concerns were coming in were in large enough quantities and sources that this is a concern?

Dr. Carlston responded that concerns have been raised by legislators and superintendents. However, as we have thought through the process, we wish we had involved others along the way.

Member Denis Morrill questioned whether or not the Board was in charge? He felt the Board should take a position and go with it rather than bending with whatever way the wind blows.

Barbara Lawrence, Coordinator, Evaluation and Assessment commented that standard setting is a subjective process. There has to come a consensus and agreement among those involved in the process. Where we have placed these standards reflects where we want them to be. She further commented that we could benefit from having a broader look from where we have set these scores to determine whether in the eyes of the general public and other stakeholders in the process, if they have a concurrence with what we have been doing or if they have a disagreement and if so what that is and how we might resolve it. She indicated that these need to be credible to all who are going to use them

Member Linnea Barney commented that we did a good job and now they are saying do it again. After listening to the teachers and others involved in setting these scores, this is where they should be and we should at least try them for a while.

Chairman Kim Burningham commented that we are dealing in a very nebulous area when you set scores. The examination in others states have revealed that they have had to adjust their scores. One of the things that has been good about our process is that we have moved fairly cautiously and we need to look at this as one of the wisest things we have done. The way we get things to happen successfully is to pull coalitions together to support them. We need to work to bring constituents along and to check the scores out with broader base of people.

Superintendent Laing commented that it would be disingenuous to say that the only concerns were from Legislators. One of the problems we are facing is we have sold the idea of criterion-referenced tests to consumers as a means of providing understandable information about how well students are doing. He indicated that we could sure up our confidence in our cut scores by going through this additional process and expanding beyond teachers to some of the consumers of the scores.

Member Denis Morrill voiced concern that if this is so important, why wasn't it done before now?

Superintendent Laing responded that this is not an admission that we didn't do what we should have done, it is saying that there is another step that should be taken. He commented that this is a pioneering effort and we are learning from other states that are going through this process. There are very few states that have gone through this without having to make additional steps and revisions and adjustments of scores, etc. We do have the luxury of time to validate what we have before we stand on the branch. Undoubtedly, when set cut scores and we have administration of these tests and we compare the cut scores, there is going to be controversy around it. Therefore, the greater confidence we have in showing the efforts we have made to demonstrate that these cut scores are both reasonable, valid and understandable will serve us well.

Member Greg Haws commented that he would like to go ahead and see what the results will be and then modify it if necessary.

Member Jill Kennedy questioned if this process would be cost effective at this point or should we wait until the second administration?

Dr. Lawrence responded that the issue of cost ties into the U-PASS system and the development of U-PASS. We are talking about the standards on our bridge system before we get the full implementation of U-PASS. It is based upon minor revisions made to our existing system on the basis of the recommendations identified by the WestEd study. She felt that this is information that will help teachers prepare for the time when the U-PASS system is fully implemented and there will be decisions made about Utah schools on the basis of their scores. She indicated that these cut scores on this system will go away in two to three years, and new cut scores established on the newly developed tests that are developed specifically for the U-PASS system for implementation of that legislative mandate.

Member Laurel Brown commented that she did not feel we needed to back off from the earlier decision, maybe we just need to do a better job of educating the public on why the decisions were made and the rationale behind them.

Motion was made by Member David L. Moss and seconded by Chairman Kim R. Burningham that the Board adopt the recommendation made, and to go ahead and extend the period of time, and expand number of groups of people to evaluate it and move on.

Member Denis Morrill questioned if the process was not valid? Deputy Superintendent Gary Carlston responded that the process was valid and we have a lot of confidence in it. However, for whatever reason, as we continue to learn, we missed in including parents and others in the process. This would just be a step further.

Member Mike Anderson questioned if the people who put this together were second guessing themselves? Do they feel what they did is valid? He is opposed to throwing out the work that has been done.

It was clarified that there will be nothing thrown out, this is a base and the process would be to refine, if needed.

