

MINUTES

February 1, 2002

Minutes of the meeting of the State Board of Education held February 1, 2002, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:10 a.m. Chairman Kim R. Burningham presided. Members present were:

Chairman, Kim R. Burningham

Member R. Michael Anderson

Member Pamela J. Atkinson

Member Linnea S. Barney

Member Laurel Brown

Member Greg W. Haws

Member Judy Larson

Member A. Earl McCain

Member Denis R. Morrill

Member David L. Moss

Member John C. Pingree

Member Joyce W. Richards

Member Marilyn Shields

Member Teresa L. Theurer

Member Max L. Torres

Vice Chairman Janet A. Cannon and Member David J. Jordan was excused.

Also present were:

Executive Officer Steven O. Laing

Deputy Superintendent Gary L. Carlston

Associate Superintendent Bonnie Morgan

Associate Superintendent Patrick Ogden

Public Affairs Director Mark Peterson

Board Secretary Twila B. Affleck

Also present for portions of the Board meeting were:

Members of the Press:

Jennifer Toomer Cook, Deseret News

Darci Marchese, KSL Radio

Twila Van Leer Deseret News

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

Susan Dayton, Utah PTA

Vickie Peterson, Utah Eagle Forum

Utah State Office of Education staff:

Patricia Bradley, Instructional Services

Barbara Lawrence, Planning and Project Services

Vicky Dahn, Instructional Services

Board Member Max L. Torres lead the Board in the Pledge of Allegiance.

Board Member Denis R. Morrill offered the Reverence.

Twila B. Affleck recorded the minutes.

Recognition

Member Mike Anderson recognized Garret T. Fox of American Fork High School. Mr. Fox was the only Utah student, out of a total of about 8,200 who took the ACT in October to achieve a 36, the highest possible composite score. Further, he was one of only 12 in the nation, out of some 391,000 who were tested that month. Member Anderson

presented Mr. Fox with a certificate of excellence for his outstanding achievement.

Board Chairman Report

Chairman Burningham noted that there were 90 plus recommendations in the MGT Audit Report the Board received last month. He indicated that he had sent an email to Board members outlining the procedure to be followed in addressing these recommendations. Chairman Burningham reported that we have asked the MGT Audit Committee to reconvene again to look at these recommendations. Superintendent Laing has submitted to the Board his follow-up report responding to the 90 recommendations. The MGT Audit Committee will be meeting soon, and their responsibility will be to look at the list and provide oversight. The chairman of the committee will be Linnea Barney.

Chairman Burningham further noted that Vice Chairman Cannon and Member Joyce Richards, as members of the Enhancement of Public Education Task Force, will make a report to the task force so they know what progress is being made.

Chairman Burningham commented that later in the meeting the Board would be having a budget discussion relative to this year's budget adjustments and the budget for 2003. He noted that we are pleased in general with the decision made by the legislature relative to this year in not taking the additional \$18 million. The legislature is moving very quickly on this year's budget, and today they will be taking the final votes. One of the recommendations of the Board was to reorganize the blocks. The Governor in his budget has adopted this recommendation, as has the legislative analyst. There have been significant strides relative to our budget recommendations in the committee meetings. Unfortunately, one of the people who is in a significant position indicated that it didn't make sense, then did not stay for the rest of the meeting. The question still remains as to what cuts will be made. Chairman Burningham commented that he would like to see additional money in the wpu and in the blocks and suggested that there are other avenues to get more money, such as bonding.

Superintendent Laing commented that while this has been a very difficult year for finances, the efforts of the Board over the past 18 months in meeting with the legislators and leadership. The Board's willingness to enter into discussions of issues where there are differing points of views, but coming to the ability of recognizing their points of view, has positioned the Board in a much better stead than has been in the past. The Board is recognized and the positions of the Board do carry some weight as far as their desire to deal with the issue rather than just skate past it. He commended the Board for their efforts.

Member Pamela Atkinson commented that legislators are feeling a little under siege and they would appreciate some sympathy as they are in a hard spot. However, we also need to emphasize the needs, but also to recognize that they are looking at all the issues.

School Trust Lands Director

Superintendent Laing introduced Steve Boyden the new director for the School and

Institutional Trust Lands Administration. Dr. Laing noted some of the background of Mr. Boyden. Mr. Boyden presented the annual report of the School and Institutional Trust Lands Administration. Mr. Boyden also reviewed for the Board the Sources of Total Trust Assets as of the end of FY 2001. (For complete details, see General Exhibit No. 8747.)

