

## MINUTES

October 2, 2009

Minutes of the meeting of the State Board of Education held October 2, 2009, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:05 a.m.

Chairman Debra G. Roberts presided

Members present were:

Chairman Debra G. Roberts  
Vice Chairman Dixie L. Allen  
Member Laurel Brown  
Member Kim R. Burningham  
Member Janet A. Cannon  
Member Leslie B. Castle  
Member Rosanita Cespedes  
Member David Crandall  
Member Greg W. Haws  
Member Douglas Holmes  
Member Shelly Locke  
Member Charlene Lui  
Member Carol A. Murphy  
Member C. Mark Openshaw  
Member David L. Thomas

Members Meghan Holbrook, Michael Jensen and Denis Morrill were excused.

Also present were:

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

Members of the Press:

Chris Onan, Standard Examiner  
Lisa Schencker, Salt Lake Tribune  
Amy Stewart, Deseret Morning News  
Peter Yeager, Education Testing Systems  
Margaret Hopkin, Superintendent, Grand County School District  
Kaaron Jorgen, Grand County School District  
Donald V. Renda, Citizen  
Richard Clark, Grand County School District  
Barry Walker, Superintendent, South Summit School District  
Jeff Richards, Grand County School District  
Terry Linares, Superintendent, Tooele School District  
Steve Noyce, Superintendent, Utah Schools for the Deaf and Blind

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Utah State Office of Education Staff:  
Natalie Grange, Performance Auditor  
Tim Donaldson, Law, Legislation and Educational Services  
Margaret Bird, Law, Legislation and Educational Services

### Welcome

Chairman Roberts expressed appreciation to Sydney Dixon and Robert Austin for their work on the Education Summit as well as all the support staff that worked to make this a success.

Chairman Roberts excused Board Members Meghan Holbrook, Denis R. Morrill, and Michael Jensen.

Board Member David L. Thomas led the Board in the Pledge of Allegiance.

Board Member David L. Crandall welcomed everyone to the meeting and shared a touching Essay by Emily Perl Kingsley, *Welcome to Holland, Parenting a Special Needs Child*. (For complete details see General Exhibit No. 11015.)

### **Issue of the Month**

Superintendent Larry K. Shumway provided information to the Board on an article from Educational Leadership, March 2009 entitled “The Importance of Deep Reading.” He had two questions for the Board to respond to: (1) What do you think of the authors’ comparison of the transition in society today from “print” to “digital” reading and the Greek transition from “oral” to “written” tradition? And, (2) Can you recall your earliest recollection of a “deep reading” experience? Board Members Laurel Brown, Leslie Castle and Janet Cannon shared experiences of their reading deeply and the outcome of doing so. Board Members also discussed what they thought the authors’ comparison of the transition in society today from “print” to “digital” reading and the Greek transition from “oral” to “written” tradition. (For complete details see General Exhibit No. 11016.) Further discussion ensued relative to the deep meaning of people reading print compared to digital.

### Public Participation/Comment

The Board received comments from the following:

Dr. Donald V. Renda shared his concerns on the change in the NUAMES Charter. His granddaughter was a student at NUAMES experiences that have affected her at the school in a negative way and other deficiencies at the school. Requested investigation or pressure to make them conform to the charter they have established. (For complete details see General Exhibit No. 11017.)

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### Achievement Spotlight

Associate Superintendent Brenda Hales reported that for this month's recognition award, we have something a little out of the ordinary. Instead of recognizing a teacher or a student, we are honoring a group of people who work for one of the largest, most well-known companies in the United States: the employees of Wal-Mart Distribution Center #7026.

On July 13, 2009, the Grantsville Elementary School in Tooele School District was damaged by fire, and it became evident that the students would be unable to return to their school in the fall. With school starting in a few short weeks, school and district officials were struggling to get new learning facilities in place as quickly as possible.

Students, teachers, parents, business and community leaders came forward, all offering help. Wal-Mart employees stepped up just a little further. Under the leadership of Jeff Loafman, Karen Stanworth, Shelby Tillie, and Jack Smith, the volunteers helped move all the furniture out of the elementary school into Wal-Mart storage trucks, and from there into the Wal-Mart distribution center warehouse, where it will be stored until the school reopens.

