MINUTES

May 4, 2001

Minutes of the meeting of the State Board of Education and State Board for Applied Technology Education held May 4, 2001, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:05 a.m. At the request of Chairman Kim R. Burningham, Vice Chairman Janet Cannon presided.

Members present were:

Chairman, Kim R. Burningham
Vice Chairman, Janet A. Cannon
Member R. Michael Anderson
Member Linnea S. Barney
Member Laurel Brown
Member Greg W. Haws
Member Jill G. Kennedy
Member A. Earl McCain
Member Denis R. Morrill
Member Joyce W. Richards
Member Marilyn Shields
Member Teresa L. Theurer

Members Bette O. Arial, Judy Larson and David L. Moss were excused.

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
Board Secretary Twila B. Affleck

Also present for portions of the Board meeting were:

Members of the Press:
Jennifer Toomer-Cook, Deseret News
Beth Dove, Standard-Examiner
Darci Marchese, KSL Radio
Heather May, Salt Lake Tribune
Marta Murvosh, Salt Lake Tribune

J. Michael Clara, Citizen
Jonathan Ball, Legislative Fiscal Analyst
Lee Robinson, Superintendent, Utah Schools for the Deaf and the Blind
Merlynn Newbold, Utah State House of Representatives

Bo Hall, Superintendent, Wasatch Front South ATC
Richard N. Jones, Superintendent, Uintah Basin ATC
Richard L. Maughan, Superintendent, Bridgerland ATC
Darrell White, Superintendent, Davis School District
Con Rowley, Governor's Office
Kaye Chatterton, Utah Education Association
Mike Bouwhuis, Superintendent, Davis ATC
Brent A. Judd, Director, Southwest ATCSR
Laurel Young, Salt Lake City School District
Brent Wallis, Superintendent, Ogden-Weber ATC
Karen Derrick, Wasatch Front South ATC/Salt Lake City School Board

Utah State Office of Education staff:
Nancy L. Giraldo, Instructional Services
Patricia G. Bradley, Instructional Services
Jean Hill, Planning & Project Services
Richard Gomez, Planning & Project Services
Ron Stanfield, Planning & Project Services
Angenette Pickett, Agency Services
Jeanette Misaka, Planning & Project Services
Marv Johnson, Applied Technology Education Services
Carolee Gunn, Planning & Project Services
Connie Tait, Instructional Services

The Board repeated the Pledge of Allegiance.

Board Chairman Kim R. Burningham offered the reverence.

Twila B. Affleck recorded the minutes.

Vice-Chairman Janet Cannon excused Board Members Bette O. Arial, Judy Larson, and David L. Moss from the meeting. She also excused Member Linnea S. Barney from the first portion of the meeting.

Board Member Teresa Theurer shared her thoughts on the ninth item of the Code of Conduct, "Seek to understand the feelings and opinions of the citizens." She felt that before we can seek to understand the feelings and opinions of others we need to get to know the citizens we serve. We need to make an effort to be visible and get to know the people so they feel comfortable in talking to us. Member Theurer commented that one of the things she has done to try to get to know people in her district better is to visit the schools. She encouraged Board members to visit the schools in their districts and to attend the local school board meetings in order to seek and understand the feelings and opinions of the citizens that we serve.

May 4, 2001

Alternative Language Services (ALS)
Legislative Priorities for FY 2002-2003

Patricia T. Bradley, Coordinator, At Risk Services reviewed Utah's Alternative Language Service Program. The review included how students are identified as limited English proficient, the number of students in the districts and the funding for programs for these students.

Darrell White, Superintendent, Davis School District reported on the difficulties the schools districts are having in trying to be in compliance with the federal mandate and provide services for alternative language students. He noted that the Davis School District has over 2,500 students in this category, and it is a significant financial challenge to the district to provide the service that is required. He reported that there are eight school districts in Utah that are currently under investigation by the U.S. Office of Civil Rights. The challenge is to meet the requirements that the Office of Civil Rights has placed on them to provide instruction for the limited English speaking students. There was a lot of confusion in the first years and mixed messages from the Office of Civil Rights about what the requirements were, but it became very clear two years ago that the only way to meet the requirement was to provide service by a licensed teacher, endorsed for ESL instruction, for every student who qualified. He continued that many districts had begun service with aides who had received some special training and providing adequate service, but that did nothing to meet the requirements of OCR. At that time they begun the preparation of training teachers to provide that kind of service.

Dr. White reported that the Davis School District has a small number of limited English proficient students. However, that still results in over 2,500 students scattered among 75 schools. This has resulted in a very dramatic unfunded mandate from the federal government. The investigation has become a very significant issue for the school districts because if they are not able to meet the requirements of OCR they are threatened with the loss of all federal funding.

Dr. White reported that in order to meet the OCR requirements Davis School District appealed to the State Board and received permission to begin an ESL Endorsement Program of their own. The program has proved to be very successful. They currently have 819 teachers in the Davis District enrolled in the ESL endorsement program at a costs of about $725 per teacher. This will still not staff the schools to the extent that every student will have an ESL endorsed teacher for instruction, so this is not the end of the need. He noted that currently the district is running approximately a half million dollar deficit in the ESL Program.

