

MINUTES

May 9, 2003

Minutes of the meeting of the State Board of Education held May 9, 2003, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:20 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 Dixie Lee Allen
Member R. Michael Anderson
Member Pamela Atkinson
Member Linnea S. Barney
Member Tim Beagley
Member Laurel Brown
Member Edward A. Dalton
Member Denis R. Morrill
Member David L. Moss
Member John C. Pingree
Member Joyce W. Richards
Member Debra G. Roberts
Member Sara V. Sinclair
Member Teresa L. Theurer

Member Greg W. Haws was excused.

Also present were:

Executive Officer Steven O. Laing
Associate Superintendent Patti Harrington
Associate Superintendent Patrick Ogden
Associate Superintendent Raymond Timothy
Executive Director, USOR, Blaine Petersen
Public Affairs Director Mark Peterson
Board Secretary Twila B. Affleck

Also present were:

Members of the Press:

Linda Tobler, Standard Examiner

Jayceen Craven, Clark Planetarium
Seth Jarvis, Clark Planetarium
Eric Smith, Tmpanogos Academy
Cheryl Phipps, Utah PTA
Judy Weeks, Art Works for Kids
Beverley Sorenson, Art Works for Kids
Carole Cannon, Principal, Oakridge Elementary

Diane Krehbiel, Oakridge Elementary
Shannon Allsop, Oakridge Elementary
Carol Cremer, Utah Education Association
Chad Harris, Governor's Office of Planning & Budget
Ben Leishman, Legislative Fiscal Analysts Office

Board Member Pamela J. Atkinson lead the Board in the Pledge of Allegiance.

Board Member Edward A. Dalton offered the reverence.

Twila B. Affleck recorded the minutes.

Vice Chairman Janet Cannon excused Board Member Greg Haws.

Public Participation/Comments

Clark Planetarium

Seth Jarvis, Director, Clark Planetarium presented information on the new Planetarium and the transition from the Hansen Planetarium to the Clark Planetarium. Mr. Jarvis invited the Board to visit the Planetarium in June which will be set up by Twila Affleck.

Art Works for Kids

Carole Cannon, Principal, Oakridge Elementary and Diane Krehbiel presented information on the success of the Art Works for Kids pilot program in their school. (For complete details, see General Exhibit No. 9057.)

Graduation Requirements and Competency Proposal

The Board's ad hoc committee reported its work and offered a proposal for consideration by the Board and dissemination to the public for comment. A general consensus of the Board was that the proposal was too long and wordy. The proposal has been reworked and condensed significantly. Additional language suggestions offered by individual Board Members and others have also been included.

Superintendent Laing presented the draft for final approval by the Board to be disseminated to the public. He indicated that it was anticipated that Board Members will be involved in public meetings to receive comment from the various constituencies with interest in the proposal. The ad hoc committee suggests that the time line for receiving input be adjusted to allow public comment through the time of the summit on competency based education which is being planned by the Governor's office as articulated in SB 154. (For complete details of the proposal, see General Exhibit No. 9058.)

Chairman Burningham suggested that the Board Members start meeting as soon as possible once the Board has adopted a draft proposal. He indicated that our purpose is to clarify, listen and learn so as the process continues we can make adjustments.

Member Debra Roberts reported that as she has met with educators in her districts and one of their major

concerns is with the math requirement. Another concern is they would like a sentence added with stronger language relative to the funding that this cannot go forward if it is not adequately funded.

Motion was made by Chairman Kim R. Burningham and seconded by Member Teresa L. Theurer that the Board adopt the proposal as of this date to be considered further, communicated further, and to be modified after hearings.

Member Teresa Theurer proposed an amendment to the motion seconded by Member Denis R. Morrill that the public hearings be held in the fall, September and October rather than the summer; also change the ad hoc committee date to October. Motion carried unanimously.

Member Debra G. Roberts proposed an amendment, seconded by Member R. Michael Anderson for a strong statement that this cannot go forward without adequate funding for remediation.

Discussion ensued relative to what happens if the funding is not forthcoming and where we will go with the proposal. The concern is that we need to look out for the children who will be left behind without the funding for remediation. We need to look at what is being done with the money currently, and maybe look at using it in a different way. It was cautioned that if we draw the line the teachers and students will loose out.

