

UTAH STATE BOARD OF EDUCATION
UTAH STATE BOARD FOR VOCATIONAL EDUCATION
MINUTES

February 8, 2000

Minutes of the meeting of the State Board for Applied Technology Education and the State Board of Education held February 8, 2000, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:20 a.m. Board Chairman Jill G. Kennedy presided.

Members present were:

Chairman, Jill G. Kennedy
Vice Chairman, Kim R. Burningham
Member Bette O. Arial
Member Linnea S. Barney
Member Janet A. Cannon
Member Cheryl Ferrin
Member Lynn Haslem
Member Susan C. Henshaw
Member C. Grant Hurst
Member Boyd F. Jensen
Member Judy Larson
Member Denis R. Morrill
Member Joyce W. Richards
Member Marilyn Shields

Also present were:

Executive Officer Steven O. Laing
Deputy Superintendent Gary L. Carlston
Associate Superintendent Robert O. Brems
Associate Superintendent Patrick Ogden
Associate Superintendent Jerry P. Peterson
Public Information Officer, Eileen Rencher
Executive Director, USOR, Blaine Petersen
Board Secretary Twila B. Affleck

Also present for portions of the Board meeting were:

Members of the Press:

Jennifer Groutage, Standard Examiner
Kathy Kapos, Salt Lake Tribune
Jennifer Toomer-Cook, Deseret News

Billie Telford, Utah Eagle Forum
Colleen Taylor, Utah PTA
Carol Cremer, Utah Education Association
Brent Judd, Director, Southwest ATCSR
Miles Nelson, Director, Southeast ATCSR

Greg W. Haws, Citizen

State Office of Education staff:

Barbara Gardner, Planning & Project Services
Barbara Banks, Planning & Project Services
Dona Carling, Planning & Project Services
Patricia Bradley, Instructional Services
Connie Amos, Instructional Services
Georgia Loutensock, Instructional Services
Dawn Kay, Applied Technology Education Services
Lynn Jensen, Applied Technology Education Services
Bonnie Morgan, Instructional Services
Lynn Greenwood, Instructional Services
Larry Newton, Agency Services
Pat O'Hara, Agency Services
Barbara Lawrence, Planning & Project Services
Hal Sanderson, Planning & Project Services

The Board repeated the Pledge of Allegiance.

Board Member Cheryl Ferrin offered a reverence.

Board secretary Twila B. Affleck recorded the minutes.

Chairman Kennedy introduced Greg W. Haws newly appointed Board Member in District 5. She noted that he has been appointed by Governor Leavitt but not yet confirmed by the Senate.

Ben Black, Specialist, Media Production, EDNET Studio, demonstrated the new microphone system.

Chairman Kennedy announced that recognitions would take place later in the Board meeting.

Pre-Kindergarten Assessment State Results, 1999

Barbara Lawrence, Coordinator, Evaluation and Assessment reported that in 1997, the Legislature passed H.B. 67, Children's Reading Skills. This legislation requires that kindergarten students, the student's parent or guardian, and the kindergarten personnel at the student's school participate in an assessment of the student's reading and numeric skills. Staff from the State Office of Education is required to collect, review, and provide to school districts the assessment data generated. Kindergarten teachers are expected to use the information obtained from the assessment in planning and developing an instructional program to meet each student's identified needs.

Dr. Lawrence presented the state results from the Spring 1999 End-of-Level and Fall 1999 Pre-Kindergarten Assessments. (For complete details, see General Exhibit No. 8301.)

Dr. Lawrence reported that there is current proposed legislation by Representative Pace that would make the kindergarten assessment voluntary. There are a couple of problems with that. First, the language change is only on the option for the district, but it does not change the requirement for the State Office to report that information. Secondly, it would be a shame to lose this information because of its potential value.

Member Denis Morrill questioned the reasoning behind the legislation. Dr. Lawrence indicated that it was her understanding that there is a lobby out of Utah State University indicating that they disagree with the methodology that is used in the assessment. She further indicated that the assessment agrees with the

premises put forth by the National Association of Education of Young Children (NEYC). Deputy Superintendent Gary Carlston reported that he has talked with Representative Pace and she indicated that she doesn't have anything against the assessment but was responding to things she has heard and she would like to meet with us this week.

Member Marilyn Shields questioned if a full day of kindergarten would help to improve the scores. Dr. Lawrence responded that it would be a great benefit especially for children who have not had the exposure to print, etc. in the home.

Member Cheryl Ferrin commented that the kindergarten teachers she has spoken with are very delighted with this because it has taken a great burden off of them, they get to know the children more quickly and know their needs.

Colleen Taylor, State PTA President, commented that parents think this is important but they would like the information in the spring so they can work with their children during the summer prior to the assessment in the fall.

Superintendent Laing indicated that the legislation requires it to be given in the first two weeks in the fall. Also, in the spring the teachers have existing students and it would be difficult to assess others.

