

MINUTES

November 2, 2001

Minutes of the meeting of the State Board of Education held November 2, 2001, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:05 a.m. At the request of Chairman Kim R. Burningham, Vice Chairman Janet A. Cannon presided. Members present were:

Chairman, Kim R. Burningham

Vice Chairman, Janet A. Cannon

Member R. Michael Anderson

Member Pamela J. Atkinson

Member Linnea S. Barney

Member Laurel Brown

Member Greg W. Haws

Member Judy Larson

Member A. Earl McCain

Member Denis R. Morrill

Member David L. Moss

Member John C. Pingree

Member Marilyn Shields

Member Teresa L. Theurer

Member Max L. Torres

Members David J. Jordan and Joyce W. Richards were excused.

Also present were:

Executive Officer Steven O. Laing

Deputy Superintendent Gary L. Carlston

Associate Superintendent Robert O. Brems

Associate Superintendent Bonnie Morgan

Associate Superintendent Patrick Ogden

Public Affairs Director Mark Peterson

Board Secretary Twila B. Affleck

Also present for portions of the Board meeting were:

Members of the Press:

Jennifer Toomer Cook, Deseret News

Beth Dove, Standard Examiner

Darci Marchese, KSL Radio

Marta Murvosh, Salt Lake Tribune

Chad Harris, Governor's Office of Planning & Budget

Con Rowley, Governor's Office

Susan Dayton, Utah PTA

Marian Gardner, Utah PTA

Joyce Muhlstein, Utah Family Center

Don Taylor, Utah Family Center

Colleen Taylor, Utah Family Center

Ned Willie, Utah PTA

Barbara Willie, Utah PTA

Linda M. Parkinson, Utah PTA

Stephanie Parkinson, Citizen

Tara Parkinson, Citizen

Troy Parkinson, Citizen

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

Norbert Bensch, Utah School Employees Association

Dennis Hayden, Utah School Employees Association

State Office of Education Staff:

Vicky Dahn, Instructional Services

Ron Stanfield, Planning & Project Services

Pat O'Hara, Agency Services

Dave Steele, Planning & Project Services

Karen Rupp, Planning & Project Services

Paula Plant, Planning & Project Services

Jane Zhang, Agency Services

Vice Chairman Cannon shared a thought from Sir William Osler, "No bubble floats so high, is so iridescent, or lasts longer than that blown by the successful teacher." Vice Chairman Cannon welcomed Max Torres as the new Board Member representing District 1. She indicated that he had been appointed by Governor Leavitt to fill the vacancy created by the resignation of Bette Arial. She shared some background information about Mr. Torres.

Mr. Torres commented that he has been serving on the Dixie College Board of Trustees for approximately two years. He indicated that he and his brother were the first two Hispanics to attend school in Iron County and that he was the first to graduate. He related a story of how he helped two Hispanic students in a school where he happened to be installing a piece of office equipment. He expressed the importance of school districts hiring bilingual teachers who can help the Hispanic students to become better citizens. Mr. Torres stated that he was happy to be serving on the State Board of Education.

Vice Chairman Cannon excused Member Joyce W. Richards who is out of town.

Board Member John C. Pingree lead the Board in the Pledge of Allegiance.

Board Member Pamela J. Atkinson offered the Reverence.

Twila B. Affleck recorded the minutes.

Board Member Denis Morrill shared his thoughts on Code of Conduct No. 10, Pursue Accountability by Appropriate Evaluation and Measurement. He indicated that as he read *The 90% Reading Goal* he found the following: "What drives current student performance levels in schools? Usually it's scheduling personnel, classroom time, curriculum approaches, and sensitivity to results. A significant driver of current student performance levels in homes is time spent

reading aloud with children. Change is most likely to occur by changing the drivers. It will not occur if we do not change home patterns, or, within our schools, if we do not reallocate existing personnel, time, resources, or create accountability results." He felt that part of accountability really has to be the reallocation of resources.

Installation of New Board Member

Board Chairman Kim R. Burningham issued the Oath of Office to newly appointed Board Member Max L. Torres. Member Torres was appointed by Governor Leavitt to fill the vacancy created by the resignation of Member Bette O. Arial.

Recognitions

Light of Learning Awards

Chairman Burningham commented that it has been some time since we have presented these awards. This award is given to people who have provided considerable and important service to students and education in the state in recognition and appreciation for their excellent service. Chairman Burningham gave a brief sketch of each person's background and presented the Board's Light of Learning Awards to the following individuals: Nancy Livingston, Linda Parkinson, Vernon "Con" Rowley, Colleen Taylor and Barbara Willie. Each expressed appreciation for the honor of being recognized.

Executive Officer Report

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

College Board Advanced Placement Tests - We have received communication from the College Board who administer the Advanced Placement Tests. Each year they select in every state one male and one female high school student who scored the highest on the test and took the most tests. The criteria are such that they have to have at least a grade of three or higher on the greatest number of exams and at least three of the courses need to be full year courses or equivalent, and then have the highest average score. Zachary A. Silverzweig from Park City High School and Elizabeth Simmons of Orem High School have received these honors.

Associate Superintendent, Dr. Bonnie Morgan was recently selected as the Utah Educator of the Year by the Utah Association of Supervision in Curriculum Development. This is one of the more professional associations around.

