

MINUTES

November 7, 2008

Minutes of the meeting of the State Board of Education held November 7, 2008, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:45 a.m. At the request of Chairman Richard Sadler, Vice Chairman Mark Cluff presided

Members present were:

Chairman Richard Sadler
Vice Chairman Mark Cluff
Member Dixie L. Allen
Member Laurel O. Brown
Member Kim R. Burningham
Member Janet A. Cannon
Member Rosanita Cespedes
Member Bill Colbert
Member Thomas Gregory
Member Greg W. Haws
Member Meghan Holbrook
Member Michael G. Jensen
Member Charlene Lui
Member Randall Mackey
Member Denis R. Morrill
Member Richard Moss
Member Debra G. Roberts
Member Teresa L. Theurer

Also present were:

Superintendent Patti Harrington
Deputy Superintendent Larry Shumway
Associate Superintendent Brenda Hales
Associate Superintendent Todd Hauber
Associate Superintendent Judy Park
Executive Director, USOR, Don Uchida
Public Affairs Director, Mark Peterson
Board Secretary Twila B. Affleck

Members of the Press:

Loretta Park, Standard Examiner
Lisa Schencker, Salt Lake Tribune
Amy Stewart, Deseret Morning News
Holly Langton, State PTA
Cheryl Phipps, State PTA
Brent & Rachel Brighton, Ethos Academy
Janene Bowen, Jordan School District
Susan D. Johnson, NUAMES Board of Directors
Rob Stillwell, NUAMES Director
Mike Weilenmann, Weilenmann Charter School
Jamie Renda, NUAMES Parent

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Lori Lovelady, NUAMES Parent of former student
G. W. Leonard, Utah School Boards Association
Kyle Bateman, State Board of Education Member-Elect
Steven H. Peterson, Utah School Superintendents Association
Leslie B. Castle, Utah State Board of Education Member-Elect
Jeff Herr, UTVA

Utah State Office of Education Staff:
Jeannie Rowland, Charter Schools
Mary Shumway, Director, Career and Technical Education

Welcome and Student Achievement Spotlight

_____ Vice Chairman Mark Cluff called the meeting to order.

Board Member Debra G. Roberts lead the Board in the Pledge of Allegiance.

Board Member Janet A. Cannon presented an inspirational moment using a clip from “Are You Smarter Than a 5th Grader?” where Kathy Cox, Georgia State Superintendent won a million dollars and gave the money to three schools serving Deaf and Blind students. She ended with a quote from Robin Fogarty: “The good teacher instructs, the excellent teacher invites, the superior teacher involves, the great teacher inspires.”

Associate Superintendent Brenda Hales reported that recently one of our partners from Utah was recognized by one of the national CTE student organizations – HOSA (Health Occupations Student Association) as the National Education Excellence Award. This award illustrates the importance of Utah’s CTE teacher/student/business partnerships.

The Board recognized Paul Jackson, Vice President, Human Resources for Intermountain Health Care for his contributions over the past 10-15 years in the Career and Technical Education Partnership Programs specifically, the health care programs. Mr. Jackson was presented the National Educational Excellence Awards from the National Health Occupations Student Association recognizing his leadership and commitment in helping young people succeed in high school and on the job across a broad spectrum of activities and in providing professional, personal, and financial support to the work of Utah HOSA.

Mr. Jackson was presented a Certificate of Excellence from the State Board of Education.

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Utah State Charter School Board New Charter
Schools and Charter School Amendment
Recommendations

Marlies Burns, Executive Director of the State Charter School Board presented the following new schools and amendments to existing schools were recommended by the State Charter School Board for approval by the State Board of Education to begin with the 2010-2011 school year:

Existing school amendment recommendations:

- American Leadership Academy, increase enrollment by 300
- George Washington Academy, increase enrollment by 75
- North Star Academy, increase enrollment by 36
- Spectrum Academy, increase enrollment by 128
- Summit Academy, add grades 10 - 12 and increase enrollment by 900

New charter school recommendations:

- American Preparatory Academy - Accelerated School (AS), Jordan School District
- Maria Montessori Academy, Weber School District
- Quail Run Primary School, Alpine School District
- Weilenmann School of Discovery, Park City School District

(For complete details see General Exhibit No. 10706.)

Member Randall Mackey noted he had a conflict of interest with the Weilenmann School of Discovery and recused himself and left the room for this portion of the meeting.

Motion was made by Member Richard Moss and seconded by Member Dixie L. Allen to approve all of the new charter school recommendations and approve all of the existing charter school amendments from the State Charter School Board.

Amendment to the motion was made by Member Laurel Brown and seconded by Member Teresa Theurer to approve all of the new charter recommendations, and approve the existing charter school amendment recommendations with the exception of Summit Academy. There have been some problems in regards to adherence to notification of the Jordan School District who has indicated they were not notified in sufficient time to allow them time to put together a letter and make comment to the State Charter School Board.

Chairman Richard Sadler requested that Ms. Burns respond to the information received.

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Ms. Burns reported that Janene Bowen of the Jordan School District did attend the State Charter School Board meeting at which Summit Academy was discussed and did voice Jordan District's concern that they had not received the application in an adequate amount of time to go through their process.

Following further discussion relative to the processes followed or not being followed, an amendment to the amendment was made by Chairman Richard Sadler seconded by Member Thomas Gregory to send the Summit Academy amendment back to the State Charter School Board for a rehearing and input from the Jordan School District. Further to suggest to them that it appears that they may not have enforced the rule about having Summit Academy notify the Jordan School District.

Concern was expressed with the timing of the approval and the expansion of the school. There is also a question as to whether the request was for a satellite or an expansion of the school at the time the State Charter School Board received the request.