Wal-Mart employees also coordinated a plan to provide the teachers and students with school supplies, since most of what the school had was unsalvageable. With help from the Tooele, Taylorsville, and Fort Union stores, employees coordinated the "Fill the Bus" program, asking the communities in Grantsville and Tooele to help fill the buses with supplies. On top of all that, the volunteers helped clean, paint, and refurnish the portable school rooms, where the Grantsville students would attend school in the fall.

All the teachers and students were back in class on August 17<sup>th</sup>, Wal-Mart employees having donated over 1,200 hours of their time, ten computers and more than \$35,000 in cash donations.

The Board expressed their sincere gratitude to the employees of Wal-Mart Distribution Center #7026 and presented them with an Excellence Certificate.

### Graduation Rate and Drop Out Rate Information

Each year, the Utah State Office of Education releases the Graduation and Drop Out Rates for Utah. Many questions about the details and information that are used to produce the report have been expressed. Many questions also are raised when conflicting graduation information is produced by the national and local media.

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Associate Superintendent Judy Park presented detailed information and data on Utah's graduation and drop out rates. She reported that the overall high school graduation rate for Utah public school students held steady at 88 percent in 2008 and nearly 2,000 more students graduated than in 2007. However, in percentage terms, fewer Asian, African American, American Indian, and Hispanic students graduated while Pacific Islander student held even and white student graduates grew by one percentage point. (For complete details see General Exhibit No. 11018.)

The Board received the report as information.

#### Promises to Keep - Next Steps

The Board at its September work/study and Board Meetings reviewed and identified some of the next steps for the Promises to Keep. Board Members were asked to continue the process of review and identify areas they feel comfortable with for next steps.

Associate Superintendent Brenda Hales presented the work the Board has established for specific steps for goals ensuring literacy and numeracy for all Utah children and providing high quality instruction for all Utah children. Also included was what she has received from Board member input relative to the goals of establishing curriculum with high standards and relevance for all Utah children and requiring effective assessment to inform high quality instruction and accountability. (For complete details see General Exhibit No. 11019.)

Dr. Hales then facilitated the Board with respect to adopting general next steps on Element Two, Providing High Quality Instruction for all Utah children.

#### **Element Two: Providing High Quality Instruction for all Utah children**

Chairman Roberts suggested combining Goals 2, 3, 4 and 5 into one goal which would then read: Improve teacher evaluation systems by adopting statewide standards of instructional quality and tools to facilitate formative and summative measurement of instructional quality. A majority of the Board agreed to combining these four goals.

Goal #1 - Change to read: Evaluate the performance pay pilot and formulate suggestions based on that data. A majority of the Board agreed to the rewording.

Further suggestions were to move it to a lower priority and change it to evaluate what we have learned from the pilots and then formulate suggestions based on the data. A majority of the Board agreed to include this goal.

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Goal #6 - Providing a realistic career pathway for teachers to stay in the classroom, earn more money and gain different skills. Not force them into administration for salary increase. The Board agreed to create a list competencies for endorsements for administrator licenses.

The ideas presented were to create a career pathway for teachers to remain in the classroom, recruiting and training for administrators. Divide the focus on administrators and teachers. A majority of the Board agreed to the division and to revise Goal #6 in Element Two.

Dr. Hales indicated that she would send to Board Members the work that has been done prior to today as well as what was accomplished today.

(For complete details see General Exhibit No. 11020.)

The Board will continue their work on Promises to Keep at the November Board meeting.

#### Executive Session

Motion was made by Member C. Mark Openshaw and seconded by Member Janet A. Cannon that the Board move into an executive session for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session at 12:35 p.m.

Motion was made by Vice Chairman Dixie L. Allen and seconded by Member David L. Crandall that the Board reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:20 p.m.

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

Motion was made by Member Carol A. Murphy and seconded by Member C. Mark Openshaw to adopt the recommendation of the Utah Professional Practices Advisory Commission and the hearing panel in Case No. 07-838 and reinstate the license of a former teacher and coach in Alpine School District. It was noted that the hearing report was reviewed by the Board. Motion carried unanimously.

Motion was made by Member Carol A. Murphy and seconded by Member Shelly Locke to adopt the recommendation of the Utah Professional practices Advisory Commission in Case No. 08-849 and accept a stipulated agreement, including conditions of the agreement, whereby a teacher in Box Elder School District voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license for six months from the date of formal action by the State Board of Education. The educator must apply, have a reinstatement hearing,

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and the State Board of Education must determine that reinstatement is warranted. Motion carried unanimously.

