

MINUTES

July 13, 2001

Minutes of the meeting of the State Board of Education and State Board for Applied Technology Education held July 13, 2001, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:10 a.m. At the request of Chairman Kim R. Burningham, Vice Chairman Janet A. Cannon presided. Members present were:

Chairman, Kim R. Burningham

Vice Chairman, Janet A. Cannon

Member R. Michael Anderson

Member Bette O. Arial

Member Linnea S. Barney

Member Greg W. Haws

Member Judy Larson

Member A. Earl McCain

Member Denis R. Morrill

Member David L. Moss

Member Joyce W. Richards

Member Teresa L. Theurer

Members Laurel Brown and Marilyn Shields excused.

Also present were:

Executive Officer Steven O. Laing

Deputy Superintendent Gary L. Carlston

Associate Superintendent Robert O. Brems

Associate Superintendent Patrick Ogden

Interim-Associate Superintendent Bonnie Morgan

Executive Director, USOR, Blaine Petersen

Public Affairs Director, Mark Peterson

Board Secretary Twila B. Affleck

Also present for portions of the Board meeting were:

Members of the Press:

Beth Dove, Standard Examiner

Darci Marchese, KSL Radio

Marta Murvosh, Salt Lake Tribune

Jennifer Toomer Cook, Deseret News

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

Mary Ann Smail, Chairman, Institutional Council, Utah Schools for the Deaf and the Blind

Jenny Dopp, McDougal Ladle Publishing

Merlynn Newbold, Utah State House of Representatives

Con Rowley, Governor's Office

Laurel Young, Salt Lake City School Board

Nathan Rathbun, Citizen

Janice Jones Schroeder, Coalition of Minorities Advisory Committee

Jo-Ann Wong Kilpatrick, Coalition of Minorities Advisory Committee

Jerry Howe, Legislative Research & General Counsel

Gerry A. Adair, Utah State House of Representatives

Board Members repeated the Pledge of Allegiance.

Board Member Greg W. Haws offered the reverence.

Twila B. Affleck recorded the minutes.

Vice Chairman Cannon excused Board Member Laurel Brown who is recovering from surgery and Board Member Marilyn Shields who is out of town.

Vice Chairman Cannon welcomed John C. Pingree newly appointed Board Member to fill the Vacancy in District 8. She noted that Mr. Pingree has not been confirmed by the Senate so he will not be sworn in until September. He and his wife have just returned from serving a mission in Mexico for the Church of Jesus Christ of Latter-Day Saints.

Mr. Pingree commented that he is appreciative of the appointment to the Board and that he is looking forward to the opportunity to serve.

Vice Chairman Cannon announced that Board Member Bette Arial is moving from her district. We are sorry that we will be losing her.

Member Arial commented that this has been an incredible experience for her to serve on the Board, and she regrets that she has to leave.

Legislative Priority Issues FY 2002-2003

Chairman Burningham reviewed with the Board the discussions of the past several months with regard to its legislative and budget priorities. He indicated that it was his hope that some preliminary decisions with regard to priorities could be made following the discussion.

Board Members to Serve on the Board of Regents

Chairman Burningham announced that through the new Applied Technology Education Governance legislation two people will represent the State Board of Education on the State Board of Regents. The two representatives will be Board Member Linnea S. Barney and himself. He indicated that a press release has been prepared and is available for distribution.

Chairman Burningham reported that there will be two Board Members who will be appointed to the Utah College of Applied Technology Board. The Governor has already discussed this with him and Superintendent Laing and asked for input. Two names have been submitted to the Governor for this appointment.

Chairman Burningham noted that the Boards tasks now are: (1) What are our budget priorities for 2002 legislative session? How many? How much? (2) How should those priorities be presented to the Legislature? (3) How can we build support for those priorities?

(For complete details of Chairman Burningham's presentation, see General Exhibit No. 8612.)

Superintendent Steve Laing shared the thinking of the Governor's Office with regard to the budget process. He noted that the Board is not bound by this process, but we have in the past coordinated with the Governor's office. Dr. Laing reported that budget requests should include only mandatory items. The reason for this is primarily due to the anticipated slowing of the economy. New program requests, including programs being proposed through legislation that require state funds, may be requested only if the state funding comes from within existing base funding levels. Existing program requests are limited to the following situations: mandatory items, federal mandates or federal match rate changes; case load growth for federal or state mandated programs; and replacement for one time funding for critical ongoing programs.

The first question - How many priorities should the Board present?

Discussion ensued relative to whether or not there should be a dollar figure put to a priority and then listing the programs that the money could be used for, or being specific on certain programs.

Motion was made by Member Denis R. Morrill and seconded by Member Bette O. Arial that as we go into our budgeting process and presentation of the budget to the Governor and the Legislature that it we limited it to five specific categories in public education.

Vice Chairman Janet Cannon questioned if the intent of the motion was that two of the five priorities are taken by the Utah State Office of Rehabilitation and Utah Schools for the Deaf and the Blind?

Superintendent Laing suggested that there be the five priorities for public education and one each additional for Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind inclusively.

Motion carried unanimously

Second question - what are our priorities?

Member Denis Morrill suggested that Basic Funding be the No. 1 priority.

