

## MINUTES

December 6, 2002

Minutes of the meeting of the State Board of Education held December 6, 2002, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:15 a.m. Chairman Kim R. Burningham presided. Members present were:

Chairman, Kim R. Burningham

Vice Chairman, Janet A. Cannon

Member R. Michael Anderson

Member Pamela 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 Joyce W. Richards

Member Marilyn Shields

Member Teresa L. Theurer

Member Max L. Torres

Members John C. Pingree and Sara V. Sinclair 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

Shinika Sykes, Salt Lake Tribune

Linda Tobler, Standard Examiner

Patti Harrington, Superintendent, Provo School District

Janice Jones Schroeder, Coalition of Minorities Advisory Committee

J. Michael Clara, Coalition of Minorities Advisory Committee

Chris Segura, Coalition of Minorities Advisory Committee

Soulee AKO Stroud, Coalition of Minorities Advisory Committee

Kaye Chatterton, Utah Education Association

Ed Dalton, State Board Member Elect

Dixie Allen, State Board Member Elect

Tim Beagley, State Board Member Elect

Debra Roberts, State Board Member Elect

Chad Harris, Governor's Office of Planning and Budget

Shauna Carl, Salt Lake School District

Utah State Office of Education staff:

Linda Alder, Instructional Services

Richard Gomez, Law, Legislation and Educational Services

Patricia Bradley, Law, Legislation and Educational Services

Michael Taylor, Instructional Services

Louise Moulding, Instructional Services

Chairman Burningham excused Board Members John Pingree and Sara Sinclair.

Davis School District Presentation

Superintendent Bryan Bowles presented the Board with a framed print of school children pledging allegiance to the flag with "In God We Trust" written on the blackboard. This was a student lead project directed by the Student

Council.

Chairman Burningham expressed appreciation to Superintendent Bowles and the Davis School District. Superintendent Bowles indicated that additional prints and cards could be obtained from the Davis School District Foundation.

Board Chairman Kim R. Burningham lead the Board in the Pledge of Allegiance

Board Member R. Michael Anderson offered the reverence.

Twila B. Affleck recorded the minutes.

#### Recognition of Retiring Staff Members

Chairman Burningham recognized Associate Superintendent Bonnie Morgan and Deputy Superintendent Gary Carlston upon their retirement from the State Office of Education. Each were presented a school bell plaque.

Superintendent Laing commented that both of these individuals have been strong advocates for the children of Utah and they will be greatly missed. He expressed his gratitude for their service in the State Office, and for their friendship.

#### Outgoing Board Members

Chairman Burningham recognized outgoing Board Members A. Earl McCain, Max L. Torres, and Marilyn Shields, for their service on the board. Each were presented a traditional school bell plaque.

Chairman Burningham introduced newly elected Board Members Tim Beagley, Dixie Allen, Debra Roberts and Ed Dalton.

#### Coalition of Minorities Advisory

##### Committee (CMAC) Quarterly Report

SouLee Stroud, Chairman of CMAC introduced members of the CMAC executive committee Janice Schroeder, Chris Segura, and Michael Clara.

Mr. Stroud presented a gift to Marilyn Shields from CMAC for her service on the Coalition of Minorities Advisory Committee.

SouLee Stroud, Chris Segura and Michael Clara presented the quarterly report from the Coalition of Minorities Advisory Committee, including the following recommendations:

(1) Establish MESA task force, and charge to: (a) Make recommendations for MESA and update Board rule on MESA; (b) Develop a more creative and focused recruiting model for targeted students; (c) Train district/school MESA advisors to work with community leaders in recruiting students; (d) Identify successful MESA practices to include in new funding formula; (e) Identify and recruit targeted students earlier; in elementary feeder schools to MESA middle/junior high schools; (f) Increase monitoring of funded MESA programs; (g) Modify and align district/school MESA staff training to better meet NCLB standards.

(2) Require USOE NCLB liaison staff to attend 27 February 2003 training from WestEd to CMAC.

(3) Align benchmarks for language arts with core curriculum standards.

(4) Require REACH training for all administrators, licensed teachers, classified staff, and para-professionals.

(5) Continue to require REACH training as part of in-service, ESL endorsement.

(6) Earlier and more involvement of CMAC in NCLB planning, revisions, etc.

