

## MINUTES

March 5, 2004

Minutes of the meeting of the State Board of Education held March 5, 2004, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:05 a.m. Chairman Kim R. Burningham presided.

Members present were:

Chairman Kim R. Burningham  
Vice Chairman, Janet A. Cannon  
Member Dixie L. Allen  
Member R. Michael Anderson  
Member Linnea S. Barney  
Member Tim Beagley  
Member Laurel Brown  
Member Edward A. Dalton  
Member Greg W. Haws  
Member David L. Moss  
Member John C. Pingree  
Member Jed H. Pitcher  
Member Joyce W. Richards  
Member Debra G. Roberts  
Member Teresa L. Theurer

Members Gary C. Swensen and Sara V. Sinclair was excused.

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

Members of the Press:

Jennifer Toomer-Cook, Deseret Morning News  
Ronnie Lynn, Salt Lake Tribune  
Amy Stewart, Standard Examiner  
Linda Rutledge, Utah Schools for the Deaf and the Blind  
Mindy Huang, Vocational Rehabilitation  
Sue Carey, Utah PTA  
Jim Eldredge, Utah Education Association  
Martine Smith, Citizen  
Ronald G. Botler, UDOT Motor Carriers  
Bob Mendenhall, Western Governor's University  
Ann Fielden, Harcart  
Robyn Allred, Utah Schools for the Deaf and the Blind  
Bill Worner, Utah Schools for the Deaf and the Blind  
Janice Jones Schroeder, Salt Lake City School District

Utah State Office of Education staff:

Linda Alder, Student Achievement and School Success  
Richard Gomez, Law, Legislation and Educational Services  
Lynn Greenwood, Student Achievement and School Success  
Cherylyn Creer, Student Achievement and School Success  
Brent Huffman, Data and Business Services  
Patty Murphy, Data and Business Services

Utah State Office of Rehabilitation staff:

Don Uchida, Director, Rehabilitation Services  
Anita Nelson, Division of Services of Deaf and Hard of Hearing  
Marilyn Call, Director, Division of Services of Deaf and Hard of Hearing  
Trenton Marsh, Division of Services of Deaf and Hard of Hearing  
Travis Cook, Division of Services of Deaf and Hard of Hearing  
Bill Gibson, Division of Services to the Blind and Visually Impaired  
Cindey Page, Division of Services to the Blind and Visually Impaired  
Linda Collins, Division of Services to the Blind and Visually Impaired

Board Member Tim Beagley lead the Board in the Pledge of Allegiance.

Board Member John C. Pingree offered the Reverence.

Board Secretary Twila B. Affleck recorded the minutes.

Chairman Burningham excused Member Sara V. Sinclair.

Chairman Burningham indicated that the Senate had approved the appointment of Gary C. Swensen. He is ill today and unable to attend the meeting.

#### Retirement Announcement by Superintendent Steven O. Laing

Superintendent Steven O. Laing announced that he has submitted a letter of resignation to the Leadership of the Board. The issues are personal. He indicated he wanted to wait until after the legislature session concluded because he felt it was an important part of the job. He indicated that there are some issues of health that he needed to take care of at this time. He stated that he thoroughly enjoyed working with each of the Board members and has the utmost respect for each one. The Chair and Vice Chair have been exemplary. He complimented the Board on its consideration of the needs of the children and its recognition of what boards do. Dr. Laing further complimented the staff at the State Office of Education stating he has the greatest admiration for the staff. He indicated that we are extremely fortunate in Utah to have educators of the quality and integrity and commitment that we do, from classrooms to administrative offices. The acknowledgment, by leaving, that that relationship will change is a very difficult one. It is with a great amount of sadness, yet recognizing the inevitability of needing to take care of his health problems that he makes the announcement. Dr. Laing stated that yesterday he was pleased to receive a call from Utah State University and they have offered a position later this fall in association with their Department of Continuing Education and working with secondary education around the training of leadership and their distant doctoral program and teacher licensure. He

again, expressed his appreciation to the board and for the opportunity to associate with them and how much he felt the affairs of the students in the State of Utah are in good hands because of the leadership provided by the Board.