Chairman Burningham expressed appreciation to Mr. Boyden for his time, and the positive report.

Process for Charter School Renewal

and Reporting

Chairman Burningham noted that the Board last evening had a lengthy work/study session on these issues. He expressed appreciation for the candor, and noted that it was a good experience. He further noted that the actions are the continuation of five hours of discussion last evening.

Chairman Burningham noted that the Board had instructed staff to outline a proposed process for the renewal review of charter schools, and it will be presented at the March meeting. Deputy Superintendent Gary Carlston commented that staff has prepared an initial outline of the process document that could be used as part of the renewal process and an evaluation. (For complete details, see General Exhibit No. 8748.) Dr. Carlston noted that after a bidding process the Schools for the Future at Utah State University was granted the contract for the evaluation. He requested that the Board review the documents and get comments to him and/or Barbara Gardner.

Chairman Burningham commented that the second issue had to do with the matter of the Pinnacle Canyon School and Carbon School District issues. He introduced Roberta Hardy, Chief Administrative Officer of Pinnacle Canyon School. They have gone through all of the assurances and given documentation to those. Folders were made available to Board Members if they would like to review them prior to the next meeting.

Motion was made by Member Greg W. Haws and seconded by Member A. Earl McCain to pull the Pinnacle Canyon School application off the table and to place it on the agenda for our May meeting following the evaluation process and clarification of and resolution of some issues of concern.

Member Judy Larson questioned if the Board would have the evaluation for the Board meeting in April. Dr. Carlston responded that he was not sure it would be completed by April.

Member Mike Anderson requested that the motion be split.

Discussion of the issue of un tabling the motion proceeded.

Member Judy Larson spoke against the motion because the purpose of the tabling was to get answers to questions and to setup a process for dealing with the legislation and she felt that neither of them has been completed.

Question was called on the motion to remove it from the table. Motion was defeated with Members Anderson, Haws, McCain, Moss, Pingree, Richard and Torres voting in favor; Members Barney, Brown, Burningham, Larson, Morrill, Shields and Theurer voting against.

Original motion to un table the issue and place it on the May agenda.

Member Mike Anderson indicated that he had completed some research which he felt was pertinent to the discussion and did not want to put the issue off until May. Member Anderson presented information on the performance of elementary schools in the Carbon District. He noted that significant differences in the performance and the locations of the schools. He then compared the performance of the Pinnacle Canyon School with that of the district. Member Anderson did not feel that the Board should put off approving the request of the Pinnacle Canyon School until May based on the evaluation. He indicated that we know from the information we already have that students and parents are happy and that the school is doing just fine. He did not see that waiting until May will do anything different than the Board could do today. He proposed a suggestion that the Board might want to make to the legislature. In rural areas where school population in charter schools exceeds 5 percent, presently they get one-half of the wpu, we increase it to a higher percentage. He felt this would alleviate the divisiveness in the community. Member Denis Morrill commented that in looking at the assignment given to evaluators he did not see how we could have them update their evaluation. Some of the things listed they do not have programmed to do until May. He indicated that there has been an intimation that the Board has some obligation to act on this issue. He commented that he took the opportunity this morning to look at this in a different way as a lawyer, not as a Board member and he clarified that he was not giving legal advice to the Board. He noted that a Charter is a contract between this Board and the School. What we do is what we agreed to do, there is nothing that obligates the Board to agree to modify the Charter. It does say that by mutual agreement modify the Charter if we wish to. He felt that the legislature required the Board to do the studies and that has not been completed. He did not see expanding the size of this school until further examination. Member Morrill further clarified that it was just not the Pinnacle Canyon issue, but the whole issue of charter schools.

Member Laurel Brown spoke against the motion to pull the issue off the table at this time. She indicated her opposition was that we have not received assurances. She would like to see the evaluation in place that will cover all charter

schools. She suggested that the Board move ahead and get evaluation and assessment processes in place.

Deputy Superintendent Gary Carlston reported that with the evaluation time line he was certain we can get the Pinnacle Canyon part done by May.

