

**UTAH STATE BOARD OF EDUCATION
MEETING MINUTES**

February 3, 2012

The Utah State Board of Education held meetings of the Audit, Charter Schools, and USDB Committee on February 2, 2012. The Audit and Charter Schools Committee meetings were held at the State Office of Education, Salt Lake City, Utah. The USDB Committee met at the Division of Services for the Blind and Visually Impaired building at 250 North 1950 West, Salt Lake City, Utah. All Board members were in attendance with the exception of Members Rowley, Spencer, Theurer, and Thomas.

A regular meeting of the Board was held February 3, 2012 at the Utah State Office of Education, Salt Lake City, Utah. Chair Debra Roberts presided.

Board Members present:

Chair Debra G. Roberts	Member Joel Coleman
Vice Chair Dixie L. Allen	Member David L. Crandall
Member Tim Beagley (non-voting)	Member Michael Jensen
Member Keith M. Buswell	Member Carol A. Murphy
Member Laurel O. Brown	Member James V. (Jim) Olsen (non-voting)
Member Kim R. Burningham	Member C. Mark Openshaw
Member Janet A. Cannon	Member Tami W. Pyfer
Member Leslie B. Castle	Member Isaiah Spencer (non-voting)
Member Wilford Clyde (non-voting)	Member Teresa L. Theurer (non-voting)
Member Craig E. Coleman	Member David L. Thomas

Members absent: Member Dean Rowley

Executive staff present:

Larry Shumway, State Superintendent	Judy Park, Associate Superintendent
Martell Menlove, Deputy Supt.	Don Uchida, Executive Director, USOR
Brenda Hales, Associate Superintendent	Steve Noyce, USDB Superintendent
Todd Hauber, Associate Superintendent	Lorraine Austin, Board Secretary

Others present:

David Stevenson, Wireless Generation; Alisa Dorman, Dynamic Measurement Group; Kathy Rockhill, ASD parent; Lydia Nuttall, parent–Morgan School District; Kris Kimball, TCJ; Marshal Garrett, Logan School District; Natalie Gochnour, Prosperity 2020; Debra

Bushell, Tooele School District; Peggy Down, Good Foundations Academy; Brian Myrup; Reagan Academy; Justin Riggs, Reagan Academy; Terry Linares, Tooele School District; Kevin Chapman, Millard School District; Mary Ellen Kettle, Duchesne School District; Brad Nelson, Spectrum Academy; Chris Bleak, Utah Association of Private Charter Schools; Lynn Sorensen, Davis School District; Jackie Thompson, Davis School District; Bill Fowler, Tuacahn High School.

Opening Business

Chair Debra Roberts called the meeting to order at 8:15 a.m. The Pledge of Allegiance was led by Member Kim Burningham.

Chair Roberts drew attention to changes in the agenda. The Tintic School District Parent Survey Report item (Tab 4-T) was changed to an action item, and an addendum–ESEA waiver–was added.

Board Member Message

Vice Chair Dixie Allen welcomed the Board. She read an excerpt from *Gardens of Democracy*, by Eric Liu and Nick Hanauer, about parent involvement in schools. She reminded the Board of the importance of including a parental involvement piece in legislation and board rules.

Education First

Mr. Nolan Karras from Education First was welcomed to the meeting. He informed the Board that Education First is a political action committee formed in support of Prosperity 2020 with a focus on “improved accountability, innovation, and increased funding for education in Utah.” A handout was distributed and reviewed. [For complete details, see General Exhibit No. 11807.]

Ms. Natalie Gochnour reported on Prosperity 2020's legislative efforts.

Promises to Keep Highlight - Common Core

Superintendent Larry Shumway introduced Diana Suddreth, USOE 7-12 Math Coordinator, and Christelle Estrada, USOE Language Arts Specialist. They recently presented information, with Chair Roberts and Superintendent Shumway, about the Utah Core at the USBA Convention.

Ms. Suddreth and Estrada took the Board through exercises to demonstrate instruction methods being used as a part of the Core.

Public Participation

Wendy Hart expressed her philosophical difference with the Common Core. She feels the best ideas are fostered in a spirit of competition.

Helen Watts, an educator, expressed her feeling that local control is the best way to improve student achievement, and gave examples from other countries.