Superintendent Laing commented that we can do as the proposal suggests with the money we have, but without the resources to enable students to develop the capacity to meet the new standards, we will have greater collateral damage of students who will be left behind.

Chairman Burningham suggested that Member Roberts present the exact wording to be added.

Member Roberts suggested that following line 123 additional wording be added: **Without such critical funding the State Board of Education cannot support competency graduation requirements.**

Member Teresa Theurer spoke in opposition to the amendment because she felt that what the proposal currently delineates as strong as we can clearly that we believe that without remediations students not achieving will never be able to do so. She further stated that we say exactly what it is without putting ourselves in a position to be in a corner with no way out.

Member Joyce Richards also spoke against the amendment because this is the first step since she has been on the Board to raise the bar or raise the standards for graduation. She is not willing to stop. We have support from the Governor and others and we need to move on.

Member Debra Roberts indicated that the word she is getting from the districts is that No Child Left Behind has come along and now we are raising the bar for them to trip over.

Member Pamela Atkinson is opposed to the amendment because she feels it will be a setback for education and the State Board. She would like to see the current words bolded. She also added that she felt a cover letter needed to go out to emphasize that the general public needs to be involved and not just educators.

Member Tim Beagley questioned what are we going to do when this becomes a policy and there is no funding.

Member Dave Moss stated that the legislature has given us a mandate to fulfill. As important as the funding portion is, we are fulfilling out part of it and we go ahead aggressively to get our part done and then allow the legislature to step up to the plate and fulfill their part of the bargain.

Member Laurel Brown commented that she is concerned about the funding, however, if we come forward with the proposal there will be people come forward and support it.

Member Denis Morrill commented that he can see Member Roberts' point of view, but as a practical matter whether you say you want to do it you can't do it without more money. We just need to convince the legislature that this is worth funding.

Chairman Kim R. Burningham offered an amendment to the amendment. Without such critical funding the State School Board cannot support competency graduation requirements as stated in this proposal. Members Roberts and Anderson accepted the amendment.

Member John Pingree expressed concern that a student not passing a test is going to feel a lot of stress, and we need the intervention at that point for that student.

Superintendent Laing explained that U-PASS and No Child Left Behind identify schools, but they do not have a penalty for individual students.

Member Pamela Atkinson commented that if we put a negative statement in our proposal it does not give others a chance to look at positive funding. Funding will be incremental. We need to give the legislature a chance to come up with the funding. She did not want to see us negate the leadership role we have taken on this issue.

Member Tim Beagley offered a substitute amendment to change the title on line 117 of the section to read: **Implementation of this plan depends upon significant additional funding.** Members Roberts and Anderson accepted the substitute amendment.

Member Teresa Theurer spoke against the amendment because she did not want to see the word Intervention taken out, and the first line under the section states that additional funding is necessary.

Substitute amendment carried with Members Anderson, Barney, Beagley, Burningham, Dalton, Morrill and Roberts voting in favor; Members Allen, Brown, Moss, Pingree, Richards and Theurer voting against. Vice Chairman Janet Cannon voted in favor of the substitute amendment which allows it to pass.

Motion was made by Member Linnea S. Barney and seconded by Member John C. Pingree to change line 118 to: **Interventions for students are essential.** Motion carried unanimously.

Motion was made by Chairman Kim R. Burningham and seconded by Member Dixie L. Allen to clarify lines 85 and 86 change them to read as follows: **The basic high school opportunity must be minimally six**

graduation units per year (preferably of six 55 minute class periods per day). Motion carried unanimously.

Motion was made by Member Laurel Brown and seconded by Member Teresa L. Theurer that on line 29 add the word **basic** prior to high school diploma will be awarded. . . Also that in all references to diploma in the proposal it state, **basic high school diploma**. Member Brown indicated that there are many diplomas and certificates awarded.

Discussion ensued that this would not be clear to all publics.

Member Dave Moss suggested an amendment to add “as defined in statute” after the basic high school diploma. Member Brown did not accept the suggested amendment by Member Moss.

Member Anderson spoke in opposition to the motion. He is opposed to saying anything other than diploma.

Motion failed with Members Allen, Beagley, Brown, Burningham and Morrill voting in favor; Members Anderson, Barney, Dalton, Moss, Richards, Roberts and Theurer voting against, Member Pingree absent.