Superintendent Laing distributed a chart of the minimum school program and explanation that when there is a wpu increase it increases the amount of money in all of the programs in the three blocks above the line on the chart. Also, most is put on the table for negotiations. Last year when we talked about the need for splitting the wpu increase, we indicated that there was a need to protect some new revenue so that districts in collaboration with their patrons can decide beyond increasing the existing program and meeting all the increased costs associated with that. (For complete details of the chart, see General Exhibit No. 8613.)

Motion was made by Member Denis R. Morrill and seconded by Vice Chairman Janet A. Cannon to put as first priority an increase in basic wpu funding similarly as we did last year, separating the other proposed increases.

Motion carried unanimously.

Discussion ensued as to other emphases and how to fund them.

Member Teresa Theurer suggested a literacy specialist in every school is important.

Member Earl McCain questioned whether it would be every school or every elementary school?

Member Linnea Barney suggested the Board request funding to increase literacy, include teacher training and all that goes with that, or another priority for teacher inservice.

Discussion ensued relative to how to propose the items for literacy and teacher inservice and quality. Also, the question of block granting so districts can use the money where they need to help them with specific programs.

Member Dave Moss suggested that there be a focus for quality of professional teachers and staff developers, including recruitment and retention of teachers. The Board took a break from this item until the end of the meeting.

Coalition of Minorities Advisory Committee

(CMAC) Quarterly Report

Janice Jones Schroeder, Chairman of CMAC introduced Veronica Thomas and Jo-Ann Wong Kilpatrick, members of the Coalition of Minorities Advisory Committee. Ms. Schroeder presented the quarterly report from CMAC. (For complete details, see General Exhibit No. 8614.)

Veronica Thomas presented information on an Executive Order that was enacted by President Bush that allows government agencies to donate excess computer equipment to schools. In January this program was revoked. She indicated that Hill Air Force Base since 1994 has donated \$5 million worth of computers to local schools.

Ms. Thomas reported that she brought this issue to Board Member Marilyn Shields during a CMAC meeting. At that

time Member Shields was on her way to Washington, D.C. for NASBE meetings. Member Shields worked with our congressmen and as of June the order was reinstated and we can now pass along computers to schools. Ms. Thomas expressed appreciation to Member Shields for her efforts in this regard. She encouraged Board Members to share the letter in the back of the packet with the schools in their local areas so they might receive these computers.

Chairman Burningham questioned that if CMAC had just one thing they would like to see the Board make one of their top priorities, what would it be? Ms. Schroeder responded that she personally would say that it would be for teachers to increase their sensitivity and have high standards and expectations for all students.

Member Denis Morrill commented that in the report they had indicated need or request that in the basic competency test that other things be considered rather than just test. He questioned whether under the U-PASS law this is possible? Deputy Superintendent Gary Carlson indicated that the law would have to be changed for that to happen.

Member Mike Anderson commented that he felt we may be doing our minority students a disservice by creating some type of legislative hole for them versus giving them the proper teaching and education prior to the testing so they can perform better. The goal is for them to have the skills that would be standardized throughout the state.

Vice Chairman Janet Cannon expressed appreciation to the Coalition of Minorities Advisory Committee for their work and indicated that their recommendations will be considered carefully by the Board.

School Trust Land Revenues

Representative Matt Throckmorton presented a proposal that the Utah Constitution be amended to direct that interest earned from the school trust land revenues in the permanent State School Fund flow to schools through the local district. The proposed amendment reflects current statutory language which provides for the distribution of interest earnings through the School Land Trust program. The intent of Representative Throckmorton's resolution is to constitutionally protect a specific program and funding source. (For complete details of the proposal, see General Exhibit No. 8615.) Representative Throckmorton noted that there has been a change made in the draft that would direct the money to the State Office of Education and then to the school districts. There also needs to be a statement relative to a definition for student academic achievement.

Discussion ensued relative to interest and dividends and how they would be affected by the Resolution. Representative Throckmorton stated that there still needs to be some work on the Resolution relative to the concept of interest and dividend, and a coordination between the two Trust Land Revenue resolutions.

Member Denis Morrill commented that he would like to see the money go to help education and not just sit there and grow bigger.

Vice Chairman Janet Cannon commented that this fund needs to be used to help schools, and it is essential to remove the language as proposed in the first constitutional resolution that was supported by the Board at last months meeting.

Chairman Kim Burningham commented that it would seem that to do two Constitutional amendments relating to school trust lands would be in error. He questioned if there was a way that the groups could work together and coordinate efforts? Superintendent Laing clarified that last month the Board approved some language that dealt with lines 39-42 of the proposed Constitutional Revision dealing with the redefinition of what was retained in the fund. This proposal is to look at adding lines 44-46, but also lines 49 and 50 have been removed. Lines 49 and 50 left the money protected because it put it into the Uniform School Fund, but it didn't have it earmarked for the program that is in existence now.

Representative Throckmorton indicated that he would be willing to work with Margaret Bird and Paula Plant to see if the two amendments could be worked into one and come back and report to the Board in October or November.

Executive Session

Motion was made by Member Bette O. Arial and seconded by Member Judy Larson to move into an executive session for the purpose of discussion personnel and possible litigation issues. The Board was polled and by unanimous consent

of those present the Board moved into an executive session during lunch at 12:35 p.m. Motion was made by Member Greg W. Haws and seconded by Member Teresa L. Theurer to reconvene into open meeting. Motion carried unanimously.