National Board Certification Teachers - We are trying to encourage individuals to pursue National Board Certification as Teachers. This is a difficult process and takes a great deal of time and there is a substantial cost to do so. Teachers who qualify for National Board Certification really do make a difference in the learning of students. Several are pursuing that in the state, and to help them we have contributed an amount equal to about half of the cost of preparing the portfolio, etc. Two of our current candidates have sent a letter of appreciation -- Margaret Pratt and Janice Vorhiese of Bingham High School.

Dr. Laing reported that he had met with the Deans at Weber State College to look at the Student Success Alliance. We are collaborating with them on this, and it represents a collaboration of the Northern Utah districts and Weber State. During the course of the presentation an interesting point was made. As they look at the students entering Weber State and their success rate in completing their training programs and graduating, they have noticed a high correlation to students who do not have math skills and those that do not complete their programs. They show that those students who start with the equivalent or a pre-algebra class, only 9% ever master the quantitative literacy requirement and consequently do not graduate. Students who come to college without adequate math preparation are almost doomed to failure. We have increasing numbers of students taking more and more mathematics and doing very well in our schools and the question is why then are they not doing well when they get to the university. One reason that quickly came to everyone's mind was the fact that too many of our students quit taking math as soon as they complete the requirement for two years. Some may complete these requirements by the end of their tenth year. This is a challenge with the scheduling we are faced within the schools. Dr. Laing reviewed the different scheduling patterns in the schools. We are going to focus on this and Weber State will be gathering data and we will continue to report on their findings as they

move forward.

Agency Budgets - Dr. Laing reported that the financial fortunes of the state have taken a serious down turn, and all projections of revenue are coming in significantly short. The most common figure utilized by the Governor's Office and Legislature is about \$177 million less revenue than was anticipated when they passed the budget in March. This affects the State Office of Education. The Governor has proposed a balanced budget that is required by the Constitution. In so doing, the State Office of Education has already experienced a cut of approximately \$1.7 million. Additionally, we have been instructed that we need to cut another \$2.143 million out of next year's budget. This affects the budget proposals we are sending up now. To date, the public schools have been held harmless with the exception of the \$10 million taken out of capital outlay. There is considerable discussion about how that will be addressed. The Governor's proposal would be to use part of the rainy day fund which is approximately \$120 million. His proposal would be to use part of it to hold, as harmless as possible, the budgets for this current year. Legislative leadership has expressed a desire to not use rainy day funds. Dr. Laing indicated that we are concerned that any resolution of a shortfall of \$177 million, without using the rainy day fund, would impact existing school budgets for this fiscal year. This is a poignant concern for districts because we are well into the fiscal year and contract year and any reduction in resources will have a serious adverse effect on personnel.

Member Pamela Atkinson questioned the definition of a rainy day. She felt that we should be able to tap the rainy day fund to take care of some of the shortfall without having to make the cuts.

Superintendent Laing noted that the rainy day fund is one time money, and if we use it to hold as harmless as possible the budgets for fiscal year 2002, that will be all it does. We will still need to account for fiscal year 2003.

Public Education Task Force - Yesterday in the Public Education Task Force there was a proposal by a legislator to change the process of how the State Board Members are elected. This is not a new proposal, it has been proposed several times and has been passed by the legislature and vetoed by the Governor.

Vice Chairman Janet Cannon reported that there is a philosophy at the legislature on the screening process for Board Members. She made the point that the State Board is non-partisan, therefore, they have essentially made a non-partisan committee that screens the candidates that are presented to the Governor for his placement on the general election ballot. She indicated she was grateful for the non-partisan nature of the State Board of Education. It is a good way to serve the children of Utah. Also, she spoke in favor of the non-partisan screening process. Member Linnea Barney also provided some great information for the committee.

Vice Chairman Cannon noted that the Committee determined they would seek legal advice on the constitutionality of the way board members are selected.

Member Linnea Barney reported that the Constitutional Revision Commission has already rejected the proposal.

Superintendent Laing noted that the Board was very well represented by Janet and Linnea - they were as eloquent and as persuasive as they have every been.

Board Member Web Site - Increasingly people are using the web to access information. He requested that each Board Member check their information on our web site for accuracy and if there are any changes or modifications that need to be made to please let Twila know.

Member Pamela Atkinson reported that in the Salt Lake City School District they have the Eccles Annenberg Challenge Grant. She is on the governing board and liaison with a couple of the schools. She indicated that the Franklin Elementary School has epitomized accountability and taken reading scores from 9% reading at grade level to 52% reading at grade level. They have 98% of their children living in poverty, and the majority are Hispanic. She questioned how the best practices such as these get shared through the state in other schools.

Superintendent Laing responded that the local control issue, both at the school level and site-based decision making within districts. Ultimately each school district is governed by an elected board and the responsibility of what goes on in districts lies with the local board. As a profession, it happens through the professional development activities that

are shared through various societies and associations. The Specialists in the State Office of Education also share these at different conferences and workshops as they provide training. Further, one thing that escapes many observers of excellence in any particular situation is that beyond the program, the excellence is probably due more to the personalities that have come together and invested in it and are making it work.

Board Chairman Report

Chairman Burningham noted that in the General Consent Calendar for today there is a schedule of board meetings for next year. There are a couple of mis prints in dates. He asked that board members discard the one in the agenda and indicated that Twila would get another schedule with the correct dates prior to the vote on the General Consent Calendar.

December Board Meeting - It will be proposed that there be a work/study meeting the day prior to the December Board Meeting. We will plan on meeting on December 3 from 1:30 to 4:30 p.m. in the afternoon for discussion of the content of the basic competency tests. Following that meeting we would like to hold a Holiday Social for the Board from 4:30 - 6:00 p.m. Twila will provide further information.

