

## MINUTES

April 5, 2002

Minutes of the meeting of the State Board of Education held April 5, 2002, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:25 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 A. Earl McCain

Member Denis R. Morrill

Member David L. Moss

Member John C. Pingree

Member Joyce W. Richards

Member Marilyn Shields

Member Teresa L. Theurer

Member Max L. Torres

Members Judy Larson and David J. Jordan were excused.

Also present were:

Executive Officer Steven O. Laing

Deputy Superintendent Gary L. Carlston

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

Marta Murvosh, Salt Lake Tribune

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

Charles Cooley, The Happy Factory

Donna Cooley, The Happy Factory

Chad Harris, Governor's Office of Planning & Budget

Kaye Chatterton, Utah Education Association

Quinn Warnick, Senator Bennett's Office

Roberta Hardy, Pinnacle Canyon Academy

Utah State Office of Education Staff Members:

Barbara Lawrence, Planning & Project Services

Vicky Dahn, Instructional Services

Jan Tyler, Planning & Project Services

Board Member David L. Moss lead the Board in the Pledge of Allegiance.

Board Member Linnea S. Barney offered the reverence.

Twila B. Affleck recorded the minutes.

Janet Cannon shared information she prepared for visits with the congressional delegation during that NASBE Legislative Conference in Washington, D.C. relating to *No Child Left Behind*. She told how she had contacted a teacher in the Granite School District and asked her class to identify things that a child should not go without. She also shared her experience about being the "Royal Reader" in this same classroom. Vice Chairman Cannon also updated the Board on the "No Child Left Behind" Act.

### Recognitions

The Board recognized "The Happy Factory, Inc." of Cedar City, Utah, its owners Charles and Donna Cooley and Melvin H. Griguhn a volunteer. The Happy Factory is a nonprofit charitable organization that provides toys to needy children worldwide. In particular, to special education students throughout Utah. Board Member Max Torres indicated that volunteers ranging from senior citizens to juvenile offenders handcraft toys from scrap hardwood donated by local woodworking companies. They take the scrap wood, that could have been wasted, mix it with spare time that could have been wasted, and turn it into a toy that triggers the imagination so that a little mind won't be wasted.

Mr. Cooley shared how the Happy Factory became involved in providing steam shovels and other toys for special education students.

Member Torres then presented certificates of appreciation to Mr. and Mrs. Cooley and Mr. Griguhn for their time and dedication to needy children around the world.

Superintendent Laing recognized Karen Buchanan in the Student At Risk Section of the State Office of Education who coordinates and delivers these toys and steam shovels for our office.

Superintendent Laing recognized the Child Nutrition Program who received an award from the Department of Agriculture recognizing their excellence. He introduced Laura Wilde and Lisa Lindgren who oversee the Child Nutrition Department.

### Public Participation/Comments

No participation or comments were received.

### Proposed Cut Scores for Secondary

#### Language Arts Standard Setting

Barbara Lawrence, Coordinator, Evaluation and Assessment presented the proposed cut scores for the various proficiency levels for the Secondary Language Arts Core Assessment Criterion-Referenced Test series. She indicated that these cut scores will apply to this year's administration of the test, which will be followed up, next fall, with a validity study to validate the scores on an operational administration of the test. (For complete details of the material presented, see General Exhibit No. 8779.)

Superintendent Laing commented that there were two issues that drove us to look at this, and we propose that the Board consider that these adjustments that will: (1) help us comply with the No Child Left Behind Act, and (2) make our criterion referenced tests correlate better with results we are also seeing for students on the other parts of the U-PASS. He indicated that this would be a tentative approval today so that staff can take it out for comment from the districts and other educators.

Motion was made by Member Denis R. Morrill and seconded by Member A. Earl McCain that the Board tentatively approve the proposed cut scores for the various proficiency levels for the Secondary Language Arts Core Assessment Criterion-Referenced Test series and that it be brought back to the Board for final approval.

Member Linnea Barney commented that she would prefer the word "proficient" rather than "advanced" in the upper

levels.

Member Earl McCain requested information with regard to the tests we are making comparisons with and our locally developed tests as it relates to means and standard deviations. Dr. Lawrence responded that the mean score information is available on our web page, and she would provide the standard deviations to the Board.

Motion carried unanimously.

