

MINUTES

October 4, 2002

Minutes of the meeting of the State Board of Education held October 4, 2002, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:25 a.m. Chairman Kim R. Burningham presided. Members present were:

Chairman, Kim R. Burningham

Member R. Michael Anderson

Member Pamela Atkinson

Member Laurel Brown

Member Greg W. Haws

Member A. Earl McCain

Member Denis R. Morrill

Member David L. Moss

Member John C. Pingree

Member Joyce W. Richards

Member Marilyn Shields

Member Sara V. Sinclair

Member Teresa L. Theurer

Member Max L. Torres

Vice Chairman Janet Cannon and Member Linnea Barney 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

Ronnie Lynn, Salt Lake Tribune

Darci Marchese, KSL Radio

Lisa Roskelley, Standard Examiner Brooke Moeai, Utah League of Credit Unions

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

Kaye Chatterton, Utah Education Association

Amanda Rowley, BYU Grad Student

Steven H. Peterson, Utah School Superintendents Association/Utah School Boards Association

Nancy Winitzky, Center City School

Steve Winitzky, Center City School

Matthew Taylor, Utah State University Center for the School of the Future

Phil Rodgers, Utah State University Center for the School of the Future

Rich West, Utah State University Center for the School of the Future

Ed Dalton, NEF

Utah State Office of Education Staff:

Patricia Bradley, Law, Legislation and Educational Services

Larry Newton, Data and Business Services

Linda Alder, Instructional Services

Vicky Dahn, Instructional Services

Cathy Dudley, Data and Business Services

Murray Meszaros, Instructional Services

Dave Steele, Instructional Services

Ron Stanfield, Law, Legislation and Educational Services

Board Member John C. Pingree lead the Board in the Pledge of Allegiance

Board Member Joyce W. Richards offered the reverence.

Twila B. Affleck recorded the minutes.

Chairman Burningham excused Vice Chairman Janet A. Cannon and Member Linnea S. Barney, both of whom were out of town.

Installation of New Board Member

Chairman Burningham introduced Sara V. Sinclair as the new Board Member appointed to the Board from the Board of Regents. He shared a little bit about her background in the care of elderly people and her position as the Chief Executive Officer of the Sunshine Terrace Foundation in Logan, Utah.

Chairman Kim R. Burningham issued the Oath of Office to new Board Member Sara V. Sinclair.

Member Sinclair expressed her appreciation for the warm welcome she has felt from all. She stated that she feels this is a huge responsibility, but she has a great deal of anticipation in the opportunity of dealing in the public education arena, She is interested in strengthening public and higher education collaboration.

Charter Schools Evaluation

The State Board of Education was directed by legislation to evaluate the charter school program and submit an evaluation report to the Education Interim Committee by October 31, 2002. The report is to include a recommendation of whether or not the program should be expanded further.

The Center for the School of the Future at Utah State University was hired to conduct the evaluation of charter schools. Philip Rodgers and Rich West of the School of the Future presented its findings, conclusions and recommendations which included: (1) Utah's charter schools ought to establish measurable goals; (2) Utah's charter schools should track individual student performance to make sure they are accomplishing the task they were set up to do; (3) A charter school handbook should be created to let those contemplating opening a charter school, and those running charter schools, what can be expected; and (4) Utah charter schools should make certain their data about teachers is up-to-date and accurate and that under qualified teachers are brought up to full qualification.. (For complete details, see General Exhibit No. 8900.)

Following questions and comments from Board Members motion was made by Member R. Michael Anderson and seconded by Member Marilyn Shields to accept the report from Utah State Universities Center for the School of the Future. Motion carried unanimously.

Deputy Superintendent Gary Carlston expressed appreciation to Dr. Rodgers for the work he has completed on the evaluation.

Dr. Carlston presented some Possible Items for Charter School Recommendations for the Board to present to the Legislative Education Interim Committee on October 23, 2002. (For complete details, see General Exhibit No. 8901.)

Following comments and discussion relative to the recommendation the following motions were presented:

Motion was made by Member Denis R. Morrill and seconded by Member Joyce W. Richards to recommend improvement in the connection and collaboration between the local school districts and the charter schools.

Member Teresa Theurer commented that the local boards do not have any reason to charter a schools because of the disincentives. She felt that something needed to be done to protect the districts that are declining in enrollment.

Further discussion ensued relative to the improvements needed in charter schools and local districts working together, and the need for providing incentives for local school districts in chartering schools.

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

Motion was made by Member Greg W. Haws and seconded by Member Denis R. Morrill [for discussion purposes] that charter schools be allowed to further expand with the caveat that there be collaboration between the charter schools and the local district.

Member Denis Morrill stated he was not comfortable recommending expansion unless some of the other issues are resolved, i.e. negative impact on enrollment and on school districts with declining enrollment.

Deputy Superintendent Gary Carlston recommended that the Board take the approach of whatever the conditions of expansion are they be made prior to the motion of a recommendation for expansion.

Member Teresa Theurer commented that she is not in favor of the State Board chartering any more schools but that the local district be the chartering entity.