Cammy Nebeker asked if the Board had the opportunity to review the curriculum and see where it meets with Utah state standards. If not, she submits that her children and grandchildren are being put to an experiment at a great cost.

Kris Kimball, Thomas Jefferson Center for Constitutional Studies, reported that the Center is concerned with losing local control. She informed the Board that the organization's biggest concern in other states is math, and indicated that social agendas are being taught through mathematics.

Debra Henry expressed her discomfort that the Common Core has not been tried, and indicated she is not a proponent of adaptive testing.

Information was distributed from Ed Barfuss and Lydia Nuttall. [For complete details, see General Exhibit No. 11808.]

General Consent Calendar

Motion was made by Vice Chair Dixie Allen and seconded by Member Michael Jensen that the Board approve the General Consent Calendar as written.

Member Kim Burningham requested that the motion be divided, with Item B, R277-497 *School Grading System*, being voted on separately. The motion was divided.

The Board approved the General Consent Calendar, with the exception of R277-497.

Motion to approve R277-497 *School Grading System* on third and final reading carried, with Members Allen, Brown, Buswell, Cannon, Crandall, Jensen, Openshaw, Pyfer, Roberts, and

Thomas in favor, and Members Burningham, Castle, C. Coleman, J. Coleman, and Murphy opposed.

1. Minutes of Previous Meeting

Minutes of the State Board of Education meeting held January 12, 2012 were approved.

2. R277-497 School Grading System

In its January 12, 2012 meeting, the Board approved new rule R277-497 on second reading. The rule puts into place the system for grading schools required in Utah Code 53A-1-111 through 1113.

The Board approved R277-497 *School Grading System* on third and final reading. [For complete details, see General Exhibit No. 11809.]

3. R277-615 Standards and Procedures for Student Searches

New rule R277-615 directs local education agencies to adopt rules or policies with procedures that protect students against unreasonable and excessive intrusion while on school property or at school-sponsored activities, consistent with Section 53A-11-1305 *Board rules to ensure protection of individual student rights*. In its January 12, 2012 meeting, the Board approved R277-615 on second reading.

The Board approved R277-615 *Standards and Procedures for Student Searches* on third and final reading. [For complete details, see General Exhibit No. 11810.]

4. R277-705 Secondary School Completion and Diplomas

Consistent with the Utah Administrative Rulemaking Act five-year review requirement, in its January 12, 2012 meeting, the Board approved continuation of R277-705 on second reading.

The Board approved continuation of R277-705 *Secondary School Completion and Diplomas* on third and final reading. [For complete details, see General Exhibit No. 11811.]

5. R277-521 Professional Specialist Licensing

Rule R277-521 had not been substantively amended since 2002. Staff reviewed the rule and determined that the provisions of this rule are no longer necessary for USOE licensing and employment. In its January 12, 2012 meeting, the Board approved repeal of R277-521 *Professional Specialist Licensing* on second reading.

The Board approved R277-521 on third and final reading. [For complete details, see General Exhibit No. 11812.]

6. R277-600-7 Student Transportation Standards and Procedures

Rule R277-600-7 allows that the cost incurred by the school district by providing a subsistence allowance to parents for a student's room and board—when a student lives away from home at a site nearer to the assigned school—is an approved cost. The rule further allows that within the reimbursement for room and board, the subsistence allowance may include the cost of trips for the student to return home. The rule was amended to change the number of trips from 2 to 18. In its January 12, 2012 meeting, the Board approved R277-600-7 on second reading.

The Board approved R277-600-7 *Student Transportation Standards and Procedures* on third and final reading. [For complete details, see General Exhibit No. 11813.]

7. Requests for Temporary Authorizations

The Board approve temporary authorizations for licenses as submitted by the school districts. [For complete details, see General Exhibit No. 11814.]

8. Monthly Budget Report

The Monthly Budget Report was provided to give information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. [For complete details, see General Exhibit No. 11815.]

9. List of Educator Licenses Processed

A summary of the total number of educator licenses and license areas processed in January 2012 was provided. [For complete details, see General Exhibit No. 11816.]

10. Claims Report

The Claims Report for December 2011 was provided for Board information. [For complete details, see General Exhibit No. 11817.]