Further discussion ensued relative to whether or not there was a real need to extend the process with this evaluation study.

Motion to extend the validation study carried with Members Brown, Burningham, Cannon, Larson, McCain, Moss, Shields and Theurer voting in favor; Members Anderson, Arial, Barney, Haws, Kennedy and Morrill opposed. [Vice-Chairman Cannon chairing the meeting, voted to break the tie.]

Executive Officer Report

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

Deputy Superintendent Gary Carlston shared information he received at the Federal Liaison meeting relative to President Bush's Education Program. (For complete details, see General Exhibit No. 8528.) He indicated that they had the opportunity to listen to Secretary Paige who indicated that President Bush's education proposal is it is mostly outlined in concepts, and there has not been specific legislative language proposed. However, it appeared, even in that context, to be moving on a very fast track. Also, it may or may not be related to the reauthorization of ESEA.

Dr. Carlston reported that with regard to some of our concerns we have shared them with the staff of our congressional delegation relative to governance, Title 1 formula, and full funding for IDEA.

Superintendent Laing reported that he and the executive staff have been working with legislature and attending committee meetings, etc.

Dr. Laing commended the Board for their work today. There have been difficult issues and the Board has taken positions which have not been unanimous and have not agreed with recommendations from the administrative staff.

He hoped the Board recognized that their collective wisdom is where it should be - driving education. He indicated that while we as administrative staff may negotiate things in process, we are very careful to represent them from our position as professional expertise and not characterized them as board positions until you have dealt with them.

Deputy Superintendent Gary Carlston expressed appreciation to the Board on their action on the last issue.

Board Chairman Report

Chairman Burningham reported that he has become aware of a proposal that he felt has a lot of merit, but it has ended up with some political liabilities. He introduced Brian and Janna Farr who are working with a marvelous children's choir from around the world.

Janna Farr is a part-time music teacher in Alpine School District and a full-time volunteer with Voices of Friendship. They have been organizing the International Children's Choir Festival which will take place October 14-20, 2001. They have invited one choir from each country that will be participating in the Winter Games. The purpose of the festival is to encourage the children of the world in the ideals of kindness, friendship, appreciation for beauty, and the learning, growing and being true to the best that is in them. Ms. Farr shared the expectations of the Voices of Friendship in organizing the Festival and what it would mean for Utah and Utah school children. She indicated that the choirs will go to different communities to perform and our students will perform as well. The Grand Finale will be all of the choirs together.

Mr. Farr indicated that there were some things he felt the State Board may have an interest in doing to be involved. A simple resolution welcoming the children to Utah and endorsing the educational and friendship purposes of the Festival. They are also looking for talented people who would like to help and the Board could possibly encourage local school districts to help with the coordination. Also, they need hosts for dignitaries from Washington. (For complete details of the information presented, see General Exhibit No. 8529.)

Motion was made by Member Mike Anderson and seconded by Member Bette O. Arial that the Board put together a Resolution of support from the State Board of Education. Motion carried unanimously.

Chairman Burningham reported that NASBE is sponsoring a conference on early childhood education and its impact on special education. It will be held in New Orleans, May 17 and 18, and we will be sending delegation from our state. He has appointed Vice Chairman Janet Cannon as the contact person. He asked that if any board member had a particular interest in being a part of this conference to please contact her.

Chairman Burningham reminded the Board of its presentation to the Joint Appropriations Subcommittee on Wednesday, February 7th at 2:00 p.m.

Chairman Burningham reminded the Board of the March 1st special minority understanding training beginning at 1:00 p.m. This will be followed by a work/study meeting of the Board that evening.

Chairman Burningham asked each Board Member to please fill out and turn in the Evaluation of Board Meeting. This will help us to make our meetings as profitable as possible.

Chairman Burningham expressed appreciation to everyone for all they do; the amount of time spent at the legislature and other ongoing issues.