Dr. White appealed to the Board the following issues: (1) The current funding, $3.5 million that is available all should be used to get ESL endorsed teachers and meet the minimal requirements of OCR. (2) The amount of money that the state has provided is not nearly adequate and will not be for the future. He suggested that the districts partner with the Board in working with the legislature to increase that funding significantly in the future.

Jean Hill, Specialist School Law and Legislation provided information relative to what exactly the districts are required to do. She reported that it was to provide the opportunity for these students to have a meaningful opportunity to participate, and money is not an excuse. Dr. Hill reviewed the laws and the court cases that have been filed relative to serving these students.

Patricia Bradley reported that staff will be coming back to the Board with its Rule R277-716 because it is not as clear as it should be, and we are involved in a task force that has been directed by the legislature that will have some recommendations on the rule. She then addressed the issues staff felt the rule needed to be clear on: (1) Establishment of PHLOTE; (2) Accessing English (and native) Language Proficiency (speaking, reading, writing); (3) Instructional Models that are available; and (4) Gaps in exit criteria and reassessment guidelines.

Nancy Giraldo, Specialist presented information on teacher training programs. .

Associate Superintendent Bonnie Morgan commented that one of the first things that has to be done is to develop an assessment system that assesses students as they come into the schools in a way that we get more information such as how literate they are in their native language; then are there people to help us assess those language issues. Do we have a way to place them in programs that will help the child progress? Do they have access to the core curriculum? Another issue is teacher quality and one of the problems is that there are not mentors for the teachers who are getting endorsements. Some times the students who need the most are put with the least prepared people to deliver instruction. Dr. Morgan indicated that these issues require funding, but they are also policy issues.

Member Earl McCain questioned if there are efforts among the universities in the state for preparing teachers to have some minimal amount of preparation in dealing with students who are English language deficient? Ms. Giraldo indicated that universities are aware that teachers need to have the basic knowledge of language deficiencies, the strategies to help a student at different levels of English proficiencies as well as integrating those strategies throughout the core curriculum. This has not been established in all universities but they have been trying to establish it. The challenge is that the growth has been too fast for the resources we have available.

Ms. Giraldo reviewed the proposal for professional development and effective instruction for LEP students and program models for use in professional development and training. Ms. Giraldo also reviewed a proposal for two levels of ESL/Bilingual Endorsement.

Superintendent Laing commented that with the two levels of endorsement, specialist and generalist, the specialist would be appropriate to teach in these program models. He questioned what the generalist would be able to do. Ms. Giraldo responded that the generalist would be able to support the student when they return from the language proficiency development courses. For example, they could use visuals to help these students understand what is being taught in both social and academic content. Also, hands on experiences.

Ms. Giraldo distinguished between Limited English Proficient (LEP) and English Language Learner (ELL.) LEP is a federal designation for funding for the Office of Civil Rights. Researchers and practitioners would like to use English Language Learners. This is a more positive term that indicates the learner will be able to master the language.

Ms. Giraldo presented the lessons learned from research.

Associate Superintendent Bonnie Morgan reported on the ESL Task Force. She noted that a small subcommittee has been meeting to put together some of the issues that need to be discussed by the Task Force, and who should serve on the task force. She indicated that a Member of the State Board of Education is to be on the Task Force. She further noted that the Task Force needs to report to the Legislature in November. Dr. Morgan commented that the issues discussed today are the same issues being talked about for review by the task force. The task force should make recommendations as to the types of programs to put in place (best practices, research, and how to establish programs that meet the needs of kids.) Funding is a critical, yet with block grant funding ALS has been put into special populations.

Dr. Morgan recommended that the $500,000 be kept in a rfp format for one more year for districts who have undertaken the endorsement program. This would give them an opportunity to finish the program.

Member Earl McCain commented that in that last several years there has been an increasing criticism of colleges of teacher education that we are doing too good of a job teaching people how to teach, but not doing a very good job in equipping them with the content necessary for them to be a good teacher. Often times colleges of education are taken to task because of the wide percentage of the course work in methodology rather than in content. He voiced concern as to where we expect this new methodology will go.

(For complete details of the information presented, see General Exhibit No. 8566)

Associate Superintendent Bonnie Morgan recommended that in order to support the success of all English Language Learners, the Board should establish funding priorities in the following areas: Assessment; Core Curriculum; and Professional Development.

Discussion ensued relative to how to provide the professional development with the resources available. Also, funding is a big issue that needs to be addressed relative to the endorsement programs that are currently being conducted in the districts.

Chairman Burningham commented that so many of the problems we are finding in our test scores are because we are neglecting a certain population. He felt we needed to move aggressively in this area.

Member Marilyn Shields reported on the CMAC meeting last week She indicated that CMAC is inviting four legislators to come to their next meeting. They have focused in on five things they would like to discuss with the legislators. The five areas were (1) Policy - tracking drop outs, ESL, staff development, adult ESL and school-to-work. (2) The effectiveness of ESL/bilingual education, teacher licensing, funding for ASL programs for teachers. (3) Effectiveness of MESA and how it works, the lack of data and demographics. (4) Math test scores. And (5) Funding for these programs.