### State Board Mission Statement and Board Goals

Vice Chairman Cannon reported that a Strategy Session was held by the Board on April 4, 2002, the Board reviewed their Mission Statement and goals. A new mission statement was prepared for review by the Board.

Chairman Burningham expressed appreciation to Virginia Roach from the National Association of State Boards of Education for her help in developing the Board Mission Statement and her work in helping the Board with its evaluation.

Chairman Burningham presented his thoughts for further steps to achieve the plan that was identified by the Board last evening, including the Vision and Mission Statement. (For complete details, see General Exhibit No. 8780.)

Chairman Burningham indicated that the Board leadership would take the responsibility of assigning a task force to refine the goals statements. The task force would meet by April 20, 2002, and identify a more formalized list based on the Board's brainstorming last evening. At the May board meeting the Board would continue the discussion of goals. The goals would then be assigned to standing committees for identification of potential strategies. By the end of the May meeting the Board would have identified goals assigned to committees and the committees will have begun the process of identifying strategies and time lines. In the June meeting the Board would then respond to those specific recommendations. Beyond this would be measurements and long-term goals.

Board Members were comfortable with the course outlined.

Chairman Burningham shared the major goals as gleaned from the discussion by Virginia Roach. (For complete details, see General Exhibit No. 8780.) He noted that these materials are just shared thinking and there are no recommendations. It would be the task force's responsibility to present the list of goals, based on the brainstorming from last evening.

Virginia Roach provided an explanation of her view of the brainstorming session.

Chairman Burningham suggested that he, Janet Cannon, Linnea Barney, John Pingree, and Denis Morrill serve on the Task Force. They will meet in the next few days come up with a different colored sheet identifying the goals. Twila will mail these goals as soon as prepared so Board Member can come to the May meeting prepared to discuss and take action. The Board discussed the Vision and Mission Statement.

Member Denis Morrill commented that the Vision and Mission were not consistent. He questioned if the vision should be more broad to say excellence or is it narrow to say basic.

Member Pamela Atkinson suggested the word "obtain" rather than possess, and to drop the word "basic" in the vision statement.

Member Greg Haws voiced concerns that he was feeling a little manipulated. He indicated he had some significant objections to some of the directions we are trying to go. He felt that one of the major things the Board is off base on. He felt it is not our responsibility to develop a funding plan. Our job is general supervision of public education. He was hoping that the discussion last evening was to discuss what the new federal bill had to do with our uncertified teachers. He felt the Board needed to take more tactical measures on some of the issues rather than strategic. He felt he was being manipulated to follow rather than addressing the tactical issues.

Member Denis Morrill commented that he has wanted to know where we are going but never felt he knew. He indicated that he appreciated the opportunity to set out long-term goals, but did not feel manipulated.

Further discussion ensued relative to the purpose of adopting a mission statement and setting goals. It was requested that the "No Child Left Behind," Elementary and Secondary Education Act (ESEA) be placed on a future agenda for discussion.

Discussion ensued relative to items being placed on the agenda by Board Members and the processes adopted for that being a new set of Bylaws and a policy relative to how items can be placed on agendas by Board Members and others.

Member Michael Anderson commented that it might be a good idea to have the documents distributed via email to the Board so that those who want to have input can have time to make their comments and put down their ideas prior to the task force meeting.

Marta Murvosh of the Salt Lake Tribune, commenting as the Secretary of the Society of Professional Journalists reminded the Board that the Open Meetings Law is there to provide an opportunity for public input on any matter the Board would discuss or take action on.

Motion was made by Member Denis R. Morrill and seconded by Member R. Michael Anderson to approve the mission statement as follows: The Utah State Board of Education will fulfill its constitutional and statutory responsibilities by establishing policies that promote excellence in learning for all students. The Board will provide leadership, vision, advocacy, and support for school districts, other policy makers and citizens to enable all students to be successful lifelong learners and contributing citizens.

Member Laurel Brown voiced a concern that she felt the mission statement should flow from the vision statement.

Motion carried with Members Anderson, Barney, Haws, McCain, Morrill, Moss, Pingree, Richards, Shield, Theurer and Torres voting in favor; Member Brown opposed.

Motion was made by Member R. Michael Anderson and seconded by Member Joyce W. Richards to authorize the task force to meet by April 20 to refine the goals and vision statements, and that prior to that meeting the information be sent out via e-mail so all board members have opportunity for input into the documents.

