MINUTES

January 11, 2001

Minutes of the meeting of the State Board for Applied Technology Education and State Board of Education held January 11, 2001, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:05 a.m. Board Chairman Kim R. Burningham 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 Joyce W. Richards

Member Marilyn Shields

Member Teresa L. Theurer

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

Ashlee Estes, Salt Lake Tribune

Heather May, Salt Lake Tribune

Billie Telford, Utah Eagle Forum

John Kennedy, Citizen

Con Rowley, Governor's Office

Jerry Peterson, Citizen

Nedra Peterson, Citizen

Race Davies, Governor's Office of Planning & Budget

Lee W. Robinson, Superintendent, Utah Schools for the Deaf and the Blind

Utah State Office of Education Staff:

Dave Mower, Applied Technology Education Services

Patricia Bradley, Instructional Services

Murray Meszaros, Applied Technology Education Services

Barbara Lawrence, Planning & Project Services

Hall Sanderson, Planning & Project Services

Vicky Dahn, Instructional Services

Mae Taylor, Instructional Services

Brett Moulding, Instructional Services

Ron Stanfield, Planning & Project Services

Installation of New Board Members

Chairman Burningham introduced William T. Evans, Education Division Chief, Attorney General's Office who will issue the Oath of Office to newly elected Board Members.

Mr. Evans commented that he has been in the Education Division of the Attorney General's Office for 25 years and he likes working with education. He has been a member of different boards and been named in lawsuits as a defendant. He believes that there is more challenge and burden in being a board member than honor and money. This is a wonderful service, and it is worth it. This board is a lightning rod for many things.

Mr. Evans administered the Oath of Office to newly elected Board Members Mike Anderson, Linnea S. Barney, Laurel Brown, Jill G. Kennedy, A. Earl McCain, David T. Moss, Joyce W. Richards and Teresa L. Theurer.

Board Member Laurel Brown introduced her husband Dean Brown.

The Board repeated the Pledge of Allegiance.

Board Member Linnea S. Barney offered a reverence.

Twila B. Affleck, Secretary to the Board recorded the minutes.

The Board recessed to committee meetings.

The Board reconvened at 10:50 a.m.

Board Chairman Report

Chairman Burningham noted that all Board Members have received standing and liaison committee assignments. He expressed appreciation for the acceptance of those assignments and responsibilities. Chairman Burningham emphasized that strong standing committees are really important. He further emphasized the importance of the liaison committee assignments because they are all groups that we need to have some contact with. He noted the importance of those members serving on the liaison committees to make reports to the Board relative to those particular committees. He suggested that it be done via email, during Board meeting, either with a written or verbal report. He encouraged Board Members to please call Twila or one of the executive committee if they wish to make a report at Board meeting so it can be scheduled on the agenda.

Chairman Burningham noted that one assignment from the Board is to the Utah School Boards Association Board of Directors. This is an elected position, and the executive committee has recommended Judy Larson to serve in that capacity.

Utah School Boards Board of Directors

Motion was made by Member Denis R. Morrill seconded by Member Bette O. Arial to elect Judy Larson as the Boards representative to serve on the Utah School Boards Board of Directors. Motion carried unanimously.

Chairman Burningham explained the committee assignments to the Joint Liaison Committee, alternates, and the Joint

Applied Technology Education Council (JATEC). He indicated that if the Joint Applied Technology Education Council goes into effect, there are members who will serve on that. However, there will remain other issues that both public and higher education will need to be working on. He indicated that there are three members assigned to the Joint Liaison Committee with two alternates. Should that committee turn into JATEC, which would give us the five members as the legislation currently indicates. The Public/Higher Education Policy Coordination Transition Committee, has two members listed who would be ready immediately to pick up the business of teacher preparation and joint concerns.

Member Linnea Barney voiced concern that as she understands it JATEC will be a huge time-consuming job. She suggested that we wait and see and then elect people at that time who feel they can devote the time and effort to that position.

Superintendent Laing noted that if the legislation passes it would not take affect until July 1, and we may want to reconsider the issues at that point.

Chairman Burningham noted that a new committee has been identified called, Legislative Liaison all members on that committee have related legislative work. However, this does not exclude anyone's involvement with the legislature.

Chairman Burningham reported that the board leadership will be holding meetings at regular intervals. Currently they are scheduled for every first and third Monday. This includes Vice-Chairman Janet Cannon, Superintendent Laing, Deputy Superintendent Gary Carlston, Twila and himself. The purpose of the meeting is to make sure we know where we are headed, and agendas for Board meeting will be determined and finalized. He requested that if a Board Member has an issue for the agenda to please contact one of this group so it can be discussed for consideration.

Chairman Burningham noted that Vice-Chairman Janet Cannon will be the parliamentarian.

Chairman Burningham noted that in regard to the Coalition of Minorities Advisory Committee (CMAC), former Chairman Jill Kennedy, Vice Chairman, Janet Cannon, Superintendent Laing and Deputy Superintendent Carlston has met with the leaders of that Committee relative to their concerns that they are not always heard and valued by the Board. In response to their concerns, we have appointed Marilyn Shields as a liaison from the Board to work with them. We have also committed that the Board's leadership will actively involve that committee by using them more and to communicate with them more.

Chairman Burningham reported that he has personally agreed to participate in a special training session to become a little more aware of the needs in the minority communities. This training will be held on March 1, 2001 in the afternoon, for four hours. He invited other board members who would like to participate also attend.