Member Laurel Brown commented that in 1997 we had an influx of money to obtain endorsements for teachers. She questioned if we have tracked how much effect that has had on these students? Knowing that there is a wave of more coming into the system, at what level do we need to fund, or are we hoping to just fund at the minimal level. The reality in the classroom is that these students are scattered.

Ms. Giraldo responded that there is a need to do more ongoing staff development for everyone. There is a need for more ESL endorsements as well as ongoing staff development.

Member Denis Morrill cautioned that we cannot build our dreams on getting more funding, because he felt we will not get additional funding. He felt that we need a different strategy for building without funding.

Vice-Chairman Janet Cannon suggested that the Board direct staff to structure all professional staff development so that it incorporates the ESL strategies that are beneficial not only the ESL students, but to all students. She further suggested that our Licensing Coordinator develop a policy with colleges and universities that may better prepare teachers to address the needs of these students who are going to be in their classrooms in greater numbers. Further, to look at ongoing mentoring for people who are dealing with these issues.

Patricia Bradley noted that there is a program at Salt Lake Community College for teachers from other countries who have been endorsed to teach in their home county to assess what skills they may or may not have and to be able to supplement their training to add to the staff at our schools.

Member Marilyn Shields noted the Tooele District and the Wendover issue between the two states and the different policies relative to serving the minority students and the problems it causes.

Chairman Kim Burningham commented that it is important that the Board move aggressively in this area.

Motion was made by Chairman Kim R. Burningham and seconded by Member Denis R. Morrill the State Board recognizes the need for increased emphases on ESL/ELL skills among our teachers. We await specific recommendations from the task force, but wish to place emphasis now on the need for increased funding for ESL training, and although our exact priorities are not yet finalized, indicate our initial desire to give high priority to the need for such funding. Further, we instruct staff to carefully examine our current efforts to see how improvements can be made within existing budgets and request a report of their recommendations in September, prior to the establishment of budget priorities. Motion carried with Members Anderson, Brown, Burningham, Haws, Kennedy, McCain, Morrill, Richards, Shields and Theurer voting in favor; Member Barney absent.

<u>Executive Officer Report</u>

Superintendent Laing presented information on the following:

June Board Meeting – In connection with the June Board Meeting which will be held at the Division of the Services for the Blind and Visually Impaired, there will be an Assistive Technology Fair. He noted that the Board meeting will be shortened in order for Board Members to participate in the fair.

Utah Science Center Authority – Received a letter from the Utah Science Center Authority referencing a piece of legislation that was passed, HB 77, that establishes an advisory body for the science center authority, and specified that one member of that be a member of the State Board of Education.

Western Governor's University – Received a letter from the Western Governor's University. Approximately two years ago the Board gave provisional approval to them to offer a Master of Arts in Learning and Technology. There was some funding provided by the Governor and Western Governor's University to provide scholarships for these individuals. The intent was to provide training in the use of instructional technology, but also to establish a cadre of graduates so they could pursue accreditation. The approval from the Board was conditioned on the fact that WGU would one day qualify for accreditation and assure the students that they would get degree from an accredited institution. They have completed this now and they have received candadacy for accreditation, which means the only thing left for them to actually be accredited is to turn our graduates. They are now asking for the program to be given formal approval, and they have a couple of other programs that they would like to have approved by the Board. There is an advisory committee that normally reviews these types of things. Dr. Laing recommended that the Board direct this request to that committee to have it reviewed. The committee is the Advisory Committee on Educator Development.

Motion was made by Chairman Kim R. Burningham and seconded by Member Joyce W. Richards that the Board send the Western Governor's University request to the Advisory Committee on Educator Development for review and recommendation to the Board. Motion carried with Members Anderson, Brown, Burningham, Haws, Kennedy, McCain, Morrill, Richards, Shields and Theurer voting in favor; Member Barney absent.

Salt Lake City School District Letter – Received written confirmation from the Salt Lake City School District relative to the finalization of their review of the issue around the exclusion of students from the SAT and they have agreed to comply with state guidelines for inclusion of testing and all of the conditions we set.

Presidential Scholarship Program – Received notice from the White House that there were semifinalists from schools in Utah in the Presidential Scholars Program. The six students are: Randall Lewis, Timpview High School; Melissa McNutt, Bountiful High School; Stefanie Plant, Alta High School; Elizabeth Simmons, Orem High School; Samuel Smith, Jordan High School; and Marissa Wood, Timpanogos High School. The Presidential award recognizes some of the nations distinguished graduating seniors. They are chosen on the basis of their accomplishments in many areas, academic, artistic success, leadership involvement in the school and the community. He noted that letters of congratulations have been sent to each of these students on behalf of the Board.

