

MINUTES

June 14, 2002

Minutes of the meeting of the State Board of Education held June 14, 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 Atkinson

Member Linnea S. Barney

Member Laurel Brown

Member Greg W. Haws

Member David J. Jordan

Member Judy Larson

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

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

Chad Harris, Governor's Office of Planning and Budget

Philip Rodgers, Center for the School of the Future/Utah State University

Soulee L.K. O. Stroud, Chairman, Coalition of Minorities Advisory Committee

Janice Jones Schroeder, Coalition of Minorities Advisory Committee

Kristin Clayton, Salt Lake Arts Academy

State Office of Education Staff:

Larry Newton, Agency Services

Cathy Dudley, Agency Services

Patty Murphy, Agency Services

Randy Raphael, Agency Services

Richard Gomez, Planning & Project Services

Papa Coulibaly, Planning & Project Services

Jeanette Misaka, Planning & Project Services

Shauna South, Planning & Project Services

Board Member Greg W. Haws led the Board in the Pledge of Allegiance.

Board Member Judy Larson offered the reverence.

Twila B. Affleck recorded the minutes.

Vice Chairman Janet Cannon reported that the NASBE Governmental Affairs Committee was presented a profile comparing the states that have approximately the same number of students to educate. This profile compares teacher/student ratios, average teacher salary, graduation rates, etc. (For complete details of the comparison, see General Exhibit No. 8816.)

School Finance Presentation

Associate Superintendent Patrick Ogden presented a report on School Finance, in specific the Minimum School Program. Board Members received a CD containing the information on school finance.

Member Mike Anderson, chairman of the Finance and Legislation standing committee expressed appreciation to Patrick Ogden and his staff for the excellent presentation.

Coalition of Minorities Advisory

Committee (CMAC) Quarterly Report

Soulee L.K.O. Stroud, Chairman of the Coalition of Minorities Advisory Committee presented their quarterly report. (For complete details, see General Exhibit No. 8817.) Along with the report were recommendations relative to Indian Education, MESA (Math, Engineering, Science Achievement) Program, "No Child Left Behind" Legislation, Secondary School Completion Diplomas Rule, the Revised Process for CMAC Nominations, and Sensitivity Awareness Training.

Superintendent Laing requested clarification as to whether or not specific questions relative to MESA from CMAC had been forwarded to the appropriate person relative to the rule.

Mr. Soulee responded that CMAC had ten specific questions which were addressed by staff. One concern still remaining is that there is a lot of interpretation as far as how to move forward with the rule.

Member Mike Anderson questioned that now the report has been made to the Board who has responsibility to take action on the requests or recommendations of the Committee.

Chairman Burningham indicated that the Board leadership will have this on their next agenda and will assign it to a particular committee. He further indicated that Board Member Shields also attends the CMAC meetings and she has the responsibility to bring issues to the State Board.

Member Marilyn Shields expressed appreciation to Mr. Stroud for his presentation and the time the Committee spends on the concerns of minorities in the state.

Motion was made by Member R. Michael Anderson and seconded by Member A. Earl McCain to receive the report and express appreciation to CMAC. Motion carried unanimously.

Unfinished Business: Pinnacle Canyon Request

Member Judy Larson stated that after a long and emotional discussion at the last Board meeting the Board was unable to resolve the expansion of the Pinnacle Canyon Charter School due to a lack of required votes. Therefore, the issue is back before the Board. She restated her position from the May Board Meeting that the Board is faced with this decision because many ramifications concerning charter schools were either ignored or misunderstood by those who wrote or supported the legislation. She indicated that the legislation does not address the needs of all children. The Board is trying to protect the needs of the Carbon School District while at the same time feeling the need to be fair to a charter school that has done all that is required of them.

Motion was made by Member Judy Larson and seconded by Member R. Michael Anderson that expansion of Pinnacle Canyon Charter School be a compromise. That Pinnacle be allowed to expand in grades K-4 this coming year, and that grades 5-8 be expanded the following year.

Member Larson explained that this would allow Pinnacle Canyon to begin the desired expansion, but lessens somewhat the difficulty caused to Carbon School District by the enrollment loss.

Member Denis Morrill questioned the procedure that brought this issue back before the Board.

Chairman Burningham noted that there was no action on the motion, it neither failed nor passed with a majority vote of the Board.

Member Morrill commented that this has been a long and emotional issue, and he failed to see how the compromise being proposed makes a difference. The Charter School is being successful, and expansion has nothing to do with its success, but it does have a lot to do with the Carbon School District. He has a strong concern for the children left behind in the Carbon School District.

Member Teresa Theurer stated that Pinnacle is doing a good job. However, there is a real problem with the legislation, it has holes in it, needs to be worked through. Until we can work out what we are trying to accomplish with charter schools, and we know what we want to do with it, she could not support expansion of the school.

Member Marilyn Shields stated that she could not support the motion because she represented the rural areas and there still needs to be issues worked out relative to the declining enrollment in the rural districts.

Member Pamela Atkinson voiced concerned that we may be penalizing the applicant because they adhere to the criteria of the intent of the state law, and in no way was the school district nor the State Board of Education asked to look at ramifications on the local schools.

Chairman Burningham stated that he has had an opportunity to talk with every Board Member individually at various times and various situations about this issue, and we are about as evenly divided on this issue as we have ever been about any issue. We probably all agree on the point of view that Pinnacle Canyon is doing a good job, but we have problems with the legislation and are worried about the school district.

Superintendent Laing questioned the practical implementation of the motion. Is the motion to allow Pinnacle to expand in grade K-4, is there a cap on the number of students? Member Larson indicated she was going by the original request to expand one class each grade level. Superintendent Laing questioned if the motion would limit them in the grades, and is that the decision the board wants to make for Pinnacle Canyon, or are we trying to limit them in the number of students they have?

