

## MINUTES

January 9, 2003

Minutes of the meeting of the State Board of Education held January 9, 2003, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:40 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 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:

Jennifer Toomer Cook, Deseret News

Ronnie Lynn, Salt Lake Tribune

Lisa Roskelley, Standard Examiner

Jim Eldredge, Utah Education Association

Lori McDonald, Soldier Hollow Charter School

Cheryl Phipps, Utah PTA

Clay Christensen, Mountainland ATC

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

Carrie Jean Jones, Milken Educator, Emery School District

Linda Morgan, Milken Educator, Granite School District

Jenny Dopp, McDougal Ladle Publisher

Pat Bown, Granite School District

Rosemarie Smith, Provo School District

Mark Tanner, Citizen

Nanette Tanner, Citizen

Kirk Sitterud, Superintendent, Emery School District

Lisa Jamison, Citizen

Monica Keele, Citizen

Zan Burningham, Weber School District

LaRayne Brown, Beaver School District

Joyce Guenon, Citizen

Bonnie Morgan, former Associate Superintendent, Utah State Office of Education

Janet Canyon, Salt Lake City School District

Gloria Thompson, Duchesne School District

Sandra Capitan, Navajo Nation

Kalvin White, Navajo Nation

Karen Duffy, WWB Tech, Brigham City

Forest S. Cuch, Director of Indian Affairs, State of Utah

Jackie Gallegos, Tooele School District

Rae Garcia, Tooele School District

Charlene Lui, Granite School District

Kari Cutler, Utah Federation for Youth/Utah Family Center

Bruce G. Parry, Northwestern Bank of Shoshoni

Utah State Office of Education staff:

Vicky Dahn, Instructional Services

Mary Beth Clark, Instructional Services

Nan Gray, Instructional Services

Susan Loving, Instructional Services

Cheralyn Creer, Instructional Services

Jan Tyler, Instructional Services

Carl Jensen, Instructional Services

Barbara Engen, Instructional Services

Karl Wilson, Instructional Services

Board Member Sara Sinclair lead the Board in the Pledge of Allegiance.

Board Chairman Kim R. Burningham offered the reverence.

Twila B. Affleck recorded the minutes.

Installation of New Board Members

Vice Chairman Janet A. Cannon introduced William T. Evans, Assistant Attorney General, Education Division Chief who issued the Oath of Office to the newly elected and re-elected Board Members: Dixie Lee Allen, Tim Beagley, Laurel Brown, Kim R. Burningham, Edward A. Dalton, Denis R. Morrill, and Debra G. Roberts.

Vice Chairman Cannon distributed a thought relative to "The Millennial Generation."

The Board recessed to committee meetings at 8:55 a.m.

The Board reconvened at 11:15 a.m.

Graduation Requirements Ad

Hoc Committee Report

Member Teresa Theurer, Chairman of the Graduation Requirements Ad Hoc Committee expressed appreciation to the other members of the Board who participated on the committee. She also expressed appreciation to Superintendent Laing for coalescing the information from the committee.

Member Theurer presented the committee's preliminary recommendations to the Board. (For complete details, see General Exhibit No. 8966.) The recommendations included:

(A) Establishing exit competencies to be completed/demonstrated during the last two years of high school. The competencies could be tied to those standards and objectives included in: (1) Intermediate Algebra (Math), (2) Language Arts-Eleventh Grade (English/Communications), (3) United States Government and Citizenship (Social Studies), and (4) Biology, Chemistry, or Physics (Science).

(B) Maintaining the other 14.5 units as required curriculum to provide students with learning experiences that will prepare them for the culminating demonstration of the exit competencies. Students must have successfully demonstrated competencies in each of the areas of the required curriculum to be eligible to attempt the exit competencies.

(C) A diploma would be awarded to those accumulating 18 graduation units by demonstrating the exit competencies (3.5) and showing successful experience in each of the following curriculum areas to the amount indicated: Language Arts (2); Math (1); Science (1); Social Studies (2); Fine Arts (1.5); Health (.5); Physical Fitness (1.5); Informational Technology (.5); Applied Technology Education (1.0); Personal Finance and Economics (.5), and electives (3) in an area of focus selected by the student and parent/guardian. All graduation unit requirements should be approved through a legitimate SEOP.

(D) Accept proposals from school districts wishing to pilot a new method of determining weighted pupil unit funding.

(E) The curriculum for the middle school years would need to be reviewed to enable alignment and proper preparation for the high school experience.