Ed Alter, State Treasurer was involved a couple of years ago with some others in developing a plan whereby the state guarantees the bond rating for all school districts if they want to comply. There is minimal compliance so it is to the benefit of the school districts to do that. That program has attracted some national attention and Mr. Alter has been nominated for a very prestigious award through Harvard University that could generate as much as $100,000 recognition for him. He is one of the finalists for that recognition and award. In the few years that this has been in place it has saved the districts of the state approximately $18 million in interest charges on their bonding.

Education Week, April 4 Edition – Article from April 4, Education Week - Headline reads "U.S. Seen Losing Edge on Education Measures." He reviewed the chart which indicated that U.S. graduates lag in literacy. However in the body of the article, it states "For international comparison, the OECDF analyzed results form an 18-nation literacy survey conducted between 1994 and 1998, which look at scores from 16 to 25-year-old high school graduates. In the United States, *excluding individuals who go on to acquire further education*, nearly 60 percent of graduates performed below a literacy level...." This is a rather interesting way of reporting. (For complete details of the article, see General Exhibit No. 8567.)

Superintendent Laing excused Blaine Petersen from portions of the meeting he has been conducting a new ground breaking at the Center for the Deaf and Hard of Hearing.

Board Chairman Report

Legislative Meetings – Chairman Burningham reported that during the past month he and Superintendent Laing have been doing a great deal of visiting with legislative leaders, and the Governor. The purpose is to try to improve the relationship and to understand how we can work more effectively with them. He commented that we have not always agreed with each other in these meetings, however, it was important to sit down together. He feels that if the Board is to fulfill its role effectively we need to do these things. He asked that each Board Member meet individually with each of the legislators in their district. He challenged them to develop a relationship with legislators they were not familiar with. Chairman Burningham indicated he has looked at his own legislative area and there are some he does not know at all. He has placed a call to all of them to schedule meetings. He indicated that summer is a good time to do it.

Member Denis Morrill requested another copy of the list of legislators for each Board Member.

Board Social – Chairman Burningham encourage Board Members to attend the Board Social on May 31st at his home at 5:30 p.m.

Washington School District Letter – Chairman Burningham received a letter from Superintendent Kolene Granger of the Washington School District which contains the same comments she made at the Legislature. She talked about the brave thing to do right now would be to pay-off the debt and save all kinds of money in the future so we aren't paying debt every year. He felt this was a provocative idea and very courageous. (For complete details of the letter, see General Exhibit No. 8568.)

Member Denis Morrill commented that the Granite School District has done this.

Calendaring – Chairman Burningham noted that there are a number of events during the month of May. Accreditation meeting May 16th. Utah Family Partnership Training involving the PTA and other organizations at BYU May 10th.

Member Laurel Brown reported that she had attended a conference in California put on by Linda Mood Bell. One of the sessions was on literacy. She shared some of the successes that have been found in the Pueblo School District in Colorado. (For complete details of the material, see General Exhibit No. 8569.) She noted that their attitude on accountability is that it is a good thing and helps them rise to the occasion to become better educators.

Member Brown reviewed some of the statistics from the Pueblo School District. She noted that in the State of Colorado only 17 school attained high achievement in math and reading and five of those were in Pueblo.

Vice Chairman Janet Cannon reported that she and Member Joyce Richards attended the first Enhancements to Public Education Task Force meeting yesterday. They discussed a lot of mandates we have from the federal government and at the state level, and then they went into the area of strategic planning. She indicated that there is strategic planning legislation for the Board to go through which we may want to do on our own.

Vice Chairman Janet Cannon reported that she also had opportunity to attend meetings for the State Trust Lands. The State and Institutional Trust Lands Administration (SITLA) is the administrative arm of the trust lands and they have done some amazing things to bring income to the trust lands funds. She noted that she had visited with them and received input from the beneficiaries. She expressed to them appreciation for the work they have done and this is the first time the schools in Utah have had the dollars go directly on-site for their academic needs. She indicated that they are facing some challenges now and one is that they have been so successful that other entities in the state do not doing as well are asking for financial assistance. Their mandate in doing what is in the best interest of the beneficiaries is being challenged. There is also some concern that we need to be good neighbors to those in the state that we work with on land issues. Another issue is that for the first time we have traded out federal lands and received in trade other lands and we are looking to do some development on those lands. There are concerns from the environmental community as to those development issues.

Member Denis Morrill commented that the recent resignation of the director of SITLA seems to be more and there may be issues that do not sound good. Vice Chairman Cannon responded that this was taken care of in an executive session and they will not make it more public. She indicated that there may be better ways to organize themselves to facilitate the workings of the administration.

Executive Session

Motion was made by Member Teresa Theurer and seconded by Member Denis R. Morrill that the Board move into an Executive Session for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present, the Board moved into an executive session during lunch at 12:34 p.m.

Motion was made by Member Kim R. Burningham and seconded by Member Teresa L. Theurer that the Board reconvene into open meeting. Motion carried unanimously.

The Board reconvened at 2:00 p.m.

