

UTAH STATE BOARD OF EDUCATION

MINUTES

September 10, 1999

Minutes of the meeting of the State Board for Applied Technology Education and the State Board of Education held September 10, 1999, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:30 a.m. Board Chairman John L. Watson presided.

Members present were:

Chairman, John L. Watson
Vice Chairman, Jill G. Kennedy
Member Bette O. Arial
Member Linnea S. Barney
Member Kim R. Burningham
Member Janet A. Cannon
Member Cheryl Ferrin
Member Susan C. Henshaw
Member C. Grant Hurst
Member Boyd F. Jensen
Member Judy Larson
Member Denis R. Morrill
Member Joyce W. Richards
Member Marilyn Shields
Members Lynn Haslem was excused

Also present were:

Executive Officer Steven O. Laing
Deputy Superintendent Gary L. Carlston
Associate Superintendent Robert O. Brems
Associate Superintendent Jerry P. Peterson
Executive Director, USOR, Blaine Petersen
Public Information Officer Eileen Rencher
Board Secretary Twila B. Affleck

Associate Superintendent Patrick Ogden was excused.

Also present for portions of the Board meeting were:

Members of the Press:

Jennifer Toomer-Cook, Deseret News
Hillary Groutage, Salt Lake Tribune
Loretta Park, Ogden Standard Examiner

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

Vona Hunsaker, Utah Eagle Forum

Vickie Peterson, Utah Eagle Forum

Juneil Lyon, Utah PTA

Race Davies, Governor's Office of Planning & Budget

Tami Creamer, Teacher, Weber School District

LuAnn Staheli, Payson Jr. High

Jeff Shole, Citizen

Members, State Office of Education staff:

Kristie Fink, Curriculum and Instruction
Vicky Dahn, Curriculum and Instruction

Pat O'Hara, Agency Services
Ron Stanfield, Planning & Project Services
Barbara Lawrence, Planning & Project Services
Gail L. Johnson, Planning & Project Services
Carolee Gunn, Planning & Project Services
Laura Vernon, Agency Services

The Board repeated the Pledge of Allegiance.

Board Member Joyce W. Richards offered a reverence.

Board secretary Twila B. Affleck recorded the minutes.

Chairman Watson excused Member Lynn Haslem who is representing the Board at the Rural Summit.

Recognitions

Vice Chairman Jill G. Kennedy recognized LuAnn B. Staheli, an English teacher at Payson Jr. High School. Ms. Staheli was selected as Utah's winner of the 1999 Christa McAuliffe Fellowship Program.

Vice Chairman Kennedy noted that the Christa McAuliffe Fellowship Program is funded through the Council of Chief State School Officers and provides fellowships to outstanding teachers to enable and encourage them to continue their education, to develop innovative programs, to consult with or assist local educational agencies, private schools, and to engage in other educational activities that will improve the knowledge and skills of teachers and the education of students. The fellowship honors the late Sharon Christa McAuliffe, the teacher who served as an astronaut on the Challenger Space Shuttle in January 1986.

Ms. Staheli's project involves preparing a manuscript of materials which integrate the state adopted objectives for reading into instructional materials for contemporary young adult literature. These materials could be used statewide by educators and parents to help adolescents develop reading strategies which will mold them into better readers.

Vice Chairman Kennedy presented Ms. Staheli with a certificate of recognition from the Board.

Board Chairman Report

Board Member Cheryl Ferrin introduced Tami Creamer from Valley Elementary School in Weber District who has written a curriculum, Musical Minds, a comprehensive music course for the elementary students. Mrs. Creamer reported that the school received a grant to purchase piano keyboards, but the curriculum that came with them was not appropriate for the age of children that were being taught. Mrs. Creamer then wrote this curriculum for the teachers to use in teaching piano keyboarding. Mrs. Creamer reviewed her curriculum. Members Ferrin, Henshaw and Ms. Creamer demonstrated how the keyboards can be used in the classroom using this curriculum.

Board Chairman commented on the great work being done by board members. He expressed appreciation for all that they are doing.

Executive Officer Report

State Superintendent Steven O. Laing presented the following items of information: Robert Byrd Scholarship — We received a thank you note from Emily Malouf for her Robert C. Byrd Honors Scholarship.

Perfect ACT Score — Aubrey C. Chan, Skyline High School, was the only student in Utah out of about 6,400 who took the ACT on June 12 to achieve a 36, the highest possible composite score. She was also one of only 60 in the nation, out of some 354,000 who were tested that day. Superintendent Laing indicated he had written a letter of congratulations to Ms. Chan.

Superintendent Laing recognized Kristi Fink, Character Education Specialist, who was honored on August 2 as the nation's most "Outstanding Community of Caring Educator." The Joseph P. Kennedy Foundation is a financial sponsor for this program. Sargent Shriver with Eunice Kennedy Shriver presented the award to Kristi.

Superintendent Laing reported that Patty Bowles and Deanna Timothy of our School Finance and Statistics Division has again been recognized by the United States Department of Education with the "1999 Outstanding Achievement Award" for Timeliness and Accuracy in Statistical Reporting. Also, Randy Upton and Shaunna Ford were recognized for the "1999 Outstanding Achievement Award" for Timeliness and Accuracy in Financial Reporting. Dr. Laing indicated that this is the third year we have received these awards.

USBA/USSA Legislative Program for the year 2000. (For complete details, see General Exhibit No. 8204.)

Shell Oil Company Poll -- Distributed a copy of a poll that was sponsored by Shell Oil Company, entitled "Teens Under Pressure, Coping Well." (For complete details, see General Exhibit No. 8205.)

Utah Educator License Renewal Guidelines -- Distributed a letter from the UEA relative to the Utah Educator License Renewal Guidelines. These guidelines were presented in the agenda for the Planning, Finance and Legislation Committee. (For complete details, see General Exhibit No. 8206.)

