

MINUTES

September 6, 2002

Minutes of the meeting of the State Board of Education held September 6, 2002, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 9:20 a.m. At the request of Chairman Kim R. Burningham, Vice Chairman Janet A. Cannon presided. Members present were:

Chairman, Kim R. Burningham

Vice Chairman Janet A. Cannon

Member R. Michael Anderson

Member Pamela Atkinson

Member Linnea S. Barney

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 Teresa L. Theurer

Member Max L. Torres

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

Nesreen Khashan, Standard Examiner

Ronnie Lynn, Salt Lake Tribune

Shinika Sykes, Salt Lake Tribune

Scott Hoffmann, ProCert Labs

Larry Bunkall, Citizen

Janice Jones Schroader, Coalition of Minorities Advisory Committee

Sharon Sobieszczyk, Utah Symphony & Opera

Michael Bahr, Utah Shakespearean Festival

Shirley Ririe, Ririe-Woodbury Dance Co.

Ann Hanniball, UMNH

Soulee L.K.O. Stroud, Coalition of Minorities Advisory Committee

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

Jean Irwin, Utah Association for the Arts and Humanities Education

Sara Lee Gibb, Utah Association for the Arts and Humanities Education

K. Newell Daley, Utah Association for the Arts and Humanities Education

Diana Major Spencer, Utah Association for the Arts and Humanities Education

Howard Stephenson, Senator

DeAnn Desmond, Carter Success

Diane Austin, Charter Success

Julie Adamic, John Hancock Charter School

Michael Hamblin, Granite School District

Cameron Curl, Uintah River Charter High School/Ute Indian Tribe

Utah State Office of Education staff members:

Carol Goodson, Instructional Services

Brett Moulding, Instructional Services

Ron Stanfield, Law, Legislation, and Educational Services

Vicky Dahn, Instructional Services

Linda Alder, Instructional Services

Richard Gomez, Law, Legislation, and Educational Services

Board Member Joyce Richards led the Board in the Pledge of Allegiance

Board Member Laurel Brown offered the reverence including a quote from President Abraham Lincoln.

Twila B. Affleck recorded the minutes.

Vice Chairman Janet Cannon noted that we are coming close to the one year anniversary of September 11. She shared a quote from President John F. Kennedy that related education, and what might be an answer to some of the things we have been experiencing the last year. She stated that President Bush and Congress have declared September 11 as "Patriots Day," flags will be flown at half staff, and the public has been invited to drive with your headlights on as a reminder of the events of 9-11. The State Office has sent a letter to all of the schools asking them to participate in some activities as remembrances on that day and at 9:45 a.m. schools will be joining the Governor, via television, in sharing a statewide moment of silence. She invited the Board and the audience to stand today and share a moment in silence in remembrance of 9-11.

Vice Chairman Cannon reported that yesterday afternoon the Board Standing Committees had met to refine their Goals and Objectives for the Strategic Plan. She asked that the Committee Chairs present their recommendations from the work session at the end of the respective committee reports.

Chairman Burningham reported that there has been a new member of the Board appointed by the Board of Regents who will begin work on the board in October. He indicated that David Jordan will be replaced by Sara Sinclair who is from Cache County. She has oversight of the Sunshine Terrace in Logan. He indicated that she is a tremendous person and will be a real asset to our board. Member Pamela Atkinson also shared her thoughts about Ms. Sinclair and the fact that she will be an asset to the board.

Chairman Burningham reported that former board member Judy Larson is now living in Cyprus, Greece. He shared some excerpts from an email he had received from her.

Evaluation of the Professional Outreach Program

in the Schools (POPS) and Distribution of Funds

to Arts and Sciences Organizations

House Bill 1, Appropriation's Act, passed by the 2001 Legislature, required the Utah State Office of Education to validate the POPS program function in the planned curriculum for arts and sciences in the schools and report to the Legislature any problems or changes necessary to implement and maintain the validity of the arts and sciences programs in the school curriculum.

The Legislature also eliminated the appropriation to the Utah State Office of Education to distribute funds to arts and sciences organizations which are not identified in line items within the bill.

The Institute for Behavioral Research in Creativity (IBRIC) was selected to conduct the evaluation. John L. Gardner of IBRIC presented the findings and conclusions of the evaluation which included how well the POPS organizations' instruction supports Utah State Core curriculum concepts; how the instruction/activities/performance engage student interest, impact learning and attitudes, as well as how it impacts teacher training and teaching practices in Utah schools; how well organizations communicate with schools and the State Office of Education in collaborative planning

and coordination; and the comprehensiveness and frequency of services to schools. (For complete details of the evaluation, see General Exhibit No. 8880)

Vice Chairman Cannon expressed appreciation to the fine arts organizations for the wonderful work they are doing in our schools.

Motion was made by Member David L. Moss and seconded by Member Denis R. Morrill to receive the report. Motion carried unanimously.