Member Mike Anderson responded that they now have available to them enough classrooms to deal with expansion of K-4 this next year. They have no ability to deal with 5-8 with their present lease. This proposal allows expansion to occur based on the current ability to perform.

Motion carried with Member Anderson, Barney, Burningham, Haws, Larson, Pingree and Torres voting in favor; Members Brown, Morrill, Moss, Richards, Shields, and Theurer voting against, Member McCain abstained. Vice Chairman Cannon voted in favor of the motion to create a majority of action. Member Denis Morrill expressed concern that the motion that was made at the previous meeting to put this issue on the agenda failed. Therefore, there should have had a motion to reconsider.

It was clarified that there was not a majority of the Board on any of the motion at the last meeting.

Public Participation/Comments

There were no public comments.

Board Chairman Report

Chairman Burningham reported that there is a public relations effort to strengthen the understanding of the public and the education successes. We have met with the Utah School Boards Association leaders and others relative to this issue. Under the leadership of the Utah School Boards Association they are involved in putting together a very active public relations campaign on the good news in public education. They have involved Mark Peterson from the Utah State Office of Education as well as Public Information Officers from the districts to put together a very active public relations campaign to communicate with the public and to explain the "good news" about public education. They have made arrangements and volunteer efforts have come forward. However, this will cost money. A lot of it is being volunteered, however, USBA has turned to their own members throughout the state and educators requesting contributions -- specifically using a figure of \$100. The State Board of Education is a member of the Utah School Boards Association and this is an opportunity for us to show our support. He urged Board Members to participate, to the degree they feel comfortable, and requested that Twila collect the checks and forward them onto USBA.

Member Teresa Theurer commented on the program being proposed and it is very well done. She also encouraged Board member participation.

Member Denis Morrill speaking as the representative to the Utah School Boards Board of Directors from the Board also spoke in favor of participation.

Chairman Burningham reported that there is in the state an effort in public schools the first part of the year entitled "Dialogue on Freedom." This is an effort to bring an understanding and appreciation of our legal system into the schools. He has received a letter from Governor Leavitt requesting our support. He indicated he would like to ask staff to work with the school districts indicating our support for this program.

Member Laurel Brown questioned how this curriculum would fit with the core curriculum. Chairman Burningham indicated that they have come from different directions, however, the whole thrust of our core curriculum is very much aware of the action that is taking place. Superintendent Laing indicated we had not seen the curriculum, but we will forward it to our specialist and ask them to review it.

Chairman Burningham reported that we are facing a really difficult time in the state with regard to economic stability. There is a Special Session called for June 25, followed-up on July 8-9. The issues being discussed include budget cuts of some nature. The potential cuts being discussed are varied and different. For example, some talk about cutting 4.5 percent across the board, others about cutting 9%, and holding education harmless. Everyone recognizes the seriousness of the situation, and that something has to be done to balance the budgets. There are a lot of rumors going around - he has heard that we should cut administration further, cut step and lane increases for teachers, cut out kindergarten, cut the number of days. The Utah State Office of Education has made cuts that are serious already. He stated that in light of this fact, as far as his personal position is concerned, he believes that now is the time that the state must find new sources of revenue. We will have to make cuts, but we also need to find new revenue, because it is unsatisfactory to make these cuts and hurt public education. He encouraged legislators, the Governor and other to look everywhere they can, and that new revenue must be one of the places we find. He suggested that we may need to stop weakening the revenue producing qualities of property tax and not cut it down constantly. We may need to look at Representative Jones' idea of a "head tax"; and possibly impact fees. There is also a lot of discussion about the environmental tax. In connection with that we are planning to invite opponents and proponents of that point of view to our August Board meeting. In a conversation with Speaker Stephens he talked about how the federal government owns more in the state of Utah and we should make a very concerted effort to get more money from the federal government to help us here. We may need to give the districts more power to raise more taxes individually. Another suggestion was to cut back in our U-PASS testing. Another suggestion is to implement the soda pop tax. Reverse the decline in the amount of the income tax that is used for public education. He again stated that it is absolutely imperative to balance the budget and the necessary cuts, but we must also find new sources of revenue, and that the Board should take a strong position to that end. Without it we will do irreparable harm to the students in this state.

Recognitions

Superintendent Laing recognized the following Utah State Office of Education personnel were recognized with Service

Awards: Ten Years of Service (\$200 bond) Nadine Bunnell and Gail Johnson. Fifteen Years of Service (\$300 bond) Mollie Brewer. Twenty Years of Service (\$400 bond) Val Wiltsey, Lucy Francom, and John Flagg. Twenty-five Years of Service (\$500 bond) Judy DeWaal, Ivoni Nash. Thirty Years of Service (\$600 bond) Vicki Walsh.

Superintendent Laing commented that we have a committed staff, and the MGT audit recognized that as well. It is nice to recognize them for their service, and we express our appreciation for their efforts.

Executive Session

Motion was made by Member Teresa L. Theurer and seconded by Member Marilyn Shields that the Board move into an Executive Session during lunch for the purpose of discussing personnel issue and potential litigation.

The Board was polled and by unanimous consent of those present, the Board moved into an executive session at 12:45 p.m.

Motion was made by Member Joyce W. Richards and seconded by Member Denis R. Morrill to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:55 p.m.

Blind and Visually Impaired Advisory Council

Motion was made by Member Teresa L. Theurer and seconded by Member Joyce W. Richards to appoint Ruth Wheeler, and to reappoint Cheralyn Braithwaite and Leslie Gertsch to the Blind and Visually Impaired Advisory Council, terms to expire June 2004. Motion carried unanimously.