Motion to take the issue from table and place it in the May meeting was defeated with Members Anderson, McCain, Haws, Pingree and Torres voting in favor; Members Barney, Brown, Larson, Morrill, Moss, Richards, Shields and Theurer voting against. Motion was made by Member Teresa Theurer and seconded by Member Judy Larson that the Board suggest ideas to the legislature for a possibility of adding to any legislation concerning charter schools that the schools that are chartered under the State Board of Education be under the same stipulations as the local boards are in reference to the limit of 4% of the school district population. This would be added under 53A-1a-505 (5).

Member John Pingree offered an amendment to the motion, seconded by Member Mike Anderson that the legislature make it consistent but to not list a percentage.

Member Theurer spoke against the amendment because they have already said 4%, and she would like to go along with what they have said.

Member Linnea Barney commented that she felt the smaller districts should have a different number from the larger districts. She felt this issue needed to be researched and studied prior to an action of what that should be.

Member Pingree commented that it was his understanding that the 4% was placed in the legislation for support in getting the legislation passed. He felt there needs to be consistency, not necessarily in a fixed number.

Member Denis Morrill commented that realizing how legislatures work, if we really want to make it consistent the simple way is to make it what it is now. He felt if we opened the other issue nothing would happen.

Member Mike Anderson commented that for small rural areas you have a real problem. He suggested that a limit of four or 5 percent be placed in rural areas and if it exceeds that 5 percent that the state increase the wpu. He did not like to see a limit on the size of charter schools.

Member Earl McCain commented that if we begin to subsidize the districts where the people are not satisfied, and they develop a charter school that goes beyond a certain population, where are the extra dollars going to come from without digging into the pockets of districts that are satisfied with their schools.

Question was called by Member Laurel Brown on the motion to amend.

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

Motion to ask the legislature to add the 4% issue to state board chartered schools. It was clarified that this could be include in the current amendment package. Motion carried with Members Anderson, Barney, Brown, Larson, McCain, Morrill, Moss, Richards, Shields, Theurer and Torres voting in favor; Members Haws and Pingree opposed.

Motion was made by Member R. Michael Anderson and seconded by Member John C. Pingree that 53A-1A-508 (4) be deleted and the following be added: (4) A charter may be modified by mutual agreement of the Board and the governing body of the school. That 53A-1A-509 add the following, making it number one, changing the current numbers respectively: The Board shall make rules to assure the compliance of the charter school with its approved charter. 53A-1A-510 (1)(a) Failure of a school to meet requirements stated in the charter. Motion carried unanimously.

Member Greg Haws clarified that the issue with the Pinnacle Canyon School was not dealing with a renewal of their charter, but only a change.

Legislative Update

Superintendent Laing presented a tracking sheet of education-related legislation which included staff recommendations for positions of the Board relative to each piece of legislation. (For complete details, see General Exhibit No. 8749.)

The following positions were taken by the Board:

HB 46 - Annual Reports Given to the Legislature

Motion was made by Member John C. Pingree and seconded by Member Linnea S. Barney position of support. Motion carried.

HB 79S1 - School Display of Motto of the United States

Motion was made by Member Laurel L Brown and seconded by Member Linnea S. Barney position of hold.

Member Theurer commented that she would like to see that left to the district.

Motion failed.

HB 123 - Medical Recommendations for Children

Motion was made by Member Laurel L. Brown and seconded by Member Linnea S. Barney position of oppose. Motion carried.

HB 189S1 - Retention of Educator Licenses

Motion was made by Member Teresa L. Theurer and seconded by Member Linnea S. Barney position of hold. Motion carried.

HB 195 - Protection of Sports Officials from Violent Abuse

Motion was made by Members R. Michael Anderson and seconded by Member Linnea S. Barney position of support.

Substitute motion was made by Member Judy Larson and seconded by Linnea S. Barney position of support concept. Motion carried.

HB200 - Nutritional Food in Schools

Motion was made by Member Laurel Brown and seconded by Member Teresa L. Theurer to opposed based on the fact it is a local issue. Motion failed with Members Brown and Moss voting in favor; Members Anderson, Barney, Haws, Larson, McCain, Morrill, Pingree, Richards, Shields, Theurer and Torres voting against.

Motion was made by Member David L. Moss and seconded by Member Teresa L. Theurer to support the concept.

Member Pingree spoke against the motion indicating the Board should take a definite position and not one of support the concept. He felt the legislature would be confused by our position.

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

HB 206 - New Century Scholarship Program Amendments

Motion was made by Member Judy Larson and seconded by Member Linnea S. Barney position of support. Motion carried.