(7) USOE review parent involvement model from St. Paul, Minnesota.

(8) USOE develop collaborative strategies with districts to initiate statewide community "parent awareness forums."

(For complete details of the report, see General Exhibit No. 8943.)

Member Marilyn Shields commented that it has been an honor and privilege to serve on CMAC. She expressed her appreciation for all they are doing, and wished them well in their future endeavors.

Motion was made by Member A. Earl McCain and seconded by Vice Chairman Janet A. Cannon to receive the report. Motion carried unanimously.

### Public Participation and Comments

Fraser Bullock, Chairman of the Governor's Employers Education Coalition previewed the coalition's report that will soon be delivered to the Governor. He noted that public education in Utah has some severe funding issues. The coalition also will question the expectations placed on education, and commenting that schools should focus on academic subjects.

The coalition applauds the teachers who are heroes in terms of what they have in the classrooms every day.

He summarized the recommendations coming from the coalition: (1) There is a funding issue, particularly when we see where we are with the budget today. They will recommend that education be held harmless. They have suggested that areas where new money is required, particularly having more professionals in the early grades to address the needs of those children who may not be able to learn quickly, may have language challenges, etc.

(2) We expect too much of our schools today. It is more important to prepare our children academically in core areas. (3) Competency based advancement and competency based learning. What does a high school diploma mean today? They underscore the work done in accountability. (4) Management structure recommendations that certain things that are put at the state level, such as sharing best practices among the districts, curriculum, and empowerment of funding capability at state level to ensure the districts are headed to the core mission. (5) School choice which they feel is a good; beginning with what is best way to meet the needs of a particular child. School choice within the school system. Good things are happening with charter schools, but there are also challenges. They will recommend tuition tax credits in a way that it becomes a funding vehicle for public education. They will also recommend that public education be held harmless so that districts do not lose money.

Mr. Bullock stated that the coalition identified with the challenge faced by the Board and they recognize that there is a crisis, and that more resources need to be given.

Chairman Burningham expressed appreciation to Mr. Bullock for sharing the recommendations with the Board and for his time in coming to the Board. He indicated that he appreciated the fact that business people are looking, with genuine concern, at education and the problems we are facing.

Chairman Burningham clarified that the Public Participation and Comment period of the Board meeting was for the Board to hear comments from those wishing to make them to the Board. However, it was determined that Board members may ask clarifying comments or questions, but not a wide spread discussion on the issue. It was noted that this also needs to be made clear to those presenting.

Janice Jones Schroeder, Multicultural Specialist of the Salt Lake City School District presented a proposal for the Board to consider changing the name of the department in the Utah State Office of Education from foreign language to world language. She indicated that the more we know about each other the more we can break down barriers. Secondly, after listening to the last presenter, Mr. Bullock, she commented that the need for foreign language is ever growing and a student needs to have a foreign language. She indicated that learning a foreign language is as important as learning math and science. Ms. Schroeder recommended that world language become part of the core curriculum.

## U-PASS Program Test Results 2001-02

Louise Moulding, Director, Evaluation and Assessment reported the results of the following assessment instruments: (1) Stanford Achievement Test, Ninth Edition, a norm-referenced test administered to students in grades 3, 5, 8 and 11. (2) State criterion-referenced tests (CRTs). (3) American College Test (ACT). (4) Scholastic Achievement Test (SAT). (5) Advanced Placement (AP). (5) National Assessment of Educational Progress (NAEP). All of these assessments are required under the U-PASS Program.

Dr. Moulding reported that on the Stanford-9 test, which can be used to compare students across the United States, Utah students performed above the national norm in all grades on composite scores and above the national norm in 17 of 22 subsets of tests.

Utah students outscored the nation on each subset and on the composite of the ACT college entrance exam.

Utah students passed advanced placement tests at a rate of 69.3 percent, compared to the national rate of 61.0 percent.

(For complete details of the report, see General Exhibit No. 8944.)

### Executive Session

Motion was made by Member R. Michael Anderson and seconded by Member Laurel Brown to move into an executive session during lunch for the purpose of discussing personnel and potential or pending litigation issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session beginning at 12:55 p.m.

Motion was made by Member Laurel Brown and seconded by Member Max L. Torres to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 2:05 p.m.