Board Standing Committee Reports

Curriculum and Instruction Committee

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

Instructional Materials Commission

Operating Procedures, R277-469

Rule R277-469, Instructional Materials Commission Operating Procedures is amended as follows to reflect legislation passed in 2001 and 2002:

- Amend the definition of instructional materials to reflect changes in the law to include textbooks, workbooks, computer software, laserdiscs or videodiscs, and multiple forms of communication.
- Clarify the difference between primary instructional materials and student resource materials.
- Change the standard recommendation period from four to five years.
- Eliminate the opportunity for publishers to increase the price of instructional materials during the recommendation period.
- Require each publisher to maintain at least one depository where instructional materials are available for review and/or purchase by school districts or schools.
- Allow for school districts or schools using local review committees to select their own instructional materials, and provide for accountability to the Utah State Office of Education.

A revised rule was distributed. (For complete details of R277-469, see General Exhibit No. 8818.)

The Curriculum Committee approved the amendments to the rule on first reading and moves that the State Board of Education approve the amendments to R277-469, Instructional Materials Commission Operating Procedures on second

reading. Motion carried unanimously.

Member Theurer also noted that the Committee had a motion to request staff to provide the committee with a copy of the policies of the individual districts. The Committee would like to know for their information how many districts are sticking with the recommended list or allowing other texts into the schools.

Secondary School Completion and

Diplomas, R277-705

Secondary School Completion and Diplomas, R277-705 provides 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, including the adult education diploma, consistent with the law. The rule also provides passing scores, a time line, and an appeals process for students who take and pass or fail the Utah Basic Skills Competency Test required for a high school diploma beginning with the 2003-04 school year. (For complete details of R277-705, see General Exhibit No. 8819.)

Committee approved on first reading with the following changes:

Page 1, delete lines 9-11. Line 73, delete the word "other" before the word components. Line 106, delete the second "the" before Utah Performance Assessment. Line 157 should read "diplomas to secondary school students **and adults** to include": Line 168 - ii will read: "has provided documentation of at least three attempts to take and pass of all subtests of USBCT, **unless the student has been out of the secondary school system at least twenty years.**" Delete Lines 190-192. Line 189 will read: "In addition to R277-705-4B, school districts or schools shall also offer a high school equivalency diploma awarded to an individual with passing scores on all GED test components. Line 290, to read: "subtests are not timed. Students shall be given the time necessary within the designated test date."

Carol Lear suggested that Line 166 indicate that the student has not been enrolled in the secondary school system for at least twenty years.

Motion was made by Member Teresa L. Theurer and seconded by Member Greg W. Haws to approve the Committee recommendation and as further amended on second reading by the Board. Motion carried unanimously.

Patriotic Education, R277-475

House Bill 79, passed by the 2002 Legislature, requires schools to display the national motto of the United States, "IN GOD WE TRUST," in one or more prominent places in each school building. R277-475 has been amended to reflect this new legislation. (For complete details, see General Exhibit No. 8820.)

The Curriculum Committee approved the amendments to R277-475, Patriotic Education on first reading and moves that the Board approve the amendments to the rule on second reading. Motion carried unanimously.

Secondary Mathematics Core Curriculum

In the April Board meeting, the Board received the Secondary Mathematics Core Curriculum. The curriculum has been out for review at public hearings since that time. Revisions or modifications from the public hearings were reviewed by the Curriculum Committee and noted to the Board. Utah's Secondary Mathematics Core Curriculum standards provide the content and process skills students should know and be able to do. (For complete details of the curriculum, see General Exhibit No.8821.)

The Committee made the following changes: Pages 55 and 63, change the word "vocational" to **technical** training.

Board members were reminded about the concerns expressed by legislators and higher education that more math should be required of students intending to enroll in Utah's institutions of higher education. The core curriculum

provides the skills, the concern from higher education centers more around the lapse of time between taking core math courses and enrolling in higher education.

The Curriculum Committee approved the Secondary Mathematics Core Curriculum as presented and moves that the Board approve the Secondary Mathematics Core Curriculum. Motion carried unanimously.

Distribution of Funds to Arts and

Sciences Organizations, R277-444

Senate Bill 1, passed by the 2002 Legislature, eliminated the appropriation to the Utah State Office of Education to distribute funds to arts and sciences organizations which are not identified in line items within the bill.

Twelve organizations, identified in S.B. 1, continue to receive line item funding from the Legislature. Consequently, the provisions of the rule for reporting and accountability are still necessary. (For complete details of R277-444, see General Exhibit No. 8822.)

The Committee made the following amendments to the rule: Line 61, delete the word "all." Line 63 add the word "each" before the word subject. Line 94, add the words "relating to the state core curriculum" after the words planning content.

The Curriculum Committee approved the amendments to R277-444, Distribution of Funds to Arts and Sciences Organizations on first reading and moves that the Board approve the amendments to the rule on second reading. Motion carried with above amendments unanimously.

State Board Goal Objectives

The Committee appointed Board Members Laurel Brown and Teresa Theurer to serve on an ad hoc committee to refine and develop a proposed list of objectives for consideration and final adoption by the full Board. The Committee presented the following objectives:

Goal #2

- Make sure all families and communities have U-PASS information and information about the Utah Basic Skills Competency Test.
- Possible review of the way the law stands working with judges or others who may be able to help us to help parents help their children succeed at school.
- Readiness of students and parents to children entering public school system in kindergarten.

Goal #4

- Further work on Member Brown's a & b, Members Theurer, Burningham, Larson and McCain's "a."

