UTAH STATE BOARD OF EDUCATION MEETING MINUTES

November 4, 2011

The Audit, Charter, and USDB Committees of the Board met on November 3, 2011. All Board Members were present with the exception of James Olsen, Teresa Theurer, and Isaiah Spencer.

The Utah State Board of Education held a regular meeting on November 4, 2011 at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:00 a.m. At the request of Chair Debra Roberts, Vice Chair Dixie Allen conducted.

Board Members present:

Chair Debra G. Roberts

Wember Joel Coleman

Vice Chair Dixie L. Allen

Member David L. Crandall

Member Tim Beagley (non-voting)

Member Michael Jensen

Member Carol A. Murphy

Member Laurel O. Brown

Member C. Mark Openshaw

Member Kim R. Burningham

Member Tami W. Pyfer

Member Janet A. Cannon

Member Isaiah (Ike) Spencer (non-voting)

Member Leslie B. Castle

Member R. Dean Rowley (non-voting)

Member Craig E. Coleman Member David L. Thomas

Excused: Members James V. Olsen, Teresa L. Theurer

Executive staff present:

Larry K. Shumway, State Superintendent of Public Instruction

Martell Menlove, USOE Deputy Superintendent

Brenda Hales, USOE Associate Superintendent

Todd Hauber, USOE Associate Superintendent

Judy Park, USOE Associate Superintendent

Russ Thelin, Utah State Office of Rehabilitation

Lorraine Austin, Board Secretary

Others present: Lydia Nuttall, parent, Morgan District; Spencer Brimley, Salt Lake County RDA; Tom Christopulos, Ogden City RDA; Carolyn Lasater, USDB, David Thomas, Granite–National Academic League; Brian Seay, U.S. Army; Wendy Wilmore, U.S. Army; Allan Silberstein, U.S. Army; Darlene S. Head, SLCC Veterans Center

Members of the Press:

Rosemary Winters, Salt Lake Tribune

Opening Business and Board Member Welcome

Vice Chair Dixie Allen called the meeting to order at 8:00 a.m. Members James Olsen and Teresa Theurer were excused. The Pledge of Allegiance was led by Member Leslie Castle.

Member Laurel Brown welcomed the Board. She gave her thoughts about social studies and civics education in Utah schools, and shared information from a USOE report prepared for the November legislative Education Interim Committee meeting. She informed the group that statistics from the 2010 Census show that in Salt Lake City there is more diversity in ages 19 and below than anywhere in the United States. She emphasized that given the various backgrounds and cultures found in Utah schools, it is imperative for increasing knowledge and interpersonal skills in social studies and civics to be taught, and policymakers need to be aware of the demographics as they make decisions. Utah students should be learning civics each day in order to join real life situations with the concepts they've learned, such as compromise, tolerance, honesty and acceptance.

Promises to Keep Highlight: Civic Purpose of Public Education

Superintendent Larry K. Shumway shared the experience of a recent visit to Indian Hills Elementary in which he heard first grade students reciting the Pledge of Allegiance, and commented that we're making Americans in our public schools, starting with teaching children the narrative of America. Superintendent Shumway read Abraham Lincoln's Second Inaugural Address, then expressed his hope that all in public education will be absolutely and fully committed to the civic purposes of public education. He challenged educators that when anyone tries to limit the purpose of public education to some narrow economic, vocational, or other purpose, to remember that public education—while it is both about personal growth and economic progress—is fundamentally a civic enterprise that those in public education undertake together to secure and preserve the freedom inherited from previous generations. He expressed that this concept is truly the center of Promises to Keep.

Public Participation/Comment

Mr. Kory Holdaway, Director Government Relations for the Utah Education Association, presented UEA's concerns about the Board's budget priorities, particularly with growth not being the top priority. He called the Board's attention to the legislative priorities of the Utah School

Boards Association and Utah Schools Superintendents Association, to fund growth first and have as other top priorities the restoration of funding for social security and retirement, and transportation. He urged the Board to reconsider its priorities.

The Board recessed to Committees. The Board reconvened at 10:30 a.m.