Chairman Sadler added to his substitute motion, and seconded by Member Thomas Gregory that if the recommendation coming from the State Charter School Board is to proceed as presented today, the Board may approve a waiver of the November 30th deadline in order to allow them to be accommodated.

Motion was made by Member Kim R. Burningham that the motion be divided.

Motion on the second substitute motion carried with Members Allen, Brown, Burningham, Cannon, Gregory, Haws, Jensen, Morrill, Roberts, Sadler and Theurer voting in favor; Members Colbert and Moss opposed; Member Mackey absent.

Member Kim Burningham, noted that the Board had received communication from a local school superintendent concerned that the Montessori Academy that this school was already in existence and indicating that we would be taking a private school and providing them with state money. Member Burningham questioned if the school was already in existence? Ms. Burns responded that it was not, this is a new application for a charter school. Member Burningham further questioned in what ways would this Montessori school differ from other private Montessori schools? Ms. Burns responded that it was with public funding, which would require public compliance with public law.

Member Janet Cannon commented that as she understands the Montessori curriculum, it would not mesh with the State Core Curriculum as well. She questioned the inspiration behind

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calling this a Montessori Academy. Ms. Burns responded that she believes they like the methodology of how Montessori allows self-guidance of students to do some learning, but they are committed and have talked with the State Charter School Board about how they would have to follow the state core just as any other public school. Member Cannon noted that by approving them as a Montessori academy the Board is approving a school that is well known as a private school and giving them public dollars.

Motion to approve the eight schools for amendments and the new applications carried with Members Allen, Brown, Burningham, Colbert, Gregory, Haws, Jensen, Morrill, Moss, Roberts, Sadler and Theurer voting in favor; Member Cannon opposed; Member Mackey absent.

Northern Utah Academy for Math,
Engineering and Science Amendment

Northern Utah Academy for Math, Engineering and Science (NUAMES) opened in the 2004-2005 school year in Layton, Utah and serves grades 10 - 12, 375 students, NUAMES requested to recharter with the State Charter School Board. District Superintendents in Davis, Ogden, and Weber School Districts are all supportive of the change. The State Charter school Board unanimously voted to recommend the change of authorizing agent for approval by the State Board of Education. (For complete details see General Exhibit No. 10707.)

Jamie Renda, a parent from Northern Utah Academy for Math, Engineering and Science commented that her daughter had a situation at NUAMES that has caused her great injury and pain. She indicated that a lot of this could have been prevented had NUAMES had the oversight of the three districts that were supposed to provide the oversight, and also if they had followed the rules given by the State Charter School Board. She attended the NUAMES board meeting last night still feels the policies and procedures are not in place. She feels the lack of these policies has seriously harmed her family.

Vice Chairman Mark Cluff noted that the State Charter School Board made recommendations to NUAMES that their policies and procedures and their charter be reviewed and updated appropriately. Ms. Burns indicated that this is an agenda item for the November 20, 2008 State Charter School Board meeting.

Mrs. Susan Johnson, CEO of a local company and a current Board Member from NUAMES commented that the incident addressed by Mrs. Renda was fully investigated by the police and they found no harm done in that particular incident. The school has gone to great

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lengths in trying to provide comfort to not only the student in question, but the family. The student is currently at the school and attending college.

Mrs. Johnson further reported that she has met with Brian Allen, Chairman of the State Charter School Board to review the revised charter in depth, he has attended their last board meeting. They are a partner with Weber State University on their Davis Campus and 97 of their students are in early college right now taking 995 college credits. They have an average GPA of 3.16, they are having good student outcomes and are fully solvent. The majority of parents are very happy with the school. They have taken seriously the recommendations, have had training to make sure they are following all the rules and policies.

Motion was made by Member Teresa L. Theurer and seconded by Member Richard Moss to approve the change in authorizing agent for Northern Utah Academy for Math, Engineering and Science. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Morrill, Moss, Roberts, Sadler and Theurer voting in favor; Member Mackey absent.

Emerson Alcott Academy Appeal Recommendation

The State Charter School Board (SCSB) recommended that the Emerson Alcott Academy (EAA) charter be revoked. The Emerson Alcott Academy charter was granted originally on June 7, 2007 for the school to begin operation in the 2008-9 school year. Due to difficulties in securing facilities and various other reasons, Emerson Alcott Academy requested a postponement of the school's opening until the 2009-10 school year. The postponement request was denied on September 18, 2008 by the State Charter School Board effectively revoking Emerson Alcott Academy's charter. Emerson Alcott Academy requested an appeal from the State Charter School Board's recommendation to deny the postponed opening date.

A hearing panel of four State Board of Education members (Richard Moss, Chair, Tom Gregory, Dixie Allen, and Mark Cluff) with Carol Lear as the designated hearing officer, heard the appeal on October 24, 2008.

The hearing panel recommendations were reviewed by the Board. (For complete details see General Exhibit No. 10708.)

Motion was made by Member Richard Sadler and seconded by Member Richard Moss that the State Board of Education uphold the State Charter School Board's recommendation to deny the requested postponed opening date. This denial effectively revokes

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Emerson Alcott Academy's charter. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Morrill, Moss, Roberts, Sadler and Theurer voting in favor; Member Mackey absent.

Title I Systems of Support Report

Under No Child Left Behind, Title I schools and districts that do not achieve Adequate Yearly Progress (AYP) for two consecutive years in the same subject area (language arts or mathematics) are identified as in need of improvement. With input from local education agencies and assistance from the Southwest Comprehensive Center, the Title I Section at the Utah State Office of Education has developed systems of support for both schools and districts in need of improvement under Title I.

Karl Wilson, Title I Director, updated the Board concerning the systems of support for Title I schools and districts identified in need of improvement. (For complete details see General Exhibit No. 10709.)

Motion was made by Member Laurel L. Brown and seconded by Member Dixie L. Allen expressing appreciation to the Title I staff for the report and what has been accomplished to help schools and districts. Motion carried unanimously.