### Utah Professional Practices Advisory Committee Recommendations

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to accept the recommendation of the hearing panel following a hearing for consideration of reinstatement of the license in Case No. 99-491 of a former counselor in the Wayne School District be reinstated. The license was previously suspended as a result of sex solicitation and disorderly conduct in a school district vehicle. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, McCain, Morrill, Moss, Richards, Shields and Torres voting in favor; Member Theurer absent.

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to accept the Commission's recommendation in Case No.02-596, and revoke, based upon default, the license of a former educator in Ogden School District. This action is taken following criminal charges in New York City that the educator fraudulently obtained humanitarian aid by claiming relatives died in the September 11, 2001, attack on the World Trade Center (\$47,257 per September 21, 2002, *Deseret News* account). Initially, the UPPAC investigator spoke with prosecutors in New York City. Correspondence and additional letters have been unanswered by the former educator and the New York City prosecutors. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, McCain, Morrill, Moss, Richards, Shields and Torres voting in favor; Member Theurer absent.

Motion was made by Member David L. Moss and seconded by Member A. Earl McCain to accept the Commission's recommendation in Case No. 02-599 and revoke based upon default the license of a former educator in Nebo School District. This action is taken following criminal charges against the educator for two counts of distributing a controlled dangerous substance within a school zone and one count of contributing to the delinquency of a minor. There was no response to numerous contacts by the UPPAC investigator to the educator's legal counsel. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member A. Earl Mc Cain to accept the Commission's recommendation in Case No. 02-603 and revoke based upon default the license of a former educator in the Tooele School District. The educator pled guilty to forcible sex abuse, a second-degree felony on or about May 20, 2002. There was no response to numerous contacts by the UPPAC investigator to the educator and his legal counsel. Motion

carried unanimously.

Motion was made by Member David L. Moss and seconded by Member A. Earl Mc Cain to accept the Commission's recommendation in Case No.02-622 and accept a stipulated agreement whereby a former educator in Beaver School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of revocation for a period of not less than five years from the date of State Board of Education action. The recommendation results from the educator's inappropriate use of district computers. It was noted that the educator had received at least one warning from the school district prior to the district's action and referral to UPPAC. Motion carried unanimously.

(For complete details of the Professional Practices Commission recommendations, see General Exhibit No. 8945.)

### **State Rehabilitation Council**

Motion was made by Member David L. Moss and seconded by Member A. Earl Mc Cain to appoint Marie Marshall to serve on the State Rehabilitation Council, her term to expire September 2005. Motion carried unanimously.

### **Coalition of Minorities Advisory Committee (CMAC)**

Motion was made by Member Marilyn Shields and seconded by Vice Chairman Janet A. Cannon to appoint the following to the Coalition of Minorities Advisory Committee, terms to expire December 2004:

Asian American: Cyndee L. Miya and Aida Santos Mattingley

African American: Veronica Thomas

Hispanic: Dr. Hector Mendiola

Native American: Walter Watchman

Pacific-Islander: Charlene Lui and Dottie H. Togisala Alo

Motion carried unanimously.

### **Board Leadership**

Motion was made by Member Greg W. Haws and seconded by Member Teresa L.Theurer to elect Kim R. Burningham as Chairman and Janet A. Cannon as Vice Chairman, and appoint Twila B. Affleck as secretary. Motion carried unanimously.

Chairman Kim Burningham, in accepting his position as chairman made a proposition and a statement in opposition. He proposed the Board consider adding members of the Utah Legislature and someone from the Governor's office as nonvoting Board members to help improve the Board's access to governmental leaders.

Chairman Burningham also championed the independence of the Board by encouraging opposition to any move to either make the Board a partisan election or a political appointment from the Governor's office. He indicated that by keeping the Board nonpartisan was the best way to keep it an independent voice for public education. (For complete details of the Statement, see General Exhibit No. 8946.)

Vice Chairman Janet Cannon commented that since she joined the Board eight years ago she has seen some very positive changes. She indicated that she feels great about the board and the things it is doing.

Chairman Burningham distributed copies of the new committee memberships of the Legislature and encouraged members to contact their legislators. (For complete details, see General Exhibit No. 8947.)