11. Ratification

The Board ratified the hiring of Laura L. deShazo as an Education Specialist in the CTE Section.

12. Notice of Vacancy

Two vacancies for positions on the Division of Services for the Blind and Visually Impaired Advisory Council were noticed.

The Board recessed to committees at 10:50 a.m.

Achievement Spotlight

Associate Superintendent Brenda Hales introduced some of the winners of the 2012 Martin Luther King, Jr. Essay Contest. Cassidy Hills, Woods Cross High School, read her essay, “Breaking Down Walls,” based on the theme, “How are you demonstrating Dr. Martin Luther King Jr.’s vision of unity in your life?”

Video Grand Prize winners from Woods Cross High School—Natalie Brockbank, Cole Davis, Zach Hosman and Matt Zimmerman—showed their winning video, “Eliminating Discrimination and Violence.”

The winners were presented with a Certificate of Excellence from Chair Roberts and Superintendent Shumway.

Utah State Office of Rehabilitation Annual Report

Executive Director of the Utah State Office of Rehabilitation, Don Uchida, introduced USOE Divisions Directors Russ Thelin, Division of Rehabilitation Services; Bill Gibson, Division of Services for the Blind and Visually Impaired; Marilyn Call, Division of Services for the Deaf and Hard of Hearing, and Paul Klingo, Division of Disability Determination Services.

Mr. Uchida presented and reviewed the 2011 Annual Report of the Utah State Office of Rehabilitation.

Among other highlights, 3,587 individuals with disabilities were successfully employed, 30,170 individuals were provided with vocational rehabilitation services, and 99 percent of those employed were severely disabled.

The State Office of Rehabilitation has a signed MOU with every school district in the state, as well as a counselor assigned to every public high school. Through these cooperative partnerships there is a smooth transition from school to the workplace for special education and 504 students. [For complete details, see General Exhibit No. 11818.]

State Superintendent Report

The following items were reported by Superintendent Larry Shumway and others as designated.

- Innovative Technology Grants - in FY11, ten technology grants totaling \$300,000 were awarded to schools from discretionary funds. A video clip showing the results from one of the grants was shown.
- Partnership for Leaders in Education Program - Utah has joined with Arizona, Colorado, Nevada and New Mexico, in partnership with the Southwest Comprehensive Center and the Darden School of Business and Curry School of Education, to form the Turnaround Leadership Consortium. The goal of the partnership is to develop district and school leadership skills needed to meet the challenges of turning around low-performing schools. Ogden and Provo School Districts currently have schools participating in Cohort 1, and more districts will join in Cohort 2 in the spring.
- USOE Administered Budget information was distributed.
- Changes in USOE staff were reported. John Brandt will be directing the Utah Data Alliance. Jerry Winkler has been appointed IT Director. New hires Jennifer Slade, Educational Specialist in the Education Equity Section, and Laura deShazo, Education Specialist in the CTE Section were introduced.

- School Community Council Audit - Deputy Superintendent Martell Menlove reviewed some results of the audit. Most of the recommendations are for districts and schools, and the State Office is following up with them. Two recommendations for the USOE include establishing in the Board's school community council rule how long election results should be retained at a school, and establishing through rule a line of reviews to check the accuracy of the principal accountability form.

[For complete details, see General Exhibit No. 11819.]

Board Chair Report

The following items were reported from Chair Debra Roberts and others as designated.

- Legacy Preparatory Academy Audit - internal Auditor Natalie Grange distributed and gave a report of the audit. She indicated the school is very receptive to change and is strengthening its internal control environment. [For complete details, see General Exhibit No. 11820.]
- NASBE January Meetings - Member Tami Pyfer reported on the Government Affairs Committee meeting. The top priority for the Committee will be ESEA reauthorization. Member Leslie Castle reported on the Common Core and Technology Study Group and Member Carol Murphy reported items from the NASBE Board.
- USOE Leadership Briefings are held the fourth Monday of each month with the exception of May. Board members receive a monthly summary of that meeting, but were also invited to attend.
- Board Advisory Council Appointment process - two proposed processes were distributed for Board member review. Feedback should be sent to the Board secretary.
- A Frequently Asked Questions (FAQ) sheet is being developed. Additions will be made after the legislative session.
- Master Board Awards Program - Board members were encouraged to review and decide whether it is something in which the State Board should be involved.
- Volunteers were requested to use a paperless agenda for the Board meeting in March.