Tobacco Settlement Funds -- We have received a proposal from the Utah Taxpayers Association that the tobacco settlement moneys be placed into the permanent school fund (school trust lands fund). They have requested our support of this movement. The amount of the settlement is approximately \$872 million over 25 years. Dr. Laing indicated that most knowledgeable people do not think it will go that long because of all the conditions that could lessen that amount. Dr. Laing cautioned that this is rather tenuous money, and the amount each year is suspect.

Dr. Laing indicated that we would probably support the concept recognizing that part of the money would go to fund such things as the Child Hospital Insurance Program (CHIP), and some cessation and prevention programs.

Member Grant Hurst indicated he had no problem with the concept of this money being set aside in a trust format for schools. However, he has problems with dumping it into the existing school trust lands trust. He felt it was too easy to forget where what money came from, etc. He suggested we create a separate trust and segregate those funds, and define functionality of the use of those funds.

Member Janet Cannon, commented that it was her understanding that Senator Stephenson's proposal was that approximately \$39 million of tobacco funds be put into the trust land's trust for a repayment of funds raided from that trust by the legislature to balance the budget.

Member Cheryl Ferrin voiced support of using some of the funds to recapture the shortfall, and then breakout the other money separately.

Dr. Laing indicated he would reflect the Boards support for the concept, especially to replenish the raid on the trust fund and then to leave the options open for future designations.

Education Commission of the States Conference — Dr. Laing reported he had attended the Education Commission of the States Conference along with others in state government. The conference focused on standards and assessments, school safety and teacher preparation.

CCSSO Summer Conference -- Dr. Laing also attended this conference which also focused on standards, assessments, student achievement, accountability and teacher preparation. He indicated that these items are sweeping the nation and many of the states have been much more aggressive in stepping out, and have done quite a bit more than we have with regard to these issues. Some of the differences on how well other states are doing can be attributed to their efforts in these areas.

Superintendent Laing also reported on attending the Adult Education Conference, and Rural Schools Conference. He also had the opportunity to speak at the opening institutes for Emery and Cache School Districts. His message was that

we have a lot of data that comes into our schools that can be used with regard to assessment and accountability. If we have a weakness, it is that we have not used that data to drive instruction and to make changes in instructional practices. We need to change our instruction patterns to meet the needs of our students and be more overt in that action. Also we need to be more sensitive to the constituents we serve in the public schools, be they parents, students or partners with whom we may be collaborating.

USBA Pre-Delegate Assembly -- Dr. Laing reported he also spoke at the USBA Pre-Delegate Assembly along with a panel of school board members, law enforcement and students on school safety.

Standards and Accountability Conference -- Initially there was quite a bit of controversy surrounding this conference as it was proposed. After attending the conference, the information presented was excellent. There were presenters on both sides of the issues. Unfortunately, the timing was such that there were not many school people able to attend.

Dr. Laing reported that during the past few weeks we have received contact from Scott Bean and Laurie Chivers — both send their greetings. Laurie Chivers reported that her children's high school English class sizes are 12 and 17.

Superintendent Laing reported that Associate Superintendent Pat Ogden asked to be excused from the meeting.

Board Chairman Report Cont.

Board Members Jill Kennedy and Kim Burningham reported on the Accountability Task Force. Vice Chairman Kennedy explained that the Guiding Principles and Assumptions which have been approved by the Task Force. (For complete details of the report, see General Exhibit No. 8207.)

Vice Chairman Kennedy also provided a list of presenters from the conference and a summary of their presentation. The full text will be on the Internet site listed.

Member Boyd Jensen suggested that on the Guiding Principles, under No. 1, it should be student academic achievement.

Vice Chairman Kennedy indicated that these are just guiding principles and as the specifics are developed they will be academic specific. It is the feeling of most of the task force that they will develop a fairly large framework and the State Office and local districts will become accountable for specific goals, but how they do it and with what methods will be left up to them.

Member Burningham emphasized the first of the assumptions is very significant in that the task force agreed that the standard is the core curriculum with acknowledgment that it will have adjustments. He felt this was a significant agreement.

He further commented that on Assumption No. 4, the word "may" on resources is a must. How do we determine whether the standards have been met? The CRT as assessment, amendment changed to will include, which says it will be done, but also allows for other measuring instruments.

Member Burningham commented that he has a moderate degree of optimism about the outcome of the task force.

Member Janet Cannon commented that she felt the only thing lacking is that accountability is a two-way street, the legislature is responsible and should be held accountable for funding education and the Board is responsible for providing the program.

Chairman Watson distributed copies of recommendations from the Board retreat, the action required to accomplish them, where we are to date, and where we hope to complete these. (For complete details, see General Exhibit No. 8208.) He indicated that input from the Board is welcomed by the Executive Committee of the Board.

Member Grant Hurst reported he had attended the budget hearing in Jordan School District. He noted that several districts, not just those along with Wasatch Front, are undergoing massive problems of growth, funding, litigation,

capital improvements, staffing, insurance, etc. He felt as a Board we need to begin some process of looking at how public education is funded. Some legislators and other do not realize or understand how public education is funded. We need to take a more politically active roles in this process. He indicated that we have legislators in leadership roles who are opponents of public education. He felt this has put public education in a very precarious position. He commented that since 1990 we have lost 9% of our funding against the total state budget. Districts are being forced to raise taxes to gain increases instead of receiving state funding at the level they were. Member Hurst further commented that Board Members cannot sit complacently by while those who don't like public education and do not understand the funding process continue to strike out against us. We need to take every opportunity available to us to speak out. This may cost us some political ammunition, but it is time we start speaking out on these issues.

Member Janet Cannon reported that she has been serving on the Trust Lands Advisory Committee and there are some wonderful and exciting things that are happening there in terms of actual dollars that are going to flow to each school. They have produced a new video entitled "Using the Trust." They would like to make a presentation to the Board at the next meeting.