Public Participation/Comment

No requests for public participation or comment were received.

Executive Session

Motion was made by Member Thomas Gregory and seconded by Member Michael Jensen that the Board move into an Executive Session following lunch 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 following lunch at 12:35 p.m.

Motion was made by Member Dixie L. Allen and seconded by Member Thomas Gregory to reconvene into open meeting. Motion carried The Board reconvened at 1:35 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Thomas Gregory and seconded by Member Dixie L. Allen to adopt the recommendation of the Commission and hearing panel in Case No. 99-481 and reinstate the license of a former educator in the Alpine and Provo School Districts. The license was previously revoked in March, 2000, as a result of the educator's two misdemeanor drug offenses, storing of pornographic images on his school computer, and throwing firecrackers

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out of his school windows. It was noted that the hearing report was reviewed in Executive Session. Motion carried with Members Allen, Burningham, Cannon, Colbert, Gregory, Jensen, Mackey, Morrill, Roberts, Sadler and Theurer voting in favor; Members Brown, Haws and Moss absent.

Motion was made by Member Thomas Gregory and seconded by Member Dixie L. Allen to adopt the recommendation of the Commission and hearing panel in Case No. 05-755 and reinstate the license of a former educator in the Salt Lake City School District. The license was previously suspended as a result of the educator's arrest for and no contest plea to one class B misdemeanor. It was noted that the hearing report was reviewed in Executive Session. Motion carried with Members Allen, Burningham, Cannon, Gregory, Jensen, Mackey, Morrill, Roberts, Sadler and Theurer voting in favor; Member Colbert opposed; Members Brown, Haws and Moss absent.

Motion was made by Member Thomas Gregory and seconded by Member Dixie L. Allen to rescind its action of September 12, 2008 in Case No. 07-801. R277-514-3 provides that if the Utah Professional Practices Advisory Commission recommends a suspension for longer than two years or a revocation, the educator is entitled to an appeal opportunity to the State Superintendent of Public Instruction prior to the Board's review of the UPPAC recommendation. Inadvertently the educator in Case No. 07-801 was not afforded this opportunity. This action will afford the educator an appeal opportunity to the State Superintendent. The educator has not been disadvantaged at this point by the Board action, and by allowing him this appeal opportunity he is receiving adequate due process under Section 53A-6-306(4) and R277-514. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Jensen, Mackey, Morrill, Roberts, Sadler and Theurer voting in favor; Member Haws and Moss absent.

(For complete details see General Exhibit No. 10710.)

Utah State Rehabilitation Council

Motion was made by Member Janet A. Cannon and seconded by Member Dixie L. Allen to appoint Jennifer L. Begaye, Peggy Milligan, and Louise Ogden to the Utah State Rehabilitation Council, terms to expire 9/2011, except Jennifer L. Begaye, this position as no expiration date. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Roberts, Sadler and Theurer voting in favor; Member Moss absent.

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

Motion was made by Member Janet A. Cannon and seconded by Member Dixie L. Allen to appoint Nancy O'Brien to the Division of Services to the Deaf and Hard of Hearing Advisory Council, this position has no term expiration date. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Roberts, Sadler and Theurer voting in favor; Member Moss absent.

Disability Determination Services Advisory Council

Motion was made by Member Janet A. Cannon and seconded by Member Dixie L. Allen to appoint Marilyn Hammond to the Disability Determination Services Advisory Council, term to expire June 2011. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Morrill, Roberts, Sadler and Theurer voting in favor; Member Moss absent.

Board Standing Committee Reports

Joint Law & Policy and Finance Committee

Member Debra G. Roberts presented the recommendations from the joint committee meeting as follows:

Resolution Supporting Acceptable Use
of the WPU in Funding the Basic School
Program in Utah

Over the years the Basic School Program funded through the state's Minimum School Program has been amended, adjusted, and augmented as various educational programs have been added to statute. As these various educational programs have been added to the Minimum School Program it has become less clear what is considered a basic education and specifically, how the funding and distribution mechanism of the WPU should be applied.

In addition to this lack of clarity, the financial outlook for the State of Utah has worsened. The drop in revenues available to public education has begun to strain the funding mechanism for public education. At the center of some discussion is the possibility of changing the value of the WPU to accommodate reductions in state revenues. To better understand the impact of such a discussion and to clarify an appropriate use of the WPU in funding public education, a joint session of the Law and Policy and Finance Committees of the Board was convened to discuss elements of a Board resolution on the acceptable use of the WPU in funding public education. (For complete details of the resolution see General Exhibit No. 10711.)

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The committees discussed the elements of the Board resolution and made minor changes identified by Member Roberts. She noted that there was a majority of the Board present during the meeting, so the action taken by the committee to adopt the resolution was an official action of the Board. If the other members of the Board would like to revise the resolution it would need to be reconsidered.

Motion to reconsider the issue was made by Member Debra G. Roberts and seconded by Member Janet A. Cannon. Motion carried unanimously.

Member Tom Gregory commented that he is troubled that resolution portion, while he agrees with all the principles, the way it is worded suggests that we have the authority to dictate that this is how it should be. The assignment of appropriation is that of the legislature and not the Boards. This is a petition to the legislature to follow these priorities.

Motion was made by Member Thomas Gregory and seconded by Member Dixie L. Allen to change the wording in the Resolution under Now, therefore, be it resolved that the Board requests the legislatures support in assuring that revenues available.....

Member Greg Haws spoke against the motion, acknowledging Member Gregory's concern, however, the purpose of a resolution is to be in a position that if we were totally in charge this is what we would do. The amendment seems to weaken the resolution.

Member Denis Morrill also opposed the motion for the same reasons noted by Member Haws.

