

MINUTES

October 3, 2003

Minutes of the meeting of the State Board of Education held October 3, 2003, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:50 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 Dixie Lee Allen
Member R. Michael Anderson
Member Linnea S. Barney
Member Tim Beagley
Member Laurel Brown
Member Edward A. Dalton
Member Greg W. Haws
Member Denis R. Morrill
Member David L. Moss
Member John C. Pingree
Member Jed H. Pitcher
Member Joyce W. Richards
Member Debra G. Roberts
Member Sara V. Sinclair
Member Teresa L. Theurer

Also present were:

Executive Officer Steven O. Laing
Associate Superintendent Patti Harrington
Associate Superintendent Patrick Ogden
Associate Superintendent Raymond Timothy
Executive Director, USOR, Blaine Petersen
Public Affairs Director Mark Peterson
Board Secretary Twila B. Affleck

Also present were:

Members of the Press:

Jennifer Toomer-Cook, Deseret Morning News
Ronnie Lynn, Salt Lake Tribune
Amy K. Stewart, Standard Examiner
Richard Ellis, State Treasurer's Office
Edward T. Alter, State Treasurer
Chad Harris, Governor's Office of Planning & Budget
Jim Eldredge, Utah Education Association
Ginger Rhode, Davis School District

Susan Ross, Davis School District
Linda Smith, Legislative Coalition for People with Disabilities
State Office of Education Staff Members:
Karen Rupp, Law, Legislation and Educational Services
Nan Gray, Student Achievement & School Success Services
Vicky Dahn, Student Achievement & School Success Services

Board Member Laurel Brown lead the Board in the Pledge of Allegiance.

Board Member Denis R. Morrill offered the reverence.

Twila B. Affleck recorded the minutes.

Public Participation/Comments

Linda Smith, Legislative Coalition for People With Disabilities presented comments and recommended changes relative to the Performance Plus competency proposal. (For complete details, see General Exhibit No. 9147.)

School LAND Trust Information

State Treasurer, Edward Alter presented the activity, investments, and direction of the Permanent School Fund. (For complete details, see General Exhibit No. 9148.)

Member John Pingree asked clarification on the investment of the funds.

Mr. Alter indicated that the reports are not 100% totally internally coherent because some of the money comes directly from SITLA. He clarified that the \$319, 701,474 was the cost one year ago and the market a year ago was \$326, 094,878. He indicated there is approximately a \$12 million market gain, given what the market has been through the last three years. Mr. Alter further clarified that there would be no market gain if it were all in bonds, and they have been scaling in and are still scaling into equities. We have never reached our full allocation, and we were not 100% equity exposed at the time.

Member Pingree questioned how this compares with other state investments? Mr. Alter responded that there is no other permanent fund with which this can be compared. The state has mostly operating money, and is not invested in long-term bonds or equities. This is one of the few permanent money funds that has a long-term investment strategy.

Member Pingree questioned if there was a breakout of the funds so they are separate. Mr. Alter responded that yes they are and this can be done on a quarterly basis, if he had additional personnel to complete this task. He further indicated that he could readily give the Board the numbers for the Vanguard portion of the investments from their statements.

Member Pingree questioned the role of the Permanent Fund Investment Advisory Committee's role in the investments. Mr. Alter responded that they come together periodically and discuss the asset allocation and investment results and they strategize about the way we think the money should be managed for the future. This is done several

times per year, but not on a regular basis. They met just last month and received this report. The Advisory Committee discusses different ideas and make recommendations, but the final decision rests with him.

Member Jed Pitcher commented that it appears we are Vanguard poor. He questioned what kind of bidding or oversight they do to assess other funds. Mr. Alter responded that Vanguard was his choice and it was based upon the fact that he did not know of any other fund with a better market reputation and with lower fees that could give him the market rates they do. They have negotiated an institutional rate with them that was not even published.

Member Pitcher questioned if the State Board was represented on the Advisory Committee. Mr. Alter responded that Michael Morris from Bank One represents the Board on the Committee.

Member Tim Beagley commented that as the funds have switched to equities the income to schools has decreased with the idea that overtime they would gradually surpass the original. Mr. Alter indicated that was correct. He further indicated equities have proven to be a great long-term growth potential. College endowments, retirement systems, and trust funds of every kind are invested exactly this same way.