Motion was made by Member Carol A. Murphy and seconded by Member C. Mark Openshaw to adopt the recommendation of the Utah Professional Practices Advisory Commission in Case No. 09-889 and revoke, based upon default, the educator license of a former educator in Iron School District. The educator must apply, have a reinstatement hearing, and the Board of Education must determine that reinstatement is warranted. Motion carried unanimously.

Motion was made by Member Carol A. Murphy and seconded by Member C. Mark Openshaw to adopt the recommendation of the Utah Professional Practices Advisory Commission in Case No. 09-892 to suspend the educator license of a former teacher in the Granite School District until full restitution is paid to the insurance company and she successfully completes the First Offender Program in which she is currently enrolled. The educator must apply, have a reinstatement hearing, and the State Board of Education must determine that reinstatement is warranted. Motion carried unanimously.

(For complete details see General Exhibit No. 11021.)

**Utah Schools for the Deaf and Blind Associate Superintendent for the Deaf**

Motion was made by Member Leslie B. Castle and seconded by Member Kim R. Burningham to ratify the appointment of Jennifer Howells as the Associate Superintendent for the Deaf at the Utah Schools for the Deaf and Blind. Motion carried unanimously.

Jennifer Howells and Superintendent Noyce both expressed appreciation to the Board on their appointments and that they are looking forward to working with the Board.

**Disability Determination Services Advisory Council**

Motion was made by Member C. Mark Openshaw and seconded by Member Shelly Locke to approve Mark Smith and Noni Lancaster as Alternate Members of the Disability Determination Services Advisory Council with terms to expire July 2010. Motion carried unanimously.

Board Standing Committee Reports

**Audit Committee**

Chairman Debra Roberts reported that the Audit Committee welcomed Natalie Grange on board and indicated that Ms. Grange also participated in the Grand County issues. There was

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a motion in the committee that she will spend two days in Moab helping the Grand County School District work through their issues.

### **Law & Policy Committee**

Member Janet A. Cannon, Chairman of the Law & Policy Committee presented the following recommendations from the Committee:

#### School District and Charter School Bullying and Hazing Policies and Training, R277-613

During the September 11, 2009 Board meeting, the Law and Policy Committee reviewed, revised and approved on first reading and the Board approved on second reading a new rule prohibiting bullying and hazing in public schools and requiring LEAs to develop policies and provide regular training. Subsequent to the Board meeting, the USOE was contacted by an original advocate for the 2008 legislation; the individual worked closely with Representative Carol Moss on the 2008 legislation. The advocate recommends a significant, but uncomplicated, addition to R277-613 to add language beginning on lines 20 and 55 that specifically and clearly prohibits bullying or hazing of a sexual nature or with sexual overtones and language beginning on line 125 requiring local policies to specifically provide training prohibiting bullying or hazing of a sexual nature. (For complete details see General Exhibit No. 11022.)

The Law and Policy Committee reviewed the additions to R277-613 and made the following amendments to the rule: Definition (1)(d) delete prospective or active team members and replace that with “a student” as well as in the remainder of the rule where this is mentioned.

Line 103-119 new language to add: Each school district and charter school shall, no later than December 1, 2009: (1) Post a copy of its policy on the school district/charter school website and (2) Provide a copy of the school district/school policy or URL to the Utah State Office of Education.

Line 153, new language to add: (3) shall designate to whom notices shall be provided.

The Committee approved the rule on second reading with amendments, and moves that the Board approve R277-613, School District and Charter school Bullying and Hazing Policies and Training on third and final reading. Motion carried unanimously.

#### State Board of Education Bylaw Amendments

The State Board of Education Bylaws direct that they be reviewed annually. Proposed amendments delete repealed USDB Board responsibilities, update terminology, provide for a

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UCAT member as a non-voting Board member, delete “Audit Committee” language and replace with “Finance Committee,” and recommended other changes. (For complete details see General Exhibit No. 11023.)

The Committee began discussion of the changes and felt it was best to hold this over for one month, have everyone receive a copy of the Bylaws with the amendments with the anticipation that the Committee will review them again next month. No action was taken.