The Board reconvened at 2:00 p.m.

Member Dave Moss shared his thoughts on Item 11 of the Board's Code of Conduct, Achieve Unity. He indicated that although the Board does not see eye to eye on how it reaches particular solutions, but as a Board we are unified in striving to do all we can to fulfill the words of the Board's Mission Statement.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Denis R. Morrill and seconded by Member R. Michael Anderson to approve the recommendation of the Utah Professional Practices Advisory Commission in Case No. 01-549 and accept a Stipulated Agreement, with conditions contained in the Agreement whereby a former teacher in the Weber School District voluntarily surrenders her educator license in lieu of a hearing for purposes of at least a five-year suspension from the date of formal action by the State Board of Education. The recommendation for suspension results in the educator obtaining and using illegal prescription drugs while an employee of Weber School District. Motion carried unanimously. (For complete details, see General Exhibit No. 8616.)

State Rehabilitation Council

Motion was made by Member Judy Larson and seconded by Member Bette O. Arial to appoint Sandy Hatch, and to reappoint Richard Harward, Linda Smith, Marie Christiansen, and Nancy Zapata to the State Rehabilitation Council. Motion carried unanimously.

Adult Education Advisory Council

Motion was made by Member Judy Larson and seconded by Member Bette O. Arial to appoint Moon Ji, Kim Dohrer, Brian Olmstead, Steve Norton, Brent Judd, Ron Hermansen, Edie Sidle, Paula Oakey, Maria Turner and Norman Nakamura to the Adult Education Advisory Committee. Motion carried unanimously.

Utah Schools for the Deaf and the Blind Institutional Council

Motion was made by Member Judy Larson and seconded by Member Bette O. Arial to appoint Jay Jensen to the Utah Schools for the Deaf and the Blind Institutional Council. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member Teresa L. Theurer to accept the evaluation and recommendation of Institutional Council for the Schools for the Deaf and the Blind of Superintendent Lee Robinson including a salary increase of 4%. Motion carried with Members Anderson, Arial, Barney, Burningham, Larson, McCain, Morrill, Moss, Richards, and Theurer voting in favor; Member Haws opposed.

Rural Schools Association Presentation

Superintendent Henry Jolley, Beaver School District and Superintendent Lewis Mullins, South Sanpete District presented issues from the Rural Schools Association. (For complete details, see General Exhibit No. 8617.)

Motion was made by Member Bette O. Arial and seconded by Member Judy Larson to accept the report from the Rural Schools Association, and commend them for their work. Motion carried unanimously.

Member Earl McCain commented that one of the issue discussed yesterday at the Rural School Conference were block grants. He questioned if there have been any analyses of the effect on small districts from block granting.

Superintendent Laing, commented that where so many of the different categorical programs had funding formulas that were different, [not based on wpu in kindergarten, grades 1-12 and necessarily existent small schools that the block

grants were based on], we have found that it has changed the way funding has flowed. The Legislature in an effort to compensate for that appropriated approximately \$4 million to hold them harmless. The use of the data at that time does not correspond with the actual data that would be necessary to distribute that at the end of the year. We have been instructed to hold the flow of that funding to the extent that the legislature intends to address that in January and make some adjustments. Dr. Laing explained the funding formula dilemma with block grant funding.

Vice Chairman Janet Cannon complimented the Rural Schools Association on their recent Conference.

Redistricting of State Board Districts

Representative Jerry Adair, and Jerry Howe, Legislative Research and General Counsel presented information as to the specifics of the need and process associated with redefining boundaries of the various districts from which state officials are elected. (For complete details, see General Exhibit No. 8618.)

Vice Chairman Janet Cannon voiced concern that in the past there has not been maps that were firm and clear with street names, etc. She suggested that the new maps be made more clear and concise.

Chairman Kim Burningham commented that he felt it would be important that there be a greater degree of alignment between local school districts and the State School Board districts.

Mr. Jerry Howe requested that if Board Members had concerns with the proposal they contact him immediately. His email address is jhowe@le.state.ut.us and his phone number 538-1032. He indicated that the Redistricting Committee would be making their final determination on August 9.

Representative Adair commented that Board Members need to take this seriously and to take a self-interest and get it done. He indicated that they will be holding a public meeting for input on the redistricting on Monday, July 16 in Park City at 1255 Park Avenue. Representative Adair noted that after September 6th the Governor will call a special session to enact this redistricting.

Board Committee Reports

Planning, Finance and Legislation Committee

Member Denis R. Morrill, Chairman of the Planning, Finance and Legislation Committee presented the following recommendations from the Committee:

University of Phoenix's Post Baccalaureate

Teacher Education Program for Secondary

Licensure Review

Program reviews are conducted every five years to ensure that university/college educator preparation programs meet state preparation program standards. The process includes an institution self-study and an on-site team visit to assess the institution's practices with state standards. The University of Phoenix completed the Self-Study Report and an On-Site Team completed the review. (For complete details, see General Exhibit No. 8619.) The Committee reviewed the report submitted by the On-Site Review Team.

Motion from the Committee that the State Board of Education approve the University of Phoenix's Post-Baccalaureate Teacher Education Program for Secondary Licensure Report submitted by the On-Site Review Team. Motion carried with Members Anderson, Arial, Barney, Burningham, Haws, McCain, Morrill, Moss, Richards, and Theurer voting in favor; Member Larson absent.