Chairman Burningham commented that the Board has really appreciated Superintendent Laing, and the Board really likes the man. He is a good person who has done much for public education and for the Board personally. Therefore, this is not a very pleasant moment; though perhaps the right thing for him to do.

Chairman Burningham stated that it is nice to work with someone who is really smart and who really does understand the issues. Dr. Laing has a tremendous background knowledge, and understands the whole picture. He is honest and candid, and you don't have to play games to find out what he really means. Mostly, he appreciates him because he is basically a good person. He likened Superintendent Laing with Joseph of Arimathea in the Bible, in the book of Luke just after Christ has been crucified and he is dead and his body is being removed, his body was given to the care of Joseph of Arimathea. The description of Joseph of Arimathea, was that he was good and just. And that is the description that best describes Superintendent Laing – he is good and just. Another literary figure, Ben Johnson who said, good men are the stars the planets of the ages where they live. We are not always surrounded by good men and women. When we are in the presence of good men and women it is a marvelous fortune. Menander a Greek dramatist over 2000 years ago said once a good man makes others good. This has been a profound example here.

Chairman Burningham noted that all the Board members were called last night to make sure they were not completely thrown off guard. They also spoke about the procedures for the day. It is not intended that the Board will move slowly on this issue. The Board Bylaws give guidance on how a new superintendent search process takes place. He requested that if there are Board Members desiring to serve on the Superintendent Search Committee to please let him know prior to lunch today. He indicated that this would mean a considerable amount of work in a short period of time. The committee will be announced later in the day. Also it was hoped that the Board could appoint an Interim Superintendent by the end of the day as well. The Board recessed to Standing Committee meetings at 8:25 a.m.

The Board reconvened at 10:35 a.m.

### Legislative Session Review

Superintendent Laing presented the final actions taken by the 2004 Legislature relative to public education and the expectations of the various entities in education. He presented a time line for developing rules and other policy issues and other tasks given to the Board by the Legislature. (For complete details, see General Exhibit No. 9270.)

Member Linnea Barney suggested that in light of the letter Representative Pace sent out relative to all the legislation impacting education that has been passed over the years, that the Board make a list of everything that is newly required of the State Office and what it will cost to do it and ask Representative Pace to share it with legislators.

Member John Pingree suggested that those bills that micro manage we should encourage the Governor to veto.

Motion was made by Member John C. Pingree and seconded by Member R. Michael Anderson to request the Governor Veto HB 231s3. Motion carried unanimously.

Motion was made by Member Teresa L. Theurer and seconded by Member Laurel Brown to request the Governor Veto HB 115s3.

Member John Pingree spoke against the motion indicating that this legislation will die after two years. Further, that this is a way to help the families receive services for children who cannot be served in the public school system.

Member Tim Beagley commented that he sat through several of the committee meetings where this issue was discussed. It was astounding to him to continue listening to them talk about how the state was providing about \$5,000 for special education students who clearly needed \$20,000 to get what they needed. Also, it became very clear that the system did not work very well in some of these cases. The parents had little or no recourse. Member Beagley further commented that it is bad enough when the opponents of public education hide behind school children as they put forward their agendas. He found it extraordinarily unceasingly when those people allowed their hatred and their distrust for public education to boil over to the point that they would actually commandeer the plight of parents with disabled children. He spoke against the motion based on the above comments.

Member Laurel Brown commented that there will be a limited number of parents who will be able to take advantage of this program. Yet, the legislation covers all children with disabilities.

Discussion ensued relative to the amount of money it will still cost to assess the children prior to going to the private school; how free and appropriate education is satisfied by this; and that the bill lends itself to a lawsuit.

Member Joyce Richards commented that there is not a student in Utah whose education is not underfunded.

Motion carried with Members Allen, Barney, Brown, Cannon, Dalton, Haws, Moss, Richards, Roberts and Theurer voting in favor; Member Anderson, Beagley and Pingree voting against.

Staff was instructed to prepare communications to the Governor relative to the above actions.

Utah State Office of Rehabilitation 2003  
Annual Report and Vocational Rehabilitation  
Performance Report

Blaine R. Petersen, Executive Director of the Utah State Office of Rehabilitation presented the Office of Rehabilitation Annual Report and the Vocational Rehabilitation Performance Report. (For complete details, see General Exhibit No. 9271.)