Law and Policy Committee

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

Charter School Application Review and

Recommendation From the Committee

Meeting held May 30, 2002

The most recent considerations of charter school applications by the State Board were reviewed by the Law and Policy Committee at a meeting held May 30, 2002. (For complete details of the Charter School Applications, see General Exhibit No. 8823.)

The Committee reviewed its recommendations from the meeting of May 30, 2002 and moves that American Preparatory Academy and E School not be granted and that the Salt Lake Arts Academy be granted effective January 1, 2003 with a stipulation that they pursue chartering within the Salt Lake City School District.

Substitute motion was made by Member Teresa L. Theurer and seconded by Member John C. Pingree that the motion be divided into two parts, to vote on American Preparatory Academy and E School together with the Salt Lake City one separate. Motion carried unanimously.

Member Moss indicated that they have encouraged the applicants to do everything they can to try to get their charter application approved at the local level.

Concern was expressed relative to the financial disincentives for districts to approve the charter schools.

Member Judy Larson suggested that the Board needed to include in its review of charter school applications that the school districts list the specific reasons for denial.

Member Moss indicated that the committee has asked staff to prepare a procedural regulation to help with this.

Chairman Burningham stated that at some future time he could support the American Preparatory Academy, but believes that they should be chartered through the local district.

Motion to deny the charter applications of American Preparatory Academy and E School carried unanimously.

Member Moss reported that the committee presented the Salt Lake Arts Academy with a list of concerns and they have responded to those concerns. Member Moss reiterated that with the approval was the issue that they do everything they can to work with the Salt Lake City School District. Motion from the committee to approve the charter school application January 1, 2003.

Member Teresa Theurer commented that she was not comfortable with their student selection portion specifically that students with prior behavioral problems MAY be accepted with certain provisions. She felt this was too broad.

Member Theurer also stated that she felt they should go back and work with the local school district, and not be allowed to be chartered by the state board.

Member Laurel Brown voiced concern also with the exclusion of students with behavioral problems.

Member Laurel Brown voiced further concern that the motion to accept the charter January 1, 2003, gives them no incentive to go back and work with the district. Carol Lear provided clarification from the law on excluding students. She also noted that the language from the Salt Lake School District policy is out of the law.

Further discussion ensued relative to the issue of prior behavioral problems and the acceptance of those students in a regular public school or a charter school.

Motion to approve the Salt Lake Arts Academy for a charter as of January 1, 2003 carried with Member Anderson, Barney, Burningham, Haws, Morrill, Moss, Pingree, Richards, Shields and Torres voting in favor; Members Brown, Larson, McCain and Theurer voting against.

Motion was made by Chairman Kim R. Burningham and seconded by Member Denis R. Morrill that the Board supports legislative redress that will remove any financial incentive or disincentive in the maintenance and operation

funds for either state or district chartered schools, and further, instructs staff to prepare such legislation to be sponsored in the 2003 session. Motion carried unanimously.

Charter School Accountability

And Assistance, R277-481

Legislation requires the State Board to work with charter schools to ensure that they meet the provisions of their approved charters. At the April and May meetings of the State Board, the Law and Policy Committee considered R277-481 and recommended changes which have been incorporated. Specifically, this rule applies to charter schools that are approved by local boards of education as well as the State Board of Education. The rule has been refined to clarify definitions, procedures, and processes that will be followed by the state and local boards in working with charter schools to meet the provisions of their charters and to satisfy Board responsibility for charter school compliance with the law and the schools' charters. The rule also provides procedures in the event of noncompliance. The adoption of this rule will establish an ongoing process to ensure that charter schools fulfill their charters and serve students consistent with the law. (For complete details of the rule, see General Exhibit No. 8824)

The committee made the following amendments to the rule as follows:

Line 90, insert the word "technical" prior to the word "assistance." Line 99, insert the words "by certified mail" after the word notified. Line 100, insert "or local review committee" following conclusions of the review committee. Line 101, insert the words "or local board" following approval by the Board.

The Law and Policy Committee approved the amendments to R277-481, Charter School Accountability and Assistance on first reading and moves that the State Board of Education approve the rule on second reading as amended. Motion carried unanimously.

Charter School Trust Land Fund

Distribution Plan

The School Trust Land Section and the Utah State Office of Education's Office of Program Development and Support Services have reviewed Charter School Improvement

Plans funded by Trust Land money. The specialists and coordinators have found the applications in compliance with state laws. (For complete details, see General Exhibit No. 8825.)

Motion from the Committee that the State board of Education approve the Charter School Improvement Plans as presented. Motion carried unanimously.

Motion was made by Member Judy Larson that this board not deal with any more charter schools until we have had an opportunity to go to the legislature and have the concerns answered including the financial disincentive, protection of loss of enrollment to rural schools, as well as other concerns previously expressed by the Board.

Deputy Superintendent Gary Carlston clarified the time frames established by the Board and indicated that another time frame was added of July 15 for local board application review and September 15 for State Board review. Member Larson withdrew her motion.

Scholarships for Teachers in Necessarily

Existent Small Schools or Small School

Districts, R277-482

House Bill 253, Rural Schools, Equity in Education, 2002 Legislative Session, establishes an appropriation for a program to award scholarships to necessarily existent small schools and small school districts for teachers in eligible

districts to obtain endorsements or masters' degrees. R277-482, Scholarships for Teachers in Necessarily Existent Small Schools or Small School Districts, provides criteria, an application process for awarding the scholarships, and a review process for noncompliance with award agreements. (For complete details of the rule, see General Exhibit No. 8826.)

The Committee made the following amendments:

Line 20, F should read: "Scholarship Committees" means **committees appointed by the superintendent at the school district or state level representative of administrators, teachers and parents.**

Line 57, change the date to July 20. Line 68, change date July 30. Line 86, delete the "s" at the end of school.