A time line for further action was also presented and reviewed which would begin on January 10, 2003 with dissemination of the proposal to all education groups, the Governor's office, and the Legislature. Following that, town meetings would be held for discussion of the proposal by citizens.

Member Pamela Atkinson commented that in addition to the parent or guardian, that counselors need to play a big part of the planning for students to accomplish their areas of focus.

Chairman Burningham commented that the proposal gives high standards that will expect students to reach, but it also has flexibility. The report is a part of the process, and will take some time for implementation.

Member Tim Beagley questioned if reform at the level of graduation requirements stand alone and be independent rather than reform all through the process? Member Laurel Brown responded that the committee discussed at length the

impact these proposed changes would have on students in the lower grades. There is not an exact time line for implementation, but she did not see us entering into this unless we were prepared to have the teachers and curriculum all aligned by the fourth or fifth grade.

Member Sara Sinclair suggested that for the town meetings the document be modified to show what is required now and how the proposed requirements will change and make a difference and affect the child.

Member Mike Anderson suggested that the public relations department prepare notification to public newspapers prior to the town/public meetings.

Member Sara Sinclair questioned the cost to implement the proposal. Superintendent Laing responded that it could be done in any of the schools now with existing resources. It has the potential to drive a reconfiguration or emphasis on what courses are taught, focusing more on those that will enable students to demonstrate the preparatory or exit competencies. It may have an impact on the number of electives, but as far as resources, it could be done on any of the existing schedules schools are currently on.

Member Teresa Theurer noted that there would be a cost at the State Office to develop the competencies and rubrics for the different subjects. Superintendent Laing further noted that we will be using the end of level CRTs we already have in the subject areas of math, reading, language arts and science. We will need to develop one for intermediate algebra, and go through a rigorous process of determining rubrics for the demonstration of competency for the subjects for which there is not a test.

Motion was made by Chairman Kim R. Burningham and seconded by Member David L. Moss to accept the report of the Ad Hoc Committee, and urge widespread distribution, first to government and education leaders and then culminating with the public. Motion carried unanimously.

#### Recognitions

##### **Milken Educator Awards**

Vice Chairman Janet Cannon provided information relative to the Milken National Educator Awards, how it was started by the Milken Foundation and the requirements for an educator to be chosen. This year two educators from Utah were recognized in the elementary area. Each awardee will receive \$25,000 to be used unrestricted. The two educators from Utah will participate in the Annual Milken Family Foundation National Education Conference in April where they will receive their \$25,000.

Member Dixie Allen recognized Milken National Educator Award winner Carrie Jean Jones of Castle Dale Elementary School in the Emery School District.

Ms. Jones expressed appreciation to her district and the State of Utah for their teaching program and the opportunity to participate.

Vice Chairman Janet Cannon recognized Milken National Educator Award winner Linda Morgan of Cottonwood Elementary School in the Granite School District.

Ms. Morgan expressed appreciation for the recognition and the opportunity to be able to do some of the more creative and innovative things with her students.

#### Public Participation/Comments

There were no comments.

#### Executive Session

Motion was made by Member Laurel Brown and seconded by Member Denis R. Morrill to move into an executive

session during lunch for the purpose of discussing personnel and litigation issues.

The Board was polled and by unanimous consent of those present, the Board moved into an executive session during lunch beginning at 12:38 p.m.

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

The Board reconvened at 1:00 p.m.

### Board Chairman Report

Chairman Burningham reported on the following items of information:

Chairman Burningham noted that on a quarterly basis the Board has had meetings with the Governor, and Democratic and Republican leadership. The following meetings have been established: January 10, 2003, 3:00 p.m. the Graduation Ad Hoc Committee will meet with the governor. Member Theurer will present the proposal presented earlier in the meeting. The Governor will talk about a pilot he will suggest in his State of the State address. January 15, 2003, 9:00 a.m. meeting with Senate and House Republican Leadership. We will again be discussing the graduation requirement issue. Members who indicated they would be able to attend: Cannon, Theurer, Atkinson, Dalton and Pingree.

Chairman Burningham indicated that we may also be adding a meeting with Democratic leadership around the same time.

Chairman Burningham indicated that he has made a suggestion of the possibility of inviting other people to serve on the Board. He felt that the addition of the two members from the Board of Regents has been positive experience and hoped that possibly the addition of two members of the legislators and a representative from the Governor's Office would be as well. If the Board would like to pursue this, he suggested that the Law and Policy Committee make it an agenda item for their next meeting.

Member Linnea Barney suggested that the Board also consider a student member on the Board. Member Morrill noted that the Board had discussed this in the past and determined it may be logistically unfeasible.