Motion was made by Member Susan C. Henshaw and seconded by Member Bette O. Arial that the State Board of Education receive the state results from the Spring 1999 End-of-Level and Fall 1999 Pre-Kindergarten Assessments and express appreciation to Dr. Lawrence and her staff for an excellent presentation. Motion carried unanimously.

Legislative Tracking Sheet

Superintendent Laing presented a tracking sheet identifying proposed legislation in the six areas of Board priorities identified at the January 2000 meeting. (For complete details, see General Exhibit No. 8302.)

Superintendent Laing distributed multiple copies of the Board's top legislative priorities for Board Members to share with their legislators. (For complete details, see General Exhibit No. 8303.)

Superintendent Laing reported that at the February 1st meeting there needed to be eight votes in favor of any item discussed for it to pass. There were two pieces of legislation that did not pass at that time.

Dr. Laing explained **HB 50 - Sales and Use Tax Sales Relating to Schools**. Staff recommendation was support. He indicated that we are not in favor of pulling any tax income off the table, which this will do, but it is a small amount. It will benefit schools, so we are recommending support.

Motion was made by Member Lynn Haslem and seconded by Member Boyd F. Jensen that the Board support HB 50 - Sales and Use Tax Sales Relating to Schools. Motion carried with Members Arial, Barney, Ferrin, Haslem, Henshaw, Hurst, Jensen, Morrill and Shields voting in favor; Members Burningham and Richards voting against; Members Cannon and Larson abstained.

Dr. Laing explained **HB 189 - Classroom Supplies**. Staff recommendation is support concept. He indicated that there was no consensus at the February 1 meeting because of the difficulty surrounding the fact that while we are supportive of the concept of something that has been happening for several years, it is not one of the Board priorities. Consequently, throughout the tracking sheet, when there is a bill that is good in that it would propose funds for education, but it is not one of the Board priorities, we have recommended a position of supporting the concept.

Members Susan Henshaw and Boyd Jensen indicated that they had voted against the motion on February 1st because they would rather have the position be support than support concept.

Member Denis Morrill commented that the reason for not supporting it is if they fund this item then something on the priority list will not be funded.

Member Marilyn Shields suggested that there be a way on the tracking sheet to identify our support of an item, but indicate it is not a Board priority.

Member Linnea Barney stated she could not see how the Board could not support it and support teachers. She felt the Board had an obligation to the others in the education family to support it.

Motion was made by Member Marilyn Shields and seconded by Member Judy Larson that the items in question should be identified with a footnote indicating it is supported by the Board but not one of their priorities.

Superintendent Laing clarified that there was a need for two footnotes, one indicating it is a board priority and another that it is important, but not a board fiscal priority. He further suggested that the Board not change the identification from support concept.

Motion carried unanimously.

With regard to **HB 189, Classroom Supplied**, motion was made by Member Denis R. Morrill and seconded by Member Bette O. Arial that the Board position be support concept with the footnote. Motion carried unanimously.

Further discussion on legislation was postponed until later in the meeting.

Recognitions

Chairman Jill Kennedy recognized **John L. Watson** for his outstanding service on the State Board of Education from 1996 to 1999. Chairman Kennedy expressed her appreciation to Mr. Watson for his service as a Board Member, Vice Chairman, and Chairman of the Board. Further for how well he represented the State of Utah in Washington, D.C. on the trust lands issues, and with the Utah State Legislature in support of public education. She expressed love and appreciation to Mr. Watson and his wife Sherrie.

Chairman Kennedy presented Mr. Watson with a bell plaque for his service on the State Board of Education. She also presented a gavel for his service as Chairman of the Board in 1999.

Mr. Watson commented that he has missed his association on the Board and it was a part of his life he enjoyed. He felt there was a feeling as a Board that we tried to make a difference, and tried to use good judgment. Our priority was a priority of the children of the State of Utah. He further commented that he hoped each Board member would be recommitted that truly the priorities around the table, are the children. There are so many things that come and go, and we need to recognize that it is all done for education of the children of Utah. Mr. Watson expressed appreciation to the staff and to each Board member for the opportunity of working with them.

Mr. Watson expressed appreciation to Superintendent Laing for the man that he is where he stands in the state. He is truly a great educator. He expressed a hope that it is maintained in the state. Further that we guard against the fact that we need men and women that have an educational background and processes by which to educate the children of Utah in a beneficial way.

Mr. Watson expressed appreciation for the recognition and gifts. He indicated he was grateful for the opportunity to be a part of this great happening.

Legislative Tracking Sheet Cont.

Chairman Kennedy suggested that the bills indicating staff recommendations be reviewed and if there were questions for discussion they be pulled.

Doug Bates reviewed the staff recommendations on legislation that the Board had not yet taken action on previously.