Motion failed with Members Allen, Gregory, Jensen and Theurer voting in favor; Members Brown, Burningham, Cannon, Colbert, Haws, Mackey, Morrill, Moss, Roberts, and Sadler opposed.

Motion was made by Member Kim R. Burningham and seconded by Member Richard Moss to adopt the Resolution as presented. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Haws, Jensen, Mackey, Morrill, Moss, Roberts, Sadler and Theurer voting in favor; Member Gregory opposed.

Law & Policy Committee

Member Debra G. Roberts, Chair of the Law and Policy Committee presented the following recommendations from the Committee:

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Utah State Board of Education
Protected Documents, R277-117

Legislation frequently assigns responsibility to the State Board of Education for the development of requests for proposals (RFPs) or requests for grant applications as needed to implement statutory programs. The development process must remain free of individual interests or undue advantages to vendors. Thus, to ensure an efficient, confidential, and fair development process, it seems necessary to provide a protected process for the development of RFPs within the State Office of Education.

The Law and Policy Committee considered this new rule which would make the documents relative to the development of RFPs and RFP-like processes protected documents until their general public release. These documents would be prepared as guided by the plain statutory language and other legislatively adopted intent language. (For complete details see General Exhibit No. 10712.)

The Committee approved R277-117 on first reading and moves that the Board approve Utah State Board of Education Protected Documents, R277-117 on second reading. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Mackey, Morrill, Moss, Roberts, Sadler and Theurer voting in favor, Member Jensen absent.

Public Participation in State Board
of Education Decisions, R277-101

Members of the State Board of Education on occasion may wish that the Board reconsider previous actions. Staff has prepared procedures to be included in Board rule to guide the Board in this process. Further, there are from time to time requests made to the Board for waiver of a Board rule or decision in regards to its application to a particular Local Education Agency.

The Law and Policy Committee considered amendments to R277-101 that would provide in rule the processes and procedures for the Board to follow in a future reconsideration of a previous decision or requests for waiver of existing Board rule. (For complete details see General Exhibit No. 10713.)

The Committee approved the amendments to R277-101 on first reading, except Section 6, which they felt needed more discussion. The following amendments were made: R277-101-3A add to the end The Board welcomes public participation during Board meetings. This sentence would be deleted from R277-101-E. Under R277-101-5A(3)(5) insert a new 6

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and change 6 to 7. (6) Prior to consideration by the Board waivers requested by Charter Schools shall be presented to and considered by the State Charter School Board. Information and documentation of this action shall be available to the Board.

Member Roberts asked Board members to read Section 6 on Ethical Standards carefully and email their reactions to Deputy Superintendent Larry Shumway or Debra Roberts.

Motion from the Committee that the Board approve Sections 1-5 of R277-101 as amended on second reading.

Member Tom Gregory noted an addition with Section R277-101-3E, Line 83 to remove the word Board prior to Chair since we are also discussing committee meetings.

Amendment to the Motion was made by Member Thomas Gregory and seconded by Member Dixie Allen to remove the word Board prior to chairman in the above referenced section. Motion carried unanimously.

Member Greg Haws expressed a desire for a full board discussion and training on Section 6, Ethic Standards Clarification.

Motion to approve R277-101 items 1-5 on second reading carried unanimously.

Chairman Richard Sadler commented that we would like to receive comments from Board Members relative to Section 6, along with who else should review this. Member Laurel Brown suggested that it be sent to the Public Education Coalition.

Distribution of Funds from the School Trust Lands
Account and Implementation of the School
LAND Trust Program, Section 3, Distribution
of Funds - Determination of Proportionate Share
R277-477-3

The School Trust Lands Account provides funding to local schools through the School LAND Trust Program. Local school community councils prepare plans for the use of these funds; school plans require approval by District Boards of Education. Local control of these funds is an essential guiding principle in the implementation of this program.

The Committee put off discussion for a month pending audit recommendations.
School Community Councils, R277-491

School community councils are charged with a variety of planning and other responsibilities, under the direction of local Boards of Education. These councils are of particular importance in the implementation of the School LAND Trust Program. Local school

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community councils prepare plans for the use of Trust Lands; school plans require approval by District Boards of Education. Local control of these funds is an essential guiding principle in the implementation of this program.

The Committee put off discussion of this item pending audit recommendations.

Required Policies for Electronic Devices
in Public Schools, R277-495

The Board has previously considered R277-495 Required Policies for Electronic Devices in Public Schools on first reading. Minor changes were recommended by the Board, which have been included in the rule as now proposed. Specifically, an additional requirement has been added for local policies to include a prohibition on certain electronic devices during the administration of state tests. (For complete details see General Exhibit No. 10714.)

The Law and Policy Committee reviewed the amendments and approved R277-495 on second reading and moves that the Board approve Required Policies for Electronic Devices in Public Schools on third and final reading. Motion carried unanimously.

Member Roberts reported that the PTA had brought to the committee's attention that bus drivers have been seen using cell phones and text messaging. Superintendent Harrington was asked to send out a letter immediately to all districts reminding them of the rules for bus drivers relative to this.

Differentiated Compensation Work Group

In March, the Board appointed a Differentiated Compensation Work Group. This group is co-chaired by Board Member Debra Roberts and Deputy Superintendent Larry Shumway. The group has been meeting regularly since that time. Members of the group include Board members, USOE staff, teachers, principals, superintendents, CMAC representatives and parents.

The Committee received a report from the group on the work and any conclusions they may have come to thus far in their work. This report was provided to the committee as information.

Deputy Superintendent Larry Shumway presented a definition of High Quality Instruction. (For complete details see General Exhibit No. 10715.)

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Follow-Up Report on R277-504 Early Childhood, Elementary, Secondary, Special Education (K-12) Communication Disorders, and Special Education (Birth-Age5) Certification

Utah public schools have experienced a critical shortage of Speech-Language Pathologists for a number of years.