Motion failed with Members Anderson, Brown, McCain, Morrill, Moss, Pingree, Richards, Shields, Theurer and Torres voting against Member Haw voting in favor.

Member Joyce Richards questioned if it was possible to move the current charter schools into a local district.

Motion was made by Member Joyce W. Richards and seconded by Member A. Earl McCain [for discussion purposes] that the 15 charter schools be aligned directly with local school districts..

Member Mike Anderson commented that if we do this we need to remove disincentives that exist such as the use of the local funds, and the impact of declining enrollments.

Original motion made by Members Richards and McCain to align all charters to local districts and to add find ways to eliminate disincentives. Further that it be for existing schools and future applications.

Superintendent Laing commented that districts have always had the capacity to create schools with the personality that they wanted. While it may be comforting and desirable for the State Board, for the reasons expressed, to be out of the chartering business, it is simplistic to way we are going to encourage them back into the districts where the opportunity that has existed from the beginning has been realized. The only district charters that are marginally collaborative are charters where they have created an alternative school and one did not exist before. Member Mike Anderson commented that if we follow the course we are beginning to align ourselves with, there is an incentive for a school district to charter a school because they would be given an additional 50% more to educate that student.

Deputy Superintendent Gary Carlston cautioned the Board to keep in mind in sending that message they not send a message that there be another board to charter, but rather it be an elected body of either the local board or state board.

Motion carried with Members Anderson, Brown, McCain, Morrill, Moss, Richards, Shields, and Torres voting in favor; Member Haws and Theurer voting against, Member Pingree absent.

Motion was made by Member Teresa L. Theurer and seconded by Member Laurel Brown that the State Board of Education be subject to the 4% of district as they charter schools and that the 4% be lifted off of the local districts thus encouraging cooperation and collaboration of the local boards. Motion carried with Members Anderson, Brown, Haws, McCain, Morrill, Moss, Richards, Shields, Theurer and Torres voting in favor; Member Pingree absent.

Motion was made by Member R. Michael Anderson and seconded by Member Teresa L. Theurer that there should be a differentiated WPU value depending on whether the charter school is an elementary, middle or a high school.

Superintendent Laing questioned if by extension the Board would apply that formula to regular school districts as well and that we adjust the WPU so it reflects the enrollments in the various school levels?

Member Mike Anderson indicated it was his understanding that there is a difference in the cost of educating students in the different levels of school and his intent was to make it consistent.

Superintendent Laing stated that currently there is not a differentiated wpu based on some calculation of per pupil cost. He further clarified that the motion would be only for charter schools and not for local school districts as well.

Member Denis Morrill cautioned that this would produce more income for charter schools, and if it is going to produce more for the charter it would be less for the district. We can't treat one group differently.

Steve Peterson, Executive Director of the Utah School Superintendents Association commented that this would create an inequity, and would be fraught with legal problems.

Member Dave Moss commented that he felt this would inhibit collaboration.

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

Motion was made by Member Laurel Brown and seconded by Member Denis R. Morrill to take four recommendations in the Charter School Report and send to appropriate standing committee and the Board come to the board with recommendations for implementation.

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

Motion was made by Member Greg W. Haws and seconded by Member R. Michael Anderson that the Board take the position to expand the charter school program and include the motions that have passed to this point, and adding one more dealing with a background check on the applicant for a charter school.

Member Teresa Theurer requested an amendment to the motion to include the word "cautiously" before expand. Amendment was accepted by motion makers.

Further clarification of background check to include the same background check that is administered to other educators or administrators in public schools.

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

Motion was made by Member Teresa L. Theurer and seconded by Member David L. Moss that the Board standing committee over charter schools further investigate the possibility of resource centers, and the Board pursue that as a way to improve charter schools in our state. Motion carried with Members Anderson, Brown, Haws, McCain, Morrill, Moss, Richards, Shields, Theurer and Torres voting in favor; Member Pingree absent.

Public Participation and Comments

No public comments were received.

Chairman Burningham clarified the Public Participation Rule of the Board and suggested that in general the public participation and comment be only comment and discourage overuse of questions, although brief ones may be received.

Executive Session

Motion was made by Member Denis R. Morrill and seconded by Member Laurel Brown to move into an Executive Session during lunch for the purpose of discussing personnel issues and potential and pending litigation. The Board was polled and by unanimous consent of those present [John Pingree absent] the Board moved into an executive session during lunch beginning at 12:45 p.m.

Motion was made by Member Laurel Brown and seconded by Member David L. Moss to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 2:05 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to accept the Commissions recommendation and accept a stipulated agreement in Case No. 02-605 where by a teacher in Garfield School District, voluntarily surrenders 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 State Board of Education action. The revocation results from sexual contact with a female student. Motion carried with Members Anderson, Brown, Haws, McCain, Morrill, Moss, Pingree, Shields, Theurer and Torres voting in favor; Member Richards absent.

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to accept the Commissions recommendation and accept a stipulated agreement in Case No. 02-608, including conditions of the agreement, whereby a teacher in the Alpine School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for at least two years from the date of State Board of Education action. The suspension results from sexual harassment of a female student, including inappropriate sexual discussions and physical contact with a student. Motion carried with Members Anderson, Brown, Haws, McCain, Morrill, Moss, Pingree, Shields, Theurer and Torres voting in favor; Member Richards absent.