Board Standing Committee Reports

## **Curriculum Committee**

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

### **Standard Setting and Proficiency**

#### **Levels Changes**

In the September Board meeting, proficiency levels and cut scores were presented to the Board for adoption. At that time, it was recommended that the Board adjust the number of proficiency levels to add a fifth level of Advanced Mastery and establish a range (65%-75%) of minimum percent correct responses necessary for a Near Mastery level of proficiency. Subsequent to Board action in September, it was determined that district superintendents, testing directors, etc., had not been given the opportunity to review the proposed proficiency levels. Therefore, Board action was delayed until November in order to provide appropriate time for input from school district personnel.

In the November Board meeting, the Curriculum and Instruction Committee revised the proficiency levels. Superintendent Laing reported that the proficiency levels were presented and reviewed in a meeting on October 21 with a good representation of district superintendents, testing directors, curriculum directors, etc. He recommended that action be delayed an additional month in order to ensure time for input from school districts. The Curriculum Committee voted to delay discussion and further action until the December Board meeting.

A follow-up session to the meeting held on October 21 was conducted on November 12 for the same personnel. Additional input in regard to the proficiency levels and cut scores was solicited at that meeting. Based on the input received from district superintendents, testing directors, curriculum directors, Title I directors, etc., it is recommended that there be four proficiency levels and that an appropriate standard setting method will be matched to the tests' purpose including bookmarking as a means of establishing proficiency levels. Utah will be in compliance with No Child Left Behind (NCLB) legislation using four proficiency levels. In addition it is recommended that the minimum percent correct response for a Near Mastery level of proficiency be established at 60%-70%. As equated and scaled tests are developed and implemented, minimum levels for Near Mastery will be redefined. (For complete details of the materials presented, see General Exhibit No. 8948.)

Motion from the Committee that the Board adopt the recommended four proficiency levels; that the original committee that came up with the descriptions on the proficiency levels to revisit the descriptions within the next month and bring them to the Curriculum Committee in January; retain the current method of standard setting previously discussed and revise it as new test developments are needed; that an anchor point not be established; and to accept the cut scores as established previously. Motion carried unanimously.

### **Family and Human Development**

#### **Teaching Major**

The Utah Marriage Commission is interested in exploring the creation of a teaching major for students in Family and Human Development courses which are aligned with the Family and Consumer Science composite teaching major. This request would create an additional endorsement that would qualify individuals to teach the Adult Roles and Responsibilities course. Mrs. Jacalyn Leavitt presented the request to the Committee. (For complete details of the material presented see General Exhibit No. 8949.)

The Committee had a good discussion on this issue and how to best address it.

Motion from the Committee that an ad hoc committee consisting of some members of the curriculum committee, the state office, the marriage commission and higher education be established to study this issue. 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:

Persistently Dangerous Schools,

R277-483

Title IX, Part E, Subpart 2, Section 9532 of the "No Child Left Behind" Unsafe School Choice Options, requires a state receiving funds under the Act to establish and implement a statewide policy that a student who attends a persistently dangerous public school, or who is a victim of a violent criminal offense while in or on the grounds of a public elementary or secondary school that the student attends, be allowed to transfer to a safe public elementary or secondary school within the school district, including a public charter school.

The Committee reviewed the proposed rule at its November meeting and suggested some changes. Those changes have been incorporated into the rule. (For complete details, see General Exhibit No. 8950.)

The Law and Policy Committee made the following amendment to the rule under R277-483-4 added new section A and approved the rule on first reading as amended. Motion from the Committee that the State Board of Education approve R277-483, Persistently Dangerous Schools on second reading. Motion carried unanimously.

Soldier Hollow Charter School

Proposed Amendments

Soldier Hollow Charter School presented amendments to its charter that have been approved by its governing board. In compliance with state rule, amendments must also be approved by the chartering entity before they are effective.

Soldier Hollow Charter School's amendments include removing references to Alpine School District's policies and student performance data as well as references to its former Sundance location. The new governing board is included in the amendments. Instructional programs are described in a more succinct manner, and USOE performance standards are referenced appropriately in accordance with No Child Left Behind. Wasatch School District policies regarding suspension and expulsion have been substituted for those of Alpine School District. (For complete details, see General Exhibit No. 8951.)