Vice Chairman Janet Cannon expressed appreciation to Mr. Alter for the report.

Mr. Alter indicated that we may have to continue to fight, because last year the legislature put a cap on the amounts going to schools.

Budget Request FY 2005

Associate Superintendent Patrick Ogden presented the FY 2005 budget recommendations for FY 2005. (For complete details, see General Exhibit No. 9149.)

Mr. Ogden summarized the Finance Committee's Recommendations.

They would like to break out the WPU increase into two pieces: (1) projected inflationary increases for the coming fiscal year, estimated to be about 1.7%, or approximately \$29 million. (2) Additional WPU adjustment to reflect the past two years when we have not received an increase sufficient to meet inflation of 2.6%, or approximately \$42 million, for a total WPU of \$2,243 per student up \$93 from where it currently is. The WPU increase would then be approximately \$72 million, a total increase of 4.3%.

Restoration of Prior Cuts: Adult Education, \$2,604,200; Quality Teaching Block Grant, \$6,751,500; and Capital Outlay Foundation Program, \$1,069,100.

Performance Plus: Ongoing Funding, \$149,869,400; One-Time Funding, \$43,000,000; Total Funding, \$202,969,400.

Statewide Arts Matching Program, \$200,000, which would match a private donation, and replaces what was cut a couple of years ago from the program.

Removal of the class size reduction program from the proposed remediation/interventions student success block grant.

Total request \$263 million on going new funding for FY 2005. Mr. Ogden noted that this may be twice the amount that will be available to the legislature, barring any revenue enhancements they may want to embrace.

Board action will be taken during the Finance Committee report.

Board Member Denis Morrill Personal Privilege

Member Morrill announced that he will resign from the Board the end of January. He has been called on another mission for his church to be the President of the Missionary Training Center in Guatemala for two years. He stated that it is with mixed feelings because he has really enjoyed his service on the Board. He indicated that he has served on a lot of boards and this board has been without a doubt the best he has served on. It is a Board where people can disagree fairly heartily without being disagreeable. He has enjoyed that and will miss it.

Executive Session

Motion was made by Member John C. Pingree and seconded by Member Laurel Brown that the Board move into executive session during lunch to discuss personnel and potential litigation issues. The Board was polled and by unanimous consent of those present, the Board moved executive session during lunch at 12:50 p.m.

Motion was made by Member Denis R. Morrill and seconded by Member Debra G. Roberts that the Board reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:15 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member David L. Moss and seconded by Member R. Michael Anderson to accept the Commission's recommendation of a stipulated agreement, including conditions of the agreement in Case No. 03-652 whereby a former teacher in Davis School District, voluntarily surrendered his teaching license in lieu of a hearing for purposes of suspension for a period of not less than two years from the date of formal action by the State Board of Education. The educator's suspension results from accessing pornographic and inappropriate web sites using his school computer during school time. Motion carried unanimously.

Motion was made by Member David L. Moss and seconded by Member R. Michael Anderson to accept the Commission's recommendation of a stipulated agreement, including conditions of the agreement in Case No. 03-653, whereby a former teacher in Alpine School District voluntarily surrendered his educator license in lieu of a hearing for purposes of suspension for a period of not less than 18 months from the date of formal action by the State Board of Education. The educator's suspension results from accessing pornographic web sites on his school computer and storing numerous pornographic videotapes in the ceiling of the school. Motion carried unanimously.

(For complete details of the UPPAC Recommendations, see General Exhibit No. 9150.)

Services for the Deaf and Hard of Hearing Advisory Council

Motion was made by Member Laurel Brown and seconded by Member David L. Moss to appoint the following to the Division of Services for the Deaf and Hard of Hearing Advisory Council, terms to expire June 2006:

Mimi Brockbank, James Dyal, Kevin Hanson, Rollin Jones, Valerie G. Kinney and to reappoint Kristi L. Mortensen. Motion carried unanimously.

Educator Development Advisory Committee (EDAC)

Motion was made by Member Laurel Brown and seconded by Member Edward A. Dalton to appoint the following to the Educator Development Advisory Committee, Christine Waddell, E. Ann Adams, Teresa Rivera, and Herb Jensen, terms to expire 6/30/06. Motion carried unanimously.

