

## MINUTES

April 6, 2001

Minutes of the meeting of the State Board of Education and State Board for Applied Technology Education held April 6, 2001, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 9:50 a.m. Chairman Kim R. Burningham presided. Members present were:

Chairman, Kim R. Burningham

Member R. Michael Anderson

Member Bette O. Arial

Member Linnea S. Barney

Member Laurel Brown

Member Greg W. Haws

Member Jill G. Kennedy

Member Judy Larson

Member A. Earl McCain

Member Denis R. Morrill

Member David L. Moss

Member Joyce W. Richards

Member Marilyn Shields

Member Teresa L. Theurer

Vice Chairman Janet A. Cannon was excused.

Also present were:

Executive Officer Steven O. Laing

Associate Superintendent Robert O. Brems

Associate Superintendent Patrick Ogden

Interim-Associate Superintendent Bonnie Morgan

Executive Director, USOR, Blaine Petersen

Public Information Officer, Eileen Rencher

Board Secretary Twila B. Affleck

Deputy Superintendent Gary L. Carlston was excused.

Also present for portions of the Board meeting were:

Members of the Press: Beth Dove, Standard-Examiner

Heather May, Salt Lake Tribune

Phyllis Sorensen, Utah Education Association

Gary Ricks, Legislative Fiscal Analysts Office

Merlynn Newbold, Utah House of Representatives

Marda Dillree, Utah House of Representatives

Susan Ralls, McDougal Ladle Publishers

Patsy Davis, McDougal Ladle Publishers

Scott Cissal, Mountain States Schoolbook Depository

Juneil Lyon, Utah PTA

Wilford Iverson, McGray-Hill Publishing

Utah State Office of Education staff:

Barbara Lawrence, Planning & Project Services

Vicky Dahn, Instructional Services

Lynn Greenwood, Instructional Services

The Board repeated the Pledge of Allegiance.

Board Member Bette O. Arial offered the reverence.

Twila B. Affleck recorded the minutes.

Chairman Burningham excused Vice Chairman Janet A. Cannon who is representing the Board at the NASBE Standards and Accountability Forum.

Chairman Burningham indicated that at each meeting a board member will be asked by the Secretary to choose one area of the code of conduct to review briefly to remind us of the principles that guide our actions.

Chairman Burningham shared his view on the fifth statement dealing with Listening. He stated that he felt the art of listening is one of the most important things we can develop to be effective individuals. He shared the first act, scene two of Shakespear's King Henry IV< particularly referring to the character of Falstaff. He felt that the disease of not listening that Falstaff describes is one that reflects society as a whole. He continued that so many of us go about thinking our thoughts and how we can defend our actions and we do not listen to other just as Falstaff did not listen. He felt that good Board Members will always listen closely.

Superintendent Laing reported that Jim Wilson with Legislative Research and General Counsel who has been assigned to education for many years has now been reassigned in that office. This has been a big disappointment to us, however, even more so, he suffered a moderate heart attack a little over a week ago. He is home, but is recovering slowly. He stated that Jim has been a longtime friend to education, and has been a good source of information and guidance from the Legislative General Counsel and Research office.

### Reading and Literacy Legislative

#### Priorities for FY 2002-2003

Chairman Burningham reported that on March 2<sup>nd</sup> following the Board meeting Superintendent Laing and he were invited to a meeting of a group known as the International Reading Association, Utah Chapter. They presented an award to the Board in recognition of its advocacy for reading issues. It is called the "Friend of Literacy." The plaque will be hung in the Board office.

Chairman Burningham reported that recently he was reading in a Meryl Lynn Report that claimed that 90% of those in prison cannot read. He stated that if that figure is anywhere near true, it reminds us once again how important reading is.

Chairman Burningham reminded the Board that for at least the past two years one of the highest priorities of the Board's funding items has been to fund literacy staff developers. These are people who are trained to help monitor, assist, train, analyze and in different ways help teachers be more effective reading instructors. This is an issue that we have not succeeded very well with. He indicated that two years ago we requested \$16 million which would have funded a new reading specialist in every elementary school in the state. The Legislature chose not fo fund our request. This year we requested \$4 million with the idea it would move us toward that goal, and the legislature again did not fund it. Chairman Burningham stated that this discussion will help the Board determine if this is indeed our goal, if we believe in it and are committed to it, and if it is, that we do everything in our power to make sure that our message is understood.

Superintendent Laing reported that staff will conceptualize the reading effort over the past several years. From this, the Board will see why the recent priority for reading staff developers in each school arose.