Member Ed Dalton requested that the Board consider a statement that deals with the expectation for the parents and the learners. He felt the biggest change that can happen in all this will be when the parents, children and other things embrace it. He suggested a separate section be added at the end, Section K dealing with expectations of parents and learners.

Motion was made by Member Edward A. Dalton and seconded by Member Debra G. Roberts to add a section K to read: **Success of this plan will require significant parental involvement, increased student commitment and increased public support.**

Member Teresa Theurer suggested that this would be dealt with as part of the SEPOP section on Line 95.

Member Pamela Atkinson agreed with the statement but felt it should follow Section F, putting emphasis on what is already being said. Either under F or make it G and then change the remaining letters. Member Dalton accepted the suggestion.

Member Linnea Barney noted that on Line 21 it states: “This proposal will:

a, “Raise the bar” so that all students will graduate with core curriculum competency; b, Focus on core academics and maintain a balanced curriculum. She suggested an addition of “c” **require significant parental involvement.**

Member Dalton agreed to the amendment. The amendment would be to add c, on line 24 to read: require significant parental involvement. Motion carried with Members Allen Anderson, Barney, Beagley, Brown, Burningham, Dalton, Morrill, Moss, Richards, Roberts and Theurer voting in favor; Member Pingree absent.

Original motion from Chairman Burningham to adopt the amended proposal, and authorize its release for public comment carried with Members Allen, Anderson, Barney, Beagley, Brown, Burningham, Dalton, Morrill, Moss, Richards, Roberts and Theurer voting in favor; Member Pingree absent.

Executive Session

Motion was made by Member Denis R. Morrill and seconded by Member Dixie L. Allen that the Board moved into an executive session to discuss personnel issues and potential or pending litigation. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 12:48 p.m.

Motion was made by Member R. Michael Anderson and seconded by Member David L. Moss that the Board reconvene into open meeting. Motion carried with Members Allen, Anderson, Barney, Burningham, Morrill, Moss, Richards, and Roberts voting in favor; Members Beagley, Brown, Dalton, Pingree and Theurer. The Board reconvened at 1:25 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member David L. Moss and seconded by Member R. Michael Anderson to accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 02-620 and accept a stipulated agreement, including conditions of the agreement, whereby a former teacher in Alpine School District voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension for a period of not less than two years from the date of formal action by the State Board of Education. This recommendation results from the educator's inappropriate e-mail relationship with students and a plea in abeyance in October, 2002, for attempted distribution of a controlled substance. Motion carried with Members Allen, Anderson, Barney, Beagley, Dalton, Morrill, Moss, and Richards voting in favor; Members Brown, Burningham, Pingree, Roberts and Theurer absent. (For complete details, see General Exhibit No. 9059.)

National Association of State Boards of Education Board of Directors

Motion was made by Member Linnea S. Barney and seconded by Member R. Michael Anderson to submit the Ballot for the National Association of State Boards of Education (NASBE) Board of Directors as follows: President, Robert Lazard, Indiana; President-elect, Kim Burningham, Utah; Secretary-Treasurer, Keith Johnson, Louisiana; and Western Area Director, Janet Cannon, Utah. Motion carried with Members Allen, Anderson, Barney, Beagley, Burningham, Dalton, Morrill, Moss, and Richards voting in favor; Members Brown, Pingree, Roberts and Theurer absent.

Disability Determination Advisory Council

Motion was made by Member Teresa L. Theurer and seconded by Member David L. Moss to appoint Christine Curry to the Disability Determination Advisory Council, term to expire June 2004. Motion carried with Members Allen, Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Richards, Roberts and Theurer voting in favor; Members Beagley and Pingree absent.

State Rehabilitation Council

Motion was made by Member Teresa L. Theurer and seconded by Member Joyce W. Richards to appoint Deborah Burt, Karl Smith, Krystal Johnson and Richard Jewkes to the State Rehabilitation Council, terms to expire

September 2006. Further, that Tericia Leavitt, Brian Small and Hector Cando be reappointed, terms to expire September 2006. Further, that W. Kent McGregor be appointed representing the Services for the Blind and Visually Impaired Council. Motion carried with Members Allen, Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Richards, Roberts and Theurer voting in favor; Members Beagley and Pingree absent.