Chairman Burningham noted that we have received communication that NASBE Nominations are due. Positions available are President and Vice President. He noted that we currently have Marilyn Shields on the Board of Directors representing the Western Area. If anyone is interested in becoming President or Vice President to please let Twila know prior to the February Board meeting.

Recognitions

Jerry Peterson, Retiring Associate Superintendent

Board Chairman Kim Burningham recognized and presented a bell plaque to Jerry P. Peterson upon his retirement as Associate Superintendent in the Utah State Office of Education. He expressed appreciation to Mr. Peterson for his service to education for the past 35 years. He noted that Mr. Peterson is a competent, concerned, and a gentle person - a delight to work with.

Superintendent Laing expressed appreciation for the description of kind and gentle. Dr. Laing noted that he gained appreciation for the depth of understanding and compassion that Jerry has for students and student issues. It has been a delight to work with him. He has been a real asset to the office and his presence, expertise and humanity will be missed.

Mr. Peterson expressed appreciation for the recognition. He also expressed appreciation for the opportunity of working at the State Office of Education and with the Board. He is impressed with the Board and their capacities and interests in children. He further expressed appreciation for working with Superintendent Laing and the other associate superintendents and deputy, it has been a great treat.

Outgoing Board Chairman - Jill G. Kennedy

Chairman Burningham commented that in recognizing outgoing chairman Kennedy for her special service, he requested that anyone wishing to do so to give one word that best describes Jill Kennedy. He then summarized - the Board would like to recognize the remarkable service of Jill Kennedy, Board Chair, who has been constant, vibrant, caring, competent, peacemaker, capable, charming, classy, dignified - yet warm, poised, supportive, concerned, understanding, dedicated, passionate in a noble sort of way, humble, intelligent and Harvard all the way. Chairman Burningham presented a crystal gavel to Jill Kennedy for the wonderful service she has given. He noted that this particular gavel was provided through the generous support of her loving husband.

Member Kennedy expressed her appreciation for this recognition. She asked her husband what his word would be and John indicated his word is brilliant. Member Kennedy commented that the Board is in excellent hands with Chairman Burningham and Vice Chairman Cannon and all members of the Board. She stated that she has great confidence that the Board will do all the things they have attributed to her in being caring and dedicated to help with the education of the children of this state to help them all achieve what they can.

Vice Chairman Janet A. Cannon recognized outgoing Board Member C. Grant Hurst for his ten years of service on the Board. She stated that Grant is theatrical, adding great flair to our Board meetings. She noted that Mr. Hurst has served as chairman of the Board, worked in NASBE on the Resolutions Committee, worked tirelessly, advocating for the Wasatch Front South Applied Technology Center, and has been a champion for arts education in our public school system. She expressed admiration and appreciation to Mr. Hurst for his service, and presented him with the traditional bell plaque.

Mr. Hurst commented that his service has been a wonderful opportunity to help things happen. He stated that he still finds it interesting that the children of Salt Lake and Tooele Counties are being ripped off without proper access to applied technology education, yet we find funding for programs that nobody has thought of yet. He hoped that the Board would continue to hammer on that issue. He expressed appreciation for the years he has been allowed to serve on the Board.

Utah State Board of Education

Budget Priorities

Superintendent Laing reported that the Governor has announced his budget recommendations for public education which are the largest in many years. Of equal encouragement, the Governor's budget also evidences his sincere consideration of the budget priorities and proposal developed independently by the Board and submitted to the Governor as required in November. He indicated that it may be a particularly propitious time for the Board to unite with the state's chief executive and advance a common budget proposal to the legislature. Dr. Laing recommended that the Board reconsider its action of adopting a budget proposal for fiscal year 2002, and further that the Board adopt a statement that: recognizes the compatibility between the Board's budget priorities and proposal and those of the Governor as contained in his proposed budget for FY 2002; Acknowledges and praises the magnitude of the increases in funding for public education proposed by the Governor's budget; Expresses encouragement at legislative leaders' express desires to fund the needs of public education to the greatest extent possible, and commits the Board to cooperate with the legislature to do so; and adopts the Governor's budget recommendations for FY 2002 as representative of its own, while at the same time recognizing there still remains' important funding issues for future consideration. (For complete details of the material presented, see General Exhibit No. 8493.)

Superintendent Laing and Associate Superintendent Patrick Ogden distributed an updated comparison between the Governor's budget and the State Boards Budget. Also, the narrative that goes along with the public education portion of the state budget as proposed by Governor Leavitt. (For complete details, see General Exhibit No. 8494.) Dr. Laing noted that there remain some differences, but the Board may want to reconsider its budget priorities to align with the Governor's recommendations.

Associate Superintendent Patrick Ogden reviewed the differences in the two budgets.

Chairman Burningham suggested that the Board should show their appreciation to the Governor for his support.

Superintendent Laing commented that he is more interested right now in trying to build some bridges and promote harmony. If we do something along this line, it is important that we also recognize the expressed intent of the legislature. He indicated that there is a sensitivity that exists in all of us and in this particular case, the legislature feels that they are being a little upstaged. Dr. Laing noted that if we decide we want to recognize the compatibility of the Governor's budget and that of the State Board and commend the magnitude of it, we should also draw on and express appreciation for the intent voiced by legislative leadership to meet the needs of public education. He indicated that if the Board is at a point to consider a motion along this line and wonder what a statement would read, a draft statement has been drafted for the Board's review.

Member Denis Morrill commented that he continues to have a frustration of who is driving the bus. He felt the Governor should consult with the Board on the budget. He felt there should be a better process.