Literacy Summit - Lieutenant Governor Olene Walker is holding a Literacy Summit on November 16 at the Salt Palace. They are requesting that we register for the summit. All board members did not receive an invitation. Associate Superintendent Bonnie Morgan provided a copy of the invitation to all board members. Chairman Burningham encouraged board members to attend if possible.

Meeting with Republican Leadership - The Board is scheduled to meet with republican leadership on November 8 at 9:30 a.m., room 432 at the Capital. The following board members indicated they would be able to attend: Teresa Theurer John Pingree, Denis Morrill, Marilyn Shields, Dave Moss, Pamela Atkinson and Chairman Burningham.

Chairman Burningham reminded Board Members of how important and valuable it is for them to visit local schools and attend local board meetings.

Member Teresa Theurer reported that she had made an effort last spring to visit as many schools as she could and she had a wonderful experience. She did not go to one school that she did not leave thinking public education is great in Utah. She was very well received by the principals of the schools. She had many principals tell her that they had never had a board member come to their school. She indicated that she plans to continue her visits to the schools.

Chairman Burningham noted that at the last Board meeting there was a presentation by Kolene Granger relative to the capital debt problem, as well as Ed Alder, State Treasurer. As a result a task force of three board members was appointed to look at how the Board should respond to this and to come back with recommendations.

Member John Pingree reported that he, Earl McCain and Greg Haws had met with Pat Ogden, Larry Newton and Patty Murphy. They reviewed the problem and clearly the numbers the board is working with show an increase over the next ten years of 100,000 students was reconfirmed. The state and especially those districts that are rapidly growing will need to look at a new approach as to how we use our buildings and use portable buildings. They have asked Pat Ogden to look at best practices in other areas of the country where they have gone through this problem, and then see where we might go with it. The task force will meet again to review the information obtained and then make some recommendations to the Board.

Vice Chairman Janet Cannon reported that the Bylaws Committee met the other day and they reviewed the first draft, made modifications and there is now a second draft. The second draft will be reviewed by the Board's Leadership Committee and hopefully to the Board in December for review and input.

Vice Chairman Cannon reported that the Public Enhancement Task Force when they first started out was looking at whether or not we needed to retain a core curriculum because if we have accountability on the tests do we need a curriculum. The task force heard input from very persuasive superintendents and district curriculum directors. By the last meeting the tone had changed from maybe we don't need a core curriculum, to yes we do need a core curriculum, maybe we should concentrate on paring it down.

Associate Superintendent Bonnie Morgan commented that there was good district support from curriculum directors and superintendents who testified. She was pleased to see them step forward so our office did not have to defend itself. She indicated that we do have a good curriculum and we are working to pare it down.

Superintendent Laing commented that this is an evolving process. Utah was one of the first states to develop a core curriculum. As we have evolved in the process and we have added to that accountability, it has become increasingly apparent that the curriculum we started with, is not the one we need in an era of accountability and assessment. We are talking about evolutionary development of a curriculum that more closely meets the needs of identifying what students need to know and be able to do and be assessed as opposed to a curriculum that outlines all of the important things that could be included and perhaps should be included for student exposure.

Member Pamela Atkinson commented on the visits to schools and suggested that Board Members take some of our critics into the schools so they can see what is really happening and to listen to the teachers who are making a difference. She felt that as they see things in practice they will become supportive. Member Judy Larson indicated that the Planning, Finance and Legislation Committee had requested regular reports with regard to what is happening with the Taxing Entity Committee and Larry Newton has done a wonderful job of providing that information.

Utah Science Center

Mike Anderson explained that he had been asked to sit on the Utah Science Center Board and they have received a lease to place the Utah Science Center in the Salt Lake City Library. Member Anderson introduced Joe Andrade, Executive Director and Chairman of the Utah Science Center.

Mr. Andrade provided an overview of the activities of the Center. He indicated that the Center will provide resources of methods, skills, and technology for students and parents. Mr. Andrade shared how the Center will provide programs within the schools to facilitate student access to the programs and activities. (For complete details of the material presented, see General Exhibit No. 8679.)

Vice Chairman Cannon expressed appreciation for the presentation and information.

Executive Session

Motion was made by Member Denis R. Morrill and seconded by Member A. Earl McCain to move into an Executive Session during lunch 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 12:20 p.m.

Motion was made by Member Laurel Brown and seconded by Member John C. Pingree to reconvene into open meeting. Motion carried unanimously.

The Board reconvened at 1:25 p.m.

Utah Professional Practices Commission Recommendations

Motion was made by Member Laurel Brown and seconded by Member A. Earl McCain to adopt the Utah Professional Practices Commission recommendation and accept a stipulated agreement, including conditions of the agreement in Case No. 01-564, whereby a former educator in Granite School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for a period of at least three years beginning October 5, 2001. The recommended suspension results from the educator's inappropriate contact and conduct with students. Additionally, the educator violated professional ethics by proffering a forged letter of recommendation to a school district where he sought employment. Motion carried with Members Anderson, Barney, Brown, Burningham, Haws, McCain, Morrill, Moss, Pingree, Shields, Theurer and Torres voting in favor; Member Larson absent.