The Committee took no action on the request until further information is obtained relative to the request for expansion of the school to include grade 7. Member Moss reported that he, Gary Carlston and Patricia Bradley will visit the school and discuss the issue.

Proposed Legislation for the 2003

Legislative Session

The Committee reviewed and discussed proposed legislation affecting Charter Schools, Alternative Language Programs, Repeal of Education Mandates, and Tuition Tax Credits. (For complete details, see General Exhibit No. 8952.)

No action was taken in the committee because of the "draft" nature of the proposed legislation.

Vice Chairman Janet Cannon who sits on the UCAT Board reported that the bill passed a couple of years ago on applied technology governance, is going back to the legislature. They are proposing some technical adjustments and amendments. Some of the amendments that may be of concern to the Board are: (1) This board authorize UCAT to develop and come back to the board for approval, their giving out competency based high school diplomas. (2) There is a report on the needs of secondary students being served in applied technology education. One is prepared by UCAT and one is prepared by the Utah State Office of Education. An amendment to eliminate the one report prepared by the Utah State Office of Education. (3) Administration for applied technology programs. Currently districts get wpu's to

help students in applied technology and some of the small district combine together and just have one person. The suggestion in the draft document is to have people from the applied technology colleges be able to come and share with the district people the monies for getting services out to the students.

Pamela Atkinson commented that she, Nolan Karras, Chairman of the Board of Regents, Commissioner Cece Foxley and Norman Bangerter, UCAT Chairman met with Senate and House leadership yesterday, and there is not going to be a great number of changes because they have too many priorities going on. Some of the technical changes [common sense things] will be dealt with, but not other issues.

Member Dave Moss reported that the constructive responses with the testing package costs approximately \$2 million. The problem we are facing is that we are trying to find ways to streamline the system, and be more realistic on how we approach this it that perhaps on the constructive response portion of the test to think seriously of eliminating it. The reason is because of the amount of time it takes to actually grade these constructive responses. They start in February and if we look at eliminating this we would need to make that decision quickly. The way the contract is set up now, we could get out of it if we act quickly. This may be something that will be addressed in the special session to be held later in December.

### **Finance Committee**

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

#### Expenditures for Instructional Supplies

Required in Utah Public Schools, R277-408

Last month staff recommended the Board repeal the current Board rule requiring districts to spend 5.5 percent of the value of the WPU times the prior year ADM for textbooks and supplies. Staff recommends repeal of the rule because: (1) it appears to be counter to local control of the budget; (2) it adds to the administrative burden of local districts; (3) it is a one-size-fits-all solution that does not take into account the unique needs of each district; and (4) USOE does not have the resources to ensure compliance.

Others believe that it is clearly the Board's responsibility to set minimum spending standards for textbooks and supplies in order to ensure students have essential instructional materials.

Statewide our school districts are spending 154.1 percent of that being required. As we have reviewed the patterns of the past few years, this is typical. This is why we feel the rule is not necessary. The committee supported the idea of repealing this rule, with a report to be made to the Board on how the districts were spending the money on an ongoing basis. However, the committee chose to table the item until April after the legislative session.

(For complete details of the materials presented, see General Exhibit No. 8953.)

#### Proposed Changes to the Adult Education

#### and Special Education Formulas

The Adult Education and Special Education formulas are based upon statutory language that is outdated. Proposed changes to the formulas were presented using the base plus growth formula. (For complete details, see General Exhibit No. 8954.)

Motion from the Committee that the Board approve the new funding formula to the Adult Education from the number that could be served to those that are actually served. Motion

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

Motion from the Committee that the Board use a five year prior actual count served as the basis for distribution of funds for special education. This philosophy, if approved, would be presented to legislature to take appropriate action relative to the distribution of funds for special education. Further, to recommend a three-year hold harmless clause. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, McCain, Moss, Richards, Shields, and Theurer voting in favor; Members Morrill and Torres absent.

#### Final Board FY 2004 Budget Request

The budget request has now been adjusted to reflect final enrollment growth and property tax estimates. In addition, new information from the Governor's Office of Planning and Budget has lead to additional adjustments. (For complete details, see General Exhibit No. 8955.)

Associate Superintendent Patrick Ogden reviewed the proposed budget request CD distributed and how to use the program. Member Anderson asked that each Board Member review the CD distributed prior to the January meeting.