The following bills were pulled for discussion:

HB 105, Public Employees - 25-year Retirement.

HB 118, Quasi-Governmental Entities Amendments.

HB 156, Education Ethics Code

HB 249, School Teacher Salary Enhancement Based on Class Size

HB 298, Budget Reserve Account and Money Management Act Amendments

HB 317, Kindergarten Assessment

HB 409, Fuel Tax Amendments, KB put a lot of support behind the support.

SB 64, Residential Exemption - Secondary Residences typo change to Oppose.

SB 68, Focus on Core Curriculum

Member Grant Hurst cautioned the Board on shifting the tax burden to corporations in SB bills 197 and 198.

Motion was made by Vice Chairman Kim Burningham and seconded by Member Judy Larson that the Board adopt the recommended positions identified on the tracking sheet with the exception of those listed above that were pulled for discussion. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill and Richards voting in favor; Member Shields absent.

HB 105 - Public Employees - 25-year Retirement

Member Boyd Jensen voiced concern that this would be an inducement to get quality educators out of the system early. He questioned how this system relates to systems in the marketplace and is it commensurate with what is happening in the business world or it is more liberal?

Superintendent Laing responded that staff recommendation is for hold because of the concerns identified by Member Jensen and to determine what it would do. He indicated that conceptually there has been some desire expressed by educational groups and individuals for some time to bring it down, but there may be some problems.

Member Jensen indicated he would like to see how it could compare with corporate retirement.

Motion was made by Vice Chairman Kim R. Burningham and seconded by Member C. Grant Hurst to adopt a hold position on HB 105. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill, and Richards voting in favor; Member Shields absent.

HB 118, Quasi-Governmental Entities Amendments

Superintendent Laing indicated that the recommended position of hold is because it is a lengthy bill and dissolves an existing body and creates another one and the language is remiss. We need to also consider HJR 14 and HR 4 which are also related.

Motion was made by Vice Chairman Kim R. Burningham and seconded by Member Denis R. Morrill to adopt a hold position on HB 118.

Member Grant Hurst commented that the Board needed to take a position on this even if the Board needed to be polled. If this legislation is going to have a detrimental impact on education the Board should take a position of opposition.

Superintendent Laing indicated that right now we could not see anything offensive, but because of its complexity, staff felt it should be held for further review.

Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill and Richards voting in favor; Member Shields absent.

156 Education Ethics Code

Superintendent Laing indicated that originally the way the bill was configured it looked like it would not penalize educators who became involved in summer employment with groups that would take students on trips. For that reason we had an initial position of support. However, there have been some arising complications with the bill and we are recommending a change from support to hold.

Motion was made by Vice Chairman Kim R. Burningham and seconded by Member C. Grant Hurst to adopt a position of hold on HB 156. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill and Richards voting in favor; Member Shields absent.

HB 249 School Teacher Salary Enhancement Based on Class Size

Superintendent Laing indicated that staff had originally proposed "support concept" because the bill limits this to K-6 grade teachers. If the class size is over 21, the teacher gets an additional \$20 per month for each student over the 21. The original "support concept" was because we could not support it because the cost would be too great. However, it recognizes the adverse effects of class size and the added load to instruct large class sizes.

Vice Chairman Kim Burningham stated that because it is elementary only, it helps, but in elementary levels we have some remedial situation where a very small group may demand special attention, and puts a heavier load on teachers than others.

Member Linnea Barney indicated that the districts that have extended day and some of these may fit into this, they already get additional money for this program.

Motion was made by Vice Chairman Kim R. Burningham and seconded by Member Cheryl Ferrin to adopt a hold position on HB 249. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill, and Richards voting in favor; Member Shields absent.

HB 298 - Budget Reserve Account and Money Management Act Amendments

Member Grant Hurst commented that he sat in on the committee hearing on this bill and Representative Frandsen had three excellent ideas: One, increase the cap on rainy day funds to

\$500,000,000; Second, to allow the rainy day fund to be invested in a higher return investment; and third, if any monies earned from that that went above the \$500,000,000 it would go into the uniform school fund. The only portion that had a direct benefit to us was the flow over and it was stripped from the bill before it was approved. Motion was made by Member Judy Larson and seconded by Member Janet A. Cannon to move onto the next item. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill, and Richards voting in favor; Member Shields absent.

HB 317 - Kindergarten Assessment

Superintendent Laing reported that this legislation allows the assessment to be optional rather than mandatory. Staff has recommended a hold position because we want time to work with the sponsor. It also leaves open the possibility that it can be declined by the teacher, parent or student.

Motion was made by Member Cheryl Ferrin and seconded by Member Bette O. Arial to adopt an oppose position. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill, and Richards voting in favor; Member Shields absent.

HB 409 - Fuel Tax Amendments

Superintendent Laing reported that this legislation would raise revenues for the highway fund and by so doing alleviate some of the press that comes to the general fund and consequently the uniform school fund.