Superintendent Laing responded that the Governor's budget was not developed until he had received the Boards recommendations. Consequently, he felt this is why the comparability exists to the high degree it does. The Governor has some issue he would like to advance. However, this is the first time that he has seen the Governor's budget reflecting or recognizing the Boards budget. The Governor does have some deference to the Board and recognizes that the budget developed by the Board has not been done lightly, it reflects some agony on the Boards part, and then, as he feels is his prerogative he has interjected some of his own issues.

Con Rowley, Deputy for Education to the Governor, commented that representatives of the Governor's office have sat in on Board meetings where the budget has been discussed and developed. The budget is then presented to the Governor where he and his staff review it in great detail. Following that review the Governor holds a hearing where the Superintendent and his staff meet with the Governor and go over the issues and talk about major concerns. He expressed appreciation for the consideration they have received in Board meetings, and the ability to interact with individual board members as well members of the staff.

Motion was made by Member Bette O. Arial and seconded by Vice Chairman Janet A. Cannon that the Board align itself with the Governor's budget with suggestions made by Superintendent Laing to express appreciation to the Governor and the Legislature for their support, and work toward our united goals with a letter or statement.

The statement mentioned by Dr. Laing earlier was distributed for the Board to review. (For complete details, see General Exhibit No. 8495.)

Member Jill Kennedy commented that there is remarkable agreement between the Board's and the Governor's budgets, and appreciates the Governor's efforts to increase the funding. However, the Board took a long time setting priorities and there are major things not there. She indicated she would be in favor of supporting the statement if we can also highlight a few areas that we think are important that are not being met.

Member Arial suggested that an additional document be added that lists the areas the Board feels strongly about.

Member Judy Larson commented that she was in support of the resolution, however, she would like more information on what the additional list would consist of. She questioned if there would be a risk in offending legislators who are not in line with the Governor.

Superintendent Laing noted that there is no guarantee that any proposed budget gets adopted. The Board's budget in the past has been well received by the legislature, as has the Governor's.

Member Denis Morrill commented that Item #3 on the supplemental list puts $16.6 million into something that is not even a program yet, and ignores our other items. He noted that none of the Board items were frills, and not one is not needed.

Member Laurel Brown reminded the Board that Dave Winder, Director of Economic Development, did come to the board relative to the issue of economic development to let the Board know it was a priority of the Governor.

Amendment to the Motion was made by Member Jill G. Kennedy and seconded by Vice Chairman Janet A. Cannon to add to the paragraph that starts "Now Therefore," i.e. Work-Based Learning, ATC/ATCSR Funding, Preschool Special Ed Weighting Change, Advanced Readers at Risk, Electronic High School, and the Wasatch Front South ATC,..." Further, add following budget priorities, "with the aforementioned exceptions..."

Member Dave Moss suggested that in the statement the Board should also remind them of the importance of maintaining the spirit of giving and collaboration.

Chairman Burningham determined that should be another amendment.

Amendment to the motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member Greg W. Haws to amend the end of second to the bottom paragraph and add "and encourage cooperative continuation of that effort for the long-term; and"

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

Motion to adopt the Resolution as amended carried unanimously.

Proposed Proficiency Levels and

Cut Scores for Standard Setting

Barbara Lawrence, Coordinator, Evaluation and Assessment provided information relative to standard setting. She then reviewed the recommended proficiency levels for Utah.

Dr. Lawrence reviewed what a cut score is and provided illustrations of cut scores.

Dr. Lawrence reviewed the standard setting method for Utah, an overview of contrasting groups study, and the "Modified" Bookmark Method.

Dr. Lawrence reported that this specification of standards will provide teachers, parents, students, and the public with information to assist them in understanding how students are performing relative to the Core Curriculum. Additionally, the accountability system includes proficiency levels for determining the effectiveness of instruction at the student, classroom, school, district, and state levels for the Core Assessment Criterion-Referenced Test Program. (For complete details of the material see General Exhibit No. 8496.)

Dr. Lawrence indicated that they are requesting approval both of the proficiency levels and the descriptive phrases that go along with them and the cut scores presented.

Dr. Lawrence reviewed the impact of this data on our last spring core assessment.

Dr. Lawrence expressed appreciation to her staff for their great support and work.

Motion was made by Member Linnea S. Barney and seconded by Member Bette O. Arial that the Board approve the proposed cut scores for the various proficiency levels for the Elementary Language Arts, Elementary and Secondary Math, and Elementary and Secondary Science Core Assessment Criterion-Referenced Test series. With appreciation to the teachers and others who have worked on these. Motion carried with Members Anderson, Arial, Barney, Brown, Cannon, Haws, Kennedy, Larson, Morrill, Moss, Richards, Shields and Theurer voting in favor; Member McCain abstained. (For complete details of the recommendations, see General Exhibit No. 8497.)

Motion was made by Member Judy Larson and seconded by Member Teresa L. Theurer that the State Board of Education approve the proposed proficiency levels for standard setting. Motion carried with Members Anderson, Arial, Barney, Brown, Cannon, Haws, Kennedy, Larson, Morrill, Moss, Richards, Shields and Theurer voting in favor; Member McCain abstained.

Executive Session

Motion was made by Member Jill G. Kennedy and seconded by Member Bette O. Arial that the Board move into an executive session for the purpose of discussing personnel items or pending litigation. The Board was polled and by unanimous consent of those present the Board moved into an executive session during lunch at 1:30 p.m.

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

The Board reconvened at 2:10 p.m.