Coalition of Minorities Advisory Committee (CMAC)

Motion was made by Member Joyce W. Richards and seconded by Member Tim Beagley to appoint the following to the Coalition of Minorities Advisory Committee, terms to expire December 31, 2006: Nola Lodge-Hurford, representing Native American, and Daymee Chan representing Asian Americans. Motion carried unanimously.

Utah Instructional Materials Commission

Motion was made by Member Edward A. Dalton and seconded by Member Dixie L. Allen to appoint Jacqueline Morasco-Engtow to the Utah Instructional Materials Commission, term to expire 6/30/2007. Motion carried unanimously.

How the Applied Technology Education Needs of Secondary Students are Being Met Report

Mary Shumway, Director of Applied Technology Education presented a report of how the applied technology education needs of secondary students are being met and what access secondary students have to programs offered at applied technology colleges. (For complete details, see General Exhibit No. 9151.)

Member Denis Morrill commented that the Salt Lake County area is still not fixed, and he felt that this should be noted in the report. The report should not just contain the facts, but somewhat of how we feel.

Discussion ensued relative to the common areas of problems between public education and higher education. The fee issue for secondary students attending applied technology colleges. The need for an applied technology college in the Salt Lake and Tooele County areas, understanding the challenge of funding such a facility.

Member Dixie Allen made a plea for services in the Southeast area of the state as well.

Member Ed Dalton suggested it may be appropriate for the Board to send a letter along with the report acknowledging and recognizing some of these problems and requesting assistance in solving them.

Mrs. Shumway indicated she had already written a section outlining some of these problems.

Superintendent Laing indicated that the data shows that the problem areas are still the problem areas. If the Board would like we could indicate this in the report.

Dr. Laing further noted that this is not a new problem, it has been around a long time. It is a result of a

system stressed with a lack of financial resources and yet trying to be equitable.

Motion was made by Member Laurel Brown and seconded by Member Linnea S. Barney that the Board accept the report, and add the portion of the report the Board's impressions regarding the concerns and suggestions for improving the problems. Motion carried unanimously.

Board Standing Committee Reports

Law & Policy Committee

Board Member David L. Moss presented the following recommendations from the Law and Policy Committee:

Paraprofessional Assessments

No Child Left Behind requires each school district receiving Title I funds to ensure that all paraprofessional hired after January 8, 2002, and working in a program supported by Title I funds, have: (1) completed at least two years of study in an institution of higher education; (2) obtained an associates or higher degree, or (3) met a rigorous standard of quality and can demonstrate, through a formal state or local assessment, knowledge of, and the ability to assist in instructing in reading readiness, writing readiness, and mathematics readiness as appropriate.

The Board has previously approved an ETS test and two Western Governors University tests districts can use to determine paraprofessional competency.

A portfolio assessment has been developed by a Utah State Board of Education directed Task Force. Utah State Office of Education staff, in conjunction with district level specialists and the Paraeducator Consortium, has identified testing that districts could use for paraprofessionals to demonstrate competency.

An amended version representing a compromise between that presented in the agenda, suggestions from members of EDAC , superintendents around the state and human resource representatives, etc. (For complete details, see General Exhibit No. 9152.) Member Moss indicated that this is available to the districts, however, they are free to use their own assessment if they so choose.

Motion from the Committee that the Board approve the Paraprofessional Assessments as another means districts can use to determine paraprofessional competency.

Superintendent Laing noted that the requirements under Standard 1 are the requirements for No Child Left Behind. The others are optional.

Motion carried unanimously.

Tracking of Coaching Qualifications

In January 2002, the Board passed R277-517 on Athletic Coaching Qualifications. One of the requirements is the tracking of coaching qualification information on whether coaches have completed the following: 1) a criminal background check; 2) Board approved Athletic Coaching Training; 3) basic first aid and CPR training.

In the September 5, 2003 Board meeting, the Law & Policy Committee reviewed SCORE (School Coaches Official Registry), the data tracking system developed to track athletic coaching qualifications, and discussed how this information could be shared with the public.

The Committee reviewed the school and district report card requirements to see if this would be an appropriate avenue for dissemination of coaching qualifications information. (For complete details, see General Exhibit No. 9153.)

After reviewing the information the Committee requested that this come back in the rule next month with the information concerning the qualifications of the coaching staff being available to parents by calling their school directly.