Utah Professional Practices Commission Recommendation

Motion was made by Member A. Earl McCain and seconded by Member R. Michael Anderson to accept the Utah Professional Practices Commission recommendation and accept a Stipulated Agreement in Case No. 01-539, with conditions contained in the Agreement whereby a former teacher in Provo School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of at least a two-year suspension by the State Board of Education. The suspension results from the educator's inappropriate use of district computer equipment to successfully access sexually-explicit and/or pornographic materials on school contract time. Motion carried unanimously. (For complete details of the Recommendation, see General Exhibit No. 8570.)

Governor's Committee on Employment of People with Disabilities

Motion was made by Member Teresa L. Theurer and seconded by Member R. Michael Anderson that the Board appoint Sherrie Crespo, C. Craig Sandberg, Kay Fulton, Toni Morris, Victoria Horton, and William Young to the Governor's Committee on Employment of People with Disabilities; terms to expire February 2004. Motion carried unanimously.

Adult Education Advisory Committee

Motion was made by Member Teresa L. Theurer and seconded by Member A. Earl Mc Cain that the Board appoint Moon Ji (12/01), Kim Dohrer (12/02), Brian Olmstead (12/02), Steve Norton (12/01), Brent Judd (12/01), Ron Hermansen (12/02), Edie Sidle (12/01), Paula Oakey (12/02), David Litvack (12/02), Maria Turner (12/01) and Norman Nakamura (12/01) to the Adult Education Advisory Committee, term expirations noted in parentheses.

Coalition of Minorities Advisory Committee (CMAC)

No action taken.

National Association of State Board of Education (NASBE) Officers

Motion was made by Member Marilyn Shields and seconded by Member Joyce W. Richards that the Board support the following nominees for the NASBE Board of Directors: President, Betty Preston; Vice-President, Alma Allen; and Western Area Director, Gary Waters. Motion carried unanimously.

Board Position on Latest ATE Legislation

Superintendent Laing reported that the Board had received the latest information that is still viable on this issue. He indicated that there have been several meetings involving legislators, the Governor, higher education and he and the Board Chairman, and Associate Superintendent Brems. He indicated that Representative Bigelow's Proposal contains the issues that are being discussed. There have been two drafts of a bill attempted, neither one has survived for any kind of general dissemination. They are working around some of these issues. He reported that he is hearing general consensus emerge around the issue of protecting the interests of secondary students. Further one of the latest versions circulated took into account several areas where it addressed the issues around secondary students, both at the regional board level and the state level. There still seems to be a desire to move governance somewhat away from the State Board. There is starting to be a more general acceptance that the applied technology centers in whatever version will probably be consistent across the state as far as their independence from other institutions. (For complete details of the information presented, see General Exhibit No. 8571.)

Dr. Laing further reported that there are issues that are near and dear to one house or the other or the Governor that are being resolved internally. They are aware of the Boards position and both parties in the legislature and the Governor have expressed a desire to have the Board reconsider that position when something can be brought forth that represents a consensus opinion in the form of legislation.

Chairman Kim Burningham, stated that maybe more than sometime in the past the position the Board stands for is being heard, and it is having an affect. There is more and more emphasis on the issue of secondary student access to applied technology not be diminished. He indicated that he felt that the course of action is still very volital, it is very clear that legislative leadership and the Governor have not yet arrived at total agreement. He further indicated that he was happy that the Board is still involved in the discussions.

Vice-Chairman Janet Cannon commented that as we are looking at this whole issue of applied technology education and changing things around it seems that the reason we are doing this at this point in time is because of the great need for students along the Wasatch Front area for this type of service. She felt that the Board has tried to advocate to serve students in this area and to bring applied technology education to the Salt Lake Valley and Tooele. Any kind of legislation that comes out needs to address that it will solve or help that problem. She did not feel that anything thus far shows it will help solve this problem.

Member Teresa Theurer commented that as she has visited with people their comments relative to the Board position taken last month has been very positive. She appreciates the fact that they want to protect the secondary students. She is not confident that a change in governance will do that.

Member Jill Kennedy indicated as she reviewed the proposal she did not see any improvement over the stand the Board took last month. She encourage the Board to stay with that position.

Member Joyce Richards commented that for years the Board has advocated for an ATC along the Wasatch Front, but it has never been funded. It seems that everyone thinks this is the State Board's fault and it is not. She spoke in favor of keeping with the Board position.

Member Marilyn Shields expressed support for the stance taken. She voiced concern with the *Deseret News* article that indicated it is the State Board's fault. She felt that the more the Board Members can be vocal in getting the word out to the public is very crucial.

Chairman Burningham noted that he had made it clear that the Board would be meeting today and if the Governor or the group had a position they wanted to advocate they would be welcome, however, they do not have a case at this point. There may be a time in the future that this might occur and it may be outside of the regular Board meeting schedule.

Vice Chairman Cannon stated that the Board will continue to stand by its position as taken heretofore, and as new things come up we will address them at the time.

Committee Reports

Planning, Finance and Legislation Committee

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

Block Grant Funding Rule, R277-478

House Bill 3, *Minimum School Program Act*, directs that districts report the expenditure of block grant funds to degree of specificity and detail required by the Board. This rule establishes the framework for spending and reporting block grant funds. (For complete details of the Rule, see General Exhibit No. 8572.)