Weapons in Schools

Superintendent Laing indicated that the Board has asked to be more explicit in their statement relative to weapons in schools. He reviewed the memorandum from Doug Bates regarding the banning of concealed weapons in school, the original statement from the Board dated April 28, 1999, and the statement used by the Board Chair and Vice Chair as they appeared before a Legislative Interim Committee on July 21, 1999. (For complete details of the materials, see General Exhibit No. 8209.)

Doug Bates, Director, School Law, Legislation, Certification and Equity, presented background on the current laws and conflicts within them, and the Granite School District Policy on banning guns from schools. He then explained the position he recommended for the State Board on the issue of guns in schools.

Dr. Bates reported that a broad coalition was established to get an initiative put together. Initially this was put together to try to work with the Governor's proposal to have a special session of the legislature. Since there was not a special session held, the Coalition has drafted an initiative, there will be a news conference releasing the initiative on September 27th. The initiative will consist of bans on any fire arm for any person other than a peace officer, or permission from a school administrator, and would apply to public education, higher education and churches.

Member Boyd Jensen questioned if the Board was the ultimate authority over public education in Utah? The answer was yes. He then questioned why the Board doesn't vote to ban guns from schools? Dr. Bates responded that there is a competing provision in the Constitution that says the legislature has the authority to regulate guns.

Member Denis Morrill indicated he agreed with Member Jensen, but the issue is an emotion one. However, the problem is if you get sued and lose you might be where you don't want to be.

Dr. Bates recommended that the Board leave it as a local board issue, and to encourage local boards to follow the Granite District lead. He indicated that if the State Board adopted a rule, one lawsuit would knock out the entire state, but if it is done by one district it is the only one that gets knocked out.

Dr. Bates indicated that if the Board voted today to support the initiative, it would be a statement of the board.

Chairman John Watson indicated that the Board has made a statement. He indicated he wanted to see guns band from school. However, principally if we follow certain rules and processes, we will ultimately get that decision. He felt the Board should get behind the coalition and make our statement known, and wait and watch for a short period of time for legislative action to take place, we get all of our wishes and desires without facing legal action that could come to us.

Member Grant Hurst commented that he felt the Board had the right and responsibility to take action. However, he would like to have us do something that will create a change in attitude and structure that will keep guns from going into schools with or without anyone's knowledge. The biggest concern if we take that action is the political process that

we could put ourselves in a very dangerous position with the legislature who has said they are not going to take any action, and we force them to the table and they could come back and put it to us financially. Member Hurst suggested that we get solidly in front of the initiative action and make our position clear that as the State Board of Education we are opposed to guns in schools and we will take whatever action necessary to do that. If we get all the education family and churches together, this will be moved ahead quickly. He suggested that the Board give Doug Bates authority to spearhead this.

Motion was made by Member C. Grant Hurst and seconded by Member Linnea S. Barney that the State Boards of Education get solidly in front of the initiative action in opposition to guns in schools and to authorize Doug Bates to lead the initiative.

Member Kim Burningham clarified that the legislature has not taken a stand, only legislative committees and a caucus have done so. He felt that when the pressure comes solid heads will win out and the legislature will take the right stand. We can help this by joining this initiative.

Vice Chairman Jill Kennedy spoke in favor of the motion and indicated that as we do so Board Members need to be on the line and go door to door with petitions, etc. to make our position absolutely clear.

Chairman Watson indicated that the Board needed to be present at the press conference on September 27.

Motion carried unanimously.

1999 State ACT and SAT Results

Barbara Lawrence, Coordinator, Evaluation and Assessment presented information on the performance of this year's seniors on the ACT and SAT college entrance exams. (For complete details of the report, see General Exhibit No. 8210.) Dr. Lawrence indicated that this year we have a slight decline in our test scores, however, we are still well above the nation in every area except mathematics.

Dr. Lawrence reported that one of the primary things that ACT focuses on in this report, and each year she has emphasized in her report, is that a rigorous pattern of course taking accompanying the ACT always results in a higher report. In Utah we continue to see fewer and fewer students taking a rigorous program. ACT defines a rigorous program as four years of English, three years of math, three years of social studies and three years of science.

Discussion ensued relative to offering a more rigorous program in Utah schools and the need to increase the time in school, either by days or hours to do so.

Chairman John Watson asked if there was any reasoning for the spike in 1998? Dr. Lawrence indicated that we need to see a couple more years of data. She further indicated the one thing that may be making a difference is change in the course taking patterns. Dr. Lawrence emphasized counseling students to carefully choose their courses and to take the courses that will prepare them for what they need to go to college.

Motion was made by Member Marilyn Shields and seconded by Member Bette O. Arial to receive the report with commendation to Barbara Lawrence for a great job. Motion carried unanimously.

Executive Session

Motion was made by Vice Chairman Jill G. Kennedy and seconded by Member Bette O. Arial to move into executive session for purposes of discussing personnel and litigation issues. The Board was polled and by unanimous consent of those present, the Board moved into executive session during lunch at 12:55 p.m.

Motion was made by Member Susan C. Henshaw and seconded by Member Boyd F. Jensen to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 2:10 p.m.

Motion was made by Member Bette O. Arial and seconded by Member C. Grant Hurst to appoint Bernece Standley

and Patricia Gann to the **Division of Services for the Blind and Visually Impaired Advisory Council**. Appoint Vickie Brenchley, Sue Ordonez, John Adams, Helen Roth, Richard Jewkes and Eileen Glathar to the **Utah Statewide Independent Living Council**. To reappoint Dr. Robert Sanderson to the **Utah Schools for the Deaf and the Blind Institutional Council**. To appoint Arthur Newell and Carl Nielson to the Mountainland Applied Technology Center Board. Motion carried unanimously.

Utah Reads

Bonnie Morgan, Director, Curriculum, reported that the Utah Reads project was launched by Governor Leavitt in December 1998. The goal of the initiative is for all Utah students to read on grade level by the end of the third grade. The initiative involves a collaboration among various family, school, and community organizations. She reported on the results of the Utah Reads Project and how we are achieving our goal of having all Utah students reading on grade level by the end of the third grade. (For complete details of the report, see General Exhibit No. 8211.)