Member Pamela Atkinson suggested that perhaps after the task force has met and the materials have been sent out the Board have a special session to discuss the issue in depth.

Superintendent Laing voiced a concern that the Board may be establishing a discussion through the electronic media, therein having established a defacto meeting.

Discussion ensued relative to the use of email and whether or not communicating with board members constituted an electronic meeting.

Member Denis Morrill commented that deliberations of the Board are to remain in public because the Board is a public entity.

Member Anderson amended his motion to include that once the task force has completed their work, they notify the Board and call for a special meeting to discuss the input received. Member Richards concurred with the amendment.

Question on the motion was called by Member Laurel Brown. There was no objection to closing debate on the motion.

Motion as amended carried with Members Anderson, Barney, Brown, Haws, McCain, Morrill, Moss, Pingree, Richards, Shields and Torres voting in favor; Member Theurer opposed. Marta Murvosh, representing the Society of Professional Journalists as its secretary, voiced objection to the Board receiving information via email and modifying documents out of the public's purview.

## Executive Session

Motion was made by Member A. Earl McCain and seconded by Member Marilyn Shields to move into an Executive Session to discuss 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 A. Earl McCain and seconded by Member David L. Moss to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:30 p.m.

## **Utah Professional Practices Advisory Commission (UPPAC) Recommendations**

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to accept the Commission recommendation and accept a stipulated agreement, including conditions of the agreement in Case No. 01-552, whereby a former teacher in the Jordan School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for a period of not less than three years from the date of formal action by the State Board of Education. This suspension is due to inappropriate contact and conduct by the educator with female middle school students. Motion carried L. Brown absent.

Motion was made by Member David L. Moss and seconded by Member A. Earl Mc Cain to accept the Commission recommendation and revocation based upon default of the educator license in Case No. 01-566, a former teacher in the Alpine School District. This action results from the educator's guilty plea to three counts of forcible sexual abuse of minors. All counts were second degree felonies. It was noted that a Commission complaint was mailed to the educator's attorney on September 18, 2001; despite many attempts to contact said attorney no response, either verbal or written, was ever received. Motion carried Laurel Brown absent.

Motion was made by Member David L. Moss and seconded by Member Marilyn Shields to accept the Commission recommendation and accept a stipulated agreement, including conditions of the agreement, in Case No. 01-577, whereby a former teacher in the Weber School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for a period of not less than one year from the date of his arrest. The suspension is due to violation of State Board of Education rules and district policies regarding the use of a school driver education vehicle in August 2001; and inappropriate contact with female students by the educator approximately 24 years ago. Motion carried with Members Anderson, Barney, Brown, McCain, Morrill, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Haws abstained.

(For complete details of the Professional Practices Commission Recommendations, see General Exhibit No. 8781.)

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

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to appoint Katharine Evans to the Deaf and Hard of Hearing Advisory Council, her term to expire June 2004. Motion carried with Members Anderson, Barney, Brown, Haws, McCain, Morrill, Moss, Richards, Shields, Theurer and Torres voting in favor; Member Pingree absent.

## **WestEd Board of Directors Appointment**

Motion was made by Chairman Kim R. Burningham and seconded by Member David L. Moss to reappoint Steven O. Laing to the WestEd Board of Directors representing the Utah State Office of Education for a term of three years. Motion carried with Members Anderson, Barney, Brown, Haws, McCain, Morrill, Moss, Richards, Shields, Theurer and Torres voting in favor; Member Pingree absent.

## Board Standing Committee Reports

### **Curriculum Committee**

Member Teresa Theurer, Chairman of the Curriculum Committee presented the following recommendations from the

Committee:

### Secondary Mathematics Core Curriculum

The Secondary Mathematics Core Curriculum was revised through a process that occurred over the past 18 months. The document is now ready to be submitted for public hearings to solicit comment that addresses the content and intent of the curriculum. The committee reviewed the following major changes between the new Secondary Mathematics Core Curriculum and the previous curriculum: (1) improved alignment of content to national standards; (2) greater alignment between objectives and indicators with removal of "skills and strategies"; (3) standards and objectives provide improved instructional continuity between subjects; (4) emphasis on processes of teaching and learning mathematics; and (5) improved alignment between curriculum and assessment capabilities. Committee members made several suggestions for revision which staff will take into account. (For complete details of the Secondary Mathematics Core Curriculum, see General Exhibit No. 8782.)