Member Morrill noted that there was a revised version of the rule from that mailed in the agenda. The revision was made because one of the premises that the first version was drafted was determined to be not correct. The rule as revised was approved by the Committee on first reading. He noted that this will be a strain on the local boards and the State Board because it is new and different. We need to move forward, but we need to look carefully at the results of what this does so we can keep the legislature informed.

Motion from the Committee that the State Board of Education approve Rule R277-478, Block Grant Funding on second reading.

Member Jill Kennedy noted that the committee discussed the issue of the appropriation being used to pay classroom teachers for the two additional days. There was concern that there is not enough money to really fund two days of professional development. One of the issues brought up was a concern that other personnel involved such as with UPASS, reading specialists, resource people may not be included because it would be up to the district and it may not have the money. The committees decision was to leave it to the district to make the recommendation as to who should be included. She would like to see some very strong recommendations made that we get as many people who need to be involved in this training are involved.

Member Earl McCain questioned if the monies appropriated to be used to pay for classroom teachers, if there is also an amount of funding that is appropriated to pay for the inservice instruction that is to take place with regard to UPASS.

Member Morrill responded that this is a block grant package of $10 million and includes money for career ladder. The districts could use career ladder money but then they would be taking it from somewhere else.

Associate Superintendent Patrick Ogden noted that there was no discussion as to what personnel the allocation would fund, but it was just based on classroom teachers and it was based on the average state salary. Also, the legislature distributed it to districts, not on the basis of a per teacher, but on a wpu basis. A district may not have received enough money to cover the teachers that it would want to attend this training, much less than the others.

Member McCain questioned if there was a calculation as to what the difference is between the cost of paying teachers for this time plus the costs for training for UPASS?

Superintendent Laing responded that this is an unknown amount. He noted that the State Office has been providing training to stimulate districts and teams about what they could do to provide this training, probably then it would be a relatively minimal cost for external presenters, materials, etc. A districts could opt to do something that would be much more costly if they wanted to bring in a national experts or provide materials for everyone. There is not an anticipated model of what this training would look like, we are trying to provide the districts with ideas about how they can address this.

Chairman Kim Burningham explained that the rules have to be put into effect because we are required to implement some block grant funding. However, he did not feel it was appropriate for the Board to sound like it is endorsing block grant funding. Chairman Burningham explained that he proposes passage of the Committee motion, but amending it as follows:

Amendment to the Motion was made by Chairman Kim R. Burningham and seconded by Member A. Earl McCain that the Utah State Board of Education enacts Rule R277-478 to implement block granting decisions previously made by the Legislature. We support the general concept of local flexibility. We are, however, cautious in that implementation and are concerned about potential harm to specific student populations. We fear that block grants may result in reduced funds available to meet genuine needs. Therefore, we intend to examine closely the effects of the block grants to determine if the quality of student education is hindered or helped by the process.

Member Earl McCain read portions of a letter from a superintendent regarding their concerns about the way the money as distributed to compensate for the losses that result from the block grant proposal. Member McCain questioned if there was a provision in the rule whereby we do not have a number of districts who are being taken advantage of. Vice Chairman Cannon noted that the rule includes hold harmless funds.

Associate Superintendent Patrick Ogden explained that staff has not yet been able to tie the legislature's numbers to anything. We cannot go back and replicate the numbers. Some of the districts are concerned that they were not held harmless. He noted that there are a lot of complicating factors in calculating the hold harmless, and it is very difficult to track.

Discussion ensued relative to the number of districts that would be held harmless and the magnitude of the differences in the districts that would be hurt the most.

Superintendent Laing indicated that in conversations with the legislative fiscal analysts office they are thinking that if a special session is called they would ask the legislature to repeal perhaps the specified amount of money and flow it to the Utah State Office of Education to hold the districts harmless.

Superintendent Laing reported that there are some meetings scheduled with key legislators to talk about the issue of block granting and the impact it is having on programs as well as the overall financial impact. He indicated that there are some issues that need to be resolved. It will still take legislative action to do anything.

Member Mike Anderson questioned if contingency monies could be used to assist districts that have been damaged the most? Superintendent Laing indicated that it could be a possibility, but it is a very small amount and out of that we are obligated to pay the out of state tuition for students who live in very remote areas of the state and attend school in another state. There is also an obligation to provide the career ladder money to the Edith Bowen Lab School associated with Utah State University. Normally in a given year there has been approximately $200,000 available for these types of contingencies.

Chairman Burningham commented that he thinks the way the block grants will be administered, since they have moved a lot of things out of the wpu and without wpu funding, is that they will not be increased with wpu funding and consequently this few hundred thousand will not be useful and millions of dollars will be lost to districts in future years. He felt that the block granting is a cover for not financing.

Motion carried with Members Anderson, Brown, Burningham, Haws, Kennedy, McCain, Morrill, Richards, and Theurer voting in favor; Members Barney and Shields absent

The State School Building Program,
Rule R277-451

Senate Bill 30, *Public Education Capital Outlay Act Amendments,* eliminated the Emergency Building Needs Program. Reference to the program needs to be removed the Board Rule. (For complete details of the Rule, see General Exhibit No. 8573.)