Vice Chairman Kim Burningham recommended that the Board make a statement of strong support for this. He felt that this is a year when the public would accept increases on transportation taxes.

Member Grant Hurst suggested that Board adopt a Resolution with accompanying press release specifically in support of this legislation that would free-up dollars for education.

Motion was made by Vice Chairman Kim R. Burningham and seconded by Member C. Grant Hurst that the Board go on record as strongly supporting HB 409, Fuel Tax Amendments, that a Resolution and Press Release be prepared and distributed.

Member Denis Morrill questioned what guarantee there would be that if the money were freed up it would go to public education?

Superintendent Laing indicated that it is somewhat circuitous. However, the Governor's proposal to raise the money for education affects the ability of the state to pay back the highway bonds. Anything raised from this fuel tax would go directly into the transportation fund and alleviate the pressure that is being used to say we can't restructure because we don't have the money, etc. He further indicated that this issue has been discussed in both the executive and legislative branches that the money that is required to pay for I-15 is so needed that they are unwilling to make some of that restructuring.

Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill, and Richards voting in favor; Member Shields absent.

SB 68 - Focus on Core Curriculum

Superintendent Laing indicated that this legislation directs the State Board to collaborate with local boards to define the essential core curriculum. Further that the local board consider that

and then design their program to try to effectuate student achievement in the core curriculum. The point that seems to have generated the most concern is the final step which says at each local school level the school community council that is created and responsible for the plan and expenditure of the school trust lands money, will as part of their report to the local board, consider the effectiveness of programs and make recommendations to the local board. The concern voiced by local superintendents is that they are afraid that it gives the local school community council the right of review of curriculum and board policies at the local level and by extension the state level.

Discussion ensued relative to the trust lands money and the need for control to remain with the local and state boards.

Motion was made by Member Bette O. Arial and seconded by Member Cheryl Ferrin to adopt a position of unnecessary. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill and Richards voting in favor; Member Shields absent.

Special Meetings

Chairman Kennedy asked the Board if they would like another special meeting next week to review legislation and adopt positions prior to the end of the legislative session. It was determined that a special meeting would be held on Friday, February 18, 2000 at 10:00 a.m. at the Capitol prior to the USBA meeting.

Chairman Kennedy requested that Board Members provide dates in April to Twila that they would not be available for a Board retreat.

Board Committee Reports

Applied Technology and Rehabilitation Committee

Member Linnea S. Barney, Chairman of the Applied Technology and Rehabilitation Committee presented the following recommendations from the Committee:

Comprehensive Guidance Program, Rule R277-462

Rule R277-462, Comprehensive Guidance Program was pulled from the January General Consent Calendar because of concerns related to a lack of detail on annual individual SEOP conferences. That detail has now been added to the rule. (For complete details of the rule, see General Exhibit No. 8304.)

Associate Superintendent Robert O. Brems identified the changes made in Section 4, which were not approved at the last meeting. He indicated that the changes are identified in the new draft by underlining.

The Committee approved the revised rule on second reading and moves that the State Board of Education approve Rule R277-462, Comprehensive Guidance Program on third and final reading. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Larson, Morrill and Richards voting in favor; Members Jensen and Shields absent.

Comprehensive Guidance Report

The 1999 Legislature requested a comprehensive evaluation of the Utah Comprehensive Guidance Program detailing the current status of counselors,

counselor training programs, funding and program impacts including the Program's effect on student course taking and test performance. The report was presented and discussed by Dr. Lynn Jensen, Coordinator, Student Services and Dawn Kay Specialist, Student Services. It was noted that the report will likely be presented in the Public Education Appropriations Committee during the 2000 Legislative Session. (For complete details of the report, see General Exhibit No. 8305.)

Motion from the Committee that the State Board of Education approve the report: A Decade of Progress and Change in the Delivery of Comprehensive Guidance Programs. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill and Richards voting in favor; Member Shields absent.

Curriculum & Instruction Committee

Member Janet A. Cannon reporting for Marilyn Shields, Chairman of the Curriculum and Instruction Committee presented the following recommendations from the Committee:

The "Collaborative Team Project"

The State Office of Education has developed a program which is being introduced to school districts which will allow them to receive valuable inservice training in a variety of curricular and equity areas. This effort will lower substitute costs, reduce teachers' time outside the classroom and provide participants with a broader understanding of the subject matter. The titled "Collaborative Team Project" involves seven specialists from the U.S.O.E. and, although requiring considerable scheduling effort, the program allows participants the opportunity to gain a broader understanding of the subject matter. (For complete details of the report, see General Exhibit No. 8306.)

The next training is scheduled for March 15 - 17, 2000 at the Provo Marriott. Board Members are invited to attend and more information will be forthcoming.