Discussion ensued relative to the appointment of a student member and whether or not a student would be a valuable asset since the Board considers more policy decisions that effects districts rather than students. Also the process for choosing a representative could be a challenge.

Superintendent Laing noted that the Board not too long ago had actually had the law amended to eliminate the student member because of logistics and difficulty in choosing someone from around the state, justifying the time out of school, etc.

Discussion ensued relative to whether or not the suggestion of additional members of the Board could be voting members. It was clarified that this was a Constitutional issue and only those elected to the Board could be voting members.

Legislation by Representatives Jones - Two bills are being prepared and sponsored by Representative Jones to provide for additional resources for public education. This has been to our Finance Committee on two separate occasions. He suggested that the Board may want to give these bills more prodding or not. Representative Jones has contacted him and she feels that at this juncture if support does not begin to mobilize she will not succeed. One bill will change the tax laws, and the other would take the money to appropriate it to public education, medical needs, and higher education.

Superintendent Laing clarified that HB 185 will appropriate \$80 million to the State Board for the intervention for student success block grant program. The other bill that would generate the money would remove the deduction for dependents. This is a more general concept than was presented to the Finance Committee earlier. The concept is to

eliminate the deduction for dependents, which would generate substantial amounts of money for the state.

Superintendent Laing indicated he would be reticent to do that were it not for the fact that changing federal income tax laws are already increasing the deduction available for dependents. In a practical sense for people in Utah, this could be a transparent change - the state tax goes up but the federal tax goes down, and consequently we could generate more money for public schools.

Member Denis Morrill spoke in favor of the idea, but he feared that the one bill would pass and the other would not.

Member Laurel Brown voiced concern about removing a deduction for children who will never be able to become independent, such as disabled child living at home through adult years.

Member Tim Beagley voiced concern with the Board putting its name on something that may not have much popular support.

Member John Pingree spoke in support of the concept indicating that the bigger problem is the needs of education in the state and this would be proactive. In terms of taxes it becomes a neutral affect.

Chairman Burningham commented that his support comes from the concept that we are seeing real cuts now and the possibility of more in the future. This is one that stands a good chance.

Member Denis Morrill moved for a straw vote, not binding until the Board has had an opportunity to review the actual legislation, to support Representative Jones' legislation in concept. Motion carried with Members Allen, Beagley, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Roberts, and Theurer voting in favor; Members Anderson, Barney and Richards opposed.

Member Mike Anderson commented that he was opposed because this would be supporting one source of money to the general fund. If that deduction is removed it puts the burden on everyone in the state and shifts the tax liabilities significantly.

Member Linnea Barney commented that she was opposed because parents who have students in their home are already paying a head tax in terms of school fees.

Executive Session Actions

### **Division of Services for the Deaf and Hard of Hearing Advisory Council**

Motion was made by Member Linnea S. Barney and seconded by Member Laurel Brown to appoint Todd Child to serve on the Division of Services for the Deaf and Hard of Hearing Advisory Council. Term to expire June 2005. Motion carried unanimously.

### **Utah School Boards Association Board of Directors**

Motion was made by Member Linnea S. Barney and seconded by Member R. Michael Anderson to place on the agenda for the next meeting an amendment to the bylaws to make the term of the member of the Board serving on the Utah School Boards Association Board of Directors a two year term and that the representative be elected at the same time as leadership. Motion carried unanimously.

Motion was made by Member Linnea S. Barney and seconded by Member David L. Moss to elect Denis R. Morrill to serve as the State Board of Education representative on the Utah School Boards Board of Directors for one year. Motion carried unanimously.

Utah American Indian/Alaska

Native Education

Superintendent Laing noted that several months ago we were contacted by Mr. Forest Cuch, Executive Director of the Indian Affairs Office with a suggestion for several elements around addressing the needs of Native American students. At that time the Board sent the issue to the Coalition of Minorities Advisory Committee (CMAC) and Mr. Cuch met with them twice, and a report was made to the Board with some recommendations. Out of those recommendations staff was directed to address the issues. We did that by making an assignment to Shirlee Weight, our Indian Education Specialist to take those suggestions and follow them through to completion. In August 2002 Bonnie Morgan, Associate superintendent, directed the establishment of a Utah Native American Indian/Alaska Native Education State Plan Advisory Committee to study Indian education issues, develop policy recommendations, create a strategic plan, and align with the Utah State Office of Education Consolidated Master Plan and No Child Left Behind.