Mindy Huang, a former vocational rehabilitation participant shared what an impact the program has made on her as an individual.

Diane Russell, Governor's Committee on Employment of People with Disabilities presented the background of the people on the Committee and shared what a resource it was for employers.

Marilyn Call, Director of the Services for the Deaf and Hard of Hearing presented information on the importance of assistive technology for deaf individuals.

Linda Collins, a consumer in the blind and visually impaired shared her experience with the program.

Trent Marsh a client in the Services for the Deaf and Hard of Hearing did not have enough time to share his success in the program and it was determined he would be scheduled for a Board Meeting in the future.

#### Public Participation/Comments

There were no requests for participation or comment.

#### Executive Session

Motion was made by Member Laurel Brown and seconded by Member Teresa L. Theurer that the Board move into an Executive Session for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present, the Board moved into an executive session during lunch at 12:20 p.m.

Motion was made by Member Debra G. Roberts and seconded by Member Greg W. Haws that the Board reconvene into open meeting. Motion carried unanimously. The Board reconvened at 2:19 p.m.

#### **Utah Professional Practices Advisory Commission Recommendations**

Motion was made by Member David L. Moss and seconded by Member Dixie L. Allen to adopt the Commission's recommendation in Case No. 03-674 and accept a stipulated agreement with conditions where by a former substitute teacher in Jordan School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension for two years from the date of State Board of Education action. The recommendation results from inappropriate and unprofessional activity with a female middle school student. Motion carried unanimously.

(For complete details of the Utah Professional Practices Recommendations, see General Exhibit No. 9272.)

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

Motion was made by Member Joyce W. Richards and seconded by Member Teresa L. Theurer to appoint Tipsas (Pasa) Tukuafu to serve as the remaining Pacific Islander representative on the Coalition for Minorities Advisory Committee (CMAC), term to expire 12/31/05. Motion carried unanimously.

#### **Appointment of Interim Superintendent**

Motion was made by Member David L. Moss and seconded by Member Laurel Brown to appoint Patrick Ogden interim superintendent for the State Office of Education April 1, 2004. Motion carried unanimously.

#### Board Standing Committee Reports

##### **Curriculum Committee**

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

## English Language Proficiency Standards

From January to June 2003, the Utah State Office of Education initiated development of English Language Proficiency standards for the K-12 Language Arts Core Curriculum, in response to No Child Left Behind. These standards are statements about what students should know and be able to do as they acquire English as a Second Language (ESL). The standards were developed by ESL and Language Arts experts from public schools, school districts, and universities, as well as representatives of minorities in Utah (CMAC), the Governor's Ethnic Affairs Office, and the Utah State Office of Education Curriculum, Special Education, and Evaluation and Assessment sections. (For complete details of the Standards, see General Exhibit No. 9273.)

An external review of these standards was conducted by WestEd and standards were submitted and approved for the Utah NCLB plan in recent months, as required by federal law.

The Curriculum Committee received the WestEd report, reviewed the English Language Proficiency standards and approved staff to gather public comment on the standards.

Motion from the Committee that the Board approve staff to gather public comment on the standards.

Motion carried unanimously.

## Utah Native American Indian/Alaska Native Advisory Committee Task Force Staff Report

The Utah Native American Indian/Alaska Native State Plan Advisory Committee was formed in August, 2002 by the Utah State Office of Education to study Indian Education issues, develop policy recommendations, create a strategic plan, and align with the Utah State Office of Education Consolidated Master Plan and No Child Left Behind. In January, 2003, preliminary recommendations from the Utah Native American Indian/Alaska Native State Plan Advisory Committee were presented to the Board. Those recommendations have been refined and further developed by the Utah State Office of Education staff and were presented to the Committee. (For complete details of the report, see General Exhibit No. 9274.)

The Committee will work on specific recommendation except for those that concern policy, funding and significant practice changes. The recommendations deferred are No's. 4, 10, 5 and 14.

Motion from the Committee that the Board approve the recommendations presented except Recommendation No's 4, 10, 5 and 14 for further review. Motion carried with Members Allen, Anderson, Barney, Beagley, Brown, Cannon, Dalton, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Haws absent.