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to accept the Commissions recommendation and accept a stipulated agreement in Case No. 02-613, including conditions of the agreement, whereby a teacher in the Granite School District voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension for at least two years from the date of State Board of Education action. The suspension results from sexual misconduct with a student 18 years ago. Motion carried with Members Anderson, Brown, Haws, McCain, Morrill, Moss, Pingree, Shields, Theurer and Torres voting in favor; Member Richards absent.

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to accept a stipulated agreement in Case No. 02-617, including conditions of the agreement, whereby an administrator in the Davis School District voluntarily surrenders her educator license in lieu of a hearing for purposes of revocation for a period of not less than five years from the date of State Board of Education action. The recommended revocation results from dishonest and unprofessional accounting of school funds. Motion carried with Members Anderson, Brown, Haws, McCain, Morrill, Moss, Pingree, Shields, Theurer and Torres voting in favor; Member Richards absent.

(For complete details of the recommendations from the Professional Practices Advisory Commission, see General Exhibit No. 8902)

Adult Education Advisory Committee

Motion was made by Member Laurel Brown and seconded by Member A. Earl McCain to appoint James P. Anderson to the Adult Education Advisory Committee representing an urban school district; term to expire December 2004. Motion carried with Members Anderson, Brown, Haws, McCain, Morrill, Moss, Pingree, Shields, Theurer and Torres voting in favor; Member Richards absent.

Governor's Committee on Employment of People with Disabilities

Motion was made by Member Laurel Brown and seconded by Member A. Earl McCain to appoint Stephen D. Maas to the Governor's Committee on Employment of People with Disabilities; term to expire July 2005. Motion carried with

Members Anderson, Brown, Haws, McCain, Morrill, Moss, Pingree, Shields, Theurer

Graduation Requirements Ad Hoc

Committee Recommendations

Member Teresa Theurer reported that the Graduation Requirements Ad Hoc Committee had met on September 23, 2002. Member Theurer expressed appreciation to Superintendent Laing for bringing this proposal for discussion. She noted who participated in the committee. She indicated that the meeting began with Superintendent Laing reviewing his proposal from the last Board meeting, and then the committee heard from four district superintendents one on each of the different schedules and the implications that would come about on those schedules with an increase in the graduation requirements. They also heard from the Davis School District who has already started considering the idea of standards instead of requirements and working toward a competency based education. Following that there was public comment, followed by committee discussion. In all of the public comments she did not hear a lot of support for increasing the graduation requirements. Some of the concerns addressed were:

- Changes might restrict the ATE program and other viable paths students could take.
- Problem of having quality teachers in every classroom, especially in the rural school districts.
- Could force some districts to change the current schedules they are on in their high schools, forcing them to a block schedule.
- What evidence do we have that these increased requirements in certain areas will equate with higher competencies in those areas.
- Rural districts that relied heavily on distance learning and applied technology education and the requirements might harm one of those areas.
- Funding, and it probably was not going to change.
- Diversity and the effect of these requirements.
- Do the additional requirements help prepare students for the workforce?
- Counseling programs in our schools and the number of counselors per students.
- Special Education was also addressed and whether it would make it more difficult for special education students if we raised the graduation requirements.

Chairman Burningham expressed some of his ideas during the committee meeting which he distributed to the Board. (For complete details see General Exhibit No. 8903.)

Member Theurer summarized that the committee decided that if the issue is going to be discussed further that we move slowly and cautiously considering the implications. The Committee concluded with a motion that this report be made to the Board and that they would like the entire board to discuss and conclude where it wants to go from here.

Member Greg Haws commented that it is an error for us to say the purpose is only to help people prepare for college. We are identifying what core areas of our curriculum are important. This is part of the core and there are choices. He felt there is a dilution in the core area as schools have gone to the eight period block. He further stated that we should take the leadership as a state board and say these are the areas that are important whether you go on to college or not. He applauded the Superintendent for bringing this issue to the forefront.

Member Mike Anderson commented that he supported the superintendent's proposal and felt the Board should take into consideration a lot of the concerns at a minimum. He suggested we could require that math and science be taken in the senior year.

Member John Pingree commented that when we talk about change there is always resistance. We as a state are generally on the low end of requirements. When you set standards higher more people will achieve them. He felt that raising the bar is just positive for the community.

Member Marilyn Shields commented that one size does not fit all and we have been the board for applied technology

and we need to find ways for all students to achieve these skills. Also as she has served on CMAC we need to listen to the views of our minority community and their concerns that if the bar is raised to high their students will drop out.

Member Joyce Richards commented that English and math are needed by those in applied technology education just as much as those going on to college.

Member Teresa Theurer reviewed the finding of the current local district requirements.

Chairman Burningham commented that seat time is very unproductive. He shared his thoughts relative to seat time. He questioned what is most important - that we teach things or they learn things? He suggested that we might consider a different approach that you don't have seat time requirements, instead reach certain competencies. Chairman Burningham suggested that we may need to develop different competencies for different areas, and shared his rationale.