Shirlee Weight, Indian Education Specialist, presented preliminary recommendations focusing on: (1) Early Childhood Education; (2) K-16; (3) Career Awareness/Guidance and Counseling; (4) Higher Education; (5) Community/Parental/Tribal; (6) Self Esteem, Cultural Pride and Native Languages; and (7) Adult Education. (For complete details of the report, see General Exhibit No. 8967.) She indicated that the document is still in draft form and they are requesting input from the State Board on the recommendations.

Charlene Lui, a member of the advisory committee, presented information that the Native American students, as well as other minority students, are not academically where they need to be. She shared statistics from the CRTs in language arts, and math in the third and sixth grades.

Dr. Calvin White, Navajo Nation reported that one of the primary driving forces of the Navajo Nation government is to assess and look at the effect of the Navajo culture and language in the curriculum development in math, science and technology. They need to assess adequate yearly progress and one way to do it is to have the data from the schools and the state office, and come up with a Navajo definition.

Forest Cuch, Director of Indian Affairs for the State of Utah indicated that his office is located within the Department of Community and Economic Development. Their charge is to stimulate business and economic development on reservations and known Indian constituents throughout the state. The sad reality is that we can't do that until we are partners in education, because our students are not performing properly and they are not able to make the transition to understanding business. They have also witnessed the failure of many tribal businesses over the years and they want to make some changes to that. He reviewed the executive summary.

Mr. Cuch indicated that there needs to be partnerships; sovereignty enhanced and Native American history needs to be studied. He mentioned the history book just printed entitled "History of Utah's American Indian." This book needs to be part of the selection for schools that is recommended by the Utah Textbook Commission.

Mr. Cuch stated that most of the recommendations presented do not represent a cost. However, it is important if you want to reduce the tax burden caused by alcoholism, substance abuse and dysfunction, we need to give them back their dignity and skills so they can become tax paying citizens. They are ready to join with the Board in an effort to improve education on behalf of American Indian children.

Shirlee Weight reported that there is a lot of passion in the report and the people do not want to see any more of our children being left behind - it needs to stop. Let's put our hearts and minds together to see what we can build for our children.

Chairman Burningham commented that as he looks at the summary of recommendations it looks like it covers the world and even though he has sympathy of what needs to be addressed, it still looks insurmountable. He recommended that the group needed to address the most important things. He asked Mr. Cuch what would be the most important thing to him that should be addressed. Mr. Cuch responded that the most important aspect is to enter into discussion and dialogue. He felt that an advisory committee needed to be set up rather than a task force - a task force seems to be something temporary.

Member Mike Anderson stated that things will not happen until those who relate directly with the children make the changes - not the Board. There are a lot of suggestions for change to make things better. However, we need to have prioritized the things they would like to see the Board do



Shirlee Weight suggested that a Board Member be assigned to work with the advisory committee as they finalize their report.

Member Pamela Atkinson noted that at least two of the objectives involved the Utah State Board of Regents. She also questioned how they proposed going about providing adult education services.

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

Superintendent Laing noted the importance of this issue at the State Office in the face of major budget cuts we have protected the Indian Education Specialist position as well as the Minority Graduation Specialist and we fully intend to continue to do that.

Member Mike Anderson indicated an interest in working with the advisory committee.

Board Standing Committee Reports

### **Finance Committee**

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

Allocation of Local Funds to

Charter Schools Study

The firm of Schmitt, Griffiths, and Smith were engaged to evaluate the current formula for determining the amount of local funding that should be allocated to charter schools. The study will determine if local funds are being allocated to charter schools on an equal basis with traditional public schools. Schmitt, Griffiths, and Smith submitted their report regarding the funding of Utah Charter Schools for discussion by the finance committee. There are several changes that will be made to this report per the committee's request. (For complete details of the report, see General Exhibit No. 8968.) The finalized report will be presented to the Board at the February meeting.

Review of the Special Legislative Session, the

Governor's FY 2004 Budget Request, and

Approve the Final Board FY 2004 Budget Request

During the past month, a special legislative session for FY 2003 was held to meet the anticipated revenue shortfall for the current fiscal year, the Governor presented his budget proposal for FY 2004, and the Board has had an opportunity to review the *Striking the Right Balance* CD detailing their budget request for FY 2004. (For complete details of the material presented see General Exhibit No. 8969.)