Last fall the State Board of education passed certain revisions of R277-504 establishing Speech-Language Technician as an area of concentration, as well as an accompanying handbook, as part of the SLP committee's work toward addressing the critical shortages. Upon passing R277-504, the Board requested a follow-up report in one year.

The Committee received a progress report regarding the outcomes from the approval of R277-504, Early Childhood, Elementary, Secondary, Special Education (K-12) Communication Disorders, and Special Education (Birth-Age5) Certification. This report was provided as information only. (For complete details see General Exhibit No. 10716.)

Addendum to the Agenda

Public Education Vision

Member Roberts reported that the process for a vision of public education is starting now, but we are planning the initial meeting for April. They would like to receive Board reaction as to whether or not this is the direction the Board would like to go. She reviewed the "Promises to Keep" document. (For complete details see General Exhibit No. 10717.) She asked Board Members to please review the document and provide feedback to her. They would like to have approval from the Board that this is the direction we should go; also we need to immediately create a leadership team with the Governor and the Legislature and with local board members. They would also like to introduce the concepts as part of the November 19th legislative dinner.

Motion was made by Member Debra Roberts and seconded by Member Kim Burningham to move this concept forward. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Moss, Roberts, Sadler and Theurer voting in favor; Member Morrill absent.

Member Roberts reminded the Board of the November 19th Meeting with legislators here at the State Office of Education. She indicated that all legislators have been invited. This will be a short meeting and we will give them handout and a brief introduction to this idea of a

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public education vision, differentiated compensation workgroup, blue ribbon committee on assessment and the WPU Resolution.

Member Roberts asked for a count from the Board as to who would be attending the November 19th meeting. The following Board Members indicated they would be attending, Members Allen, Burningham, Cannon, Cluff, Haws, Holbrook, Jensen, Lui, Moss, Roberts, Sadler and Theurer.

Finance Committee

Board Member Greg W. Haws, Chairman of the Finance Committee presented the following recommendations from the Committee:

Budget Reductions to the Minimum School Program, FY 2010

The Legislature passed SB 2001, Current Fiscal Year Budget Adjustments, during the 2008 Second Special Session, September 25-26, 2008. The FY 2009 ongoing budgets for public education were reduced by 3% and then immediately replaced with one-time funding to hold public education harmless from budget reduction impacts. The funding used to hold public education harmless in FY 2009 is not available in FY 2010. An approach and strategy for reducing the Minimum School Program by \$73,160,800 and the Capital Outlay Foundation Program by \$818,700 will be discussed by the Education Appropriation Subcommittee on November 21, 2008 as well as during the 2009 General Session of the Legislature.

The Committee discussed a budget reduction strategy, and received input from education stakeholders. They discussed five different philosophical scenarios for this. The Committee discussed Proposed Reductions to the Minimum School Program for FY 2010 Implementation. (For complete details see General Exhibit No. 10718.)

Motion from the Committee that the Board adopt the Proposed Reductions to the Minimum School Program with the full recognition that this may not be the end of reductions.

Member Dixie Allen shared concerns from the rural superintendents that they be allowed to make cuts where they felt necessary rather than the same programs across the state.

Chairman Richard Sadler reminded the Board of an earlier motion about the basic funding mechanism for Utah public schools which is the WPU allowing the districts to make substantial decisions on their budgets and where their money ought to go. He suggested that we ask districts of where they can cut programs they feel they can do without.

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Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Moss, Roberts and Sadler voting in favor; Member Morrill and Theurer absent.

Charter School Revolving Loan Subcommittee
Recommendations

House Bill 164, 3rd substitute, passed by the 2007 Legislature, created the Charter School Revolving Loan Subcommittee to review and make recommendations regarding loans to charter schools. The State Board of Education is charged with approving loans to Charter Schools per Utah Code Annotated 53A-21-204(5)(C) School Building Revolving Account, specifically the Charter School Building Subaccount to pay for the costs of: (i) planning expenses; (ii) constructing or renovating charter school buildings; (iii) equipment and supplies; or (iv) other start-up or expansion expenses. The Charter School Loan Committee was established and is chaired by Michael Anderson with Michael Kjar, Richard Tolley, Sterling Orton, Michael Jensen, and Marlies Burns (non-voting) as committee members. They developed the criteria and a loan application process. There was \$6,000,000 allocated by the legislature for this account, to be disbursed at a maximum of \$2,000,000 per year.

The Charter school Revolving Loan Subcommittee met, and the State Charter School Board recommends the State board approve the following loan addendum amount to the specified charter schools:

• DaVinci Academy	\$184,210
• Dual Immersion Academy	\$47,900
• Excelsior Academy	\$184,210
• Gateway Preparatory Academy	\$184,210
• Lincoln Academy	\$184,210
• Merit College Preparatory Academy	\$184,210
• Open High School of Utah	\$110,000
• Pinnacle Canyon Academy	\$184,210
• Quest Academy	\$184,210
• Thomas Edison Charter School - North	\$184,210
• Vista Entrada, school of Performing Arts	\$184,210

(For complete details see General Exhibit No. 10719.)

Motion from the Committee that the Board approve the loan addendum amounts to the specified charter schools. Motion carried with Members Allen, Brown, Burningham,

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Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Moss, Roberts and Sadler voting in favor; Members Morrill and Theurer absent.

Standards for Selling Foods Outside of the Reimbursable Meal Service in Schools, R277-719, Progress Report

In December 2007 the Board passed R277-719, Standards for Selling Foods Outside of the Reimbursable Meal Service in Schools. The rule requires school districts and charter schools to adopt policies governing the reporting and use of vending machine revenues and expenditures as well as to develop and submit policy governing the sale of all food not part of the reimbursable meal program by January 12, 2009.