Chairman Burningham noted that he had received an email from Superintendent Laing that indicated this may be the most important decision the board makes in the last 15 years. Therefore, we need to decide a process to follow to arrive at a decision that we all feel comfortable with, and we need to move quickly.

Member Pamela Atkinson commented that one of the most valuable ingredients is involvement of the public, not just parents, but business people. She felt that businesses be asked to start giving one hour per week to work with the students that need help.

Member Denis Morrill commented that there is a gulf between what you would like to do and what you can do. He would like to see competency based standards. He indicated that we have seen this work very well in the ATC's. However, it is a real shift, and it makes administrators and teachers nervous.

Board members also commented that if we did raise the standards that it be implemented in steps.

Member Pamela Atkinson suggested that the ad hoc committee continue discussions and invite input not only from those who disagree but those that agree. She felt it is a process that cannot be hurried, and we need to hear from more people so that if and when changes are made there is ownership and support from the people who may have to implement some changes. She also suggested that we may need to hear of some of the more innovative programs other than seat time.

Motion was made by Member Greg W. Haws and seconded by Member Marilyn Shields that the ad hoc committee continue their discussion and investigate more fully the graduation requirements, and competency issues to include public hearings, including publicizing those meetings, and to take six months.

Member Mike Anderson suggested that the committee also look at Board Rule R277-700 dealing with the Core Curriculum and Graduation Requirements look at all requirements and not just high school graduation requirements.

Motion carried unanimously.

Board Standing Committee Reports

Finance Committee

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

Charter Schools, R277-470

The Charter Schools Rule, R277-470 was pulled from the General Consent Calendar in the September Board meeting and referred back to the Finance Committee for further discussion. The Committee discussed whether local funding for certain capital expenditures should be shared with charter schools. (For complete details of the rule, see General

Exhibit No. 8904.)

Motion from the Committee the Board request authority from the legislature to give charter schools additional funding for capital needs. Funding for FY 2003 would come from the Minimum School Program fund balances and would be based on \$300 per ADM for a total estimated cost of \$25,700. Future funding would come from a Uniform Fund appropriation.

The committee further moves that no changes to the proposed Charter School rule as found on the general consent calendar of the September board meeting, and under Tab 7 in today's agenda, and recommends the Board pass R277-470, Charter Schools on third reading.

Question was raised as to how the amount of \$300 was arrived at. It was clarified that this amount would be part of the carry-over balance and would need legislative approval to take care of this.

Motion carried unanimously.

Budget Overview

The Committee discussed potential new sources of education funding and reviewed the preliminary budget requests. (For complete details of the material presented, see General Exhibit No. 8905.)

Motion from the Committee that the Board approve the requested increases as shown on the table entitled Possible FY 2004 Budget Initiatives, Minimum School Program/USOR/USDB as ranked in priority order by the committee. Motion carried unanimously.

Motion from the Committee that the Board adopt the following statement regarding the Board's FY 2004 budget request:

The Utah State Board of Education's FY 2004 Budget Request attempts to balance the economic situation of the State with the needs of Utah's school children. Despite what appears to be a request for a significant increase in school funding in questionable economic times, the requested increase will not meet all of education's needs. For example, Utah will continue to have the largest class sizes in the country, inadequate supplies and instructional materials, few, if any support services such as elementary counselors, and curriculum specialists. The State Board of Education, therefore, continues to urge the Legislature to aggressively examine additional ways and means to provide sufficient revenue for the purpose of more adequately funding public education in Utah.

Motion to amend the motion was made by Member Denis R. Morrill and seconded by Member R. Michael Anderson, to add at the end of the statement after Utah **and when additional resources are identified to expand the budget recommendation to more fully meet the needs.**

Amendment carried unanimously.

Member Pamela Atkinson questioned if Utah indeed had the largest class sizes in the nation, or if we were one of the largest class sizes. Superintendent Laing indicated that the most recent edition of the common statistics that are used coming out of the National Center for Education Statistics continue to show Utah with the largest class sizes and/or measured as pupil/teacher ratio.

Motion was made by Member R. Michael Anderson and seconded by Member Joyce W. Richards to add the word "average" before class sizes. Motion carried unanimously.

Motion on original motion as amended. carried unanimously.

Issues and a Possible Funding

Formula to Implement 53A-17a-139.

Loss in Student Enrollment Review

The Committee reviewed a proposed funding formula that implements 53A-17a-139, *Loss in Student Enrollment*. It was noted that this section of the code has been in existence for some time. However, no definitive means have been developed for how to consistently and appropriately apply the statutory language to conditions that arise in the state. (For complete details of the material presented, see General Exhibit No. 8906.)

Following discussion the Committee directed staff to prepare a rule regarding financial aid for districts experiencing a 4% or more loss of enrollment, 53A-17a-139.

Draft Budget Report Format

The Committee reviewed a potential report format which would provide regular information on the status of the agency budget. The Committee adopted a budget report and schedule that will allow the Board to fulfill its oversight responsibilities concerning USOE's and USOR's financial operations. (For complete details, see General Exhibit No. 8907.)