Legislative Update

Deputy Superintendent Martell Menlove reviewed and updated the Board on the status of education-related bills.

Representative Francis Gibson was welcomed to the meeting and introduced as the new Chair of the House Education Committee. He expressed his support for public education and his desire to do what's best for children, making sure parents are involved whenever possible.

The following actions were taken on bills:

SB 48 Mission of Public Education - Motion was made by Member David Thomas and seconded by Member Craig Coleman that the Board support SB 48. Motion carried unanimously.

SB 151 Student Opportunity Scholarships - Motion was made by Member Carol Murphy and seconded by Member Dixie Allen that the Board oppose SB 151.

Motion carried, with Members Allen, Brown, Burningham, Cannon, Castle, Murphy, Pyfer and Roberts in favor, and Members Buswell, C. Coleman, J. Coleman, Openshaw and Thomas opposed.

SCR 5 Concurrent Resolution Encouraging Parental Engagement in the Education of Children - Motion was made by Member Janet Cannon and seconded by Member Dixie Allen that the Board support SCR 5. Motion carried unanimously.

SJR 5 Joint Resolution on Education - Motion was made by Member David Thomas and seconded by Member Joel Coleman that the Board oppose SJR 5. Motion carried unanimously.

ESEA Waivers

Motion was made by Member Dixie Allen and seconded by Member Kim Burningham that the Board approve the submission of an application for an ESEA Flexibility Waiver to the U.S. Department of Education.

Superintendent Shumway reported that Utah is already doing most of the things that are necessary to meet the requirements. Utah is currently using a dual track school reporting system, and the waiver would allow the state to consolidate to a single report.

Motion carried, with Member David Crandall opposed. [For complete details, see General Exhibit No. 11821.]

Assessment Discussion

Associate Superintendent Judy Park distributed and reviewed information on assessments. She discussed three options for future assessments: 1) procurement of an existing computer adaptive assessment; 2) procurement for a state-developed computer adaptive assessment; and 3) multi-state consortium developed computer adaptive assessment (SMARTER Balanced Assessment Consortium (SBAC)).

The only option that would not need to go through the RFP process is option #3, as an MOU has already been signed with SBAC. Dr. Park indicated that if an option requiring an RFP is chosen, the soonest an assessment could be implemented would be spring of 2013. She also reported that SBAC will have its assessment system in place in 2014-15.

Member Craig Coleman expressed his support for developing in-house assessments, as it would give more flexibility in developing test questions, and expressed his concerns with the loss of flexibility, greater costs, and other obligations if the Board remains with SMARTER Balanced.

Motion was made by Member Craig Coleman and seconded by Member Joel Coleman that Utah withdraw as a governing state from the SMARTER Balanced Assessment Consortium.

Several Board members felt it important to continue with SBAC to give input into and glean what we can from the process. Dr. Park clarified that the only agreement Utah has through the MOU with SBAC is that by the year 2014-15 if Utah is still a governing state, it will have to implement the assessment program. Until then, Utah can withdraw at any time.

Substitute motion was made by Member David Thomas and seconded by Member Kim Burningham that the Board adopt either option 1 or 2, but maintain its involvement in the SMARTER Balanced Assessment Consortium, with the understanding that it does not necessarily mean the Board will use SMARTER Balanced assessments.

Motion failed 7-7, with Members Allen, C. Coleman, J. Coleman, Crandall, Jensen, Openshaw and Thomas in favor, and Members Brown, Burningham, Buswell, Cannon, Castle, Murphy, and Pyfer opposed. Chair Roberts abstained.

Original motion to withdraw from the SMARTER Balanced Assessment Consortium failed, with Members C. Coleman, Crandall, Jensen and Thomas in favor, and Members Allen, Brown, Burningham, Buswell, Cannon, Castle, J. Coleman, Murphy, Openshaw, Pyfer and Roberts opposed.