Thomas Edison Charter School Amendments

The Thomas Edison Charter School is requesting a change to their charter to include the address of the school, the name of the principal, names of board members, elimination of reference to specific text books, and editorial changes. More substantive changes include changes in procedures for the selection of board officer positions, clarifications of school goals, philosophy, instruction and curriculum, additional description of the purpose of homework, and an increase in enrollment. These changes were approved by their Board, but have not been presented to the parents for a vote. (For complete details of the changes, see General Exhibit No. 9154.)

Concern was expressed in Committee that the school has not communicated with the Logan and Cache Districts relative to an increase in enrollment. We will make contact with these districts to make them aware of the proposal and let them have an opportunity to present any concerns. The request will be brought back to the Committee next month.

Chairman Burningham commented that the Audit Committee met this morning and approved that the Internal Auditor would be performing a regular review of charter schools one at a time.

Member Denis Morrill questioned if the charter schools were required to submit an independent audit like the school districts do each year. Superintendent Laing responded that they do, but the audit committee has found that some of those independent audits lack some of the specificity that we feel would be appropriate, especially for smaller entities, that are not necessarily bound by some of the procurement policies.

Member Morrill suggested that the Board should put out specific guidelines relative to what would be required in the independent audits.

Member Mike Anderson noted that there are relative differences in audits.

Educator Licensing and Data Retention Amendment, R277-502

With the repeal of R277-506, School Counselors, School Psychologists, and School Social Workers

Certificates and Programs there are no longer any rules in place for licensing professional school counselors. School Psychologists and School Social Workers have learned societies with standards for training programs that are recognized by NCATE. The State Board has approved standards for school counselor program accreditation but needs to complete the regulations by including in R277-502, Educator Licensing and Data Retention, language that makes levels of school counselor licenses parallel to levels of professional educator licenses. This new language will resolve a situation that is confusing to school counselors, district personnel, and USOE employees. (For complete details of the rule, see General Exhibit No. 9155.)

The Committee approved the amendments on first reading and moves that the Board approve R277-502, Educator Licensing and Data Retention on second reading. Motion carried unanimously.

Educator Licensing Renewal

Amendment, R277-501

Additional information has been received from the federal government relative to No Child Left Behind and further modifications to this rule may need to be made. Therefore, the rule was pulled from the agenda.

Appropriate Licensing and Assignment of Teachers, R277-520, Repeal and

Reenact due to Significant Changes

Additional information has been received from the federal government relative to No Child Left Behind and further modifications to this rule may need to be made. Therefore, the rule was pulled from the agenda.

Finance Committee

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

Charter School Revolving Loan Applications

The Committee reviewed and approved a draft of the charter school revolving loan fund application. (For complete details, see General Exhibit No. 9156.)

Motion from the Committee that the Board approve the Charter School Revolving Loan Fund Application. Motion carried with Members Allen, Anderson, Beagley, Brown, Burningham, Dalton, Haws, Morrill, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Barney absent.

Budget Request FY 2005

Motion from the Committee that the Board approve the preliminary budget as presented earlier in board meeting. Motion carried unanimously.

Professional Staff Cost Program, R277-486

The Professional Staff Cost program is to support local education agencies in recruiting and retaining highly educated and experienced educators for instructional, administrative and other types of professional employment

in public schools. Section 53A-17a-107(3) requires the Board to adopt a rule to require a certain percentage of a local education agency's professional staff to be licensed in the area in which they "teach" in order for the local education agency to receive full funding under the Professional Staff Cost program established in statute.

R277-486, Professional Staff Cost Program will provide: (1) satisfaction of the legislative requirement in a way that will give each local education agency the incentive to maximize the number of its staff who are qualified in each area of assignment (2) definition of who is a "professional" for the purpose of this program; (3) clarification and formalization of criteria for determining what constitutes acceptable "experience" and "training"; and (4) reconciliation of the somewhat inconsistent "degree summary" (educational attainment) classifications used in the Professional State Cost statute, on the one hand, and in the CACTUS (Educator Licensing) database, on the other. (The CACTUS database is the source of data for allocation Professional Staff Cost funds.) (For complete details of R277-486, see General Exhibit No. 9157.)

The Committee made the following amendments: Line 65 should read: LEA's shall not receive WPU's for interns in their second or subsequent years nor for paraprofessionals in any assignment.