Achievement Spotlight

Associate Superintendent Brenda Hales congratulated Wasatch Jr. High School for winning the National Academic League Championship for 2010-2011. Members of the winning team were recognized, along with Christine Rydalch and Paul Mallon from Wasatch Jr. High, and Darryl Thomas and Annette Duzett from Granite School District. Chair Roberts and Superintendent Larry Shumway honored them with a certificate of excellence.

U.S. Army Presentation on ASVAB/March2Success

Allan Silberstein, Education Services Specialist for the U.S. Army, Lt. Colonel Brian Seay, Wendy Wilmore, and Darlene Head, Veterans Coordinator for Salt Lake Community College, were introduced. Mr. Silberstein gave a presentation regarding academic tools that have been developed by the Army—the ASVAB test and the March2Success program. The ASVAB is a program that provides career exploration and planning materials to high schools. It provides an assessment of students' abilities to learn new skills and is a predictor of success in training and education programs in various areas. The March2Success program is an online, standardized test preparation course, developed to help high school students improve their performance on tests such as the SAT and ACT. Both programs, including training, are available at no cost or obligation.

Mr. Silberstein requested support for these programs from the Board. [For complete details, see General Exhibit No. 11696.]

State Superintendent Report

Superintendent Larry Shumway reported on the following items.

• ESEA flexibility requests - the USOE has submitted a letter to the U.S. Department of Education indicating it will make a waiver request. The hope is to move to only one accountability model.

- Associate Superintendent Judy Park distributed and reviewed information on the K-3 reading program, indicating that:
 - 1) the entire elementary school is now being viewed; 2) the achievement gains are being sustained and increased over time; and 3) it is believed Utah's CRT results are validated by NAEP.
- Discussion groups to be held by Senator Osmond, working with Superintendent Shumway, will be held on November 7, 8 and 10 to discuss proposed legislation on the Orderly Termination Act, where people can give recommendations and feedback.
- Superintendent Shumway expressed appreciation to USBA for giving the State Board the opportunity to participate in its fall regional meetings.

[For complete details, see General Exhibit No. 11697.]

Board Chair Report

<u>Auditor's Report</u> - Internal Auditor Natalie Grange reviewed the findings and response in Report No. 2010-16B, *Compliance with State Procurement and Purchasing Policies for Excelsior Academy*.

She also reviewed the state's audit of the Office of Education and Office of Rehabilitation in Report 11-14, *Single Audit Management Letter for the Year Ended June 30, 2011*. State auditors presented it to the Board's Audit Committee in its November 3 meeting. [For complete details, see General Exhibit No. 11698.]

Chair Debra Roberts reported on the following items.

- In the last Education Interim Committee meeting, two assessment bills supported by the Board were forwarded as committee bills.
- The work of the Women in Education Task Force should finish in January.
- As she meets with people, Chair Roberts is sharing several documents including her
 Wheatley Institute response, the Technology Standards draft, Promises to Keep and the
 Board's strategic plan.
- A Board member is needed to serve on a data flexibility federal waiver committee, headed by Judy Park.

NASBE Teacher Effectiveness Study Group Report

The National Association of State Boards of Education (NASBE) created a study group that met in 2011, charged with developing policy recommendations for a strong teaching profession. The findings were released in October 2011 in the report, *Gearing Up: Creating a Systemic Approach to Teacher Effectiveness*. Member Leslie Castle served on the study group. She reviewed the report with the Board. [For complete details, see General Exhibit No. 11699.]

Board Members Carol Murphy and Kim Burningham reported on presentations at the recent NASBE Annual Meeting regarding international education practices.

Grading Schools Recommendations

Utah Code 53A-1-111 through 1113 (S.B. 59 *School Grading System*, 2011 Legislative Session), requires the State Board of Education to develop a system to grade schools. A committee of stakeholders has met monthly to develop this system. Associate Superintendent Judy Park reviewed the committee's final recommendations for implementing a grading schools system. Members Allen and Brown have been on the committee.