HB 207 - Licenses for Educators

Motion was made by Member Denis R. Morrill and seconded by Member John C. Pingree position of support. Motion carried.

HB 208 - Federal Government Acquisition of Real Property in the State

Motion was made by Member R. Michael Anderson and seconded by Member Denis R. Morrill position of oppose. Motion carried.

HB 209 - Truancy Amendments

Motion was made by Member Denis R. Morrill and seconded by Member Linnea S. Barney position of support. Motion carried.

HB 213 - Classroom Amplification

Motion was made by Member Laurel Brown and seconded by Member Teresa L. Theurer position of unnecessary. Motion failed.

Motion was made by Member Judy Larson and seconded by Member Linnea S. Barney position of hold. Motion carried with Members Anderson, Barney, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Brown opposed.

HB 221 - State Board of Education Rules and Reports

Motion was made by Member Teresa L. Theurer and seconded by Member Linnea S. Barney position to support. Motion carried.

HB 222 - School and School District Size Task Force

Motion was made by Member Teresa L. Theurer and seconded by Member Linnea S. Barney position of no position. Motion carried with Members Anderson, Barney, Brown, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Larson opposed.

HB 228 - Public Education Vending Contracts

Motion was made by Member Teresa L. Theurer and seconded by Member Linnea S. Barney position of no position. Motion carried. **HB 240 - Public Education Capital Outlay Act Amendments**

Motion was made by Member Judy Larson and seconded by Member Linnea S. Barney position of support as amended. Motion carried.

HB 243 - Child Immunization Amendments

Motion was made by Member David L. Moss and seconded by Member Linnea S. Barney position of no position. Motion carried.

HB 244 - Credit Allowed in Teacher Transfer

Motion was made by Member John C. Pingree and seconded by Member Linnea S. Barney position of no position. Motion carried.

HB 253 - Rural Schools - Equity in Education

Motion was made by Member Teresa L. Theurer and seconded by Member Linnea S. Barney position of support concept. Motion carried.

HB 262 - Student Education Plans

Motion was made by Member Linnea S. Barney and seconded by Member Joyce Richards position to oppose for now, but if the language changes to make annual review, then the Board could support it. Motion carried.

HB 271 - Appropriation for School Districts Impacted by Fee Waivers

Motion was made by Member Teresa L. Theurer and seconded by Member Linnea S. Barney position of support concept. Motion carried.

HB 272 - Utah Education Network Amendments

Motion was made by Member Teresa L. Theurer and seconded by Member John C. Pingree position of support. Motion carried.

HB 274 - Supplemental Minimum School Program Act Amendments.

HB 275 - State Board of Education Budget Authority

Motion was made by Member Denis R. Morrill and seconded by Member Linnea S. Barney position to support both. Motion carried

HB 278 - Approval of Education Association Leave

Motion was made by Member Denis R. Morrill and seconded by Member R. Michael Anderson position to oppose.

Member John Pingree voiced concerns with opposing because it sends a message that the Board supports schools giving time off for union business.

Discussion ensued relative to whether the Board should take a position on this legislation because it really does not affect what the Board does.

After clarification between this legislation and SB 132, Member Denis Morrill withdrew his motion to oppose because he could support this legislation.

Motion was made by Member John C. Pingree and seconded by Member Teresa L. Theurer position to support. Motion carried.

SB 132S1 - Prohibition of Paid Education Association Leave

Motion was made by Member Denis R. Morrill and seconded by Member Teresa L. Theurer position of oppose.

Member Denis Morrill commented that this should be left to the local boards.

Member John Pingree voiced concern that it would send a message we support paid union leave. He felt that no position would be better than oppose.

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

HJR 14 - Joint Resolution - Debt Limits for Political Subdivisions

Motion was made by Member Laurel L. Brown and seconded by Member Linnea S. Barney position of no position. Motion carried

HJR 15 - Resolution Promoting Financial Literacy for Utah Students

Motion was made by Member A. Earl McCain and seconded by Member Laurel Brown position to support concept. Motion carried.

HJR 18 - Resolution Directing Use of Interest on State School Fund

Motion was made by Member Teresa L. Theurer and seconded by Member David L. Moss position to oppose. Motion carried.