Coalition of Minorities Advisory Committee

(CMAC) Quarterly Report

The Coalition of Minorities Advisory Committee (CMAC) meets on a monthly basis and discuss how successful programs and policies help meet the needs of ethnic minority students. They have been invited by the Board to make quarterly reports to the Board regarding their discussions and recommendations.

Soulee L.K.O. Stroud, Chairman of CMAC presented a quarterly report of their activities which included their Community meeting held August 22, 2002, and MESA issues. He referred to R277-717, Section E of the MESA rule and questioned who was to give a report and when it is to be given. He further questioned the data presented at the August Board meeting. Janice Jones Schroader, Past Chairman, discussed Indian Education and the fact that education needs of Indian children are not being met in the state of Utah. She also shared information relative to Diversity Training. It was recommended that the Board participate in the Diversity Training in January 2003, and that staff of the Utah State Office of Education also participate in the training.

Mr. Stroud commended the Utah State Office of Education for the action that has been taken on Recommendations 7 and 8 of the MGT Audit. (For complete details of the CMAC report, see General Exhibit No. 8881.)

Member Pamela Atkinson voiced concern with the word "disaster" used in describing the needs Indian education and that they are not being met.

Superintendent Laing commented that in the past there have been funds designated for Indian education, however, they are slowly disappearing. Consequently the assistance of specialists or advocates in the schools are becoming fewer and fewer. Our Native American students in some of our more remote areas of the state come from living conditions that are probably beyond the imagination of most of us. There are some significant problems associated with that and it falls back to the challenge we face when we continue to have increasing demands, more focus on those critical demands, yet the resources that are at our disposal to provided for the needs of education of all of our students continue to not only be stretched but reduced. Some times we allow the discussion to degenerate to a quantification of the amount of money we spend per student, when you personalize it and look at what that money does, it is exactly these kinds of things.

Associate Superintendent Gary Carlston commented that the MESA report last board meeting was not the annual MESA report, it was made during the public input portion of the meeting. He indicated that the Board will receive an annual report from MESA at a later date. Dr. Carlston also commented that the Coalition of Minorities Advisory Committee meets monthly and at other times in various committees and task forces. He expressed appreciation to them for their time and the difference they are making.

Member Marilyn Shields who sits on the Coalition of Minorities Advisory Committee representing the Board echoed Dr. Carlston's comments. She expressed appreciation for the work and dedication and commented that we are making headway.

Motion by Member Marilyn Shields and seconded by Member John C. Pingree to accept the report. Motion carried unanimously.

Changes in Standard Setting and

Proficiency Levels

The passage of H.B. 177 in the 2002 Legislative Session and the new federal No Child Left Behind Act require statewide administration of the Core Criterion-Reference Tests. In order to provide interpretable results that can be used to inform instruction, standards of performance must be specified. The Utah State Office of Education, school districts, and the Board have been working for some time to finalize the standards which are represented by proficiency levels and cut scores. These proficiency levels and cut scores help teachers and parents better understand how students are performing relative to the Core Curriculum. Additionally, the proficiency levels provide information for determining the effectiveness of instruction at the student, classroom, school, district, and state levels for the Core Criterion-Reference Test Program. After a year of pilot, some changes to the system are being proposed to better meet state and federal legislative intent.

Dr. Barbara Lawrence, Coordinator, Evaluation and Assessment reviewed the proficiency levels, the original proficiency descriptors and the proposed expanded proficiency descriptors. She then presented the proposed recommendations. (For complete details, see General Exhibit No. 8882.) The recommendations included: (1) Add an **Advanced** proficiency level, resulting in five proficiency levels; **Advanced, Mastery, Near Mastery, Partial Mastery, and Minimal Mastery**. (2) Adopt expanded descriptions of the proficiency levels. (4) In consultation with the State Technical Advisory Committee (TAC), change Utah's Standard Setting process to one like "Body of Work." (4) Establish an anchor point (e.g., 70% correct) for the **Near Mastery** level - cut scores between **Near Mastery** and **Partial Mastery** may not be set below the anchor point. (5) Redo the standard setting for secondary language arts. These recommendations will apply only to newly developed tests.

Considerable discussion ensued relative to the proficiency descriptors and levels.

Motion was made by Member R. Michael Anderson and seconded by Member Denis R. Morrill to adopt the proficiency levels and cut scores that will establish levels of performance and comply with the requirements of state and federal statutes to establish acceptable levels of student performance, including the five recommendations.

Member Greg Haws voiced objection to adding "advanced" which is not the direction of the policy we started out with. He felt this expanded beyond the original objective.

Member Teresa Theurer clarified that the advanced level was added because of the No Child Left Behind legislation requirements.

Motion carried with Members Anderson, Barney, Brown, Burningham, McCain, Morrill, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Haws voting against for reasons stated above.