Proposed Dates for Administering the

Utah Basic Skills Competency Test.

School Years 2002-2003 through 2004-2005

The passage of H.B. 33 in the 1999 Legislative Session and H.B. 177 in the 2000 Legislative Session requires development and administration of a Basic Skills Competency Test. It is proposed that a full administration of the test be conducted in School Year 2001-2002 to provide the necessary information to set standards and cut scores and to provide experience with the testing for the benefit of students, teacher, parents, and the public. The February 2003 administration will be the first that will count toward awarding student diplomas. (For complete details of the proposed dates, see General Exhibit No. 8620.)

Motion from the Committee that the State Board of Education give preliminary approval to the following dates for administration of the Utah Basic Skills Competency Test (UBSCT): School Year 2002-03 - February 4, 5, 6, 2003; School Year 2003-04 - October 21, 22, 23, 2003 and February 3, 4, 5, 2004; School Year 2004-05 - October 19, 20, 21, 2004 and February 1, 2, 3, 2005. Motion carried with Members Anderson, Arial, Barney, Burningham, Haws, McCain, Morrill, Moss, Richards, and Theurer voting in favor; Member Larson absent.

Utah State Office of Rehabilitation.

Independent Living Rehabilitation

Program State Plan

Utah State Office of Rehabilitation Independent Living staff presented the State Plan for the Independent Living Program. In this plan, the State Board for Applied Technology Education assures that the provisions of the 1992 Amendments to the Rehabilitation Act and the rules and regulations promulgated by the Rehabilitation Services Administration will be followed in implementing the Independent Living program. Attachments to the plan describe how certain parts of the program will be developed and operated in Utah. This is a three-year plan scheduled to begin October 1, 2001. (For complete details, see General Exhibit No. 8621.)

The Planning, Finance and Legislation Committee approved the Plan on first reading and moves that the State Board for Applied Technology Education approve the plan on second reading. Motion carried unanimously.

Curriculum and Instruction Committee

Member Greg Haws, Chairman of the Curriculum and Instruction Committee presented the following recommendations from the Committee:

Least Restrictive Behavior Interventions (LRBI)

for Students with Disabilities, and R277-750.

Education Programs for Students with Disabilities

It was reported to the Committee that students in the public education system seem to be arriving at the school house door with an increasing range and severity of challenging behaviors. The Least Restrictive Behavior Interventions (LRBI) document is an important component of the rules governing the provision of Special Education in the State of Utah. The LRBI prescribes the process which Individual Education Program teams must follow in selecting research-validated supports and interventions for students when their behavior impedes their learning and that of others. The document also defines and describes a range of behavior interventions from least to most intrusive, and gives examples of their application to preschool, elementary, and secondary students. The Committee made a few minor changes.

Rule R277-750 is amended to reflect five appendices originally included with the June 2000 Special Education Rules, and a sixth appendix that was just recently completed.

(For complete details of the LRBD and Rule R277-750, see General Exhibit No. 8622.)

The Committee approved the LRBI draft document on first reading and moves that the State Board of Education approve the LRBI document on second reading. Motion carried unanimously.

The Committee approved the modifications to Rule R277-750, Education Programs for Students with Disabilities on first reading and moves that the State Board of Education approve Rule R277-750 on second reading. Motion carried unanimously.

Further motion from the Committee that the Board authorize the SARS Section to provide public hearings on the LRBI document. Motion carried unanimously.

Distribution of Funds to Arts and

Sciences Organizations, Rule R277-444

In order to clarify and improve the process of distribution of funds to arts and sciences organizations, the 2000 and 2001 legislatures requested modifications to Rule R277-444 in regard to the eligibility, applications, funding, and accountability processes. (For complete details, see General Exhibit No. 8623.)

The Curriculum and Instruction Committee approved Rule R277-444, Distribution of Funds to Arts and Sciences Organizations on first reading and moves that the State Board of Education approve the rule on second reading. Motion carried unanimously.

Secondary Fine Arts Core Curriculum

The Secondary Fine Arts Core Curriculum has been out for review at public hearings since the June Board meeting. There were no revisions or modifications recommended at the hearings.

The Curriculum Committee approved the Secondary Fine Arts Core Curriculum as presented at the June meeting and moves that the Board give final approval to the Secondary Fine Arts Core Curriculum. Motion carried unanimously.

Executive Officer Report

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

Utah Valley State College Secondary Education Program - The request for approval of the Utah Valley State College Secondary Education Program was inadvertently left off of the agenda. The program has been reviewed and approved by the Advisory Committee on Teacher Education Programs. Dr. Laing recommended that the Board indicate that the program approval is forthcoming so they can begin this school year. Further, that it be placed on the agenda for the next meeting.

There was no objection to let UVSC proceed with their Secondary Education Program.

Thomas Edison Charter School - The Thomas Edison Charter School is anxious to have their charter considered by the Board. This school is located in the Cache Valley the Cache School Board considered their request and denied it. Dr. Laing noted that the legislation took effect July 1, 2001 and the time line in the legislation indicates that the local districts have 45 days, which would be August 15. After this date, it would be appropriate for the Board to begin consideration of applications for charter schools. The Board can only give four slots, and if we consider the Thomas Edison charter now it may disadvantage someone else that is working through the process. We have told them that we understand their problem, but we will do everything to hasten the process following the 45 days. Dr. Laing suggested that the Board may want to consider a special committee meeting to review the charter school applications as soon after August 15 as possible.