Dr. Morgan also reported that because of the structure we had setup, Utah was in a position to apply for a Reading Excellence Act Grant. The federal government has a considerable amount of money they have put into reading, with the same goal as our goal, every child reading on a grade level by the end of third grade. Our application was built around the literacy model established through the Utah Reads Projects. Utah received a \$7 million grant which will target the state's neediest schools. Dr. Morgan reviewed the criteria for the "neediest" schools. These schools will now have the opportunity to apply for grants under this project. We will probably award between 15 and 25 grants. She stressed that this is not an entitlement program and districts and schools will need to show how they will use this money to have students reading at grade level by grade three, improve reading readiness skills, improve instructional practices of teachers, increase number of high-quality family literacy programs, and increase support for struggling readers. Dr. Morgan indicated that staff would be helping the districts with their bids for the grants.

Dr. Morgan reported that Jan Dole will be Project Director and Laurie Lacy will be the Associate Director of this grant.

Motion was made by Member C. Grant Hurst and seconded by Member Susan C. Henshaw to receive the information with commendation to the curriculum staff. Further that at a future meeting report on where they are in the Board's direction to have reading programs in place at all the colleges as part of their graduation requirement prior to 2002. Motion carried unanimously.

Lucas Educational Foundation's Live & Learn Videotape

Vicky Dahn, Coordinator, ETI shared an example of what is happening in Utah similar to the programs related in the Live & Learn Videotape which was brought back from the NASBE Technology Conference by Board Members Barney and Hurst. She indicated that technology is important, but stressed that technology is only a tool to help teachers teach more effectively.

Member Grant Hurst commented that we need every teacher utilizing technology to bring education to light for our students.

Ms. Dahn indicated she would make copies of the video for those Board Members who wished to have a copy.

General Consent Calendar

Motion was made by Member C. Grant Hurst and seconded by Member Denis R. Morrill to approve the General Consent Calendar as presented. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board for Applied Technology Education and the State Board of Education held July 9, 1999.

2. Contracts

The following contracts were approved by the Board:

- (1) Department of Administrative Services. \$30,893.07. 7/1/99-6/30/2000. - Amend. - Fed.

To renew Operating and Maintenance Agreement with the Utah State Office of Rehabilitation, Provo Regional Center.

- (2) Department of Administrative Services. \$15,000. 7/1/99-6/30/2000. - Amend. - Fed.

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

- (3) National Computer Systems. \$12,648.00. 7/1/99-6/30/00. - Amend.

To provide maintenance for OPSCAN 21 Model OMR and Transport Printer necessary to support student services to the school district.

- (4) Davis County School District. \$125,000. 10/1/99-9/30/00.

Warehousing of USDA foods for Child Nutrition Programs.

- (5) Life Long Learning/Steve Ramirez. \$9,900.00. 9/1/99-6/30/00.

To secure Consultant(s) for three Utah Principals Academy Seminars.

- (6) Department of Administrative Services. \$117,264. 7/1/99-6/30/00. - Amend. - Fed.

Operating and Maintenance Agreement with DFCM and Utah State Office of Rehabilitation, Rehabilitation Service Center located at 1595 West 500 South, Salt Lake City, Utah.

- (7) WESTED. \$50,000. 7/1/99-12/31/99.

Create a correlation between items on the assessments and the standards and objectives of the related Core Curriculum. Review technical documentation and evaluate the technical qualities of the assessment instruments.

- (8) Cannon, Cleary & Match, LLC. \$12,000. 9/1/99-9/1/01.

To serve as hearing officer for the Utah Professional Practices Advisory Commission (UPPAC) for educator certification hearings when allegations of misconduct have been made and other hearing-related activities.

- (9) Hugh C. Bunker. \$12,000.00. 9/1/99-9/1/01.

To serve as hearing officer for the Utah Professional Practices Advisory Commission for educator certification hearings when allegations of misconduct have been made and other hearing-related activities.

- (10) John F. Bates. \$12,000. 9/1/99-9/1/01.

To serve as hearing officer for the Utah Professional Practices Advisory Commission (UPPAC) for educator certification hearings when allegations of misconduct have been made and other hearing-related activities.

- (11) Arrow Legal Solutions. \$12,000.00. 9/1/99-9/1/01.

To serve as hearing officer for the Utah Professional Practices Advisory commission (UPPAC) for educator certification hearings when allegations of misconduct have been made and other hearing-related activities.

(12) Holme, Roberts, and Owen. \$12,000.00. 9/1/99-9/1/01.

To serve as hearing officer for the Utah Professional Practices Advisory commission (UPPAC) for educator certification hearings when allegations of misconduct have been made and other hearing-related activities.

(13) Lau and Associates. \$12,000.00. 9/1/99/9/1/01.

To serve as hearing officer for the Utah Professional Practices Advisory Commission (UPPAC) for educator certification hearings when allegations of misconduct have been made and other hearing-related activities.

(14) Governor's Council for People with Disabilities. \$41,240. 10/1/99-9/30/00. - 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.

(15) The Institute for Behavior Research in Creativity. \$13,000. 9/13/99-12/01/99. - Fed.

To conduct a follow-up counselor survey utilizing items from a 1997 study to collect up-to-date information on Comprehensive Guidance program implementation and benefits and to conduct an analysis of pupil-counselor ratios relative to the program implementation status of schools and districts utilizing both 1997 and 1999 data.

(16) University of Utah/Utah Education Network. \$24,000.00. 7/1/99-6/30/00.

To pay EDNET site/system fees associated with USOE-originated video conferences.

(17) Utah Department of Workforce Services. \$10,977. 7/1/99-6/30/00. RECEIVABLE

To create a unique education/training opportunity for a population of hard-to-serve, at risk learners by providing services that include a work-based learning experience, counseling and guidance, integrated curriculum, an assigned tracker and job service assistance incorporated into adult education services. The total of this project is \$232,012. USOE will receive an administrative portion for administration of this project in the amount indicated above.

