

MINUTES

May 3, 2002

Minutes of the meeting of the State Board of Education held May 3, 2002, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:30 a.m. Chairman Kim R. Burningham presided. Members present were:

Chairman, Kim R. Burningham

Vice Chairman Janet A. Cannon

Member R. Michael Anderson

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

Members Pamela Atkinson, Linnea S. Barney, Laurel Brown, David J. Jordan, Teresa L. Theurer and Max L. Torres were 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 Marta Murvosh, Salt Lake Tribune

Jim Eldredge, Utah Education Association

David Armstrong, Superintendent Carbon School District

Nate Pierce, Governor's Office

Philip Rodger, Center School Future/Utah State University

Misty Matthews, Pinnacle Canyon Academy, Parent

Bill Thayn, Pinnacle Canyon Academy, Parent

Emily Kofford, Pinnacle Canyon Academy, Parent

Janet Saling, Pinnacle Canyon Academy, Parent

Lee Averett, Pinnacle Canyon Academy, Parent

Stephenie Dunlap, Pinnacle Canyon Academy, Parent

Bonnie Smith, Pinnacle Canyon Academy, Parent

Sally Maryboy, Pinnacle Canyon Academy, Parent

Roberta Hardy, Administratro, Pinnacle Canyon Academy

Kay McDonough-Harding, UCAPA

Sal Jansson, UCAPA

Karen Royall, Citizen

Ann Fielden, Harcourt

Board Vice Chairman Janet A. Cannon lead the Board in the Pledge of Allegiance.

Board Member David L. Moss offered the reverence.

Twila B. Affleck recorded the minutes.

Chairman Burningham excused Members Atkinson, Linnea S. Barney, Laurel Brown, David Jordan, Teresa L. Theurer and Max L. Torres.

State Board of Education Goals

The Board reviewed and discussed the vision statement and goals presented by the task force assigned at the April meeting. (For complete details of the recommended vision statement and goals see General Exhibit No. 8795.)

Motion was made by Member Denis R. Morrill and seconded by Member R. Michael Anderson to adopt the Vision Statement proposed. Motion carried with Members Anderson, Cannon, Larson, McCain, Morrill, Moss, Richards and Shields voting in favor. Members Haws, and Pingree absent.

Vision Statement as adopted: "We see Utah as a place where all children are of infinite value and the education of each child is our most pressing responsibility."

Chairman Burningham indicated he was comfortable with goal statements, but after attending a meeting with legislators and members of the Governor's staff he suggested that the first goal may be expanded to add something about growing enrollment. He explained that the need for additional funding is not just for growing enrollment, but also for what we have right now.

Member Mike Anderson suggested that the first goal be left as broad as it was proposed.

Member Dave Moss suggested adding the word "continue" at the beginning of the statement.

Motion was made by Member David L. Moss and seconded by Member Denis R. Morrill to have the first goal read: "**Continue** to advocate for increased funding to provide education for all children and meet the demands of growing enrollment.

Member Earl McCain suggested a substitute to the motion that the statement read: Continue to actively advocate for increased adequate funding to provide quality education for growing numbers of Utah children.

Member Dave Moss agreed with adding the word "actively" to the motion, but was uncomfortable with the ending proposed by Member McCain.

Vice Chairman Janet Cannon voiced concern with word "adequate" because we currently do not have adequate funding, and this would indicate we have adequate funding.

Substitute Motion was made by Member Denis R. Morrill and seconded by Member R. Michael Anderson that the first goal statement read: "Continue to actively advocate for increased funding to provide quality education for all children, and meet the demands of growing enrollments." Motion carried with Members Anderson, Cannon, Larson, McCain, Morrill, Moss, Richards and Shields voting in favor; Members Haws and Pingree absent.

Deputy Superintendent Gary Carlston suggested that parents be included into one of the goal statements. Member Mike Anderson suggested that the word "family" be used instead of parents.

Motion was made by Member Judy Larson and seconded by Member Denis R. Morrill to change Goal 2 to read: "Promote the achievement of high standards of learning for each child, partnering with family, educators and community.

Motion carried with Members Anderson, Cannon, Larson, McCain, Morrill, Moss, Pingree, Richards and Shields voting in favor; Member Haws absent.

Member Earl McCain commented that Goal 2 should take care of what is implied in Goal 4.

Member Denis Morrill responded that the committee discussed this and concluded that since this was such a high profile issue right now that it should be included as a specific goal.

Member John Pingree voiced support for removing Goal 4.

Member Marilyn Shields commented that CMAC would like to see something like this as a part of our goals.

Vice Chairman Janet Cannon noted that the discussion of the Board at the initial meeting to formulate goals this goal was strongly advocated for because of our increased diversity.