In anticipation of this deadline and assuming that local school boards and charter schools would have adopted written policies before the school year began, the Child Nutrition Programs section conducted a survey in August of this year to determine how many school districts and charter schools have adopted written policies and how comprehensive the written policies will be when submitted in January, 2009.

A progress report was provided of where school districts and charter schools stand in policy development and to some extent how comprehensive the policies have become. (For complete details see General Exhibit No. 10720.)

It was noted that in reviewing the specific language of the rule, it was found that only the written policy regarding sale of other food on campus is required in January, 2009, but a submission date of vending machine policy is not indicated other than the rule became effective July 2, 2008.

The Finance Committee received the report as information. No action was required.

Curriculum Committee

Member Dixie Allen, Vice Chairman of the Curriculum Committee presented the following recommendations from the Committee:

Comprehensive Counseling and Guidance Program, R277-462

Comprehensive Counseling and Guidance Program, R277-462 was amended to include the following requirements: 1) counselor to student ratios of 1 to 350 or better, or a plan and timeline from the local district or charter school approved by the Board of how they will reach the established ratio; and 2) policies and practices in school districts and charter schools are

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in place to free licensed school counselors for appropriate activities with students. This will ensure that licensed school counselors are not devoting significant time to non-school counseling activities. (For complete details see General Exhibit No. 10721.)

Member Tom Gregory presented additional amendments to the rule. (For complete details see General Exhibit No. 10722.)

The Curriculum Committee reviewed the amendments and approved R277-462 on first reading. The Committee requested that the rule be shared with the State Charter School Board prior to further readings by the Board. This will come back to the Curriculum Committee next month. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Moss, Roberts and Sadler voting in favor; Members Morrill and Theurer absent.

Adult Education Programs,
R277-733, Residency Requirements
Amendments

As a result of the recent adult education legislative audit defining adult education services as being available specifically to Utah residents, R277-733, was amended to define the parameters of Utah residency and the need for persons to provide proof of residency at the time of enrollment in an adult education program. It was further amended to define the documentation adult education program staff must obtain at the time of registration.

The Committee tabled this item pending the recommendations from the current audit being performed.

Adult Education Programs, R277-733,
GED Requirements Amendments

As a result of the adult education legislative audit, the awarding of adult education program funds for passing the GED test and completion of a Carnegie unit adult education diploma became an issue. The Board asked staff to survey constituents regarding this issue and to obtain their views regarding 16 and 17 year old youth being allowed to take the GED test. As a result of the survey and further direction from the Board, the staff was asked to revise R277-733 to: 1) define parameters associated with youth (16 years of age or older) who may choose to exit K-12 in favor of participating in adult education; 2) define the successful completion of the five GED tests as a Utah High School Equivalency Diploma.

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The Committee tabled this item pending the recommendations from the current audit being performed.

Testing Procedures, R277-473,
Secondary School Completion and
Diplomas, R277-705, and The
Elementary and Secondary School
Core Curriculum, R277-700

S.B. 2002, Student Achievement Testing Exceptions, passed in the 2008 Second Special Session by the Utah Legislature, gives the Board authority to waive portions of the U-PASS testing system for school districts and charter schools participating in the Blue Ribbon Panel assessment pilot program. In its October 3, 2008 meeting, the Board authorized the creation of several testing pilot programs. To address the resulting changes in testing and graduation requirements for the pilot R277-473, Testing Procedures, R277-705, Secondary Completion and Diplomas, and R277-700, The Elementary and Secondary school Core Curriculum have been amended. (For complete details see General Exhibit No.10723.)

The amendments to these three rules were reviewed by the Committee and approved on first reading. Motion from the Committee that the Board approve the amendments to R277-473, Testing Procedures; RF277-705, Secondary School Completion and Diplomas; and R277-700, The Elementary and Secondary school Core Curriculum on second reading. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Moss, Roberts and Sadler voting in favor; Members Morrill and Theurer absent.

Instructional Materials Commission
Operating Procedures, R277-469

Instructional Materials Commission Operating Procedures, R277-469 was amended to include the requirement that all publishers of textbooks and text materials purchased by traditional and charter public schools are required to provide electronic files of instructional materials to the national Instructional materials Access Center (NIMAC), consistent with federal regulations. Authorized users will be able to download and convert the files into accessible instructional materials for students with print disabilities. This will ensure that all students have all necessary textbooks, workbooks, and other student materials and supplements to fully participate in coursework. (For complete details see General Exhibit No. 10724.)

The Committee reviewed the amendments to R277-469 and approved them on first reading and moves that the Board approve R277-469, Instructional Materials Commission

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Operating Procedures on second reading. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Moss, Roberts and Sadler voting in favor; Member Morrill and Theurer absent.

Meeting the Needs of Utah's Secondary Students in Career and Technical Education

The Utah State Board of Education is required to provide an annual report to the Governor and to the Legislature's Public Education Interim Committee detailing how the needs of secondary students are being met and what access they have to programs offered at the Utah College of Applied Technology (UCAT).

Mary Shumway, Career and Technical Education Director, presented a report to the Committee regarding how the needs of secondary students are being met and well as an update of school district Career and Technical Education programs. (For complete details see General Exhibit No. 10725.)

The Committee received the report as information. It was noted that the report will now be submitted to the Governor and the Legislature's Public Education Interim Committee.

Motion from the Committee to accept the report carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Moss, Roberts and Sadler voting in favor; Members Morrill and Theurer absent.

Board Chairman Report

Chairman Richard Sadler presented the following items of information:

_____ *Newsweek* article relative to "Math Is Hard, Barbie Said" authored by Sharon Begley.

Chairman Sadler reviewed the calendar for the next three months.