Motion was made by Member Laurel Brown and seconded by Member A. Earl McCain to adopt the Utah Professional Practices Commission recommendation and accept a stipulated agreement, including conditions of the agreement in

Case No. 01-567, whereby a most recently employed educator in Lincoln County Nevada, voluntarily surrenders his educator license in lieu of a hearing for purposes of revocation for at least five years from the date of formal State Board of Education action. The educator pled guilty to one count of Attempted Sexual Conduct Between Certain Employees of School and Pupil, a category D felony. He was sentenced to 36 months in Nevada State Prison. It was noted the educators Nevada teaching license has been invalidated. Motion carried with Members Anderson, Barney, Brown, Burningham, Haws, McCain, Morrill, Moss, Pingree, Shields, Theurer and Torres voting in favor; Member Larson absent.

(For complete details of the Professional Practices Commission recommendations, see General Exhibit No. 8680.)

State Rehabilitation Council

Motion was made by Member Teresa L. Theurer and seconded by Member Mike Anderson to appoint Terry Pomeroy and Jay Knudson to the State Rehabilitation Council, terms to expire September 2004. Motion carried with Members Anderson, Barney, Brown, Burningham, Haws, McCain, Morrill, Moss, Pingree, Shields, Theurer and Torres voting in favor; Member Larson absent.

Utah Schools for the Deaf and the Blind Institutional Council

Motion was made by Member Teresa L. Theurer and seconded by Member Linnea S. Barney to reappoint Dr. Ernest Robison for a four-year term to expire July 1, 2005. Motion carried with Members Anderson, Barney, Brown, Burningham, Haws, McCain, Morrill, Moss, Pingree, Shields, Theurer and Torres voting in favor; Member Larson absent.

NASBE Western Area Director

Motion was made by Member Marilyn Shields and seconded by Member Linnea S. Barney that the Utah State Board of Education cast its ballot for Gary Waters of Nevada for the Western Area Director position on the NASBE Board of Directors. Motion carried with Members Anderson, Barney, Brown, Burningham, Haws, McCain, Morrill, Moss, Pingree, Shields, Theurer and Torres voting in favor; Member Larson absent.

Other Business

Chairman Burningham reported that a draft power point presentation has been prepared for presentation for Local Boards of Education to reinforce the value of the comprehensive guidance program. He distributed a copy of the power point DRAFT. (For complete details, see General Exhibit No. 8681.) He indicated that staff was concerned with using the Board's name in Slide #2. There was no objection to having the Board's name on the document.

Chairman Burningham also noted that according to the Board's Meeting Schedule on September 5-6 there is also scheduled a Board of Regents meeting. He has notified the Board of Regent's office of the conflict. He indicated that Board of Regent members of the Board will attend the Board of Regents meeting and State Board Members will attend the Board of Education meetings on those dates.

Tuition Tax Credit Position

Superintendent Laing provided background on the issues of tuition tax credits (TTC). He indicated that during the 2000 Legislative Session the Board opposed legislation introduced to create a TTC. Subsequently, the Board has had a presentation from Representative John Swallow, who proposes to introduce another TTC bill during the 2002 Legislative Session. He indicated that the summary of research on tuition tax credits from Columbia University Occasional Paper is the latest and most complete research on the subject. He also indicated that the Board had received in their agenda information on tuitions at Utah private schools, as well as estimated fees, an anticipated cost given the growth in private school students that would be expected if all students were currently eligible now, and the Misconceptions of a Universal Tuition Tax Credit prepared by Pat Ogden.

Motion was made by Chairman Kim R. Burningham and seconded by Member Denis R. Morrill that the Board adopt

the resolution presented at the last Board Meeting. (For complete details of the material and the Resolution, see General Exhibit No. 8682.)

Chairman Burningham commented that the position statement emphasizes how the Board fears that tuition tax credits may have detrimental effects on the existing system, and particularly that the diversity of students will not be encouraged. Member Pamela Atkinson questioned the position of the local school boards on this issue. Superintendent Laing indicated that not all of the local boards had taken official positions, however, the Utah School Boards Association is actively involved in trying to promote awareness of and opposition to tuition tax credits.

Member Laurel Brown spoke in favor of the motion stating that we have the privilege of educating every student in this state regardless of their economic standing or disability.

Member Linnea Barney asked about Representative Siddoway's amendment to the legislation last year. Superintendent Laing indicated that Representative Siddoway's amendment was prepared but since the bill never made it to the floor of the house, it was not made.

Member Greg Haws spoke in support of opposition to tuition tax credits. He indicated that there is misleading information about how the process works. The realities of the concept that a corporation would make a payment for someone that is disadvantaged and thereby get the tax benefit are questionable. He felt that if a corporation is desirous of improving education, there are other opportunities. In reality the costs for education are fixed. Earl McCain noted that one of the arguments made by Representative Swallow was that he would like to see us increase the percentage of Utah students who would be served by private education. Member McCain noted that the national average of students being served in private schools was 13 percent. In Utah we have approximately 10 percent of our high school students being served by private education.

Member Denis Morrill spoke in favor of the opposition to tuition tax credits. He indicated that if you take one student out of a class, you have not reduced anything. Unless you eliminate a teacher or close a school, you have not saved anything. He felt this was an elitist argument for people who do not want their kids to associate with the "trash" in the public schools. He stated he would fight to the grave against it.

Member Laurel Brown commented that there is an assumption among many people that Utah schools are failing, and therefore we need to abandon them and go to private schools. By adopting this motion we are making a statement that there are many positive things going on in schools, the schools are not failing and we are doing a wonderful job with the limited resources that we have. We are not abandoning it.

Member Pamela Atkinson commented that this is an opportunity for the Board to show the positives and successes of our public school system. Our public schools are not failing and we need to make a case for it more so now than we have ever done before. She felt that the Board needed to strongly defend the position of opposition to tuition tax credit.