Line 105, identify as paragraph A. Then number lines 110 - 114, 1-5, changing 5 to read: 09 = Doctorate. Add paragraph B. A district shall be credited for an individual with National Board certification at the doctorate level.

The Committee approved on first reading R277-486, Professional Staff Cost Program as amended in Committee and moves that the Board approve the rule on second reading. Motion carried unanimously.

Child Nutrition Programs, R277-720 Amendment

Amendments to this rule bring the referenced laws, list of programs and administrative manuals up to date. The rule will provide program participants (institutions and schools) and the public a more accurate description and list of child nutrition programs and resources. (For complete details of the amended rule, see General Exhibit No. 9158.)

The Committee approved R277-702 as amended on first reading and moves that the Board approve the rule on second reading. Motion carried unanimously.

Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult

Care Food Program, R277-724

The Child and Adult Care Food Program (CACFP), authorized under the National School Lunch Act, provides cash assistance to initiate, maintain and expand nonprofit food service for children in nonresidential facilities which provide day care. The CACFP is administered in conjunction with other Child Nutrition Programs such as school lunch and breakfast. Institutions in the CACFP include independently owned and operated child (or adult) day care centers, organizations that operate multiple day care centers and organizations that sponsor participation by family day care homes. Family day care home sponsoring organizations are public or private nonprofit institutions that supervise the day care homes' nutrition program and pass through cash assistance for qualified meals served to

children in day care.

This rule will bring the agency into compliance with federal regulations, 7CFR Part 226.6(b)(11), which require the agency to “...develop criteria for determining whether a new sponsoring organization’s participation will help ensure the delivery of benefits to otherwise unserved facilities or participants...” Application of the criteria will assist in determining that only applicant institutions that are viable, capable and accountable will be approved for program participation. In addition, meeting the criteria will help to demonstrate that the new sponsor is not infringing on operation of existing sponsors and that there is reason to believe that such a new sponsor will maintain integrity in operation of the program. (For complete details, of the rule, see General Exhibit No. 9159.)

The following amendments were made by the Committee:

Page 3, line 67 participating or were recently terminated

The Finance Committee approved R277-724, Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program as amended on first reading and moves that the Board approve the rule as amended on second reading. Motion carried unanimously.

Curriculum Committee

Board Member Laurel Brown, Vice Chairman of the Curriculum Committee, presented the following recommendations from the Committee:

Progress Report on NCLB Title III English Language Proficiency Standards and Annual Measurable Achievement Objectives

NCLB requires states to identify English Language Proficiency (ELP) standards. These standards are linked to state English Language Arts standards and communicate what students should know and be able to do at each stage of language acquisition. In addition to standards, each state must also set annual measurable achievement objectives or goals for students statewide for the rate of language acquisition and goals for percent of students who reach English proficiency. These goals have been submitted to the U. S. Department of Education in compliance with NCLB.

A report was made to the committee on the progress in meeting the NCLB requirements for identifying English language acquisition standards and defining the achievement goals for students.

A progress report will also be made in regard to the new English Language Proficiency assessment, currently in development, to meeting NCLB requirements. Utah serves as the lead state of the Mountain West Assessment Consortium in the development of the new assessment. The Consortium includes Utah, Idaho, Oregon, Alaska, New Mexico, Colorado, Wyoming, Montana, North Dakota, and the Bureau of Indian Affairs.

(For complete details of the reports made, see General Exhibit No. 9160.)

The Committee received the report as information.

Consolidated Utah Student Achievement

Plan - 2003-04

Since March 2003, school districts have received continuously updated versions of the NCLB Consolidated Utah Student Achievement Plan and have been working steadily to address the narrative questions on those plans. The USOE has continued to refine the plan, and it will be distributed, once again during September 2003. The proposed due date is October 31, 2003 or as soon as the local boards of education can approve each district's plan. This revision to the plan provides greater clarity, adjusts requests for local data and incorporates forms needed to ensure federal compliance with NCLB. Laurie Lacy reviewed the final version of the plan with the committee. (For complete details, see General Exhibit No. 9161.)

The Committee received the report as information.

General Consent Calendar

Motion was made by Member Teresa Theurer and seconded by Member Debra G. Roberts to approve the General Consent Calendar as presented with the exception of the Contract for the Utah Statewide Independent Living Council. Motion carried unanimously.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held September 5, 2003.