Motion was made by Member Laurel Brown and seconded by Member Carol Murphy that the Board, recognizing this is the best model that can be created under the present assessment system, accept the Grading School Committee's recommendations, with an admonition that the grading schools system should be used to recognize those schools that need further help, not for punishment. The recommendations will be forwarded to the legislative Interim Education Committee for further input. Senator Niederhauser will then consider the input and may draft new language for legislation.

Member Joel Coleman spoke against including the admonition in the motion, as he felt it is an opinion and doesn't show good faith in carrying out the law. Member Castle expressed that the admonition is giving further direction on the use of the tool. Vice Chair Allen also mentioned that the Grading Schools Committee always worked on the premise of wanting this model to help struggling schools. To state it in the motion defines the model.

Member Murphy called the question. Motion carried with Members Cannon and Thomas opposed.

Motion to accept the recommendations carried with Members Allen, Brown, Buswell, Burningham, Cannon, Castle, Jensen, Murphy, Pyfer, Thomas and Roberts in favor, and Members C. Coleman, J. Coleman, Crandall, and Openshaw opposed. [For complete details, see General Exhibit No. 11700.]

Performance-based Compensation Pilot Programs Report

The 2010 Legislature allocated funding for the Performance-based Compensation Program via S.B. 2 *Minimum School Program and Public Education Budget Amendments*. S.B. 86 *Sunset Reauthorizations*, passed in the 2011 Legislative Session, extended the program to July 2016, but provided no funding. Ashman Elementary (Sevier District), Canyon Rim Academy Charter School (Granite District), Manila Elementary (Alpine District), Midway Elementary (Wasatch District), and Wasatch Peak Charter School (Davis District) were pilots for the program.

The Center for Education Policy at the University of Utah was contracted to perform an independent evaluation of the pilot. Deputy Superintendent Martell Menlove reported that the evaluation is still in progress and should be completed by the next Board meeting. Most schools are reporting a very positive experience.

Board Standing Committee Reports

CHARTER SCHOOLS COMMITTEE

Committee Chair Carol Murphy reported on the following from the Committee.

American Preparatory Academy - The Accelerated Schools Amendment Request

Motion from Committee that the Board accept the recommendation of the State Charter School Board and approve an amendment to the charter of American Preparatory Academy – The Accelerated School (TAS) to add 300 additional students across all grades beginning in the 2012-2013 school year. Motion carried unanimously. [For complete details, see General Exhibit No. 11701.]

Canyon Rim Academy Amendment Request

Motion from Committee that the Board accept the recommendation of the State Charter School Board and approve an amendment to the charter of Canyon Rim Academy to add the two-mile radius student preference to its other approved preferences, as allowed by state statute.

Motion carried unanimously. [For complete details, see General Exhibit No. 11702.]

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R277-481 Charter School Oversight, Monitoring and Appeals

A review of R277-481 was requested by the State Charter School Board. The rule consists of sections taken from R277-470 *Charter Schools* and includes new minimum standards for performance and processes for correcting deficiencies. The rule was first considered in the September meeting of the Board and returned to the committee for more changes.

A sheet of amendments from the committee was distributed and reviewed. The Committee approved R277-481, as amended, on second reading.

Motion from Committee that the Board approve R277-481 Charter School Oversight, Monitoring and Appeals on third reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11703.]

USDB COMMITTEE (Utah Schools for the Deaf and the Blind)

Committee Chair Joel Coleman reported on the following items from the Committee.

USDB Committee Role/Purpose

Following the report from the USOE/USDB Task Force, the Board Leadership Committee established a new USDB Standing Committee of the State Board of Education. The USDB Committee established some objectives, including having oversight of USDB performance and academic progress, and making recommendations to the State Board, including legislative changes.

The Committee may want to schedule meetings in addition to the two scheduled for 2012. It was determined that any financial component of USDB will be handled by the Audit Committee.

USDB Committee Legislative Focus

The Committee received a report from the USDB Advisory Council outlining two motions the Council has approved—first, to make minor changes in Utah Code to the required committee membership, and second, to add a one-year appointment to half of the seats on the Advisory Council so the terms will be staggered in the future. The length of terms can be handled in Board rule.