Lynn Greenwood, Specialist, Reading/Language Arts, Elementary, reviewed existing programs and initiatives along with promising practices for improving student reading. (For complete details, see General Exhibit No. 8554.)

Chairman Burningham commented that we have wonderful fragments or pieces of a reading program, and it is not consistent throughout the state. Staff developers would be a means of providing a consistent program throughout the state.

Superintendent Laing commented that with all of the work that has gone on toward improving literacy and reading and all of the associate skills that are necessary, the priority for staff developers is that the complexity, scope and breadth of that knowledge are getting to the point that it defies the generalist to be competent enough with to know on a day to day basis. It is our vision that these staff developers would be a body that could be trained and maintain that type of training so they could be a resource in the schools.

Member Laurel Brown commented that the funding for class size reduction also needs to be there in order to help address the reading issues.

Member Dave Moss commented that an element that is missing is the parents and there is a need to motivate parents.

Discussion ensued as to the direction the Board should pursue this year.

Chairman Burningham noted that the Board has made literacy staff developers as their number two priority. He questioned what the Board's position currently is relative to this, what do we believe and what position should we take in the future?

Representative Marda Dillree commented that there were changes that took place in this legislative session that the normal processes were interrupted and changed because of committee personalities. She indicated that because of these changes this item did fall through the cracks. There was never a formal presentation about this request made. The Analyst did not have it as one of his recommendations. This was a huge request, but it did not show up as a priority. The question in the legislature was that they had put a huge infusion of money into reading previously and they haven't seen results of what has come of that at this point. She was not sure why it wasn't recommended by the analyst. She felt that there needed to be more pressure put upon legislators to make sure it doesn't fall through the cracks. Also, a more coordinated effort with all education entities. Ms. Dillree reported that the legislature through the interim committee meetings and appropriation meetings are going to be looking at some site visits and focusing on specific areas. She suggested that one of the site visits maybe to see how literacy staff developers have made a difference in the districts that have implemented them such as San Juan, Washington and Davis School Districts. Further, that it would be good to see how it ties in with assessment and accountability. She further commented that she hoped this would not just be a reading program, but it would also include writing.

It was noted that the literacy staff developers are to cover the entire literacy field, which would include writing.

Superintendent Laing reviewed the evolution process for development of a prioritize list for the legislature. He questioned the Board's perception as to where we should establish priorities and what is the best tactic. Should we continue to put them forth as categorical line items? Should we modify and now seek a legislative sponsor for each of the priority issues?

Chairman Burningham questioned the Board as to whether or not they agreed with the concept of the importance of getting literacy staff developers in all of the districts?

It was clarified that the staff developer would not be an administrator. They would spend a great deal of time in the classroom.

Discussion ensued relative to the issues of block granting, making this a categorical item and whether or not to seek a legislator to sponsor legislation for this item.

Member Linnea Barney questioned how the Board could get some coordination with the legislative analysts so they will make this a priority? Also, she questioned how or where do they get their priorities?

Gary Ricks, Legislative Fiscal Analyst responded that they look at the amount of money available for public education

and try to balance and determine the most critical needs. They also have to take into account the needs of other elements of state government. He noted that it is important that when the Board develops their budget recommendations to let them know what is really the most important items they wish to have funded. He indicated that the chairs of the public education appropriation subcommittee make the decisions on priorities that are recommended.

Chairman Burningham commented that the Board has an obligation, if there is an area that they feel strongly about, to get that to legislative leadership so they can get the information to the analyst and they can then reflect it. He further commented that if the message is not understood, it is our responsibility to make it clear.

Mr. Ricks commented that another issue that is important is being able to track what is happening to monies that go to the school districts so that the Legislature is not put into a position of believing they have funded something and then having their intent circumvented. A way that local district boards are held accountable for the taxpayers' dollars that are allocated to their district.

Chairman Burningham stated that the issues are to first determine if literacy is our number one issue. If it is, then determine what course of action to follow to make sure it is clearly communicated.

Representative Merlynn Newbold, commented that a lot of time between the legislature, the state board and local school boards we try to shift the responsibility back and forth. We sometimes forget that we all answer to the people who elect us to our positions and we do not answer to each other. She further commented that we need to work together as different groups to meet what our constituents want.

Member Greg Haws suggested that the Board look at separating our ongoing priorities from the new initiatives, and only focus on one new additional initiative and make literacy staff developers it.

Member Joyce Richards suggested that the Board try having someone run a bill. Chairman Burningham agreed and suggested that literacy staff developers be at the top of the Boards priority list and also seek a sponsor for legislation.