Resolutions

In the August 9, 2002 meeting of the Utah State Board of Education, the Board heard a proposal for a resolution encouraging the Utah State Legislature to aggressively consider revenue sources for funding public education. Both resolutions are consistent with Board Goal #1, "Actively advocate for increased funding to provide quality education for all children, and meet the demands of growing enrollments," and Objective #1 under that goal, "Investigate potential new sources of education funding and determine Board advocacy."

Chairman Burningham reviewed the Public Education Funding Resolution which encourages the Legislature to aggressively consider increases in revenue for the purpose of funding education. The Resolution was amended, adding comas in the paragraph beginning with "Now therefore" following the words Legislature and Utah. (For complete details, see General Exhibit No. 8883.)

Motion was made by Chairman Kim R. Burningham and seconded by Member John C. Pingree to adopt the Public Education Funding Resolution as amended. Motion carried unanimously.

Mike Anderson reviewed the resolution on the impact of federal land ownership on state education funding, and seeks more equitable compensation from the federal government because of the amount of public lands that exist within Utah

and twelve other western states. (For complete details, see General Exhibit No. 8884.)

Motion was made by Member R. Michael Anderson and seconded by Member A. Earl McCain to adopt the resolution with the following modifications: (1) Add \$ signs where appropriate; (2) Page 2 change the word stimulations to **stipulations**; (3) In the paragraph beginning with Now Therefore Be It Resolved to read "that the Utah State Board of Education endorses an initiative seeking just compensation from the federal government for the impact its ownership of lands within western states has on the ability **of the state to** fund public education; and (4) next to last paragraph change word contended to **intended**." Motion carried unanimously.

Public Participation and Comments

Utah Alliance for Arts and Humanities Education

Dr. K. Newell Dayley, Dean of Fine Arts and Communications, Brigham Young University presented from the Utah Alliance for Arts and Humanities Education proposed policies, proposed arts education goals and proposed Utah Alliance for Arts and Humanities Education actions. (For complete details, see General Exhibit No. 8885.) Dr. Dayley was accompanied by Alliance Board Members Sara Lee Gibb, Carol Ann Goodson, Jean Irwin, and Diana Major Spencer.

Board Members requested copies of the presentation and recommendations to be reviewed by the leadership committee for placement on a future agenda.

Dr. Dayley shared two copies of the book "Out of Our Minds." He gave the books to the Chair and Vice Chair and asked that they be shared with each of the Board members. He also gave each Board Member a stress ball.

Senator Howard Stephenson addressed the Board relative to an additional perspective on the charter school local portion funding formula distribution and the rule that is still under consideration by the Board, and is currently on the General Consent Calendar for action. Senator Stephenson explained the original legislation which was developed and passed relative to charter school appropriations. He urged the Board as they continue consideration of this issue to take into consideration that it was never the intent of the legislation to give them half of the half but to give them the full local proportion and to replace the remainder with state appropriations.

Senator Stephenson indicated that it was his understanding that in the standing committee earlier they recommended that the auditors look at a proposal for better language in the statute, which he agrees with. He indicated that he had a bill file open for this purpose. He hoped that he and the Board could work together to resolve this issue. In the meantime, for this school year, these charter schools are in extreme hardship in getting only the one-half of the half from the local school district and then half of the half on average from the state. He requested that this school year the charter schools receive their full funding. He pointed out that this interpretation is not a hardship on the regular schools and the forty school districts because the percent of charter school students is such a small percent of their total budget so whatever they spend in those transferring amounts it is not a hardship to them.

Member Dave Moss commented that we have found that small districts are experiencing some extreme hardships when losing students to charter schools.

Superintendent Laing commented that on the General Consent Calendar, Item I, is the rule that Senator Stephenson is referring to. Under R277-470-6 describes the means of calculating the one-half.

Senator Stephenson commented that section (d) under R277-470-6 is not part of legislative intent, and hoped that as the auditors look at how this formula works they review the local maintenance and operation taxes.

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. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 12:30 p.m.