Board Member Reports

Vice Chairman Janet Cannon reported that she attended the NASBE Governmental Affairs Committee meetings in Washington, D.C. She distributed information about the meeting including information on the new secretary of education, President Bush's plans for education, and a description of the new House Education Committee chair. (For complete details, see General Exhibit No. 8530.)

Members Marilyn Shields and Teresa Theurer attended NASBE meetings as well and they indicated their reports were

e-mailed to the Board.

Member Linnea Barney reported on her participation on the NASBE study group on educating multilingual populations. She indicated that there is a lot more to that, and a lot longer term process.

General Consent Calendar

Motion was made by Member Judy Larson and seconded by Member A. Earl McCain to approve the General Consent Calendar as presented. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board of Education and State Board for Applied Technology Education and the State Board of Education held January 11, 2001.

2. Contracts

(A) College of Eastern Utah. \$36,994. 1/16/01-1/15/02 - Amend. - Fed.

Expand and enhance vocational rehabilitation services to individuals with disabilities to increase successful employment outcomes.

- Utah Association of Community Services. \$7,600. 1/16/01-1/15/02 - Amend - Fed.

Move individuals with severe disabilities who are currently in sheltered employment or other non-integrated settings, towards integrated competitive employment outcomes.

- Manti City Corporation. \$47,400. 1/01/01-12/31/06. - Fed.

Lease office space for the Division of Rehabilitation Services, Manti office located at 55 South Main Street, Suite 2, Manti, Utah.

- Kurt and Linda Sorensen. \$29,376. 4/01/01 - 3/31/04 - Amend. - Fed.

To lease office space for the Division of Rehabilitation Services office located at 520 East Topaz Boulevard, Suite 107, Delta, Utah.

- Dr. Ralph P. Vander Heide. \$10,000. 2/2/01 - 2/28/02 - Amend. - Fed.

The Accreditation Consultant will assist the State Accreditation Committee Chair with accreditation responsibilities.

(F) Valley Research. \$80,490. 2/2/01 - 2/2/04. - Fed.

To provide design and implementation of surveys and program evaluation activities.

- Steve James Productions. \$29,500. 2/2/01-6/30/01. - Amend. - Fed.

Steve James Productions is asked to continue to develop musical components, enhancing prevention dimensions resource lessons. Materials to be developed will be tapes with accompanying classroom posters and song books. 40,000 CD's will go to 5th grade homes as well as a parent tobacco resource guide.

- NCS Pearson, Inc. \$1,485,948. 1/15/01-8/01/02.

NCS Pearson will provide services to select and administer prompts for the Utah Direct Writing Assessment: Grades Six and Nine in 2001, and scoring of the Direct Writing Assessment and secondary language arts constructed response items from the Utah Core Assessment Criterion-Referenced Tests in 2002.

(For complete details of the Contracts, see General Exhibit No. 8531.)

3. Education Program Serving Youth in Custody, Rule R277-709

Based upon recommendations from the Youth in Custody Guidelines Committee and Utah State Office of Education staff, the Board approved on second reading at the January 11, 2001 Board meeting amendments to Rule R277-709, Education Programs Serving Youth in Custody. The amendments include updating language, changing the eligibility of youth in custody for services until these students are able to graduate with a high school diploma or earn a GED, incorporating the Utah Coordinating Council for Youth in Custody into the rule, and changing retention policies for records received from other agencies to make them subject to the supplying agency's retention schedule. There have been no substantive changes to the rule since that time. (For complete details of the rule, see General Exhibit No. 8532.)

The State Board of Education approved Rule R277-709, Education Program Serving Youth in Custody, on third and final reading.

4. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts were reviewed. (For complete details, see General Exhibit No. 8533.)

The State Board of Education approved the requests for Temporary Authorizations as submitted.

5. Claims Report

The Claims Report ending January 31, 2001 in the amount of \$164,075,879.42 was approved by the Board. (For complete details of the Claims Report, see General Exhibit No. 8534.)

Motion to adjourn by Teresa Theurer.

Meeting adjourned at 4:45 p.m.