Motion was made by Vice Chairman Janet Cannon and seconded by Member Marilyn Shields that Goal 4 read: "Raise the achievement of all Utah children whose first language is not English."

Member Denis Morrill commented that this might be a sub portion under Goal 2.

Discussion ensued relative to the importance of this issue and that it not be lost, and whether it should be a separate goal or included under Goal 2.

Associate Superintendent Bonnie Morgan suggested that a separate goal might read: "Improve English proficiency and raise the achievement of all Utah children."

Vice Chairman Cannon and Member Shields amended their motion that Goal 4 read: "Improve the English proficiency and academic achievement of Utah's ESL students. Amended motion carried with Members Anderson, Cannon, Larson, Morrill, Moss, Pingree, Richards and Shields voting in favor; Member McCain against, Member Haws absent.

Discussion ensued relative to the use of the word "Public Goals" and whether or not there were "Private Goals." It was suggested that the Goals be divided as Education Goals and Internal Goals.

Motion was made by Member John C. Pingree and seconded by Member A. Earl McCain to title the first four goals Education Goals, and the last two Board Goals. Motion carried with Members Anderson, Cannon, Larson, McCain, Morrill, Moss, Pingree, Richards and Shields voting in favor; Member Haws absent.

Motion was made by Member R. Michael Anderson and seconded by Member Judy Larson that the Board adopt the goals as amended.. Motion carried with Members Anderson, Cannon, Larson, McCain, Morrill, Moss, Pingree, Richards and Shields voting in favor; Member Haws absent. (For complete details of the Vision Statement, Mission Statement and Goals see General Exhibit No. 8796.)

Chairman Burningham noted that the next step would be to assign each of the goals to a board standing committee for further discussion, development of objectives or strategies and then how we can assess achievement. The Board recessed into Standing Committee Meetings at 9:20 a.m.

The Board reconvened as a whole at 10:45 a.m.

Chairman Burningham noted that Lila Bjorkland, a past chairman of the State Board of Education had passed away. He acknowledged her contributions to the state as well as to the Youth Village Program for challenged students. Chairman Burningham distributed a letter to be sent to her family from the members of the Board.

Chairman Burningham commented on reading the book written by Member Greg Haws, "Hooper and Sons of Ditches." He indicated that this was a delightful reminiscence of events in that community. In the book Member Haws reviews his educational experience at the Hooper School where they learned to read, write and do their own work. They had desks hooked together. Also, he recalls his excellent teacher Mrs. Giles, who had a profound effect on him.

Chairman Burningham stated that it was his sincere hope that every student, in every school has teachers like Mrs. Giles - that is what we seek for all students.

Pinnacle Canyon Academy Request

The Pinnacle Canyon Academy Charter School has requested a modification of its approved charter to increase enrollment to approximately double the current size. The Law and Policy Committee and the State Board have previously considered this request and received public input. (For complete details of the request, see General Exhibit

No. 8797.)

Member Dave Moss, Chairman of the Law and Policy Committee presented the following statement about charter schools, the processes, and the Pinnacle Canyon Academy request to double its size:

We express appreciation to the Board for their thorough examination of the issue, their hard work in studying this matter, and their willingness to understand the many and complex issues related to the needs of charter and regular public schools (site visits, email, letters, telephone calls, reports, meetings, etc.

The State Board of Education has been charged by the Utah Legislature to issue school charters, to respond to requests for changes in their charters, and to ensure that these state issued charter schools comply with the provisions of their charters.

It is important to recognize that all Utah students in both charter and regular schools are public school students. The Board cares and has responsibility for all students. While the Board will come to a decision regarding the request from Pinnacle Canyon to expand enrollment, please understand that the Board supports students in Pinnacle Canyon and in the Carbon District. In other words, the Board is not for or against anyone, but it must make a decision on this matter. We thank both the Carbon School District staff and the Pinnacle Canyon School personnel for their input and perspectives.

As the Board considers this matter today, we have asked Pinnacle Canyon personnel and Carbon District staff to share any additional input. Each will have ten minutes. When they finish, the remainder of our time for this agenda item will be spent on deliberation by the Board, and we ask that the Board make a decision on this request.

Chairman Burningham expressed appreciation to Board Members for their efforts to become more knowledgeable about this issue, including visiting the charter schools.

Chairman Burningham pointed out that it is the Board's responsibility to respond to requests for changes, to issue new school charters, and to ensure that the state's issued charter schools comply with provisions in their charters. He stated that both charter and regular schools are public schools. Students in both types of schools are valued and are of extreme importance to us. He further stated that we support the Pinnacle Canyon Academy and the Carbon School Districts.