Motion from the Committee that the State Board of Education receive the report. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Jensen, Larson, Morrill and Richards voting in favor; Members Hurst and Shields absent.

"The Utah Spain Project"

On May 12, 1999, Superintendent Laing and Gonzalo Gomez Decal of the Ministry of Education and Culture of Spain signed a Memorandum of Understanding between the Utah State Board of Education and the Ministry. The purpose of the agreement is to enrich educational opportunities in both countries. The first provision to be implemented will provide the opportunity to recruit teachers whose native language is Spanish to work in Utah classrooms. Four school districts with bilingual populations have expressed an interest in interviewing teachers from Spain. (For complete details, see General Exhibit No.8307.) The Tooele, Cache, Provo, Nebo and Wasatch Districts have shown interest in this.

Motion from the Committee that the State Board of Education receive the report. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill and Richards voting in favor;

Member Shields absent.

Library Core Curriculum

The Library Media Core Curriculum was last approved in 1990. The role of the Library Media coordinator in schools has changed considerably over the past several years. This new Core Curriculum reflects the role changes that have occurred in this important area of the curriculum. In an effort to determine the viability of this new curriculum in schools two focus groups were held, the first for professional elementary school librarians and the second for classroom teachers to review the finished document and make recommendations. Comments and suggestions from the two groups were positive and constructive. (For complete details, see General Exhibit No. 8308.)

Motion from the Committee that the State Board of Education commend the committee for an outstanding job, and that the Board Members review the curriculum and make any recommendations for change in anticipation of approval in the March Board meeting.

Vice Chairman Kim Burningham indicated that he felt there should be a public hearing at least with the standing committee of the Board prior to adoption of this curriculum.

It was noted that a public hearing is not required prior to the Board approving a curriculum. However, Dr. Bonnie Morgan, Curriculum Director indicated that a hearing could be held over EDNET prior to the next Board meeting.

Vice Chairman Kim Burningham recommended that public hearings be held in connection with changes in the core curriculum to make sure the public has a chance to make comments. He suggested that the public hearing may be part of the committee meeting.

Discussion ensued relative to the need or desire for public hearings.

Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill and Richards voting in favor; Member Shields absent.

Motion was made by Member Joyce W. Richards and seconded by Vice Chairman Kim R. Burningham that the agenda for the next Board meeting advertise a public hearing in the curriculum committee for the purposes of making comments on the library/media core curriculum. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Henshaw, Jensen, Larson, Morrill and Richards voting in favor; Members Haslem and Hurst opposed; Member Shields absent.

Planning, Finance and Legislation Committee

Member Judy Larson, Chairman of the Planning, Finance and Legislation Committee presented the following recommendations from the Committee:

Board Procedures: Sanctions for Educator Misconduct, Rule R277-514

This rule will provide a level of review in a limited time period, prior to final Board action for licensure actions with the most serious consequences for license

holders. (For complete details of the rule, see General Exhibit No. 8309.) The rule was reviewed by the Committee at the January meeting and the Committee approved it on first reading at that time.

The Committee approved the rule on second reading and moves that the Board approve Rule R277-514, Board Procedures: Sanctions for Educator Misconduct on third and final reading.

Vice Chairman Kim Burningham voiced concern that the rule seems to eliminate any chance of appeal after it goes to the Board.

Member Denis Morrill indicated that there is a statutory appeal from the Board decision to a court.

Superintendent Laing indicated that this is an administrative procedure, and the Board ruling exhausts the administrative procedure, and if there are continued concerns then there is the legal avenue.

Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill and Richards voting in favor; Member Shields absent.

Educator License Renewal, Rule R277-501

The proposed change in required license points makes requirements for professional development and license renewal consistent for inactive and active educators. (For complete details of the rule, see General Exhibit No. 8310.)

The Committee approved the rule on first reading and moves that the State Board of Education approve Rule R277-501, Educator License Renewal on second reading. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill and Richards voting in favor; Member Shields absent.

Board Procedures for the Utah General Educational Development Certificate, Rule R277-702

The changes to this rule will clarify that high school credit for successfully completing the GED may be applied to the ADULT High School Diploma ONLY. It also clarifies eligibility for candidates who wish to take the GED tests. These changes will help improve the manner in which districts apply high school credit and will increase the understanding of eligibility credit. (For complete details of the rule, see General Exhibit No. 8311.)

Member Larson pointed out the two clarifications: (1) That the GED credit is for adult high school graduation and not regular high school. (2) In order to take the GED test the applicant must have a letter from the school district they reside and also a letter from their parent or guardian.

The Committee approved the rule on first reading and moves that the State Board of Education approve Rule R277-702, Board Procedures for the Utah General Educational Development Certificate on second reading. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill and Richards voting in favor; Member Shields absent.