The committee discussed the Board's FY 2004 budget request, the Governor's budget proposal, and the results of the latest special legislative session. The Governor recommended the same amount of Minimum School Program enrollment growth as the Board and to increase the WPU by \$22 to \$2,154. During the special legislative session, Public Education was held harmless with the exception of the elimination of the Constructed Response portion of U-PASS which will result in a savings of \$2,100,000. However, \$19,000,000 of ongoing funding was replaced with one-time funding meaning that our beginning budget for FY 2004 will begin at \$21,000,000 less than the current fiscal year's.

Member Joyce Richards suggested that someone look into some of the tax breaks given to businesses. She felt that this should be a revenue source rather than the one proposed earlier relative to tax deductions for children.

The Finance Committee approved the Utah State board of Education's FY 2004 budget request and moves that the

Board approve the budget request. Motion carried unanimously.

## **Curriculum Committee**

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

Math, Engineering, Science Achievement

(MESA), R277-717 - Amendment

The Math, Engineering, Science Achievement (MESA) program is a course or courses offered during the regular school day or a club held after school and addressed identified objectives for designated minority and female students. The program encourages the participation of minority and female students who have traditionally been under represented in mathematics, engineering, and science areas of study.

The amendments to R277-717, clarify the funding application and review process, describes MESA objectives, provides examples of appropriate activities, and establishes Board funding priorities. The Committee made further amendments to the rule: Line 5, change USOE to Utah State Office of Education. Line 12, delete the word *designed*. Line 27, include a definition of minority students, and add at the end of that section, or other minority students as designed by the applicant. Under R277-717-6, Line 158, change order of words, or schools with school district approval to the Committee no later than May 1 of each year. (For complete details of the amended rule, see General Exhibit No. 8970.)

The Committee approved the rule with the amendments on first reading and moves that the State Board approve the rule as amended on second reading.

Associate Superintendent Patrick Ogden questioned if charter schools would be eligible for this funding, and if the rule as written provides for charter schools. Member Teresa Theurer indicated that the rule states that "schools" can apply, so she felt that a charter school could with the approval of their board of directors.

Superintendent Laing noted that MESA is intended to be a secondary program. We have said they could spend the money backwards, but it needs to be within a feeder system into a high school.

Member Theurer commented that a list presented in the committee meeting indicated that there are some middle schools that have the MESA program and not high schools.

Carol Lear suggested that the following be included in the rule: "Charter schools may participate as part of a collaborative effort with secondary schools in a district."

Member Pamela Atkinson stated that we need to get more and more students involved in this program and suggested that when the economy levels out that we request more money for this, including money from the private sector.

Superintendent Laing clarified the intent of the program and that it was to facilitate those students moving from public education to higher education. The MESA/STEP governance has traditionally resided at the University of Utah. He felt charter schools could participate, but he would limit it to secondary charter schools.

Superintendent Laing suggested that under R277-717-6, line 159 could be modified to read: school districts or schools with governing board approval to the Committee no later than May 1 of each year.

Motion was made by Member Laurel Brown and seconded by Member Teresa Theurer to amend the motion to include the amended language recommended by Superintendent Laing on lines 158-160, under R277-717-6. Motion carried with Members Allen, Barney, Beagley, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Roberts and Theurer voting in favor; Members Anderson and Richards absent.

## Revision to Proficiency Level Descriptors

In the December Curriculum and Instruction Committee meeting it was recommended that the current criterion-referenced test proficiency level descriptors be revisited by the original committee. The current expanded proficiency level descriptors include both prescriptive and predictive language retained from the original proficiency descriptors. The language goes beyond what the Utah State Office of Education has empirical evidence to support and may create a liability for services under the No Child Left Behind Act.

The proficiency level descriptors have been defined with reference to the Utah Core Curriculum and comply with the No Child Left Behind Act, and provide information to teachers, parents, and administrators. (For complete details of the new proficiency level descriptors, see General Exhibit No. 8971.) The title change would be using the word "mastery," instead of the word "understanding."

The Committee would like to have the Board accept preliminarily the wording as presented for the purpose of the State Office delivering their application to the US Department of Education. They will also be sent out to the education community to receive input.

Motion from the Committee that the Board give preliminary approval for the new proficiency titles and descriptors, and that they be sent out to the education community for comment.

Discussion ensued relative to other titles, the use of a grade instead of a title, and how the new titles may be interpreted by educators and parents.

Louise Moulding, Director of Evaluation and Assessment indicated that the terms used throughout the nation are advanced, proficient, basic and below basic; or exceeds the standard, meets the standard, does not meet the standard, far below the standard. She indicated that first has not been accepted, but the exceeds the standard, etc. was discussed among the advisory committee and may very well come back. However, they got hung up because the word standard in the description is used to mean content standard and in the title it would refer to a proficiency standard. Dr. Moulding also indicated that in translation, mastery is not a word that can be simply translated.