Motion from the committee to approve the tentative budget request as presented, noting that there would be another review of any revisions next month. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, McCain, Moss, Richards, Shields, and Theurer voting in favor; Members Morrill and Torres absent.

#### Conclusion of Standing Committee Reports.

#### Executive Officer Report

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

New Associate Superintendent Introductions - Dr. Laing introduced Patti Harrington and Ray Timothy who will be joining the State Office of Education as Associate Superintendents. He indicated that they both have strong leadership abilities and expertise in instructional leadership and curriculum and assessment.

Enhancement of Public Education Task Force - Received a report from the Auditor General with regard to their examination of our U-PASS budget which gave us a "clean bill of health."

Education Interim Committee Meeting - The Interim Committee approved the Charter School legislation that contained the points the Board had indicated at a previous meeting. They also indicated that they planned to consider other elements around charter schools.

Banks and Credit Unions Issue - Dr. Laing reported that he was invited to a meeting hosted by Jake Garn and Ted Wilson representing a group called Resolution Alliance of Banks and Credit Unions, They were anxious for support for their purpose which is to resolve the issue around banks and credit unions and taxation. The funding for their entity comes from the banking association. The characterization they portrayed is that smaller credit unions would probably agree with the proposition of making the larger credit unions act as credit unions of old, but they are afraid to say much until someone else is out in front because they are such a small partner in the organization.

Water Subsidy Forum - Dr. Laing reported that he was invited to attend a Water Subsidy Forum entitled "Financing the Oasis - Water Funding in Utah. This was sponsored by the Utah Rivers Council and moderated by Rod Decker. This is a group that is in favor of increasing water rates, and making users of water pay more of the costs of actual development of water resources. The purposes: (1) Conserve water; (2) Eliminate property tax and sales tax subsidy of water development. He clarified that this group is not the same that will be advocating for the elimination of those taxes for the purpose of providing that money to public education.

Park City Request on Released Time - Dr. Laing reported that we have received a request from Park City that the Board consider in the near future the issue of released time. Our rule now allows a school district to count a student in full time membership with one period of released time for religious instruction. Park City's request is what is the "sacred" nature of one period for religious instruction as opposed to one period for some other sort of experience that the parents would like to have a student participate in. In their particular case, they have several Olympians in training

and would be interested in allowing them to also have a period of released time to participate in the Olympic training and still be counted as a full-time student.

Dr. Laing noted that this could be fraught with some real problems because we cannot afford to jeopardize the release time for religious instruction because we cannot handle all the students, nor provide the number of teachers that would be required. We need to look at this cautiously.

Private Vehicle Usage - Dr. Laing indicated that because board members drive their vehicles for state board business should they get into an accident during this time, they need to contact this office within twenty-four hours. In the capacity as a Board Member and are reimbursed for the mileage, Rick Management may become involved.

Public Education Job Enhancement Task Force - The Public Education Job Enhancement Task Force reported that they have been awarding monies to math and science and IT teachers. They have had some turn down the award because they were unwilling to commit to the four year teaching requirement. There were 125 opportunity awards, essentially signing bonus' committed to districts, approximately 50 less than budgeted and the carry forward funding they are anticipating will be available in the future.

Member Teresa Theurer and John Pingree sit on that committee and Member Theurer reported that having board members sit on that committee has a tremendous asset.

#### Board Chairman Report

Member Laurel Brown reported that she is serving on the committee for the Utah Agenda for Special Education in gearing up for reauthorization for IDEA. As soon as a draft is available she will share it with the Board.

Member Earl McCain commented that in keeping with one of the goals of keeping the public informed, Superintendent Ron Wolff has written a series of weekly essays, or, on occasion had other administrators write essays to the local newspapers and others.

Motion was made by Member A. Earl McCain and seconded by Member Laurel Brown that in keeping with the model he has established for raising public awareness in what is going on in the local schools that a letter of commendation be written to him signed by the members of the board and the administration of the State Office of Education. Motion carried with Members Anderson, Barney, Brown, Cannon, Haws, McCain, Moss, Richards, Shields, and Theurer voting in favor; Members Morrill and Torres absent.

Member Earl McCain indicated that in keeping with reading assignment he had given board members the prior evening, he drafted a document of the board's commitment to excellence in education. He requested that each member of the board and staff sign the statement.