Representative Dillree commented that bills going after appropriation changes are very cumbersome and awkward. She suggested that because there was a significant amount of money put into reading to enhance reading two years ago, maybe this time schools could match the money from the legislature. This would get the money to more schools than just the 100. She further suggested that Board Members need to individually meet with your legislators, one-on-one. If they don't sit on an education committee asks them to talk with someone that is on it.

Member Mike Anderson commented that we do need to show what we have done with what we have received in the past, and what it is going to count for in the future. Also we need to provide more information to the analysts and to our legislators.

Motion was made by Member Denis R. Morrill and seconded by Member Greg W. Haws that as a Board we take a position that we think it is imperative that a literacy staff developer be in every elementary school.

Member Mike Anderson commented that there was been a significant amount of progress where there are staff developers in elementary schools, whatever methodology to measure that, therefore he would like to amend the motion to include a measurement of progress, and accountability. The makers of the motion agreed with the amendment.

Motion would then read that it is imperative to have a literacy staff developer serve in every elementary school and that staff be directed too more clearly identify measurement of student achievement as a result of that.

Member Judy Larson did not feel the amendment needed to be in the motion because she felt it was already in process.

Member Teresa Theurer questioned whether or not the motion was that every school employ a literacy staff developer, or some schools sharing one? Superintendent Laing clarified that in small districts they could share. It would be a literacy staff developer for a specified number of students. Secondly, House Hill 145 requires regular reporting of progress toward the goal of having every student read at the third grade level. There is in place a measuring process upon which you can impose the staff developers and then look to see if when the staff developers came on line if there

is a change.

Motion carried with Members Anderson, Arial, Barney, Brown, Haws, Kennedy, McCain, Morrill, Moss, Shields and Theurer voting in favor; Members Larson and Richards opposed. Both opposition votes clarified that they felt the measurability portion of the motion was not necessary.

Discussion ensued relative to the issue of adding the measurability portion.

Motion to reconsider was made by Member Teresa L. Theurer and seconded by Member Judy Larson. Motion carried unanimously.

Motion was made by Member Jill G. Kennedy that the Board divide the motion.

Motion that it is imperative that a literacy staff developer serve in every elementary school. Carried unanimously.

Second part of the motion adding the measurement element. Motion carried with Members Anderson, Barney, Brown, Burningham, Haws, Kennedy, McCain and Shields voting in favor; Members Arial, Larson, Moss, Richards and Theurer voting against.

Chairman Burningham commented that he felt it was important to start right now to send the message that the Board feels it is imperative to have a literacy staff developer serve in every elementary school. He indicated that meetings have already been scheduled with the House Republican Leadership, House Democratic Leadership and the Governor within the next two weeks. He felt that the Board, at these meetings, should make it clear that we have taken a position on literacy staff developers and we will be supporting this position as a high priority. He further commented that he felt the Board should request that a legislator be a sponsor of a bill.

Superintendent Laing noted that the Board has representation on the Utah School Boards Association Board of Directors, the Utah Education Coalition Board, and the Partners in Education Board. He felt that through these avenues the message needed to be shared by the Board Members who sit on those Boards.

Member Bette Arial commented that this is a perfect opportunity to take this to the public through guest editorials and other avenues.

Chairman Burningham commented that we need the accountability piece to take to the legislative leadership meetings.

Member Teresa Theurer suggested that the Board be updated at the next meeting as to the progress that has been made.

Chairman Burningham announced that the Board has appointments with the House Republican and Democratic Leadership and the Governor on April 17. He felt that the Boards Legislative Team be included in those meetings. That would include the Chairman, Vice-Chairman, Denis Morrill, Judy Larson, Dave Moss and Jill Kennedy. The meetings will begin at 8:00 a.m. He indicated that we should not have more than a quorum, but if there are other Board Members who would like to attend to please let him know.

### Executive Session

Motion was made by Member Bette O. Arial and seconded by Member David L. Moss that the Board move into an Executive Session for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present, the Board moved into an executive session during lunch at 12:35 p.m.

Motion was made by Member Teresa L. Theurer and seconded by Member Laurel Brown that the Board reconvene into open meeting. Motion carried unanimously.

The Board reconvened at 1:37 p.m.