Western Governor's University

Motion was made by Chairman Kim R. Burningham and seconded by Member Denis R. Morrill that the Board send a communication to EDAC that it receive at its June meeting their recommendation relative to the Western Governors University's desire to certify prospective teachers. Motion carried with Members Allen, Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Richards, Roberts and Theurer voting in favor; Members Beagley and Pingree absent.

Board Standing Committee Reports

Finance Committee

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

Annual RDA Report

Utah law requires that each redevelopment agency that adopts a redevelopment (blight-based) or economic development project after June 30, 1993 must create a Taxing Entity Committee (TEC). It has been the policy of the Board since January 2001 to receive an annual report during May on RDA activity and its impact on school funding from the TEC representative. Larry Newton the Board's representative on the Taxing Entity Committee presented a report of the RDA activity. (For complete details, see General Exhibit No. 9060.)

Motion from the Committee that the Board accept the 2002 Annual RDA Report. Motion carried with Members Allen, Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Richards, Roberts and Theurer voting in favor; Members Beagley and Pingree absent.

Guidelines for Developing a Rule Concerning the new Charter School

Building Revolving Loan Fund

The Committee continued the discussion from last month surrounding the development of a rule concerning the new Charter School Building Revolving Loan Fund. Staff presented issues and ideas about possible guidelines. (For complete details, see General Exhibit No. 9061.)

Member Anderson explained the issues discussed. He noted that both Representative Jim Ferrin and Senator Howard Stephenson were in the committee meeting during the discussion. The Committee has chosen to use the banking industry as a private funder for the construction of the projects that needs to be completed. After the project is completed, and the application is completed according to FDIC or banking regulations, the entire package

will be submitted to the Board where the Superintendent would then issue a letter of guarantee. Following all of this we would then fund the project when it is completed. Both the Senator and Representative were favorable to the plan proposed.

Member Anderson noted that the legislature has found they had shorted charter schools or education about \$1.5 million to fund this program. In June they will be asking for the additional funding so they can complete the task they were wishing to do.

No action required or taken.

Charter School Funding Review

During the past legislative session, the way charter schools are funded was significantly changed. Staff reviewed the changes and their implications with the Committee. (For complete details, see General Exhibit No. 9062.)

The fund was to be a certain amount and they will go back for the additional funding. Funds will be available this year for charter schools if they have capital expenditures.

The legislative action requires a committee be appointed to consider the revolving loan fund issue. The Finance Committee would like to be the entity appointed to handle this task until it is resolved.

Member Denis Morrill questioned if the Board had the authority to guarantee money. Member Anderson responded that yes we have authority both to loan and guarantee because it is a revolving loan fund.

Law and Policy Committee

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

Approval of School LAND Trust Plans for Schools Chartered by the State Board

To receive funding from the School LAND Trust Program under Section 53A-16-101.5, schools are required to develop school improvement plans with specific components. The plans are then approved by the local boards of education. Plans developed by State Board of Education charter schools must be reviewed and approved by the State Board of Education consistent with R277-477-3. The distribution of funds from the state will occur in July or August 2003. The plans were reviewed by the Committee. (For complete details, see General Exhibit No. 9063.)

The Committee discussed the reporting process and the question as to whether or not the Board wants to be the entity to review these. The Committee discussed having a designee review the plan and only in the event there are exceptions to the plan would they come to the Board for review and approval. The Committee will continue to explore this and who might be the best designee.

Motion from the Committee that the Board approve the plans for charter schools to receive funding and begin implementation of the plans prior to or at the beginning of the 2003-2004 school year, with the exception of

CBA. The CBA plan has some verbiage on Section 10, Academic Plan Proposal, dealing with field trips that the Committee asked staff to go back and ask them to tighten up for a more academic component rather than just the field trip idea, and come back next month for reconsideration. Motion carried with Members Allen, Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

Charter School Application and Deadline Revision

At the April Law and Policy Committee suggested changes were made to the draft application and application deadline. Those changes have been made and the revised application and deadline was presented to the committee. (For complete details, see General Exhibit No. 9064.)

There are still a number of items that need to be dealt with on this application and the committee will continue to work on this. No action recommended.

License Fees Approval

No fee has yet been established for candidates for the Alternative Route to Licensure (ARL) for the service of evaluation and advisement while working toward licensure. License fees for educators were last raised in 1987. Comparison of fees for different state licenses show that educators pay significantly less than comparable professions. (For complete details of the materials presented see General Exhibit No. 9065.)