The Law and Policy Committee approved R277-482, Scholarships for Teachers in Necessarily Existent Small Schools or Small School Districts, on first reading and moved that the Board approve the rule on second reading.

Member Pamela Atkinson commented that she hoped there was communication with higher education when surveys are completed to make sure they are meeting the needs in the rural areas.

Motion carried unanimously.

Entry Years Enhancements (EYE) for

Quality Teaching Level 1 Utah Teachers

R277-522

In accordance with the amendments to the Higher Education Act of 1965 Title II, the State Board of Education approved and submitted to the U.S. Department of Education a plan to report teacher preparation programs and licensing in Utah. Part of the plan outlines Entry Years Enhancements (EYE) for beginning teachers. The enhancements provide a framework for quality teaching. The federal Higher Education Act (1998) requires each state to submit a plan to improve the quality of teacher preparation programs and to report annually the status of each program. Because accountability is an important component of the federal requirement, the Utah Plan, previously approved by the Board, identifies the beginning years of experience (three years) as very important for new teachers, and the plan provides a structured set of enhancements leading to quality teaching. Under R277-522, beginning January 2003, new teacher graduates from Utah preparation program who are employed in Utah shall expect the following enhancements to move from Level 1 to Level 2 licensure, typically a three (3) year process:

- Be assigned a trained mentor.
- Pass the Praxis II Principles of Learning and Teaching Examination.
- Have successful district evaluations.
- Show evidence of a working portfolio.

The Utah plan provides a conceptual framework to assess new teachers, and R277-522 implements the framework. (For complete details, see General Exhibit No. 8827.)

The Law and Policy Committee approved R277-522, Entry Years Enhancements (EYE) for Quality Teaching Level 1 Utah Teachers on first reading not recommending to the Board pending further review and additional information from the local school districts.

Utah Professional Practices Advisory

Commission Appointment Process, R277-106

Utah Professional Practices Advisory commission Appointment Process, R277-106 is amended to make minor clarifications in the Utah Professional Practices Advisory Commission appointment process. The amendments also

recognize the appointment of two PTA members to the Commission. (For complete details of the rule, see General Exhibit No. 8828.)

The following amendments were made by the Committee:

Line 68, add the word "community" between additional and members.

The Law and Policy Committee approved R277-106, Professional Practices Advisory Commission Appointment Process on first reading and moves that the State Board of Education approve the rule on second reading.

It was clarified that there are not currently community members, and the line should be changed to read: "Two community members shall be selected under Section 53A-6-302(1)."

Motion was made by Member David L. Moss and seconded by Member Denis R. Morrill that line 68 read as changed above. Motion carried unanimously.

State Board Goal Objectives

The Committee appointed Members Denis Morrill and Dave Moss to serve as representatives on the ad hoc committee. The Committee presented the following objectives:

Goal #3

- Enhanced pre-service standards
- Find a way to celebrate teachers and teaching to enhance the recognition of the good things going on in classrooms
- Ongoing and meaningful professional development and mentoring.

Goal #5

- Strategic Planning and concentrating on the development of the strategic plan.
- Legislative contacts keeping it going and dynamic.
- Community participation and visibility.

Finance Committee

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

Teachers' Supplies and Materials

Appropriations, R277-459

This rule provides for distribution of the appropriation for teacher classroom supplies and materials, consistent with legislative intent and the practice in previous years, to classroom, teachers, counselors, and other educators. The amendments expand the distribution, per legislation, to the Utah Schools for the Deaf and the Blind, the Edith Bowen Laboratory School, and charter schools. (For complete details of the rule, see General Exhibit No. 8829.)

The Committee amended the rule as follows:

Line 10, salary schedule - asked staff to come up with a better term because not all charter schools have a salary schedule.

The Finance Committee approved R277-459, Teachers' Supplies and Materials Appropriation on first and second reading, and moves that the State Board of Education approve the rule on third and final reading. Motion carried unanimously.

Tax Exemption for Children, Proposed

Legislation, Representative Patricia Jones

Representative Patricia Jones and Senator Howard Stephenson presented a proposal to the committee relative to legislation which would modify state tax exemptions for children they would cosponsor during the 2003 Legislative Session .

Member Anderson reported that the federal government has approved a \$600 tax credit and these legislators are proposing to delete the tax credit to those families within the state of Utah who have children in the Public Education System. This would generate \$73 million. The proposal was that it would be put into education by increasing that same amount on the wpu to be distributed equally among the schools and students in the state. There is a lot of innuendo with this and it still needs to go to the full body of the legislature.

Member Denis Morrill commented that this is a popular thing to do in some fields, but it is a regressive tax. This is a proposal to tax the poor so the businessmen do not have to pay more taxes.

Member Anderson noted that this excludes students in private schools and those being home taught.

The Committee told them they would like to work with them as they move forward in further preparation of the legislation.

Superintendent Laing questioned if they acknowledged or recognize that by eliminating the state tax deduction for children in public schools and allowing tax a tax deduction for private and home schooled they have backed into a tuition tax credit. Member Anderson indicated that it was noted as a stealth maneuver.

Member Anderson noted that the committee provided them with series of questions and they will get back to us with answers.

State Board Goals Objectives

The Committee appointed Members Joyce Richards and Earl McCain to serve on the ad hoc committee. The Committee will get its objectives to the ad hoc committee.

Executive Officer Report

Superintendent Steven O. Laing presented the following information:

Email Guidelines - Email Guidelines have been drafted and reviewed by the Leadership Committee. He requested that the Board Members review the guidelines for eventual inclusions in the bylaw or operating procedures. (For complete details of the guidelines, see General Exhibit No. 8830.)