Chairman Burningham expressed concern that it is confusing and we need to get one title or another and quit changing.

Member John Pingree proposed a substitute motion to approve, exceeds the standard, meets the standard, does not meet the standard, and below standard.

Dr. Moulding questioned what standard? She again indicated that it is confusing as to whether it is proficiency or content.

Member Theurer clarified that the titles are just suggested and they will go to the curriculum and testing directors meeting on January 22. She suggested that we let them work out what they feel will be the best titles and descriptors.

Member Pingree withdrew his substitute motion.

Original motion carried with Members Allen, Barney, Beagley, Brown, Burningham, Dalton, Morrill, Moss, Pingree, Roberts and Theurer voting in favor; Members Anderson and Richards absent.

## Elimination of Reading Test

### Administration in Grades Four

### Through Nine

In the November Curriculum and Instruction Committee meeting, Superintendent Laing reviewed a proposal to reduce the amount of testing and subsequent costs of administering U-PASS. The needed information to determine student capacity for reading on grade level can be derived from the criterion referenced tests, Stanford Achievement Tests, and

the Utah Basic Skills Competency Test (UBSCT). By eliminating the administration of the diagnostic reading tests for grades four through nine, the budget savings would be approximately \$1,200,500 for FY 2002-2003.

The Committee approved the use of the language arts CRTs to assess the reading skills of Utah students in grades four through nine, and that the UBSCT be used to assess the reading skills of Utah tenth grade students, and moves that the Board approve the same. Further that this action is budget driven and we still encourage districts to use these tests.

## **Law and Policy Committee**

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

### **Charter Schools Annual Progress Report**

Rule 277-481 requires charter school governing boards to provide an annual progress report to "(1) the school district in which the school is located; (2) the Board; and (3) the Legislature through the Education Interim Committee." The report must contain at a minimum: "(1) a narrative describing the school's progress toward achieving its goals as described in the school's charter; (2) financial records of the school as required by 53A-1-509(2); the school's annual state performance report consistent with Section 53A-1-601 through 53A-1-611; and (4) student enrollment information, as required and reported to USOE." The report was provided to the Education Interim Committee in October. (For complete details of the reports, see General Exhibit No. 8972.)

Member Moss noted that some may appear to be incomplete, but it should have been stated that many schools are in their first year of operation and these items were not applicable rather than not available at time of mailing.

The Committee felt that it was important that as parents look at choosing a charter school they have a sense of the financial liability of these schools. It was suggested that some steps be taken to increase that reporting so parents can get a sense by looking at the trends of the school. The Committee also discussed punitive measures the Board may want to take against the schools that have not gotten specific components of the reports in a timely manner.

Motion from the Committee that the Board receive the annual progress reports for the charter schools as required in R277-481.

Member Teresa Theurer suggested that charter schools be encouraged to make for of an effort in advertising in different languages so there may be more diversity in the schools.

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

### **Charter Schools Evaluation**

#### **Recommendations Follow-Up**

The *Evaluation of Utah's Charter Schools* made several recommendations in its report that the State Board agreed to implement. In accepting the report, the Board acknowledged the recommendations and indicated a desire to more fully address them. The Committee discussed the steps the State Office should take in response to the evaluation recommendations. It further discussed the deficiencies in areas of Assurances found in various charter schools. (For complete details, see General Exhibit No. 8973.)

The Committee reviewed the four recommendations from Utah State and some of the suggestions made for the recommendations:

Measurable goals - To revise the application process to be able to up front give them some expectations that the charter schools are going to have to meet.

Tracking Student Performance - There is a Education Service Center sponsored by WestEd that may help charter schools be able to track where their students are. This, however, could be funding issue for the charter schools to do it to the standard required.

Charter School Handbook - Some of the charter school administrators have been very encouraged about this and they want to be active in developing a handbook. They are looking at federal dollars that are available to help them put this together.

Teacher Qualifications - CACTUS input it not up to date. Suggested that they make sure one person in the school is accountable for updating CACTUS.

This was an information and discussion item and no action was recommended.