Motion was made by Member R. Michael Anderson and seconded by Member Laurel Brown to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:15 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to adopt the recommendation of the hearing report, as amended, following a hearing for reinstatement of license in Case No. 00-510, that the educator license of a former teacher in the Alpine School District, is reinstated with the conditions as amended. The license was previously suspended for at least 18 months as a result of sexual harassment of female students. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to adopt the recommendation of the hearing report, including conditions, following a hearing for reinstatement of license in Case No. 00-511, that the license of a former administrator in the Alpine School District be reinstated. The recommendation is that the administrative/supervisory area of concentration not be reinstated until September 13, 2007. The license was previously suspended for at least two years as a result of the educator's removal of student prescription medications for his own use. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member R. Michael Anderson to accept a stipulated agreement, including conditions of the agreement in Case No. 01-560, whereby a teacher in the Salt Lake City School District, voluntarily surrendered his educator license in lieu of a hearing for purposes of revocation for a period of not less than five years. The educator's license revocation results from inappropriate conduct toward students. The educator, with assistance from counsel, agreed to a revocation of his license following an arrest in April 2002, for sex solicitation. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to accept a stipulated agreement, including conditions of the agreement in Case No. 02-584 whereby a teacher in the Alpine School District, voluntarily surrendered 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 the educator's failure to resolve student disciplinary problems consistent with the law and school board policy. The educator was charged with child abuse of a student. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to accept a stipulated agreement in Case No. 02-586 whereby a licensed educator in Utah, voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension until at least August 2003. The educator's suspension results from an inappropriate romantic relationship with an 18-year-old female student. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to accept a stipulated agreement, including conditions of the agreement, in Case No. 02-600 whereby a former teacher in Carbon School District, voluntarily surrendered his educator license in lieu of a hearing for purposes of suspension for at least two years from the date of formal action by the State Board of Education. The educator's suspension results from an inappropriate sexual relationship with a female student that took place eight years ago. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to accept a stipulated agreement in Case No. 02-602 whereby a former administrator in Ogden School District, voluntarily surrendered 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 formal action by the State Board of Education. The educator's revocation results from exposing students to harmful practices and encouraging inappropriate relationships between herself and students at the school where she worked. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to accept a stipulated agreement, including conditions of the agreement, in Case No. 02-614 whereby a teacher in the Granite School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for a period of not less than three years from the date of formal action by the State Board of Education. The educator's suspension results

form his using school district equipment to access pornography on contract time and during the school day. Motion carried unanimously.

(For complete details of the Professional Practices Commission recommendations, see General Exhibit No. 8886.)

State Rehabilitation Council

Motion was made by Member Teresa L. Theurer and seconded by Member Joyce Richards to appoint the following to the State Rehabilitation Council, terms to expire September 2005: Eileen Saunders, Nedra Taylor, Charlene Johnson, Alan Ayoub, and Milton Taylor, Further, to reappoint Helen Johnson, Susan Loving, Helen Post and Frank Turner. Motion carried unanimously.

Board Standing Committee Reports

Curriculum Committee

Member Teresa L. Theurer, Chairman of the Curriculum 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.

After considerable discussion in the Curriculum Committee the Committee passed the following motion: Table any action on R277-611, Medical Recommendations by School Personnel to Parents, until the October Board meeting. Further, the Curriculum and Instruction Committee directs staff to provide committee members with a review of current state and federal law and case law regarding this issue and its potential implications; and amend the proposed rule to add language to clarify some of the concerns expressed today by way of guidelines and recommendations in order to provide schools with something to actually work with. In addition, staff will prepare specific recommendations in regard to disciplinary action. This is also an area that is too broad and has implications as well.

State Board Goals and Objectives

Goal 2

Objective 1, Action Step 1, Develop a rule to guide schools in making annual parent conferences a vital tool to disseminate Time line, adopt rule Jan. 2003.

Objective 2 - change to read: "Ensure that policies and procedures are in place to assist parents help their children succeed in school." Action Step 1, Review current law and policies regarding Youth At Risk, Truancy, Drop Out Rates, and Graduation rate. Action Step 2, Develop or change current rules and laws in order to achieve the objective.

Goal 4

Objective 1, Action Step 1A - Direct the Utah State Office of Education to address the ESL needs as a priority and organize teams of specialists to define basic level ESL skills for teachers, best practices and develop a professional development model. Time line - 1a, Jan. 2003, and 1b to follow, and 1c to follow.

Motion from the committee to adopt the changes to Goals 2 and 4. Motion carried unanimously.

Graduation Requirements Meeting

The Curriculum Committee has scheduled a meeting on the graduation requirements for Friday, September 20 at 9:30 a.m. The Committee also requested the graduation requirements of each of the districts in the state for that meeting.

Chairman Burningham clarified that the Curriculum Committee will be acting as an ad hoc committee to present a recommendation on this issue to the entire board.

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 Transliterators

To meet the needs established within statute 53A-26A-201 to provide all types of interpreting services required under this section of the code and for certification of said interpreters for the deaf and hard of hearing, manual changes have been made. These changes include the addition of rules for Cued Language Transliteration as well as the addition of two national certifications, giving interpreters certification choices at the minimum level. There are also technical changes in the manual.

The Law and Policy Committee tabled action pending clarification of the guidelines on the jurisdiction of the Board over the code of ethics. Of specific concern was the bottom of page 6, beginning with Certified Interpreters.

Certification Requirements for Interpreters

for the Hearing Impaired, R280-203 Amendments

Due to the dissolution of the Board for Applied Technology Education, R280-203, Certification requirements for Interpreters for the Hearing Impaired needs to reflect this change and designate the State Board of Education as the governing body. Also, due to additions and changes to the policy and procedure manual, the effective date will change from June 1997 to December 2002. (For complete details of the rule, see General Exhibit No. 8887.)

The Law and Policy Committee approved the amendments to R280-203, Certification Requirements for Interpreters for the Hearing Impaired on first reading and moves that the Board approve the amendments to the rule on second reading. Motion carried unanimously.