The Committee directed that for the December Board meeting, staff develop recommendations for changes in 53A-25B *Utah Schools for the Deaf and the Blind* and prepare a Board rule in conjunction with those changes.

DATA, ASSESSMENT, AND ACCOUNTABILITY COMMITTEE

Committee Chair David Thomas reported on the following items from the Committee.

Taxing Entity Committee to the Redevelopment Agency of Salt Lake County

West Millcreek Urban Renewal Project Area

The West Millcreek Urban Renewal Project area was approved and adopted by the TEC and the Salt Lake County Redevelopment Agency Board of Directors in December 2009. The Redevelopment Agency of Salt Lake County requested approval from all taxing entities for a change from the previously adopted trigger date of 2012 with a project end date in 2032, to a new flexible trigger date of 2015 with an end to the project in 2035.

The Committee approved Larry Newton, USOE Finance Director, to represent the Board on the TEC and authorized him to vote in the affirmative. [For complete details, see General Exhibit No. 11704.]

Taxing Entity Committee to the Redevelopment Agency of Ogden City

Redevelopment Agency Ogden River Redevelopment Project Area

In August 2002, the Ogden City Council adopted the Ogden River Redevelopment Project Area Plan. The Ogden City Redevelopment Agency has proposed a revision to the Project Area Budget. The revised project expenses for the entire sixty-acre project area, excluding tax increment, are projected to be \$109.9 million compared to \$134.7 million that was

projected in the 2002 adopted budget. The revised plan and budget includes a request to extend the period to collect tax increment from the current ending date of 2019 to 2027—an additional eight years

The Committee approved Larry Newton, USOE Finance Director, to represent the Board on the TEC and authorized him to vote in the affirmative. [For complete details, see General Exhibit No. 11705.]

Taxing Entity Committee Meetings Outcomes

The report, October 2011 Redevelopment Taxing Entity Committee Actions and Reasons for the Votes was received by the Committee. [For complete details, see General Exhibit No. 11706.]

R277-425 Budgeting, Accounting, and Auditing for Utah Local Education Agencies

As a part of the orderly review of Board rules, R277-425 has been revised to update reference materials and current guidance to local education agencies throughout the state.

The Committee passed R277-425 *Budgeting, Accounting, and Auditing for Utah Local Education Agencies* on first reading and moved that the Board approve the rule on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11707.]

Utah Schools for the Deaf and the Blind Quarterly Financial Condition and Budget Status Report

The quarterly financial report of the Utah Schools for the Deaf and the Blind was reviewed by the Committee. USDB is on target with its budget this year. The financials are reviewed monthly with each of the directors and business manager, and contracts with districts are in place. [For complete details, see General Exhibit No. 11708.]

Reading Assessment Waiver Requests

State Board rules R277-403-3(D) *Student Reading Proficiency and Notice to Parents*, and R277-404-3A(4) *Requirements for Assessment of Student Achievement* require that "one assessment shall be determined by USOE for a mid-year reading assessment for grades one, two

and three. USOE has identified the DIBELS Next Edition of the Oral Reading Fluency as the required assessment.

A memorandum to local education agencies (LEAs) from State Superintendent Larry Shumway, dated September 26, 2011, provided information to LEAs to request a waiver of this assessment. The Committee reviewed reading assessment waiver requests from Canyons and Uintah School Districts. The Committee tabled Uintah's request until more information is received. The Committee approved the waiver for Canyons District 4-1.

Motion from Committee that for Canyons School District, the Board waive the requirement in Board rule of using the DIBELS assessment.

Motion carried with Members Allen, Burningham, Buswell, C. Coleman, J. Coleman, Crandall, Jensen, Murphy, Openshaw, and Roberts in favor, and Members Brown, Cannon, Thomas, Castle, and Pyfer opposed. [For complete details, see General Exhibit No. 11709.]

INSTRUCTION, SUPPORT, AND TECHNOLOGY COMMITTEE

Committee Chair Janet Cannon reported on the following items from the Committee.