The committee also discussed that they would like to have a letter of appreciation from the Board for their work and to move forward. Member Ed Dalton and Associate Superintendent Patti Harrington will work on the letter.

## Utah's Agriculture in the Classroom

The Curriculum Committee received a report on Utah's Agriculture in the Classroom Program (AITC). The mission of the AITC is to increase agricultural literacy in Utah by developing a program that increases student awareness about agriculture and instills in students an appreciation for our food and fiber system. The report showed the major impact on Utah students in grades K-8. (For complete details of the report, see General Exhibit No. 9275.)

## Performance Plus High School Course and Exit Competencies Task Force Report

The details of Performance Plus continue to be added to the plan through task forces comprised of educators, parents, business, and community members from throughout Utah. The High School Course and Exit Competencies Task Force's charge was to develop high school course and exit competencies that define a competent Utah high school graduate. (For complete details of the report, see General Exhibit No. 9276.)

The Committee received the report of the High school Course and Exit Competencies Task Force and requested that it be held for later action following the completion of all Performance Plus task force work.

Associate Superintendent Patti Harrington requested direction on whether to move forward with the graduation/diploma task force to higher education. It was agreed that higher education be exposed to the documents prior to final approval by the Board. Further, that a progress report was requested for the next Board meeting.

Chairman Burningham noted that if we believe that the reading program that was funded most recently for \$30 million, if that can be a first step in our Performance Plus movement. What is step No. 2? The Board should be the one going to the legislature indicating that this is Step No. 1 and suggest we move forward.

Member Tim Beagley suggested that the Board have an overall plan of Performance Plus and in that diagram where the reading program fits in.

## **Law & Policy Committee**

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

### Independent Living Assistive Technology

### Manual Revision Approval

The Utah State Office of Rehabilitation (USOR) Independent Living Assistive Technology Policy and Procedure Manual outlines the agency's requirements for purchasing AT devices and services. Funding for this program is 100% state funds. Revisions are based on several years of experience with the current Board approved manual. The revised Policy and Procedure Manual was developed with input from USOE staff, the Directors of the six Centers for Independent Living, the Utah Statewide Independent Living Council (USILC), consumers, and the Disability Law Center. Two public hearings were conducted concerning the proposed revisions in Salt Lake City and St. George.

The most significant policy changes are found in Chapter 10. Section 10.2 of the manual outlines AT devices covered by the program; Section 10.7 outlines reclaiming equipment; Section 10.8 outlines equipment ownership; and Appendix 10-A outlines Adapted Motor Vehicles. Other changes throughout the manual primarily correct or improve language and/or clarify content. (For complete details of the Manual, see General Exhibit No. 9277.)

The Committee approved the Independent Living Assistive Technology Manual and moves that the Board also approve the Manual. Motion carried unanimously.

#### Approval of Teacher Preparation Programs

The Educator Development Advisory Committee (EDAC) was given the assignment by the Board to review the approval process of teacher preparation programs. They were asked to “consider a process of approving programs for training teachers that would be less cumbersome, less consuming of human resources, and less contentious than was the (previous) experience.”

A Teacher Preparation Task Force was formed by EDAC to investigate the multiple possibilities and formulate a recommendation. The task force gave a progress report to the Law & Policy Committee in the February Board meeting and has since met with EDAC. Representatives from EDAC presented recommendation of the approval process for teacher preparation programs to the Law and Policy Committee. The Committee amended the recommendations based on SB 185s1. (For complete details of the recommendations, see General Exhibit No. 9278.)

The Committee considered the recommendations of EDAC and made amendments to the recommendations, and instructed staff to modify Board Rule R277-515 for discussion in the April Board meeting.

Motion from the Committee that the Board to approve the recommendations as amended and to instruct staff to modify Board Rule R277-515 for discussion in the April Board meeting. Motion carried unanimously.

#### Eligibility Rule Changes for High School Athletics

In the January 8, 2004 Board meeting, Todd Cusick presented information on a proposal for eligibility rule changes for high school athletics. In the February Board meeting, the Law & Policy Committee invited Mr. Cusick and others to continue discussion on the issue. Members of the Committee suggested waiting until the end of the legislative session to see what the legislature would do with this issue. It was determined that a review of legislative action was appropriate before considering whether or not a representative group should work with the Utah High School Activities Association (UHSAA) to discuss issues and concerns and make recommendation for further action. (For complete details, see General Exhibit No. 9279.)