Member Denis Morrill questioned if there was a tactful way to tell school districts to consider these seriously and not

just pass them off to the State Board? Superintendent Laing responded that the Utah School Boards Association invited our staff to make a presentation about charter schools at their regional meetings. The instruction we gave at that time was that they give it their best consideration.

Superintendent Laing reviewed the past process for establishing charter schools, and the law suit filed by the Utah School Boards Association, and how the law was amended to give local districts the option of chartering.

Deputy Superintendent Gary Carlston noted that the rule the Board adopted establishes dates for this year and next year and if it is the intent of the Board that any charter schools would be approved in the September board meeting then there will need to be some work by the Planning, Finance and Legislation Committee prior to that time.

Following discussion, it was agreed that the Planning, Finance and Legislation Committee would meet August 24th at 8:00 a.m. to consider charter school applications.

Applied Technology Education Governance - Superintendent Laing reviewed the comparison of Board Powers and Duties between the Board of Regents, UCAT Board of Trustees and the Applied Technology College Regional Boards, as well as highlights of HB 1003, Applied Technology Education Governance. (For complete details, see General Exhibit No. 8624.)

SkillsUSA Competition - Dr. Laing shared a News Release that indicates for the third straight year Utah students set a new record in the nation's premier vocational skills competition, the SkillsUSA Championships, bringing home 41 medals in contests ranging from sheet metal work to baking to technical math. (For complete details of the News Release, see General Exhibit No. 8625.)

FY 2002 Budget Holdbacks - Dr. Laing reported that we received a directive from the Governor's Office of Planning and Budget to prepare a 4% holdback budget for this year. As we have been working with the Governor's Office of Planning and Budget they have settled on a required amount of 2.3%. He reviewed the proposed items to be held back. (For complete details, see General Exhibit No. 8626.)

Dr. Laing noted that another area not on the list was a request from Lynn Ward, Governor's Office of Planning and Budget, where they will be asking us to hold back \$10 million from the capital outlay equalization program that was approved last legislative session. Dr. Laing explained that the Minimum School Program is exempt from the hold backs by law and the capital outlay equalization monies reside in the Minimum School Program. The formal request will come to the Board, but since we do not allocate that money immediately, we can probably do that. However, the Board needs to recognize that it will be a \$10 million reduction from the legislature for the capital outlay equalization program.

Member Mike Anderson commented that the superintendent and associate superintendents spend a lot of time working in behalf of the Board, and when it comes to crunch time they tend to cut themselves first. He spoke in opposition to cutback Item #5, and would like to see it reworked and adjusted. He noted that the Board had spent a significant amount of time in making the decision on the budget as well as this increase for the superintendency.

It was clarified that this list is a proposed list of items for cutbacks should the need arise. If it does, it will need to be reviewed by the Board and action taken by the Board.

Motion was made by Member Michael R. Anderson and seconded by Member A. Earl McCain that the budgetary cutback proposal be submitted to the Planning, Finance and Legislation Committee for review and brought back to the Board at the next meeting. Motion carried unanimously.

Motion was made by Member Greg W. Haws and seconded by Member R. Michael Anderson that Board leadership direct the Superintendent to eliminate cutback #5 from the amount they send to the committee and restore the payroll back to where it was immediately. Motion carried unanimously.

Public Affairs Director - Superintendent Laing introduced Mark Peterson as the new Public Affairs Director. Mr. Peterson comes to the Utah State Office of Education from Weber State University. He commented that Mark is very

capable, considerate and helpful.

Illegal Immigrant Federal Issue - Superintendent Laing has met with some members of the Utah Hispanic Advisory Council and Representative Cannon's office. There is a bill being proposed in Congress that would enable states to determine the state residency for higher education purposes for students who are illegal immigrants. We educate these students in public school, because we are obligated to do that. However, when they leave the public schools they can no longer enroll in the institutions of higher education, because they do not have legal status in the United States. The bill states that those students who have been in the states for five years, are of good morale character, etc. the state would have the authority to determine their status for the purposes of going to college. Dr. Laing indicated that he personally felt it was a good bill because we have the students already, many of whom are doing very well in the public schools and it seems unfortunate to place a roadblock in their way just because their parental status is such that they do not have status as legal emigrants themselves.

Governor's Education Coordinating Council - This Council met for the second time earlier this week. The Governor would like to be very supportive of us in marketing our SIS system, but recognizes that it creates a strain on our capacity in our District Computer Services. He has a person on his staff, Sam Westover, who has experience in the technology areas and he has been charged with looking at the possibilities of developing some kind of an enterprise function where we could market our system and charge others. Dr. Laing indicated that he appreciated the fact that the Governor recognized what has been developed as a quality program, and the possibility of marketing it could be positive for us.

Dr. Laing reported that the Governor is also very concerned and anxious to have in place a competency based high school diploma that could be offered by the new Regional Colleges of Applied Technology. The new legislation reserves the approval of that to the State Board of Education. While recognizing that the Board does not grant diplomas, the Board does set standards and graduation requirements. In discussing this, one of the ideas that came up that we may want to consider as we get into the process of developing this responsibility would be to say give a competency-based diploma that would enable them to be employed. It would mean they would complete a program and pass the GED. This would not require us to develop something completely unique from what already exists. There is still a lot of work that needs to be done on this.