Motion was made by Member Carol Murphy and seconded by Member Janet Cannon that in order to move forward rapidly with state and local reforms designed to improve academic achievement of Utah students, Board Leadership appoint a stakeholder group to begin work on the initial elements of an RFP for the Utah Statewide Assessment System. The initial group will include State Board members, local superintendents to represent both large and small districts, curriculum directors from both large and small districts, USOE staff, local board representation, charter board representation and assessment directors. The group membership and initial work plan will be reported to the Board no later than its April meeting, for further action by the Board.

Substitute motion was made by Member Joel Coleman and seconded by Member David Thomas that the Board pass the above motion, with the inclusion of a directive that the RFP will include science, mathematics, and language arts. Substitute motion carried.

[For complete details, see General Exhibit No. 11822.]

Board Standing Committee Reports

ACCOUNTABILITY, FINANCE AND ASSESSMENT COMMITTEE

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

Taxing Entity Committee (TEC) to the Redevelopment Agency of Taylorsville City 5400 South Bangerter Highway URA

The Redevelopment Agency of Taylorsville City is proposing to revise the Project Area Budget for the 5400 South Bangerter Highway Urban Renewal Area. This project has not begun

collecting tax increment. Because of the economic recession and the devaluation of property values, adoption of a new budget with a new base year will allow Taylorsville City to have a viable project area.

The Committee authorized its representative, Mr. Larry Newton, to vote in the affirmative for the change. [For complete details, see General Exhibit No. 11823.]

R277-479 Charter School Special Education Student Funding Formula

New rule R277-479 was written to: 1) specify standards and procedures for charter school special education funding; 2) provide funding for students with disabilities similar to students with disabilities in traditional schools; and 3) provide funding for students with disabilities to charter school expansions in a more timely manner. The Committee amended the rule as outlined on a distributed sheet.

The Committee approved R277-479 *Charter School Special Education Student Funding Formula* on first reading, as amended, and moved that the Board approve the rule on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11823.]

Assessment Pilots

The Committee heard reports from the K-12 Assessment pilot schools. The pilots have been very successful.

INSTRUCTION, SUPPORT, AND TECHNOLOGY COMMITTEE

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

R277-104 USOE ADA Complaint Procedure

R277-104 was approved for repeal by the Board in its November 4, 2011 meeting. Subsequently, staff was advised that a USOE ADA complaint procedure rule was still necessary, however, language in the rule should apply only to individuals other than USOE employee complainants (e.g. invitees, visitors, other government employees). Because the changes are significant, it was recommended that the rule be repealed/reenacted.

The committee did not address R277-104. The rule will be addressed in the March meeting. [For complete details, see General Exhibit No. 11825.]

R277-419 Pupil Accounting

R277-419 is the Board Rule that governs pupil accounting for the purpose of determining average daily membership (ADM) for the generation of funding. Section “E” of this rule allows for exceptions for students that are not actually enrolled in district and charter schools for a variety of reasons. The rule has not been amended to reflect changes from the 2011 Legislative Session concerning students attending Utah College of Applied Technology classes. The State Administrative Rules Committee of the legislature passed a motion to sunset section “E,” Exceptions, of the rule. SB 30 *Administrative Rules Reauthorization* is the legislation that will codify the actions of Administrative Rules.

Two versions of amendments to R277-419 were presented to the Committee. The Committee approved on first reading, Version 2 of the amendments, which brings the rule up to date with current law.

Motion from Committee that the Board approve R277-419 *Pupil Accounting*, as amended in Version 2, on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11826.]

Necessarily Existent Small Schools (NESS) Fund Distribution

Frequently, funds designated for Necessarily Existent Small Schools (NESS) go unused due to existing distribution formulas. For FY12, the remainder is estimated to be \$1.2 million. The Utah Schools Boards Association, in conjunction with the Utah School Superintendents Association and the Utah Association of School Business Officials, requested that the Board revise the NESS formula so that every dollar of its allocation is used in NESS-approved schools and districts, with no remainder. It was also requested that current remaining funds be sent to qualifying districts.

The Committee passed a motion 4-1 that USOE staff be directed to distribute NESS funds remaining this year in an equitable fashion, and to report actions back to the Committee

and make recommendations for further action regarding Necessarily Existent Small Schools. The Committee forwarded the motion to the Board.

Motion carried, with Member David Crandall opposed. [For complete details, see General Exhibit No. 11827.]