### **Utah Professional Practices Commission Recommendations**

Motion was made by Member A. Earl McCain and seconded by Member Jill G. Kennedy that the Board accept the Utah Professional Practices Commission recommendation and accept a stipulated agreement, including conditions of the agreement, in Case No. 01-545, whereby a former educator in Washington School District, voluntarily surrenders his educator license in lieu of a hearing for the purposes of suspension for at least two years by the State Board of Education. The suspension results from the former educator's guilty plea to attempted forcible sexual abuse, a third degree felony. It was noted that the victim was not a student of the educator. Motion carried with Members Barney, Kennedy, Larson, McCain, Morrill, Moss, Richards and Shields voting in favor; Members Anderson, Arial, Brown, Haws and Theurer absent.

Motion was made by Member A. Earl McCain and seconded by Member Joyce Richards that the Board accept the Utah Professional Practices Commission recommendation and accept a stipulated agreement, including conditions of the Agreement in Case No. 01-537, whereby a former educator in Washington School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for at least five years by the State Board of Education. The suspension results from the educator's sexual relationship with a minor female student. Motion carried with Members Arial, Barney, Brown, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards and Shields voting in favor; Members Anderson and Theurer absent.

Motion was made by Member A. Earl McCain and seconded by Member Bette O. Arial that the Board accept the Utah Professional Practices Commission recommendation and accept a stipulated agreement, including conditions of the Agreement in Case No. 00-515, whereby a former educator in Weber School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of revocation for at least five years by the State Board of Education. The revocation results from the educator's guilty plea to forcible sexual abuse, a second degree felony. It was noted that the victim was not a female student. Motion carried with Members Arial, Barney, Brown, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards and Shields voting in favor; Members Anderson and Theurer absent.

Motion was made by Member A. Earl McCain and seconded by Member David L. Moss that the Board accept the Utah Professional Practices Commission recommendation in Case No. 00-529, and revoke, based upon default, the educators license of a former teacher in the Granite School District. The action results from the photography of partially nude high school students and the viewing of pornographic materials using a school-owned computer. It was noted that a UPPAC complaint was mailed to the educator on January 2, 2001. No response, either verbal or written, was ever received from the educator or his representative. Motion carried unanimously.

Motion was made by Member A. Earl McCain and seconded by Member Judy Larson that the Board accept the Utah Professional Practices Commission recommendation in Case No. 97-420, and accept a hearing report, including conditions of the report. The report recommends that the educator license of a former elementary educator in Granite School District be suspended for at least five years. The action results from a hearing held January 31, 2001, which concluded that the educator engaged in illegal and improper activities and failed to maintain appropriate physical boundaries with his students. Motion carried unanimously.

(For complete details of the Professional Practices Commission recommendations, see General Exhibit No. 8555.)

### **Service for the Blind and Visually Impaired Advisory Council**

Motion was made by Member Judy Larson and seconded by Member Mike Anderson that the Board appoint Rhonda Clark to the Services for the Blind and Visually Impaired Advisory Council. Ms. Clark's term will expire January 2003. Motion carried unanimously.

### **Legislative Task Forces Appointments**

Chairman Burningham reported that there were two pieces of legislation that organized task forces which included State Board Members. He has made the following appointments:

Enhancement of Public Education Task Force - Joyce Richards and Janet Cannon.

Job Enhancement Committee - Judy Larson and Teresa Theurer.

### Proposed Proficiency Levels and

### Cut Scores for Standard Setting

Barbara Lawrence reviewed the standard setting methods for Utah. She then reviewed the cut scores for each subject and grade. Dr. Lawrence noted that subsequent to the Board meeting when these were approved it was the opinion of some that these cut scores were too low, it was determined that a validity study be completed.

Dr. Lawrence reviewed what cut scores are and how they had been determined. She then reviewed the scores the Board accepted in the January Board meeting.

Dr. Lawrence reviewed the validity study process and the outcomes.

Dr. Lawrence reported that based on all the data from the validity study, it seems best to retain the cut scores at all levels originally approved by the Board in January. She noted that having done the validity study they have broadened the understanding of the standard setting process to many others in the community as well as for State Board Members.

Member Mike Anderson expressed appreciation for how the validity study was conducted. Member Teresa Theurer also expressed appreciation for the opportunity to participate in the validation study. She also expressed appreciation to the teachers who participated in setting the cut scores.

(For complete details of the Proposed Proficiency Levels and Cut Scores for Standard Setting, see General Exhibit No. 8556.)

Motion was made by Member Teresa Theurer and seconded by Member Bette O. Arial that the Board approve the cut scores for the various proficiency levels for the Elementary Language Arts, Elementary and Secondary Math, and Elementary and Secondary Science Core Assessment Criterion-Referenced Test series based on the results of the Standard Setting Validation Study.