Associate Superintendent Patrick Ogden reviewed the costs of tuition tax credit. Motion carried with Members Anderson, Barney, Brown, Burningham, Haws, McCain, Morrill, Moss, Pingree, Shields, Theurer and Torres in favor; Member Larson absent.

Minimum School Program Budget Request

Superintendent Laing stated that with the impending revenue shortfalls, we want to finalize both the Board's budget proposal and ask for the Board's reconsideration of the priority of the levels of increases we have requested.

Associate Superintendent Patrick Ogden reviewed the public education budget in context with the rest of the state budget. He reviewed the different revenue sources that are available to public education. He reviewed what has happened to the public education budget over time and where we are today. (For complete details of the material presented, see General Exhibit No. 8683.)

Mr. Ogden reviewed the state budget deficit as well as how it affects public education's budget and the requests being made for 2003.

Board Members individually and collectively commented on the dilemma of presenting the needs of education yet facing the reality of the deficits. Also, it was noted that the numbers presented are estimates and that the Board may not want to propose modifications until the numbers are real. Further, that it may be the time to start reallocating some of the other resources. There was concern expressed that the needs identified are real.

Discussion ensued relative to lowering the request for the weighted pupil unit and leaving the programs as recommended, yet still advocating that the needs are real.

Motion was made by Member R. Michael Anderson and seconded by Member John C. Pingree that the Board submit the budget as prepared in total, subdivide some of the categories, such as the weighted pupil unit showing a 3 percent cost of living increase and 2 percent overall increase. Member Anderson further indicated that there may be other areas that Mr. Ogden might identify that could be subdivided down.

Member Teresa Theurer suggested that the Board cut each item by 10% to show we have made an effort.

Member Greg Haws stated that in reality the legislature will not know what we have done, because it will be submitted with the Governor's budget. He did not feel the Board should have taken the capital outlay cut so easily. Further, the Board has spent a considerable amount of time developing the priorities and did not feel that there should be any adjustments because at the present time we do not have definite numbers, they are estimates. He felt that the Board needed to advocate for the programs.

Chairman Burningham spoke in opposition to the motion and suggested that the Board defeat it, and that the budget be left as presented. He felt it was premature to do anything at this time, however, at another time the Board may have to make some cuts to the budget.

Member Earl McCain clarified that he understood Member Anderson's motion was to keep the budget the same, but to add specificity to it and to communicate what these things represent more clearly.

Member Pamela Atkinson commented that she felt that there has to be some paring back of this without hurting the quality of what education is trying to do in this state. We need to show the ramifications of how the quality of education will be affected with the cuts.

Motion to leave the budget categories as stated except to delineate the wpu with 3 percent cost of living and 2 percent increase in the basic failed with Members Anderson, Brown, McCain, Morrill, Moss, Pingree and Shields voting in favor; Members Barney, Burningham, Haws, Morrill, and Theurer voting against; Member Larson absent. It was clarified that it took a majority vote of eight board members for action of the board.

Motion was made by Member Denis R. Morrill and seconded by Member Teresa L. Theurer that the Board submit the budget presented and propose that if the deficit is real we will reduce our budget by 10 percent.

Member Dave Moss voiced concern that he did not want to dilute the stand the Board has taken. He felt that there was nothing that would prohibit the Board from revisiting the issue in the future once there are real figures.

Member John Pingree noted that in negotiating there is a technique known as "nibbling." We are trying to work with the legislature, and if we don't make a decision today we can make one in December. As we work with the legislature, we let them know we are aware of the problem and we are willing to work with them once we have more data.

Members Morrill and Theurer agreed with what Member Pingree stated and withdrew the motion.

National Association of State Boards of

Education Resolutions and By-Laws Proposal

Due to the cancellation of the NASBE Annual Conference, the NASBE Board of Directors recently met via conference call to suspend Article VI, A-2 of the NASBE Bylaws which requires a 60-day written notice of the Annual Business Meeting. The Board directed staff to proceed with the meeting through the mail. (For complete details of the Agenda, see General Exhibit No. 8684.)

Marilyn Shields, currently serving on the NASBE Board of Directors as the Western Area Director reviewed with the Board the proposed changes to the NASBE Bylaws and Resolutions.

Motion was made by Member Marilyn Shields and seconded by Chairman Kim R. Burningham to approve the five action items from NASBE. Motion carried with Members Anderson, Barney, Brown, Burningham, Haws, Larson, McCain, Morrill, Moss, Pingree, Shields, Theurer and Torres voting in favor; Member Larson absent.

State Board Committee Reports

Planning, Finance and Legislation Committee

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

Athletic Coaching Certification, Rule R277-517

The rule requires coaches to be "certified" through completion of a training program approved by the Board. Currently, the training program of the ASEP program is the one being used according to the standards included in the rule. (For complete details of the Rule, see General Exhibit No. 8685.)

The Committee sent the rule back to staff for addition of several items, which when added and comes back to the board they can approve.

The additions proposed by the committee were: (1) Add to the rule a philosophical statement that asks the districts to hire a practicing teacher in the school first. (2) Where it states USOE approve, change to USBE, the Board will be approving the program. (3) The Board approved training program itself will meet the basic criteria that are on page 3, and as the Board considers the training program it should address the eight criteria. (4) There should be some kind of reporting back, maybe working with Utah High School Activities Association, about what kind of licensed coaches the schools are hiring and the compliance issue. Also, recognizing that sometimes the coach leaves on short notice and a new coach should have one year to complete the training. The language will read to the effect that they are required to get the training at the next available training session, but within one year. If not, they cannot continue to coach.