Coalition of Minorities Advisory Committee (CMAC)

Motion was made by Member Linnea S. Barney and seconded by Member Jill G. Kennedy to approve Charlene Lui and Tevita Supilani Mailei to serve on CMAC. Terms to expire 2002 and 2001 respectively. Motion carried with Members Anderson, Arial, Barney, Brown, Cannon, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor; Member Haws absent.

Utah Professional Practices Commission Recommendation

Motion was made by Member Judy Larson and seconded by Member Marilyn Shields to accept the Utah Professional Practices Commission recommendation in Case No. 00-510, and accept a hearing report which concludes that the license of a teacher in the Alpine School District be suspended until at least May 2002. Further that the Board also approve the recommendation of UPPAC relative to the conditions imposed by the hearing panel. This action results from a hearing held in November 2000, which found the educator engaged in a pattern of sexual harassment of female students and violated appropriate boundaries of a student/teacher relationship. Motion carried with Members Anderson, Arial, Barney, Brown, Cannon, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor; Member Haws absent.

Appointment of Interim Associate Superintendent

Motion was made by Member Jill G. Kennedy and seconded by Member Linnea S. Barney that upon recommendation of Superintendent Laing, Bonnie Morgan be appointed Associate Superintendent in the Curriculum Division. Motion carried unanimously.

Class Size Reduction Funding

Legislative Audit

Superintendent Steve Laing presented information on the recently conducted audit by the Legislative Auditor General's Office of class size reduction funding. The report concludes that class sizes have been reduced, but expresses concern that revenue and expenditures of specific funds are not sufficiently correlated. The State Office is criticized for not requiring more detailed accounting of categorical funding (class size reduction in this case) from districts. (For complete details of the audit, see General Exhibit No. 8498.) He indicated that there is confidence that the money was spent for educational purposes. We have also accepted responsibility for the fact that our accounting and reporting guidelines lack the degree of specificity that we would have required the districts to report this money in a manner that the legislature requested. We are in the process of making those changes and will continue to do so.

Dr. Laing reviewed the recommendations made by the auditor directed to the State Office of Education and what steps are being taken to correct the exceptions made by the auditor. Dr. Laing also reviewed the recommendations that were directed to the legislature.

Superintendent Laing noted that another thing the audit showed is that there are two sources of funds for class size reduction: 1) direct appropriations from the legislature which have occurred over time since 1990. 2) The other source of funds that is specifically earmarked for class size reduction by statute are those that districts levy through voted leeways. If they choose do that, their first priority must be to reduce class sizes. They can choose to use those moneys for other educational purposes if they follow some specification in the law. 1) They have to state that their class sizes are at an acceptable level; 2) declare what other educational purposes they are going to use the money for; and 3) verify it in writing and have a waiver granted by the State Board of Education. Of the districts that were reviewed, two had waivers. One had come properly through the above-mentioned process. The other had been given by a former superintendent signed in his absence by a former deputy superintendent, but had not come through the Board. The audit recommends that we tighten up that compliance of the legislation. Dr. Laing mentioned that he had sent memorandums to the districts informing them of our intention to comply with the law and to clean up the requirements for reporting so that we can appropriately respond to legislative requests for that degree of detail and specificity, as well as expect them to comply with the law with regard to board leeways.

Dr. Laing reported that we are taking responsibility for this and saying we will be working to correct this and to get into place the proper processes so we can report accurately. He noted that there was no effort to mislead or anything along that line. It looks like there have been good faith efforts to comply with reporting the data. The degree of specificity the way the legislature has requested is absent. It is a reasonable request and we will be taking the necessary steps to accomplish this.

Member Mike Anderson questioned if there was anything being done during this current year?

Superintendent Laing responded that the districts have developed their budgets and underway with expenditures and accounting procedures that are consistent with those that have been in place for the past several years. There will be again, in most districts if they have not done something at their own initiative, a lack of ability to differentiate that.

Member Denis Morrill questioned why the independent auditor did not pick this up?

Superintendent Laing indicated that this is something we reference in our response that this was something we had confidence in because it also said as part of their independent auditing that they assure that the laws are being complied with. He speculated that some of them were expressing confidence in the current reporting that was going on being sufficient, but arguably the language in the law does require us to do something more specific.

Motion was made by Member Denis R. Morrill and seconded by Member Bette O. Arial that the State Board of Education accept the audit report and express appreciation to the Auditor General for his thoroughness. It was further moved that the State Board reiterate adamant support for fiscal responsibility and accountability, and encourage the efforts of staff-already underway- to develop and implement a process to change financial reporting within the state's school districts so that more clear connections can be made to revenue and expenditure for specific purposes. Motion carried unanimously.

Teacher Supply and Demand Study

Gary Carlston, Deputy Superintendent reported that Utah State University had been awarded the contract to conduct the study of Teacher Supply and Demand in Utah. He introduced Dr. Ron Thorkildsen, Retired Associate Dean, College of Education, Utah State University and Dan Robertson, Principal Investigator, also with the College of Education at Utah State University who were doing the study of Educator Supply and Demand in Utah. Dan Robertson, Principal Investigator presented the preliminary results thus far determined. (For complete details of the preliminary report, see General Exhibit No. 8499.)

Discussion ensued relative to why teachers are not accepting employment in Utah, other fields that educators are going into other than teaching upon graduation, the quality of teacher education programs and whether or not they will be lowered in order to attract more students into the program, and the concern regarding the crucial need for teachers in the near future.

Dr. Carlston noted that the Board's budget request includes a recruitment program. He also noted that the retention issue is also being looked into carefully.