Certification Committee Agenda

The Committee reviewed the Professional Practices Advisory Commission recommendation in Case No. 99-474 and moves that the State Board accept the recommendation of the Licensure Committee and suspend the license of Gary L. Anderson, a former teacher and counselor in Millard School District, for a period of at least one year beginning with the date the State Board takes action. This action is based upon Mr. Anderson's access of sexually-explicit Internet sites on school equipment and in violation of district rules and professional standards. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill and Richards voting in favor; Member Shields absent.

The Committee reviewed the Requests for Temporary Authorizations as submitted by the School Districts. The Committee moves that the State Board of Education approve the Requests for Temporary Authorizations as submitted by the School Districts. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill and Richards voting in favor; Member Shields absent.

(For complete details of the Certification Committee Agenda, see General Exhibit No. 8312.)

Stanford Achievement Test Issues for Charter Schools

Two secondary Charter Schools had problems with administration of the Stanford Achievement Test for the 1999-2000 school year, resulting in their not having fall results to report. Charter Schools are required by statute to administer the Stanford. Therefore, these two schools are out of compliance with their charters. Each has taken steps, however, to remedy the situation with a midyear administration of the test. Both schools have cooperated fully with State Office personnel in this matter. Results of these efforts along with written assurance of future compliance with testing requirements were reported to the committee.

Deputy Superintendent Gary Carlston reported that the Tuacahn School did take the test, principal mailed it, however, we did not receive the reports. He indicated that we are convinced that they really did take the test, and they were apparently lost in the mail. The second instance is at Uintah River High School in Roosevelt where they did not take the test. The principal met with the students and they decided together they did not want to take the test. Upon learning of this, we wrote a letter to the school pointing out to them that this is a required test by statute. He further reported that the school has been having some administrative problems; their Board was not aware of the situation regarding the test. They have terminated the principal and education director over this issue and other related issues. The Board would like to have the base line data from the test. Barbara Lawrence has worked out with the assessment companies a solution to both of these violations. The solution is that we can give the Sanford Achievement Test to the students at Tuacahn and Uintah River with an adjusted norm pending State Board approval to do so.

Motion from the Committee that the Board approve administration of the tests with the adjusted norm. Further, that a letter be sent to their Boards reminding them of their role and responsibility to these schools. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst,

Jensen, Larson, Morrill and Richards voting in favor; Member Shields absent.

Testing Procedures, Rule R277-473

This new rule will establish policies and procedures for school districts in the handling and administration of achievement tests, based on H.B. 33, passed by the 1999 Legislature. (For complete details, see General Exhibit No. 8313.)

The Board approved the rule on first reading at the December 1999 meeting.

A concern was expressed by the superintendents relative to the testing window and how to do a testing window at the end of school and get the results back and have them be meaningful for grading students, etc.

The Committee discussed and accepted the changes that were proposed, but did not want to bring the rule to the Board at this time. Also, the staff will review the legislative language relative to the testing window and if this is required we need to know the ramifications so we know how to get the proper equipment in place, etc.

Proposed Proficiency Levels for Standard Setting

The passage of H.B. 33 in the 1999 Legislative Session requires statewide administration of the Core Assessment Series. In order to provide interpretable results that can be used to inform instruction, standards of performance must be specified. This specification of standards will provide teachers, parents, students, and the public with information to assist them in understanding how students are performing relative to the Core Curriculum. In addition, as accountability issues arise, a system will be in place for determining the effectiveness of instruction at the student, classroom, school, district, and state levels of the Core Assessment Program. (For complete details, see General Exhibit No. 8314.)

Motion from the Committee that the State Board of Education grant preliminary approval of the proposed proficiency levels for standard setting in preparation for development of a board policy guiding the standard setting process. This process will be used in spring 2000 with the elementary language arts criterion-referenced tests.

Vice Chairman Kim Burningham voiced concern with the term "partial mastery." He felt that the term indicates you have mastered it, but it might be only a small percent of the area you have mastered. He suggested the term incomplete mastery.

Deputy Superintendent Gary Carlston reported that there was a lot of discussion about this and it is difficult to find descriptors. He suggested that we try this and use these terms in this pilot and we will at least have some experiences.

Motion carried with Members Arial, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill and Richards voting in favor; Members Barney and Shields absent.

Board Meeting Items

Utah Professional Practices Advisory Commission Rule Review

Carol Lear presented a brief review of the Utah Professional Practices Advisory Commission Rules to familiarize Board Members with the procedures and standards applied by UPPAC to assist the Board in becoming more informed and be in a position to take action based on UPPAC recommendations, avoid litigation on UPPAC issues, and have a strong record in the event of litigation. (For complete details of the rules, see General Exhibit No. 8315.)

Member Denis Morrill questioned if there were no statutory or board rules that bind ethical conduct or conduct of educators. Ms. Lear responded that there are no specific standards set in Utah Code dealing with ethics. Member Morrill felt these standards or rules should be established by the State Board rather than UPPAC.

