

# UTAH STATE BOARD OF EDUCATION

## MINUTES

January 11, 1996

Minutes of the meeting of the State Board for Applied Technology Education and the State Board of Education held January 11, 1996, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:45 a.m. Board Vice Chairman Linnea S. Barney presided.

Members present were:

Vice Chairman Linnea S. Barney  
Member Daryl C. Barrett  
Member Neola Brown  
Member Janet A. Cannon  
Member Keith T. Checketts  
Member Thomas F. Davidson  
Member Katharine B. Garff  
Member Lynn Haslem  
Member C. Grant Hurst  
Member Boyd F. Jensen  
Member Milton Kendrick  
Member Kay McDonough  
Member Marilyn Shields  
Member Waynette Steel

Chairman Snow was excused.

Also present were:

Executive Officer Scott W. Bean  
Deputy Superintendent Laurie A. Chivers  
Associate Superintendent Robert O. Brems  
Associate Superintendent Bruce Griffin  
Associate Superintendent Jerry P. Peterson  
Public Information Officer Eileen Rencher  
Board Secretary Twila B. Affleck

Executive Director, USOR, Blaine Petersen was excused

Also present for portions of the Board meeting were:

Members of the Press:

Angela An, KSL-TV  
Marjorie Cortez, Deseret News  
Kathy Kapos, Salt Lake Tribune

Members, State Office of Education Staff:

Dick Siddoway, Instructional Services  
Robert Clayton, Instructional Services  
Steve Kukic, Instructional Services

Members, State Office of Rehabilitation Staff:

Don Uchida, Rehabilitation Services

Others:

Fran Shultz, Governor's Office  
Debbie Simpson, Utah Eagle Forum  
Gayle Ruzicka, Utah Eagle Forum

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The Board repeated the Pledge of Allegiance.  
Board Member Kay McDonough offered the reverence.  
Board Secretary Twila B. Affleck recorded the minutes.

### **EXECUTIVE SESSION**

Motion was made by Member Thomas F. Davidson and seconded by Member C. Grant Hurst to move into executive session to discuss personnel and possible litigation issues. The Board was polled and by unanimous consent of those present [Katharine B. Garff, Lynn Haslem, and Milt Kendrick absent], the Board moved into executive session at 10:50 a.m.

Motion was made by Member Keith T. Checketts and seconded by Member C. Grant Hurst to reconvene into open meeting. The Board by unanimous consent of those present [Members Haslem and Kendrick absent] reconvened at 11:40 a.m.

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### **OPEN MEETING**

#### **Deaf and Hard-of-Hearing Advisory Council**

Motion was made by Member C. Grant Hurst and seconded by Member Kay McDonough to appoint Miriam Crawford to the Deaf and Hard-of-Hearing Advisory Council in the Utah State Office of Rehabilitation. Ms. Crawford's term to expire 6/98. Motion carried with Members Barrett, Brown, Cannon, Checketts, Davidson, Garff, Hurst, Jensen, McDonough, Shields, and Steel voting in favor; Members Haslem and Kendrick absent.

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

Motion was made by Member Keith T. Checketts and seconded by Member Thomas F. Davidson to elect Kay McDonough to represent the State Board of Education on the Utah School Boards Association Board of Directors. Motion carried with Members Barrett, Brown, Cannon, Checketts, Davidson, Garff, Hurst, Jensen, McDonough, Shields, and Steel voting in favor; Members Haslem and Kendrick absent.

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### **EXECUTIVE OFFICER REPORT**

Superintendent Scott W. Bean presented the following items of information:

**Legislative Interim Committee Meetings.** We have completed all of the education interim committee meetings. Dr. Bean expressed thanks and appreciation to the two co-chairs of the interim committee, Representative Beverly Evans and Senator David Steel.

**San Juan School District Litigation.** There are three areas in the San Juan District litigation. One suit is about providing basic services for Native American Students; the second is about Navajo Mountain; and the third is about Special Education. Two hearings were held in federal court last week where we heard reports on all three cases. Judge Thomas Green has the general education case, and Bruce Jenkins has the Special Education and Navajo Mountain cases. Dr. Bean indicated that we are getting ready to complete the stipulations on the Navajo Mountain Case. Hopefully, the final work on that will take place on January 26 when all of the parties get together and agree to the stipulations.