The Committee approved the State School Building Program Rule on first reading and moves that the State Board of Education approve Rule R277-451 on second reading. Motion carried with Members Anderson, Brown, Burningham, Haws, Kennedy, McCain, Morrill, Richards, and Theurer voting in favor; Members Barney and Shields absent.

<u>Expenditure of Appropriation for District Services and Repeal of Rule R277-451, Funding Regional Service Centers</u>

The Committee recommended that this item be held until the June meeting.

<u>Distribution of Funds for Charter Schools, Rule R277-470</u>

The 2001 Legislative Session created additional state and locally approved charter schools resulting from the passage of SB 169. Rule R277-470, Distribution of Funds for Charter Schools has been modified to reflect consistency between charter school code and state board rules. (For complete details of the Rule, see General Exhibit No. 8574.)

The Committee approved the amendments to the Rule for first reading and moves that the State Board of Education approve Rule R277-470, Distribution of Funds for Charter Schools on second reading.

Board members requested a list of things that are not allowed for charter schools. Deputy Superintendent Gary Carlston indicated that in the June meeting the Committee will discuss the process for charter school applications.

Motion carried with Members Anderson, Brown, Burningham, Haws, Kennedy, McCain, Morrill, Richards and Theurer voting in favor; Members Barney and Shields absent.

Curriculum and Instruction Committee

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

<u>Proposed Dates for Administering the Utah Basic Skills Competency Test (School Years 2001-2002 and 2002-2003</u>

The passage of H.B. 33 in the 1999 Legislative Session and H.B. 177 in the 2000 Legislative Session requires development and administration of a Basic Skills Competency Test. It is proposed that a full administration of the test be conducted in School Year 2001-2002 to provide the necessary information to set standards and cut scores and to provide experience with the testing for the benefit of students, teachers, parents, and the public. The February 2003 administration will be the first that will count toward awarding student diplomas. Because administration of the test is relatively time consuming and invasive to the school schedule, it is essential that districts be aware of the dates for testing two years in advance. (For complete details of the testing schedule, see General Exhibit No. 8575.)

The Committee asked that the dates be reviewed again based on such things as the state basketball tournament and the Olympics to provide a schedule that has as few conflicts as possible.

Work-Based Learning Endorsement

The Advisory Committee for Educator Preparation reviewed and approved the Work-Based Learning Endorsement and Standards at its meeting on April 12, 2001. The program meets the requirements for an Applied Technology Education area of concentration. (For complete details, see General Exhibit No. 8576.)

The Committee approved on first reading the Work-Based Learning Endorsement and moves that the State Board of Education approve the endorsement program on second reading.

Member Haws noted that the people working in the work-based learning and school to careers have not been certified teachers. Therefore there will be a few modifications on the third reading to clarify the issues for licensure. Motion carried with Members Anderson, Brown, Burningham, Haws, Kennedy, McCain, Morrill, Richards and Theurer voting in favor; Members Barney and Shields absent.

Westminster College Proposed
Distance Learning Endorsement

The Advisory Committee for Educator Preparation reviewed and approved the Westminster College Distance Learning Endorsement at its meeting on April 12, 2001. The program meets the requirements for a Distance Learning Endorsement. (For complete details, see General Exhibit No. 8577.)

The Committee approved the proposed Westminster College Distance Learning Endorsement on first reading and moves that the State Board of Education approve the endorsement program on second reading. Motion carried with Members Anderson, Brown, Burningham, Haws, Kennedy, McCain, Morrill, Richards and Theurer voting in favor; Members Barney and Shields absent.

May 4, 2001

Math, Engineering, Science Achievement
(MESA), Rule R277-717

The MESA Program has been operating with legislative statute language that does not provide the framework for establishing and maintaining a clear mission statement and a set of objectives for the program. The creation of this Board rule will provide guidelines and a clear mission statement and objectives. This rule will also provide consistency between programs and legislation. (For complete details of the Rule, see General Exhibit No. 8578.)

The Committee approved Rule R277-717, Math, Engineering, Science Achievement (MESA), on first reading and moves that the State Board of Education approve the Rule on second reading. Motion carried with Members Anderson, Brown, Burningham, Haws, Kennedy, McCain, Morrill, Richards and Theurer voting in favor; Members Barney and Shields absent.

General Consent Calendar

Motion was made by Chairman Kim R. Burningham and seconded by Member Joyce W. Richards to approve the General Consent Calendar as presented. Motion carried with Members Anderson, Brown, Burningham, Haws, Kennedy, McCain, Morrill, Richards and Theurer voting in favor; Members Barney and Shields absent.

1. Minutes of Previous Meeting

   Minutes of the Meeting of the State Board of Education and State Board for Applied Technology Education held April 6, 2001.

2. Contracts

   (A) Four Corners Mental Health. $16,129. 3/01/01-2/28/02 - Amend. - Fed.

   Vocational rehabilitation services through community rehabilitation programs that will result in employment for eligible consumers.