Tintic School District Parent Survey Report

Tintic School District submitted a waiver request from R277-419 *Pupil Accounting* to allow the district to go on a four-day school week schedule. In its November 2011 meeting, the State Board approved the waiver, pending Tintic conducting and reporting the results of a parent survey regarding a four-day school week for the entire district.

Tintic reported back to the Committee that the parent survey was conducted, and 86 percent of parents approved trying a four-day week. Tintic will move ahead with the four-day schedule.

R277-420 Aiding Financially Distressed School Districts

R277-420 has not been substantively amended since 1987. Staff reviewed the rule and determined that amendments to the rule are necessary to provide updated terminology.

The Committee took no action on the rule. The rule will come back to the Committee in March. [For complete details, see General Exhibit No. 11828.]

R277-486 Professional Staff Cost Program

R277-486 has not been substantively amended since 2004. Staff has reviewed the rule and determined that amendments are necessary to provide updated terminology.

The Committee took no action. The rule will come back to the Committee in March. [For complete details, see General Exhibit No. 11829.]

Educator Evaluation

In support of Promises to Keep and high quality instruction, a proposed time line on the Educator Effectiveness Project was presented to the Board in its May 5, 2011 meeting. Staff provided updated information on the project to the committee.

CURRICULUM, STANDARDS AND STUDENT SUCCESS COMMITTEE

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

R277-916 *Technology, Life, Careers, and Work-Based Learning Programs*

R277-916 has not been substantively amended since 2002. Staff reviewed the rule and determined that amendments are necessary. The Committee approved R277-916 *Technology, Life, Careers, and Work-Based Learning Program* on first reading with the following amendment to Section 6(B): Strike the words, “upon request” from the first line.

The Committee moved that the Board approve R277-916 on second reading, as amended. Motion carried. [For complete details, see General Exhibit No. 11830.]

State Board of Education Bylaws

The State Board of Education Bylaws direct that the Bylaws be reviewed annually by the Board under the direction of the Vice Chair.

USOE staff was directed to verify that the compensation portion of the Bylaws is consistent with state statute, and bring back to the March meeting. [For complete details, see General Exhibit No. 11831.]

R277-485 *Loss of Enrollment*

R277-485 has not been substantively amended since 2008. Staff reviewed the rule and determined that amendments are necessary to include clarifying language. The Committee made amendments outlined on a distributed sheet.

The Committee passed R277-485 *Loss of Enrollment*, as amended, on first reading, and moved that the Board approve the rule on second reading. Motion carried. [For complete details, see General Exhibit No. 11832.]

R277-454 Construction Management of School Building Projects

R277-454 has not been substantively amended since 2003. Staff reviewed the rule and determined that amendments are necessary. The amendments include adding a new definition and making terminology changes consistent with the new definition.

The Committee passed R277-454 *Construction Management of School Building Projects*, as amended, on first reading, and moved that the Board approve the rule on second reading. Motion carried. [For complete details, see General Exhibit No. 11833.]

R277-720 Child Nutrition Program

R277-720 has not been substantively amended since 2004. Staff reviewed the rule and determined that amendments are necessary. The amendments include updating revision dates on publications, adding guidance and instructions issued by USDA, and removing an outdated program.

The Committee approved R277-720 *Child Nutrition Programs* on first reading, and moved that the Board approve the rule on second reading. Motion carried. [For complete details, see General Exhibit No. 11834.]

Counselor-to-Student Ratios Report

In 2009, R277-462 *Comprehensive Counseling and Guidance Program* was modified to require USOE staff to gather information regarding counselor-to-student ratios and annually report this information to the Board of Education and the legislature. LEAs not meeting the recommended ratio average of 1:350 are required to submit a plan outlining how they intend to meet this ratio.

The Committee heard the report. [For complete details, see General Exhibit No. 11835.]

CHARTER SCHOOLS COMMITTEE

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

Tuacahn High School Charter Amendment Request

The State Charter School Board recommended that Tuacahn High School be granted an amendment to its charter to add 100 students beginning in the 2012-2013 school year, which requires a waiver from the R277-482-7 *Charter School Timelines and Approval Process—Approved Charter School Expansion*.

Motion from Committee that the Board approve the amendment to Tuacahn Charter High School's charter and waive R277-482-7. Motion carried. [For complete details, see General Exhibit No. 11836.]