Legislative Interim Committee Meeting - Next week there will be two rounds of legislative interim meetings - Wednesday, June 19, Legislative Interim Committee, 2:00 p.m., Room 303. Dr. Laing reviewed the agenda for the meeting.

Tuesday, June 18: Enhancement of Public Education Task Force 9:00 a.m., Room 129. Dr. Laing reviewed the agenda for that meeting. Dr. Laing reported that there were several meetings during the last month relative to U-PASS. They were not positive or encouraging, but quite concerning. There was a meeting with districts over the potential of revising our target levels with regard to our CRTs. When you look at the target level we had specified which was near mastery and looked at numbers of students scoring in those areas it correlated quite poorly with the numbers of student

scoring on our norm referenced tests. The Board had asked that we get feedback from the districts relative to this correlation and tentatively allowed us to report to the federal government that we were looking at changing our target level up. Those who were in that meeting reported that it was one of the most contentious meetings we have been involved with. Districts are adamant that they do not want to see those target levels raised. We are left with trying to figure out how we can more accurately reflect what we want students to know through assessment and see some consistency across our assessment system.

We also had some legislators concerned with a subliminal message from the ninth grade language arts criterion referenced test. In reading the test, he too had concerns because all of the prompts had come from language around the environment and primarily one point of view about the protection of the environment. Some of the prompts came from those who are often times characterized as "ecoterrorists" by those who live in areas of the state where there are large federal holdings and don't feel they can get on their land any more. This happened to come at the same time as an interim committee meeting and it became one of the more ugly sessions we have had.

Member Denis Morrill commented that just because the districts don't like the idea of raising our target levels should not mean we don't do it.

Member Pamela Atkinson reported that the concerns with testing are spreading beyond legislators, parents and schools are also involved.

Superintendent Laing noted that Utah is one of the last states to get into assessment to this degree and there are many states who have been dealing with this longer that are having significant problems.

Superintendent Laing commented that if we want to continue to receive the \$130 million in federal monies from the No Child Left Behind Act, we need an assessment system that does pretty much what our U-PASS system says it will do. The results need reconciliation.

Dr. Laing further commented that there are those in the districts that think you should not have to correlate the results of a criterion referenced test with a norm referenced test. We are not saying they have to correlate, but it does not look right if the results on one test are extremely different from another.

Dr. Laing reported that we have had two days of meetings in Provo where there has been a group looking at the raw scores and the Utah Basic Skills Competency Test trying to determine where we should recommend the pass/fail mark. Again, we heard concerns from some who have legislative connection that the test is too hard, it is not measuring what the legislature intended. We have scheduled a meeting Monday with some of these people to try to determine exactly what that means.

Member Laurel Brown questioned where the environmental issue on the secondary language arts tests came from? She noted that the Board was not even allowed to review the tests.

Superintendent Laing responded that it came from a teacher in the rural area to a legislator asking them to review and find out. We had a request from the legislator to review the test. This issue was a surprise to us because test items had been reviewed by a committee of Utah educators from across the state. It had also been piloted by approximately 15 schools or districts and nearly 6,000 students, and about 125 teachers in that pilot and it didn't register. As soon as it was identified, it caused great consternation. Associate Superintendent Bonnie Morgan noted that the curriculum section didn't see the test either. There is a process now in place that there will be a review by the curriculum and assessment sections and there will be no test developed without curriculum input.

Chairman Burningham noted that he had taken the test and spent considerable time with it. He did not find it offensive at all. However, he felt it is important that our test be neutral as they can possibly be. We need to do everything in our power to assure that they are as apolitical as possible. He recommended that some our review process ought to somehow include a representative of a very right wing and a very left wing philosophy and ask them to examine it to see if it is in any way controversial.

Member Marilyn Shields questioned if there were any concerns from the minorities around the state and how they

might look after taking the test. Superintendent Laing responded that it will be an issue with regard to reporting of the data. CMAC if is very concerned about this. However, we haven't had miraculous intervention since the last test.

Western Governors University - We are hosting a meeting with the Western Governors University at the Governor's request on Competency Based Math Endorsement and Teacher Certification. They would like to have approval of a program that allows a individuals to demonstrate competency through the taking of assessments to receive certification.

"No Child Left Behind" - Dr. Laing reported that he had emailed the Board yesterday a copy of the Consolidated Plan for Utah in response to the No Child Left Behind Act. He commended staff who has worked on the plan. We had representatives from all of the areas that deal with federal programs. Many, many long hours were spent by staff on this. He indicated that it was not cast in stone to the extent it will have to be revised and continued to be worked on. This will be focusing monies on the needs of students, not on programs.

Finance Director - Dr. Laing reported that Finance Director, Pat O'Hara has taken a job at Murray School District and we have been in the process of looking for his replacement. In order for us to be competitive salary wise, we have had to tie it to an educational license, so we can break from human resource pay scales. It has limited the number of applicants for us to consider. However, we are fortunate to have a one very good applicant in house so we have appointed Larry Newton as the Director of Finance and Statistics.

Representative Dave Cox's Letter, April 23 - Receive a note from Member Haws regarding a response to Representative Cox's letter of April 23. It was decided that the response would be provided at another time.

Vision, Mission and Goals Statement - Dr. Laing distributed a document outlining the Board's Vision, Mission and four goals statements. (For complete details, see General Exhibit No. 8831.)

Member Mike Anderson commented that since the Board is the entity responsible for testing, he recommended that in the future the Board have an opportunity to review the test prior to it being administered. Deputy Superintendent Gary Carlston indicated that we will accommodate everyone who want to do that.

Vice Chairman Cannon expressed appreciation and commendation to Superintendent Laing indicating he had handled some really tough things for the Board during the last month.