Member Theurer noted that there was not a quorum to vote on the issue during the committee meeting.

Motion was made by Member Teresa L. Theurer seconded by Member Laurel Brown that the State Board authorize the Curriculum Section to provide public hearings on the Secondary Mathematics Core Curriculum. Motion carried with Members Anderson, Barney, Brown, McCain, Morrill, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Haws absent.

### Accreditation of Schools

The Utah State Accreditation Committee has reviewed the Annual Northwest Report and determined an accreditation status. The accreditation process provides an important vehicle for school accountability regarding student achievement, compliance with state rules and regulations, regional standards, and school-wide improvement. The committee reviewed the recommendations of the Utah State Accreditation Committee and Northwest which reflect the status of schools with respect to the Northwest Standards and State Standards. (For complete details, see General Exhibit No. 8783.)

The committee recommends that Board Members receive copies of the letters that are sent to the schools that are on the "warned" or "advised" status. This will enable Board Members to be prepared to field questions.

Northwest Accreditation is going to be adding an eleventh standard which will be Fiscal Accountability in 2003. The committee also recommends that Utah add to our accreditation the fiscal accountability component in 2002.

Motion was made by Member Teresa Theurer and seconded by Member Linnea S. Barney that the State Board of Education approve the recommendations of the Utah State Accreditation Committee and the Northwest Association of Schools and Colleges regarding the accreditation status of Northwest schools. Further that the Board receive a letter in the fall concerning schools each Board Member represents that are on "warned" or "advised" status, and to add the fiscal accountability report for the coming year. Motion carried unanimously.

### **Law and Policy Committee**

Member David L. Moss, Chairman of the Law and Policy Committee presented the following recommendations from the Committee:

#### Professional Specialist Licensing, R277-521

The Professional Specialist Licensing rule is amended to provide necessary language requiring the criminal background check under Section 53A-6-401, and professional development under Section 53A-6-104(2) and R277-521 for licensed educators. The amendments give applicants for the professional specialist license clear notice that criminal background checks and professional development are license requirements consistent with all licensed educators. (For complete details of the rule, see General Exhibit No. 8784.)

The Committee approved the amendments to R277-521, Professional Specialist Licensing on first reading and moves that the Board approve the rule on second reading. Motion carried unanimously.

### Charter School Accountability and

#### Assistance Rule Process

The Committee reviewed R277-481, Charter School Accountability and Assistance for State Board Chartered Schools. This rule will put an ongoing process procedure in place to ensure the State Board chartered schools meet the conditions approved in their charters. (For complete details of the rule, see General Exhibit No. 8785.)

The Committee made some recommended amendments to the rule and adopted the rule on first reading only. The rule will come back to the Committee for second reading in May and following the review by the Committee at that time then to the Board for third reading. The Committee reviewed the Compliance Assessment Form and made the following changes: Under Assurance Text J, Evidence of Assurance, add the following wording: The school shall document a process of pre-referral interventions, referrals and evaluations. Documentation shall include an annual report of: (1) the number of evaluations completed and (2) yearly membership detailing numbers of students entering or exiting, the numbers in each classification, and numbers in each service category code. All special education IEP and 504 plans completed and filed in school office. Under O. Change the word "certificate" to license. Add Assurance Z. Charter schools offering high school diplomas must be accredited or seeking accreditation by Northwest. Plans for accreditation or approved accreditation documents are on file for review in school office.

The Committee is recommending tentative approval of the site review form and compliance assessment because it is a work in progress. These will be used in the site visits currently scheduled, knowing there may be a need to revise these documents.

The Committee approved the Schedule of Visits with one change on the Center City School. Member Moss requested that Board Members desiring to visit the charter schools to please sign up, but to keep in mind that we do not want to have eight or ten people because some of these schools are small.

Motion from the Committee that tentative approval of the Site Visit Review Form and the Amended Compliance Assessment Form. Motion carried unanimously.

### **Finance Committee**

Member Michael R. Anderson, Chairman of the Finance Committee presented the following recommendations from the Committee:

Member Anderson indicated that there was not any action from the Committee. He noted that the Committee is preparing for a Financial Report to the Board in June.