Member Laurel Brown requested that the CPR training be required prior to the time they begin coaching and not wait for one year.

Discussion ensued relative to the training and the time frame for the training of coaches including concerns that there may be coaches coaching for a year without all of the appropriate training, especially the CPR and life support type training.

Superintendent Laing noted that this coaching rule applies only to those coaches that are governed by the Utah High School Activities Association. He cautioned the Board to not get into all of the other coaching events going on at the school such as school hockey, which is not governed by the High School Activities Association or anyone at the school. The club programs are not governed by the Utah High School Activities Association. This rule only applies to the coaches that are governed by the Utah High School Athletic Association.

Member Earl McCain questioned if it would be appropriate to recommend to local boards that they see that those coaches of the non-state activities association activities that

they go through this same training?

Superintendent Laing responded that they do try to draw the line indicating that it is not a school program. As soon as it is a school program, they are responsible for the liability and risk management encourages them not to do so.

There was not a vote from the Board required at this time.

Participation in Utah State Board of

Education Decisions, Rule R277-108

This item was pulled from the agenda.

Standards for Family and Consumer

Sciences Teacher Education

The Educator Development Advisory Committee reviewed and approved the name change and standards for the Family and Consumer Sciences Teacher Education Program on October 11, 2001. Home Economics Education was changed to Family and Consumer Sciences Teacher Education by the national associations in 1995. Family and Consumer Sciences Teacher Education does not have a national association set of standards accepted by NCATE at this time. For program reviews, the state will continue to use the NASDTEC standards approved in 1992 with minor changes to include family and consumer wording. (For complete details of the Standards, see General Exhibit No. 8686.)

The Committee approved the name change and standards for the Family and Consumer Sciences Teacher Education Program on first reading and moves that the State Board of Education approve the program name change and standards on second reading. Motion carried with Members Anderson, Barney, Brown, Burningham, Haws, McCain, Morrill, Moss, Pingree, Shields, Theurer, and Torres voting in favor; Member Larson absent.

Agency Budget Requests FY 2003

The Governor recently announced that in addition to the FY 2002 budget cuts, agencies will also need to cut FY 2003 budgets. USOE/USOR/USDB will need to cut another \$2,143,100 from their budgets for a total reduction in FY 2003 of \$3,215,100 over the FY 2002 original appropriation. Staff reviewed the proposed agency budget requests including suggested budget cuts. (For complete details, see General Exhibit No. 8687.)

The Committee reviewed and approved the budgets and accepted the bottom line amounts on the budget cuts, with the understanding that at a later date the categories could be revised. The Committee moves that the State Board of Education approve the budgets as recommended. Motion carried with Members Anderson, Barney, Brown, Burningham, Haws, McCain, Morrill, Moss, Pingree, Shields, Theurer and Torres voting in favor; Member Larson absent

Textbook Funding Report

The Committee did not have time to discuss this issue.

Curriculum and Instruction Committee

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

Instructional Materials Commission Operating

Procedures, Rule R277-469

Rule R277-469, Instructional Materials Commission Operating Procedures, is amended as follows to reflect legislation passed in S.B. 7 by the 2001 Legislature and to make other necessary changes:

- -Provide a process to: (1) allow three school districts or more to use or substitute in courses within the state curriculum framework instructional materials not recommended by the Utah State Instructional Materials Commission; and (2) appeal any recommendation of the Commission to the Board.
- -Amend the definition of instructional materials to reflect recent changes in the law to include textbooks, workbooks, computer software, laserdiscs or videodiscs, and multiple forms of communication.
- -Change the standard approval period from four to five years.
- -Eliminate the opportunity for publishers to increase the price of instructional materials during the approval period.
- -The Board shall require each publisher to maintain at least one depository where instructional materials are available for review and/or purchase by school districts.

The Committee made the following additional changes: (1) Page 1, line 22 changed the word may to shall. (2) Page 3, underlined items on line 19, at least three local boards of education, instead of school districts. (3) Page 8, line 31 change may to shall. (4) Page 9, change line 18 to if for any reason fewer than three districts support. . .

(For complete details of the Rule, see General Exhibit No. 8688.)

The Committee approved the amendments to Rule R277-469, Instructional Materials Commission Operating Procedures on first reading.

Associate Superintendent Bonnie Morgan reported that she had discovered during the break a piece of the rule that was left out of page 7, line 20 dealing with the responsibility of the Board to designate that there is a depository that has the publishers' materials. She suggested that the following be added to 277-469-8, "The Utah State Board of Education shall require the publisher to maintain at least one depository to be designated by the Board where such textbooks may be purchased and to furnish such textbooks according to law and the conditions made in the proposal." She clarified that this would not mean that there would only be one textbook depository, but that the Board would have some responsibility for the things that would be in the depository.

Superintendent Laing voiced concern with the new wording that he did not feel the Board should be responsible for the depositories.

Member Greg Haws suggested that this item be accepted by the Committee on first reading and the addition be made to the rule for the second reading.

The Elementary and Secondary School Core

Curriculum and High School Graduation

Requirements/The Elementary and Secondary

School Core Curriculum, Rule R277-700

Due to significant changes in Core Curriculum practices and policies, it is necessary to repeal the existing Rule R277-700, and reenact a new rule. The new rule provides updated state Core Curriculum definitions and requirements. The sections of the repealed rule related to graduation, diplomas, and student assessments are incorporated in a new rule, R277-705. (For complete details, see General Exhibit No. 8689.)