State Board Goals and Objectives

Goal 3

Objective 1, Action Step 1A - Define who qualifies as a highly qualified teacher based on the No Child Left Behind. Consider competencies in ESL, Special Education, Fine Arts. Time Line - Definition presented to committee November 2002; Complete by fall 2004.

Objective 1, Action Step 1B - Consider competencies for ESL, Special Education and Fine Arts. Review standards and definitions for pre-service programs at Utah's colleges and universities.

Objective 1, Action Step 1C - Make recommendations regarding pre-service programs at Utah's colleges and universities.

Objective 2, Action Step 2B - add "No Child Left Behind Standards applied toward licensure. Time Line - November 2003.

Objective 2, Action Step 2C - Enhance mentoring by reviewing district standards for mentoring practices, February

2003. Developing Mentoring Conference, June 2003. Pursuing legislation adjusting quality teacher block for mentoring, September 2003.

Objective 3, Action Step 1, Receive the report of the USBA Public Relations Campaign and determine ways to augment as appropriate.

Objective 3, Action Step 2, Identify a procedure to utilize Utah Teacher of the Year and other recognized educators, November 2002.

Goal 5

Objective 1, Action Step 1A, Time line, Ongoing quarterly.

Objective 1, Action Step 1B, Time line, Yearly, December 2002.

Motion from the committee to adopt the recommended changes to Goals 3 and 5. Motion carried unanimously.

Finance Committee

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

Budget Overview

The Committee reviewed and discussed potential new sources of education funding and determined the following Board advocacy for budget increases: The Committee set preliminary rankings for budget requests. (For complete details, see General Exhibit No. 8888.)

Motion from the Committee that the Board adopt the proposed preliminary budget increase of \$106,944,000, approximately a 7% increase for 2004.

Discussion ensued relative to the inclusion in this request of the restoration of the Utah State Office of Education budget cut. It was clarified that this is only the preliminary and that the recommendation would be modified Superintendent Laing noted that the Utah School Boards Association and the Utah School Superintendents Association will be including this in their recommendations.

It was clarified that the committee motion for consideration is only the first 13 items on the list presented plus Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind as a preliminary budget proposal.

Motion to approve the preliminary budget amended list carried unanimously.

State Board Goals and Objectives

Goal 1

Objectives 1 and 2 as written, with action step1, but not accepting 2a, 2b and 2c at this time. The committee feels they need more discussion and to rethink how to achieve the goal.

Goal 6

The Committee accepted the entire increase awareness concept as written.

The Committee received a presentation from Mark Peterson, Public Relations Director, and they discussed additional ways of getting information out to the public through news releases, paid advertising, brochures, public service announcements, news letters and others, including new age information. The committee decided they would focus more on email, news releases, flyers and brochures.

Member Anderson noted that the committee would recommend that more time be made available for committee discussion and less time for discussion by the Board as a whole. Further that the committee chairs meet with the leadership committee.

Motion from the committee that the Board adopt the amended Goals 1 and 6 as amended. Motion carried unanimously.

Review of Issues and a Possible Funding

Formula to Implement 53A-17a-139,

Loss in Student Enrollment

The Committee did not have time to discuss this item.

Draft Budget Report Format Review

The Committee did not have time to discuss this item.

Executive Officer Report

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

Employers Education Coalition Public Meetings - Dr. Laing indicated that he had sent via email the notice of the public meetings being held by the Employers Education Coalition. These meetings have now been cancelled.

Annenberg Challenge - Dr. Laing distributed copies of the Annenberg Challenge report. He noted that the Salt Lake City School District is the only one in Utah who participated in this. (For complete details, see General Exhibit No. 8889.)

Member Pamela Atkinson noted that the Salt Lake City School District was the only full district in the nation to receive a grant for the entire district. Most grants were given just to single schools.

Dr. Laing reported that the Board had previously had a concern relative to an accreditation standard that looked at the financial stability of schools, especially private schools and increasingly charter schools. The Northwest Accreditation of Schools and Colleges, not without the encouragement of the Utah delegation, has approved a standard on business practice that looks at financial responsibility and fiscal solvency of the school as well as the issue of tuition and fees. This is currently out for vote by all member schools prior to being included as an accreditation standard. If adopted, it will appear for next year.

Zions Bank - Met with Scott Anderson, President and CEO of Zions Bank yesterday. Zions Bank for over a year has been in the process of developing a web site specifically to help students learn about money and how to manage it. They invited us to a lunch and a presentation on this about a year ago and requested and took input from us. They have worked very hard over the past year and this is now an exemplary effort of a corporate entity in the state trying to do something to enhance educational opportunities for students. The web site is www.bankjr.com They have worked with curriculum people in Utah to make sure information can be correlated with the curriculum. Dr. Laing commended Zions Bank for a program that is laudable, and for accepting the feedback from educators to make it something most useful. They have not utilized this option to reference Zions Bank. Dr. Laing indicated that since the announcement yesterday, he will be talking to the superintendents next week and an email will be sent to teachers in various categories. They will have a press conference which we have indicated our willingness to be involved in and express our appreciation for their efforts.