**Federal Equalization Act, Attorney Generals Letter.** We sent a letter to the Attorney General in which we asked several questions about the ability of school districts, under the Federal Equalization Act, to control clubs within the schools. The letter had reference basically to the situation at East High School, but it could apply to any school. The response was that the Attorney General agrees with our opinion. We did not give them an opinion, we only gave them

some background. They have said that the federal law does hold precedence. He expressed great concern over that because anytime we have federal law that tells local school districts how to take care of situations with activity clubs in schools, we have a very negative situation. Dr. Bean expressed his view that local boards should have full control over the formation and decisions they make with respect to any kind of student activity clubs they have within a district. Dr. Bean indicated that he felt the Board needs to pursue that in some way, because it is wrong for the federal government to pass a law that impacts the ability of the local board to control their own situation without any kind of funding associated with it.

In response to Superintendent Bean's concerns, a motion was made by Member Katharine B. Garff and seconded by Member Boyd F. Jensen that the State Board is opposed to federal laws which restrict the ability of local boards of education to exercise clear control over the formation of school-based clubs within their district. We direct the State Superintendent to have staff review and research all available means to restore power to local boards of education to have complete control over the formation of school based clubs.

Member C. Grant Hurst indicated he supported the motion but did not think it was strong enough. Member Hurst offered an amendment to the motion to insert after the word "districts" the following: additionally, we express our concern over the formation of any organizations, in schools, that may create a disruptive or unsafe atmosphere for children or that may attract or entice children to make decisions that could have a long-term negative impact on their lives. Then continue the motion as presented by Member Garff. The amendment was seconded by Member Lynn Haslem.

Member Daryl Barrett spoke against the amendment indicating that the statement addresses the situation with any club, and she did not want this to be a knee-jerk response to what has recently happened. She felt it was inappropriate to go further than the original motion.

Member Keith Checketts indicated that although he agreed with the sentiment of the amendment he would vote against it because it restricts the nature of what we are trying to do.

Member Haslem spoke in support of the motion because he was concerned that by not being aggressively strong we might imply endorsement. He felt that there needed to be language to indicate that decisions must be made at the local level as far as we can do so within the law.

The amendment carried with Members Brown, Davidson, Haslem, Hurst, Kendrick, Shields, and Steel voting in favor; Members Barrett, Cannon, Checketts, Garff, Jensen, and McDonough voting against. Chairman Barney ruled motion carried. Member Checketts called for a point of order stating that in order for it to be an action of the Board, it would require a majority of the Board and not just a majority of those present. Member Hurst called for clarification on the point and requested that the Board recess while the point was researched.

Superintendent Bean indicated that if the Chair voted it may or may not clarify the issue. He felt that in the situation, it would be better if the chair voted. Chairman Barney voted in support of the amendment. The amendment then passed.

Doug Bates provided the statutory reference indicating that a majority of the Board is required to validate an act of the Board.

The original motion as amended carried with Members Brown, Cannon, Davidson, Haslem, Hurst, Kendrick, and Steel voting in favor; Members Barrett, Checketts, Garff, Jensen, McDonough, and Shields voting against

**Washington County Trust Lands Litigation.** He and representatives from the Attorney Generals Office met with David Terry, the new Trust Lands Administrator, with respect to the Washington County Trust Lands litigation. They have proposed some alternatives on how to proceed with that and we are considering those. They have looked at possibilities such as arbitration or other ways of solving that. This does not stop the Attorney General's Office from proceeding on course with the litigation. The difficult thing for us is that the Trust Lands Division is using trust lands funds for their defense because the suit was brought against the previous organization. The concern for the meeting was that we did not feel this is right. The suit, however, is going through on schedule, and it may take up to two years to get it into a court situation where it is finally determined.

**Wasatch Front South ATE Service Region.** Held a five-hour planning meeting which included the superintendents from the Wasatch Front South and President Frank Budd of Salt Lake Community College. We are getting on track with planning funds for an outside consultant to do a planning study for Wasatch Front South. This will also involve some of the closer regions, some of which have Applied Technology Centers, so we can get a better comparative situation with some unbiased recommendations to Wasatch Front South as well as some of the other service regions. We hope to have a specific recommendation on that soon.