Chairman Sadler reported that he and Vice Chairman Cluff have been meeting with the Board Auditors and with Superintendent Harrington and have proposed a plan that they have asked Member Haws and the Finance Committee to implement relative to insuring the independence of our auditors as well as to make certain that the areas being audited are the ones that are of a priority nature. For those on the Board Audit Committee, on December 15 at 3:00 p.m. we have scheduled a Board Audit Committee meeting.

Chairman Sadler reminded Board Members that at the December 16 meeting there will be elections for chair and vice chair.

_____ (For complete details see General Exhibit No. 10726.)

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Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

Superintendent Harrington briefed the Board on the following discussion items:

- Email from Dixie Allen on concerns expressed by the rural district superintendents on budget cuts.
- Digital Bridge (statewide data management system) update
- Concurrent enrollment joint letter
- Budget Concerns

Superintendent Harrington reviewed the information mailed separately with the Board packet.

- Call for Civility - She has personally signed on to this at the Dialogue on Democracy. She suggested the Board invite the host of that document to join us for lunch and maybe have the Board sign on. Member Kim Burningham asked for this to happen with the Board during a lunch hour.
- Charter Schools - Local Property Tax Replacement for Charter Schools and the different scenarios that are being discussed. Dr. Harrington reviewed the DRAFT document entitled Charter Schools Become Affiliated with School Districts.

(For complete details see General Exhibit No. 10727.)

Other Items

Election of State Board of Education Members

Motion was made by Member Janet A. Cannon and seconded by Member Kim R. Burningham that during the dinner with legislators one of the things we emphasize is support for a change in the format of state board of education member elections in a non partisan format.

It was noted that there was a Board motion last spring that the State Board supports first going back to the format of local committee selection and secondly that it supports non-partisan direct election.

Member Dixie Allen spoke in favor of supporting the Governor in his stand on a direct election of board members on a non partisan ballot.

Member Kim Burningham spoke in favor of supporting the Governor as well based on political realities.

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Member Randall Mackey noted he was on the committee that changed the election process for the State Board of Education and provided background of the outcome of the committee.

Chairman Richard Sadler noted that our current system allows anyone to run for election, even one with a single issue, therefore that it not any different for school board. Why should we treat school board people differently? As we begin to introduce intervening into it any kind of means, including the Governor, we can thwart the wishes of the people. We should go to a direct election.

Substitute motion was made by Chairman Richard Sadler and seconded by Member Bill Colbert that with the agenda item for the dinner meeting with the legislature, that the Board suggest to the legislature that the Board supports direct non partisan election, including a primary is appropriate for the State Board of Education. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Moss, Roberts and Sadler voting in favor; Members Morrill and Theurer absent.

UCAT Meeting Report

Member Michael Jensen - Reported that at the UCAT Meeting on Wednesday there was a discussion relative to a proposed bill sponsored by Representative Bigelow on the governance issue. When we have different board members coming to our board should they be voting members or non-voting members. One idea is that whatever is done it will be equal amongst all boards. He voiced his concern that because the State Board is elected and not appointed this scenario would not work. However, they indicated then if our board members sit on their board they would be a non-voting member of that board. Also, that it would change from two members to one member.

Member Tom Gregory commented that the State Board is constitutionally responsible for public education and UCAT provides services to public education schools and we should have a voice in the direction of that board.

Vice Chairman Cluff commented that any decision they make regarding public education would have to come to the State Board for approval.

Member Dixie Allen commented that serving on a board and having input is credible.

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Member Jensen indicated that there is nothing set in stone right now. This is just ideas that are out there. One concern expressed was if you are a non-voting member you tend not to show up.

NASBE Board of Directors Nomination

Motion was made by Chairman Richard Sadler and seconded by Member Debra Roberts to recommend to NASBE that Kim Burningham serve on the NASBE Board of Directors representing the Western Area. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Moss, Roberts and Sadler voting in favor; Members Morrill and Theurer absent.

General Consent Calendar

Motion was made by Member Greg W. Haws and seconded by Member Michael Jensen to approve the General Consent Calendar as presented. Motion carried with Members Allen, Brown, Burningham, Cannon, Colbert, Gregory, Haws, Jensen, Mackey, Moss, Roberts and Sadler voting in favor; Members Morrill and Theurer absent.

1. Minutes of Previous Meeting

Minutes of the Meeting of the State Board of Education held October 3, 2008.

2. Contracts

The following contracts were approved by the Board:

(A) Integrated Transactions, Inc., dba Digital Bridge. \$4,720,496. 9/22/08-7/30/2013. Fed.

_____ Electronic Student Achievement and Management Data System.

(B) Public Service Commission of Utah. \$10,000. 7/1/08-6/30/09 - RECEIVABLE

The Division of Services to the Deaf and Hard of Hearing, Southern Utah Services to the Deaf and Hard of Hearing office, will distribute PSC telecommunication devices for the Deaf or Hard of Hearing to individuals approved by the PSC at the St. George location.

(C) Utah Association for the Deaf, Inc. \$1,800. 11/1/08-10/31/09. RECEIVABLE

Provide space for the Utah Association for the Deaf (UAD) Bookstore for access to individuals who are Deaf, Hard of Hearing, or Speech Impaired

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needing equipment or information. This includes space at the St. George Center at no cost from November 2008-March 2009.

(D) Utah State Health Department. \$300,000. 7/1/08-6/30/09. Amend. RECEIVABLE

To pay and house a Health Education Specialist to oversee the high school training program.

(E) Effective Instructional Materials Systems (EIMS). \$79,988. 9/26/08-6/30/09.

EIMS will provide technical expertise to assist School Districts and Charter Schools in accessing the ESTIMATOR discrepancy program. EIMS will provide a variety of technically sound norm-referenced tests. Schools will access ESTIMATOR on the web and will be able to input scores which will provide information for determining specific learning disabilities.

(F) University of Utah SRI. \$89,932. 7/1/08-6/30/09. - Amend. - Fed.