Roberta Hardy, Executive Director of the Pinnacle Canyon Academy Charter School reminded the Board that charter schools are parental choice, part of educational reform, and they are accountable to the Board and their constituents. She indicated that there is some confusion in Utah about the purpose of charter schools and it is an important issue. The Pinnacle Canyon issue is parental choice. They did not start the charter school because they were unhappy, never asserted that they would be better than their neighbors, and have never been in competition with Carbon School District. Ms. Hardy requested that the Board make a decision today so they can get on with their work.

Ms. Hardy expressed appreciation to the families that drove here today, many of whom have currently served in the school. Superintendent David Armstrong of the Carbon School District asked the Board to have the moral courage to vote no for the expansion of the Pinnacle Canyon Academy on behalf of the children of the Carbon School District. He indicated that the Carbon School District is experiencing declining enrollment. Dr. Armstrong reviewed the enrollment

in two schools in the district, Sally Morrow and Peterson Elementary Schools, the number of students on free and reduced lunch, and the effect the Pinnacle Canyon's request will have on the enrollment at these two schools. He presented the Carbon School District Performance Report of January 2002. (For complete details, see General Exhibit No. 8798.)

Dr. Armstrong reviewed the Comprehensive School Reform program in the Carbon District. He indicated that they are about systematic change and they are doing what is best for their children. He further indicated that if the Board were to allow the expansion of Pinnacle Canyon a lot of the programs will not be able to be put in place two years from now. Member Judy Larson commented that like all Board Members she has struggled mightily with the decision that needs to be made regarding the Pinnacle Canyon Academy. She indicated that when charter school legislation was being drafted many ramifications were discussed. Some of the ramifications were either ignored or misunderstood by those who wrote or supported charter school legislation. Now with the request from Pinnacle Canyon the Board is brought face to face with these ramifications. Carbon District deserves to educate their children without financial hurt caused by no fault of their own, and Pinnacle Canyon deserves to expand because they have done all that is required of them and more. To accomplish both is impossible under current legislation.

Motion was made by Member Judy Larson that the Board's decision for expansion be a compromise. That Pinnacle Canyon expand in grade 1-4 this coming year, and grades 5-8 the following year. This allows Pinnacle to begin desired expansion, but lessens some of the bleeding caused to Carbon School District by enrollment loss and allows them some time to do some planning and preparing. Unfortunately, some financial hurt is the reality under current charter school legislation. Member Larson requested personal privilege to hear a response to the proposal from Roberta Hardy of the Pinnacle Canyon Academy.

Roberta Hardy responded that they had asked the parents some of the same type of questions. When asked if the school should not double at all, 17 indicated to not double at all, nine indicated to double K-2, four indicated to double K-4 and 49 indicated to double K-6. She indicated that if this is the only option they have they will take it because it is an answer. She did state that this was not the intent or wishes of the parents.

Motion by Member Larson was seconded by Member R. Michael Anderson.

Member Denis Morrill commented that had he been recognized first his motion would have been to deny the application of Pinnacle Canyon Academy for the following reasons: " (1) Pinnacle Canyon already at 4.3% of the district population. The proposed increase would take it to 8.6% of the district population. I assume that the legislature had a valid reason for limiting district charters to 4% of the district population and feel that we cannot be criticized for following the lead of the legislature. (2) The disparity in numbers of free lunch students (4% vs 30%) indicates to me that Pinnacle Canyon is not serving a proportionate part of the economically disadvantaged children in that area, and is thus discriminating seriously, though it may be inadvertent, in favor of the economically advantaged children. I fear for the education of those students left behind with the serious reduction in budget to the District. (3) The economic affect on the school district is disastrous. How can a district that is already struggling due to budget cuts survive the loss of \$482,151 in FY 04 and 1.2 percent thereafter? The dispersion of the students on the waiting list across schools and grades looks like the reduced students will not reduce the teacher requirements for those schools, yet the reduction in funds will force a reduction in teachers. Except for the economic discrimination (which may well be inadvertent) my motion is not based upon any failures in Pinnacle Canyon. From all indications it is a very successful and well operated school. I think that the difference in per student expenditures shown merits serious study. I would like to know the specifics on how Pinnacle can operate with \$4,723 dollars per student while Carbon District is operating at \$7,648 dollars per student. There must be some lessons to be learned by the state school system here. I recommend that staff prepare a study on that subject."

Greg Haws commented that it appears that the compromise motion would divided the grades in half, and the issue from parents is to have all of your children go to the same school.