HJR 23 - Resolution Promoting Character and Citizenship Education

Motion was made by Member Greg W. Haws and seconded by Member DM Carried

SB 28 - Tax Credits - Removal of Tax Credit from Tax Form and Prohibition on Claiming or Carrying Forward Tax Credit

SB 31 - Individual Income Tax - Bracket Adjustments

Motion was made by Member Teresa L. Theurer and seconded by Member Linnea S. Barney position of no position on both SB 28 and SB 31. Motion carried.

SB 47 - Procurement Code Amendments

Motion was made by Member Linnea S. Barney and seconded by Member Judy Larson position of no position. Motion carried.

SB 66 - Revenues from Federal Land Exchange Parcels

Motion was made by Member David L. Moss and seconded by Member Joyce W. Richards position of support. Motion carried.

SB 81 - Education of Persons with a Disability

Motion was made by Member Laurel Brown and seconded by Member Linnea S. Barney position support concept. Motion carried.

SB 99 - Core Curriculum Amendments

Motion was made by Member John C. Pingree and seconded by Member Joyce W. Richards position of support. Motion carried.

SB 102 - Bid Requirements on County or Municipal Construction Projects

Motion was made by Member Teresa L. Theurer and seconded by Member Linnea S. Barney position of no position. Motion carried.

SB 105 - Repeal of Education Mandates and Programs

Motion was made by Member David L. Moss and seconded by Member Linnea S. Barney position to support. Motion carried.

SB 128 - Open and Public Meetings Revision

Motion was made by Member Teresa L. Theurer and seconded by Member Joyce W. Richards position of support. Motion carried.

SB 138 - Charter School Amendments

Motion was made by Member Teresa L. Theurer and seconded by Member Laurel Brown position of hold. Motion carried with Members Anderson, Barney, Brown, Haws, Larson, McCain, Morrill, Moss, Richards, Shields, Theurer and Torres voting in favor; Member Pingree opposed.

SB 155 - Education Budget Reserve Account

Motion was made by Member Denis R. Morrill and seconded by Member Laurel Brown position to oppose. Motion carried

SB 156 - School Emergency Response Plans for Sports Injuries

Motion was made by Member Joyce W. Richards and seconded by Member Linnea S. Barney position to support concept. Motion carried.

SB 157 - Local School Board Employer Powers

Motion was made by Member Denis R. Morrill and seconded by Member Linnea S. Barney position of no position. Motion carried.

SCR 1 - Adult Lifelong Learning and Literacy Resolutions

Motion was made by Member Joyce W. Richards and seconded by Member Linnea S. Barney position of support. Motion carried.

SJR 2S1 - Resolution on Investment of State School Fund and Uniform School Fund

Motion was made by Member Denis R. Morrill and seconded by Member Linnea S. Barney position to support. Motion carried.

SJR 6S2 - Joint Resolution Urging a Study of Certain Exemptions

Motion was made by Member David L. Moss and seconded by Member Joyce W. Richards position of no position. Motion carried.

SB147

Motion was made by Member Denis R. Morrill and seconded by Member John C. Pingree position to oppose. Motion carried.

Executive Session

Motion was made by Member Laurel Brown and seconded by Member A. Earl McCain that the Board move into an executive session to discuss personnel issues. The Board was polled and by unanimous consent of those present moved into an executive session at 1:38 p.m.

Motion was made by Member Laurel Brown and seconded by Member Joyce W. Richards to reconvene into open meeting. Motion carried unanimously.

The Board reconvened at 2:10 p.m.

Executive Officer Report

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

Utah State Office of Rehabilitation - Presented a pin comme rating the Paralympics as well as an invitation to an Open

House for the Utah Community Center for the Deaf and Hard of Hearing addition to their building.

Parking Passes - Distributed special parking passes to the Board Members for parking during the Olympics.

Division of Blind and Visually Impaired - Shared a letter from an individual who has been receiving services from the Blind and Visually Impaired. Very positive of the services received and how individuals are being helped.

Utah Business Partnership Evaluation - Distributed a copy of the evaluation.

Olympic Information - A one page synopsis of what has been done to coordinate school activities with the Olympics. Also, books relative to Olympic activities. Two pins one of which from the Paralympics from Pamela Atkinson. Also shared a copy of the Olympic pins that were designed by school children.

Superintendent Annual Report - Distributed copies of the Superintendent's Annual Report including the Assessment portion.

Regional Representative, U S Department of Education - Had a visit from Patricia Chlouber who is now the Regional Representative for the US Department of Education. She extended wishes to the Board. Ms. Chlouber was on the Colorado State Board of Education.