Curriculum and Instruction Committee

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

Medical Recommendations by School

Personnel to Parents, R277-611

Medical Recommendations by School Personnel to Parents, R277-611 is proposed to provide clarification regarding the recommendations or directions that school personnel may give to parents or guardians about specific treatments or medications for their children. The rule responds to the concerns of supporters of H.B. 123, Medical Recommendations for Children, (2002 General Session of the Utah State Legislature) which was vetoed by the Governor.

The rule was tabled by the Committee at the September 6, 2002 meeting with the direction to staff to provide committee members with a review of current state and federal law and case law regarding this issue; and to amend the proposed rule to add language to provide clearer standards for educators. In addition, staff was directed to clarify the disciplinary action provisions. Staff presented a summary of laws on this issue and revised the rule consistent with comments from school district special education directors and child advocacy groups.

The Committee made the following modifications to the rule: Line 38, School district employees may refer students to other appropriate school district personnel and agents consistent with local board policy. Line 54 to 57 School personnel shall not recommend a single specific health care professional or provider **but may provide a list of two or more health care professionals or providers to a parent or guardian**. Line 59, Local school boards shall have a policy providing for training of appropriate school personnel on the provisions of this rule. (For complete details of the rule, see General Exhibit No. 8908.)

The Committee approved R277-611, Medical Recommendations by School Personnel to Parents on first reading and moves that the State Board of Education approve the rule on second reading. Motion carried with Members Brown, Haws, McCain, Morrill, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Anderson absent.

Evaluation of the Utah 3Rs (Rights.

Responsibility, Respect) Pilot Project

During the 2001-02 school year, five Utah schools participated in the Utah 3Rs pilot project. The schools were Edith Bowen Laboratory School, Butler Middle School, City Center Charter School, Lakeridge Jr. High School and Orem High School. The project reached nearly 3,000 students in these five schools and 114 educators. Three on these schools were chosen to be First Amendment Schools. In April 2002 four out of the 11 schools chosen in the nation to be First Amendment Schools were from Utah.

The evaluation of the project conducted by Jenni Johns, entailed a lengthy survey administered to the educators prior to receiving instruction and again after instruction. Martha Ball, Utah's 3Rs Project Director presented the evaluation results to the Committee. (For complete details, see General Exhibit No. 8909.)

The committee received the report.

Standard Setting and Proficiency Levels

In the Board meeting of September 6, 2002, the Board received recommendations to adjust the number of proficiency levels (adding the fifth level of Advanced Mastery) the means of establishing proficiency levels (using the "body of knowledge" method instead of the "bookmark" method), and the establishment of a range (65%-75%) of minimum percent correct responses necessary for a Near Mastery level of proficiency. Subsequent to Board action, it was determined that an important step in the review process had been omitted. Specifically, the proposed changes had not been reviewed with district superintendents nor testing directors; a procedural step agreed to in the meeting of the same with USOE staff held in May. The Board has always been committed to full discussion with district personnel surrounding the major issues of accountability and assessment.

The Committee discussed the implications of maintaining the previously approved number of proficiency levels, means of establishing proficiency, and range of minimum percent correct responses for Near Mastery level. Additionally, feedback received from district personnel was shared about the proficiency levels and the process being employed.

The Committee recommends to the Board this item be placed on the agenda for this committee meeting next month, and directed staff to let the districts know they have the next month to comment on these items.

Member Theurer indicated that there was some real miscommunication and we may not have done as good a job on the process that we should have.

Associate Superintendent Bonnie Morgan commented that we were under the assumption that the five proficiency levels and the setting of the benchmark between 65% and 75% had been discussed with the districts. When we found out this was not true, we found it was better to bring it back, let people review and comment on it for another month.

Member Theurer expressed appreciation for the efforts made by Superintendent Laing with the districts.

Law and Policy Committee

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

Policy and Procedures Manual to

Govern Certification of Interpreters

and Translators

At the request of the Law and Policy Committee in September an additional sentence was added to Page 6 of the Policy Manual. This addition provides for the State of Utah to have authority to grant or deny authorization to interpret in Utah. (For complete details, see General Exhibit No. 8910.)

Motion from the Committee that the State Board approve these changes on second reading with a modification to change line reading the State of Utah will have authority to grant or deny authorization to interpret, change State of Utah to the **Utah State Board of Education**. Motion carried with Members Brown, Haws, McCain, Morrill, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Anderson absent.

Secondary School Completion

and Diplomas, R277-705

In the meeting of August 9, 2002, the Board approved on third and final reading R277-705 Secondary School Completion and Diplomas. The Board was informed that the 28 superintendents in attendance at a meeting where the rule was discussed were very narrowly split regarding their willingness to support subsection R277-705-4(C) creating a high school equivalency diploma for individuals successfully passing all components of the GED (General Educational Development) Test. (Utah has never portrayed passage of the GED as a diploma.) It had been portrayed to both the Board and the superintendents that the adult education directors in the state were aware of and supportive of this substantive change. Unfortunately, it has been learned subsequently that this was not the case. The committee discussed the implications of maintaining the previously approved rule, R277-705 Secondary School Completion and Diplomas. (For complete details of the rule see General Exhibit No. 8911.)

