MINUTES

February 6, 2004

Minutes of the meeting of the State Board of Education held February 6, 2004, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 11:23 a.m. At the request of Chairman Kim R. Burningham, Member Teresa L. Theurer presided over the first portion of the meeting.

Members present were:

Chairman Kim R. Burningham
Vice Chairman, Janet A. Cannon
Member Dixie L. Allen
Member R. Michael Anderson
Member Linnea S. Barney
Member Tim Beagley
Member Laurel Brown
Member Edward A. Dalton
Member Greg W. Haws
Member David L. Moss
Member John C. Pingree
Member Jed H. Pitcher
Member Joyce W. Richards
Member Debra G. Roberts
Member Teresa L. Theurer

Member Sara V. Sinclair 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

Members of the Press:
Jennifer Toomer-Cook, Deseret Morning News
Mike Cronin, Salt Lake Tribune
Amy Stewart, Standard Examiner
Cheryl Phipps, Utah PTA
Donna Gleaves, The Arc of Utah/LCPD
Sue Carey, Utah PTA
Dave Hogue, Utah State House of Representatives
Larry Lew, Wells Fargo Bank
Mark Chapman, Wells Fargo Bank
Royce Van Tassell, Education Excellence Utah
Eric Strap, Riverside High School
Preston Cochran, Jumpstart

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

Board Member Joyce W. Richards offered the Reverence.

Board Secretary Twila B. Affleck recorded the minutes.

Member Theurer noted that Superintendent Laing and Chairman Burningham were still meeting with the federal representatives on No Child Left Behind. Vice Chairman Cannon is attending a family wedding.

Legislative Update

Associate Superintendent Ray Timothy noted the schedule of the special legislative meetings held each Friday from 10:00 a.m. - 11:15 a.m. He asked that they review the schedule and let him know if there should be any changes.

Dr. Timothy reviewed proposed legislation dealing with public education. (For complete details of the Legislative Tracking Sheet see General Exhibit No. 9242.)

HB 43, No Child Left Behind Opt Out

Dr. Timothy reviewed what action is being proposed or taken by other states relatives to the No Child Left Behind legislation. He also reported on a meeting with Senator Bennett and his staff relative to the legislation. He further noted that we do not know about future costs of the program.

Member Mike Anderson commented that he liked the course taken by the State Office of Education, and is not in favor of a total opt out.

No action was taken pending a report from Superintendent Laing and Chairman Burningham following their meeting with staff from the Federal Department of Education.

HB 271, Tuition Tax Credits

Dr. Timothy shared a letter Chairman Burningham and Superintendent Laing wrote to the *Salt Lake Tribune* which is scheduled to be printed on Sunday. (For complete details, see General Exhibit No.9243.)

Motion was made by Member David L. Moss and seconded by Member R. Michael Anderson to oppose HB 271, Tuition Tax Credits. Motion carried unanimously.

HB 152, Charter School Governance

Representative Marda Dillree presented a draft of the bill and reviewed the changes from the previous drafts. (For complete details, see General Exhibit No. 9244.)

Member John Pingree voiced concern that the bill is not necessary. Representative Dillree indicated that the charter schools feel the buck stops with the State Board and at times their voice is not heard or easily addressed because of the current process. There has been confusion on issues administratively. However, this is not negative on anyone’s part. It is of critical importance to the charters.

Member John Pingree further voiced a concern that the charter schools could choose where they go, either to the State Board or a local district. It defeats the issue of them trying to be associated locally. He felt there were advantages administratively. He felt this is not happening in as many cases and he would hope. Member Pingree further stated that with this new proposed board they would be set up subject to the same things the State Board is. He did not feel that charter schools are something the Board cannot handle.

Member Pingree also voiced a concern that he felt the legislation would exempt charter schools from a number of things that public schools are subject to. He felt the same exemptions should be put into the legislation for public schools.

Member Dave Moss voiced concerns about expertise or inexperience of the new staff taking over. Also, a concern of the objectivity of a charter board. Representative Dillree indicated that the legislation requires that the charter application be mailed to the local district prior to going before the charter board.

Member Linnea Barney voiced concern that with the proposal a public school would be overseen by an appointed board. She questioned what was seen for charter schools 25 years down the road? Member Barney commented that this appears to be set up for an elitist group.

Member Mike Anderson stated that he is opposed to a board approving charter schools outside of the elected State Board of Education. However, he is in support of having a board that would advocate the voice of the charter schools and make recommendations to the State Board.

Motion was made by Member Joyce W. Richards and seconded by Member Greg W. Haws that the Board take a position of hold for further study. Motion carried unanimously.

Member Theurer expressed appreciation to Representative Dillree for sharing the information on her draft legislation.