Member Linnea Barney noted that the cost for the validity study was \$4,360, not counting all the administrators who were there, which she felt was a lot. She noted, however, that we are more secure because of it.

Member Laurel Brown commented that she did not think we are back where we were, we are now assured in terms of our decision making.

Member Brown suggested that a one-page summary be prepared to go out to educate the public in terms of the rationale behind the scores as well as the efforts that had gone into creating them.

Motion carried unanimously.

### Committee Reports

#### **Planning, Finance and Legislation Committee**

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

#### Distribution of Supplemental Textbook

#### Funding

House Bill 40, *Funding for Textbooks*, appropriates \$23,790,000 for the purchase of textbooks. The bill directs that the Board distribute the funding based on "need as identified in the Legislative Auditor General's State Textbook Funding

Audit dated November 2000 or as identified by the State Board of Education. Further that an effort be made by each district to satisfy its textbook needs."

After consulting with local school districts, staff presented a formula for the distribution of textbook funding that will be fair, yet meet legislative requirements. (For complete details of the formula, see General Exhibit No. 8557.)

The Committee discussed the legislation and its call for the funds to be distributed on effort and need. It was pointed out that efforts and needs are opposites. The more effort people are putting out the less need they have. It then becomes a little difficult to distribute the money based on both of those categories. The proposal was that in the audit it described need by level and the greater need was in the elementary level, next middle then secondary. Member Morrill reviewed the breakdown of funds by elementary, middle and secondary.

Member Morrill indicated there was significant discussion on the distribution on a per pupil basis and that there may be another way to do it. However, we don't have the data or background information to distribute it fairly other than that proposed.

Motion from the Committee that the State Board of Education approve the formula for distributing the one-time appropriation for textbooks. Further, with a request of administration that the districts be asked to show: a) where they are right now (benchmark) with textbooks, and b) a report, after the money is spent, on where the benchmark rose to (where are they now).

Member Laurel Brown voiced concern with the funding being spent on textbooks only and not spent on supplies, consumables, software, or supplementary materials. She felt that in the early elementary grades a lot of the materials are consumable. This may force educators to choose materials that are hardbound.

Member Morrill indicated that this was discussed in the committee, but the problem is that as they interpreted the law, the clear intent of the legislature was that this be used only for textbooks. Superintendent Laing noted that there is still the requirement that they spend 5.5 percent of the weighted pupil unit per student for text materials and supplies and this is above and beyond that.

Motion carried with Members Anderson, Arial, Barney, Haws, Kennedy, Larson, McCain, Morrill, Moss, Richards, Shields and Theurer voting in favor; Member Brown opposed.

## **Curriculum and Instruction Committee**

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

### Career Ladders in Education

#### Rule R277-526

Rule R277-526, Career Ladders in Education has been modified in order to simplify the rule to be more in line with the statute. These modifications are based upon intent language of new legislation and recommendations from school districts. (For complete details of the rule, see General Exhibit No. 8558.)

The Committee made a few additional modifications for clarification. Section R277-526-8, Reports, (b) The report shall include the Career Ladder plan evaluation for the **current** year ending June 30 ... Section R277-526-5[C] eliminate the word "directly" from the last sentence. It will then read: "Job enlargement positions shall be related to the Core Curriculum and shall not be solely administrative or extracurricular in nature." Under "definitions" instead of career ladder it will be changed to **career ladder plan**.

Member Haws indicated that following the committee meeting the UEA had suggested another change. They suggested a modification of R277-526-6 [A] to change the last sentence to read **participation by classroom teachers and administrators in development of the evaluation program at the district level**. It was noted that the

Committee did not consider this change.

The Committee approved the amendments with the three changes made in the Committee to R277-526, Career Ladders in Education on first reading.

The Committee moves that the Board approve the amendments including those made in the Committee to Rule R277-526, Career Ladders in Education on second reading.

An amendment to the motion was made by Member David L. Moss and seconded by Member Marilyn Shields to include in R277-526-6[A] to add the words **participation by classroom teachers and administrators in development of the evaluation program at the district level.**

Amendment to the motion carried unanimously.

Motion to adopt Rule R277-526 with the four amendments carried unanimously.

### Accreditation of Schools

The Committee reviewed and discussed the standards for accreditation and the composition of appointment and make up of the accreditation committee.

The Committee asked that the State Accreditation Committee meet and discuss this issue and make recommendations to the Committee. The Curriculum and Instruction Committee also requested that the report be made to the Board in June instead of May.

### **Full Board Meeting**

#### Board Member Reports

Member Linnea Barney suggested that the classroom teachers who have been involved in development of the cut scores be invited when presentations on the cut scores being made to legislators and others.