The Committee proposed that a group be put together to dialogue and review the issues related to student transfers and athlete eligibility similar to those in the Representative Ann Hardy’s HR11. They would report back to the Committee in May. Representation includes a State Board member, USOE staff member, the High School

Activities Association and PTA.

Member Mike Anderson commented that the high schools in his area feel there are more issues with regard to transfers than just focusing on athletics.

### **Finance Committee**

Member Joyce W. Richards a member of the Finance Committee presented the following recommendations from the Finance Committee:

#### Standards for Utah School Buses and Operations

The Standards for Utah School Buses and Operations is the primary reference used by school district transportation directors regarding the safe, efficient operation of school buses in Utah. The document as incorporated into R277-601-4 contains standards for the bodies and chassis of school buses to be sure they meet all construction requirements of the federal government. It also contains an instruction program for all school bus drivers in Utah, qualifications for all transportation personnel, and standards for the safe day-to-day operation of a school district's transportation department. The following three changes will bring them current with Federal Motor Carrier Regulations, address concerns of the district transportation directors, and allow special equipment consistent with that being used in most other states:

1. Allow a waiver for school bus drivers to pass their physical examinations while they are insulin dependent. This would require monitoring by a physician or other health professional and would have a signed verification that the driver is in general good health. This waiver form would be attached to the driver's regular physical exam that is required every two years.
2. Allow the school districts to purchase a bus that is colored other than yellow and has no traffic control devices such as flashing lights and stop signs. This bus would be used only for activity trips and field trips and would not be allowed on regular to-and-from school routes.
3. Provide guidelines to assess a school bus driver's physical fitness to operate a school bus. It would evaluate how well the driver is able to carry out their daily duties in a safe, efficient manner.

(For complete details of the Standards, see General Exhibit No. 9280.)

The Finance Committee reviewed the proposed changes and approved the Standards for Utah School Buses and Operations and moves that the Board approve the Standards for Utah School Buses and Operations. Motion carried unanimously.

#### Funding Proposal for Public Education Resolution

At the February committee meeting a report was presented by Kent Michie regarding a statewide goal to reduce class size through a fund raising campaign for the Permanent School Trust Fund. This major gift-giving program would ask Utahns to place donations to the Permanent School Trust Fund into their wills and trusts. Small tax deductible donations from all Utahns would also be solicited every four years via an advertising campaign. Staff

created and presented a resolution to support the plan that was suggested by Mr. Michie. The resolution includes different ways to raise funds; i.e. tax checkoff or appropriation. The resolution also addresses the issue of supplanting. (For complete details of the Resolution see General Exhibit No. 9281.) The Committee made an amendment to the Resolution under lowering class size because there is a difference between average class size and lowering all class sizes. Changed the first sentence under Now, Therefore, Be It and it is Hereby Resolved to read: “The Board does hereby recommend and request that the Legislature and Governor of Utah that a state-wide goal (Educational Goal Number One) be established to lower average class sizes within the state to, at least, the national average by the year 2024.”

The Finance Committee reviewed and approved the amended Resolution and moves that the State Board approve the Resolution and implement the plan.

Vice Chairman Janet Cannon requested clarification of the Permanent School Fund and the Trust Lands Funds. It was clarified that the Trust Lands Fund is the Permanent School Fund and this would be add money to the fund and does not do anything to the administration of the funds. It is a “pot” within a “pot.”

Vice Chairman Janet Cannon suggested that the parenthetical statement be omitted.

Amendment to the Motion was made by Vice Chairman Janet A. Cannon and seconded by Member Teresa L. Theurer that the Resolution be amended to strike the parenthetical statement “(Educational Goal Number One)” on first page, and rewording on the second page No. 2 would read: “That in order to achieve that goal a second statewide goal be established to grow the permanent School Fund to a level such that the interest earnings from the School Fund will be sufficient along with other educational resources provided annually by the Legislature to finance the acquisition and employment of sufficient classroom teachers to lower the average class size.:(” (Deleting, to meet Educational Goal Number One.). No. 5 to read: “We call upon the honorable governor and legislature of the State to lend their moral suasion to the swift and successful adoption of these goals.” (Deleting Educational Goals Number One and Two.) Motion carried unanimously.