Member Marilyn Shields commented that she has really been struggling with this. It is an emotional issue as well as a complex issue. She would like to find a win/win solution. She expressed appreciation for the motion to split. However, it does not answer the questions she has relative to the dilemmas in the rural areas. She felt that there was more study

needed to make this a win/win situation across the rural counties because of declining enrollments and loss of funding. Member Shields expressed concern that the students in Carbon District are being left behind and we still need to address some of the things that could be put into place to help all of the children.

Member Earl McCain requested a response from Superintendent Armstrong on the issue of the motion to approve the request in two phases.

Superintendent Armstrong responded that it will still take students out of the Carbon School District, and make them have to expand their classes in grades 4-6. It is still a matter of dollars, and they will still be left with more children who are disadvantaged. He corrected the numbers presented by Member Morrill on free lunch. He indicated that the district has 33.8% for free lunch, and Pinnacle Academy has approximately 9%.

Member John Pingree indicated that this would give the District a year in one area and two years in another to have your programs in place for improvement. He questioned if this was enough time for some of the families to reconsider and stay in the Carbon School District.

Superintendent Armstrong responded that this is his first year in the Carbon District, and if you allow expansion it will kill the programs he has been trying to put in place to increase the standards in Carbon.

Motion to allow Pinnacle Canyon to expand K-4 this coming year and 5-8 the following year failed with Members Anderson, Cannon, Haws, Larson, Pingree, and Richards voting in favor; Members McCain, Morrill, Moss and Shields voting against.

Motion was made by Member Denis R. Morrill and seconded by Member David L. Moss to deny the application of Pinnacle Canyon Academy to double its student population for the reasons stated above including a study on the cost differential.

Motion failed with Members Moss, Morrill and Shields voting in favor; Members Anderson, Cannon, Haws, Larson, McCain, Pingree, and Richards opposed.

Motion was made by Member John C. Pingree that with the absence of four members that the Board postpone this matter until next month.

Chairman Burningham clarified that because there was no definite action taken that the issue still exists.

Member Judy Larson stated that because of the internal struggles the Board has gone through in working through charter schools, it has put Roberta Hardy in great jeopardy. She has not been able to secure leases, not been able to move forwards or backwards or stay the same. She did not feel that the Board has been fair to Ms. Hardy in her ability to move in any direction.

Member Denis Morrill respectfully disagreed indicating that this had nothing to do with fairness, but it was a policy disagreement.

Member Pingree's motion was not seconded.

Motion was made by Member John C. Pingree and seconded by Vice Chairman Janet A. Cannon, that the Pinnacle Canyon Academy request be brought up again for a time certain at the June Board meeting.

Member Greg Haws commented that this is a difficult issue. He indicated that he was sympathetic to motion by Member Morrill, particularly the 4% issue the legislature has. By not approving it, we have continued it. He did not want to have it continued.

Member Mike Anderson commented that a lot of the Board members have spent time on this issue and it is important that we agreed that we would take action today definitive one way or another. Many questions have been raised and answered to our satisfaction. It appears that we all agree with the facts. Pinnacle is doing a good job; the Carbon

District is going to struggle with financial matters; and we are concerned with the children left behind. The fact that Pinnacle doing a good job and there are parents who want that option, by our voting against that, we are telling the rest of those parents, we are not going to give you an option. Member Anderson did not think we are giving that the proper consideration.

Motion to place the issue on the June 14, 2002 agenda failed with Members Cannon, Pingree and Shields voting in favor; Members Anderson, Haws, Larson, McCain, Morrill, Moss and Richards voting against.

Motion was made by Member Greg W. Haws to reconsider Member Denis Morrill's motion to deny Pinnacle Canyon Academy's request. Motion carried with Members Cannon, Haws, Larson, McCain, Morrill, Moss, Pingree, Richards and Shields voting in favor; Member Anderson opposed.

Member Judy Larson urge someone to change their vote so that both entities can get on with what has to happen. She stated that the Pinnacle Canyon Academy has done a good job, but the way the legislation is written puts us in a bind. Pinnacle Canyon has done what they have been asked to do.

Motion to deny Pinnacle Canyon Academy's request failed with Members Haws, McCain, Morrill, Moss, Richards and Shields voting in favor; Members Anderson, Cannon, Larson and Pingree voting against.

Executive Session

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member David L. Moss to moved into an Executive Session for the purpose of discussing personnel and pending litigation issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session during lunch at 12:20 p.m.

Motion was made by Member Judy Larson and seconded by Member John C. Pingree to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:10 p.m.

Regional Office, Denver, U.S. Department

of Education Overview of the "No Child Left

Behind Act of 2001"

Patricia M. Chlouber, Secretary's Regional Representative, U.S. Department of Education presented an overview of the "No Child Left Behind Act of 2001" including how it will effect education in Utah. (For complete details, see General Exhibit No. 8799.)