(18) Utah Statewide Independent Living Council. \$84,558. 10/1/99-9/30/00. - Amend. - Fed.

To provide resources to the Independent Living Program in accordance with Title VII Part B and the State Plan for Independent Living.

(19) Department of Administrative Services. \$1,770. 8/1/99-6/30/00. - Fed. - Amend.

To add security services to the Operating and Maintenance 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.

(20) BOOST, Inc. \$82,821. 10/1/99-10/01/00. Amend.

To operate and facilitate the Governor's Committee on Employment of People with Disabilities.

(21) Social Research Institute. \$118,754. 10/1/99-9/30/00. - Fed.

1) To conduct statewide comprehensive needs assessment of individuals with disabilities who could benefit from vocational rehabilitation services.

2) To conduct ongoing internal evaluation of the Utah State Office of Rehabilitation, Choose To Work Utah project.

(22) Department of Workforce Services. D \$387,122. 10/1/99-9/30/00. - Fed. - Amend.

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

(23) Jensen & Keddington. \$60,000. 10/1/99-9/30/00. - Fed. - Amend.

Conduct a data analysis, abstraction and evaluation.

(24) Datametrics, Inc. \$20,000. 7/1/99-6/30/00.

As a subset to the above, Datametrics will research recidivism rates for offenders chosen to be a part of a special post-secondary education program authorized and funded by the Utah state Legislature and the U.S. Department of Education.

(For complete details of the Contracts, see General Exhibit No. 8212.)

3. SBR/SBE Joint Liaison Committee Meeting Minutes

Minutes of the Joint SBR/SBE Liaison Committee Meeting held May 12, 1999. The State Board of Education approved the minutes of the meeting, and ratified the actions of the Joint Liaison Committee. (For complete details of the Minutes, see General Exhibit No. 8213.)

4. 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 nonsubstantive changes within these rules. The following rules were reviewed and approved: (For complete details, see General Exhibit No. 8214.)

R277-441 Alternative Experimental Pilot Programs

R277-456 Funding Regional Service Centers

R277-462 Comprehensive Guidance Program

R277-463 Class Size Reporting

R277-504 Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, and Special Education (Birth-Age 5) Certification

R277-714 Dissemination of Information About Juvenile Offenders

R277-760 Flow Through Funds for Students at Risk

5. Oversight of School Inspections, Rule R277-471

Senate Bill No. 68, 1999 Utah State Legislature requires the Board rule to: (1) Implement inspection oversight through all phases of construction; (2) Require the appointment of a School District Building Official in each district; (3) Publish a building construction and inspection resource manual; and (4) Conduct an annual building construction conference. Prior to the passage of SB 689, individual responsibilities of school districts and other public agencies for school construction inspections were not formally stated, but were carried out under a series of "understandings." Additionally, school districts and other public agencies involved did not operate under a comprehensive set of inspection guidelines, nor was an annual construction conference held. The Board approved the rule on second reading at their July 9, 1999 meeting. There have not been any modifications to the rule since that time. (For complete details of the rule, see General Exhibit No. 8215.) The State Board of Education approved Rule R277-471, Oversight of School Inspections on third and final reading.

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

The recent legislature appropriated one-time money differently in the arts and science's areas. The change allowed this money to be extended to a brokering agency as well as a performance agency. Also, it was indicated in the law that the brokering agency could charge for school performances. This change is for the 1999-2000 school year according to the legislative mandate. Amendments were made to the rule by the Board at the July 9, 1999 meeting. It was noted that this rule is made under protest, but in compliance with the law. There have not been any further modifications to the rule since that time. (For complete details of the rule, see General Exhibit No. 8216.) The State Board of Education approved Rule R277-444, Distribution of Funds to Arts and Sciences Organizations on third and final reading.

7. Concurrent Enrollment of High School Students in College Courses, Rule R277-713

The rule is written to specifically address Utah's concurrent enrollment program. Changes were made because the university system has changed from quarter hours to semester hours. Deletions of the accelerated learning clarify the rule to make it deal specifically with concurrent enrollment issues, and the other adjustments provide alignment with the university change. The Board approved the rule on second reading at the July 9, 1999 meeting. There have not been any modifications to the rule since that time. (For complete details, see General Exhibit No. 8217.) The State Board of Education approved Rule R277-713, Concurrent Enrollment of High school Students in College Courses on third and final reading.

8. District Career Ladder Plan Approval

The following District's have met the requirements set by the State Board for their 1999-2000 Career Ladder Plans. Each plan has been submitted on a standard form and carefully reviewed by the State Career Ladder Review Committee:

One Year — Daggett, Jordan, Morgan, Murray, North Sanpete, Piute, San Juan, and Tintic, School Districts; Ogden-Weber Applied Technology Center.

Two Year — Utah Schools for the Deaf and the Blind.

Three Year — Emery, and Park City School Districts.

(For complete details, see General Exhibit No. 8218.) The Board approved the 1999-2000 Career Ladder Funding for the above school districts, applied technology center, and Utah Schools for the Deaf and the Blind.

9. Independent Living Assistive Technology Policy and Procedures Manual

Following one year of implementation of the Policies and Procedures contained in the Manual, there was need to clarify some policies and add new procedures to Section 5. A committee with representation from VR and IL staff was formed and a draft of Section 5 developed. The draft was taken out for public comment and two public hearings were held. The Board approved the changes to the Independent Living Assistive Technology Policy and Procedure Manual, Section 5, Determination of Financial Needs on second reading at the July 9, 1999 meeting. There have not been further modifications to it since that time.

The State Board of Education approved Section 5, Determination of Financial Needs, of the Independent Living Assistive Technology Policy and Procedures Manual on third and final reading.