The Board received the report as information.

Board Committee Reports

Planning, Finance and Legislation Committee

Board Members Denis R. Morrill, chairman of the Planning, Finance and Legislation Committee presented the following recommendations from the Committee:

Utah Plan for Title II Reporting

The U.S. Department of Education has required every state to report on teacher preparation programs within the state. This responsibility was given to the State Office of Education. An ad hoc committee formed by the Advisory Committee for Educator Development was given the task of reviewing federal guidelines, preparing a Utah Plan and presenting it to the Advisory Committee. The Advisory Committee has approved the plan as a pilot. The Utah Plan will provide the U.S. Department of Education and the public an in-depth look at the teacher preparation programs in the state, including a pedagogy exam for licensure. (For complete details of the Plan, see General Exhibit No. 8500.) There was one exception in the plan that a portfolio is required and that particular part will not be implemented at this time, but is being developed.

Member Morrill reported that normally this action would have been taken through the Joint Liaison Committee, but since they are not meeting it has not been done. However, it is the Boards responsibility. He noted that when the JLC meets again this will go as an information item.

The Planning, Finance and Legislation Committee approved the Utah Plan for Title II Reporting as required by the U.S. Department of Education on first reading.

Motion from the Committee that the State Board of Education approve the Utah Plan for Title II Reporting as required by the U.S. Department of Education through the Higher Education Act (Sections 207 and 208) on second reading. Motion carried unanimously.

Youth In Custody Request for Waiver

of Rule R277-709

Current State Board rule does not allow for the Utah State Office of Education to fund through the Minimum School Program the development of a system to replace the State Mainframe SIS that has been used for over thirteen years, but will no longer be available to USOE at the end of 2001 school year. Local Directors of Youth In Custody programs have petitioned the Utah Coordinating Council for Youth In Custody to provide such funding. The most economical and efficient way to develop the system is to hire a programmer on temporary status who could work closely with USOE staff and the district users to bring a system to full implementation quickly. (For complete details of the request, see General Exhibit No. 8501.)

Motion from the Committee that the State Board o f Education grant the waiver to Rule R277-709, Youth In Custody, to allow them to use $250,000 that was appropriated through the minimum school program (YIC) in District Computer Services to complete the development of a statewide Youth In Custody Student Information System. Motion carried unanimously.

Redevelopment Authority Position Statement

The Committee and Board heard a report at the last meeting relative to the State Office of Education recently receiving criticism for taking stands on redevelopment projects without soliciting guidance from the State Board. Staff was directed to develop a Position Statement for the Board to consider. The Committee made modifications deleting the first paragraph and the first three words of the second paragraph dealing with exemptions. (For complete details, see General Exhibit No. 8502.)

Motion from the Committee that the State Board of Education adopt the Position Statement on Redevelopment Authority as modified. Motion carried with Members Arial, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, and Theurer voting in favor; Members Anderson and Shields absent.

Charter Schools Information Report

Dave Steele, Coordinator, Program Development and Support Services presented background information about charter schools and their creation and purposes as outlined in legislation. He reviewed the history and status of charter schools generally and in Utah specifically. (For complete details, see General Exhibit No. 8503.)

Tuacahn High School, Charter

School, Addition of Ninth Grade

The Tuacahn Charter School requested that the State Board approve the addition of ninth grade to their school which would change the grade offering to 9-12. Their rational is that with a four-year school, they could provide more consistency in their academic curriculum and provide extended skill enhancement opportunities for this ninth grade class. (For complete details of their request, see General Exhibit No. 8504.)

Motion from the Committee that the State Board of Education approve the request from Tuacahn High School Charter School to add ninth grade. Motion carried with Members Arial, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields and Theurer voting in favor; Members Anderson and Barney absent.

Member Marilyn Shields requested that the Board visit one of our charter schools.

Curriculum and Instruction Committee

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

Visiting Teachers from Spain

The Visiting Teachers from Spain program helps districts to provide an international perspective to their student by hiring teachers from another cultural background. The visiting teachers benefit by improving their English fluency and by learning about Utah. This program is especially beneficial as many states in the U.S. face a teacher shortage. Due to declining birth rate, Spain has a surplus of trained teachers. (For complete details of the report see General Exhibit No. 8505.)

Motion from the Committee that the State Board of Education continue implementation of Article 1 of the "Memorandum of Understanding" by providing new teachers to Provo and Salt Lake City Schools as well as additional teachers for the Granite School District in 2001-2002. Motion carried with Members Arial, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields and Theurer voting in favor; Members Anderson and Barney absent.

J-1 Visa High School Exchange Students

This year 325 WPU's were available to be distributed among the 25 exchange agencies currently active in Utah. The distribution is determined by two factors: outbound/inbound ratio and problem-free placements in prior years. Districts retain authority to limit the number of exchange students to be placed in schools as well as to issue diplomas, honorary diplomas, or certificates of attendance. (For complete details, see General Exhibit No. 8506.)

Motion from the Committee that the State Board of Education continue the funding of WPUs for J-1 visa exchange students who are sponsored by agencies approved by the U.S. Department of State. Motion carried with Members Arial, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields and Theurer voting in favor; Member Anderson absent.

Nebo School District Waiver Request

Item pulled from the Agenda.