R277-730 Alternative High School Curriculum

Board rule R277-730 has not been substantively amended since 1987. It was determined that standards and procedures in the rule are outdated and no longer applicable, therefore the rule is unnecessary.

The Committee repealed R277-730 *Alternative High School Curriculum* on first reading and moved that the Board repeal the rule on second reading. Motion carried; Member Thomas absent. [For complete details, see General Exhibit No. 11710.]

R277-513 Dual Certification

Board Rule R277-513 has not been substantively amended since 1991. It was determined that standards and procedures in the rule are outdated and no longer applicable, therefore the rule is unnecessary.

The committee tabled the rule on the recommendation of staff. The rule may be rewritten for the ESL section. [For complete details, see General Exhibit No. 11711.]

R277-102 Adjudicative Proceedings

Board Rule R277-102 has not been substantively amended since 1988. Staff reviewed the rule and determined that amendments are necessary, but because the changes significantly simplify the rule, it was recommended the rule be repealed/reenacted.

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The Committee repealed and reenacted R277-102 on first reading with the following amendments:

- Lines 267 and 282 the word "order" will be changed to "decision."
- Section 7 the following definition will be added: "Default means the failure of a
 party to an administrative proceeding to meet the requirements or time lines of the
 proceeding."

Motion from Committee that the Board repeal and reenact R277-102 *Adjudicative Proceedings*, as amended, on second reading. Motion carried; Member Thomas absent. [For complete details, see General Exhibit No. 11712.]

R277-426 Definition of Private and Non-Profit Schools for Federal Program Services

Board rule R277-426 has not been substantively amended since 1987. The rule was amended to provide updated terminology and remove student count requirements that are contrary to IDEA.

The Committee approved R277-426 *Definition of Private and Non-Profit Schools for Federal Program Services*, as amended, on first reading, and moved that the Board approve the rule on second reading. Motion carried; Member Thomas absent. [For complete details, see General Exhibit No. 11713.]

R277-751 Special Education Extended School Year

Board rule R277-751 has not been substantively amended since 1987. Amendments were made to provide current definitions, define ESY eligibility and programs in alignment with IDEA 2004 and Utah State Board of Education Special Education Rules (2007), and remove outdated requirements (e.g., reliance on regression and recoupment) that are contrary to an ESY-related 10th Circuit Court decision.

The Committee approved R277-751 *Special Education Extended School Year* on first reading with an amendment to line 39 to read "... for the purposes of this rule, the Utah Schools for the Deaf and the Blind..."

Motion from Committee that the Board approve R277-751, as amended, on second reading. Motion carried; Member Thomas absent. [For complete details, see General Exhibit No. 11714.]

Four-day School Week Requests

Approval for three of the four schools/districts approved previously by the Board to hold four-day school week expires at the end of the 2011-2012 school year. Additionally, other schools/districts were advised that the Board would consider four-day week requests at its November 2011 meeting.

The Committee reviewed requests from Lake Powell School, Tabiona School, and Rich School District for an extension of the waiver of R277-419 *Pupil Accounting* previously granted in order to hold a four-day school week. In addition, a request from Tintic School District for a waiver of the rule in order to begin a four-day week in the 2012-2013 school year was considered. Each school meets Board requirements for a four-day week, and all schools have met NCLB Adequate Yearly Progress (AYP) requirements, with the exception of Tintic in math.

Motion from Committee that the Board grant to Tabiona School, Lake Powell School, and Rich School District an extension of the waiver from the 180-day requirement in R277-419, in order to hold a four-day school week in the 2012-2013, 2013-2014, and 2014-2015 school years. Motion carried; Member Thomas absent.

Motion from Committee that the Board approve Tintic School District's request for a waiver from the 180-day requirement in R277-419, in order to hold a four-day school week in the 2012-2013, 2013-2014, and 2014-2015 school years, with a caveat that the district come back to the Board in February with the results of a survey from its parents. If there is at least 75 percent support from parents, the district will move ahead. Motion carried; Member Thomas absent.

Each entity will be required to provide an annual report using the Board-approved report format. [For complete details, see General Exhibit No. 11715.]