Member Joyce Richards commented that we need to make a greater effort toward graduating students with skills for employment. In other state's students can graduate with a dual certificate, or substitute some of the graduation requirements with applied technology education classes. One of the things we fail to do in Utah is we don't keep students interested who are likely to be dropouts. Those are the students that would benefit from applied technology education type courses. Member Richards also felt that we need to have someone who watches over applied technology education in high schools, as well as our students ability to get into the courses at the newly established colleges.

Audit Committee - Chairman Burningham announced that Mike Anderson has been selected to co-chair the Board Audit Committee with Greg Haws.

General Consent Calendar

Motion was made by Member A. Earl Mc Cain and seconded by Member Linnea S. Barney to approve the General Consent Calendar as presented. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education and State Board for Applied Technology Education held May 21, 2001 and June 1, 2001.

2. Contracts

(A) Central Utah Center for Independent Living. \$300,000. 7/1/01-6/30/02 - Amend. - Fed.

To provide Independent Living and Assistive Technology services to individuals with Severe disabilities residing in Utah, Wasatch, Juab, and San Pete counties.

(B) Amsource Z-Value, LLC. \$128,114.72. 7/1/01-6/30/06. - Fed.

To lease office space for the Division of Rehabilitation Services located at 982 North Main Street, Tooele, Utah.

(C) Wilson Properties & Associates LC. \$496,693.20. 7/1/01-10/31/06. - Amend. - Fed.

To lease office space for the Division of Rehabilitation Services located at 1140 36th Street, Suite, 150, Ogden, Utah.

(D) LTMB and Associates, LLC. \$202,694.40. 7/1/01-6/30/06. - Fed.

To lease office space for the Division of Rehabilitation Services located at 1067 East Tabernacle, St. George, Utah.

(E) Utah Parent Information and Training Center. \$40,000. 7/1/01-6/30/02 - Amend. - Fed.

The Utah Parent Information Center is the only center in the state which serves as a statewide clearinghouse for parents with disabled children. UPC provides information, referral, training and support to parents.

(F) Art Access/VSA Utah. \$40,000. 7/1/01-6/30/02. - Amend. - Fed.

To ensure integrated arts for students with disabilities. Train and recruit professional artists to provide direct service to students and provide inservice training to teachers, aides, parents and administrators. Use "Start With The Arts" Curriculum for preschoolers learning basic skills through art.

(G) Governor's Council for People with Disabilities. \$49,080. 7/1/01-6/30/02 - Amend. - Fed.

Provide funds and operating guidelines for a statewide information and referral program (ACCESS UTAH NETWORK) to meet information needs for persons with disabilities and their families in the State of Utah. The program will be administered by the Utah Governor's Council for People with Disabilities.

(H) MGT of America, Inc. \$206,630. 6/1/01-1/31/02.

The Utah State Board of Education is commissioning an external study to determine to what degree the Utah State Office of Education is efficiently and effectively meeting its constitutional and statutory responsibilities.

(I) Measured Progress, Inc. \$4,048,969. 7/16/01 - 6/30/05.

For construction of the Utah Core Assessment Series Science Tests.

(J) OPTIONS for Independence. \$314,862. 7/1/01-6/30/02. - Amend. - Fed.

To provide Independent Living and Assistive Technology services to individuals with Severe disabilities residing in the Northern Utah Independent Living Rehabilitation District.

(K) Kane County School District. \$6,913.00. 7/1/01-6/30/02. - Amend. - Fed.

To provide funding for a Transition Facilitator to provide for transition services to Special Education and 504 Students in the Kane County School District. This target population is comprised primarily of Vocational Rehabilitation clients and potential Vocational Rehabilitation clients.

(L) Washington County School District. \$14,551. 7/1/01-6/30/02 - Amend. - Fed.

To provide funding for a Transition Facilitator to provide for transition services to Special Education and 504 Students in the Washington County School District. This target population is comprised primarily of Vocational Rehabilitation clients and potential Vocational Rehabilitation clients.

(M) Intermountain Court Reports. \$10,500. 6/1/01-5/31/04

To provide court reporting service used as real-time captioning for deaf and hard of hearing staff and consumers at meetings, workshops, or other such activities.

(N) Versa Management Systems, Inc. \$120,000. 7/1/01-6/30/04. - Amend. - Fed.

Consultation services and program/system refinement for Versa "Case Expert" software installed on the DDS IBM AS/400. Versa is recognized by the Social Security Administration as one of two vendors who automate DDS case processing.

(O) Department of Administrative Services. \$117,264. 7/1/01-6/30/02. - Amend. - Fed.

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

located at 1595 West 500 South, Salt Lake City, Utah.

(P) Department of Administrative Services, DFCM. \$37,053.52. 7/1/01-6/30/02 - Amend. - Fed.

To renew the Operating and Maintenance Agreement between DFCM and the Utah State Office of Rehabilitation, Provo Regional Center located at 150 East Center, Provo, Utah.

(Q) Department of Administrative Services, DFCM. \$15,000. 7/1/01-6/30/02. - Amend.