The Committee repealed Rule R277-700, The Elementary and Secondary School Core Curriculum and High School Graduation Requirements, and reenacted Rule R277-700, The Elementary and Secondary School Core Curriculum on first reading.

Secondary School Completion and

Diplomas, Rule R277-705

The purpose of Rule R277-705, Secondary School Completion and Diplomas, is to provide local boards of education and school districts with consistent definitions and minimum requirements for Utah students completing high school, including specific and alternative methods for awarding credit. The rule provides criteria for diplomas and certificates of completion consistent with the law. The rule also provides passing scores, a time line, and an appeal process for students who take and pass or fail the Utah Basic Skills Competency Test required for a high school diploma beginning with the 2003-2004 school year. (For complete details of the Rule, see General Exhibit No. 8690.)

The Committee approved Rule R277-705, Secondary School Completion and Diplomas on first reading.

Secondary Applied Technology Education,

Rule R277-911

The 2001 Legislature combined three applied technology education-related programs with the District Applied Technology Education program within the Minimum School Program. The programs are Comprehensive Guidance, Technology, Life and Careers (TLC), and Work-Based Learning. Because the funding sources are now merged into one line item governed by Applied Technology Education, the existing rules for funding and running the programs are being referenced in Rule R277-911, Secondary Applied Technology Education. This is consistent with rule integrated for other block grant programs. (For complete details of the Rule, see General Exhibit No. 8691.)

The Committee approved the revisions to Rule R277-911, Secondary Applied Technology Education on first reading.

Technology, Life, and Careers, and

Work-based Learning, Rule R277-916

In conjunction with revisions to R277-911, Secondary Applied Technology Education, ATE staff has reviewed and recommends changes to R277-916, the rule governing both the Technology, Life and Careers programs and the Work-based Learning program. (For complete details of the Rule, see General Exhibit No. 8692.) Member Haws noted that the Committee made a few grammatical changes.

The Committee approved the revisions of Rule R277-916, Technology, Life, and Careers, and Work-based Learning programs on first reading and moves that the State Board approve the rule on second reading. Motion carried with Members Anderson, Barney, Brown, Burningham, Haws, McCain, Morrill, Moss, Pingree, Shields, Theurer, and Torres voting in favor; Member Larson absent.

Curriculum Frameworks for Utah Basic

Skills Competency Test (UBSCT)

The Committee received a presentation on the curriculum framework for Utah's Basic Skills Competency Test on writing, reading and math. (For complete details of the material, see General Exhibit No. 8693.)

The Committee recommends that the Board have a work/study meeting in December prior to the Board Meeting.

Public Relations

Mark Peterson, Director of Public Affairs presented items of public relations tactics to advance Utah State Board of Education strategic goals. (For complete details of the materials presented, see General Exhibit No. 8694.)

He suggested that as Board Members attend local board meeting they ask for time on the agenda to discuss such things as the wpu proposals. This not only gets them in front of local board but also the local media that may be covering the meeting.

Discussion ensued relative to whether or not a Board Member could write something as an individual person and not

as a member of the Board and whether or not that could be delineated properly.

Superintendent Laing cautioned Board Member to be careful as they write as an individual they clearly identify they are speaking as an individual and not representing a Board position, only their own.

Member John Pingree suggested that Board Members run such items through the public relations department prior to submission. The Board agreed to do that.

Chairman Kim Burningham expressed appreciation to Mark for the things he is doing. He indicated that the *Deseret News* had published an offensive editorial on the subject of tuition tax credit. Under his name there was published an op ed piece. He indicated that he had initiated the idea for the piece, but that Mark played a major role in getting that written and published.

Chairman Burningham suggested that he would like to see more initiation coming from the public relations department encouraging board members to go forward.

Vice Chairman Janet Cannon indicated that at the conclusion of the meeting with the Governor, Rich Kendall identified three points of what he felt was important for education to address. They were choice, values and school performance. She suggested that an informational handout be prepared that indicates how we are addressing these concerns.

Member Pamela Atkinson suggested that a pocket sized fact sheet be prepared and laminated.

Vice Chairman Janet Cannon expressed appreciation to Mr. Peterson for the great work of the public relations department.

General Consent Calendar

Motion was made by Member A. Earl McCain and seconded by Member Teresa L. Theurer to approve the General Consent Calendar as amended with a new Board Meeting schedule for 2002. Motion carried with Members Anderson, Barney, Brown, Burningham, Haws, Larson, McCain, Morrill, Moss, Pingree, Shields, Theurer and Torres voting in favor; Member Larson absent.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held October 5, 2001.

2. Contracts

The following contracts were approved by the Board:

(1) Jensen & Keddington. \$42,458. 12/1/01-9/30/02 - Amend. - Fed.

To provide services for the audit requirements in order to comply with federal regulations.

(2) Child & Company. \$44,240. 11/1/01-9/30/02 - Amend. - Fed.

To provide services for the audit requirements in order to comply with federal regulations.

(3) Bess Rentals. \$33,300. 10/16/01-10/15/04. - Amend. - Fed.

Lease of Division of Rehabilitation Services, Brigham City office located at 695 South Main Street, Suite 4, Brigham City, Utah.

(4) Joy Poulson. \$18,000. 11/1/01-9/30/02. 11/1/01-9/30/02. - Fed.