Member Mike Anderson suggested that a video be created for districts for professional development of teachers in the districts.

Member Marilyn Shields reported that she and Vice Chairman Janet Cannon attended the NASBE Legislative Conference. She indicated she had received a NASBE update relative to President Bush's plan for education. She further reported that they met with Senator Bennett and Representative Cannon and with staff of the other congressmen which was very beneficial. She shared information she had prepared for the congressmen on assessment. (For complete details see General Exhibit No. 8559.) She indicated that this material was also shared with the NASBE Board of Directors. They were in awe with where we are on assessment.

Member Shields also reported on the recent CMAC meeting. She indicated that Barbara Lawrence presented information on basic skills competency testing. The members of CMAC had a lot of questions. She asked Richard Gomez to write down the questions for her to present to the Board. She distributed the questions (For complete details, see general Exhibit No. 8560.) Member Shields also suggested that CMAC view the video relative to assessment and the competency based test that is coming up. It was noted that the questions would be addressed by Dr. Lawrence.

Member Shields commented that she feels good about the meeting with CMAC, and that they are feeling good as well.

#### Executive Officer Report

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

Artistic Resources for Districts and Students (ARTS) - Dr. Laing expressed appreciation to Member Earl McCain for alerting us to the awards presented by the Artistic Resources for Districts and Students. Dr. Laing noted that letters of

commendation have been sent on the Board's behalf. There were ten district award winners and a statewide recognizee.

403B Program - As a result of an Internal Audit Report, the Board made a decision to cancel the Boards employers' role with regard to a 403B program, primarily held by employees at the Utah Schools for the Deaf and the Blind. There have been some concerns raised about this issue by some of the employees and one company providing these services. There have been meetings with our Human Resource people and the Internal Auditor exploring the questions and concerns. It looks like we will now need a legal determination. We will be contacting the Attorney General's office.

The issues are: A question about whether or not we can be considered an employer for purposes of a 403B program. A question about whether or not the employees could utilize some of the flexible slots that are available on state payroll for specific areas to defer compensation because of the limitation those slots have. Another question about whether or not we are actually held to the same standard of timeliness and potential fines that were discussed when the audit was discussed. Dr. Laing noted that there are some employees who are disgruntled about the decision that was made and at least one provider of investment strategies that is also dissatisfied. We are working with these people and the Attorney General's office.

Superintendent Appointments - Two new district superintendents have been appointed across the state: Myron Cottom has been appointed Superintendent in Garfield and Mike Jacobsen has been appointed in Weber School District. Dr. Laing noted that currently there are vacancies in Provo, Logan, and Uintah School Districts.

State Office of Education Audit - Associate Superintendent Patrick Ogden reported that the RFP for an audit of the State Office of Education has been placed. It will be out until May 1. We have had at least one consultant call us. The Auditor General and Representative Throckmorton have requested copies of the RFP and they felt it was well done. Their only concern was they thought it might be a little too broad. He indicated that this could be limited once we see the actual proposals.

Rehabilitation Funding - Blaine Petersen, Executive Director, Utah State Office of Rehabilitation requested that the Board approve a letter to the Congressional Delegation with regard to funding for rehabilitation. He reported that in the last eight years all that has been received is a cost of living increase and this does not cover the growth. The recommendation is for a \$240 million increase or 6.5 percent increase in vocational rehabilitation. If we were to receive our portion of that it would amount to about a \$1.4 million federal fund increase. (For complete details of the letter see General Exhibit No. 8561.)

Motion was made by Member Bette O. Arial and seconded by Member Denis R. Morrill to approve the position stated in the letter. Motion carried unanimously.

Cooperative Agreement with Higher Education - Blaine Petersen reported that we have been working with higher education since 1994 relative to interpreter services. We now have a signed Cooperative Agreement with higher education that they will accept financial responsibility for auxiliary aides and services to individuals with disabilities who are served on their campuses.

Applied Technology Education Governance - Superintendent Laing presented a list of changes that were proposed to the legislation on ATE/ATC governance. (For complete details see General Exhibit No. 8562.) This list came from Speaker Stephens in a meeting that he and Chairman Burningham were invited to attend along with the Governor, Gary Doxey, Con Rowley, Brent Wallis and Rob Brems. They discussed each of the 12 items. There were some we had great concern about, and we are very interested in how the language would be developed in the legislation to address our concerns. For example, Item 6 - how do you define applied technology education. That definition could have all kinds of implications depending upon whether or not it included K-12 applied technology education, applied technology education that extends into colleges and universities etc. As this is done, then Item 2 could become problematic, dependent upon how ATE is defined. Further, Item 11, proposes a name change to Utah System of Higher Education and Applied Technology Education. The Governor had concerns with Item 10, the appointment of six of the Regents that had to have applied technology education background.