Motion from the Committee that the Board give direction to the setting of license fees for ARL educators (to become effective as early as September 2003), and approve a revised fee schedule for initial licenses to be submitted in the budget request to the legislature.

Member Mike Anderson spoke against raising license fees for teachers indicating we need to do all we can to help teachers.

Member John Pingree suggested that we take the fee increase to the average of the other western states and not remain at the bottom.

Member Pamela Atkinson commented that other professions pay an initial license fee and then an annual fee. She felt that these proposed fees pale in comparison to others.

Substitute Motion was made by Member John C. Pingree and seconded by Member Teresa L. Theurer to approve a fee comparable to the average fees of the rocky mountain states as a minimum.

Member Denis Morrill commented that there are not others more sympathetic or more in support of teachers, and yet we have a staff that can't meet its payroll. This is a practical way of supporting our infrastructure.

It was clarified that the average fees could come back on the Consent Calendar with actual number and details.

Motion carried with Members Allen, Barney, Burningham, Dalton, Morrill, Moss, Pingree, Richards,

Roberts and Theurer voting in favor; Member Anderson and Brown opposed; Member Beagley absent.

Timpanogos Academy Charter School Proposed Charter Amendments

Board Rule R277-481-6 outlines procedures for amending state and local charters. Timpanogos Academy Charter School has submitted amendments to its charter that have been approved by its governing board. In compliance with state rule, amendments must also be approved by the chartering entity before they are effective.

Timpanogos Academy would like to add a seventh and eighth grade to the school. It is anticipated that this expansion will look more like an extended grammar school than a traditional junior high school, while fulfilling all State requirements for technology, PE, Music, and so forth.

Timpanogos Academy would like to be allowed to expand from two classes per grade to three classes per grade. (For complete details of the proposed charter amendments, see General Exhibit No. 9066.)

Motion from the Committee that the Board approve the two amendments for the Timpanogos Academy Charter School. Motion carried with Members Allen, Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

Curriculum and Instruction Committee

Member Laurel Brown, Vice Chairman of the Curriculum and Instruction Committee presented the following recommendations from the Committee:

Comprehensive Plan for the Implementation of Standards and Competencies

The Student Achievement and School Success (SASS) Division has initiated its work to implement standards/competencies state wide in reading, writing, math and science. The first workshop on this matter was convened on April 1, 2003 and included every district and many charter schools in the states. The concept was well-received and many districts are already planning their own initial introduction with schools in June. This work will address the requirements of No Child Left Behind, Senate Bill 154, and U-PASS. Far more importantly, this work will provide the necessary antecedents for successful student achievement results. (For complete details, see General Exhibit No. 9067.)

The Committee reviewed a comprehensive plan for increasing student achievement and its relationship to federal and state requirements. Tentative costs of interventions and other factors for success were presented.

The Committee accepted the information, and requested staff to a resolution as it relates to these plans so the Board can have it to follow in terms of where it is headed. Also, that presentation be made to the entire Board.

No action required.

Elementary Mathematics Core Curriculum

In the March Board meeting the Board received the Elementary Mathematics Core Curriculum. The

curriculum has been out for review at public hearings since that time. Revisions or modifications from the public hearings were reviewed by the Committee. Utah's Elementary Mathematics Core Curriculum standards provide the content and process skills students should know and be able to do. (For complete details of the curriculum, see General Exhibit No. 9068.)

Motion from the Committee that the Board approve the Elementary Mathematics Core Curriculum as presented. Motion carried with Members Allen, Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

Integrated Portion of the K-2 Core Curriculum

In the March Board meeting, the Board received the Integrated Portion of the K-2 Core Curriculum. The curriculum has been out for review at public hearings since that time. Revisions or modifications from the public hearings were reviewed by the Committee. (For complete details of the curriculum, see General Exhibit No. 9069.)

Motion from the Committee that the Board approve the Integrated Portion of the K-2 Core Curriculum as presented. Motion carried with Members Allen, Anderson, Barney, Brown, Burningham, Dalton, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley and Morrill absent.

Elementary Language Arts Core Curriculum

In the March Board meeting, the Board received the Elementary Language Arts Core Curriculum. The curriculum has been out for review at public hearings since that time. Revisions or modifications from the public hearings were reviewed by the committee. Utah's Elementary Language Arts Core Curriculum standards provide the content and process skills students should know and be able to do. (For complete details of the curriculum, see General Exhibit No. 9070.)