Chairman Kim R. Burningham complimented Member Joyce Richards on her op ed piece in the *Standard Examiner*.

Chairman Burningham distributed a copy of a Resolution passed by the Utah School Superintendent's Association relative to the great service provided by the Utah State Office of Education. (For complete details, see General Exhibit No. 8956.)

National Association of State Boards of Education (NASBE) Committee Appointments - Chairman Burningham noted that four board members have been appointed to to serve on the following NASBE Committees: Janet Cannon, Governmental Affairs Committee; Linnea Barney Study Committee on Lost Curriculum; David Moss, Study Committee on Charter Schools, and he will be serving on the Distinguished Service Committee.

Associate Superintendent Bonnie Morgan, expressed her appreciation to each of the board members. She indicated that they had enriched her personal life. She has never worked with such a board, had the kind of support, integrity and willingness to go extra mile than this board.

Member Earl McCain, reported that he was in the process of putting together a small book, with a bunch of statements

of his values about public education.

Member McCain commented that he has enjoyed serving on the Board the past two years. He is always pleasantly aware of the contributions that people like you make to our society, especially to our kids. He was reminded a little over a year ago when he took a seat on the UCAT Board that he introduced himself as representing the interests of nearly one half million of kids in this state. Someone asked, do they know that? Member Marilyn Shields stated that she did not have words enough to say thank you. She indicated that all of the members of the board and the staff have contributed so much to her. She expressed appreciation to everyone, especially to all the ones behind the scenes who make everything run smoothly. She hoped that it can get out to the public about what the state board and office do and support of children. She admonished the Board to keep working for the kids. She has been impressed with the team effort of the Board and staff.

Deputy Superintendent Gary Carlston expressed his thanks for all the Board does and will continue to do. In the field of human enterprise there is no more worthy endeavor than what we are collectively doing because public education fuels democracy, the improvement of individual lives and our economy which makes all of us beneficiaries in a democracy.

## General Consent Calendar

Motion was made by Member R. Michael Anderson and seconded by Member David L. Moss to approve the General Consent Calendar as presented. Motion carried Morrill and Torres absent.

### 1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held November 1, 2002.

### 2. Contracts

(A) Department of Health. \$2,925. 10/01/02-12/31/03 - RECEIVABLE, Fed.

To set forth the respective responsibilities of the Department of Health (DOH) Division of Health Care Financing (DHCF) and the Utah State Office of Rehabilitation (USOE) related to the Local Area Network (LAN) and other technical desk top support to be provided to the DOH employees located at the Payson Office (910 East 100 North), Payson, Utah.

- Utah Navajo Development Council. \$114,410. 10/1/02-12/31/03 - Amend. - Fed.

To establish parental information and resource centers to provide information, training, and support to parents of children ages birth through 7; for parents to expand their knowledge and confidence in teaching and nurturing their children, as well as other childrearing activities; and for parents to develop partnerships with their children and work together to enhance the developmental progress of each child. The main emphasis will be the recruitment of teen parents for center-based activities.

(C) Lighthouse International. \$200,000. 11/1/02-10/31/04

To make available low vision aid products for purchase through Low Vision Services with Services for the Blind and

Visually Impaired.

(D) Eschenbach Optik of America, Inc. \$200,000. 11/1/02-10/31/04.

To make available low vision aid products for purchase through Low Vision Services with Services for the Blind and Visually Impaired.

(E) Wisan, Smith, Racker & Prescott, LLP. \$25,000. 11/1/02-10/31/03 - Fed.

To conduct administrative reviews on described contract, attachment B

(F) Jensen & Keddington, P.C. \$82,652. 11/1/02-4/4/04 - Amend. - Fed.

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

(G) Child, Sullivan and Company. \$82,824. 11/1/02-4/4/04 - Amend. - Fed.

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

(H) Mergenthaler Transfer & Storage. \$0. \$1/1/2003-12/31/2003 - Amend.

To extend contract for one year to provide pickup, delivery, and warehousing of educational forms for District Computer Services.

(I) Jensen & Keddington, P.C. \$25,000. 11/01/02-9/30/03. - Fed.

To conduct administrative reviews on described contract, attachment B.

(J) Utah State Human Services. \$80,000. 9/1/02-6/30/03. - RECEIVABLE. Fed.