## Soldier Hollow Charter School

### Proposed Amendments

Last Board meeting the Board received a request from Soldier Hollow Charter School to make some refinements in their charter based on the necessity of moving from the Alpine School District to the Wasatch School District. Initially their request centered around policy issues. However, as the Committee looked at the request they had some concerns. One was what appeared to be an unauthorized expansion of their charter into the seventh grade and also some discrepancies in the number of students they were actually teaching above and beyond what their charter was initially authorized. Member Moss reported that he and Deputy Superintendent Gary Carlston had visited the Solider Hollow Charter School specifically about these concerns. It was learned that they had received permission to expand to the seventh grade based on action by the Board on April 11, 2000. (For complete details of the proposed amendments and the meeting summary, see General Exhibit No. 8974.)

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

### Review and Assignment of Proposed

### Legislation to Board Committees for

### the 2003 Legislative Session

In order for the Board to be informed on proposed legislation during the 2003 Legislative Session, it will be helpful for pending legislation to be assigned to each of the three Board Standing Committees for review. The Committee discussed the details of how to assign bills to committee, which bills should be studied and followed closely, and how to review bills in a timely fashion. Additionally, the committee determined how to utilize the information requested of Board Members in a survey that was included in the agenda material. (For complete details, see General Exhibit No. 8975.)

Board Members were requested to complete the survey and turn it into staff following the meeting.

The Committee felt it was important for all Board Members to be involved in the process and recommended that they work under a rotating quorum system. The Committee requested that staff determine dates, times and location on a rotation basis the Board could meet to be able to keep up to date on the legislation. This will be out to Board Members to sign-up for the dates they could participate.

No formal action was required.

Board Goal Number 3, Ensure an

## Adequate Supply of Quality Teachers

for all Utah Children and the No Child

## Left Behind Act

Utah State Office of Education staff have held several discussions with representatives from higher education about the implementation of the Highly Qualified Teacher Requirements found in the No Child Left Behind Act. These discussions and work by the Utah State Office of Education staff have identified critical policies, such as content areas testing for teacher candidates, that will need to be changed through Board rule. The Committee discussed the various policy changes and provided guidance for implementing changes in Board rules relating to teacher preparation and licensure. (For complete details, see General Exhibit No. 8976.)

This was information for the committee. Ron Stanfield and Laurie Lacey will keep the Board up to date as to what is going on relative to their time lines on getting the information together. We may need to repeal some of the rules now in existence when it comes to licensure.

## Executive Officer Report

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

Economic Forecast - He and Associate Superintendent Patrick Ogden attended the 35<sup>th</sup> Annual Economic Forecast sponsored by Wells Fargo Bank. It was their feeling that this report was "labored optimism." One interesting point was the analysis of demographics by Kelley Matthews. He reported that the net migration for Utah was still in (more people moving in than out). However, when you look at inter-state migration we are in a deficit. Where we make up the difference is with international migration. One implication of this for education is a language issue, ESL will become much more critical.

Uintah River Charter School - As reported at a prior Board Meeting the Uintah River Charter School was found to be in violation of several substantial financial and pupil accounting requirements. Notification was given to them, and subsequently they have remedied those situation and we feel good about their efforts to correct the deficiencies.

Tuition Tax Credit Resolutions of Opposition - We have received resolutions in opposition to Tuition Tax Credit from Jordan and Uintah School Districts.

Utah School Boards Pre Convention Program - Tonight, following the dinner with the Board of Directors of the Utah School Boards Association, Laurie Lacey will present information on No Child Left Behind. In addition, there will be a panel discussion which includes he and Chairman Burningham.

Competency Based/Proficiency Based Education - The Governor is very interested in competency based/proficiency based education and graduation requirements. He will include this in his State of the State speech. The meeting with Governor and the Graduation Requirements Ad Hoc tomorrow will be very important.

## Board Chairman Report Cont.

Chairman Burningham presented the following additional items:

Diversity Training Session - Reminded the Board of the Diversity Training Session on February 6 from 1:00-4:00 p.m. in the board room. This is an important issue and one we need to give close attention to.

Encouraged Board Members to take time and fill out their evaluation form - it has been revised to three simple questions.

Encouraged Board Members to communicate closely with their legislators. This is an important time to be in contact with them.

## General Consent Calendar

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

### Minutes of Previous Meeting

1. Minutes of the Meeting of the State Board of Education held December 6, 2002.

### 2. Contracts

The following contracts were approved:

- Department of Workforce Services. \$427,147. 11/1/02-10/31/03. - Amend.- Fed.

To assist individuals with disabilities obtain competitive employment outcomes through a cooperative agreement.

(B) Sky Harbor Apartments. \$7,404.00. 1/1/03-12/31/04. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the Training and Adjustment and Learning Maximum Independent Living Skills classes.