Vice Chairman Janet Cannon questioned if anything was going to be done in terms of revising NAEP to refine it so it can be used on a national level. Ms. Chlouber indicated that Bill Randall has been working on that, but she was not sure of the process for use as a test bank. Vice Chairman Cannon asked that she keep us updated on this issue.

Chairman Burningham expressed appreciation to Ms. Chouber, and asked that the communication between the Secretary's office and the Board be kept open.

Executive Session Actions

Utah Professional Practices Advisory Commission (UPPAC) Recommendations

Motion was made by Member David L. Moss and seconded by Member John C. Pingree to accept the Utah Professional Practices Advisory Commission Recommendation in Case No. 02-592 and accept a stipulated agreement with conditions whereby a licensed educator who had been substitute teaching, voluntarily surrendered his educator license in lieu of a hearing for purposes of suspension for at least two years. The suspension results from the educator's possession of inappropriate material at a high school where he was substitute teaching. Motion carried with Members Anderson, Haws, Larson, McCain, Moss, Pingree, Richards and Shields voting in favor; Member Morrill absent.

(For complete details of the Utah Professional Practices Commission Recommendations, see General Exhibit No. 8800.)

School and Institutional Trust Lands Board of Directors Nominating Committee

Motion was made by Member Judy Larson and seconded by Member Janet A. Cannon to appoint John C. Pingree, Karen Rupp and Melvin Brown to the Nominating Committee for the Board of Trustees of the School and Institutional Trust Lands Administration. Motion carried unanimously.

National Association of State Boards of Education Officers

Motion was made by Member Marilyn Shields and seconded by Member Janet A. Cannon to cast Utah's ballot for the National Association of State Boards of Education Officers as follows: President, Alma Allen, Texas, Vice President Robert Lazard, Indiana, and Western Area Director, Diane Fladmo, Montana. Motion carried unanimously.

Public Participation and Comments

Chairman Burningham noted that under Public Participation and Comments the Utah Alliance for Arts and Humanities Education was to address the Board. They have requested a postponement of their presentation.

Chief Justice Christine M. Durham

Chief Justice Christine M. Durham commented on the Core Curriculum for Social Studies which reinstates in Utah a mandatory course that will encourage students to become educated about our system of government and their obligations as citizens. She distributed a packet of information relative to what is being done throughout the state on getting the word out about this program. (For complete details, see General Exhibit No. 8801.) She introduced Kathy Dryer, Director of the Law Related Education Project. Chief Justice Durham expressed appreciation to Utah for taking the responsibility to say that in public education, education for citizenship is a first priority and is at the core of our curriculum. She also renewed her offer of the full cooperation of the judicial council, the administrative offices of the courts, the alternative dispute resolution project, and the Utah State Bar to participate fully as the Board begins to direct the implementation of this program in the schools. They are also sincere in their offer to provide expertise, teaching, materials, and to be available to the teachers and administrators in making civic education a reality for our children.

Board Standing Committee Reports

Curriculum Committee

Member Judy Larson acting Chairman of the Curriculum Committee presented the following recommendations from the Committee:

Secondary Social Studies Core Curriculum

In the March Board meeting the Board received the Secondary Social Studies Core Curriculum. The curriculum has been out for review at public hearings since that time. Revisions or modifications from the public hearings were reviewed by the committee. Utah's Secondary Social Studies Core Curriculum standards provide the content and process skills students should know and be able to do. (For complete details, see General Exhibit No. 8802.)

Member Larson indicated that the committee recommended that staff look at the verbiage in the third column. In using the words examine, analyze, describe, etc. that they bring about the indications that are desired.

Motion was made by Member Judy Larson and seconded by Member Greg W. Haws that the State Board of Education approval the Secondary Social Studies Core Curriculum. Motion carried unanimously.

Vice Chairman Janet Cannon expressed appreciation to Chief Justice and her staff who came forward at a time when

we were beginning this process, offered their expertise to help us improve this core curriculum.

Repeal/Reenact to Block Grant

Rule R277-478

The proposed rule implements the three block grants created by the 2002 Legislature. Specifically, this change: (1) deleted obsolete language surrounding existing blocks; (2) describes the new block grants and their uses; (3) requires districts and charters to assure the Board that they have adopted plans in open, public meetings; and (4) establishes funding formulas. (For complete details of the rule and the summary of each block grant, see General Exhibit No. 8803.)

Motion was made by Member Judy Larson and seconded by Member Greg W. Haws that the Board repeal and reenact R277-478, Block Grant Funding on first and second reading. Motion carried unanimously.