Public Participation/Comments

Larry J. Lew, President for the Salt Lake Division of Wells Fargo Bank presented a donation of $80,450 to Utah schools through its Team Up for our *Schools* program to Associate Superintendent Ray Timothy for the education system in Utah. Mr. Lew noted that last summer, Wells Fargo announced it would donate up to $30 to local school districts for qualified new accounts opened during the two-month *Team Up for our Schools* program. In Utah, the program raised $80,450.

Richard Stowell, Executive Director of the Utah School Boards Association presented a summary of the findings of Price Waterhouse Cooper Study on Tuition Tax Credits. (For complete details of the summary see General Exhibit No. 9245.)

Financial Literacy Course - Representative Dave. Hogue commended the Board on the progress that has been made toward the financial literacy course. He encouraged the Board to look at the course being presented today

and implement it. He indicated that those piloting the course are excited about the process. Representative Hogue expressed appreciation to the Board for all they have done in supporting the financial literacy movement.

Executive Session

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Tim Beagley to move into an executive session 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 during lunch beginning at 12:40 p.m.

Motion was made by Member Tim Beagley and seconded by Member Dixie L. Allen to reconvene into open meeting. Motion carried unanimously.

The Board reconvened at 1:30 p.m.

Member Teresa L. Theurer turned the gavel over to Vice Chairman Janet A. Cannon who presided over the remainder of the meeting.

Utah Professional Practices Advisory Commission Recommendation

Motion was made by Member David L. Moss and seconded by Member R. Michael Anderson to accept the Commissions recommendations and accept a stipulated agreement, including conditions of the agreement in Case No. 03-662, whereby a former teacher in Tooele School District, voluntarily surrenders his educator licence in lieu of a hearing for purposes of revocation for a period of 10 years from the date of formal action by the State Board of Education. Revocation results from the use of school district equipment to access and store pornographic stories involving children. Motion carried unanimously. (For complete details of the recommendations, see General Exhibit No. 9246)

Coalition of Minorities Advisory Committee (CMAC)

Motion was made by Member Joyce W. Richards and seconded by Member Tim Beagley to appoint Charles Henderson to the Coalition for Minorities Advisory Committee (CMAC), term to expire 12/31/06. Motion carried unanimously.

Utah Schools for the Deaf and the Blind Audit

Motion was made by Chairman Kim R. Burningham and seconded by Member Tim Beagley that the State Board of Education Audit Committee review the performance audit concerning the Utah Schools for the Deaf and the Blind; hold necessary hearings with Superintendent Robinson, USDB Institutional Council, Auditor General, and other concerned parties and bring a recommendation to the Board in March. Motion carried unanimously.

Riverside Charter School Application

Reconsideration

In the December 5, 2003 Board meeting, the Riverside Charter School application was denied. Those opposing the recommendation mainly expressed concern that it would be competing with NUAMES, a new century

high school already being developed in the Davis, Ogden, Weber area. Since that time many discussions have taken place between Riverside and NUAMES regarding the possibility of combining both proposals.

In the January 8, 2004 Board meeting, the Board voted to reconsider its decision to deny the Riverside application.

Member Joyce Richards reported that there was great hope that the two schools could get together and work out a resolution to become one school. However, this did not happen and since the application was in order she encouraged the Board to reconsider the application in a favorable light.

Member Greg Haws commented that there has been a lot of discussion in and out of Board meeting about this and many people have approached him relative to his changing his position on this issue. The decision in December was whether the two schools coming on at the same time would be able to attract the necessary students. He was not as concerned about affecting the NUAMES School as the viability of the Riverside School. Since that time there has been a lot of effort put forth. He indicated that he has strong feelings about this and has been disturbed about the process, but in talking with the people who are actually involved in the school he is convinced that the Riverside people are very committed to have a school to do what the application says it will. He is willing at this point to approve the application and he hopes they will be successful. He encourage the Board to approve the charter.

Member Laurel Brown, stated that as she has studied the application it is a very good application and looks like a beneficial concept to bring to that area. She voiced concern about the special education/remediation section of their application. She felt it was shortsighted to think that hiring a teacher as needed would take care of all the special education needs that may arise. They may need to be prepared to hire an entire individual education plan staff which would include more than just a teacher. Also, with regard to the ESL program it is admirable that they would like all teaching staff to become ESL certified. However, having that completed by all of the staff at the second year is a little bit ambitious, and she is not sure their finances included the costs of having the teachers take the courses to become ESL certified.

Member Brown stated that her constituency have told her they do not see the two schools succeeding in this area and it is not prudent to have the funds distributed.

Motion was made by Member Laurel Brown and seconded by Member David L. Moss to deny the charter school application for Riverside, and to reconsider it in one year.

Member Tim Beagley commented that he had a lot of compassion for the students in Ogden, especially the inner-city. They are dealing with a hostile environment for education. The inner-city schools are dealing with low property taxes, and every under represented group imaginable. He stated that it is astounding that every political battle we fight comes down to our school yards. Finally, after a considerable amount of effort he was able to get down to a closer level of what they were trying to do, and it occurs that the politicians who got involved in the process messed

things up. Member Beagley spoke against the motion because if we approve the application several hundred inner city kids will have the possibility of a better school.