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 presented. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held May 3, 2002

2. Contracts

The following contracts were approved by the Board:

- KUTV Channel 2. \$65,000. 5/3/02-12/31/02 - Amend.

In conjunction with the SOAR with ATE public awareness campaign:

*Development of two 30-second commercials promoting nontraditional careers.

*Development of two GED commercials

*600 airings of the 30-second spots during morning, afternoon, and evening news and during prime time

*400 airings of the four Applied Technology Center spots similar to the above listed rotation.

(B) Measured Progress. \$1,625,515. 6/7/02-10/07.

Analysis of School and District Performance.

(C) Duval, Hansen, Witt, & Morley. P.C. \$32,000. 6/7/02-6/6/04.

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

(D) Joel A. Ferre Professional Corporation. \$32,000. 6/7/02-6/6/04.

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

(E) John F. Bates. \$32,000. 6/7/02-6/6/04.

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

(F) Holme, Roberts & Owen. \$32,000. 6/7/02-6/6/04

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

(G) Michael R. Medley. \$32,000. 6/7/02-6/6/04.

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

(H) M. Gale Lemmon. \$32,000. 6/7/02-6/6/04.

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

(I) Cannon, Cleary & Match P.C. \$32,000. 6/7/02-6/6/04.

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

(J) Digital Media Consulting, LLC. \$20,600. 7/1/02-6/30/03. - Amend.

To continue to develop and make modifications as requested by participants for the School LAND Trust Program web site.

(K) Department of Administrative Services, DFCM. \$407,298.98. 7/1/01-6/30/02 - Amend.

To add additional funds for the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Provo Regional Center located at 150 East Center, Provo, Utah.

(L) Logan Human Services. \$155,624.30. 7/1/02-6/30/07 - Amend. - Fed.

To lease office space for the Division of Rehabilitation services, Logan office, located at 115 West Golf Course Road, Logan, Utah.

(M) Division of Health Care Financing. \$25,000. 5/1/02-10/31/02 - Fed.

Development of an evaluation and research process for programs under the Ticket to Work and Work Incentives Act initiatives.

(For complete details of the Contracts, see General Exhibit No. 8832.)

3. Utah State University Mathematics/Statistics Composite Endorsement Proposal

Utah State University has proposed adding a Mathematics/Statistics endorsement for teachers holding a 7-12 license. This endorsement program meets the requirements for a mathematics level 4 endorsement and is being recommended by the Educator Development Advisory Committee. In addition, this endorsement will provide opportunity for students to add to their preparation in mathematics and also be better prepared to teach statistics as part of the Core Curriculum. (For complete details, see General Exhibit No. 8833.)

The State Board of Education approved Utah State University's Mathematics/Statistics endorsement for teachers holding a 7-12 license.

- Southern Utah University English as a Second Language (ESL) Endorsement Proposal

Southern Utah University has proposed adding an English as a Second Language (ESL) Endorsement for elementary and secondary licensed teachers. The classes for this endorsement will be offered as part of a master of education degree with an emphasis in English as a Second Language. The Educator Development Advisory Committee has reviewed this proposed program and recommends its approval. (For complete details, see General Exhibit No. 8834.)

The State Board of Education approved Southern Utah University's English as a Second Language (ESL) Endorsement proposal.

5. Dixie State College Elementary/English as a Second Language (ESL) Endorsement Proposal

Dixie State college has been approved by the State Board of Regents to prepare teachers for elementary licensure. This specific program proposes to prepare elementary teachers to receive an endorsement in English as a Second Language (ESL). This is an area that Dixie State College has worked on to meet the need for ESL teachers in the public schools in the area the college serves. The approval of this program will enable further opportunity for teachers to be endorsed in an area where there is a great need to be met. The Educator Development Advisory Committee has reviewed this proposed endorsement program and recommends its approval. (For complete details, see General Exhibit No. 8835.)

The State Board of Education approved Dixie State College's English as a Second Language (ESL) Endorsement proposal.

6. Utah Valley State College's Proposal for Secondary Education Endorsements

in Mathematics, History, Physics, and Chemistry

Utah Valley State College has proposed adding endorsement programs in the areas of mathematics, history, physics, and chemistry. The college has identified student interest in these programs and they have been approved as offerings by the State Board of Regents. If this program is approved by the State Board, it will provide the opportunity to prepare teachers in areas of need, especially mathematics and science. The Educator Development Advisory Committee has reviewed these proposed endorsements and recommends approval. (For complete details, see General Exhibit No. 8836.)

The State Board of Education approve Utah Valley State College's proposal for Secondary Education Endorsements in Mathematics, History, Physics, and Chemistry.

7. State Board of Education Administrative Rule Repeals

The law no longer requires the rule or practice and funding has changed or been eliminated making the rule no longer necessary.

R277-441 Alternative Experimental Pilot Program

R277-452 Procedures for Filing Comprehensive Capital Outlay

R277-455 Standards and Procedures for Building Plan Review

R277-465 Character Education Funding

R277-467 Modernizing School Library Media Center Collections

R277-472 Reading Performance Improvement Awards Program

R277-526 Career Ladders in Education

R277-701 Values Education

R277-716 Alternative Language Services

R277-732 Community Education

R277-740 Subchapter One of the Education Improvement and Consolidation Act

R277-742 Truancy Prevention Support Centers

The Board repealed the above listed rules. (For complete details, see General Exhibit No. 8837.)

8. Council of Chief State School Officers Dues

The invoice for the Council of Chief State School Officers dues in the amount of \$26,865 for Fiscal Year 2003 was approved for payment. (For complete details, see General Exhibit No. 8838.)