Dr. Laing reported that subsequent to that meeting he and Chairman Burningham met with Commissioner Foxley and

Regent Chairman Charlie Johnson. It appears that they want to talk about these issues, but we are not sure where we are going. Dr. Laing indicated that one of the things that appears to be common in all of the iterations is that the Board will probably no longer hold the reins on the ATCs.

Dr. Laing further reported that last night he received a call from Representative Ron Bigalow who indicated he had been given the assignment to carry the legislation in its newest and latest version. They have also reassigned legislative research staff to draft the new legislation. The draft of the new legislation is supposed to be available sometime next week. Dr. Laing indicated that Representative Bigalow referenced the 12 issues that they have been looking at. Dr. Laing raised the concerns with Representative Bigalow, especially the three he mentioned earlier and the implication that No. 6 has for all of them. He indicated that Representative Bigalow was particularly appreciative that he called to his attention the idea of the name change, and the implication it would extend to who would be the recipient of the federal funds for applied technology education.

Dr. Laing indicated that he was confident that if they feel the new draft will take care of the differences and will satisfy all, that a special session will be called to deal with it.

Dr. Laing reported that there is going to be a meeting later today with the Commissioner, Chairman of the Board of regents and the Governor.

Superintendent Laing noted that in his conversation with Representative Bigalow he was assured that the definition of applied technology education would be open-entry, open-exit, non-credit, competency based training for jobs.

Superintendent Laing commented on other meetings being held or requested relative to the Wasatch Front South Applied Technology Center as well as the Mountainland Applied Technology Center at Utah Valley State College.

Superintendent Laing further commented that the Board has been criticized by both sides of this issue for either being not opposed or not in support of whatever was being discussed and leaves it open for the Board to make some kind of statement. Dr. Laing then reviewed the positions of the Board, i.e. the first substitute that created the JATEC, support of the principals, but not any particular piece of legislation.

Member Jill Kennedy commented that she felt the Board should go back to the master plan that was developed a few years ago for a stand-alone ATC in every region.

Discussion ensued and concerns were voiced that not all members of the Board of Regents understand what is happening and further they do not know about applied technology education.

Members Kennedy and Morrill spoke in favor of going back to the master plan. They both commented on how the State Board has done a good job with applied technology education and should make a statement that we are going to fight to keep it.

Associate Superintendent Rob Brems suggested that maybe the best thing to do is to promote the associates degree. He indicated that the Governor is so entrenched in this, and he is promoting the idea of an associate of applied technology degree that is competency based. Mr. Brems suggested that maybe this is something that we should continue to pursue.

Mr. Brems stated that staff is looking to know where the Board is. Do we want to try to not have a special session? Try to work on the 12 points and a bill that everyone can be happy with? Where do we go from here?

Discussion ensued as to which model would best serve the needs of the students. Board Members felt that the JATEC model had been forced on them as no other way out. Further comments from the Board that this is the time to say what we believe and go forward strongly and stand behind it. Further that the Board needs to go back to the stand-alone ATCs and the credit issue and propose it strongly. It was clarified that stand-alone ATCs does not necessarily mean big new elaborate buildings.

Member Earl McCain voiced concern with the argument about equity that it was not valid since there is not equity in education across the state, i.e., there is not an AP program in Manila, Utah.

Further discussion ensued relative to the position the Board should take relative to applied technology education governance.

Motion was made by Member Jill G. Kennedy and seconded by Member Bette O. Arial that in view of the many different plans proposed for applied technology education, the State Board of Education take the position, that in the best interest of students in the state both secondary and adult for applied technology education, the best plan is the master plan which was presented three years ago to develop stand-alone ATCs in each region of the state. Further, that the Board would support something like the first iteration of the bill which was the JATEC, but preference would be the stand-alone ATCs under the State Board of Education.

Member Denis Morrill voiced concern that proposing the second option may weaken the first.

Associate Superintendent Rob Brems commented that using the term stand-alone may be interpreted by some as building buildings. He suggested that the motion be modified to say: the continued development of ATC services across the state under the State Board for Applied Technology Education.

Members Kennedy and Arial agreed with the modification as well as to drop the second part of the motion dealing with JATEC.