Member Greg Haws encouraged the Board to vote against the motion. He indicated that he and Member Richards have spent a great deal of time meeting with these people and they have put a good faith effort into this. It came down to a difficulty on two issues, governance and facilities. They made it clear to both schools that if they could not come together that we would come to the Board and encourage approval of the Riverside Charter Application. He indicated that this is not a competition in a free market sense. The Riverside focus is primarily Ogden City, however, it is not limited to Ogden City. The NUAMES has a broader focus of Davis, Weber and Ogden School Districts. They are both confident that they will have the population they are seeking.

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

Motion was made by Member Greg W. Haws and seconded by Member R. Michael Anderson to approve Riverside Charter application as originally submitted.

Member Tim Beagley proposed an amendment to the motion that the Board approve charter school application with the stipulation that at the end of one year operation they report to the full Board on their progress. The amendment was not accepted by Member Haws. There was no second to the friendly amendment. It was explained that the charter school was required to report to the Board at the end of their first year of operation.

Member Teresa Theurer stated that she had voted against approving the application last month and in her interaction with people she represents she has not received anything asking her to vote in favor, therefore she will vote against it again.

Motion carried with Members Allen, Anderson, Barney, Beagley, Burningham, Haws, Pingree, Richards, and Roberts voting in favor; Members Brown, Dalton, Moss and Theurer voting against.

Legislative Update Cont.

HB 115 - Carson Smith Special Needs Scholarship

Karl Wilson, Director of Special Programs reviewed how this legislation would impact public education. Mr. Wilson indicated that there needs to be a clear understanding that if parents choose to leave the public school system and go to a private school the individual entitlement in terms of provision of a free appropriate public education based on the services those students need for their disability do no follow them into private school. There is no federal requirement that private schools provide those specialized services. There are some specialized schools that focus on one special need, but this proposal would make those funds available to follow students with disabilities into any private school, some of which are probably not prepared to provide all of the services that students with disabilities need.

Member John Pingree stated that he may have some conflict of interest in this, but it is not financial. The Carman B. Pingree School is one his wife has had an involvement in for many years, and his interest is that it serves children with autism. He indicated that this portends a problem in that if tuition tax credits or some kind of voucher are allowed to students with disabilities, it is much smaller jump to then take it to all private schools. He noted that he was not in favor of tuition tax credits or a voucher. However, he had raised a question in the meeting last Friday as to whether or not it would be possible for the Board through the rulemaking process whereby the funds could come from the local education agency. He indicated that if an IEP were completed on the student with a disability and the school district cannot provide the services they can contract with a private school and pass through the funds. One of the problems we face is that if it is left to the school districts, some will do it willingly and others will not. He felt the rule would make it consistent throughout the state. The rule would indicate that at the parents request and if the services are not available through the local school district then the child can be entered into a private school that meets the needs of the child. He felt this would take this legislation off the table, but meet the needs through rulemaking.

Member Laurel Brown commented that she did not think people realize the impact this will have financially. She did not feel that the legislature or the public understand the number of students who are publically educated who receive services under students with disabilities. Many children may go off to private schools with one issue, but will not receive all the services they need, and then there will be additional social costs.

Mr. Wilson indicated that if the legislation goes through as currently worded the special education funds from the state would be applied towards tuition but there is no requirement that they actually provide special education services for the child in the private school.

Superintendent Laing commented that special education service require a free and appropriate public education (FAPE), and if the local education agency in concert with the parents as they develop the IEP considers the best source for that free and appropriate public education at some another facility they could put the child there and contract for those services. He questioned if you could do that for a partial tuition?

Mr. Wilson responded that under the Individuals with Disabilities Education Act (IDEA) parents do have a choice whether to participate with public education or go to private education. The minute the student goes to private education by the choice of the parent those rights are forfeited. If in the process of the IEP team making decision about what services need to be provided it is decided that the school district cannot provide those services, then they can look at contracting services, either through an individual provider or with a private school. However, under that arrangement the public school is still required to provide a free and appropriate public education, because they are the ones in charge of the IEP process.

Member Tim Beagley expressed concern with economics.

Member Pingree indicated that this is an attempt to deal with this and his concern is not to open the door to

vouchers or tuition tax credits.

Motion was made by Chairman Kim R. Burningham that the Board take a position of opposition on HB 115 and to instruct staff to prepare the rule Member Pingree suggests and assign it to the appropriate committee to be discussed at our next Board Meeting.

Member Pingree suggested that the rule be prepared quickly so Representative Philpot and the other supporters could see it and it may possibly respond to their concerns.

Chairman Burningham changed his motion that a draft be ready for the Board to review at its legislative meeting on February 13, 2004.