**Raleigh North Carolina Chamber of Commerce Visit.** Five people from the Raleigh North Carolina Chamber of Commerce came in to talk about public education. We talked about things we do in Utah and some they do there relative to education. He indicated that it was interesting on how some things play out. He noted a Letter to the Editor in the Deseret News indicating that we needed to get rid of the fourth branch of government which was the State Board of Education and the State Superintendent should be elected. This group from North Carolina indicated their superintendent is elected, and they are trying to get that changed to be an appointed position.

**News Week Article - Progress But Not Perfection.** Distributed copies of an article from News Week entitled "Progress But Not Perfection." (For complete details, see General Exhibit No. 7487.) Dr. Bean felt that this contradicts the types of criticisms we receive in public education, and he encouraged the Board to keep it as a reference.

**USA Today, - Article that "Education For The First Time is Top Voter Concern."** (For complete details, see General Exhibit No. 7488.) Education should always be a top voter concern but not in a negative sense. What we ought to do is take statistics that give objective pictures rather than suppositions or political statements that may be negative.

**Applied Technology Education Public Awareness Campaign.** Associate Superintendent Rob Brems distributed copies of the schedule for the public awareness campaign for Applied Technology Education. (For complete details, see General Exhibit No. 7489.) He indicated that the billboard is on 600 South and will be there through the month of January. In February, it will be on south bound I-15, and in March on north bound I-15.

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## **BOARD CHAIRMAN REPORT**

Member Boyd Jensen reported that the Utah School Boards Annual Convention is underway at the Little America Hotel and encouraged all Board members to attend. He expressed appreciation to the Board for their participation. He indicated he had sent a letter requesting members to man the State Board booth at the convention. He asked that members shake hands with people and answer questions or whatever.

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## **COMMITTEE REPORTS**

### **ADMINISTRATION, FINANCE, AND LEGISLATION COMMITTEE**

Member C. Grant Hurst, Chairman, Administration, Finance and Legislation Committee presented the following recommendations from the Committee:

#### **Emergency Preparedness Plan, Revision of Rule R277-400.**

The proposed revision to the Emergency Preparedness Plan Rule, R277-400, brings the rule in compliance with the State Fire Marshall codes. (For complete details, see General Exhibit No. 7490.) The Committee made an additional adjustment with regard to fire drills by changing Item C in 277-400-7 to D and D to E, and added a new C. "Schools shall hold at least one drill for other emergencies during the school year."

The Committee approved the proposed changes on first reading.

A motion was made from the Committee that the State Board of Education approve Rule R277-400, Emergency Preparedness Plan, on second reading with the additional adjustment. Motion carried with Members Barrett, Brown,

Cannon, Checketts, Davidson, Haslem, Hurst, Jensen, Kendrick, McDonough, Shields, and Steel voting in favor; Member Garff absent.

### **Budgeting, Accounting, and Auditing for Utah School Districts, Revision of Rule R277-425**

The revision to the Budgeting, Accounting, and Auditing for Utah School Districts, Rule R277-425, were presented. The changes make the rule consistent with Agency practices and provides for annual revisions of standards. (For complete details, see General Exhibit No. 7491.)

Member Hurst distributed a revised rule with additional information. This would change the basis of the School Finance Workbook; it defines an easier and better understandable language and the application of the budgeting workbook that comes out. The Committee made one additional change in 277-425-4 Amendments A. Strike: It is the intent of Utah's legislature that . . . . Begin the sentence with: Each school district in Utah shall . . . . The Committee has also asked staff, upon approval of this rule, to make sure that on an annual basis the workbook come before the Board for its approval.

The Committee approved the proposed changes and amendments to the rule on first reading.

A motion was made from the Committee to approve Rule R277-425, Budgeting, Accounting, and Auditing for Utah School Districts, as amended on second reading. Motion carried with Members Barrett, Brown, Cannon, Checketts, Davidson, Haslem, Hurst, Jensen, Kendrick, McDonough, Shields, and Steel voting in favor; Member Garff absent.

### **Goals 2000/Centennial Schools Funding**

Recommendations of school districts for Goals 2000 second year funding were presented from the screening committee. (For complete details of the list of districts, see General Exhibit No. 7492.) It was noted that each of these recommended districts fully meet the criteria. Associate Superintendent Bruce Griffin reviewed the process for the Goals 2000/Centennial School Funding.