Member Marilyn Shields expressed appreciation to Judy and Ron Stanfield for the pins and books for the Board of Directors for NASBE.

Executive Session Actions

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to adopt the recommendation of the Utah Professional Practices Advisory Commission and accept a stipulated agreement, including conditions of the agreement in Case No. 01-553, whereby a former elementary school psychologist in Alpine School District voluntarily surrendered his educator license in lieu of a hearing for purposes of revocation for a period of not less than five years from the date of formal action by the State Board of Education. The educator pled guilty to two counts of aggravated sexual abuse of a minor; the offenses are first degree felonies and did not involve students. Motion carried with Members Anderson, Barney, Brown, Haws, Larson, McCain, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Morrill absent

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to adopt the recommendation of the Utah Professional Practices Advisory Commission and accept a stipulated agreement, including conditions of the agreement in Case No. 01-582, whereby a former counselor in Jordan School District, voluntarily surrendered his educator license in lieu of a hearing for purposes of suspension for a period of not less than five years from the date of formal action by the State Board of Education. The educator illegally accessed and stole students' prescription drugs at school. Motion carried with Members Anderson, Barney, Brown, Haws, Larson, McCain, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Morrill absent.

(For complete details of the Utah Professional practices Advisory Commission Recommendations, see General Exhibit No. 8750.)

Coalition of Minorities Advisory Committee (CMAC)

Motion was made by Member David L. Moss and seconded by Member Judy Larson to appoint Sheila A. Jaymes, representing Native Americans, to the Coalition of Minorities Advisory Committee (CMAC) Motion carried with Members Anderson, Barney, Brown, Haws, Larson, McCain, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Morrill absent.

General Consent Calendar

Motion was made by Member A. Earl McCain and seconded by Member Linnea S. Barney to approve the General Consent Calendar as presented. Motion carried with Members Anderson, Barney, Brown, Haws, Larson, McCain, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Morrill absent.

- Minutes of Previous Meeting

Minutes of the State Board of Education held January 10, 2002.

- Contracts

- Touchstone Applied Science Associates, Inc. \$1,079,460. 2/02/02-12/31/07.

To provide the state with commercial reading assessments - Degrees of Reading Power (DRP).

- Riverside Publishing. \$1,545,099. 2/2/02-12/31/07.

To provide the state with commercial reading assessments - DAR and Gates MacGinitie.

- Pearson Education, Inc. \$269,841. 2/2/02-12/31/07.

To provide the state with commercial reading assessments - DRA and QRI.

- The Psychological Corp. \$1,544,424. 2/2/02-12/31/07

To provide the state with commercial reading assessments - SDRT.

- Majestic Investment Company. \$240,499. 2/1/02-1/31/03. - Amend. - Fed.

Lease of office space for Disabilities Determination Services located at 555 East 300 South, Salt Lake City, Utah.

- Sky Harbor Apartments. \$7,320. 1/1/02-12/31/02 - Amend.

Rental of this unit will provide housing for DSBVI students while attending the Training and Adjustment and Learning Maximum Independent Living Skills classes.

- Sky Harbor Apartments. \$7,320. 1/1/02-12/31/02 - Amend.

Rental of this unit will provide housing for DSBVI students while attending the Training and Adjustment and Learning Maximum Independent Living Skills classes.

(H) Sky Harbor Apartments. \$7,320. 1/1/02-12/31/02. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the Training and Adjustment and Learning Maximum Independent Living Skills classes.

(I) Sky Harbor Apartments. \$7,320. 1/1/02-12/31/02. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the Training and Adjustment and Learning Maximum Independent Living Skills classes.

(J) Department of Workforce Services. \$300,000. 10/1/02-9/30/02. - Fed. RECEIVABLE

To increase the participation of eligible TANF Needy families in nontraditional employment by developing and implementing a promotional campaign to raise awareness of Utah's students, parents, teachers and employers regarding the economic benefits and opportunities in nontraditional careers.

(K) Utah Department of Health. \$269,130. 2/1/02-6/30/02. - Amend. -RECEIVABLE

Provide funding for the "Tobacco Prevention Strategies" grant.

(L) Commission on Volunteers. \$529,215. 2/1/02-6/30/02. - Feb. - RECEIVABLE

To provide funding for the Americorp Program.

(M) Life Long Learning. \$15,895. 2/1/02-5/7/02. - Amend. - Fed.