Mr. Wilson questioned if the Board was in favor of going beyond the federal requirements in terms of parental choice. Currently under state board rule and federal regulations school districts are not required to provide funding to families choosing to go to private schools.

Superintendent Laing noted that the biggest obstacle comes in the fact of determining what is meant by free and appropriate public education. If the parent wants the specialized program but the district says that is the comprehensive program but we can provide a minimum, then as he understands the federal guidelines you don't have to provide the more comprehensive if the minimum free and appropriate education. If the district concedes they can't provide FAEP, then they are on the hook to pay for the other program. But if they say we can provide it and a person wants to go, then we have the situation of contention that is created. He indicated that it already exists potentially, is the Board asking for a rule that minimizes the contention.

Member Pingree clarified that some district are clear in not being able to provide services for an autistic child and another district indicates they can and they try. The process should pull fairly evenly for what is an appropriate model. He felt that the Board should make it clear that its issue is that we want that offered and not be stonewalled.

Chairman Burninghams motion was seconded by Member John C. Pingree. To Oppose HB 115, and ask that a rule be prepared for our next legislative meeting on February 13 as a possible way of addressing this issue. Motion carried unanimously.

SB 185, HB 84, and HB 223 Selection Process for Membership on the State Board of Education.

Superintendent Laing provided a brief explanation of each of the bills.

Motion was made by Member Teresa L. Theurer and seconded by Member John C. Pingree to support HB 223 and oppose SB 185 and HB 84.

Chairman Burningham asked for division of the motion.

Vice Chairman Janet Cannon commented that when we discussed these last Friday it seemed that HB 84 and HB 223 each do something that we are all pretty much in favor of. That is, it looks at representatives within each

state board districts that are in charge of nominations. HB 185 has one statewide committee, and all of us are generally opposed to that. She spoke in favor of Karen Morgan's bill, HB 223, but being realistic she is a Democrat, and a very fine representative, but she did not think the bill will see the light of day. She would like to see the Board support in concept HB 84 and HB 223 and oppose SB 185.

Associate Superintendent Ray Timothy reported that both HB 84 and HB 223 passed favorably out of committee.

Chairman Burningham stated that it was his feeling that Representative Morgans bill will pass the House because they like the local idea. However, it may get held in the Senate because they would prefer to pass SB 185.

Motion to oppose SB 185 carried unanimously.

Motion to oppose HB 84 carried with Members Allen, Anderson, Barney, Beagley, Brown, Dalton, Haws, Moss, Pingree, Richards and Theurer voting in favor; Members Burningham, Cannon and Roberts opposed.

Motion to support HB 223 carried unanimously.

Motion was made by Member John C. Pingree and seconded by Member Laurel Brown to oppose HB 43, No Child Left Behind Opt Out.

Superintendent Laing reported on the meeting held earlier in the day with Representative Dayton, Counsel to the Secretary of Education, Deputy Director of the office of Intergovernmental Affairs and Inner-Agency Relations from the White House. Under Secretary for Intergovernmental Relations from the Department of Education, the Deputy Secretary's regional representative and staff personnel. They did hand deliver a letter as an official response to our request for clarification on what happens if you opt out and the impact on funding. It is largely as we expected if you opt out you loose money. There are some opportunities to be out of one part, and still participate in other parts. The biggest concern centers around Title I. If you opt out of Title I, you may still get money in some of the other areas, but you loose the biggest portion of it. If you take money into the state, suppose a district or charter school wants to opt out of Title 1 or any other part of it, and the state takes any of the title monies, we have to report AYP for their schools and they have to do the assessment.

This answer will be of great interest in every other state in the nation.

Beyond that there was a very good and informed discussion about elements of No Child Left Behind and the accountability and assessment procedures that are necessary. Mr. Tomales, Counsel for the Secretary, did all of the responding and indicated he would be taking some of the feedback we were giving back to Washington for future consideration, but as far as conceding on any points, there was not concession and the legislation stands as it is.

Superintendent Laing commented that the message has been sent and he was supportive of Rep. Dayton bringing forth the legislation for that purpose, but he had told her all the way along that he did not feel we could ever go as far as to jeopardize the funding that is targeted toward our most needy students. He would favor a position of

opposition because we have made the message and received as much clarification as we can get.

Member John Pingree questioned if it would it be possible to suggest or take the position that U-PASS does answer most of the requirements and that is what we will use rather than the criteria the federal government is imposing.

Superintendent Laing responded that the assessment we impose under U-PASS certainly positions us to participate in No Child Left Behind, and in fact one of our greatest concerns about NCLB is we have the standards and assessments, but we are forced to put them through a paradigm that is very specific. These are the issues we raised and received no concession on.

Chairman Burningham noted that in the three hour meeting nearly two hours of that time was spent in Mr. Tomales responding to Superintendent Laing and Associate Superintendent Harrington. Chairman Burningham commended them for their excellent representation.