Superintendent Laing indicated that the Board has the opportunity to work with the Utah Professional Practices Advisory Commission with regard to the development of the ethical standards and other rules as they are established. He further indicated that through statute UPPAC is the body that violations are originally referred and allegations made and investigations carried out.

Member Morrill further questioned if the rules were legally supportable? Ms. Lear responded that in Utah Code it says that "...UPPAC shall adopt rules consistent with applicable law and Board rules to carry out its responsibilities under this chapter."

Superintendent Laing commented that this item was brought to the Board was so we could more fully establish the connection between the Board and UPPAC. Further, to make the Board aware of what the Commission is considering and the practices they follow. Even though the Commission is established in law, they are advisory to the Board and doing some of the work for the Board. It is important that the Board be aware of their procedures and practices. The Board can impact those procedures and practices by making suggestions for them to consider. Ultimately what action they take based on those procedures and standards, comes back to the Board to ratify and effect the licensure of educators. This procedure has become a much more formalized procedure and in some cases argumentative process with attorneys' being present on both sides, etc. The awareness of the Board is critical because we are dealing with some who are continuing in the appeal process.

Ms. Lear reviewed how the misconduct process works.

Motion was made by Member C. Grant Hurst and seconded by Member Susan C. Henshaw to receive the report. Further, that the State Office provide a list of districts that are not inclined to be supportive of this process to individual Board Members privately so they can help deal with this issue. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill and Richards voting in favor; Member Shields absent.

General Consent Calendar

Motion was made by Member C. Grant Hurst and seconded by Member Susan C. Henshaw to approve the General Consent Calendar as presented. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Henshaw, Hurst, Jensen, Larson, Morrill and Richards voting in favor; Member Shields absent.

1. Minutes of Previous Meeting

Minutes of the Meetings of the State Board for Applied Technology Education and the State Board of Education held January 13, 2000 and February 1, 2000.

2. Contracts

(1) Steve James Production. \$3,300. 2/1/2000-6/30/2000. - Fed. - Amend.

Steve James Productions is asked to continue to develop musical components to enhance Prevention Dimensions resource lessons, materials to be developed will be music tapes with accompanying classroom posters and teacher songbooks.

(2) Department of Health. \$42,120.00 - 7/1/99-6/30/02 - Fed. RECEIVABLE

To set forth the respective responsibilities of the Department of Health (DOH) Division of Health Care Financing (DHCF) and the Utah State Office of Rehabilitation (USOR) related to the Local Area Network (LAN) and other technical support to be provided to the DOH employees located at the Mountain America Credit Union (660 South 200 East, Suite 440) in Salt Lake City, Utah.

(3) Dr. Ralph P. Vander Heide. \$10,000. 2/29/2000-2/28/2001. - Amend.

The accreditation consultant will assist the state accreditation committee chair with accreditation responsibilities.

(4) Department of Administrative Services. \$537,593.93. 3/1/2000-6/30/2001.

To provide operations and maintenance for the Office of Education at 250 East 500 South, SLC, UT. This is an amendment to the existing contract wherein security services are added to the contract. Agreement 94-3067, Amendment No. 7 is for the period 1 Mar 2000 to Jun 30, 2000 in the amount of \$237,138.40. Agreement 94-3067, Amendment No. 8 is for the period 1 Jul 2000 to 30 Jun 2001 in the amount of \$300,544.53.

(For complete details of the Contracts, see General Exhibit No. 8316.)

3. Accreditation of Schools

The State Accreditation Committee has reviewed the Annual Northwest Report and determined an accreditation status. The accreditation process provides an important vehicle for school accountability regarding student achievement, compliance with state rules and regulations, regional standards, and school-wide improvement. The recommendations of the Utah State Accreditation Committee and Northwest reflect a school's accountability. (For complete details of the list of the Utah State accredited schools, see General Exhibit No. 8317.) The Board reviewed the list of Utah State accredited schools and approved the recommendations of the Utah State Accreditation Committee and the Northwest Association of Schools and Colleges regarding the accreditation status of Northwest schools.

4. Ratification of Employment

Carolee Coleman was ratified as an Educational Specialist, Social Studies in the Instructional Services Division.

Russell B. Klein was ratified as an Educational Specialist, District Computer Services in the Agency Services Division.

Kreig B. Kelley be ratified as an Educational Specialist, Title I in the Instructional Services Division.

5. Name Change for the New Stewart School

The developers of The New Stewart School have become aware that the approved name of their school has created the illusion that this particular school has an official affiliation with the University of Utah. This has created some confusion on the campus as well as in the community. In order to help clear up any

misunderstandings about this new school or its mission, the developers of this charter school have requested a name change that will help dispel any misunderstandings that may exist. This request is for a name change only and does not alter the proposed mission of the school. The State Board of Education approved a name change for The New Stewart School in Salt Lake County to Center City School.