To secure consultant(s) for three Utah Principals Academy seminars. Development of accreditation materials and facilitation of the accreditation process.

(N) Allan R. Nelson. \$17,875. 9/1/01-8/31/02. - Amend. - Fed.

To perform services as follows for USOE's Title 1 Unit: provide technical assistance to Utah's 40 Title 1 programs; conduct monitoring and quality reviews of Title 1 and Migrant Education programs; assist with the preparation of statistical and performance reports; and perform related tasks as assigned.

(For complete details of the Contracts, see General Exhibit No. 8751.)

2. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts were approved. (For complete details, see General Exhibit No. 8752.)

3. Alternative Licensing Routes, R277-503

The Board has identified as a priority an alternative route for teacher licensing for qualified individuals. Rule R277-503, An Alternative Preparation Teaching Program was repealed and a new Rule R277-503, Alternative Licensing Routes was created to provide several routes whereby an individual may acquire a Utah educator license or a specific educator endorsement. In January the Board approved the repeal and the re-enactment of R277-503, Alternative Licensing Routes on second reading. There have been no substantive changes to the rule since that time. (For complete details, see General Exhibit No. 8753.)

The Board approved R277-503, Alternative Licensing Routes on third and final reading.

3. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved by the Board. (For complete details, see General Exhibit No. 8754.)

4. Claims Report

The Claims Report in the amount of \$186,017,577.28 for December 31, 2001 was approved by the Board. (For complete details, see General Exhibit No. 8755.)

Board Standing Committee Reports

Curriculum Committee

Member Teresa Theurer, Chairman of the Curriculum Committee, presented the following recommendations from the Committee:

Procedures for the Utah General

Educational Development

Certificate, R277-702

Two changes by the National GED Testing Services (GEDTS) impact GED testing nationwide. The first change is the altering of the scoring scale. The second change is the introduction of the new GED 2002 tests effective January 2002. Based on national norming assessments, GEDTS has raised the minimum passing standard nationwide for individuals GED subtests. The second element of passing GED tests, the overall score, has been maintained at the same overall level. Changes to the rule brings Utah standards in line with those established by GEDTS. (For complete details of the rule, see General Exhibit No. 8756.)

The Curriculum Committee approved the amendments to R277-702, Procedures for the Utah General Educational Development Certificate on first reading and moves that the State Board of Education approve the amendments to the rule on second reading and adopt the National GED Testing (GEDTS) minimum passing standards for each of the five subtests and overall average. Motion carried with Members Anderson, Barney, Brown, Haws, Larson, McCain, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Morrill absent.

Public Participation Rule, R277-108

A concern about proper procedures for involving citizens in the proceedings of the Board has existed for some time. A desire to simplify the process by which citizens could address the Board and raise issues with the Board has been voiced. Board members have expressed various points of view on the type of involvement that would be appropriate, culminating in direction to the staff in the November meeting to prepare a more simplified and streamlined rule to guide public involvement in Board decision making during meetings. (For complete details of the new rule, see General Exhibit No. 8757.)

The Curriculum Committee repealed Rule R277-101, Public Participation in Utah State Board of Education Meetings and approved on first reading Rule R277-108 Public Participation in Board Decisions and moves that the State Board of Education repeal R277-101 and approve on second reading R277-108. Motion carried with Members Anderson, Barney, Brown, Haws, Larson, McCain, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Morrill absent.

Law and Policy Committee

Member Dave Moss, Chairman of the Law and Policy Committee, presented the following recommendations from the Committee:

Distribution of Funds from the School

Trust Lands Account and Implementation of the School LAND Trust Program

After three years of implementation of the new School LAND Trust Program the groups involved have requested clarification of the roles of those implementing the program, the distribution of the funding and reporting of information. The proposed amendments to the rule clarify that the role of the State Office of Education is primarily to provide a means of accurate and uniform collection and dissemination of information. School committees submit information required by law and implement plans. Plans are amended and approved by school boards. All information is collected on the School LAND Trust website (www.schoollandtrust.org). The office administers the website and reviews a year-end report from each district.

The rule clarifies that an annual distribution to districts will occur at the end of each fiscal year and that distributions within districts can be adjusted by taking into account school closures, openings and boundary changes so that the funding follows the child. It resolves questions about oversight responsibility, distributions to charter schools, and distribution for youth in custody. (For complete details of the amended rule see General Exhibit No. 8758.)