Member Ed Dalton voiced concern that the Board has not addressed the principle upon which the resolution is being made. The Board has not discussed any governing principals and for us to assert and affirm that this particular principal is truly at the root of education, therefore it is difficult to approve a project over a long period of time.

Motion was made by Member Edward A. Dalton and seconded by Vice Chairman Janet A. Cannon to postpone action on the resolution until next month.

Member John Pingree questioned what would we gain in 30 days? He indicated that this is not going to solve the problem, but it is a step in the right direction. This gives ordinary citizens an opportunity to help public education in the state. It may or may not be our number one goal, but it is a way to get more money in the permanent school fund.

Vice Chairman Janet Cannon voiced concerned because a lot of work has been done by the trust lands people to get what little money is generated in terms of interest from the trust and into the hands of local people who make decisions about utilizing that money for an academic need in their school. She did not feel comfortable with saying we will preempt all of that work and at some point in time turn it back to class size reduction.

Member John Pingree clarified that the intent was to put money into the fund that would build it to the point where there would be funds available to reduce class size. I does not in any way address what is currently being done, nor does it want to replace that.

Motion failed with Members Brown and Dalton voting in favor; Members Allen, Anderson, Barney, Beagley, Cannon, Haws, Moss, Pingree, Richards, Roberts and Theurer voting against.

Original motion carried with Members Allen, Anderson, Barney, Beagley, Brown, Cannon, Haws, Moss, Pingree, Richards, Roberts and Theurer voting in favor; Member Dalton opposed.

Chairman Burningham recommended that the Resolution go to the Public Education Coalition for their consideration to move ahead. Member Ed Dalton also noted that the Resolution was to be taken to the Utah School Boards Association which he would present at the next meeting.

#### Length of Lunch Periods Resolution and Media Release

At the February committee meeting a report was presented by the Director of the Child Nutrition Programs detailing the length of lunch periods in secondary schools. The committee requested a resolution be developed urging schools to review their policies to provide adequate time and facilities to allow students sufficient time to eat lunch. They also requested a media release be developed by Mark Peterson to raise public awareness regarding this issue. (For complete details of the Resolution and Media Release, see General Exhibit No. 9282.)

The Committee reviewed and approved the Resolution and Media Release and moves that the Board also approve these documents. Motion carried unanimously.

#### John Hancock Charter School Loan Update

Staff reviewed what has transpired to date with the \$300,000 loan that was made last year to the John Hancock Charter School.

The Committee was made aware of action taken on the loan since its approval last year including any outstanding issues or potential problems. They are on track and the loan will be paid off as scheduled in five years. The Committee was comfortable with the progress of repayment of the loan. (For complete details, see General Exhibit No. 9295.) No action was required.

#### Final Budget FY 2005

The Legislative Session for FY 2005 has ended and the Committee reviewed the budgetary items that were

passed. The Finance Committee presented their budget report to the full Board in a historical and statewide context. Associate Superintendent Patrick Ogden noted that the figures are preliminary. He reviewed the New Ongoing State Funding. (For complete details of the budget, see General Exhibit No. 9283.)

Superintendent Laing noted that in addition money was taken from intervention for student success programs and is now in the general fund for charter schools.

No action was required.

### Audit Committee Report

Chairman Kim R. Burningham noted that the Board Audit Committee has met and formed some recommendations relative to the Utah Schools for the Deaf and the Blind Audit completed by the Legislative Auditor General.

Superintendent Laing reviewed the Audit Committee Proposal and Recommendations. (For complete details, see General Exhibit No. 9284.)

Motion from the Audit Committee that the Board adopt the Recommendations and Proposals.

Motion was made by Member John C. Pingree and seconded by Member Dixie L. Allen to amend the recommendations as follows: Recommendation 2, add 2a "Further the Board recommends advertising the position of Principal Academic and Operating Officer at USDB as soon as possible and with the anticipation of completing the search process within 90 days." Delete 4bii. Add a paragraph 4ai "establish a process and time line to study relationship of USDB and USBE along with the process to develop a strategic plan for presentation to and approval by the Utah State Board of Education.