Law and Policy Committee

Member David L. Moss, Chairman of the Law and Policy Committee presented the following recommendations from the Committee:

Charter School Accountability

and Assistance, R277-481

Legislative statute requires the State Board to work with charter schools to ensure that they meet the provisions of their approved charters. At the April meeting of the State Board, the Law and Policy Committee considered R277-481 on first reading and recommended changes to include that all charter schools fall under this rule. Specifically, this rule applies to charter schools that are approved by local boards of education as well as the State Board of Education. The revised rule includes the recommended changes as suggested by the committee. (For complete details of R277-481, Charter School Accountability and Assistance, see General Exhibit No. 8804.)

Member Moss reviewed some of the changes made to the rule. He indicated that it would be brought back to the Board next month. No action was taken.

Charter Schools Proposed

Amendments, R277-470

The current Board rule penalizes districts for chartering schools by requiring a district to pay all of its local share of expenditures to a school it charters. State chartered schools, however, receive one-half of the local share of expenditures from the district and the other half of the local share from the state. This amendment clarifies that unless a public school converts to a charter school, funding for the local share of expenditures will come one-half from the district and one-half from the state regardless of who charters the school. The proposed rule change also recognizes the flow of funding directly to charter schools instead of through the local district. An additional amendment is added to clarify the time line for applications to be considered for the ensuing school year. (For complete details of R277-470, Charter School Proposed Amendments, see General Exhibit No. 8805.)

Member Moss indicated that there are still many changes to be made, however, at the bottom of page 2, under 277-470-3, Charter School Approval Timeline, change in application deadlines. Under B. (1) add on or before March 1; or (2) add before July 15.

The Committee approved the amendment to R277- 470-3, Charter School Approval Timeline only, on first reading, and moves that the Board approve that section only on second reading; holding action on all other changes to the document. Motion carried unanimously.

Deputy Superintendent Gary Carlston explained the these two rules are a work in progress and further changes will be forthcoming to the Board.

Proposed Charter School Application

Review Process

Rule R277-470, Charter Schools, provides a time line for charter schools to apply for approval from a local board, and, if denied, a time line to apply to the State Board for a charter approval. If rejected by a local board, a prospective charter school must make written application to the State Board by April 16, 2002, and the Board must accept or reject the proposed Charter School Application no later than its regularly scheduled June 2002 meeting. The most recent considerations of charter school applications by the State Board were first reviewed by the Law and Policy Committee and then forwarded to the entire Board for action. It is important to determine the process for how proposed charter school applications will be reviewed and considered by the Board to comply with the established time line. (For complete details of the process, see General Exhibit No. 8806.)

Member Moss reported that there are three charter school applications that have come to the Board. The three have all been rejected by their local school board. The committee decided that they would have staff review the individual applications and make sure that everything that has to be done on those applications is done. The applications will be submitted to the Board for review. The Committee will meet prior to the June 14 meeting to review these applications. Dates were considered for the meeting of the Law and Policy Committee to review applications. It was determined that the committee will meet to review the applications on May 30, 2002 at 9:00 a.m. in the board room.

Proposed Charter School Waiver Request

The Moab Community School as a proposed charter school application is requesting that the State Board of Education waive the March 1, 2002, deadline for submitting new charter school applications to local boards of education as established in R277-470. The local board received this proposed application on April 10, 2002. Statute requires the Board to establish an application time line for charter schools which is found in R277-470. (For complete details of the request, see General Exhibit No. 8807.)

After review of the correspondence, law and policy committee moves that the Board deny the waiver request from the Moab Community School. Motion carried unanimously.

Utah State University Teacher Education

Program Review

The program approval process is an essential step to ensure that university/college educator 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 Review 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. Utah State University completed the Self-Study Report and an On-Site Team completed the review. The University will now prepare a response to the review within a reasonable period of time but not to exceed one year from the date of the Board's approval. (For complete details of the On-Site Team Review, see General Exhibit No. 8808.)

The Law and Policy Committee reviewed the Utah State University Teacher Education Program Review submitted by the On-Site Review Team and moves that the State Board of Education approve the Utah State University Teacher Education Program. Motion carried unanimously.

Finance Committee

Member R. Michael Anderson, Chairman of the Finance Committee presented the following recommendations from the Committee:

Member Anderson reported that the Committee has invited Pat Jones to discuss a proposal that might be a way of increasing funds or financing for the educational system.

School Finance Presentation and Discussion

Member Anderson reported that the Committee reviewed the Power Point presentation for next month's presentation of financing education in the State of Utah.

Executive Officer Report

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

Utah Public Education Finance Paper - Representative James Ferrin has written a paper on Utah Public Education Finance. His analysis forms much of the basis for some of the financial data that has been used in regard to tuition tax credit. He indicated that if Board Members were interested in a copy to please contact him.