   (B) K. Daniel Lau. $44,000. 5/4/01-9/1/04 - Amend.

   To serve as hearing officer for the Utah Professional Practices Advisory Commission for educator licensing hearings when allegations of misconduct have been made and other hearing-related activities.

   (C) Los Angeles County Office of Education. $42,500. 5/4/01-12/31/02 - RECEIVABLE

   To provide funding for Teams Distance Learning.

(D) Utah Department of Human Services. $35,000. 10/10-00-9/30/01. Fed. - RECEIVABLE

To provide funds to employ one benefit counselor full-time to work with SSI/SSDI referals.

(E) USU Center for Persons With Disabilities. $13,638. 5/4/01-6/30/02. - Fed.

Monitor school districts' federal Safe & Drug Free Schools & Communities Projects through regional site visits.

(F) Department of Workforce Services. $755,000. 7/01/01-9/30/03. - Fed. - RECEIVABLE

To maintain and expand the Choose To Work services statewide.

(G) Department of Workforce Services. $351,000. 6/01/01-9/30/03. - Fed. - RECEIVABLE.

USOR will provide assistive technology to TANF eligible individuals with disabilities to obtain and maintain employment, stay in school, or increase their level of independence in their homes and communities.

(H) Division of Health Care Financing. $20,000. 2/01/01-3/31/02. - Fed. - RECEIVABLE.

To establish responsibilities of DHCF to use the Medicaid Infrastructure Grant to fund activities of the USOR associated with the successful completion of the terms of Utah's approved Medicaid Infrastructure Grant Application.

(For complete details of the Contracts see General Exhibit No. 8579.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts were reviewed and approved. (For complete details, see General Exhibit No. 8580.)

4. Career Ladders in Education, Rule R277-526

Rule R277-526, Career Ladders in Education has been modified in order to simplify the rule to be more in line with the statute. The modification are based upon intent language of new legislation, recommendations from school districts, and the modifications made at the April 6, 2001 Board meeting. There have been no substantive changes made to the rule since that time. The Board approved

Rule R277-526, Career Ladders in Education on third and final reading. (For complete details, see General Exhibit No. 8581.)

5. Administrative Rule Review

Under provisions of 63-46a-9, U.C.A. 1953, all administrative rules shall be reviewed every five years. There may be minor non-substantive changes within these rules. The following rules were reviewed and approved:

R277-513	Dual Certification
R277-517	Athletic Coaching Endorsements

Consistent with state law, the following rule will be filed for a Five-Year Review. It has been determined, however, that the rule is no longer necessary and will be repealed following the Five-Year Review:

R277-415	Strategic Planning Programs

(For complete details of the rules, see General Exhibit No. 8582.)

6. Utah Instructional Materials Commission Recommendations

On April 5, 2001, the Utah State Instructional Materials Commission recommended 783 titles for approval from the attached printout. The Commission also recommended that the State Board accept the bids received from the publishers and direct staff to award contracts to the publishers to furnish instructional materials to the schools of Utah. (For complete details, see General Exhibit No. 8583.) The Utah State Board of Education adopted the instructional materials as recommended by the Utah State Instructional Materials Commission and directed staff to award contracts to the various publishers.

7. Weber State University Teacher Education Program Review

The educator preparation program approval process is an essential step to ensure university/college education preparation programs meet state preparation program standards. Program reviews are conducted every five years. The process includes an institution self-study and an On-Site Team visit to assess the institution's practices with state standards. The report contains commendations, recommendations, and suggestions to which a response from the institution is required within one year. Weber State University completed the Self-Study Report and an On-Site Team completed the review. (For complete details, see General Exhibit No. 8584.)

The State Board of Education approved the Weber State University Teacher Education Program report submitted by the On-Site Review Team.

8. Goals 2000 Flexible Funding Subgrants

The following Goals 2000 Flexible Funding Subgrants were approved to receive funding for 2000-2001:

Category	Number of Subgrants	Amount
Professional Development	4	$239,081
Pre-Service Education	1	$60,000
Total	**5**	**$299,081**

Specific subgrants recommended for funding are:

Provo	Bilingual/ESL Endorsement Through Distance Education (BEEDE)	$59,392
Nebo	Professional Development in Six Traits Writing Instruction and Assessment	$59,910
Salt Lake	Professional Development–Teachers Learning How to Boost Low Achieving Students - Center City Charter School	$59,825
Murray	Creating Competent Creative Writers in the Intermediate Elementary Grades	$59,954
Ogden	Special Education Assistant's Ladder to Licensure (SEALL)	$60,000

9. Claims Report

The Claims Report in the amount of $149,573,854.70 ending April 30, 2001 was approved. (For complete details, see General Exhibit No. 8585.)

Utah State Office of Education Audit

Member Jill Kennedy reported that there is a deadline of May 1 for proposals on the Utah State Office of Education Audit. There have been nine proposals submitted. The price ranges from $50,000 to $290,000. The Board committee assigned for this audit will be ranking the bids and reviewing the proposals.

Motion was made by Member Joyce W. Richards to adjourn.

Meeting Adjourned at 3:05 p.m.