GED - This last year Utah had one student, Derik Wilkins, who scored 384 out of 400 points possible. He had three perfect scores and two other scores in the 99th percentile. This young man came from Holland several years ago, wanted to become a figure skater, got disenchanted with it and never finished any kind of public school. Now at age

26 he has taken and passed very favorably the GED.

Awards - Last year some awards were given to Kim Burningham and Rob Brems from the Utah Career and Technical Associations. Their applications went on to the national competitions and we have two national winners in Utah. Mr. Burningham has been named the National Karl Perkins Humanitarian Award recipient and Mr. Brems was named the National Arch of Fame Award winner. They will be recognized and honored in December in Las Vegas at American Career and Technical Education Association meetings.

Dr. Laing indicated that earlier in the meeting in the CMAC report that they were supportive of the efforts to more directly oversee the MESA Programs in the schools. There was some concern about the report that was made last month. He indicated that the whole issue around MESA is not without contention on the other side as well. The MESA/STEP Board of Directors is a body that is housed, and supported with staff at the University of Utah. When the Board passed the MESA rule about two years ago in its current form, we took a relatively unprecedented step in saying we will decide how MESA monies are spent in our schools. That is difficult for some, but while there are those who want us to be more definitive and more directive in what we are telling the schools and school districts, there is another end that would say that the Board has usurped authority that once belonged to the MESA/STEP Board of Directors. The money is appropriated to the State Board for use in the schools, and it is appropriate that we do have a say in how it is spent.

Member Joyce Richards voiced concern with the report from CMAC that they "monitor the activities of the Utah State Office of Education." She did not feel this was their role as an advisory body to the Board.

Member Denis Morrill proposed that the Chair write a letter to CMA telling them they do not have any responsibility to monitor the State Office of Education.

Member Marilyn Shields stated that she did not think that was what they meant. There is a lot of mis-communication from that group. She will take the concern back to the committee.

Dr. Laing reported that he has announced to the staff the reorganization of the office. The new organization chart is up on the web site. There is a lot of anxiety, but we are underway.

Dr. Laing reported that he has had a meeting with a legislator who is friendly toward public education. This legislator is interested in trying to do something to protect education in the event of tuition tax credits. There are two possibilities, one would be to initiate a bill that would create a referendum. If that were done the language of the bill would have to be developed. The other is to blunt a particularly harmful tuition tax credit bill by putting forth something that would be at least not violently opposed. He was asked to think of those conditions that might be in such a bill that could be sent either to a referendum or in the format of a substitute bill. He is having a difficult time figuring out what those conditions might be, because most educators are quite opposed to the concept of a tuition tax credit diverting the resources and commitment of the public as a whole toward public education. He asked the Board for any insights they might have to share with him. He did promise to put together a list of something and get back to this legislator before a decision had to be made as to when the bill had to be opened.

Member Denis Morrill reported that at the Utah School Boards Association meeting this past month there was a presentation by a specialist from the University of Arizona on the lack of the effectiveness of the Arizona system. He gave that presentation to Dr. Carlston. This presentation was done independently and it indicates that the system there is not doing anything that it said it was going to do.

Member Marilyn Shields noted that this is a problem in the inner cities and does not work in the rural areas. NASBE organization is very much against this.

Board Chairman Report

Chairman Burningham noted the following:

Friday, September 20 Annual Teacher of the Year Banquet. Joseph Smith Memorial Building. Formal invitations will

be sent to Board Members. The 3R's Project - Utah received a national grant this year for five schools to participate in the 3R's program, professional development. They have completed their program and have prepared a report on what was accomplished.

Chairman Burningham noted that he had complained to almost every source that he thought it was wrong that the commission appointed by the Governor did not include an elected education official on it. Since that time he has received an invitation to participate on this committee and has asked that Superintendent Laing accompany him. This commission is made up of five subcommittees who are meeting independently and reports are coming from all of those different groups. The committee he and the Superintendent are participating with is very pro education and is chaired by Teresa Beck. However this is not the same sentiment he is hearing from the other subcommittees.

Member Marilyn Shields commented it would be nice to know about the teachers of the year in the individual districts ahead of the banquet so the Board Members can be prepared prior to the banquet.

General Consent Calendar

Member R. Michael Anderson requested that Item I, Charter Schools, R277-470 be lifted from the General Consent Calendar for discussion. Motion was made by Member R. Michael Anderson and seconded by Member Joyce W. Richards to approve the General Consent Calendar as presented, with the exception of Item I, Charter Schools, R277-470. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held August 9, 2002.

2. Contracts

The following contracts were approved:

(A) Xerox Corporation. \$48,000. 7/1/2002-6/30/2003

To provide maintenance on 4890 laser printer.

(B) Davis County Schools Warehouse. \$150,000. 10/01/2002-9/30/2003. - Amend. Fed.