Evaluation of the Utah State Office of Education Prevention Dimension Program.

(G) Utah Afterschool Network. \$60,610. 9/15/08-9/14/09. Fed.

Provide a program quality assessment tool, developed specifically for Utah Afterschool programs, for use in evaluating Utah 21st Century Community Learning Center projects. Training for project staff on the use of the instrument will also be provided.

(H) Payson I, L.C. \$45,799.35. 12/01/08 4/30/13. Amend. Fed.

To lease office space for the Division of Rehabilitation Services located at 914 East 100 North, Payson, Utah.

(I) Teachers-Teachers.com Inc. \$8,625. 10/1/08-3/30/09. - Amend.

Membership to web based database forum where institutions seeking to hire teachers and administrators can search for employees that have posted resumes and qualifications, and job preferences.

(J) Central Utah Center for Independent Living. \$3,000. 11/1/08-6/30/09. - Amend.

To provide Independent Living and Assistive Technology services to individuals with severe disabilities residing in Utah, Wasatch, Juab, and San Pete counties.

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(K) National Ctr for the Improvement of Educational Assessment, Inc.\$139,450.
10/15/08-4/14/09. - Amend. - Fed.

The amendment is to obtain assistance from NCIEA with developing alternate extended standards (essences) for the Utah Alternate Assessment (UAA).

(L) R & L At Home Personal Care. \$12,000. 9/15/08-9/14/09. - Fed.

To provide personal assistance care for ADA accommodations for USOR employees.

(M) Utah Department of Human Services. \$200,000. 7/1/08-6/30/09.
RECEIVABLE

To provide funding for in-service training, curriculum development, materials for substance abuse prevention programs and other expenses associated with the substance abuse prevention specialist.

(For complete details see General Exhibit No. 10728.)

3. Educator Licensing Requests for Temporary Authorization

Requests for Temporary Authorizations as submitted by the school districts were approved by the Board. (For complete details see General Exhibit No. 10729.)

4. Applied Technology Education Licenses, R277-518

Applied Technology Education Licenses, R277-518 has never been revised to change the term "Applied Technology Education," to "Career and Technology Education." The amended rule reflects the terminology used in other Board rules and which is the language currently used for these specific types of programs. The Board approved the amended rule R277-518 on second reading at its October 3, 2008 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. 10730.)

5. Secondary Career and Technical Education, R277-911

In 2006 the Federal Carl Perkins Career and Technical Education Act provided emphasis on articulated CTE career pathways from public education to higher education. CTE directors have worked with USOE staff over the past year to update the definitions and disbursement of state funds to include emphasis on pathways.

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The revisions to R277-911 include CTE pathways as part of the funding for school districts, and revises the administrative funding of CTE for school districts and charter schools.

The Board approved the amended Rule R277-911 on second reading at its October 3, 2008 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-911, Secondary Career and Technical Education on third and final reading. (For complete details see General Exhibit No. 10731.)

6. International Guest Teachers, R277-527

Over the past several years, Utah school districts and charter schools have hired increasing numbers of visiting guest teachers. These teachers from around the world support world language instruction and provide opportunities for cultural awareness to Utah public school students. However, as the number of these teachers has increased it has become clear that more specific regulation is necessary.

The Board approved the new Rule R277-527 on second reading at its October 3, 2008 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-527, International Guest Teachers on third and final reading. (For complete details see General Exhibit No. 10732.)

7. CACTUS Definition Amendments

The wording for the acronym CACTUS was recently changed from “Computer-Aided Credentials of Teachers in Utah Schools” to “Comprehensive Administration of Credentials for Teachers in Utah Schools.” Non-substantive changes were submitted for a number of rules in which the definition and acronym appear. Adding a new definition to a rule is generally considered substantive, so the following rules, previously missing the CACTUS definition, must be acted upon by the Board and submitted to the Division of Administrative Rules as amended rules:

R277-109, One-time Signing Bonuses
R277-110, Legislative Supplemental Salary Adjustment
R277-502, Educator Licensing and Date Retention
R277-520, Appropriate Licensing and Assignment of Teachers

The Board approved the above rules on third and final reading. (For complete details see General Exhibit No. 10733.)

8. USBE Annual Calendar

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The Utah State Board of Education Annual Calendar for 2008 was provided for information to the Board. (For complete details see General Exhibit No. 10734.)

9. Monthly Budget Report

The Monthly Budget Report provides 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. 10735.)

10. Utah State Board of Education Proposed 2009 Meeting Schedule

The proposed meeting schedule for the State Board of Education for 2009 was approved by the Board. (For complete details see General Exhibit No. 10736.)

11. Ratifications

Tiffanie Owens was ratified as an Educational Specialist in the Student Achievement and School Success Division.

Joseph Borrack was ratified as an Education Specialist, Computer Services in the Data, Assessment, and Accountability Division.

12. Utah Schools for the Deaf and the Blind Educational Interpreter Range Increase for FY 2009

As outlined in Utah code (53A-25-111) it is the responsibility of the State Board of Education to establish the salary schedule for administrative and nonlicensed staff at the Utah Schools for the Deaf and the Blind on the basis of adjustments approved for state government employees. The Educational Interpreters, USDB positions did not receive this adjustment, but should have.

The Board authorized a Cost-of-Living increase to the range of the Educational Interpreter, USDB to be equal to \$26.89 (step 60 of the State of Utah General Pay Plan).

13. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved by the Board. (For complete details see general Exhibit No. 10737.)

14. Claims Report

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The Claims Report in the amount of \$254,985,884.67 for September 30, 2008 was approved by the Board. (For complete details see General Exhibit No. 10738.)

Motion was made by Member Debra G. Roberts and seconded by Member Richard Sadler to adjourn.

Meeting adjourned at 3:45 p.m.