To provide funding for the Youth Tobacco Survey, the Youth Risk Behavior Survey, and the Prevention Needs Assessment.

(K) Dr. Bagaly Lavandez. \$18,000. 12/6/02-6/30/03 - Fed.

Development of language development benchmarks for Utah's No Child Left Behind (NCLB) federal grant.

(L) Rosanne Bowman. \$12,900. 12/6/02-6/30/03

Contractor will complete enhancements to the "I Can Read Basic" and "I Can Read Parent Tutorial" Programs. Contractor will provide training on existing tutorials.

(M) Utah State Human Services. \$80,000. 9/1/02-6/30/03. FED. RECEIVABLE

To provide funding for the Youth Tobacco Survey, the Youth Risk Behavior Survey, and the Prevention Needs Assessment.

(For complete details of the Contracts, see General Exhibit No. 8957.)

### 3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the School Districts were approved as submitted. (For complete details, see General Exhibit No. 8958.)

### 4. J-1 Visa Foreign Exchange Students, R277-615

Utah Code Section 53A-2-206, provides for the inclusion of membership and attendance of J-1 visa foreign exchange students in the apportionment of state monies (WPU's). Due to significant changes to R277-615, Foreign Exchange Students, it is necessary to repeal the existing rule and reenact a new rule, R277-615, J-1 Visa Foreign Exchange Students which provides the assurance that foreign students will be placed with appropriately screened and trained host families and outlines the responsibilities of the sponsoring agencies. The rule also reassigns the responsibilities for supervision of the placement process from the Utah State Office of Education to local school boards/school districts.

At the November 1, 2002 Board meeting the rule was further revised. The Board repealed R277-615 Foreign Exchange Students and reenacted R277-615, J-1 Visa Foreign Exchange Students on second reading. There have been no substantive changes to the rule since that time. The Board approved R277-615, J-1 Visa Foreign Exchange Students on third and final reading. (For complete details, see General Exhibit No. 8959.)

### 5. Loss in Student Enrollment, R277-485

R277-485 implements 53A-17a-139, and outlines a formula which seeks to aid districts with 4% or greater enrollment losses. The section of the code that the rule is based on has been in existence for some time. However, no definitive means have been developed for how to consistently and appropriately apply the statutory language to conditions that arise in the state.

At the November 1, 2002 Board meeting the Board approved on second reading R277-485, Loss in Student Enrollment. There have been no substantive changes to the rule since that time. The Board approved R277-485, Loss in Student Enrollment on third and final reading. (For complete details, see General Exhibit No. 8960.)

### 6. 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:

R277-516 Library Media Certificates and Programs

R277-518 Vocational-Technical Certificates

R277-600 Student Transportation Standards and Procedures

R277-605 Coaching Standards and Athletic Clinics

R277-610 Released-Time Classes for Religious Instruction

R277-615 Foreign Exchange Students

R277-700 The Elementary and Secondary School Core Curriculum

R277-702 Procedures for the Utah General Educational Development Certificate

R277-718 Utah Career Teaching Scholarship Program

R277-721 Deadline for CACFP Sponsor Participation in Food Distribution Program

R277-722 Withholding Payments and Commodities in the CACFP

R277-730 Alternative High School Curriculum

(For complete details, see General Exhibit No. 8961.)

## 7. Utah State Instructional Materials Commission Recommendations

On November 8, 2002, the Utah State Instructional Materials Commission recommended over 1,300 titles from the attached printout. The Commission also recommended that the 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. 8962.)

The Board accepted the recommendations of the Utah State Instructional Materials Commission and directed staff to award contracts to the various publishers.

## 8. Monthly Budget Report

The Monthly Budget Report provided information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education and the Utah State Office of Rehabilitation. (For complete details, see General Exhibit No. 8963.)

## 9. Ratification of Employment

Louise Richards Moulding was ratified as an Educational Director, Evaluation and Assessment in the Instructional Services Division.

#### 10. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved. (For complete details, see General Exhibit No. 8964.)

#### 11. Claims Report

The Claims Report in the amount of \$166,519,143.19 for October 31, 2002, was approved. (For complete details, see General Exhibit No. 8965.)

Meeting adjourned at 4:00 p.m.