6. Success School Charter Amendment Request

Success School became operational in October 1999. Since opening its doors, the school has received a larger than anticipated number of requests for enrollment from the Juvenile Court, parents, and students. It has been determined that as many as 400 Granite area students meet the criteria for enrollment in Success School, but the school's charter allows for only 30 students. The developers and operators of this unique charter school request an expansion of their current enrollment limit to 50 students. The State Board of Education approved an increase in the approved enrollment ceiling from 30 to 50 students at the Success School under the sponsorship of Granite School District.

7. Claims Report

The Claims Report in the amount of \$132,681,575.45 ending January 31, 2000 was approved by the Board. (For complete details see General Exhibit No. 8318.)

Executive Officer Report

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

Staff Recognition Superintendent Laing reported that **Jackie Thompson, Educational Equity Specialist, was recently given the Martin Luther King Jr. Award from the Salt Lake Branch of the NAACP.** This award was established in 1985 to recognize citizens whose efforts have contributed significantly to the advancement of civil rights in this state. Jackie was also appointed by Governor Leavitt as a member Martin Luther King Jr. Human Rights Commission and also she was crowned as Mrs. Utah last fall.

Ms. Thompson stated that she was excited to represent Utah as Mrs. Utah and she will be speaking to the youth about celebrating diversity and recognizing we have much more in common.

Ms. Thompson expressed appreciation to the Board for what they do in support of the youth of our state. She indicated she enjoyed her job and working at the State Office.

Superintendent Annual Report Superintendent Laing indicated that Board Members had been given the three parts of the Superintendent Annual Report. Included was the Statistical Information, Testing and Accountability and the written commentary.

Legislation Work Superintendent Laing reported that a lot of time for the executive staff has been monopolized by the legislative session. We have spent a lot of time providing information, and responding to questions. He commended the staff for their professionalism in front of the committees. He indicated they have represented the Board and office very well.

Dr. Laing commented that the efforts the Board went to in establishing Board priorities have not gone unnoticed. There has been a great deal of comment in various committee meetings about the Board's priorities than ever before. Dr. Laing noted that tomorrow in the appropriations committee staff will be making a formal presentation on those priorities.

Superintendent Laing reported that **SB 17 by Senator Jones** which would hold minimum basic levy constant is on the docket for the Senate floor currently. He further reported that **SB 197 and 198 dealing with the franchise taxes have now been released out of rules.**

Youth In Custody Program Audit Superintendent Laing reported that Kent Mohlman, Internal Auditor has completed an audit of the Youth In Custody Program which was approved by the Audit Committee following the last meeting. The audit identified that there are some funds being carried over in some of the districts and we are in the process of correcting these issues. Dr. Laing indicated that the problem was identified by people in our office. He paid credit to the staff and board for being proactive on these issues.

Board Chairman Report

Chairman Kennedy reported that she will be attending a **WestEd Conference on Adequacy in Funding in San Francisco** on February 18. This will be board members and superintendents discussing strategies on how to define adequacy and to help boards find ways to get to that point.

Vice Chairman Kim Burningham reported that the **National Association of State Boards of Education (NASBE)** has notified us that nominations for president, vice-president, area director and a member for the Resolutions Committee are due by February 18, 2000.

He reported that Pat Chloubler of Colorado is planning to run for vice president for 2001 and will not be seeking re-election as the area director.

It was suggested that the Board move into executive session to discuss these nominations.

Executive Session

Motion was made by Member C. Grant Hurst and seconded by Member Boyd F. Jensen to moved into executive session for the purpose of discussing litigation or personnel issues. The Board was polled and by unanimous consent of those present, [Members Arial, Morrill and Shields absent] the Board moved into executive session at 3:30 p.m.

Motion was made by Member Judy Larson and seconded by Member Linnea S. Barney to reconvene into open meeting. Motion carried with Members Arial, Barney, Burningham, Cannon, Ferrin, Haslem, Hurst, Jensen, Larson, Morrill and Richards voting in favor; Members Henshaw and Shields absent.

The Board reconvened at 4:05

Open Board Meeting

Davis Applied Technology Center Board of Directors

Motion was made by Member C. Grant Hurst and seconded by Member Denis R. Morrill to appoint Mr. Wayne Bates to the Davis Applied Technology Center Board as a new Board member to fill the vacancy left by the resignation of Paul F. Liston. Further to reappoint Fran Brown, William Prows, Stephen Barrett and Jewel Lee Kenley for two additional terms on the Davis Applied Technology Center Board. Motion carried with Members Barney, Burningham, Cannon, Ferrin, Haslem, Hurst, Jensen, Larson, Morrill, and Richards voting in favor; Members Arial, Henshaw and Shields absent.

Motion was made by Member Joyce W. Richards and seconded by Member Judy Larson to adjourn.

Meeting adjourned at 4:08 p.m.