### Input on Developing a Rule to Protect Districts

#### from Drops in Enrollment

In 1991, the Legislature passed the following statute: 53A-17a-139. Loss in student enrollment - Board action. To avoid penalizing a school district financially for an excessive loss in student enrollment due to factors beyond its control, the State Board of Education may allow a percentage increase in units otherwise allowable during any year when a district's average daily membership drops more than 4% below the average for the highest two of the proceeding three years in the district. Staff discussed the implications of implementing this statute and received input from the committee on the possible development of a rule. (For complete details of materials provided, see General Exhibit No. 8786.)

Discussion ensued relative to a report that we expect an additional 100,000 students will be entering our schools in the next ten years. There is not an answer as to where the 100,000 students will be coming from.

The Committee discussed the statute dealing with loss in student enrollment. There is no funding provided for districts who have an excessive loss in student enrollment. However, staff is working on the details and feels that it can be funded through funds appropriated now.

There are questions as to whether or not we should we be helping school districts with declining enrollment and also questions as to the reasons for huge reductions. The Committee provided guidelines to staff for development of rules to be presented at the meeting next month.

### Finance Committee Minimum School

#### Program Discussion

The Committee reviewed and discussed an overview of the Minimum School Program including equalized funding, weighted pupil units and minimum basic school levy. The Committee further reviewed the regular basic school program, their purpose and how they are funded. (For complete details of the materials provided, see General Exhibit No. 8787.)

This will be part of the Committee's June report.

### Finance Committee Audit Management Letter Discussion

The committee did not discuss this item.

### Executive Officer Report

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

Representative Snow Request on Graduation Requirements - Superintendent Laing reported that he had contacted Representative Snow, and in the conversation he indicated that the concern being raised by members of the higher education committee centered around the math capabilities of students specifically, but around the idea of remediation in general. Currently the institutions of higher education are struggling with their financial situations and one of the things they are addressing is the possibility of either cutting back the number of courses that are offered in a remedial nature or charging additional fees for that. The committee was concerned that there should not be a need for remediation if students were coming from secondary schools prepared for higher education work. Representative Snow would like to see us require a math class in the 11<sup>th</sup> or 12<sup>th</sup> grade. Currently our graduation requirements are that two math units are required. In some cases districts may have added further. Dr. Laing indicated that two or three months ago the Board received a report from Weber State who has been looking at this and has identified that students who do not take math class in their 11<sup>th</sup> or 12<sup>th</sup> grade years are much more likely to need a remedial math class prior to their college work. Dr. Laing commented that as the Board looks at assuring quality education for all students it may want to look at the graduation requirements. Legislative Interim Committees - The first meeting of the education interim committee will be April 24 at 2:00 p.m. The Committee Members have asked their staff to put together information about how districts are dealing with budget reductions and how the appropriations from the 2002 legislative session, as we distribute them to the school districts, will differ from the 2001 session.

FACT - Dr. Laing noted that originally FACT was funded through four of the five participating partners, education is one of the participating partners. With the 60% reduction in funding, the partners will stay the same but the source of funding will all flow through Health and Human Services. The availability of FACT programs will be significantly reduced. Where we have had local interagency councils and site-based programs, there will be fewer programs, especially in our elementary schools. FACT is working on how we can deal with this and still maximize the services that can be given to students.

Member Pamela Atkinson reported that there were significant cuts in the school nurse program and CHIP was capped through this cut in funding to FACT. She indicated that with this many children in our state are becoming somewhat vulnerable.

Dr. Laing reported that the Utah State Office of Education is a great place for individuals to come and provide excellent service to the state and then become recognized and leave to go to a district. Pat O'Hara has accepted an administrative position with the Murray School District. Dr. Laing indicated that we are sorry to see him leave our office.

Vice Chairman Cannon handed the gavel to Chairman Burningham.

### Board Chairman Report

Chairman Kim R. Burningham presented the following items:

Date Change June Board Meeting - Chairman Burningham noted that the June 7<sup>th</sup> date conflicted with NASBE Board and Committee meetings as well as with a State Trust Lands Advisory Committee Meeting. He proposed that the date be changed to June 14. Member Teresa Theurer indicated she has a conflict. The remainder of the Board did not have conflicts, therefore, the meeting will be changed to June 14. Quarterly Meetings with Legislature and Governor - Chairman Burningham reported that the following meetings have been set up with Legislative Leadership and the Governor:

May 1 - 9:00 a.m. - Republican Senate and House Leadership, Room 303

10:00 a.m. - Democratic House Leadership

11:30 a.m. - Governor

1:00 p.m. - Democratic Senate Leadership

Chairman Burningham indicated that Speaker Stephens has asked that we have a more focused agenda for these meetings. Chairman Burningham suggested that some of the issues to talk with legislators about would be funding of school districts in areas where charter schools are established and are pulling people away. Also, how they view the board - do they expect us to be policymakers or to be regulators.