Member Joel Coleman suggested the Board consider revising its position statement on the four-day school week to encourage more creative use of time.

STANDARDS, CURRICULUM, AND STUDENT SUCCESS COMMITTEE

Committee Chair Laurel Brown reported on the following items from the Committee.

K-3 Software Expenditures

H.B. 2 Minimum School Program and Public Education Budget Amendments (2011 Legislative Session) outlines provisions for K-3 Reading Improvement using computer-assisted learning and assessments. LEAs are required to report yearly progress in grades K-3 in accordance with their reading goals and outlined expenditures, including software, to meet those goals.

The Committee received a report of K-3 software expenditures. It was suggested that longitudinal data on K-3 achievement be added to the report. [For complete details, see General Exhibit No. 11716.]

R277-703 Centennial Scholarship for Early Graduation

Board rule R277-703 has not been substantively amended since 1994. The rule was amended to provide updated terminology.

The Committee passed R277-703 *Centennial Scholarship for Early Graduation* on first reading, as amended, and moved that the Board approve the rule on second reading. Motion carried; Member Thomas absent. [For complete details, see General Exhibit No. 11717.]

Rules Addressing Student Discipline

In its October 7, 2011 meeting, the Board approved R277-608 *Prohibition of Corporal Punishment* on second reading. As a result of the rule review, the Standards, Curriculum and Student Success Committee requested that information be provided about all rules that discuss student discipline issues with specific interest in special education disciplinary action for students with disabilities. The Committee reviewed a report on those rules and determined that more

rules on discipline are not needed at this time. [For complete details, see General Exhibit No. 11718.]

Common Core Curriculum and Assessment Update

A report on the following was given to the Committee by Associate Superintendent Brenda Hales and USOE Director of Teaching and Learning, Sydnee Dixon.

- The Hunt Report, disseminated nationally, placed Utah in the top five states in implementation of the Common Core.
- A consortium of Utah districts are looking at e-textbooks.
- ASCD is having a meeting on December 15 about the Common Core.
- Forty-five percent of Utah secondary language arts teachers are in an online learning community for the Common Core.
- Utah has been designated by the Learning Forward group as a state that is a critical friend and is at the highest level of Common Core implementation.

Annual Report: Meeting the Needs of Secondary CTE Students

The Board is required to provide an annual report on how the needs of secondary students are being met and what access secondary students have to programs offered through the College of Applied Technology (UCAT) and within the regions served by the Salt Lake Community College's School of Applied Technology, Snow College, and the College of Eastern Utah. The Committee received the written report. [For complete details, see General Exhibit No. 11719.]

Civic and Character Education in Utah Schools

The Lt. Governor's Commission on Civic and Character Education calls for a report from the State Office of Education on the status of Civic and Character Education, to be given to both the Education Interim Committee and Commission by December 30 each year. The Standards, Curriculum, and Student Success Committee received the written report. [For complete details, see General Exhibit No. 11720.]

Representative LaVar Christensen has been given direction to review the report and make recommendations back to the Education Interim Committee.

Executive Session

Motion was made by Member Laurel Brown and seconded by Member David Crandall that the Board move into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual, pending litigation, or other items as outlined in Utah Code 52-4-205. The Board was polled, and upon unanimous consent of those present, moved into Executive Session at 3:25 p.m. Members David Thomas and Joel Coleman were not present for Executive Session.

Motion was made by Member Murphy and seconded by Member Cannon that the Board reconvene into open meeting. Motion carried; Members Thomas and J. Coleman absent.

The meeting reconvened at 4:02 p.m.

Executive Session Action Items

<u>Utah Professional Practices Advisory Commission Recommendations</u>

The Board reviewed the findings of the hearing panel in Case No. 05-739, provided to them at the meeting.

Motion was made by Member Carol Murphy and seconded by Member Michael Jensen that the Board accept the recommendation of the Utah Professional Practices Advisory Commission and hearing panel in Case No. 05-739 and revoke the educator license of a former teacher in Cache School District. The revocation results from engaging in an inappropriate relationship with a student.