A motion was made from the Committee to approve the districts as submitted by the screening committee to receive Goals 2000 second year funding. Motion carried unanimously.

### **Certification Committee Meeting Minutes**

The Committee reviewed the recommendation of the Utah Professional Practices Advisory Commission in Case No. 95-369 to accept a stipulated agreement whereby James Wind, a former teacher in the Granite School District, will voluntarily surrender his teaching certificate, in lieu of a hearing, for purposes of having it revoked by the State Board of Education as a result of alleged sexual misconduct.

A motion was made from the Committee to accept the stipulated agreement and revoke the teaching certificate of James Wind, Case No. 95-369, as a result of alleged sexual misconduct. Motion carried unanimously.

The Committee reviewed the list of requests for temporary authorizations. The following changes should be made in the Requests for Temporary Authorizations: Grand District--remove Annette Kearn, and change James Nissen to Peggy Nissen; Ogden District--remove Anna Holman.

A motion was made from the Committee to approve the requests for temporary authorizations as amended in the Agenda. Motion carried unanimously.

(For complete details of the Certification Committee Agenda, see General Exhibit No. 7493.)

### **Federal Equalization Act**

Member Keith Checketts voiced concern with the vote earlier on the motion as amended on the Federal Equalization Act. He felt it gave the wrong impression of where the Board stands on that matter. He indicated he had voted against the motion in its entirety because he felt that the amendment was not necessary, but he supports the sentiment of the motion. He requested that he be allowed to move the original motion just as a voice of sentiment so those who may have opposed the amendment may still be able to express themselves in support of the action we are asking be taken. He felt the amendment was more an editorial comment than an action.

A motion was made by Member Keith T. Checketts and seconded by Member C. Grant Hurst that the Board reconsider the one part of the motion to direct the State Superintendent to have staff review and research all available means to restore power to local boards of education to have complete control over the formation of school-based clubs. Motion carried Unanimously.

## **CURRICULUM AND INSTRUCTION COMMITTEE**

Member Neola Brown, acting chair of the Curriculum and Instruction Committee, presented the following recommendations from the Committee:

### **Funds for At Risk Students, Rule R277-760**

The revision to the Funds for At Risk Students, Rule R277-760, were reviewed by the Committee. It was noted that the purpose of the revision is to change the fund distribution system so that it is 100 percent flow-through. The formula guarantees a minimum base for small districts. (For complete details of the rule, see General Exhibit No. 7494.)

The revision to the rule was approved on first reading by the Board at their December 1995 meeting.

The Committee approved the revision to the rule on second reading.

A motion was made from the Committee that the State Board of Education approve Rule R277-760, Funds for At Risk Students on third reading. Motion carried with Members Barrett, Brown, Cannon, Checketts, Garff, Haslem, Jensen, Kendrick, McDonough, Shields, and Steel voting in favor; Members Davidson and Hurst absent.

### **Highly Impacted Schools**

Staff reported that the 1995 Legislature appropriated \$4 million for Highly Impacted Schools. Forty schools were identified for this funding. Each school has developed a plan for the expenditure of these resources to increase student contact with highly qualified staff. In addition, each school has developed specific methods to evaluate the use and effectiveness of these funds to improve the educational performance of students. The Board also has received copies of the most recent edition of StudentFOCUS which was devoted exclusively to articles about highly impacted schools. (For complete details of the report, see General Exhibit No. 7495.)

### **Centennial Scholarships for Early Graduation Program**

Staff presented a report on the current status of the Centennial Scholarships for Early Graduation program. The program has shown tremendous growth during the last five years, in numbers of both students and schools participating, demonstrating the effectiveness and viability of the Centennial Scholarships for Early Graduation. (For complete details of the report, see General Exhibit No. 7496.)

### **FITKIDS UTAH**

Staff reported on the collaborative efforts of the State Office of Education, the Utah Department of Health, the American Cancer Society, and the State PTA in the development of FITKIDS UTAH, a pilot model of comprehensive school health in elementary schools. In the initial pilot year, FITKIDS UTAH involves five of the eight components of a comprehensive school health program. The second year plans involve expansion of the components to include health services, healthy school environments, and counseling and psychological services which will make it truly comprehensive. (For complete details of the report, see General Exhibit No. 7497.)