The Committee recommended that the rule be held until appropriate notification and comment from the districts can be obtained.

Motion was made by Member A. Earl McCain and seconded by Member Laurel Brown that action on R277-705 be deferred, and that the October 16th effective date be held in abeyance administratively, and that the rule be sent back to the committee of original jurisdiction [Curriculum Committee] which has compiled a history of the deliberation on this particular rule, and they be the ones who have the responsibility to study and make further recommendations.

Chairman Burningham clarified the reasoning behind this item being assigned to the Law and Policy Committee at this meeting.

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

Utah State Board of Education

Goals and Objectives Discussion

The Committee worked on action steps to meet Goals 3 and 5.

Member Moss indicated that Ron Stanfield is in the process of working with No Child Left Behind Act and trying to consolidate information that the Board can use. No action until November.

Mark Peterson provided information he has prepared for the Board to fulfill this goal, specifically a book he is compiling showing the board members information, local boards and legislators in their districts. Also, discussed was ways to reach out to the community such as email newsletters, one targeted to teachers and the other to PTA presidents. Also, op ed pieces. (For complete details of the material presented, see General Exhibit No. 8912.)

Charter School Applications

Member Moss distributed copies of new charter school applications and announced that there will be a meeting to review the applications on October 29, 2002. He requested that comments and concerns on these applications be received by the State Office no later than October 22, 2002, at 5:00 p.m. The applications were for Moab Community School and Pinnacle High School.

Chairman Burningham indicated that the Board had received a letter from the American Preparatory Academy dated

October 1, 2002 in which they are requesting that their application be reconsidered. It was felt that this should be added to the material for review on October 29.

Member Denis Morrill questioned if there was a process for reconsideration. Superintendent Laing indicated that as long as the Board is taking applications and the deadlines are such they can reapply.

Member Denis Morrill voiced concern that he did not want to consider the Pinnacle High School because it had not been to the local board.

Discussion ensued relative to whether or not the Board should consider the Pinnacle High School request for a charter because of the fact that it had not gone to the Carbon School District. Further whether the Carbon School District had denied the request or ignored the application.

Superintendent Laing noted that originally Roberta Hardy had proposed applying for a New Century High School Charter School. In the process of preparing that Ms. Hardy contacted the district, sent the letter asking them for an endorsement of being a part of this application to the Governor's office. In the meantime, she met with Richard Kendell of the Governor's office and learned that while she would be able to make application she would not be one considered for the funding from the Gates Foundation. Therefore, Ms. Hardy went back and told the district that they would not be a New Century High School, but she would like to propose expanding Pinnacle Canyon into a high school and asked the district to consider that application. According to the Carbon School District Superintendent they do not recall receiving the application or recognizing that the application was one to be considered as a charter school instead of a New Century High School. In the packet is a letter to Superintendent Laing from Superintendent Armstrong stating that the Carbon Board would not vote on the issue of the request to be a charter school, because it would not matter what the board said the State Board will do what it wants.

Discussion ensued as to whether this would be a new charter or a request to modify the existing charter. Also, whether or not inaction by the local district is considered as defacto rejection.

Suggestion was made that the Board rule be changed to clarify the issue of rejection by a local district.

Member Moss indicated as Chairman of the Law and Policy Committee the committee could not move forward on the application until clarification was received as to whether or not the Carbon School Board had considered and denied the application.

It was determined that the material presented was for information and that Member Moss would let the Board know what was on the agenda for the meeting on October 29, 2002.

Standing Committee Reports Concluded

Executive Officer Report

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

Employers Coalition - The Coalition has made a recommendation as they are finalizing their process, one subcommittee has five elements dealing with public education: (1) clearly define the mission, goals and objectives in a measurable sense; (2) strengthen the organizational structure; (3) increase student achievement by increasing graduation requirements and moving to proficiency based diplomas; (4) back to basic, prioritizing spending, focusing first on the core and look at remediation programs and review electives on a needs versus nice to have basis; and (4) centralizing functions at the state level, and strengthening the State Board and State Office with regard to the selection of curriculum and development of assessments. Others were centralizing instructional materials and expanding that to programs.

Superintendent Laing stated that the world view of education between what exists when sitting at the table with employer groups, and what you get when you sit at a table with educators is not just on different pages, they are probably in different books if not in different planets. This is a significant concern. We need to find a way to bring a

greater harmony or common understanding of what we are looking at. He stated that when it comes to increasing graduation requirements the issue isn't whether or not we should, the issue there is why hasn't it been done. Yet in educational realms there were no comments in support of increasing graduation requirements.

Chairman Burningham clarified that the Coalition has an executive committee of five people and they have broken into five sub committees. What Superintendent Laing has just suggested is an accurate reflection of what one of the five subcommittees has been working on. There will be other recommendations about higher education, funding, and tuition tax credit. All are very much up in the air, and he is concerned that there is a feeling that by doing a lot of careful work you can save a lot of money to get all the money we need to improve education.

Coaching Rule - The office is struggling in finishing this rule. We have lost our PE Specialist has made it more difficult in the implementation. We will discuss this at a future date.