Operating and Maintenance Agreement with the Utah State Office of Rehabilitation, Division of Services for the Deaf and Hard of Hearing, located at 5709 South 1500 West, Taylorsville, Utah.

(R) Department of Administrative Services, DFCM. \$112,027. 7/1/01-6/30/02. - Amend.

To renew the Operating and Maintenance and Security Agreement with DFCM and Utah State Office of Rehabilitation, Division of Services for the Blind and Visually Impaired located at 250 North 1950 West, Salt Lake City, Utah.

(S) Division of Health Care Financing. \$25,000. 7/13/01-10/31/01. - Fed.

Development of an evaluation and research process for programs under the Ticket to Work and Work Incentives Act initiatives.

(For complete details of the Contracts, see General Exhibit No. 8627.)

3. Utah School Boards Association Dues

An invoice for the Utah School Boards Association Dues for Fiscal Year 2002 in the amount of \$1,500 was approved for payment. (For complete details, see General Exhibit No. 8628.)

4. Council of Chief State School Officers Dues

An invoice for the Council of Chief State School Officers Dues and Assessments for fiscal year 2002 in the amount of \$25,182.00 was approved for payment. (For complete details, see General Exhibit No. 8629.)

5. Advanced Readers at Risk, Rule R277-480

The 2001 Legislature appropriated funding for the advanced readers at risk programs. The purpose of this rule is to establish local programs for advanced readers at risk in Utah's public schools. The rule provides procedures for school districts or schools or consortia of districts or schools to receive funds to develop local programs that encourage advanced readers to develop and apply advanced reading skills, to train and involve parents in reading activities, and to promote student service projects that develop from the students' reading skills and activities. The Board approved on second reading, Rule R277-480, Advanced Readers at Risk at the June 1, 2001 meeting. There have been no substantive changes made to the rule since that time. (For complete details, see General Exhibit No. 8630.) The Board approved Rule R277-480, Advanced Readers at Risk on third and final reading.

6. Secondary Applied Technology Education, Rule R277-911

The 2001 Legislature combined three applied technology education-related programs with the District Applied Technology Education program within the Minimum School Program. The programs are Comprehensive Guidance, Technology, Life and Careers (TLC), and Work-Based Learning.

Because the funding sources are now merged into one line item governed by Applied Technology Education, the existing rules for funding and running the programs are being referenced in R277-911, Secondary Applied Technology Education. This is consistent with rules integration for other block grant programs. The Board approved on second reading, Rule R277-911, Secondary Applied Technology Education at the June 1, 2001 meeting. There have been no substantive changes made to the rule since that time. (For complete details of the Rule, see General Exhibit No. 8631.) The Board approved Rule R277-911, Secondary Applied Technology Education on third and final reading.

7. Administrative Rule Review

Under provisions of 63-46a-9, U.C.A. 1953, all administrative rules shall be reviewed every five years. There may be minor nonsubstantative changes within these rules. (For complete details of the Rules, see General Exhibit No. 8631.) The following rules were reviewed and approved:

R277-432 Twenty Percent Funding for Class Size Reduction

R277-466 Modified Centennial Schools Program

R277-914 Applied Technology Education (ATE) Leadership

8. Ratification of Employment

Michael S. Spendlove was ratified as an Educational Specialist, Evaluation and Assessment, Planning and Project Services Division.

Mark Peterson was ratified as the Director of Public Affairs, Utah State Office of Education.

9. Salt Lake Community College Accreditation

In February 2000, review teams under the direction of the Applied Technology Education Services Division, conducted accreditation visits of 24 programs at the Salt Lake Community College Applied Technology Center. Following the visits and necessary interviews with Salt Lake Community College ATE personnel, a recommendation for FULL Accreditation status is suggested. The Board for Applied Technology Education granted Full Accreditation status to Salt Lake Community College Applied Technology Education Programs.

10. Uintah Basin Applied Technology Center Accreditation

In April 2000, review teams under the direction of the Applied Technology Education Services Division, conducted accreditation visits of 20 programs at the Uintah Basin Applied Technology Center. Following the visits and necessary interviews with Uintah Basin ATE personnel, a recommendation for FULL Accreditation status is suggested. The State Board for Applied Technology Education granted Full Accreditation status to the Uintah Basin Applied Technology Center and its Applied Technology Education Programs.

11. Applied Technology Center Superintendents and Applied Technology Center Service Region Directors Salary Increase

It is the responsibility of the State Board of Education to set the salary schedule for the Applied Technology Education Center Superintendents and in conjunction with the State Board of Regents, for the Applied Technology Center Service Region Directors. The Board approved a 4% salary increase for the Applied Technology Center Superintendents and the Applied Technology Center Service Region Directors.

12. List of Applicants for Certificates

A summary of the list of applicants for initial and renewal certificates from January 1, 2001 to June 30, 2001 was approved by the Board. (For complete details, see General Exhibit No. 8633.)

13. Claims Report

The Claims Report in the amount of \$158,972.661.16 ending June 30, 2001 was approved by the Board. (For complete details, see General Exhibit No. 8634.)