The following Board members indicated they could attend these meeting on May 1: Dave Moss, Teresa Theurer, John Pingree, Mike Anderson, Marilyn Shields, Pamela Atkinson, Denis Morrill and Chairman Burningham.

Senate Bill 99 - Chairman Burningham noted his disappointment with the Governor in not vetoing Senate Bill 99 relating to the Textbook Commission and powers. He indicated that a number of districts took supportive positions and wrote letters to that effect. He has a letter from the Association of American Publishers to the Governor that this should not be passed. As he has talked with a few superintendents and many of them seem to have taken the position that what they would like to see happen is that districts would require use of textbooks off the Textbook Commission list.

Superintendent Laing noted that the legislation still leaves the Board with responsibility to recommend textbooks twice annually. We will have to continue to have Instructional Materials Commission go through the exercise and bring recommendations and if districts do indeed adopt policies that specify that their schools may only purchase recommended textbooks it may have very little effect. He is, however, confident that there are some schools who would like to literally interpret that law that indicates schools may select their instructional materials.

NASBE Friend of Education Award - Chairman Burningham noted that last meeting the Board passed a motion relative to nominating Mitt Romney for the NASBE Friend of Education Award. When we looked at the application, this was not what they were looking for. He suggested that it might be appropriate to make another nomination for the Distinguished Service Award. This is where they acknowledge people who have given extensive service to education

within the state, and heavily from state boards. At the end of this year Marilyn Shields will be retiring after eight years this board, and eight years on a local board, and served on NASBE Board of Directors and other NASBE committees. He suggested that the Board make this nomination.

Motion was made by Member David L. Moss and seconded by Vice Chairman Janet A. Cannon to nominate Marilyn Shields for the NASBE Distinguished Service Award. Motion carried unanimously.

Motion was made by Member Greg W. Haws and seconded by Member Denis R. Morrill that based on what we found relative to the NASBE Policy Leader Award, that the Board reconsider and withdraw the motion to nominate Mitt Romney and the 2002 Olympics. It was noted that we still honor them for their efforts. Motion carried unanimously.

Board Member Elections - Chairman Burningham noted that a number of members of the Board have filed for reelection to the State Board. He then reviewed number of people who have filed in each district up for election this year.

NASBE Policy Position - NASBE is calling for any public policy positions we wish to submit. This was formerly called Resolutions. The Chair of the National Committee is Linnea Barney. He suggested that if Board Members were interested to please submit the information to NASBE.

Member Marilyn Shields noted that NASBE is looking for anyone who would like to be an associate member. There are benefits for all people to belong to this organization. If anyone has anyone they feel may be interested please contact Marilyn.

Member Linnea Barney commented on the Study by Arizona State University on Tuition Tax Credits. She distributed copies of the *Arizona Republic* articles. She felt that the findings of this study could give us some ammunition to use in our own fight since many of the same principles apply. (For complete details of the articles, see General Exhibit No. 8788.)

Chairman Burningham indicated that Vice Chairman Cannon and Board Member McCain have resolutions they would like the Board to consider. With the concerns expressed earlier in the meeting with regard to the open meeting laws, he was unsure how to deal with these two items.

Superintendent Laing reported that the open meeting legislation seems to give opportunity to do something outside of the "meeting" if you have both legislative and executive responsibilities, you do not expend any public funds and primarily talking about your administrative responsibilities. He suggested that unless there is a timely issue to the item that it be placed on the agenda at a later time. It was noted that IDEA is not time sensitive, but the Centennial Parks issue would be a time sensitive nature.

Vice Chairman Janet Cannon provided a brief explanation of the Resolution on IDEA and indicated it could be placed on the May agenda. She indicated that the Resolution asks the Board to support our urging of the congressional delegation to seek full funding of IDEA. Resolution on Utah Heritage Parks. Member Earl McCain explained the reason for his desire to seek a resolution relative to the closure of Utah Heritage Parks due to lack of funding. He indicated that these parks are used for educational purposes and he did not feel that they should be closed.