Motion carried unanimously.

Motion was made by Member John C. Pingree and seconded by Member Laurel Brown to adopt a position of support on HB 45, Individual Income Tax Amendments for Education Funding. Motion carried unanimously.

Motion was made by Member Debra G. Roberts and seconded by Member David L. Moss to adopt a position of support on HB 100.

Member Greg Haws spoke against the motion indicating that this would be more professional development at the expense of instruction.

Member Roberts that with the Board's support of competency rather than seat time this would be an option.

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

Motion was made by Member Laurel Brown a Board to adopt a position of hold for further study on HB 100. There being no second motion died.

Motion was made by Member Laurel Brown and seconded by Member Linnea S. Barney that the Board adopt a position of no position on HB 100. Motion failed with Members Anderson, Barney, Beagley, Brown, Dalton, Haws and Moss voting in favor; Members Allen, Burningham, Pingree, Richards, Roberts and Theurer voting against.

Member John Pingree suggested that other legislative items that the Board has not taken a position on that staff make recommendations for next Friday's meeting.

Board Standing Committee Reports

Finance Committee

At the request of Member Mike Anderson, Member Jed Pitcher of the Finance Committee presented the following recommendations from the Committee

Plan a Meeting with the State Treasurer
with regard to the Permanent School Trust Fund

The Committee would like to get quarterly reports on the earnings of the Permanent Trust Fund and learn how the fund is being managed, i.e. asset association and rates of return. Staff will arrange for the meeting to be held at Ed Alter's office and will notify committee members of the date and time.

Funding Proposal for Public Education

Mr. Kent Michie of Zions Bank proposed a statewide goal to reduce class size through a fund raining campaign for the Permanent School Trust Fund. This major gift-giving program would ask Utahns to place the Permanent School Trust Fund into their wills and trusts. Small tax deductible donations from all Utahns would also be solicited every four years. "First you earn, then you learn, then you return." (For complete details of his proposal, see General Exhibit No. 9247.)

Staff will create a resolution to support the plan that was suggested by Mr. Michie. The resolution should include different ways of raining funds; ie., tax checkoff or appropriation. The resolution should also address the issue of supplanting.

School District and Charter School
Vending Machine Profits Report

Staff reviewed school district and charter school vending machine profits for Fiscal Year 2002-03 as requested by the finance committee after hearing a presentation from the Child Nutrition Programs last month. It was noted that the data was obtained through a survey completed by school district and charter school business administrators. (For complete details, see General Exhibit No. 9248.) It was further noted that vending machine profits make up a very small portion of a school's overall budget and are mostly used for discretionary items. The Committee accepted the report and requested that the information be provided to the legislature.

Survey of Schools Regarding
Length of Lunch Periods

The Committee received a report regarding the issue of adequate lunch periods in schools which included a report showing how much time is currently allocated in Utah schools. The Child Nutrition Programs have surveyed the schools to document how many lunch periods are scheduled, the length of each lunch period, the number of points of sale, the seating capacity of the cafeteria and whether or not eating is restricted to the cafeteria. It was noted that deciding how long the lunch period should be is a school-by-school undertaking because several factors play into it. The variable that need to be considered are: enrollment, cafeteria capacity, number of periods per day, number of points of sale, availability of additional dining areas, type of food and service (affects length of time to serve each student), age of the students, length of time it takes to get to the cafeteria from the classrooms and return, and other miscellaneous considerations. (For complete details of the report, see General Exhibit No. 9249.)

Staff will develop a resolution urging schools to review their policies to provide adequate time and facilities to allow students sufficient time to eat lunch by possibly moving from two lunch periods to three. Further, Mark Peterson, PR Director, will prepare a media release (separate from the normal Board Summary) to raise public awareness. These two items will be discussed at next month's committee meeting.

Annual RDA Report

The Committee received an annual report on RDA activity and its impact on school funding from Larry Newton its Taxing Entity Committee representative. (For complete details, see General Exhibit No. 9250.) The Committee adopted the report.

The Finance Committee also passed a motion that staff report to the Board on the financial impact of any legislation dealing with education.

Board Goal Objectives

The Committee reviewed Goal Objectives developed by individual committee members and submitted them to the Board Leadership Committee for review.

Curriculum and Instruction Committee

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

General Financial Literacy Core Curriculum

The General Financial Literacy Core Curriculum was developed through a process that occurred from June through December 2003. The curriculum was developed under the direction of a steering committee, an advisory committee, and subject-level writing committees. These committees consisted of teachers, parents, district curriculum coordinators, and representatives from business, financial institutions, and government entities. The General Financial Literacy Core Curriculum standards, objectives, and indicators provide a comprehensive guide to teachers, students, parents, administrators, and the public and identify the essential concepts students need to master. Ten schools are currently participating in a pilot of this new curriculum. These pilots have all been stand alone courses.