Motion from the Committee that the Board approve the Elementary Language Arts Core Curriculum as presented. Motion carried with Members Allen, Anderson, Barney, Brown, Burningham, Dalton, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley and Morrill absent.

Adult Basic Education and Adult High School Completion Programs.

R277-733, Amendments

The proposed changes in R277-733, Adult Basic Education and Adult High School Completion Programs, result from state and federal legislation and previous Board approval of a new funding formula for the distribution of adult education funds. The changes include amended definitions, updated federal citations, amendments to curriculum, established tuition and fees, and approved allocation of state funds. (For complete details, see General Exhibit No. 9071.)

The Curriculum and Instruction Committee approved the amendments to R277-733, Adult Basic Education and Adult High School Completion Programs on first reading and moves that the State Board of Education approve the

amendments on second reading. Motion carried with Members Allen, Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

Executive Officer Report

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

ACT Perfect Score – We have received notification from ACT that of the 3,000 Utah students who took the ACT in February one student, Brent Hawker of Riverton High School in the Jordan School District got a perfect 36. There were only 16 out of 218,000 in the nation to achieve a perfect score. Dr. Laing indicated that a note of congratulations has been sent to Brent.

Superintendent Laing indicated that he and Chairman Burningham were to meet with the UEA Council of President next Friday, May 16, from 5:30 to 6:30 p.m. to talk about the graduation requirements. Chairman Burningham is not able to attend and Dr. Laing requested that another board member may like to go. Member Dave Moss indicated he would like to attend.

Superintendent Laing reported that he has been working with executive branch and legislative branch about some changes we feel need to be addressed in SB 154, specifically, the selection process of the board, licensing, and the scope of study items. We have sent a letter to the Governor, Senator Hatch, Speaker Stephens about the specifics. The Governor has indicated a willingness to consider these during the special session in June.

Letter from Secretary Page to the Board - Superintendent Laing shared a letter from Secretary of Education Rod Paige to the Board indicating that the Utah State Board for Applied Technology Education which is currently listed as a recognized state approval agency for public postsecondary vocational education, has decided to withdraw from recognition. He also commended the Board for their efforts in the past. (For complete details, see General Exhibit No. 9072.) Member Pamela Atkinson suggested that someone respond relative to the fact that the Board did not withdraw but was forced out.

The Public Education Legislative Task Force and Legislative Interim Committee meet next week, May 21 and 22. The Task Force meets on May 22 at 2:30 p.m. and they have asked us to provide information about No Child Left Behind (NCLB), how we are implementing it, the status of our adequate yearly progress plan, and how NCLB, U-PASS and SB 154 compare and/or contrast. They have also asked us to share the impact of not complying with No Child Left Behind, specifically the financial impact. There are about 15 states that are going through this process right now. Minnesota has directed their education individual to prepare a summary to look at the costs of what would be lost if Minnesota decided not to participate. Hawaii has decided not to participate. Most of this is centering around the anticipation that there are additional costs for all of the schools outside of those designated for Title I funding recipients. No Child Left Behind requires things to be done for students who are in schools receiving Title I funds. It also requires all schools to identify adequate yearly progress, to hire highly qualified teachers, to be designated as a

need for improvement if they are not making adequate yearly progress, yet they have access to none of those funds. As states are considering this and anticipating what it is going to cost, there has been somewhat of a national wave as to whether or not this is worth it. It goes back to the discussion that this is a relatively unprecedented step of the federal government into states issues and there is some discussion as to whether or not that should happen.

Our task force is looking at that same issue. They specifically asked what would happen if we simply said we were not going to participate. In a state that spends as little as we do and especially the least amount per student of any state in the nation, the rejection of over \$100 million would be very concerning. Dr. Laing indicated he was pleased that the discussion is taking place and coming from an overwhelming Republican state and perhaps it will resinate along with other voices in that we can that the administration make some changes in this bill that we know is going to cause us all significant problems.