Member Kim Burningham noted he is concerned about ethical conduct anywhere in government. It is important that we look at our own ethical code of conduct for the Board. He would like to see the Law & Policy Committee examine closely what we have in terms of our ethical code and what we are governed by state government and perhaps consider this as part of our Bylaws.

Member Burningham distributed a statement that might be included that talks about an ethical code of conduct to be considered as part of the bylaws. He requested that the Law & Policy Committee review this. (For complete details see General Exhibit No. 11024.)

Utah Schools for the Deaf and  
Blind Advisory Council Bylaws

State Board of Education Rule R277-800 *Utah Schools for the Deaf and Blind*, approved in September on first and second reading, notes that the “Board shall assist the Advisory Council (USDB) in developing and passing bylaws. . .” The USDB Advisory Council has been amending the bylaws and now seeks the State Board’s assistance and approval.

The Law and Policy Committee reviewed the recommended USDB Advisory Council Bylaw changes. (For complete details see General Exhibit No. 11025.)

The Schools for the Deaf and Blind is still in process and the Board may need to incorporate portions of the rule into the Bylaws. Therefore, the Bylaws for the Utah Schools for the Deaf and Blind Advisory Council will be reviewed and hopefully acted upon at the November meeting.

**Finance & Operations Committee**

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

Member Haws noted that an addendum to the Agenda was mailed and posted.

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Grand County School District  
Request for Aid Under R277-420,  
*Aiding Financially Distressed School Districts*

Grand County School District has been in transition in its business and fiscal management for the past four months. During its preparation of the current year budget, the school district found that its audited financial statements and current fiscal situation did not agree. A forensic audit is underway to discover the nature and extent of the discrepancies. Preliminary findings indicate that the fiscal year 2007-08 financial statements have an overstated operation and maintenance fund balance. This fund is now in an adjusted \$1.0 million deficit position for fiscal year 2007-2008. The local school board relied on the audited financial statements to build both the 2008-2009 budget and the current 2009-2010 school year budget. Without adjustments to the budget, the current budget will end with an additional \$1.2 million deficit.

The Grand County School District is solvent. There are sufficient fund balances in other categories to support debt and capital commitments of the school district. The local school board has made budget reductions and taken other measures to reduce the operational deficit. The Grand County School Board sought authorization under R277-420, *Aiding Financially Distressed School Districts*, to conduct inter-fund transfers as provided in law and Board rule. (For complete details see General Exhibit No. 11026.)

The Finance and Operations Committee reviewed the eligibility requirements under R277-420 and received a report from the Grand County School District on its fiscal plan to resolve the deficit and considered its application for inter-fund transfers.

Motion from the Finance and Operations Committee that the Board approve the Grand County School District request to conduct inter-fund transfers it currently has in its non-operating fund accounts in the amount of \$770,000, in combination with the \$680,000 in cuts, to make up this year's \$1.45 million operational fund deficit, as provided in R277-420. Motion carried unanimously.

Fiscal Priorities for 2010 Legislative Session

To prepare for FY 2011 revenue growth continuing to be weaker, the Governor's Office of Planning and Budget is limiting building block requests to absolutely mandatory items such as enrollment growth, federal match rate changes, and health and safety concerns. Anticipating less revenue for FY 2011 than for FY 2010, the Board will prioritize fiscal issues for the needs and purposes of school children in Utah.

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The Committee discussed budget priorities and possible strategies for presentation in the 2010 legislative general session. They also reviewed budget reduction contingency plans as outlined in the governor's budget guidelines for FY 2011. (For complete details see General Exhibit No. 11027.)

Member Haws reported that proposing that the budget for 2011 is the same as it was for 2010, we will be asking for the same amount. Recognize the federal money received and some of the other items, in order to backfill this budget we need to request a couple of things. Two line items of \$100 million education rainy day funds and \$100 million from the states' rainy day fund. In addition we are requesting \$93.5 million from other sources and within this pie, we will deal with the growth that will occur.

Motion from the Committee that the Board send this budget proposal for Fiscal Year 2011 forward.

Member Kim Burningham spoke in opposition to the motion expressing concern that for future years we are saying we will not be funding growth. The legislature has always expressed that we will fund growth first. This will establish a precedent for future years and it will be very difficult to cut other programs.