10. Associate Superintendent Appointment

Recommendation was made by Superintendent Steven O. Laing to appoint Patrick Ogden as Associate Superintendent effective August 9, 1999. The Board did not have a meeting scheduled for August, therefore Board Members were polled relative to the appointment. The poll indicated approval of the appointment.

The State Board of Education ratified the polling action and approved the recommendation of Superintendent Laing to appoint Patrick Ogden as Associate Superintendent in the State Office of Education.

11. Ratification of Employment

Georgia Loutensock was ratified as an Educational Specialist, Library Media in the Curriculum and Instruction Division.

Clark R. Ballard was ratified as an Educational Specialist, District Computer Services in the Agency Services Division.

Jean Welch Hill was ratified as an Educational Specialist, School Law, in the Planning and Project Services Division.

Patricia G. Bradley was ratified as an Educational Specialist, At Risk Specialist, in the Curriculum and Instruction Division.

12. List of Applicants for Certificates

The list of applicants for initial and renewal certificates was not provided. (Blank General Exhibit No. 8219.)

13. Claims Report

The Claims Reports in the amount of \$11,631,151.36 ending June 30a, \$21,230,950.55 ending June 30b, \$3,578,532.05 ending June 30c, \$136,817,081.69 ending August 10, and \$138,370,338.26 ending August 31, 1999. (For complete details, see General Exhibit No. 8220.)

Board Committee Reports

Planning, Finance, & Legislation Committee

Member Janet A. Cannon, Chairman of the Planning, Finance, & Legislation Committee presented the following recommendations from the Committee:

Certification Committee Agenda

The Committee reviewed the recommendations from the Professional Practices Advisory Commission and moves the following action:

In Case No. 98-430, the Board reinstate the certification of Carol Ann Veater, a former teacher in the Sevier School District. Her certificate was previously suspended as a result of unprofessional conduct with another teacher on school property. Motion carried with Members Barney, Burningham, Cannon, Ferrin, Henshaw, Hurst, Kennedy, Larson, Morrill, Richards, and Shields voting in favor; Member Arial and Jensen absent.

In Case No. 98-444, the Board revoke the certification of Robert Curtis Holden, a teacher in the San Juan School District. This results from: a) inappropriate conduct toward students; b) inappropriate use of district computer equipment in violation of specific directives from supervisors; some of the violations involved students and students viewing pornography on Mr. Holden's school computer; and c) unprofessional conduct that extends back at least seven years. Motion carried with Members Barney, Burningham, Cannon, Ferrin, Henshaw, Hurst, Jensen, Kennedy, Larson, Morrill, Richards, and Shields voting in favor; Member Arial absent.

In Case No. 98-447, the Board accept the stipulated agreement whereby Dennis Kim Burton, a former teacher in the Uintah School District, voluntarily surrenders his teaching certificate, in lieu of a hearing, for purposes of suspension by the State Board of Education. This suspension results from unprofessional conduct evidenced by his use of school district equipment in a classroom to access inappropriate material off the Internet; inappropriate comments regarding females, with students present; and conversations in violation of the Utah Family Education Rights and Privacy Act, UCA 53A-12-301. Motion carried with Members Barney, Burningham, Cannon, Ferrin, Henshaw, Hurst, Jensen, Kennedy, Larson, Morrill, Richards and Shields voting in favor; Member Arial absent.

In Case No. 99-465, the Board accept a stipulated agreement whereby Richard J. Hawkins voluntarily surrenders his teaching certificate in lieu of a hearing for purposes of revocation by the State Board of Education. The revocation results from unauthorized removal of school property by Mr. Hawkins from an elementary school where he was substitute teaching. Motion carried with Members Barney, Burningham, Cannon, Ferrin, Henshaw, Hurst, Jensen, Kennedy, Larson, Morrill, Richards and Shields voting in favor; Member Arial absent.

In Case No. 99-468, the Board accept a stipulated agreement whereby Charles J. Ferguson, a former teacher and elementary principal in Millard School District, voluntarily surrenders his certification in lieu of a hearing for purposes of revocation by the State Board of Education. The revocation results from Mr. Ferguson's inappropriate use of district computer equipment on school time. Motion carried with Members Barney, Burningham, Cannon, Ferrin, Henshaw, Hurst, Jensen, Kennedy, Larson, Morrill, Richards and Shields voting in favor; Member Arial absent.

The Committee reviewed the requests for authorizations and moves approval of the requests as presented in the agenda. Motion carried with Members Barney, Burningham, Cannon, Ferrin, Henshaw, Hurst, Jensen, Kennedy, Larson, Morrill, Richards and Shields voting in favor; Member Arial absent.

(For complete details of the Certification Agenda, see General Exhibit No. 8221.)

Child and Adult Care Food Program Sponsors of Day Care Homes, R277-723

Changes to the rule include a definition of "Relative Care"; R277-723-3.c(2) was partially omitted in the original rule, and a new section was added, R277-723-7.B. These will provide a more timely resolution of audit findings. (For complete details of the Rule R277-723 see General Exhibit No. 8222.)

The Committee approved the rule on first reading and moves that the State Board of Education approve Rule R277-723, Child and Adult Care Food Program Sponsors of Day Care Homes on second reading. Motion carried with Members Barney, Burningham, Cannon, Ferrin, Henshaw, Hurst, Jensen, Kennedy, Larson, Morrill, Richards and Shields voting in favor; Member Arial absent.

Reading Performance Improvement Awards Program, R277-472

House Bill 75, Incentive for Elementary Reading Performance Improvement was passed during the 1999 Legislative Session. This new rule provides an application process and standards for school participation in the program. This will provide the program participants the requirements for funding as they apply and participate in the Elementary Reading Performance Improvement Program. (For complete details of Rule R277-472 see General Exhibit No. 8223.)

The Committee approved the rule on first reading and moves that the State Board of Education approve Rule R277-472, Reading Performance Improvement Awards Program on second reading. Motion carried with Members Barney, Burningham, Cannon, Ferrin, Henshaw, Hurst, Jensen, Kennedy, Larson, Morrill, Richards and Shields voting in favor; Member Arial absent.