Employers Coalition Group – This began as an appointment of an ad hoc committee by the Governor and he designated the membership. Their original charge was to make some study and recommendation around the November-December time period. They stayed active through the legislative session and it became quite clear that some of the original people appointed to the committee participated initially and then did not participate and sent others in their stead. After the legislative session there was one final meeting called and we thought it was probably the last meeting to say we have done what we wanted to do and it is done. Then a motion came from the body to continue and also to go back to the respective entities that were represented to see about the willingness to fund a staff to keep it ongoing. Fraser Bullock indicated he was willing to continue to chair it. We have not heard of another meeting.

Chairman Burningham indicated that the Coalition is quite fractured. Fraser Bullock insisted that his main interest in the future was making sure higher education was impacted, that we got more funding, and the adjustments and changes to refine the bill in the June special session. However, some members of the group were pushing for tuition tax credits.

Southern Utah Wilderness Association is before the School and Institutional Trust Lands Administration on an issue having to do with school lands that are in buffer areas or study lands for wilderness, not yet designated as wilderness areas. The State Board of Education has been offered the opportunity to petition to become an intervener in this issue. This is a good idea because it allows the Board, as a beneficiary of the trust lands, to have its issues presented and considered. Dr. Laing recommended that the Board take a motion to petition to become an intervener in the SITLA proceedings with Southern Utah Wilderness Association and also recognize and accede to the contract that the Attorney General's office has developed with the law firm of Pruitt, Gushee and Bachtell to be the attorneys representing the state pro bono because the law firm also represents oil and gas companies.

Motion was made by Member Denis R. Morrill and seconded by Member John C. Pingree that the Board petition to become an intervener in this administrative procedure and to accept the offer of the law firm through the

Attorney General's office to represent us. Motion carried with Members Allen, Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

Superintendent Laing expressed appreciation for the support that was given at one time when he was invited to participate as part of exchange to China with the Council of Chief State School Officers. Due to the current status of SARS that trip has been cancelled.

Board Chairman Report

Chairman Kim R. Burningham presented the following items of information:

A Meeting with the republican leadership of the legislature has been scheduled for May 20 at 8:00 a.m. in the Senate Chambers. He has left a message with the Democrats to see if we could meet with them at 9:00 a.m. Board Members indicating they could participate were: Mike Anderson, John Pingree, Pamela Atkinson, Ed Dalton, Janet Cannon, Linnea Barney, Denis Morrill, Laurel Brown.

The Curriculum Committee has a concern with the change in the schedule for our June meeting. We always meet on the first Friday of every month, however, because apparently there was a conflict on the 6th of June we changed that meeting to the 13th. The Curriculum Committee has discovered that three of their five people will not be able to attend on the 13th. It was suggested that the meeting be moved to June 6. It was agreed that the meeting would be changed to June 6, 2003.

Chairman Burningham noted that the Board had developed a strategic plan about a year and a half ago, and divided it into three areas. It has given us more focus in some particular areas. We have been taken over by the competency thrust, but it is heavily tied to one of the three areas of our strategic plan. We need to look at our strategic plan again to see what adaptations may need to be made. We scheduled a meeting a month ago but did not get to that discussion. Additionally, there are some more critical elements that make it mandatory to look at it immediately. We are required by the legislature to report to them in the fall on 23 study items. A strategic plan issue is how do any of those fit into our current strategic plan.

Chairman Burningham mentioned that he and Superintendent Laing attended a national conference for SAELP They emphasized the idea of are we adequately training and handling our administrator certification program to get the best certification possible.

Chairman Burningham noted that our committee structure has worked very well in the last couple of years. However, Member Dalton has raised a question that we may need another committee in the area of communications. This is an issue that ties with the strategic plan. The leadership committee is feeling that we need to re-examine our strategic plan and get some recommendations of how to proceed.

The leadership committee has concluded that by June we would like to have a small group meet, examine this issue, and come back with recommendations. It is felt that this should be a task force rather than Law and Policy

Committee because of their commitment to charter schools. Vice Chairman Janet Cannon will chair the committee. If anyone has an interest in serving on the committee would they please tell him prior to leaving today.

Member Debra Roberts has sent out emails that are very provocative about the issue of what are we doing to help parents really support their struggling sons and daughters. Points have been well taken, and go beyond our competency issue, they are an overriding issue. Member Roberts suggested that this be made a part of the strategic plan discussion.

Member Pamela Atkinson commented that we need to keep in mind that there are always going to be parents who will never participate. She suggested that we also look at what alternatives there may be for those children, such as mentoring or volunteers.

It was decided that this issue would be part of the strategic planning discussions.