The four standards of the General Financial Literacy Core Curriculum are: (1) students will understand sources of income and the relationship between income and career preparation; (2) students will understand principles of money management; (3) students will understand savings, investing, and retirement planning, and (4) students will use a rational decision-making process to set and implement financial goals. (For complete details, see General Exhibit No. 9251.)

The Committee suggested that Standard four be moved to Standard one.

The Committee moved that the Board authorize staff to gather public comment on the General Financial Literacy Core Curriculum. Further after review and comment in public hearings, that the new General Financial

Literacy Core Curriculum be presented to the Board in June for approval. Motion carried unanimously.

Member Theurer introduced Preston Cockran and Mike Perry from Jump Start. Mr. Cockran, Chair-elect for the Jump Start Coalition in Utah thanked the Board for supporting the Financial Literacy course. He indicated that both he and Mr. Perry were involved in the curriculum development committee and they feel very strongly about the course. They feel this is a very bold movement not only on the part of the Board but for getting it into the schools.

Motion from the Committee that the Board authorize the Financial Literacy Course be put out for public comment. Motion carried unanimously.

Instructional Materials Commission Operating Procedures, R277-469 Amendments, and Political Stance on Proposed Changes to Legislation

Under S.B. 154 schools and districts are allowed to select and purchase instructional materials that have not been reviewed and approved by the Utah State Instructional Materials Commission. In a time of increased accentuation on standards, competencies, and research-based instruction, it is the Commission's opinion that the Utah Legislature needs assurances that appropriate materials are being purchased with limited state funds. The Commission also believes that students and parents deserve similar assurances.

The amendments to R277-469, Instructional Materials Commission Operating Procedures, align review criteria more closely with state U-PASS, federal NCLB legislation, and S.B. 154 requirements. Recommendations include increased emphasis on the selection of high quality, research-based and effective instructional materials and a focus narrowed to the review of materials related to Core requirements and basic skills including reading, language arts, mathematics through geometry, science, in grades 4-12, and effectiveness of written expression, as defined in Section 53A-1-602. (For complete details of the amended rule, see General Exhibit No. 9252.)

The Commission further recommended that the Board take an active political stance to change existing legislation to reflect the value of the work of the Commission and require schools/districts to purchase materials recommended by the Commission.

The Committee approved the amendments to R277-469, Instructional Materials Commission Operating Procedures on first reading and moves that the Board approve R277-469 on second reading. Motion carried unanimously.

The Committee also requested that a Resolution of Appreciation be prepared for the Instructional Materials Commission for what they are doing with regard to No Child Left Behind and U-PASS.

Performance Plus Middle School Performance Expectations Task Force Report

The details of Performance Plus continue to be added to the plan through task forces comprised of educators, parents, business, and community members from throughout Utah. The Middle School Performance

Expectations Task Force's charge was to develop a competency-measured system of public education that increases student accountability for mastery prior to entering high school. (For complete details of the report, see General Exhibit No. 9253.)

The Committee received the report and will hold the information for later action following the completion of all Performance Plus task force work.

Board Goal Objectives

The Committee reviewed Goal Objectives developed by individual committee members and submitted them to the Board Leadership Committee for review.

Law and Policy Committee

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

Vocational-Technical Certificates, R277-518

R277-518, Vocational-Technical Certificates, is amended to make the rule consistent with current law and other administrative rules.

Changes to Section 53A-6 of the Utah code provided the means for upgrading the Vocational-Technical certificates to licenses. The following are the proposed changes:

- Rule title is changed from Vocational-Technical Certificates to Applied Technology Education (ATE) Licenses to reflect current terminology.
- R277-518 is no longer valid, and needs to be amended to be consistent with current licensing practices.
- Clarifications have been made in the definitions for license areas of concentration.
- Amendments provide for better qualified educators.
- Amendments provide for an alternative to secondary licensing for ATE teachers (Section 53A-6-107).
- Amendments incorporate Level 1, 2 and 3 licensing as established by R277-502 for ATE.

(For complete details of the amended rule, see General Exhibit No. 9254.)

The Law and Policy Committee approved the amendments to R277-518, Vocational-Technical Certificates on first reading and moves that the Board approve the amendments to the rule on second reading. Motion carried unanimously.

Approval of Teacher Preparation Programs

In the September 3, 2003 Board meeting, approval was given to three proposed teacher preparation programs sponsored by Western Governors University. The program approval process was viewed by many to be overly long, cumbersome, and contentious.

In October, the Utah State Office of Education and Utah State Board of Regents executive leadership

assigned the Educator Development Advisory Committee (EDAC) to "consider a process of approving programs for training teachers that would be less cumbersome, less consuming of scarce human resources, and less contentious than was the (previous) experience."

A Teacher Preparation Task Force was formed, with representative members of EDAC. A progress report was given to the Committee updating them on where the task force is in developing a final recommendation for the Board. (For complete details, see General Exhibit No. 9255.)