Truancy Prevention, R277-607

This new rule establishes consistent procedures for school districts in informing parents about compulsory education laws, encouraging and monitoring school attendance consistent with the law as amended by the 1999 Legislature. It also provides consequences for noncompliance. School districts will now have a consistent procedure to assist and track truant students. The underlying purpose of the new law and this rule is to facilitate school/parent cooperation toward regular school attendance for all students. (For complete details of Rule R277-607 see General Exhibit No. 8224.) The focus will be on grades K-8, but will apply to all grades.

Discussion ensued relative to the imposition on districts that this tracking will add, especially in small districts.

The Committee approved the rule on first reading and moves that the State Board of Education approve Rule R277-607, Truancy Prevention on second reading. Motion carried with Members Barney, Burningham, Cannon, Ferrin, Henshaw, Hurst, Jensen, Kennedy, Larson, Morrill, Richards and Shields voting in favor; Member Arial absent.

Proposal of the Task Force for Implementation of the Educator Licensing and Professional Practices Act

The proposal would create a new Joint Liaison Committee Advisory Committee for Educator Development, which would be advisory to the JLC and replace existing advisory bodies such as SACTE and the JLC Task Force on Teacher Certification. This would reduce or eliminate the current duplication of effort resulting from multiple committees with overlapping responsibilities and should provide for improved communication and clearer standards in educator development. It is anticipated that this will: 1) improve coordination with Higher Education in matters affecting both systems and relating to the preparation or professional development of public school educators; 2) elimination or reduction of duplication of efforts in educator development between public and higher education; 3) productive involvement of persons representing public education, higher education and the public in preparing recommendations relating to licensing and professional practices. (For complete details of the proposal, see General Exhibit No. 8225.)

Motion from the Committee that the State Board of Education approve the proposal of the Task Force for Implementation of the Educator Licensing and Professional Practices Act, which has also been recommended by the Joint Liaison Committee.

Member Linnea Barney voiced concerns that the Joint Liaison Committee is not the appropriate place for this kind of reporting because of the businessmen component. She felt that the business representatives on that committee have no obligation to this kind of decision making. Member Barney was in favor of the coordination effort, but did not feel the Joint Liaison Committee was the right avenue. Member Barney indicated she had voted against the proposal in the committee with the above concerns.

Member Cannon indicated that Dr. Bates had clarified that the Joint Liaison Committee under statute has responsibility for all matters concerning public and higher education.

Member Denis Morrill voiced concern with the organization chart because he felt the State Board of Education and the State Board of Regents were in charge of education, not the Legislature or the Governor. He further voiced concern with structure of the advisory committee.

Chairman Watson indicated that the ultimate decision would be made by the State Board of Education or by the State Board of Regents. The JLC is advisory only to the two boards.

Member Grant Hurst commented that in the statutes the State Board of Education has the only authority to issue licenses for people to teach. We have developed some committees, and they may not be functional in their current format. He felt that we were doing away with these committees and creating a new committee that does not report to the State Board of Education, only to the Joint Liaison Committee who has no authority to grant license. He felt with this proposal we would be granting the State Board of Regents in the JLC the right to participate in the issue of licenses. If we give that up, then they should give us the authority to issue degrees.

Member Kim Burningham commented that he served on JLC Task Force on Teacher Certification, and he felt this was just eliminating duplication. Member Burningham spoke in favor of the proposal because it would streamline the process.

Doug Bates clarified that this advisory committee would not supplant the State Board authority to issue license or to take away its authority to establish standards for teacher education programs. This advisory committee simply replaces several other committees. This recognizes that the State Board of Regents has approval of program majors. It does not mean, however, that someone with a major in a specific area has a right to a teaching certificate.

Discussion ensued relative to the advisory committee reporting to the Joint Liaison Committee and the possibility of diluting the Board's authority to issue licenses and establish standards for teacher education programs.

Doug Bates clarified that the Joint Liaison Committee has no authority to approve or mandate anything. It makes recommendations to both the State Board of Education and the State Board of Regents. He further clarified that the

chart indicates that it is the statutory responsibility of the State Board of Education to approve educator licensure and educator preparation programs.

Ron Stanfield, Coordinator, Certification and Professional Development, indicated that through this process we have been able identify what Public Education is responsible for and what higher education is responsible for. This also is to look at some principles to see what we are looking at in educator preparation. There needs to be cooperation between both boards.

Vice Chairman Jill Kennedy called for question on the motion. There was not action taken on the question. Chairman Watson called for a vote on the motion. Motion carried with Members Burningham, Cannon, Ferrin, Henshaw, Jensen, Kennedy, Larson, Morrill, Richards and Shields voting in favor; Members Barney and Hurst opposed, Member Arial absent.

Utah Educator License Renewal Proposal

The Committee tabled this item because of time constraints, and requested rules be drafted and placed on a subsequent agenda.

Uintah River Alternative High School Name Change

The developers of the Uintah River Alternative High School have become aware that alternative schools cannot participate in events that occur under the sponsorship of the Utah High School Activities Association. They have also become aware that alternative schools are not eligible to receive various other federal or state moneys that are available to "regular" schools. The developers of this charter school have therefore requested a minor name change that will enhance their ability to participate in interscholastic activities and enhance their access to available federal and state grant programs. The name change would eliminate the word "alternative." The new name would be Uintah River High School. (For complete details of their request, see General Exhibit No. 8226.)

Motion from the Committee that the State Board of Education approve the requested name change for one of the previously approved Charter Schools, from Uintah River Alternative High School to Uintah River High School. Motion carried with Members Barney, Burningham, Cannon, Ferrin, Henshaw, Hurst, Jensen, Kennedy, Larson, Richards and Shields voting in favor; Members Arial and Morrill absent.