To provide recipients of Child Nutrition Programs with approved training, including Healthy Edge 200, Serv. Safe, Culinary Techniques, and nutrition curricula.

(5) LuAnn Mitchell Walkenhorst. \$18,000. 11/2/01-9/30/02. - Fed.

To provide recipients of Child Nutrition Program with approved training, including Health Edge 2000, Serv Safe, Culinary Techniques and nutrition curricula.

(For complete details of the Contracts, see General Exhibit No. 8695.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts. The State Board of Education approved the requests for Temporary Authorizations as submitted. (For complete details, see General Exhibit No. 8696.)

4. Negotiated Agreement Between The Utah Schools for the Deaf and the Blind

Education Association and the Utah Schools for the Deaf and the Blind

2001-2002

The Negotiated Agreement between the Utah Schools for the Deaf and the Blind Education Association, and the Utah Schools for the Deaf and the Blind for 2001-2002 school year. The agreement has been endorsed by the Utah Schools for the Deaf and the Blind Institutional Council and the USDB Education Association. (For complete details of the Agreement, see General Exhibit No. 8697.)

The State Board of Education approved the Negotiated Agreement for the 2001-2002 school year.

5. Math, Engineer, Science Achievement (MESA), Rule R277-717

MESA is a long standing program intended to encourage and support minority students and female students in the pursuit of study in the sciences and mathematics. The legislature appropriates funds for MESA which are distributed to schools through a competitive application process.

MESA, when coupled with its higher education counterpart, Science, Technology, Engineering Program (STEP) is commonly referred to as MESA/STEP and is overseen by a board of directors comprised of higher education and public education representatives. However, the actual functioning of MESA in the public schools falls under the general oversight of the Board. The changes provide clarification and definition to (1) who comprises the committee which reviews and recommends grant recipients for approval to the Board, (2) who are the appropriate MESA participants, and (3) what are appropriate MESA activities. In addition, the Board at the October 5, 2001 meeting approved the rule on second reading with the following modifications: Under Definitions, Item E, leave in the words Public Education, and make it consistent throughout the rule. Where it indicates in the rule designated minority and female students, change to "designated minority and all female students. There have been no substantive changes to the rule since that time. (For complete details of the Rule, see General Exhibit No. 8698.)

The Board approved Rule R277-717, Math, Engineering, Science Achievement (MESA) on third and final reading.

6. Educator Licensing and Data Retention, Rule R277-502

The amendments to this rule provide definitions required by state law. The amendments also update terminology consistent with legislation and provide an explanation of the Computer-Aided Credentials of Teachers in Utah Schools (CACTUS). The Board at its October 5, 2001 meeting approved the rule on second reading with the following additional modifications: Under Alternative School Setting delete "with self contained classrooms." Addition of a definition of Professional Development. And Under R277-502-6 add E - "Special assignment educators not meeting the minimum professional development requirements, shall be placed on a state approved endorsement program." There have been no substantive changes to the rule since that time. (For complete details of the Rule, see General Exhibit No. 8699.)

The Board approved Rule R277-502, Educator Licensing and Data Retention on third and final reading.

7. Charter Schools, Rule R277-470

The amendments to this rule provide for changes to the title of the rule, add definitions, provide specific requirements for charter school applications, and provide for compliance with federal law.

The Board at its October 5, 2001 meeting approved the rule on second reading with the following additional modifications: R277-470-1 Definitions, (c) Charter Schools, identifying the different types of charter schools that exist in the state. R277-470-4, that the anticipated LEA status be included in the application. Further that assurances be included in the application to the Board. R277-470-6, reordered the paragraphs. There have been no substantive changes to the rule since that time. (For complete details of the Rule, see General Exhibit No. 8700.)

The Board approved Rule R277-470, Charter Schools on third and final reading.

8. Utah State Instructional Materials Commission Recommendations

On October 4, 2001, the Utah State Instructional Materials Commission recommended over 1,000 titles for approval from the attached printout. The Commission also recommended that the State Board accept the bids received from the publishers and direct staff to award contracts to the publishers to furnish instructional materials to the schools of Utah. (For complete details, see General Exhibit No. 8701.)

The State Board adopted the instructional materials as recommended by the Utah State Instructional Materials Commission and direct staff to award contracts to the various publishers.

9. Utah State Board of Education Proposed 2002 Meeting Schedule

The proposed meeting schedule for the State Board of Education for 2002 was approved by the Board. (For complete details, see General Exhibit No. 8702.)

10. 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 non-substantive changes within the rules. The following rule was reviewed and approved: (For complete details, see General Exhibit No. 8703.)

R277-467 Modernizing School Library Media Center Collections

11. Ratification of Employment

Nicole Paulson was ratified as an Educational Specialist, Elementary Mathematics, Instructional Services Division.

12. List of Applicants for Certificates

The summary of the list of applicants for initial and renewal certificates was approved. (For complete details, see General Exhibit No. 8704.)

13. Claims Report

The Claims Reports for June 30, 2001 (final), and September 30, 2001 in the amounts of \$16,660.92 and \$159,729,688.70 respectively were approved by the Board. (For complete details, see General Exhibit No. 8705.)

Other Items

Member Linnea Barney reported that Board Member Pamela Atkinson was given a the "Excellence in Ethics" Award by Utah Valley State College. Last year this award was given to the Dalai Lama. Member Barney indicated she was very impressed with Member Atkinson's acceptance speech and with her biography. They referred to her as the "Mother Teresa of Utah." Meeting adjourned at 4:05 p.m.