CMAC Diversity Training - Dr. Laing reminded the Board that CMAC is anticipating some diversity training between them and the Board and USOE staff. They are questioning when they can count on that either in January or February.

We have been asked to participate in a Governor's committee that consists of the chair and commissioner of the Board of Regents, Superintendent Laing and Chairman Burningham, Public Information Officers from education agencies, the Governor's executive staff including his chief of staff, lead counsel, public information and Bob Mendenhall from Western Governor's University and Richard Bradford from Consumer and Economic Development. They are looking at the Governor's 1,000 Day Plan and the development of the workforce. Education comes into that and in the Governor's plan there is an element about a competency based diploma and the continued articulation of the applied technology colleges and services to secondary students with competency based diploma. There is a different point of view and appetite toward what it is we should be doing.

Teacher of the Year Banquet - This was a delightful evening. Macey Wolf, a middle school science teacher from the Ogden School District was named Teacher of the Year. This year we did something a little different, rather than announce ahead of time so they knew they were the Teacher of the Year, all came knowing they represented their district, but no one knew who the teacher of the year was until the very end. He commended Mark Peterson and his staff for putting that together.

American Evaluation Assessment Brochure containing good information on high stakes testing from Member Earl McCain.

Superintendent Laing expressed appreciation and thanks to Morris Haggerty of the Attorney General's Office for his representation of the Board and staff in the case of Holden vs Watson. He clarified that John Watson was the chair of the Board at the time the case was filed. The case was dismissed on summary judgment in the federal court. This is a very good thing to happen for us.

Uintah River Charter School - We have received notice from the auditors who have worked with the Uintah River Charter School that they have an auditing problem. They cannot account for the number of students and ADM. According to Board rule, after having received that information we will be working with them to go through the process to indicate this is a relatively significant violation and if not corrected could lead to the termination of their charter.

Superintendent Laing formally announce that Barbara Lawrence, Director of Evaluation and Assessment has resigned and will be leaving the office the end of the month. Dr. Laing expressed appreciation for all Dr. Lawrence has done. She has had a very difficult position trying to implement legislation both from state level and the federal level, and to do so on very short time lines.

Board Chairman Report

Chairman Burningham stated to Dr. Lawrence that she is deeply loved and appreciated by many people. The Board has prepared the following statement:

The Utah State Board of Education extends its thanks and appreciation to Barbara Lawrence, Director of Evaluation and Assessment at the Utah State Office of Education, for her service. Lawrence submitted her resignation on Friday, to be effective October 31.

As Director of Evaluation and Assessment, Lawrence is Utah's point person for much of the public school student testing information required by both the Utah Performance Assessment System for Students (U-PASS) and the federal No Child Left Behind Act.

Lawrence, of Provo, has been at the Utah State Office of Education since 1993 and has been coordinator of Evaluation and Assessment since 1997. During her time as coordinator, she has seen the workload increase extensively and had both the responsibility of the job and its visibility increase along with it.

"Both the volume and complexity of the work have added to the job's stress level," Lawrence said. "The State Office of Education is in good shape for what remains to be implemented, but much of what is left to be implemented will be controversial with local districts and schools."

"Barbara has performed a yeoman's service in setting up the wide-ranging testing tasks involved in state and federal legislation," said State Superintendent of Public Instruction Steven O. Laing. "We will be hard-pressed to replace her."

Chairman Burningham noted that we are giving more obligation and responsibilities to the standing committees. Committee time is expanded in agendas. The result is that we may go later in the day. He emphasized that it demands a couple of things of Board members. As we become more reliant on committees to make decisions, it is important that staff make sure the agendas are complete with lots of information and the Board members must read the agenda carefully ahead of time. Board members are encouraged to make contacts ahead of time either with the Superintendent or the Committee Chair. Committee chairs are encouraged to report accurately what has happened and what input you have received from various sources.

Tab F in General Consent Calendar is a proposed meeting schedule for next year. It was noted that May 2 may be in conflict with college graduations. Twila was asked to check with the Commission's office and if this is so, the date may change to May 9.

Chairman Burningham announced that Board Member Marilyn Shields would be Utah's voting delegate at the National Association of State Boards of Education (NASBE) Annual Business Meeting to be held in San Diego, California, October 12, 2002, and Linnea Barney would be the alternate. He asked that Member Shields review the Public Policy Positions and the Bylaw changes. (For complete details, see General Exhibit No. 8913.)

There was no objection from the Board to positively move forward relative to action on these items.

Meetings of the Board with Legislators and the Governor will be held on November 19. Some have been scheduled but not all. Further information relative to times and location will be given at the November Board Meeting.

Member Teresa Theurer indicated that the graduation requirement ad hoc committee will meet on Friday October 25 from 9 - 11 a.m.

General Consent Calendar

Motion was made by Member A. Earl McCain and seconded by Member Teresa L. Theurer to approve the General Consent Calendar as presented.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held September 6, 2002l.

2. Contracts

(A) University of Utah. \$31,200. 10/4/02-6/30/03.

Evaluation of the Utah State Office of Education's Prevention Dimensions Program.

(B) Northwest Association of Schools and of Colleges. \$220,023.53. 10/4/02- 6/30/07. Receivable

To provide necessary funding in order to accomplish Northwest Accreditation requirements in the State of Utah.