Board Chairman Report

Chairman Kim R. Burningham reported on the following:

Chairman Burningham reminded Board Members of the meetings with the Governor and Legislature next week. The meeting with the Governor is Monday, July 16 at 1:30 p.m. Tuesday, July 17 at 9:00 meeting with the Republican Leadership; 10:45 a.m. Senate Democrats, and 12:00 p.m. House Democrats. We would like seven members of the Board for these meetings if possible.

NASBE Awards - Chairman Burningham noted that NASBE has named their Distinguished Service and Policy Leader

Awards and neither of our nominees were chosen.

Utah College of Applied Technology Education President - He received a letter requesting a nomination for the UCAT president position. He indicated that as a Board it may be appropriate to nominate someone.

Motion was made by Member Teresa L. Theurer and seconded by Member David L. Moss that the State Board of Education nominate Rob Brems for consideration as the president of UCAT. Motion carried unanimously.

Vice Chairman Janet Cannon reported that she attended NASBE meetings in June and learned that both the house and the senate have passed bills on the Elementary and Secondary Education Act. What happens now is that the two committees will get together and if there are things that are identical in both bills, it is a foregone conclusion that they will pass and remain the same. Where they are different is where the committee will have to work things out. The Senate version indicates that funding for the Individuals with Disabilities Education Act will receive \$2.5 billion annually for the next six years to reach the 40% threshold that was pledged in the 1970's. This would move this program from a discretionary program where it has to fight every year for funding into a mandatory program where it would automatically receive funding. This would be a tremendous influx of money into the schools if it passes. She proposed that the Board send a letter to each of our congressional delegation asking them to support the senate version which increases the spending for IDEA.

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Bette O. Arial that the State Board of Education contact by letter each member of Utah's congressional delegation indicating our support for the full funding of IDEA, which is included in the senate version of the reauthorizaton of ESEA. Motion carried unanimously.

Deputy Superintendent Gary Carlston noted that in the Coalition of Minorities Advisory Committee report they recommended a Committee selection process. He questioned if the Board would like to adopt the process at this meeting so we can move on the appointments to the committee or wait until the September meeting.

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member A. Earl McCain that the Board approve the process recommended by CMAC for brining potential members of that Committee to the Board for appointment. Superintendent Laing noted that the process presented by CMAC would notify CMAC and then the person, he suggested that it be simultaneous. Suggestion by Superintendent Laing was adopted into the motion. Motion carried unanimously.

Legislative Priority Issues FY 2002-2003 Cont.

The Board further discussed legislative priority issues including the block grant concept.

Member Earl McCain voiced concern that the rural districts may be put at a disadvantage with block grants. They do not appear to be opposed to block granting, but are concerned with the distribution in the blocks.

Chairman Burningham suggested that the Board come up with five priorities then look at what would be included under the block with specific dollars and details.

It was clarified that the Board's first priority would be an increase in basic funding (weighted pupil unit).

Motion was made by Member Teresa L. Theurer and seconded by Member Judy Larson to accept as one of the priorities Educational Enhancement, including literacy specialists and ESL. No action was taken on the motion.

Further discussion ensued relative to which items would be included under each priority and how they might be identified.

Member Earl McCain suggested that the motion be amended to include "according to district needs."

Associate Superintendent Patrick Ogden provided a Minimum School Program chart with items above and below the "line" with specified areas for each block. (For complete details see General Exhibit No. 8635.)

Member Denis Morrill suggested that the State Board reexamine the previous priorities that are above the line to see if they are still needed.

Members Bette Arial and Denis Morrill spoke in favor of the block grant to districts to let them use the money where they need it most, with accountability. Chairman Burningham commented that the Board is in general agreement that there should be a short list approach. There has been talk of some priorities; significant increase of the basic funding, others that have been mentioned, yes we should take things from existing budget, we are not sure what blocks, but support block granting.

Judy Larson, last year we had our five areas of focus and it was easy to place our requests within those five areas. She did not feel we had anything keeping us in any one direction. She would like to see us look at the five areas of focus and do an action under each one.

Superintendent Laing stated that the areas of focus that the Board has addressed and considered over the last four months are high priorities for the staff. If we are to build on the system beyond just an increase in the weighted pupil unit, we should focus in literacy/ESL [including the things being measured with U-PASS, literacy, numeracy, writing, communicating, reading, etc.] professional development [mentoring, differentiating pay for those assignments that are more difficult, and alternative certification], applied technology education as a portion of the high school curriculum, and the first priority needs to address a meaningful increase in the weighted pupil unit.

Deputy Superintendent Gary Carlston cautioned that in looking at the weighted pupil unit we may want to break out the increase in insurance and utility costs which have risen dramatically over the last few years.

Associate Superintendent Pat Ogden commented that when you talk about the first priority being an increase in the base funding we focus primarily on the increase in the weighted pupil unit. There are other ways of doing that, one of which was presented by the Rural School Association earlier today, which would be to allow local boards to issue up to .0010 in the tax levy in the boards leeway. That way you would force them to prioritize, raise their levies, but would also require additional state funding.

Member Denis Morrill suggested that the Board have another meeting in August to finalize and make decisions.

It was agreed that the executive committee and the superintendency would put together a rough proposal based on what has been discussed and that the Board would meet on August 10, 2001 at 8:30 a.m. and end by 1:00 p.m. It was requested that there be advance information made available to the Board prior to the meeting. Motion was made by Member A. Earl McCain to adjourn.

Meeting adjourned at 5:10 p.m.