Motion carried with Members Allen, Brown, Cannon, Castle, Crandall, Haws, Locke, Murphy, Openshaw, and Thomas voting in favor; Member Burningham opposed.

#### **Student Achievement and School Success Committee**

Member Laurel O. Brown, Chairman of the Student Achievement and School Success Committee presented the following recommendations from the Committee:

#### Sharing of Curriculum Materials by Public School Educators, R277-111

There may be some uncertainty and reluctance among Utah classroom teachers to share, electronically or otherwise, the lesson plans and curriculum materials that they develop personally outside of their employment with transitional public school districts or with charter schools. Public school teachers should feel comfortable in sharing materials and enriching other educators with materials, resources and classroom activities that were developed on educators' personal time. This rule is established to provide general standards for educator sharing of personal curriculum materials. (For complete details see General Exhibit No. 11028.)

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The Student Achievement and School Success Committee approved R277-111, Sharing of Curriculum Materials by Public School Educators on first reading and moves that the Board approve R277-111 on second reading. In addition, the Committee requested that in between the 2<sup>nd</sup> and 3<sup>rd</sup> reading staff take the rule to teachers, superintendents and local board members for their review and any additional input prior to the final approval. Motion carried unanimously.

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 Education Interim Committee on how the career and technical education needs of secondary students are being met, and the access these students have to programs offered at applied technology colleges and schools.

The report, "Meeting the Needs of Utah's Secondary Students in Career and Technical Education" was presented to the Committee. The report provides data and survey results detailing how career and technical education needs of secondary students are being met by school districts, the Utah College of Applied Technology, colleges and universities. (For complete details see General Exhibit No. 11029.)

The Committee approved the report with a few changes, and moves that the Board approve the report for submission to the governor and the legislature's Education Interim Committee. Motion carried unanimously.

Accountability Reports - 2009

The 2009 Utah Performance Assessment System for Students (U-PASS) school reports and the No Child Left Behind Adequate Yearly Progress (AYP) school, LEA and State reports were released on September 16, 2009.

The Committee and the Board received a copy of the 2009 Accountability Information Report. (For complete details see General Exhibit No. 11030.)

No action was required.

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## **Full Board**

### Utah State Board of Education's Fiduciary Responsibility for School and Institutional Trust Lands

Margaret Bird, Specialist and Tim Donaldson, Financial Manager for the School Children's Trust provided information and training to the Board on its fiduciary responsibilities for the School and Institutional Trust Lands. (For complete details see General Exhibit No. 11031.)

This was information and no action was required.

### USBA Non-voting Member on the State Board of Education

The Utah School Boards Association (USBA) is an association of local district boards of education. In the September 2009 meeting of the Board, it was proposed that a representative of the USBA join the Board as a non-voting member. The rationale for the addition of this member to the Board was providing additional perspective regarding local issues to the Board's work.

The Board discussed the possible addition to the Board of a USBA representative as a non-voting member as well the manner of the appointment of such member.

Vice Chairman Dixie Allen commented that in the Law & Policy Committee they talked about the bylaws and how over the years we have changed the makeup of the Board. It was discussed as to whether or not we have authority to add members to the board and what responsibilities there are in regard to that. She suggested that as we review the bylaws we wait until we see what our rights and responsibilities are in putting additional members on the board. It may be well to have the bylaws in place prior to adding members.

Member Dave Crandall commented that the Utah Constitution indicates that the makeup of the board is defined in statute and if we want to increase the membership it should be through that avenue.

No action was taken.

### Executive Officer Report

Superintendent Larry Shumway presented the following items of information:

- Reported on the September 30 Public Education Leadership Summit.

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- Shared a list of the Regional Public Education Leadership Roundtables and invited Board Members representing these areas to please attend.
- Reported on the visits he and Deputy Superintendent Martell Menlove have made to the Performance Pay Schools. He is very satisfied and pleased with the progress they have committed to make.
- Reported on the progress with the partnership with the Salt Lake Chamber of Commerce. He noted that at the media event at Northwest Middle School Lane Beattie was there to speak in support of the Promises to Keep document. We are now close to finalizing a partnership with the Salt Lake Chamber to further advance the cause of public education. They understand the successes in public education and further success needs not just change, it needs real money. He is pleased to see that perspective from this key business organization. They seem to agree that progress in public education in Utah will require significant increases in funding.
- He expressed appreciation to the Board, for the opportunity to work with them, support of the things moving forward on together. He also expressed appreciation to Deputy Superintendent Menlove, Associate Superintendents Hales, Hauber and Park for their excellent work.