9. National Association of State Boards of Education Dues

The invoice for the National Association of State Boards of Education Dues for Fiscal Year 2003 in the amount of \$15,896; and the Legal Conference dues for School Year 2003 in the amount of \$130.00; and subscription to the Standard \$20.00; for a total of \$16,046 were approved for payment. (For complete details, see General Exhibit No. 8839.)

- John Hancock Charter School Waiver Request

The Board has previously granted a charter for the John Hancock School. Their application identifies that they will be teaching to a philosophy of "CORE Knowledge" and indicated they would be using The Open Court Reading program. They now request the flexibility to use the Carden Reading Method. It is advertized that these books are very similar in scope and sequence to curriculum delivery. With the Carden Reading Method, children in kindergarten start to learn the consonants and vowels and they sounds associated with them. (For complete details of their request, see General Exhibit No. 8840.)

The Board approved the John Hancock Charter School request to use another textbook series other than the one listed in the original (approved) application submitted to the Board pursuant to 53A-1a-502 and in accordance with R277-470-3 and R277-470-4.

- Block Grant Funding, R277-478

The Block Grant Funding rule implements the three block grants created by the 2002 Legislature. Specifically, this change: (1) deletes obsolete language surrounding existing blocks; (2) describes the new block grants and their uses; (3) requires districts and charters to assure the Board that they have adopted plans in open, public meetings; and (4) establishes funding formulas. The Board at its May meeting repealed and reenacted R277-478 on first and second reading. Since that time, one technical and very minor change has been made in R277-478-5 G, line 143, deleting the words "for the immediately previous school year." This makes the rule consistent with other funding rules. (For complete details, see General Exhibit No. 8841.)

The State Board of Education approved R277-478, Block Grant Funding as amended on third and final reading.

12. List of Applicants for Licenses

A list of applicants for initial and renewal licenses was approved by the Board. (For complete details, see General Exhibit No. 8842.)

13. Claims Report

The Claims Report in the amount of \$158,721,942.74 was approved by the Board. (For complete details, see General Exhibit No. 8843.)

Board Chairman Report

Chairman Kim R. Burningham presented the following information:

Meetings with Legislative Leadership and Governor - August 20, please calendar.

Board Social - Evening of August 8, night before August 9th Board meeting planning a social tentatively at the Pingree home. He encouraged everyone plan to be with us including spouses.

Member John Pingree reported on a conference he attended in Mesa, Arizona on the Children's Land Alliance. This was attended by western states that have large federal holdings in their states. This is being piloted and lead by people in the office who represent the trust lands. The purpose is to try to coordinate policy and getting everyone singing off the same page relative to trust lands. We in Utah are doing very well in Utah due to the great work of Margaret Bird, Paula Plant and Karen Rupp.

Member Dave Moss reported he had attended the Teacher Quality conference in Washington, D.C. He indicated that this was the best conference he has ever been too. Secretary Page spoke. Member Moss indicated that he will be sending a detailed report to the Board next week about this conference. They discussed some of the same as the goals the Board is talking about such as pre-service training for teachers and mentoring after they become teachers.

Vice Chairman Janet Cannon presented a proposed Resolution on the Safety and Well Being of Students. (For complete details, see General Exhibit No. 8844.) She indicated that she was contacted by some very concerned parents whose elementary school boundary was next to a piece of property owned by Salt Lake County. The Salt Lake County Planning and Zoning Commission decided to put a residential drug and alcohol treatment center on the property. She indicated to them that there was not a lot the State Board could do relative to any definitive action but perhaps we could have a statement of resolution indicating that we support the safety and well-being of Utah students; we believe that residential treatment centers are a positive thing, but in issues of location we believe that there should be an appropriate distance between schools and residential treatment centers.

Motion was made by Vice Chairman Janet A. Cannon and seconded by Member David L. Moss to accept resolution presented.

Member Mike Anderson suggested that in the last paragraph rather than just county indicate **city** and county. Vice

Chairman Cannon and Member Moss adopted this addition as an amendment.

Member Joyce Richards indicated that this is not an unusual situation it happens in all counties and cities. She felt that this was a local issue and was not comfortable with a resolution to solve a community problem.

Member Pamela Atkinson stated that it is so hard to place these types of facilities because of the attitude of "Not In My Backyard." She felt that the Board needed to be careful with this, understanding the Board's intent is to protect children, however, it is a community problem.

Member John Pingree spoke against the motion indicating that the Board should not be extending their influence into a local issue.

Member Linnea Barney echoed the same sentiments as Member Pingree and Atkinson. She further indicated that the people staying at these types of centers are adults and they are not a treat of they would not be in such a facility.

Member Teresa Theurer commented that we are here to help all students and these treatment centers provide a huge benefit to some children.

Motion failed with Members Anderson, Cannon, and Moss voting in favor; Members Barney, Brown, Haws, Larson, McCain, Pingree, Richards, Shields, Theurer and Torres opposed; Member Morrill absent.

Recognition of Outgoing Board Member

Chairman Burningham recognized Judy Larson - He indicated that Judy is a very remarkable person. On a professional basis we have been very blessed to have had her on the Board. There have been many issues that she has been willing to spend many hours studying and working through, and we have been the beneficiaries of her excellent professional research. He expressed appreciation for all her great, dedicated work and for being such a good human being. Chairman Burningham wished Member Larson God's speed and best wishes. Speaking for all the Board he expressed their love and prayers for her. He presented Member Larson will a traditional bell plaque.

Member Larson commented that all of the Board members have had an influence and example to her and a part of her and she would take that to another part of the world.

Individual Board Members expressed their appreciation and admiration for Member Larson.

Motion to adjourn was made by Member A. Earl McCain.

Meeting adjourned at 4:30 p.m.