(C) Sky Harbor Apartments. \$7,404. 1/1/03-12/31/04 - Amend.

Rental of this unit will provide housing for DSBVI students while attending the Training and Adjustment and Learning Maximum Independent Living Skills classes.

(D) Sky Harbor Apartments. \$7,404. 1/1/03-12/31/04 - Amend.

Rental of this unit will provide housing for DSBVI students while attending the Training and Adjustment and Learning Maximum Independent Living Skills classes.

(E) Sky Harbor Apartments. \$7,404. 1/1/03-12/31/04. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the Training and Adjustment and Learning Maximum Independent Living Skills classes.

(F) Utah State Department of Health. \$40,000. 10/1/02-5/31/03 - RECEIVABLE - Fed.

To provide funding for the youth tobacco survey, the youth risk behavior survey, and the prevention needs assessment.

(G) The College Board. \$54,800. 1/9/03-9/30/03 - Fed.

Pay advanced placement (AP) test registration fees for low-income students.

(H) Life Long Learning. \$15,000. 1/9/03-6/30/03.

Conduct advanced seminars for the state facilitators to increase the cadre of statewide Utah educators to needed levels. Provide coaching and consultation services to additional visiting team chairs.

(I) Utah Education Network. \$7,500. 7/1/02-/30/03 - Fed.

UEN will provide videoconferencing connectivity through their backbone network on T-1 circuits to four locations in Taylorsville, Provo, St. George and Logan Rehabilitation offices. This connection will allow clients and staff to communicate visually in American Sign Language as well as orally for the purpose of providing these services in rural areas: community education, mental health counseling, interpreter training and mentoring.

(For complete details of the contracts, see General Exhibit No. 8977.)

### 3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts. (For complete details, see General Exhibit No. 8978.)

### 4. Persistently Dangerous Schools, R277-483

Title IX, Part E, Subpart 2, Section 9532 of the "no Child Left Behind" Unsafe School Choice Options, requires a state receiving funds under the Act to establish and implement a statewide policy that a student who attends a persistently dangerous public school, or who is a victim of a violent criminal offense while in or on the grounds of a public elementary or secondary school that the student attend, be allowed to transfer to a safe public elementary or secondary school within the school district, including a public charter school.

R277-483, Persistently Dangerous Schools was approved by the Board on second reading as amended at the December 6, 2002 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-483, Persistently Dangerous Schools on third and final reading. (For complete details, see General Exhibit No. 8979.)

### 5. Proposed State Program Standards for a School Counselor Preparation

Program

The State Board of Education has approved the use of the National Council for Accreditation of Teacher Education



(NCATE) program standards, where they exist, for educator preparation areas or disciplines. In cases where there are no NCATE standards for a particular educator preparation area or discipline, the state developed standards are used.

In the absence of NCATE standards for School Counselor Preparation Programs, it is recommended that the Board approve newly developed state program standards. The Educator Development Advisory Committee has reviewed these standards and recommends their adoption. The Board approved the Proposed State Program Standards for a School Counselor Preparation Program. (For complete details, see General Exhibit No. 8980.)

#### 6. Westminster College's Proposal for a Basic Reading Endorsement and an English as a Second Language (ESL) Endorsement

Westminster College has proposed the addition of an ESL Endorsement offered at the graduate level. This endorsement will be available for cohort groups of 15 to 20 students and meets the state approved ESL program standards. The Educator Development Advisory Committee has reviewed this proposed endorsement and recommends Board approval. The Board approved the proposed endorsement.

Westminster College also proposes offering a Basic Reading Endorsement, which could be applied to either an elementary or secondary license. This Basic Reading Endorsement meets approved program standards, will be offered to student cohorts of 15 to 20 students and be available at the graduate level. The Educator Development Advisory Committee has reviewed the proposed endorsement and recommends Board approval. The Board approved the proposed endorsement.

(For complete details of the endorsements, see General Exhibit No. 8981.)

#### 7. Monthly Budget Report

The Monthly Budget Report provides 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. 8982.)

#### 8. Associate Superintendent Appointments

Patti Harrington and Raymond J. Timothy were appointed Associate Superintendents in the State Office of Education on the salary schedule and with the benefit package currently in place.

#### 9. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved by the Board. (For complete details, see General Exhibit No. 8983.)

#### 10. Claims Report

The Claims Report for November 30, 2002, in the amount of \$189,031,708.39 was approved. (For complete details, see General Exhibit No.8984.)

Motion to adjourn.

Meeting adjourned at 4:25 p.m.