Motion was made by Member A. Earl McCain that the Utah State Board of Education direct the chair and/or state superintendent to request on behalf of the Board that Governor Michael Leavitt, the Utah State Legislature, its leaders, and the Utah Board of Parks and Recreation protect those facilities (Heritage Parks) from closure, and aggressively recruit and train a company of volunteers to serve as guides, interpreters and maintenance workers at the Heritage Parks.

Superintendent Laing suggested that Board accept this as the Board's expression of its value for these parks and communicate to the Governor and the Utah Parks Board that an alternative to closure may be something like this. Therefore, it is not an action nor a binding resolution.

Motion was seconded by Member Marilyn Shields. Member Shields spoke in favor of the motion because of the

educational value of these parks and other historical facilities.

Member McCain commented that so often we apply making a profit to institution sites that are never going to make a profit, yet they are a tremendous value to the citizens of our state.

Motion carried with Members Anderson, Barney, Haws, McCain, Morrill, Moss, Pingree, Richards, Shields, Theurer and Torres voting in favor; Member Brown abstained.

Chairman Burningham returned the gavel to Vice Chairman Cannon.

### General Consent Calendar

Motion was made by Member Teresa L. Theurer and seconded by Member A. Earl McCain to approve the General Consent Calendar as presented. Motion carried with Members Anderson, Barney, Brown, Haws, McCain, Morrill, Moss, Pingree, Richards, Shields, and Theurer voting in favor; Member Torres absent.

#### 1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held March 12, 2002.

#### 2. Contracts

- San Juan School District. \$56,080. 3/1/02-2/28/07. - Amend. - Fed.

To extend the lease of office space for the Division of Rehabilitation at 200 North Main, Blanding, Utah.

- B. MOAB, LLC. \$532,771.78. 3/1/02-2/28/07. - Amend. - Fed.

To extend the lease of office space for the Division of Rehabilitation at 660 South 200 East, Ste. 400, Salt Lake City, Utah.

- C. Jensen & Keddington, P.C. \$34,128. 4/4/02-4/3/03. - Fed.

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

D. Child, Sullivan & Company. \$34,200. 4/4/02-4/3/03 - Fed.

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

E. State of Utah Department of Workforce Services. \$29,940. 3/1/02-9/30/02 - RECEIVABLE - Fed.

To increase community awareness regarding the value and availability of GED preparation and testing for TANF Needy Families so they are more likely to obtain a GED certificate of completion. Federal Grant to State Partnership between Education and Department of Workforce Services.

F. Pitney Bowes Inc. \$16,049.70. 3/1/02-2/28/07. - Fed.

Rental of B700 Postage Machines at 14 locations, all Division of Rehabilitation Offices for first quarter, then 6 Postage Machines at attached list of offices.

(For complete details of the Contracts, see General Exhibit No. 8789.)

### 3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts. (For complete details, see General Exhibit No. 8790.) The Board approved the requests.

### 4. Administrative Rule Review

Under provisions of 63-46a-9, U.C.A. 1953, all administrative rules shall be reviewed every five years. There may be minor non-substantive changes within these rules. The following rules were reviewed and approved:

R277-416 Experimental and Developmental Program

R277-503 An Alternative Preparation for Teaching Programs

R277-507 Driver Education Endorsement

R277-519 Educator Inservice Procedures and Credit

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

(For complete details of the Rules, see General Exhibit No. 8791.)

#### 5. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved. (For complete details of the list, see General Exhibit No. 8792.)

#### 6. Claims Report

The Claims Report in the amount of \$165,605,418.08 for February 28, 2002 was approved. (For complete details, see General Exhibit No. 8793.)

#### Board Operations and Procedures

Virginia Roach, Deputy Executive Director, National Association of State Boards of Education reviewed with the Board operations and procedures as they were reported out during the interviews and survey responses conducted prior to the meeting. (For complete details, see General Exhibit No. 8794.) She indicated that she had observed the meeting today and that information will be provided to the Board at a later time.

Vice Chairman Janet Cannon expressed appreciation to Dr. Roach for her work and time.

Meeting adjourned at 3:50 p.m.