2. Contracts

The following contract was approved:

(a) Western Regional Outreach Center & Consortia. \$232,249. 7/1/03-6/30/04. - Amend. - Fed.

The Western Region Outreach Center and Consortia (WROCC) is funding a program to expand the array of educational opportunities available to students who are Deaf and Hard of Hearing in the western region. A full-time coordinator and part-time secretary will be retained based on WROCC funding to develop resources.

(For complete details of the Contracts, see General Exhibit No. 9162.)

3. Administrative Rule Review

Under provisions of 63-45a-9, U.C.A. 1953, all administrative rules shall be reviewed every five years. There may be minor non-substantive changes within these rules. It is recommended that the following rules were reviewed and approved:

R277-106 Utah Professional Practices Advisory Commission
R277-470 Charter Schools

(For complete details, see General Exhibit No. 9163.)

4. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the Schools Districts were approved. (For

complete details, see General Exhibit No. 9164.)

5. Monthly Budget Report

The Monthly Budget Report provides 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. 9165.)

6. Ratification of Employment

Denece Johnson was ratified as an Educational Specialist, Math Evaluation in the Student Achievement and School Success Services Division.

7. Visually Handicapped Trust Fund Expenditures

The Division of Services for the Blind and Visually Impaired Council unanimously approved the following grants to be paid out of the Visually Handicapped Trust Fund interest:

National Federation of the Blind of Utah - \$3,333 - National Federation of the Blind of Utah, Student Division - to hold seminars for blind students in higher education, which will discuss the tools they need to access information required to be successful.

The Braille Resource & Literacy Center - to make braille materials more widely available and increase the literacy of blind individuals.

The National Federation of the Blind of Utah - to hold a parent seminar to help parents of blind children understand their rights and responsibilities in regards to their child's education as well as giving the parent a greater understanding of their role in their child's education.

Utah Council of the Blind - \$3,333 -

- Braille Literacy - to make braille materials specifically requested by individuals available and increase braille literacy among the blind.
- Ceramics Classes - to provide ceramics classes in the Salt Lake City area which will assist blind and visually impaired individuals to increase their dexterity and skill in using their hands and their self-confidence and self-esteem.
- Subsidized Cab Coupon Program - to provide low-cost transportation to blind and visually impaired individuals throughout the state (exclusive of the Ogden area).

Utah Council of the Blind - \$584 - Subsidized Cab Coupon Program - to provide low-cost transportation to blind and visually impaired individuals in the Ogden area.

Ogden Association of the Blind - \$2,750 - Transportation Program - to provide low-cost transportation to blind and visually impaired individuals in the northern Utah area.

Palisade Pals - \$500 - To provide blind children and their families experiences through various day camps to help build self-esteem and self-confidence.

Utah Foundation for the Blind - \$500 - To expand the current goalball program to include young adults as well as children.

8. Redevelopment Agency Taxing Entity Committee Appointment of Alternate

House Bill 7 “Recodification and Amendments of Redevelopment Agencies Statutes” requires the State Board of Education to appoint a representative for all Taxing Entity Committees (formerly called Taxing Agency Committees) created by redevelopment agencies under the new statute. Larry Newton serves as the State Board of Education’s representative on all Taxing Entity Committees. In the event Mr. Newton is unable to attend a Taxing Entity Committee it is proposed that an alternate be named in order for the Board to be represented on these Committees.

The State Board of Education appointed Cathy Dudley to serve as an alternate to represent the Board on Taxing Entity Committees if Larry Newton is unavailable.

9. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses was approved. (For complete details, see General Exhibit No. 9166.)

10. Claims Report

The Claims Report in the amount of \$153,273,247.20 for August 31, 2003 was approved by the Board. (For complete details, see General Exhibit No. 9167.)

Executive Officer Report

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

Dr. Laing reported that we have now established the school reports as required under the Utah Performance Assessment System for Students (U-PASS). They are available on line. He commend all of those who have worked on that process. This represents a tremendous amount of work for District Computer Services, Finance and Statistics and the Assessment people. Dr. Laing indicated that because we had already embarked on this path under U-PASS, when No Child Left Behind came along a lot of it was already underway. He recommended that the Board look at these via the USOE web page. Associate Superintendent Patrick Ogden commented that there are some districts who are taking issue with the way we have reported class size. There are a number of ways to report class size, and we will go back and reevaluate how we have done this. If it is determined there is a better way, we will change it.