(C) Department of Community and Economic Development. \$217,856. 10/4/02-6/30/03 - Fed. Receivable

To provide funding for the Americorp Program.

(D) Joy Poulson. \$5,000. 10/11/02-9/30/03. Amend. Fed.

To provide recipients of Child Nutrition Programs with approved training, including Healthy Edge, Serv Safe, Culinary Techniques and nutrition curricula.

(E) Department of Health. \$51,480. 7/1/02-6/30/05. - Fed. Receivable

To set forth the respective responsibilities of the Department of Health (DOH) Division of Health Care Financing (DHCF) and the Utah State Office of Rehabilitation (USOR) related to the local area network (LAN) and other technical support to be provided to the DOH employees located at the Mountain America Credit Union (660 S. 200 E.) in Salt Lake City, UT.

(F) KUTV Channel 2. \$52,000. 8/9/02-12/31/02 - Amend.

In conjunction with the SOAR with ATE public awareness campaign: 2000 airings of the 30-second nontraditional commercial spots during the morning, afternoon and evening news, and during prime time.

(G) Department of Human Services. \$100,000. 7/1/02-6/30/03. Receivable

Provide funding for inservice training, curriculum development, materials for substance abuse prevention programs and other expenses associated with the substance abuse prevention specialist.

(H) Bach Harrison LLC. \$150,000. 10/1/02-9/30/03 - Fed.

To provide Utah Spring 2003 School Survey.

(For complete details of the Contracts, see General Exhibit No. 8914.)

3. Administrative Rule Review

Under provisions of 63-45a-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 be reviewed and approved: (For complete details, see General Exhibit No. 8915.)

R277-419 Pupil Accounting

R277-420 Aiding Financially Distressed School Districts

R277-422 State Supported Voted Leeway

R277-423 Delivery of Flow Through Money

R277-424 Indirect Costs for State Programs

R277-426 Definition of Private and Non-Profit Schools for Federal Program

Services

R277-454 Construction Management of School Building Projects

R277-509 Certification of Student Teachers and Interns

R277-510 Special Subject Certification for Small Secondary Schools

R277-511 Eminence or Special Qualification Authorization for Teaching in the Public Schools

R277-512 Letters of Authorization

R277-515 Approval of Educator Preparation Programs

R277-733 Adult Basic Education and Adult High School Completion Programs

4. Certification Requirements for Interpreters for the Hearing Impaired,

R280-203

As a result of the dissolution of the Board for Applied Technology Education, the rule was amended to reflect the

change and designate the State Board of Education as the governing body. The Policy and Procedure Manual has also had additions and changes, therefore the date will change from June 1997 to December 2002.

The Board approved R280-203, Certification Requirements for Interpreters for the Hearing Impaired on second reading at its September 6, 2002 meeting. There have been no substantive changes to the rule since that time. The State Board of Education approved R280-203, Certification Requirements for Interpreters for the Hearing Impaired on third and final reading. (For complete details of the rule, see General Exhibit No. 8916.)

5. State Board Goals and Objectives

In May 2002 the Board identified six goals. Each of the goals were assigned to a standing committee. The Standing Committees have listed possible objectives, time lines and responsibilities for reaching the goals. During the September 2002 Board Meeting the Standing Committees reviewed and made final recommendations to the Board. The Goals and Objectives document reflects the modifications made at that time. (For complete details, see General Exhibit No. 8917.)

The Board adopted the Goals and Objectives as presented.

6. Utah State Board of Education Proposed 2003 Meeting Schedule

A proposed meeting schedule for the State Board of Education for 2003 was presented and adopted. (For complete details, see General Exhibit No. 8918.)

8. Visually Handicapped Trust Fund Expenditures

The Division of Services for the Blind and Visually Impaired Council unanimously approved the following grants to be paid out of the Visually Handicapped Trust Fund interest:

The Braille Resource & Literacy Center - \$2,300 - to make selected braille materials more widely available and

increase the literacy of blind individuals.

Ogden Association of the Blind - \$5,000 - to provide low-cost and no-cost transportation to blind and visually impaired individuals in Ogden.

Utah Council of the Blind - \$2,300 - to obtain or have produced braille materials specifically requested by blind individuals for their personal use and increase braille literacy among the blind.

Utah Council of the Blind - \$3,100 - to provide low-cost transportation to blind and visually impaired individuals throughout the state.

Utah Council of the Blind - \$2,300 - to provide ceramics classes which will assist blind and visually impaired individuals to increase their dexterity and skill in using their hands as well as their self-confidence and self-esteem.

Total: \$15,000

The State Board of Education approved the above expenditures from the Visually Handicapped Trust Fund interest.

I. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses was approve by the Board. (For complete details, see General Exhibit No. 8919.)

J. Claims Report

The Claims Reports for June 30, 2002, and August 31,2002 in the amount of \$36,182,763.03 and \$172,641,431.66 respectively were approved. (For complete details, see General Exhibit No. 8920.)

Motion to adjourn was made by Member Laurel Brown.

Meeting adjourned at 4:45 p.m.