Member Moss noted that discussions on this issue have also taken place with representatives from NCATE and TEAC as the task force looks at possible revisions to the process.

The Committee received the progress report.

Eligibility Rule Changes for High School Athletics

In the January 8, 2004 Board meeting, Todd Cusick presented information on a proposal for eligibility rule changes for high school athletics. Board discussion indicated that this should be referred to the Law & Policy Committee.

The Committee reviewed Board Rule R277-437-4 and HB 98 which did not get out of committee and would have required a stronger sanction on students moving into a school not in their resident area for consideration of athletic participation within one year. (For complete details of R277-437 see General Exhibit No. 9256.) The Committee had representation from both sides of this issue present information.

The Committee decided they would form a representative task force to sort out all of the consideration and ramifications of the changes to the rule. The task for would consist of representatives from the State Board, USOE staff, UHAA, a superintendent representing both urban and rural areas, high school principal and legislative counsel. This will not go away and we need to get this issue addressed. Once we know what Representative Hardy's bill does, will determine the direction of the task force.

Member Teresa Theurer commented that the Board needed to take action on the total issue of choice and not just athletics. She felt that the task force should study open enrollment and school choice.

Member Ed Dalton suggested that someone from the Utah High School Activities Association make a report to the Board of their activities.

Member Theurer suggested that a member of the State Board serve on the Utah High School Activities Association.

Motion was made by Member Teresa L. Theurer and seconded by Chairman Kim R. Burningham that a member of the State Board serve on the Utah High School Athletics Association board. Motion carried with Members Allen, Anderson, Barney, Beagley, Brown, Burningham, Dalton, Haws, Moss, Pingree, Richards and Theurer voting in

favor; Member Roberts absent.

Motion was made by Member Edward A. Dalton and seconded by Member R. Michael Anderson to elect Teresa Theurer to serve on the Utah High School Athletics Association by Acclamation. Motion carried with Members Allen, Anderson, Barney, Beagley, Brown, Burningham, Dalton, Haws, Moss, Pingree, Richards and Theurer voting in favor; Member Roberts absent.

Board Goal Objectives

The Committee reviewed Goal Objectives developed by individual committee members and submitted them to the Board Leadership Committee for review.

End of Committee Reports

General Consent Calendar

Motion was made by Member Teresa L. Theurer and seconded by Member Tim Beagley to approve the General Consent Calendar as presented. Motion carried with Members Allen, Anderson, Barney, Beagley, Brown, Burningham, Dalton, Haws, Moss, Pingree, Richards and Theurer voting in favor; Member Roberts absent.

1. Minutes of Previous Meeting

   Minutes of the Meeting of the State Board of Education held January 8, 2004.

2. Educator Licensing Requests for Temporary Authorizations

   Requests for Temporary Authorizations as submitted by the Schools Districts. (For complete details, see General Exhibit No. 9257.)

3. Contracts

   (a) Department of Workforce Services. $61,056.44. 11/1-03-11/31/04. RECEIVABLE - Fed.

   Provide an onsite Benefit Specialist to the Department's Central Region. This person will provide information on the employment impacts for customers receiving disabled Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI).

   (b) Department of Workforce Services. $26,000. 11/1/03-11/31/04 - Amend. - Fed.

   Support to complete the collection of data on Choose to Work customers as the program concludes.

   (For complete details of the Contracts see General Exhibit No. 9258.)

4. Electronic High School, R277-725

   Rule R277-725, Electronic High School, is to satisfy statutory language, Section 53A-17a-131.25, that requires the Board to provide a rule for distribution of funds for the electronic high school program. The rule also provides procedures for determining courses and credit, student eligibility for enrollment, services for students with disabilities, student fees or tuition, and teacher requirements and payments. The Board approved R277-725 Electronic High School on second reading at the January 8, 2004

meeting. There have been no substantive changes to the rule since that time. The Board approved R277-725, Electronic High School on third and final reading. (For complete details, see General Exhibit No. 9259.)

5. Board Procedures: Sanctions for Educator Misconduct, R277-514

Rule R277-514, Board Procedures: Sanctions for Educator Misconduct is being amended to eliminate provisions about the Licensure Committee and make the rule consistent with current practice, i.e. the whole Board receiving recommendations from the Utah Professional Practices Commission and taking action. The Board approved R277-514, Board Procedures: Sanctions for Educator Misconduct on second reading at the January 8, 2004 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-514, Board Procedures: Sanctions for Educator Misconduct on third and final reading. (For complete details see General Exhibit No. 9260.)

6. Distribution of Funds to Arts and Sciences Organizations, R277-444

S.B. 1, passed by the 2003 Legislature, provided an appropriation to the Utah State Office of Education to distribute funds to two (an art and a science) organizations which are identified as "RFP organizations" within the legislation.