United States Department of Education 2002 Presidential Scholars Program - We have received notice of the Utah semi-finalists for the 2002 Presidential Scholars Program. This is a program that students do not apply for, but are selected based on how they score on the ACT or the College Board's SAT college entrance exams. There are 500 semi-finalists nationally. Utah has six: Darren Baker, Jordan High School; Bradley Hunter, Murray High School; Spencer Jentzsch, West Jordan High School; Marie Perry, Olympus High School; Kimberly Pependorf, Logan High School, and Noelle Teske Rowland Hall-St. Mark's. Letters of congratulations have been sent to these semifinalists.

Legislative Interim Committee Meeting - The Legislative Interim Committee met on April 24. We were asked to report on finance estimates and what they were doing. The Committee discussion was quite important. Legislative members on the committees are concerned that they are being blamed for all the cuts. We had five superintendents at the meeting and all five said they were not blaming the legislature for the cuts, but recognized that public education was held as harmless as possible. While there were financial cuts, and there are differences in the FY 2002 and the FY 2003 budget, public education, by enlarge was spared compared to other elements of state government and state agencies. As they went through comparisons, we showed them the differences in the finances and how they compared when they were distributed to districts. The superintendents explained how they were dealing with financial difficulties that were facing them. They all recognized that the driving factor was that their costs go up even with no change. Most districts have either a specified or implied contract with their teachers, that once you start into that salary schedule you are going to get increments and range changes. It is those costs that are driving the budget difficulties. In addition, some districts are experiencing declining enrollments as well. The committee discussion was good, and both legislators and school administrators felt there was a good exchange of information.

Meetings with leadership of the Republican and Democratic Legislators and the Governor earlier this week went very well.

Charter School Celebration yesterday with Deputy Secretary Hansen.

Member Denis Morrill reported that Eisenhower Jr. High won the national academic games competition. This is not the first time they have been in this competition.

Board Chairman Report

Chairman Burningham reported that several Board members had met with legislative leaders of both parties and the Governor. He felt they were very good and useful meetings. This was an opportunity for members of the board to talk with legislators and the Governor about the difficult problem of charter schools expanding in declining enrollment districts. He felt that this issue was probably understood better than ever before by these people.

They talked about our relationship with legislature, and about textbook issues.

Chairman Burningham noted that next Tuesday at noon in the board room there will be a press conference to announce

the awarding of four grants to Utah schools for the 3R's program. They are giving 12 such grants in the United States and four are coming to Utah. Chairman Burningham reminded the Board of the change in the June Board meeting to the 14th.

Strategic Planning - Chairman Burningham distributed the earlier approved Vision Statement, Mission Statement and the six Goals. The next step in assignment to a board standing committee as follows:

Education Goals

Goal 1 - Finance Committee

Goal 2 - Curriculum Committee

Goal 3 - Law and Policy Committee

Goal 4 - Curriculum Committee

Board Goals

Goal 1 - Law and Policy Committee

Goal 2 - Finance Committee

Chairman Burningham encouraged all Board Members to give input as to strategies or objectives, but that committees should focus on the ones assigned. The June agenda would provide time for the committee to discuss the objectives and report back to the entire Board.

Individuals with Disabilities Education Act (IDEA) Vice Chairman Janet A. Cannon presented a Resolution regarding the Individuals with Disabilities Education Act (IDEA) to be sent to Utah's congressional delegation encouraging full funding of IDEA at the originally promised 40% level. (For complete details, see General Exhibit No. 8809.) She noted a couple of minor grammatical changes to the document.

Vice Chairman Cannon noted that the NASBE Governmental Affairs Committee reviewed this legislation at their March meeting in Washington, D.C. The National Director of special Education gave them some recommendations which she adapted in the Resolution for Utah.

Superintendent Laing reported that the Council of Chief State School Officers and the National Governors Association have collaborated on a very similar position, urging the federal government to fully fund IDEA.

Motion was made by Vice Chairman Janet A Cannon and seconded by Member Marilyn Shields to adopt the Resolution as presented with the minor grammatical changes noted, that it be sent to our congressional offices and the education committees of the House and the Senate. Motion carried unanimously.

Vice Chairman Janet Cannon presented and reviewed the portion of the Parliamentary Procedure dealing with " The Role of the Committee." (For complete details, see General Exhibit No. 8810.) She specifically noted the differences in the procedure for the committees versus the entire Board.

Vice Chairman Cannon changed the first bullet to add **voting** prior to members, since we have two non-voting members of the Board.

General Consent Calendar

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

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held April 5, 2002.