Amendment carried unanimously.

Motion to adopt the recommendations and proposal from the of Audit Committee as amended. Motion carried unanimously.

### General Consent Calendar

Motion was made by Member Teresa L. Theurer and seconded by Member Joyce W. Richards to approve the General Consent Calendar as presented.

Amendment to the motion was made by Member David L. Moss and seconded by Vice Chairman Janet A. Cannon to include the names from the Dream Charter School under the Temporary Authorizations. Motion carried unanimously.

Motion to approve the General Consent Calendar as amended carried unanimously.

#### 1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held February 6, 2004, and the special legislative meetings held January 30, 2004, February 13, 2004, and February 20, 2004.

2. 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. 9285.)

3. Contracts

1. Leslie Gertsch. \$110,000. 4/1/04-3/31/06.

To provide Barille transcription services to state agencies as coordinated through DSBVI.

2. Daniels Fund. \$173,385. 12/01/03-11/30/04. Fed. RECEIVABLE

To provide funding for four regional trainings of trainers in developing youth leadership and motivation (59,000) and to identify social studies core curriculum with Indian history and develop lesson plans (114,385).

3. Department of Human Services. \$200,000. 7/1/03-6/30/04. RECEIVABLE

Provide funding for inservice training, curriculum development, materials for substance abuse prevention programs and other expenses associated with the substance abuse prevention specialist.

4. Kim's Quality Cleaning. \$4,200. 3/1/04-2/28/05. - Amend. - Fed.

To provide janitorial services for the Division of Rehabilitation Services office located at 150 North Main Street, Suite 103, Bountiful, Utah.

(For complete details of the Contracts, see General Exhibit No. 9286.)

4. Instructional Materials Commission Operating Procedures, R277-469

Under S.B. 154 schools and districts are allowed to select and purchase instructional materials that have not been reviewed and approved by the Utah State Instructional Materials Commission. In a time of increased accentuation on standards, competencies, and research-based instruction, it is the Commission's opinion that the Utah Legislature needs assurances that appropriate materials are being purchased with limited state funds.

The amendments to R277-469, Instructional Materials Commission Operating Procedures, align review criteria more closely with state U-PASS, federal NCLB legislation, and S.B. 154 requirements. Recommendations include increased emphasis on the selection of high quality, researched based and effective instructional materials and a focus narrowed to the review of materials related to Core requirements and basic skills including reading, language arts, mathematics through geometry, science, in grade 4-12, and effectiveness of written expression, as defined in Section 53A-1-602. The Board approved R277-469 Instructional Materials Commission Operating Procedures on second reading at the February 6, 2004 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-469, Instructional Materials Commission Operating Procedures on third and final reading. (For complete details, see General Exhibit No. 9287.)

6. Applied Technology Education Licenses, R277-518

Rule R277-518, Vocational-Technical Certificates is being amended to make the rule consistent with

current law and other administrative rules. Changes to Section 53A-6 of the Utah Code provided the means for upgrading the Vocational-Technical certificates to licenses. The Board approved R277-518, Applied Technology Education Licenses on second reading at the February 6, 2004 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-518, Applied Technology Education Licenses on third and final reading. (For complete details, see General Exhibit No. 9288.)

7. National Association of State Boards of Education Dues

The invoice for the National Association of State Boards of Education Dues for Fiscal Year 2004 in the amount of \$16,373; and the NCOSEA Dues for School Year 2004 in the amount of \$130.00; and subscription to the Standard \$20.00; for a total of \$16, 523 was approved. (For complete details of the Invoice, see General Exhibit No. 9289.)

8. Monthly Budget Report

The Monthly Budget Reports provide information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. (For complete details of the Budget Report, see General Exhibit No. 9290.)

9. State Board of Education Administrative Rule Repeal

The Board repealed the following rule because Section 353 Adult Education funding has been discontinued.

R277-734      Standards and Procedures for Adult Education Section 353 Funds

(For complete details of the rule, see General Exhibit No. 9291.)