The motion would then be that the State Board for Applied Technology Education would be the governing board for applied technology and to provide expansion of ATC services across the state. Motion carried with Members Anderson, Arial, Barney, Brown, Haws, Kennedy, McCain, Morrill, Moss, Richards, Shields and Theurer voting in favor; Member Larson absent.

#### Board Chairman Report

Chairman Kim R. Burningham presented the following items for information:

He attended a lecture delivered at Southern Utah State University that focused on how we are devaluing teachers and what we really need to do is to value the teaching profession. He shared the program from that lecture.

Vice Chairman Janet Cannon asked him to note a conference being held May 8,2001, "Teacher Appraisals and Dismissals in Utah." It is being held in Salt Lake City. He left the brochure with the Board Secretary should anyone be interested in attending.

#### General Consent Calendar

Motion was made by Member Jill G. Kennedy and seconded by Member David L. Moss to approve the General Consent Calendar as presented. Motion carried with Members Anderson, Arial, Barney, Brown, Haws, Kennedy, McCain, Morrill, Moss, Richards, Shields and Theurer voting in favor; Member Larson absent.

- Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education and State Board for Applied Technology Education held March 2, 2001.

- Contracts
- Leslie H. Gertsch. \$165,000. 4/1/01-3/31/04.

To provide braille transcription services to state agencies as coordinated through DSBVI.

(B) Utah Department of Health. \$298,425. 4/6/01 - 6/30/01. RECEIVABLE

Provide funding for implementation of the "Tobacco Prevention Strategies" Grant.

(C) Hugh C. Bunker. \$44,000. 4/6/01 - 9/1/04 - Amend.

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

(D) Cannon, Cleary & Match, LLC. \$44,000. 4/6/01-9/1/04 - Amend.

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

(E) Holme, Roberts, and Owen. \$44,000. 4/6/01-9/1/04. - Amend.

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

(F) John F. Bates. \$44,000. 4/6/01 - 9/1/04 - Amend.

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

(G) Arrow Legal Solutions. \$44,000. 4/6/01 - 9/1/04 - Amend.

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

(H) MetaMetrics. \$167,600. 4/6/01 - 6/30/02.

Meta Metrics has developed a universal scale for describing a student's reading level based on comprehension skills. In order to provide Lexile information based on the Utah Core Criterion-Referenced tests, it is necessary to complete a study to establish a relationship between the test scores and Lexile levels. The research cost is included in the annual license fee.

(I) Xerox Corporation. \$24,000. 7/1/01-12/31/03 - Amend.

Add meter usage to contract for Xerox 5895 copier on the first floor.

(J) Xerox Corporation. \$9,936. 4/6/01-3/31/05 - Amend.

To lease 1 Docutech NP135 and 1 Docutech 6135 for use in printshop, upgrade Digipath to Version 2.0 includes software to work with a new 65 page per minute scanner to be billed monthly.

(K) Xerox Corporation. \$28,000. 7/01/01 - 12/31/03 - Amend.

Add meter usage to contract for Xerox 5895 Copier on second floor.

(L) Center for the School of the Future. \$100,000. 7/1/2000-11/30/2001.

To conduct research to identify risk factors and successful programs & characteristics that will improve graduation rates among students at risk of not graduating.

(M) Southwest Mental Health Center. \$55,876. 2/16/01-2/15/02 - Amend. - Fed.

To provide vocational rehabilitation services to previously unserved or under served disability populations.

(For complete details of the Contracts, see General Exhibit No. 8562.)

- Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts was reviewed and approved. (For complete details, see General Exhibit No. 8563.)

#### 4. WestEd Board of Directors Appointment

Under the provisions of the Joint Powers Agreement for WestEd, the Utah State Board of Education appoints two members to their Board of Directors - one to represent the Utah public school districts, and one to represent the Utah State Office of Education.

Currently Superintendent Steven O. Laing represents the State Office of Education and Superintendent Barry LI Newbold of the Jordan School District represents the Utah public school districts. Superintendent Newbold was appointed by the Board in November 1999 to fill the unexpired term of Superintendent Kenneth M. Topham who retired.

The State Board of Education reappointed Superintendent Barry L. Newbold of the Jordan School District to represent the school districts on WestEd's Board of Directors for a full three-year term.

#### 5. Claims Report

The Claims Report in the amount of \$153,459,005.64 ending March 31, 2001 was approved by the Board. (For complete details, see General Exhibit No. 8564.)

Motion was Made by Member Teresa L. Theurer and seconded by Member David L. Moss to adjourn.

Meeting adjourned at 3:45 p.m.