Education Program Serving Youth In

Custody, Rule R277-709

At the November 2, 2000 Curriculum and Instruction Committee meeting, Patricia Bradley, Coordinator of At Risk Unit, presented issues for policy changes based on input from the Youth in Custody Guidelines Committee. Based on input from the Curriculum and Instruction Committee, amendments to Rule R277-709, Education Program Serving Youth in Custody, will update language and change the eligibility of youth in custody for services until these students are able to graduate with a high school diploma or earn a GED. Additionally, the Utah Coordinating Council for Youth In Custody bill be incorporated into the rule. Member Haws noted that there were several changes that are procedural, compliance with changes in terminology, statute definitions, etc. The rule with the new modifications was distributed. (For complete details, see General Exhibit No. 8507.)

The Curriculum and Instruction Committee approved the amendments to Rule R277-709, Education Programs Serving Youth in Custody on first reading.

Motion from the Committee that the State Board of Education approve the amendments to Rule R277-709, Education Programs Serving Youth in Custody on second reading. Motion carried with Members Arial, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields and Theurer voting in favor; Member Anderson absent.

Executive Officer Report

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

ACT Testing Board - We have received notice from the ACT Testing Board that one of our students out of 8,500 who participated in the ACT administration in October received a perfect 36. Furthermore, out of the 392,000 who were tested that month, there were 14 in the entire nation that received a perfect score. A letter of congratulations will be sent to Benjamin Crowder of Orem High School.

14th Annual Dr. Martin Luther King Jr. Essay Contest - Several students are receiving recognition for their accomplishments in the 14th Annual Dr. Martin Luther King Jr. Essay Contest. He distributed copies of the winning essays and recommended that the Board read them. (For complete details, see General Exhibit No. 8508.) Dr. Laing indicated that if at all possible we may ask the top winners to come to a future meeting to share their essays with the Board.

SL District - SAT Testing Problems - When we met in December we were aware of a problem that had surfaced in the Salt Lake City School District with regard to exclusion of students in the SAT testing. We were concerned with the exclusion rate and the impact that had both on the results in schools, districts and the unknown impact it may have had on the state results. Dr. Laing distributed a letter he has written to the Salt Lake District calling to their attention this violation of protocol and stating that the letter would serve as a warning that future violations could result in sanctions.

The letter also outlines three conditions he felt appropriate for them to undertake, after which we would lay this issue to rest. Dr. Laing noted that after meeting with their superintendent and board president, we are convinced that this was not an intent to manipulate the results.

Dr. Laing reported that after receiving the letter Superintendent Robles and President Black had a new conference wherein they accepted responsibility for the district and have indicated they will comply with the conditions. (For complete details of the letter, see General Exhibit No. 8509.)

Dr. Laing recommended that the Board take action to accept what he has done and agree that we move forward.

Motion was made by Member Denis R. Morrill and seconded by Member Bette O. Arial that the Board accept the actions taken by Superintendent Laing with regard to the Salt Lake City School District testing procedures, and in accordance with the conditions identified this matter be put behind us. Motion carried with Members Arial, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor; Member Anderson absent.

Student Information System - Associate Superintendent Pat Ogden had an opportunity to demonstrate of one of our computer systems, Student Information System 2000, for the Governor.

Associate Superintendent Ogden reported that the Governor had invited us to show him the Student Information System, particularly the web access portion of it. It is available to any district that wants to use it, free of charge. The Governor was quite excited with the system. He is going to work with it himself and we might even hear about it in his speech to the Utah School Boards Association tomorrow night. The Governor wanted to know how we could market it.

Applied Technology Education Legislation - Dr. Laing reviewed that at the last Board meeting we talked about the proposed ATE Legislation that was proposed through the efforts of the task force in November. After deliberating, the Board took a position of support for that bill, because of its commitment to applied technology education and its availability through our ATCs. The Board felt that JATEC would be the means by which stalemates could be resolved and these services expanded throughout the state. Dr. Laing noted that there have been amendments proposed to that legislation, four of which he feels are problematic. He indicated that he and Associate Superintendent Rob Brems will be meeting with the Speaker, the sponsor of the legislation, the co-chairman of the task force, and higher education representatives on Tuesday, the 16th. The four main amendments that are problematic are: 1) The way they have defined applied technology education. Their amendment seems to sets aside that which is done at the ATCs alone. Also, other amendments that talk about ATE under the jurisdiction of JATEC or in facilities under the jurisdiction of JATEC. 2) The composition of the regional board membership. The original bill talked about the regional board membership consisting of one representative from the local board for each school district in the region, one representative from each institution of higher education in the region, and three or four businessmen as necessary to make an odd number. The proposal would put on that regional board an equal number of representatives from the institution of higher education to those of the school districts. The concern is that it inordinately weights the regional board to the interests of one institution. 3) Funding - it is compounded by definition. Where there seems to be separation of ATE all the way along between ATE and higher education, when it comes to funding they are thrown together. 4) The Joint Applied Technology Education Council and its authority and autonomy. In an effort to try and put in place a means of breaking a stalemate, when such stalemate exists, if JATEC took a position then either the State Board or Board of Regents on a unanimous vote could veto that action. If it was important enough to JATEC that they felt that action needed to go forth and they could mount a 2/3 majority they could override the veto. The amendment would put in place a 3/4 vote to override. This would be a problem if the amendment to change the representation for higher education goes forth it would put, in some regions, more representation from higher education.

Dr. Laing reported that we have expressed concerns about this and are appreciative of being offered an opportunity to meet with higher education and sponsor of the bill to discuss this. If the Board has a position they would like to express, either by motion or consensus, it would help us as we meet with this group.

Chairman Burningham reported that when they met with the sponsors of the legislation a few days ago. He indicated to them at that time that if these amendments were retained that way the Board may want to withdraw their support.