Motion carried: Members J. Coleman and Thomas absent.

Motion was made by Member Murphy and seconded by Member Jensen that the Board accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 07-815 to accept a stipulated agreement, including conditions of the agreement, whereby a former administrator in Box Elder School District voluntarily surrenders her educator license in lieu of a hearing by the State Board of Education. The suspension results from driving under the influence and causing two separate accidents.

Motion carried; Members J. Coleman and Thomas absent.

Motion was made by Member Murphy and seconded by Member Jensen that the Board accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 11-1023 to accept a stipulated agreement, including conditions of the agreement, whereby a former educator at the Utah Schools for the Deaf and the Blind voluntarily surrenders her educator license in lieu of a hearing for purposes of suspension of her license from the date of formal action by the State Board of Education.

The educator's suspension results from failing to meet with students in various schools and various school districts on a regular and consistent basis in order to provide IEP services, failing to keep appropriate documentation, and failing to submit reports to her supervisor. Motion carried; Members J. Coleman and Thomas absent.

[For complete details, see General Exhibit No. 11721.]

State Rehabilitation Council Appointment

Motion was made by Member Kim Burningham and seconded by Member Mark Openshaw that the Board approve the appointment of Norman Underwood, representing Business, Labor, Industry, as a State Rehabilitation Council member, term expiring September 30, 2014.

Motion carried; Members J. Coleman and Thomas absent.

Division of Services to the Deaf and Hard of Hearing Advisory Council Appointments

Motion was made by Member Burningham and seconded by Member Openshaw that the Board approve the appointment of Stacey R. Butler (medical community representative), Brett Atkinson (consumer representative) and Chelle George (consumer representative) as Division of Services to the Deaf and Hard of Hearing Advisory Council members, all terms to end June 30, 2014. Motion carried; Members J. Coleman and Thomas absent.

Utah Statewide Independent Living Council Appointments

Motion was made by Member Burningham and seconded by Member Jensen that the Board approve the appointment of Cheryl Atwood, Mindy Bills, Richard Luke, Donna McCormick, and Trish Smith as first-term members of the Utah Statewide Independent Living

Council, and Sonja Evans as a second-term member. All are consumer representatives, with terms ending September 2014. Motion carried; Members J. Coleman and Thomas absent.

General Consent Calendar

Motion was made by Member Craig Coleman and seconded by Member Laurel Brown that the General Consent Calendar be approved as written. Motion carried; Members J. Coleman and Thomas absent. [For complete details, see General Exhibit No. 11722.]

1. Minutes of Previous Meeting

Minutes of the meeting of the State Board of Education held October 7, 2011 were approved.

2. Contracts

The following contracts were approved by the Board:

a. Sally Dyches, \$16,666, 10/1/2011 to 9/30/2012, Fed.

To provide monitoring for the Utah Program Improvement Planning System (UPIPS); review files and procedures for LEA Self Assessment and Annual Performance Reports; monitor LEAs for compliance with IDEA and State Board of Education Special Education rules.

b. Sandra Hansen, \$16,666, 10/1/2011 to 9/30/2012, Fed.

To provide monitoring for the Utah Program Improvement Planning System (UPIPS); review files and procedures for LEA Self Assessment and Annual Performance Reports; monitor LEAs for compliance with IDEA and State Board of Education Special Education rules.

c. TWalker Consulting, \$16,666, 10/1/2011 to 9/30/2012, Fed.

To provide monitoring for the Utah Program Improvement Planning System (UPIPS); review files and procedures for LEA Self Assessment and Annual Performance Reports; monitor LEAs for compliance with IDEA and State Board of Education Special Education rules.

d. Special Ed Consulting, \$16,666, 10/1/2011 to 9/30/2012, Fed.

To provide monitoring for the Utah Program Improvement Planning System (UPIPS); review files and procedures for LEA Self Assessment and Annual

Performance Reports; monitor LEAs for compliance with IDEA and State Board of Education Special Education rules.

e. Wade Glathar, \$16,666, 10/1/2011 to 9/30/2012, Fed.