Based on the Legislation, amendments to R277-444, Distribution of Funds to Arts and Sciences Organizations have been made and the Board approved R277-444, Distribution of Funds to Arts and Sciences Organizations on second reading at the January 8, 2004 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-444, Distribution of Funds to Arts and Sciences Organizations on third and final reading. (For complete details see General Exhibit No.9261.)

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. It is recommended that the following rules were reviewed and approved:

R277-102	Adjudicative Proceedings
R277-413	Accreditation of Secondary Schools, Alternative or Special Purpose Schools
R277-425	Budgeting, Accounting, and Auditing for Utah School Districts
R277-601	Standards for Utah school Buses and Operations
R277-712	Advanced Placement Programs
R277-734	Standards and Procedures for Adult Education Section 353 Funds

(For complete details, see General Exhibit No. 9262.)

8. Monthly Budget Report

The Monthly Budget Reports provide information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. (For complete details of the reports see General Exhibit No. 9263.)

9. Ratification of Employment

Pat Beckman was ratified as an Educational Specialist, Student Achievement and School Success Services Division.

Rebecca Anderson be ratified as an Educational Specialist in the Law, Legislation, & Educational Services Division.

10. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses was approved by the Board. (For complete details see General Exhibit No. 9264.)

11. Claims Report

The Claims Report in the amount of $184,289,989.31 for January 30, 2004 was approved by the Board. (For complete details see General Exhibit No. 9265.)

Executive Officer Report

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

Informed the Board that there will be a Symposium sponsored by the Woodrow Wilson/Oquirrah Institute at the Grand America Hotel on Saturday, February 7 beginning at 9:00 a.m. and Mr. Tomales, Counsel to the Secretary of Education will be there to discuss No Child Left Behind.

Representative LaVar Christensen's bill dealing with civics and character education is having a difficult time getting out of committee. The latest version will probably pass because it is a statement of content and goal. He is quite interested in pursuing something more aggressive around the notion of making the required class he added about two years ago on American Government and Civics a full year rather than half-year class. Dr. Laing indicated to Representative Christensen that he did not think the full year would be something the Board would support. There was no sense of the Board to go to a full year, but suggested it be left to the local board.

Dr. Laing reported on attending the Appropriations Committee meeting on January 29 and in that meeting half was devoted to joint meeting of Higher Education and Public Education Appropriations Committees. They discussed a bill or concerns common to both. As that discussion went on it became very clear that they are very concerned about remediation and the cost of remediation for students coming into the system of higher education without the proper preparation or skills. They still have yet to differentiate around when the students get in. They count their first entries anywhere from 18 to 22 years of age. We still don't have a real good handle on how much remediation is required for students who transition directly from high school to higher education. However, the institutions of higher education looking at increasing their requirements. He pointed out the forward thinking of the Board in looking at differentiating around diplomas. It is clear that the consumers on the other side are anxious to see something they think more evidences a student has made the choices to prepare themselves for college.

Board Chairman Report

Chairman Burningham reminded the Board that nominations for NASBE Leadership must be in within the

next month. He did not feel that the Board should nominate anyone for a leadership position at this time since both he and Janet Cannon are currently serving in that capacity.

Also, nominations for Distinguished Service and Friends of Education are due March 30, 2004.

Chairman Burningham suggested and moved that the Board prepare a nomination for Linnea Barney for the Distinguished Service Award. Motion was seconded by Member John C. Pingree. Motion carried with Members Allen, Anderson, Barney, Beagley, Brown, Burningham, Dalton, Haws, Moss, Pingree, Richards, and Theurer voting in favor; Member Roberts absent.

Chairman Burningham noted that there is a conflict in the date for the June meeting with the Board of Regents meetings. He suggested moving the June 4th meeting to Tuesday, June 1st. There was no opposition, therefore the meeting date was changed to June 1st.

Chairman Burningham noted that In April, we are scheduled for our regular meeting on April 2nd. On April 1st we are planning for a continuation of our strategic planning efforts..

Chairman Burningham announced that a new board member has been appointed by the Governor, but not yet confirmed by the Senate. Gary C. Swensen was appointed, and will be sworn in at our March meeting. He indicated that after talking with him we will find him to be an excellent Board member.

Chairman Burningham expressed appreciation to several members of the Board who met with Republican Leadership, Democratic Leadership and the Governor. Chairman Burningham reminded the Board that he had encouraged all to be advocates and participate in Governor Walker's reading program.

Member Greg Haws reported on reading with his grandchildren. He set up a weekly event with his grandchildren. He indicated that they had a slight struggle finding a book they are interested in and what I would like to read to them. They enjoy it so much and are so interested that if he doesn't go he gets into trouble.

Vice Chairman Janet Cannon reminded the Board of the legislative meeting next Friday beginning at 10:00 a.m.

Motion was made by Member Teresa L. Theurer and seconded by Member Laurel Brown to adjourn.

Meeting adjourned at 3:50 p.m.