### **Utah Educational Technology Initiative Final Evaluation**

Staff presented a report on the final evaluation of the Utah Educational Technology Initiative (ETI). The report was prepared by the Beryl Buck Institute for Education with funding from the State Office of Education. (For complete details of the report, see General Exhibit No. 7498.)

Superintendent Bean commented that the Technology Initiative was what started the state into positive technology funding for schools. Sometimes when you determine an amount and it goes over a five year period, that can be a restriction. Since the Technology Initiative has ended, we have actually received significantly more funding for technology than we did while it was there. He expressed appreciation to Governor Leavitt for his interest in it. He

further expressed appreciation to the people who have worked on that in putting technology in a forefront position in this state.

Member Tom Davidson complimented the people at Beryl Buck on this very realistic evaluation.

A motion was made from the committee to receive the reports. Motion carried with Members Barrett, Brown, Cannon, Checketts, Davidson, Garff, Haslem, Hurst, Kendrick, McDonough, Shields, and Steel voting in favor; Member Jensen absent.

## **APPLIED TECHNOLOGY AND REHABILITATION COMMITTEE**

Member Marilyn Shields, Chair of the Applied Technology and Rehabilitation Committee, presented the following recommendations from the Committee:

### **Planned Budget Presentation to Legislature on Applied Technology Education**

Associate Superintendent Robert O. Brems reviewed with the Committee the budget presentation to be used when the combined Public and Higher Education Appropriations Committees of the Utah State Legislature meet to consider the needs of Applied Technology Education. (For complete details of the budget presentation, see General Exhibit No. 7499.) Member Shields asked Associate Superintendent Brems to reviewed the presentation with the Board.

### **Department of Workforce Services**

Staff reviewed the proposed legislation regarding the establishment of a new Department of Workforce Services and its possible impact on education. (For complete details of the materials, see General Exhibit No. 7500.)

Superintendent Bean reported to the Board that following the Joint Liaison Committee Meeting he was asked to do a paper about his concerns on the proposed legislation. He indicated that this paper has generated considerable interest. He has received calls from the Governor and Lt. Governor. He reported that he had a meeting with Lt. Governor Walker which he felt was very productive. He indicated that Representative Protzman had attended the committee meeting this morning. He felt that some things have been resolved about the concerns.

Superintendent Bean reviewed his concerns addressed in his letter to the Board and the responses from the Lt. Governor and Representative Protzman. Dr. Bean indicated that he has told them that we will subordinate our concerns if it will be more positive for the citizens of the state. He felt that in the long-run the result will be very positive.

Dr. Bean indicated that after the law is drafted he will write another letter addressing the same eight concerns, to see if we feel that most have been resolved.

A motion was made from the Committee to receive the reports. Motion carried with Members Barrett, Brown, Cannon, Davidson, Garff, Haslem, Hurst, Jensen, Kendrick, McDonough, Shields, and Steel voting in favor; Member Checketts absent.

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### **Status Sheet for the 1996 Legislative Session**

Doug Bates, Coordinator, School Law and Legislation, presented the latest status sheet of proposed legislation for the 1996 Legislative Session. The Board reviewed the recommended positions on the legislation. (For complete details, see General Exhibit No. 7501.)

Dr. Bates indicated that the Legislative Hotline, 538-7834, will be updated each night.

Following discussion of some of the proposed bills, a motion was made by Member Katharine B. Garff and seconded by Member Marilyn Shields to adopt the positions recommended with amendments as follows: H.B.32 change to unnecessary; H.B.65, support concept; and S.B.20, oppose. Motion carried with Members Barrett, Brown, Cannon, Davidson, Garff, Haslem, Hurst, Jensen, Kendrick, Shields, and Steel voting in favor; Members Checketts and McDonough absent.

### **Budget Summary for 1996-97**

Deputy Superintendent Laurie A. Chivers reviewed the budget summary document for 1996-97 which will be used during the upcoming session of the legislature. The summary included the amounts in the Governor's budget proposal. (For complete details, see General Exhibit No. 7502.) Dr. Chivers expressed appreciation to the Governor's Office and specifically Con Rowley for his attendance at meetings, being aware of what is happening in education, and for his supportive recommendations.