To provide monitoring for the Utah Program Improvement Planning System (UPIPS); review files and procedures for LEA Self Assessment and Annual Performance Reports; monitor LEAs for compliance with IDEA and State Board of Education Special Education rules.

f. <u>Davis County Schools Warehouse</u>, \$600,000, 10/1/2011 to 9/30/2012, Amend #2

Receipt of storage of USDA Commodities.

g. <u>Mississippi State University</u>, \$18,881, 6/1/2011 to 9/30/2011, Fed.

To provide Comprehensive Evaluation for Utah's Title VII Chapter 2 Program.

h. Iron Data Solutions, Inc., \$180,000, 10/1/2011 to 9/30/2016, Fed.

To provide annual maintenance for the computer program/system at DDS.

[For complete details, see General Exhibit No. 11723.]

3. R277-100 Rulemaking Policy

In its October 7, 2011 meeting the Board passed R277-100 on second reading. The rule informs the public of the procedure the Board follows to make rules and allows for transparency. Amendments were made to align the rule with current law. The Board approved R277-100 *Rulemaking Policy* on third and final reading. [For complete details, see General Exhibit No. 11724.]

4. R277-104 USOE ADA Complaint Procedure

In its October 7, 2011 meeting the Board repealed R277-104 on second reading. Staff determined that this rule duplicated a rule adopted by the Utah Department of Administrative Services/ DHRM, therefore making it unnecessary. The Board repealed R277-104 *USOE ADA Complaint Procedure* on third and final reading. [For complete details, see General Exhibit No. 11725.]

5. R277-470 Charter Schools - General Provisions

In its September 9, 2011 meeting the Board approved R277-470 on second reading. The rule was amended in accordance with recommended changes by the State

Charter School Board, including moving several sections to separate rules, and technical corrections. The Board approve R277-470 *Charter Schools - General Provision* on third and final reading. [For complete details, see General Exhibit No. 11726.]

6. R277-482 Charter School Timelines and Approval Process

In its September 9, 2011 meeting the Board approved R277-482 on second reading. The State Charter School Board requested review of the new rule, which consists of sections taken from R277-470 *Charter Schools* and includes new timelines for approval and notification processes for expansion of schools. The Board approved R277-482 *Charter School Timelines and Approval Process* on third and final reading. [For complete details, see General Exhibit No. 11727.]

7. R277-608 Prohibition of Corporal Punishment in Utah's Public Schools

In its October 7, 2011 meeting the Board approved R277-608 on second reading. The rule was amended to include additional provisions consistent with state law. The Board approved R277-608 *Prohibition of Corporal Punishment in Utah's Schools* on third and final reading. [For complete details, see General Exhibit No. 11728.]

8. 2012 Meeting Schedule

The Board approve its meeting schedule for 2012. [For complete details, see General Exhibit No. 11729.]

9. Monthly Budget Report

The Monthly Budget Report was provided to give 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, see General Exhibit No. 11730.]

10. Educator Licensing Requests for Temporary Authorizations

The Board received the Requests for Temporary Authorizations. [For complete details, see General Exhibit No. 11731.]

11. Notice of Vacancy - Utah Instructional Materials Commission

Two openings were noticed for the Instructional Materials Commission: one for a lay citizen and one for an elementary principal. Commissioners selected for these positions will serve four-year terms from 2012-2015.

12. List of Educator Licenses Processed

The Board received a summary of the total number of educator licenses and license areas processed in October 2011. [For complete details, see General Exhibit No. 11732.]

13. Claims Report

The Board received the Claims Reports for September 2011 in the amount of \$252,815,634.91. [For complete details, see General Exhibit No. 11733.]

14. Ratifications

The Board ratified the hiring of Tara L. Bell as an Education Specialist in the USOE CTE Section and Heidi L. Bauerle as an Education Specialist in the USOE Special Education Section.

Motion was made by Member Openshaw and seconded by Member Jensen that the meeting adjourn. Meeting adjourned at 4:07 p.m.

Lorraine Austin, Secretary to the Board Approved December 2, 2011