General Consent Calendar

Motion was made by Member Denis R. Morrill and seconded by Member Laurel L. Brown to accept the general consent calendar as presented. Motion carried with Members Allen, Anderson, Barney, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Beagley absent.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held April 4, 2003.

2. Contracts

The following contract was approved:

A. Griffin Hammis Associates LLC. \$5,000. 6/23/03-6/27/03 - Fed

To train the benefit specialists on Social Security Regulations and the Implementation of Social Security Work Incentives.

(For complete details of the contract, see General Exhibit No. 9073.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts were approved as submitted. (For complete details, see General Exhibit No. 9074.)

4. Construction Management of School Building Projects, R277-454

R277-454 specifies the standards local boards of education shall follow in using construction management for school construction projects. Construction materials purchased by school districts prior to December 31, 1995 were subject to sales tax unless the materials were installed or converted to real property by school employees. Beginning January 1, 1996, construction materials purchased by or on behalf of public School systems are exempt from sales tax so long as the construction materials are clearly identified and installed or converted to real property which is owned by the school district. The

amendment to this rule is to bring the rule into compliance with current statute 59-12-104(2)(a)(I).

The amendment to R277-454 was reviewed and approved on second reading by the Board at its April 4, 2003 meeting. There have been no substantive changes to the rule since that time. (For complete details, see General Exhibit No. 9075.) The Board approved R277-454, Construction Management of School Building Projects on third and final reading.

5. Employment of Substitute Teachers, R277-508

This rule was pulled from the General Consent Calendar under Administrative Rule Review in the March Board meeting concerning R277-508-4C “Student teachers and aids may not be used as substitute teachers.”

This section of the rule has been amended deleting R277-508-4C thus allowing student teachers or paraprofessionals to be used as substitute teachers.

R277-508-5 D&E have been added to protect the integrity of the student teaching experience so that the student teacher is not taken out of their student teaching assignment and reassigned to cover another classroom simply for convenience. Also to allow for paraprofessionals to be used to substitute in classes consistent with school district or school policy.

The Board reviewed and approved on second reading R277-508 at its April 4, 2003 meeting. There have been no substantive changes to the rule since that time. (For complete details, see General Exhibit No. 9076.) The Board approved R277-508, Employment of Substitute Teachers on third and final reading.

6. Pupil Accounting, R277-419

Two amendments were presented to R277-419, Pupil Accounting: (1) Change the requirement for visiting homebound or hospitalized students from an average of 2 hours a week to a minimum of 2 hours a week promoting a consistent effort by the district to visit the student each week rather than less often for more time. (2) Allow enrollment in released time for an individual learning activity to be counted in student membership. Currently, districts cannot count in membership (and hence do not receive funding for) students participating in released time for non-religious purposes. This amendment places non-religious released time on par with released time for religious instruction.

The Board reviewed and approved on second reading R277-419 at its April 4, 2003 meeting. There have been no substantive changes to the rule since that time. (For complete details, see General Exhibit No. 9077.) The Board approved R277-419, Pupil Accounting on third and final reading.

7. 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 were reviewed and approved:

R277-104	USOE ADA Complaint Procedures
R277-436	Gang Prevention and Intervention Programs in the Schools
R277-469	Instructional Materials Commission Operating Procedures

(For complete details, see General Exhibit No. 9078.)

8. Utah State Instructional Materials Commission Recommendations

On May 1, 2003, the Utah State Instructional Materials Commission recommended over 1,200 titles for recommendation from the attached printout. The Commission also recommended that the Board accept the bids received from the publishers and direct staff to award contracts to the publishers to furnish instructional materials to the schools of Utah. (For complete details, see General Exhibit No. 9079.)

The Board adopted the recommendations by the Utah State Instructional Materials Commission and directed staff to award contracts to the various publishers.

9. Monthly Budget Report

The Monthly Budget Report was provided as information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education and the Utah State Office of Rehabilitation. (For complete details, see General Exhibit No. 9080.)

10. List of Applicants for Licenses

A list of applicants for initial and renewal licenses was approved by the Board. (For complete details, see General Exhibit No. 9081.)

11. Claims Report

The Claims Report in the amount of \$166,173,360.92 for February 28, 2003 was approved. (For complete details, see General Exhibit No. 9082.)

Meeting adjourned at 3:05 p.m.