Member Katharine Garff indicated that Associate Superintendent Bruce Griffin was largely responsible, through his efforts and providing information, for the support of the class size reduction money.

A motion was made by Member Katharine B. Garff and seconded by Member Thomas F. Davidson to receive the report. Motion carried with Members Barrett, Brown, Cannon, Davidson, Garff, Haslem, Jensen, Kendrick, Shields, and Steel voting in favor; Members Checketts, Hurst and McDonough absent.

### **Electronic High School**

Dick Siddoway, Specialist, Electronic High School, presented a report on the progress to date and the future direction of the Electronic High School Program. (For complete details, see General Exhibit No. 7503.) He reported that 5,285 students, approximately six percent, are taking classes electronically statewide.

A motion was made by Member Thomas F. Davidson and seconded by Member Boyd F. Jensen to accept the report with commendation. Motion carried with Members Barrett, Brown, Cannon, Davidson, Garff, Haslem, Jensen, and Kendrick voting in favor; Members Checketts, Hurst, McDonough, and Steel absent.

### **Board Room Technology Demonstration**

Robert Clayton, EDNET Specialist, demonstrated the features of the new audio and video equipment installed in the Board Room.

A motion was made by Member Boyd F. Jensen and seconded by Member Lynn Haslem to receive the report. Motion carried with Members Barrett, Brown, Cannon, Davidson, Garff, Jensen, Kendrick, Shields, and Steel voting in favor; Members Checketts, Haslem, Hurst, and McDonough absent.

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### **GENERAL CONSENT CALENDAR**

A motion was made by Member Katharine B. Garff and seconded by Member Thomas F. Davidson to approve the General Consent Calendar as presented. Motion carried with Members Barrett, Brown, Cannon, Davidson, Garff, Jensen, Kendrick, Shields, and Steel voting in favor; Members Checketts, Haslem, Hurst, and McDonough absent.

#### **1. Minutes of Previous Meeting**

Minutes of the Meeting of the State Board for Applied Technology Education and the State Board of Education held December 8, 1995.

#### **2. Contracts**

The following contracts were approved by the Board:

(a) Margaret R. Moore, Ph.D. \$60,000. 1/1/96-12/31/96. - Fed.

Professional and technical medical services for USOR/DDS.

(b) Netel Education Systems. \$582,476. 1/1/96-6/30/96. - Amend.

To extend contract for an additional six months.

(c) Hilton Consulting, Inc. \$20,000. 1/11/96-6/30/96.

To develop model teacher inservice programs which districts may use to train individuals to effectively teach the values and qualities of "Recognizing Constitutional Freedoms" and "Family Education Rights and Privacy Act" laws.

(d) Utah State University. \$123,480. 11/1/95-10/31/96. - Fed. RECEIVABLE

Provide assistive technology services to individuals with disabilities.

(For complete details of the Contracts, see General Exhibit No. 7504.)

3. SBR/SBE Joint Liaison Committee Meeting Minutes

Minutes of the Joint SBR/SBE Liaison Committee Meetings held October 25, 1995, and November 21, 1995, are attached under Tab C and are recommended for approval by the Board. Also attached is an SBE/SBR Joint Liaison Committee ATE Progress Report. The last column of the report indicates items approved by the Joint Liaison Committee that need ratification by the State Board of Education and the State Board of Regents.

The State Board of Education approved the minutes of the October 25, 1995, and November 21, 1995, Joint Liaison Committee Meetings and ratified the actions of the Joint Liaison Committee as indicated on the attached report. (For complete details, see General Exhibit No. 7505.)

4. Payroll Changes in the Utah State Office of Education and Utah State Office of Rehabilitation

Payroll changes in the Utah State Office of Education and the Utah State Office of Rehabilitation. (For complete details, see General Exhibit No. 7506.)

5. List of Applicants for Certificates

A summary of the list of applicants for initial and renewal certificates for December, 1995. (For complete details, see General Exhibit No. 7507.)

6. Financial Statement and Claims Report

The Claims Report in the amount of \$124,215,992.87 and Financial Statement ending December 31, 1995. (For complete details, see General Exhibit No. 7508.)

Meeting adjourned at 4:50 p.m.