Member Denis Morrill, voiced frustration that after going through a six or eight month process, and we gave a lot, and came out with a bill that we could live with. Then, after all that process we get an amendment that turns the whole thing on its ear. It is offensive.

Member Linnea Barney commented that when we approved this it was because we felt like it supported principles we agreed that we wanted to see maintained. She suggested that the Board withdraw its support for the bill and take a stand in support of those principles. Member Teresa Theurer commented that she did not see how we can support the legislation as it is currently written because we risk losing the secondary students.

Associate Superintendent Rob Brems commented that the suggestions by Member Barney has a lot of merit. The Board should say we will continue our support if those principles remain in tact. If these amendments get passed in a committee meeting, it gives us a way to approach this.

Associate Superintendent Brems identified one further amendment indicating data for this system, that it ought to be allowed with either higher education or the school district data might be used in place of the types of data systems developed for ATCs and ATCSRs. He noted that these systems have been very difficult to develop and are very credible.

Member Laurel Brown voiced concerned about applied technology education, about the erosion of state school board and applied technology board to be able to govern the students over whom we are supposed to be accountable for and oversee. These amendments appear to disallow the state board to do what they need to do.

Chairman Burningham noted that the amendments are not the proposal of the sponsor of the legislation. They are coming from one particular interest group. We have been invited to a meeting to discuss this issue and we need to put forth a strong motion that indicates we have accepted what we have, but with the new amendments it is unacceptable.

Motion was made by Member Jill G. Kennedy and seconded by Member Bette O. Arial that if the five proposed amendments identified above, or other changes that would negate those principles the Board has identified as important are accepted, the State Board will no longer support this legislation. Motion carried with Members Arial, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields and Theurer voting in favor; Member Anderson absent.

Retirements - Besides Jerry Peterson whom we have already recognized, others in the State Office of Education that have retired this month after several years of service are: Lynn Jensen, Coordinator, ATE, responsible for student services and a leader in the comprehensive guidance movement and implementation of that program. Daimar Robinson, who has been responsible for much of the writing, such as the Charter School Profile, author of *Student Focus*, reports on Centennial Schools, and Schools for the Twenty-First Century, and a lot of the documentation we have produced that highlight some of the good things that have happened.

Relationship Between the State Superintendent and Board - One item omitted from the discussion last night relative to the relationship between the State Superintendent and the Board. Board Member requests for information from staff should go through one of the associate superintendents, the State Superintendent or the Board Secretary. This will enable us to get the information to all Board Members.

<u>Board Chairman Report Cont.</u>

Coalition of Minorities Advisory Committee - Introduced Janice Shroader, Chair of CMAC and Richard Gomez, USOE Liaison with CMAC. He indicated that the issues raised by CMAC to the Board had been discussed earlier in the meeting. He noted that Marilyn Shields has been appointed as Liaison from the Board, about our desire to use CMAC and for them to use us. Also, he announced that on March 1st Richard Gomez will be doing a one-half day training on awareness.

Chairman Burningham commented that Superintendent Laing has been very accommodating through these audits.

However, he noted that we have never in these audits been pointed out as being guilty of any impropriety. We have a stressed system that is financially stressed and sometimes they rob Peter to pay Paul. The other night he was in a town meeting with three legislators and one of the legislators said they need to decide whether we want to give local control or whether we want the state controlling everything relative to finances.

Follow up of Last Evening - Chairman Burningham thanked everyone for their attendance last evening. He distributed the statement relative to the brain storming of a Code of Conduct. He suggested that the next course of action be that the leadership team take the list and condense it into a tighter, shorter list representing the ideas suggested. That statement will be sent prior to the next board meeting. Based on that, a February agenda item will be to take action on the Code of Conduct.

In relationship to the goal setting discussion he noted that we currently have a focus - the discussion for goal setting is for next year. He asked each board member to think about the big rocks - then identify a maximum of the three biggest for you, and how could we can measure whether or not they are being accomplished. Twila will then compile the list from you for a discussion item to move us along more quickly. He proposed that on February 1, 2001 at 6:00 p.m. for two or three hours, a session of the Board to react to the list and decide what we want to do relative to goals or focus and indicators to measure achievement of those goals.

Member Greg Haws voiced concern that the Board adopted the major area of focus in May 2000, and it hasn't gone through a legislative process. He was reluctant to change this focus because he is still passionate about these items. He did not feel that the Board should divert its energy to revisit this now when we have pressing issues such as seeing the budget carried through the legislature as well as trying to save ATE, and other issues. He suggested that the Board reaffirm this and let it settle a little longer and revisit it in May.

Member Denis Morrill commented that we need to keep ourselves ahead, and if we don't start now, we will get behind. We are not talking about 2001, we are talking about preparing for 2002.

Member Joyce Richards commented that she did not think we have given it the time needed. She did not see consolidation of any of the item because all are important and she did not want to eliminate any of them.

Superintendent Laing commented that through the development of those five areas of focus, they have driven the development of the budget. An indication of success for those, we could note how the Governor's recognition of the Board's budget proposals paralleled, etc. He indicated that as we go through the legislative session we can keep a score card on which of those issues are addressed in legislation. We can also go back and look at development of Board rule and tie those back to those.

Member Jill Kennedy commented that the idea of setting goals earlier is a good one. We do have the current goals and she suggested that maybe what would be more valuable in February is to evaluate the goals we have and decide, through what is coming out of the legislature, what progress we are making. We could then identify a set of steps to help us accomplish what we have in position already, and how we are going to measure the five we now have. Then, following the legislative session we reevaluate those five and come up with goals for the next year.