Salt Lake Arts Academy Charter Amendment Request

The State Charter School Board recommended that Salt Lake Arts Academy be granted an amendment to its charter to add 100 students beginning in the 2013-2014 school year.

Motion from Committee that the Board approve the amendment to Salt Lake Arts Academy charter. Motion carried. [For complete details, see General Exhibit No. 11837.]

Noah Webster Academy and Provo Freedom Academy Articulation Agreement

The State Charter School Board recommended that the Articulation Agreement between Noah Webster Academy and Provo Freedom Academy be granted. Articulation Agreements between charter schools are allowable under UCA 53A-1a-506 *Eligible Students*.

The Committee had concerns with language in the agreement covering students with disabilities, teacher recommendations, and the use of grade point. The committee directed that the agreement go back to the State Charter School Board for further clarification. [For complete details, see General Exhibit No. 11838.]

Provo Freedom Academy Charter Amendment Request

The State Charter School Board recommended that Provo Freedom Academy be granted an amendment to its charter to give enrollment preference to students consistent with its Articulation Agreement with Noah Webster Academy. As the Articulation Agreement was not approved, no action was taken on this request. [For complete details, see General Exhibit No. 11839.]

USDB COMMITTEE

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

Dual Immersion Deaf Program

Among the USDB Advisory Council and others, there has been considerable discussion recently concerning dual immersion programs that might offer increased opportunities in both spoken language and American Sign Language. The Committee will further consider these programs.

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

The Committee heard a financial report from Michael Sears, USDB Director of Finance. [For complete details, see General Exhibit No. 11840.]

Executive Session

Motion was made by Member Laurel Brown that the Board move into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual; purchase, exchange, or lease of real property; and reasonably imminent litigation. The Board was polled, and upon unanimous consent of those present, moved into Executive Session at 3:35 p.m.

Motion was made by Member David Thomas and seconded by Member Michael Jensen that the Board reconvene into open meeting. Motion carried.

Chair Debra Roberts left the meeting at 4:11 p.m. and Vice Chair Dixie Allen then chaired the meeting. The meeting reconvened at 4:23 p.m.

Executive Session Items

Utah Professional Practices Advisory Committee (UPPAC) Recommendations

On September 10, 2010, the State Board accepted a Stipulated Agreement in UPPAC Case No. 10-949 for a one-year suspension of the educator's license. A Hearing Panel and UPPAC found that the educator has satisfied all requirements of the Stipulated Agreement, has taken responsibility for her actions, and has provided testimony and evidence in her hearing that she understands the seriousness of the misconduct. The Board reviewed the Hearing Report.

Motion was made by Member Carol Murphy and seconded by Member Michael Jensen that the Board accept the recommendation of UPPAC in Case No. 10-949 and reinstate the Level 2 Secondary and Administrative license of a former administrator in Granite School District.

Motion to reinstate carried, with Members Allen, Brown, Burningham, Buswell, Cannon, C. Coleman, J. Coleman, Crandall, Jensen, Murphy, Openshaw and Thomas in favor, and Members Castle and Pyfer opposed; Chair Roberts absent.

Motion was made by Member Carol Murphy and seconded by Member Michael Jensen that the Board accept the recommendation of UPPAC in Case No. 11-1019 and accept a Stipulated Agreement, whereby a former educator in Carbon School District voluntarily surrenders his educator license in lieu of a hearing for the suspension of his Level 1 Elementary License. The educator violated Utah Educator Standards (R277-515) by frequently accessing inappropriate and pornographic Web sites using school computer equipment.

Motion carried; Chair Roberts absent. [For complete details, see General Exhibit No. 11841.]

State Rehabilitation Council Appointment

Motion was made by Member Janet Cannon and seconded by Member Leslie Castle that the Board appoint James Whitaker as the DWS Representative on the State Rehabilitation Council for a term expiring September 30, 2013. Motion carried; Chair Roberts absent.

Adjournment

Motion was made by Member Michael Jensen and seconded by Member Joel Coleman that the meeting adjourn. Motion carried.

Meeting adjourned at 4:25 p.m.

Lorraine Austin, Secretary to the Board
Approved March 2, 2012