2. Contracts

(a) Department of Health. \$9,360.00 1/1/02-12/31/04 - Fed. RECEIVABLE

To set forth the respective responsibilities of the Utah Department of Health (UDOH), Division of Health Care Financing (DHCF) and the Utah State Office of Rehabilitation (USOE) related to the Local Area Network (LAN) and other technical support to be provided to the UDOH employees located at 1595 West 500 South at the Judy Buffmire Building in Salt Lake City, Utah.

(b) Pearson Education, Inc. \$682,234. 5/12/02 - 12/31/07 - Amend.

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

(c) Utah State University. \$36,875. 3/1/02-6/30/04 - Fed.

The Regional Assessment System (RAS) will provide the framework for consortium states to have access to a system of assessment for educational interpreters. The RAS is unique in that it does not establish "standards" but instead leaves it up to each individual state to determine their own standard for "qualified personnel".

(For complete details of the Contracts, see General Exhibit No. 8811.)

3. Professional Specialist Licensing. R277-521

R277-521 was amended to provide necessary language requiring the criminal background check under Section 53A-6-401, and professional development under Section 53A-6-104(2) and R277-521 for licensed educators.

The amendment gives applicants for the professional specialist license clear notice that criminal background checks and professional development are license requirements consistent with all licensed educators.

The State Board of Education approved R277-521, Professional Specialist Licensing on second reading at their April 5, 2002 meeting. There have been no substantive changes to the rule since that time. (For complete details of R277-521, see General Exhibit No. 8812.) The State Board of Education approved R277-521, Professional Specialist Licensing on third and final reading.

4. Utah Instructional Materials Commission Recommendations

On May 2, 2002 the Utah State Instructional Materials Commission recommended 1,279 titles for approval from the attached printout. The Commission also recommended that the 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 of the recommended titles, see General Exhibit No. 8813.)

The Board recommends the instructional materials as evaluated and recommended by the Utah State Instructional Materials Commission and directed staff to award contracts to the various publishers.

5. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses were approved. (For complete details, see General Exhibit No. 8814.)

6. Claims Report

The Claims Report in the amount of \$156,626,925.73 for March 31, 2002 was approved by the Board. (For complete details, see General Exhibit No. 8815.)

Member John Pingree noted that the Board has two non-voting member who are representatives from the State Board of Regents and Pamela Atkinson has been a very effective member of the Board. However, David Jordan has not been participating for a number of months. He requested that Chairman Burningham raise the question with the Board of Regents as to whether or not Mr. Jordan will be able to serve on the Board and if not that they consider appointing another member.

Chairman Burningham indicated that he has had this conversation with the Chairman of the Board of Regents and he expects there will be some action soon.

Member Mike Anderson requested a point of clarification of the action take relative to the Pinnacle Canyon Academy request. He indicated that he had voted against putting the Pinnacle Canyon Academy request on the June agenda because he felt it had already been tabled and would automatically be placed on the agenda and could be brought up at any time. It was clarified that there was no action on the issue. The issue had been taken off the table for discussion at this meeting.

Motion was made by Member R. Michael Anderson and seconded by Member Judy Larson to reconsider the vote on the motion by Member Pingree to place the Pinnacle Canyon Academy request on the June 14, 2002 agenda. Motion failed with Members Anderson, Cannon, Larson, Pingree, and Shields voting in favor; Members Haws, McCain, Morrill , Moss and Richards opposed.

Member Judy Larson commented that when the issue of charter schools was first brought to the Board, many voted, under protest, because they were told that they could not use the financial reasons for denial of a charter school. She felt that today, the Board denied Pinnacle Canyon's request because of financial reasons. She felt that the Board needed to know the rules prior to further considerations of charter schools.

Chairman Burningham noted that the ground rules are what is in the law, it is not the Board rules.

Superintendent Laing commented that staff has consistently tried to portray for the Board, not only the detail of the law but also the clear legislative intent. From the very beginning the concern about charter schools was that they were going to draw money away from existing public schools. To deny the application on that basis alone, while free to do so, you would have to be against any reasoned recommendation staff could make because it is going to fly directly in the face of the political desire to create charter schools. He indicated that the celebration yesterday, with our legislators, federal staff and the Governor, they are all talking about the benefits of the charter schools, recognizing that they draw students away from existing public schools. As you look at "No Child Left Behind" the idea of choice is envied throughout it. He felt that we are treading on thin ice because we will be perceived just like the local boards, and it is a political gamble. There are not specifications in the law that say how or how not to approve a charter school.

Member Greg Haws clarified that the Board did not deny anything. There simply was no action taken.

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

Meeting adjourned at 3:25 p.m.