Member Teresa Theurer expressed appreciation for Chairman Burningham's effort to make new board members feel a part of the process.

Vice Chairman Janet Cannon expressed support for Member Kennedy's suggestion. She noted that NASBE's Strategic Plan 1999-2003 consists of goals, objectives and action steps they are taking to meet those. She feels the Board needs a plan in place to reach the five focus areas we have decided to work on, if we want to revise and add as things go on we need an appropriate time and place to address these.

Chairman Burningham commented that he would like to be proactive rather than reactive.

Member Denis Morrill stated that he would like the Board to come up with a bill and get a sponsor rather than the legislature tell us what to do.

It was suggested that rather than February 1, the Board meet on March 1, following the diversity training. It was agreed that the goals discussion will be March 1.

General Consent Calendar

Motion was made by Member Linnea S. Barney and seconded by Member Bette O. Arial to approve the General Consent Calendar as presented.

Member Greg Haws questioned Item D, Rules Governing Certification of Interpreters and Translators. He felt that items on the Consent Calendar appeared as they were changes made at the Board meeting. He has received concerns from his community about the number of hours required for recertification. He questioned if an adjustment has been made relative to these concerns.

Blaine Petersen, Executive Director of the State Office of Rehabilitation noted that since the second reading in November, there have been hearings held on the rules and the concerns expressed on the number of hours have been incorporated into the document.

Motion to approve the General Consent Calendar carried with Members Arial, Barney, Brown, Cannon, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields, and Theurer voting in favor; Member Anderson absent.

A. 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 December 5, 2000.

B. Contracts

(1) Utah 3Rs Project. $55,000. 01/10/01-06/30/02 - RECEIVABLE

To provide program revenue for the 3Rs Project.

(2) University of Utah SRJ. $25,000. 01/07/01 - 06/06/02

Evaluate the Utah State Office of Education's Tobacco Prevention Strategies Grant.

- Jordan School District. $1,330.63. 01/10/01 - 7/30/01. - Amend.

To pay one-half of the salary and benefits for Martha Ball, a middle school teacher in the Jordan School District involved in the Utah 3Rs Project.

- Mergenthaler Transfer & Storage. $21,000. 01/01/2001-12/31/2001.

To provide pick-up, delivery, and warehousing of educational forms for district computer services.

(For complete details of the Contracts, see General Exhibit No. 8510.)

C. Instructional Materials Commission Operating Procedures, R277-469

Based upon recommendations from the State Textbook Commission, the Board approved on second reading at the December 5, 2000 Board Meeting several updates to Rule R277-469, Textbook Commission Operating Procedures in regard to policy and definitions. Also included was the name change from Textbook Commission to Instructional Materials Commission. There have been no substantative changes to the rule since that time. (For complete details, see General Exhibit No. 8511.)

The State Board of Education approved Rule R277-469, Instructional Materials Commission Operating Procedures on third and final reading.

- Certification of Sign Language Interpreters

In November the Board reviewed some recommended changes to the Policy and Procedures Manual for certification of Sign Language Interpreters. Since the November Board meeting, the Utah State Office of Rehabilitation has received a number of comments, has modified the workshop requirements (page 7) to 60 hours every three years for intermediate and master level interpreters, and to 20 hours every year for novice interpreters. (For complete details, see General

Exhibit No. 8512.)

The State Board for Applied Technology Education approved, on final reading, the Policy and Procedures Manual for Certification of Sign Language Interpreters as recommended by the Board for sign language interpreting certification.

- Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts was reviewed and approved. (For complete details, see General Exhibit No. 8513.)

F. Goals 2000 Flexible Funding Subgrants

This is the seventh and final year of federal funding for Goals 2000 Subgrants. School districts apply for subgrants that address needs identified by the following:

- Eight National Goals
- Seven Priorities of the U.S. Department of Education
- Utah Education Priorities
- Standards and Assessments
- Utah State Board of Education Strategic Plan
- Strategic Plan of Local Alliance, Consortium, or Partnership

One goal of each Goals 2000 Subgrant is to improve student academic achievement. Each subgrant director submits a report that documents progress toward the subgrant goals. (For complete details, see General Exhibit No. 8514.)

The State Board of Education approved the following Goals 2000 Flexible Funding Subgrants funding for 2001-2002:

Professional Development 58 $2,643,190

Local Educational Reform 6 $ 260,696

Pre-service Education 2 $ 57,425

Total 66 $2,961,311

G. Ratification of Employment

Susan H. Loving was ratified as an Educational Specialist, Transition, Students At Risk Section, Instructional Services Division.

H. K-6 Elementary Mathematic Series Textbook Adoption Action

On November 2, 1000 the State Board of Education approved the recommendations of the Utah State Textbook Commission and directed staff to award contracts to the publishers to furnish instructional materials to the schools of Utah. Subsequently, one of the publishers, McGraw-Hill requested further information on the adoption action (supportive and limited) of the K-6 Elementary Mathematics Series. A further review was conducted on the K-6 Elementary Mathematics Series and an error was discovered in the review process. The State Board of Education approved the change in the adoption action for the K-6 series from Supportive and Limited to Comprehensive.

I. Claims Report

The Claims Report in the amount of $158,210,200.54 ending December 31, 2000, was approved by the Board. (For complete details, see General Exhibit No. 8515.)

Meeting adjourned at 4:15 p.m.