#### Board Chairman Report

Chairman Debra Roberts presented the following items of information:

- Utah School Boards Association Regional meetings - encouraged Board Members to attend those meetings in their areas and take part. Deputy Superintendent Menlove noted that he has prepared packets for those meeting which include copies of the Promises to Keep document.
- Interim Education Committee - October 21, 9:00 a.m. Encouraged as many board members to attend as possible it is a good statement to make.
- She was invited to attend the CTE Directors meeting in Cedar City. She noted that the Board was well represented by Superintendent Shumway.
- K-16 Alliance Regional meetings. She encouraged Board Member to attend those meeting to represent the Board's point of view and to listen and bring back feedback.

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- Chairman Roberts reported that she met with Speaker Clark on Monday. They don't always agree but have developed a lot of trust. She encourage Board Members to develop those kinds of relationships with own legislators.
- Participate in USSA meetings. Carol Murphy going in November. This is an experiment to see if this is helpful to them.
- NASBE Annual Meeting next week and Board Members will be attend these meeting in Cincinnati.
- There will be a meeting on Common Core Standards in Chicago, Illinois the end of the month sponsored by NASBE and CCSSO. It is anticipated that she, Superintendent Shumway, Member Laurel Brown and Associate Superintendent Brenda Hales will be participating.
- Member Laurel Brown reported on attending the National Army Education Conference in Ft. Jackson, South Carolina. Most of her beliefs about the army were dispelled. After that she has meet with Col. Reed who is over Western Region recruitment, and they work on personal development. Their theme is strong students, strong leadership, strong nation. They are working hard taking the person where they are and help them move forward. The army offers a lot to education free of charge. In her meeting with Col. Reed, he indicated he would like to match our curriculum and see what the army can offer to us. Learning modules, etc. She was very impressed with what they had.  
She shared an invitation for anyone who would like to attend the US Army Community Council meeting October 25 from 11:30 a.m. to 1:00 p.m. If anyone is interested please let her know.  
There will be another conference at Ft. Benning Georgia.
- Chairman Roberts indicated that NASBE has announced the study groups for next year. They will be Relationship with the Military, 21<sup>st</sup> Century Technology, and 21<sup>st</sup> Century Teachers. She hopes we can have someone engaged in those study groups.

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- Member Charlene Lui commented on the recent tsunami in Samoa and Utah has a large contingent of Samoan people. She requested that Board Member, if interested, make a donation to the Red Cross or Zions Bank in behalf of this effort.
- Vice Chairman Dixie Allen noted that we have a great State Superintendent. There have been two school districts in her district that have been in dyer straights and when they called upon him he has immediately been there to help. The districts have been grateful for the help he has given.
- Issues of the month - if there is something you would like discussed let us know by Board Leadership meeting which is October 20. Also if there are any concerns or discussion items they would like addressed by Leadership.
- The position for a new Board Member in District 3 has been reopened and applications are due by October 15<sup>th</sup> to the Governor.
- The State of Education address will be on November 5<sup>th</sup> - more details to follow.

#### General Consent Calendar

Motion was made by Member Carol A. Murphy and seconded by Member Laurel O. Brown to approve the General Consent Calendar as presented with the exception of Item F, Utah Schools for the Deaf and Blind, R277-800 to be pulled for discussion. Motion carried unanimously.

#### 1. Minutes of Previous Meetings

Minutes of the Meeting of the State Board of Education held September 11, 2009.

#### 2. Contracts

The following contracts were approved by the Board:

(A) Alpine Square Associates. \$162,000. 5/1/05-4/30/10 - Amend. - Fed.

To lease office space for Division of Rehabilitation Services located at 64 S 300 E, American Fork, Utah

(B) University of Utah SRI. \$51,595. 7/1/09-9/30/10. - Amend. - Fed.

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

(For complete details see General Exhibit No. 11032.)

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3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the school districts were approved as submitted. (For complete details see General Exhibit No. 11033.)