Warehousing of USDA Foods for Child Nutrition Programs.

(C) Ann Pack. \$41,200. 10/1/2002-9/30/2003. - Amend. - Fed.

To provide unannounced drop-in reviews of Family Day Care Home Providers and reports of all findings.

(D) Department of Administrative Services, DFCM. \$37,676. 7/1/2002- 6/30/2003 - Amend. - Fed.

To renew the Operating and Maintenance Agreement between DFCM and the Utah State Office of Rehabilitation,

Provo Regional Center located at 150 East Center Provo, Utah.

(E) Social Research Institute. \$95,000. 9/1/2002-8/31/2003. - Fed.

(1) Review and redesign consumer satisfaction process for the vocational rehabilitation program.

(2) Design and conduct telephone needs and satisfaction survey as part of the required tri-annual USOR needs assessment.

(F) John F. Bates. \$3,000. 10/01/2002-9/30/2003. - Amend. - Fed.

Appeal officer for disputed audits or reviews required by the United States Department of Agriculture for the Child and Adult Care Program (CACFP) hearings.

(G) Utah Education Network. \$20,000. 8/9/2002-6/30/2003. Amend. RECEIVABLE

Provide funds to cover the salary and benefits, and program budgets for one educational specialist - George Miller/EDNET.

(H) Department of Administrative Services, DFCM. \$124,864. 7/1/2002-6/30/2003. - Amend. - Fed.

To renew the Operating and Maintenance Agreement between DFCM and the Utah State Office of Rehabilitation located at 1595 West 500 South, Salt Lake City, Utah.

(I) Schmitt, Griffiths, Smith & Co. PC. \$500,000. 9/5/2002- 6/30/2003.

Conduct program specific audits in accordance with GAO.

(J) Utah Statewide Independent Living Council. \$109,484. 10/1/2002-9/30/2003. - Amend. Fed.

To provide resources to the Independent Living Program in accordance with Title VII Part B and the State Plan for Independent Living.

(K) UW Freight Lines, Inc. \$270,000. 10/01/2002-9/30/2003. Amend.

Transportation of USDA Commodities to recipient agencies statewide.

(For complete details of the Contracts, see General Exhibit No. 8890.)

3. State Board of Education Administrative Rule Repeals

Due to improved federal regulations (7CFR Part 226) that support the same issues, the Child Nutrition Program recommends that the following rule is no longer necessary:

R277-723 Child Care and Adult Care Food Program Sponsors of Day Care Homes

The Board repealed R277-723, Child Care and Adult Care Food Program Sponsors of Day Care Homes. (For complete details, see General Exhibit No. 8891.)

4. Comprehensive Guidance, R277-462

The Comprehensive Guidance Program rule was amended to provide consistency with language and intent made by the revision of the law through HB 262. The amendments provide for stronger integration of Comprehensive Guidance into the school improvement plan and process consistent with R277-413, Accreditation of Secondary Schools, Alternative Special Purpose Schools.

The Board approved the amendments to R277-462, Comprehensive Guidance on second reading at its August 9, 2002 meeting. There have been no substantive changes to the rule since that time. The State Board of Education approved R277-462, Comprehensive Guidance on third and final reading. (For complete details, see General Exhibit No. 8892.)

5. Secondary Applied Technology Education, R277-911

The Secondary Applied Technology Education rule, Section 4, Disbursement and Expenditure of Applied Technology Education Funds - General Standards, was amended in December 2001 to include grades 7 and 8 in the calculation. Due to cutbacks in FY 2002 and FY 2003 district budgets, it has been determined that any change should be delayed at least one year. Further study is needed to determine if changes in the formula would adequately fund ATE programs in grades 7-8 without placing an increased burden on district funding sources.

The Board approved the amendments to R277-911, Secondary Applied Technology Education on second reading at its August 9, 2002 meeting. There have been no substantive changes to the rule since that time. The State Board of Education approved R277-911, Secondary Applied Technology Education on third and final reading. (For complete details, see General Exhibit No. 8893.)

6. Annual Assurance of Compliance by School Districts, R277-108

In the April meeting, after reviewing legislative action, the Board indicated a desire to have districts submit positive assurance of compliance with legislative directives for which the Board was given no specific responsibility for monitoring. While the Board recognized the responsibility for compliance was directly given to the local school districts, it also acknowledged the fact that it and the Utah State Office of Education (USOE) are invariably asked about whether or not districts are complying with legislative directive. The external audit performed by MGT of America also indicated the Board, through the USOE, needed better clarity with regard to monitoring compliance.

R277-108 Annual Assurance of Compliance by School Districts puts in place a process by which the Board can

consistently acquire the information needed to respond to legislative requests for information about district implementation. The rule will need annual revision of subsection 5 Assurances as new legislation is identified following the general legislative session.