Utah Mexico Competency Education Agreement. Governor Leavitt in one of his trips promoting the economy of the state visited Mexico and in concert with President Fox, developed what he thought was a positive thing to look at developing a means of tracking the competency of migrant student that spend time in Mexico schools and then in Utah schools. The Oquirrah Institute is providing the lead on that and Nancy Giraldo, our English as a Second Language Specialist is also providing assistance to them. Dr. Laing noted that if we can put it together it will have great appeal nationally as a means of tracking what students are able to master for the varying amounts of time they are in school as migrant students.

Dr. Laing expressed appreciation from staff for efforts of Board Members to participate in the public

hearings. He indicated that it has been an unprecedented effort and has generated a great deal of information.

Dr. Laing distributed a copy of the Annual Statewide Textbook Report. (For complete details, see General Exhibit No. 9168.) We will be presenting this to the legislature as required. We are also requesting that this report be eliminated because of recent legislative action which has removed the State Board from the subsequent position they played with regard to the determination of textbooks and instructional materials.

Pamela Atkinson - Noted that our former joint member from Regents and the Board Pamela Atkinson was honored this past week with the renaming of the 4th Street Clinic to the Pamela Atkinson Clinic, dealing with the needs of homeless individuals. Staff has sent a letter congratulating her.

Board Chairman Report

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

Chairman Burningham thanked the Board for all of their efforts in the public hearings. He requested that members send a report in writing of the major findings from the hearings to Patti Harrington.

Chairman Burningham reported that the Board has formed a Communications Committee, chaired by Ed Dalton. Members of the committee are Tim Beagley, John Pingree and Debra Roberts. Mark Petersen work with them. They will meet independently.

Member Ed Dalton reported that the committee has met and will get back to the Board with recommendations.

Calendar Items:

The Board will meet on November 13, from 2:00 p.m. - 5:00 p.m. for some school finance training. Prior to that the Law and Policy Committee will meet at 10:00 a.m. to review Charter School Applications.

Further strategic planning and future goals. Planning the dates of January 8 and 9th for several activities. One, regular board meeting, including a retreat portion to examine forthcoming goals, also USBA meetings.

Distributed a copy of the proposed meeting schedule for next year. Chairman Burningham asked that if there are serious conflicts for Board members they should contact Twila. The schedule will be placed on the General Consent Calendar for approval at the November meeting.

October 14, 2003, the following schedule:

8:30 a.m. - Republican Leadership Senate Caucus room

9:15 a.m. - Lieutenant Governor and/or Governor in the Governor's Board Room

10:00 a.m. - Democratic Leadership in the Senate Lounge

The same time the Performance Plus Ad Hoc Committee will come together to review recommendations on the final form for Performance Plus. Time will be announced next week.

The following indicated they would be available to go to the Capitol to meet with legislators and the Lt. Governor/Governor: John Pingree, Mike Anderson, Dave Moss, Tim Beagley, Janet Cannon, and Chairman Burningham.

Chairman Burningham reported that we have not been working in isolation from the Lt. Governor. He and Superintendent Laing had an excellent meeting with the Lt. Governor Walker a couple of days ago.

Chairman Burningham noted that through the public hearings we have met a lot of people, we have heard a lot of concerns, some good, some not so good. He expressed appreciation for the generous endorsements that have come from certain people, especially the Governor, the Board of Regents, the Utah Education Association Board and others. He indicated that there is a lot of nervousness out there because we are breaking new ground, but we have had some great endorsements for the concepts being addressed.

Performance Plus Public Perceptions:

Member Teresa Theurer, Chairman of the Ad Hoc Committee commented that there are there certain concerns that come over and over again. She requested that as Board members give their perceptions of the hearings they not mention the same concerns over and over. She asked that they identify major concerns and then possibly changes that need to come to the proposal, and then budget and implementation.

(For complete details of the perceptions identified by the Board see General Exhibit No. 9169.)

Motion was made by Member Edward A. Dalton and seconded by Member Tim Beagley to adjourn.

Meeting adjourned at 5:00 p.m.