The Law and Policy Committee approved the amendments to R277-477, Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program on first reading and moves that the State Board of Education approve the rule on second reading. Member Moss noted one small change on page 3 line 32 insert the words **and governing body** after school. The line would then read: reviewed and approved by the charter school governing body and then submitted to the Board or its designee for final approval. Motion carried with Members Anderson, Barney, Brown, Haws, Larson, McCain, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Morrill absent.

State Board of Education Bylaws

At the Board's direction, Vice Chairman Janet Cannon prepared the first draft of Bylaws which was reviewed by an ad hoc committee of the Board. That committee made recommendations and changes which are included in the current draft. (For complete details, see General Exhibit No. 8759.)

The Law and Policy Committee reviewed the draft of the State Board of Education Bylaws and had a significant change and would like to run this past Vice Chairman Cannon prior to placing it on the General Consent Calendar. The change is a concern that the first four pages were not really items that should be included in bylaws, they are duties and responsibilities. The Committee agreed that these pages are very important and the information is needed, but not be included in the bylaws. The Committee recommended that starting with III on page five, we change it to I and renumber the remainder of the document. If Vice Chairman Cannon does not have major concerns, this will be placed on the General Consent Calendar at the next meeting. If she does have concerns, it will be placed back to the Committee for further discussion.

Substitute Motion was made by Member Laurel Brown and seconded by Member John C. Pingree that the Committee discuss this item again next month and then bring to the full Board. Motion carried with Members Anderson, Barney, Brown, Haws, Larson, McCain, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Morrill absent.

Finance Committee

Finances Committee Discussion Items

Members of the Finance Committee felt the following items needed their immediate attention: (1) Budget cuts for FY 2002, with any effects new federal legislation will have on these cuts; (2) Staff members' ideas on how this committee can help in their specific areas; (3) Updates on the Textbook and Class-size reduction audits; and (4) An overview of the financial operations for USOE/USOR/USDB.

The Committee reviewed the budget cuts for FY 2002 and recommends and moves that the Board accept these reductions in our budgets for this year. (For complete details, see General Exhibit No. 8760.) Motion carried with Members Anderson, Barney, Brown, Haws, Larson, McCain, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Morrill absent.

Board Chairman Report

Chairman Kim Burningham presented the following items of information:

UCAT - The UCAT Board is moving ahead aggressively in many directions. He felt it was important that UCAT make a report to the Board so we are apprized of their actions. He reported that President Fitch presented a new mission statement for UCAT at the Board of Regents meeting. Chairman Burningham noted that he had several concerns with the Mission Statement which he has passed on to Members Earl McCain and Janet Cannon for presentation at the next UCAT meeting. Also, we will try to have President Fitch come to our next Board Meeting.

Member Linnea Barney cautioned that we be sure to watch that closely to see where it is going and hold their feet to the fire relative to the direction they are going in cooperation with local districts. She has heard rumblings that things are not going very well in this direction that this is not happening.

Some representatives of the Utah School Superintendent Association and the Utah School Boards Association and the Board's leadership has been meeting regularly. This group is the one that authorized the poll that was taken which revealed generally support for public education and the lack of support for tuition tax credits. That same committee has come to the conclusion that we need to mount a major public relations campaign in support of public education. The Committee does not have the mean to do so. They have gone to the Public Education Coalition meeting to appeal to them that a positive public relations campaign needs to be taken. There is a Summit Group who would very much like to work with us on a campaign. They will be presenting a proposal to the Coalition next Monday in the meeting. The issue is money. This company's proposal is that we finance them for a period of about six months which would cost about \$18,000. In that time one of their tasks would be to find a sponsor for a big campaign afterwards.

Chairman Burningham indicated that he favored such a campaign. The financial considerations are obviously the big consideration and concern. Where does initial money come from to launch this - some have suggested individuals if they want to do something like this.

Member Earl McCain suggested that all educators including board members be requested to give \$1 each and that may cover the costs.

Member Earl McCain suggested that a list of op ed subjects be prepared that the Board could take a position on which would become a basis for Board Members to submit.

Chairman Burningham noted that there are three pieces which have been prepared for Board Members to distribute to legislators.

Member McCain requested that the three pieces be distributed to Local Board Presidents with six or seven copies. Also, to PTA Presidents in the districts or regions.

Motion was made by Member Teresa Theurer to adjourn.

Meeting adjourned at 3:00 p.m.