The Board approved R277-108, Annual Assurance of Compliance on second reading at its August 9, 2002 meeting. There have been no substantive changes to the rule since that time. The State Board of Education approved R277-108, Annual Assurance of Compliance on third and final reading. (For complete details, see General Exhibit No. 8894.)

7. Testing Procedures, R277-473

Amendments to R277-473, Testing Procedures provided additional definitions, specific testing dates, additional information about security of testing materials, and dates for the return of testing results to schools from the USOE. Further amendments were made by the Board at the August 9, 2002 meeting which have been incorporated into the rule. The Board approved the amended R277-473, Testing Procedures rule on second reading. There have been no substantive changes to the rule since that time. The State Board of Education approve R277-473, Testing Procedures on third and final reading. (For complete details, see General Exhibit No. 8895.)

8. Entry Years Enhancements (EYE) for Quality Teaching Level 1 Utah

Teachers, R277-522

In accordance with amendments to the Higher Education Act of 1965 Title II, the Utah State Board of Education approved and submitted to the U.S. Department of Education a plan to report teacher preparation programs and licensing in Utah. Part of the plan outlines Entry Years Enhancements (EYE) for beginning teachers. The enhancements provide an induction process to promote quality teaching. The federal Higher Education Act (1998) requires each state to submit a plan to improve the quality of teacher preparation programs and to report annually the status of each program. Because accountability is an important component of the federal requirement, the Utah Plan, previously approved by the Board, identifies the beginning years of experience (3 years) as very important for new teachers, and the plan provides a structured set of enhancements leading to quality teaching. Under R277-522, beginning January 2003, new teacher graduates from Utah preparation programs who are employed in Utah shall expect the following enhancements to their preservice training in order to move from Level 1 to Level 2 licensure, typically within a three (3) year process: (1) Be assigned a trained mentor; (2) Pass the Praxis II Principles of Learning and Teaching Examination; (3) Have successful district evaluations; and (4) Show evidence of a working portfolio.

The Board approved R277-522, Entry Years Enhancements (EYE) for Quality Teaching Level 1 Utah Teachers on second reading at its August 9, 2002 meeting. There have been no substantive changes to the rule since that time. The State Board of Education approved R277-522, Entry Years Enhancements (EYE) for Quality Teaching Level 1 Utah Teachers on third and final reading. (For complete details, see General Exhibit No. 8896.)

9. Ratification of Employment

Thomas D. Burchett was ratified as an Educational Specialist, Students at Risk, Instructional Services Division.

Cheralyn Braithwaite Creer was ratified as an Educational Specialist, Students at Risk, Instructional Services Division.

10. Washington County School District Variance Request to R277-419, Pupil Accounting

The Washington School District will be initiating their second intermediate school this school year. It is their desire to provide planning time on Fridays for the staff for development of curriculum and philosophy regarding intermediate schools. In order to do so, they will be providing a minimum day of three hours in order to implement an extended length for planning. The request is for the 2002-2003 school year only. The current Board Rule, R277-419, Pupil Accounting, requires a minimum of four hours in grades 1 through 12 to count as one of the required 180 minimum school days.

The State Board of Education granted a variance to the Washington County School District to R277-419, Pupil Accounting for a three-hour day at the two intermediate schools in order to provide staff development for the 2002-2003 school year.

11. List of Applicants for Licenses

The list of applicants for initial and renewal licenses were approved by the Board. (For complete details, see General Exhibit No. 8897.)

13. Claims Report

The Claims Report in the amount of \$130,245,232.27 for July 31, 2002, was approved by the Board. (For complete details, see General Exhibit No. 8898.)

Charter Schools, R277-470

A preponderance of changes to the rule dealing with funding was reviewed by the Finance Committee and the full Board. Additional amendments were made by the committee. The Board approved on second reading as amended R277-470, Charter Schools at its August 9, 2002 meeting. There have been no substantive changes to the rule since that time. (For complete details, see General Exhibit No. 8899.)

Motion was made by Member R. Michael Anderson and seconded by Member John C. Pingree to delete under Section 6, A(2)(d) from Rule R277-470, Charter Schools and approve the amended rule on first reading.

Member Denis Morrill voiced concern with the motion because schools plan years in advance for building school buildings. This would indicate that we will take the money they are setting aside to pay for that purpose and give it to charter schools.

Member Anderson responded that the reason for doing in this in this format is it allows the school districts to respond to us during the next 30 days prior to our next meeting. Further, he indicated that districts are given the wpu without the expense of dealing with the child.

Superintendent Laing commented that there is no wpu involved in the amendment. The wpu follows the student. This refers to the local portion, the property taxes that are raised and used locally. This would indicated that you would include in the determination of that local portion all of the property tax raised for the acquisition and construction of facilities.

Discussion ensued relative to the harm this may cause districts this year and that some districts are already in difficult circumstances.

Substitute motion was made by Member Teresa L. Theurer and seconded by Member Linnea S. Barney to adjourn.
Motion carried unanimously.

Meeting adjourned at 3:05 p.m.