Curriculum and Instruction Committee

Member Kim R. Burningham, Chairman of the Curriculum and Instruction Committee presented the following recommendations from the Committee:

Update on IDEA Litigation

Due to active pursuit of legal and due process recourse by parents and their attorneys, school districts are being inundated with requests for due process hearings and appellate litigation. The Committee was made aware of these litigious actions, which also include naming the Board and its Executive Officer, as well as other Board employees, in the complaints before the court. Some of the complaints also request monetary damages, which must be defended by Risk Management.

Member Burningham indicated that parents have been dissatisfied with the handling of special education students. They have been able to go through a hearing process to help resolve those difficulties. The number of cases during the last 22 years averages 3-4 per year. However, in the last year because of some intensified legal processes and requirements of the new law, we have had 17 cases, and three cases pending litigation. The implications of this problem are costs -- approximately \$50,000 per hearing minimum. If you times that by the 17 cases thus far this year, it would be approximately \$2 million per year. In addition the time of staff and districts, as well as the distress it brings to teachers.

Member Burningham indicated that staff is already taking some actions within the law by narrowing down the process

of selection of hearing officers and number of hearings to reduce costs as much as possible. This can be done within existing rules and regulations.

Member Burningham reported that the committee did not take any action but made a suggestion that may become a motion to request a litigation reserve fund in the budget appropriation of \$2 million. This would call attention to this litigation problem. Staff has been instructed to look at this possibility.

No formal action by the Board required.

Accreditation Process for Utah Schools

The accreditation process provides an important vehicle for school accountability regarding student achievement, compliance with state rules and regulations, regional standards, and schoolwide improvement. (For complete details, see General Exhibit No. 8227.)

No action was required.

Member Burningham indicated that there may be a possibility of marrying the procedures for outputs, which are being talked about in the Task Force on Standards and Accountability, with more inputs that are measured in accreditations.

No formal action by the Board required.

Applied Technology and Rehabilitation Committee

Member Joyce W. Richards, Chairman of the Applied Technology and Rehabilitation Committee presented the following recommendations from the Committee:

Comprehensive Guidance Program, Rule R277-462

Earlier this year, a revision of R277-462 was approved by the Board for the purpose of adjusting some distribution of funding for the Comprehensive Guidance Program. At that time a proposed definition of student education occupation plan (SEOP) small groups was tabled pending the recommendation of a task force created by the Board. The recommendation is now available and has been included in the second revision of Rule R277-462. (For complete details of the rule, see General Exhibit No. 8228.)

It was pointed out that the recommendation would be against the Board rule. The Committee moved that the Board again refer the rule to the special task force that was created to develop a compromise supported by various stakeholders including the parent teacher association, the Utah School Boards Association, the Utah School Superintendents Association and the Utah School Counselors Association.

Member Janet Cannon questioned if there needed to be an amendment to the motion to include that the recommendation be in compliance with the law.

Associate Superintendent Rob Brems indicated that ultimately we need to have something that is in compliance with the current statute written. His observation is that the way the current statute is written and the positions of the various groups identified, we have tried to come to a resolution and found a compromise, but unfortunately it is complimentary to the statute. He indicated that as we refer this back to them they will want us to pursue altering the statute to make this recommendation doable.

Member Janet Cannon voiced concern that she felt this recommendation was an effort to take individual SEOP's and cut them in half. She voiced opposition to eliminating the individual SEOP each year. She felt that the individual SEOP was vital to everything we are trying to do in education. Member Cannon further commented that there also needs to be more funding for counselors in the schools to help facilitate the SEOP process.

Vice Chairman Jill Kennedy commented that we need to consider how much is this happening in reality. The problem

is that counselors set aside time to do the SEOP and if people don't show up or reschedule, they do not have time to go back and follow-up. We want to do what is in the best interest of students and there are key points such as ninth grade where there needs to be individual meetings with students. The next year you can do as an effective SEOP with a group of six students and parents as you can with one.

Member Cannon felt that parents would not be likely to go with a group of six, and may feel they would not be able to say what they wanted in a group.

Further discussion ensued relative to the task force's charge of coming back with a definition of small group SEOP that would be compliant with the law. It was clarified that it would not be to provide a compromise rule for the Board to approve.

Motion carried with Members Barney, Burningham, Cannon, Ferrin, Henshaw, Hurst, Kennedy, Larson, Richards and Shields voting in favor; Member Arial, Jensen and Morrill absent.

ATC/ATCSR Membership Hour Report, FY 1998-99

Each year the Utah State Office of Education conducts a review of activity in the applied technology centers (ATCs) and applied technology center service regions (ATCSRs). The review of membership hours and other performance and productivity measures have been completed. Dr. Marvin Johnson, Coordinator, State and Federal Programs, and Mr. Robert Anderson, Specialist, Management and Information Systems presented the report to the Committee. (For complete details of the report, see General Exhibit No. 8229.) It was noted that the ATCSRs are growing rapidly.

Motion from the Committee that the State Board of Education/State Board for Applied Technology Education approve the annual ATC/ATCSR membership hour report for fiscal year 1999. Motion carried with Members Barney, Burningham, Cannon, Ferrin, Henshaw, Hurst, Kennedy, Larson, Richards and Shields voting in favor; Members Arial, Jensen and Morrill absent.

Auxiliary Aids and Services at Institutions of Higher Education

The committee discussed the issues relating to auxiliary aids and services at post secondary institutions. It was noted that all members of the Board had received a letter from Dr. Blaine Petersen, Executive Director of the Utah State Office of Rehabilitation relative to this issue on August 19, 1999.

Blaine Petersen, Executive Director of the State Office of Rehabilitation reported that right now because of the lack of funding and the possibility of having to deny or delay services to one group, we have limited services to higher education.

Motion from the Committee that the Board receive the report. Motion carried with Members Barney, Burningham, Cannon, Ferrin, Henshaw, Hurst, Kennedy, Larson, Richards and Shields voting in favor; Member Arial, Jensen and Morrill absent.

Member Susan Henshaw moved to adjourn.

Meeting adjourned at 4:15 p.m.