4. Education Programs for Students with Disabilities, R277-750

Education Programs for Students with Disabilities, R277-750, was updated and amended to reflect the current dates and status of the State board of Education Special Education Rules. The amendments were reviewed and approved on first reading by the Student Achievement and School Success Committee and the State Board of Education approved R277-750, Education Programs for Students with Disabilities on second reading at the September 11, 2009 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-750, Education Programs for Students with Disabilities on third and final reading. (For complete details see General Exhibit No. 11034.)

5. Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees, R277-516

Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees was amended to provide new language clarifying that the USOE will review background check information only for licensed educators. New definitions used within the new language have also been added to the rule.

R277-516, Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees was approved by the Board on second reading at the September 11, 2009 Board meeting. There have been no substantive changes to the rule since that time. The Board approved R277-516, Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees on third and final reading. (For complete details see General Exhibit No. 11035.)

6. State Charter School Board Recommendations

The State Charter School Board met on September 10, 2009 and unanimously approved to recommend to the State Board of Education the following:

- **Channing Hall** increase its enrollment by 525 students by the 2011-2012 school year. Channing Hall has been open since 2006.
- **Vista at Entrada** increase its enrollment by 200 students beginning in the 2010-2011 school year. Vista at Entrada opened in 2009.

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- **Weilenmann School of Discovery** accelerate its growth plan, but ultimately decrease its enrollment by 34 students beginning in the 2010-2011 school year. Weilenmann School of Discovery will open in fall 2010.
- **NUAMES** increase its governing board size and limit the number of lifetime memberships. NUAMES has been open since 2004.

The State Board of Education approved the above recommendations from the State Charter School Board. (For complete details see General Exhibit No. 11036.)

7. Administrative Rule Review

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

R277-471	Oversight of School Inspections
R277-607	Truancy Prevention
R280-203	Certification Requirements for Interpreters for the Hearing Impaired

(For complete details see General Exhibit No. 11037.)

8. 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. 11038.)

9. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2009 was provided as information to the Board. (For complete details see General Exhibit No. 11039.)

10. Utah State Office of Education Performance Auditor Salary and Benefits

Under authority of 53A-1-302 of the Utah Code, the State Board of Education hereby sets the salary of the Utah State Office of Education Performance Auditor Natalie Grange, CPA, CFE at \$38.32 per hour. The salary may be reviewed, and if appropriate, adjusted annually. In addition, the Internal Auditor is afforded all benefits available to other state officers. (67-22-2 of the Utah Code)

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11. 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. 11040.)

12. Advisory Committee - Notice of Vacancy

The Board received notice of eight vacancies on the Coalition of Minorities Advisory Committee (CMAC). The vacancies include representation from: African American, American Indian (2), Asian (2), Hispanic, Pacific Islander (2).

13. Claims Report

The Claims Reports in the amount of \$214,121,099.86 and \$232,353,818.57 respectively for July 31, 2009 and August 31, 2009 were approved by the Board. (For complete details see General Exhibit No. 11041.)

Utah Schools for the Deaf and Blind, R277-800

During the past year a Board authorized task force worked on major changes to the rules for the Utah Schools for the Deaf and Blind. As a part of this process, State Office of Education staff have also received input from many stakeholders. The changes to the rule, along with those that were made in HB 296 during the 2009 legislative session required the complete rewriting of R277-800. The Law and Policy Committee reviewed the rule and proposed further amendments in its August 7, 2009 meeting. The Committee also directed that definitions be consistent with IDEA and the Utah Special Education rules. Further amendments to the rule were made by the Law and Policy Committee at the September 11, 2009 meeting.

The Law and Policy Committee approved the repeal and reenactment of R277-800, Utah Schools for the Deaf and Blind on first reading and the Board approved the repeal and reenactment of R277-800 on second reading at the September 11, 2009 meeting.

Member Carol Murphy shared some additional amendments to R277-800, Utah Schools for the Deaf and the Blind. It was noted that the amendments were mailed to the Board prior to the meeting. (For complete details see General Exhibit No. 11042.)

Motion was made by Member Carol A. Murphy seconded by Vice Chairman Dixie L. Allen to approve R277-800 as amended above on third and final reading. Motion carried unanimously.

Motion was made by Member C. Mark Openshaw and seconded by Member Shelly Locke to adjourn. Meeting adjourned at 3:50 p.m.