10. Ratification of Employment

Karen Brock was ratified as an Educational Specialist, No Child Left Behind in the Law, Legislation, and Educational Services Division.

11. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses was approved by the Board. (For complete details, see General Exhibit No. 9292.)

12. Claims Report

The Claims Report in the amount of \$161,808,632.75 for February 29, 2004 was approved by the Board. (For complete details, see General Exhibit No. 9293.)

Executive Officer Report

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

During the Legislative Session there was a letter circulated claiming that the Board, the State

Superintendent and several others were in support of the process to select the State Board Nominating Committee. He

wrote to Mr. Rattie of Questar Corporation and indicated that we did not feel that way. Mr. Rattie responded back indicating he was clearly misinformed.

Dr. Laing reported that he had copies of letters from the following five groups requesting Governor Walker to veto SB 115 which established the election dates for bonds. Wells Fargo Bank, Zions Bank, Salt Lake City Board of Education, Granite Board of Education, and the law firm of Ballard, Spahr, Andrews and Ingersoll.

Dr. Laing noted that he had distributed the State Superintendent of Public Instruction Annual Report. (For complete details, see General Exhibit No. 9294.) He noted that this is also on line.

### Board Chairman Report

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

Shared a letter from former board member Denis Morrill.

Chairman Burningham reminded that Board that the next Board meeting is April 2, and also April 1 is scheduled for the Board to continue our strategic planning from 1:00-5:00 p.m. Also, leadership has been asking staff to go through all existing legislation for what is expected of us.

Chairman Burningham reminded the Board that NASBE has a legislative conference on line via the internet. We have arranged for this to be done in the Board Room. He requested that those planning to attend to please let Twila know.

Board Social evening of August 5 at the Burninghams.

### **Superintendent Search Committee Issues.**

Chairman Burningham appointed the following to the Superintendent Selection Committee: John Pingree, Chair; Members Linnea Barney, Tim Beagley, Laurel Brown, and Janet Cannon. The Committee will meet immediately following the Board meeting.

Board Members expressed their feelings relative the kind of superintendent we are looking for, process to follow, time table, do we require a consultant, prefer people in-state or prefer a nationwide search, announcement of finalists publically and others.

Vice Chairman Janet Cannon requested that Superintendent Laing provide some insight as to what might be helpful for a person to undertake his job, particularly in terms of dealing with the legislature.

Superintendent Laing responded that in Utah we have the best value in the nation for public education. We have said repeatedly over the last several years that for those who want to take advantage of it, you can get an educational experience here in Utah, even at the expenditure levels we have, that is the envy of any place in the world. We have students who do as well as anybody and truly can have an experience like that. Sometimes if you don't stop and remind yourself of that and you just listen to the rhetoric and the dialogue you may forget because there is no lack of critics who will disparage public education. We have an extremely vibrant and productive system. Someone coming

into the position needs to recognize that, we need to nurture what is here. We need to recognize that the people that are in the trenches that are meeting our kids have some really serious frustrations, so we need to give them the deference that are due. Need patience. You are caught in situation where frequently you are being criticized from one end of the hill or the other. It is a difficult balance to have and you need to remember there are two sides to every issue. It is not often that there is a clear right or wrongness to either side of the issue. We get frustrated because of the lack of funding, but at the same time we have to recognize in our state there aren't many funds, we are already highly taxed, and committing a pretty good portion of our available resources toward education. Who ever comes into this position need to recognize that and use that commonality to try to seek common ground and then try to build on it. It is important to recognize the strength we have and the strength is really one of synergy more than individuality.

Dr. Laing indicated that it has been quite humbling to hearing all the nice things said, but the truth of the matter is it is because of all the good people around him that really make things happen. People like Gary Carlston, Jerry Peterson, Bonnie Morgan, Patti Harrington, Ray Timothy, Patrick Ogden, and the Curriculum staff is as committed as we can find. It is a matter of remembering that there is a great strength in the staff of the entire State Office and using their expertise. He indicated that there are those who think we should change everything, and sometimes change is good, but at the same time there is so much good happening that we can generate more growth by building off of what is there rather than turning things over.

Motion was made by Member R. Michael Anderson to adjourn.

Meeting adjourned at 4:15 p.m.