## UTAH STATE BOARD OF EDUCATION MEETING MINUTES

August 5, 2011

The Utah State Board of Education held a regular meeting on August 5, 2011 at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:07 a.m. Chair Debra Roberts presided.

#### Board Members present:

Chair Debra G. Roberts Vice Chair Dixie L. Allen Member Tim Beagley Member Kim R. Burningham Member Keith M. Buswell Member Daniel W. Campbell Member Janet A. Cannon Member Leslie B. Castle Member Craig E. Coleman Member Joel Coleman Member David L. Crandall Member Meghan Holbrook Member Carol A. Murphy Member James V. (Jim) Olsen Member C. Mark Openshaw Member Tami W. Pyfer Member R. Dean Rowley Member David L. Thomas Member Isaiah (Ike) Spencer

Board Members excused: Member Laurel O. Brown Member Michael Jensen

Executive staff present:

Larry K. Shumway, State Superintendent of Public Instruction Martell Menlove, USOE Deputy Superintendent Brenda Hales, USOE Associate Superintendent Todd Hauber, USOE Associate Superintendent Judy Park, USOE Associate Superintendent Don Uchida, Executive Director, Utah State Office of Rehabilitation Lorraine Austin, Board Secretary

## Others present:

Steve Noyce, USDB Sue Winkler, DSD Gigi Brandt, League of Women Voters Duke Mossman, NUES Barry Walker, South Summit /USSA Deon Turley, Utah PTA Andrew Johnson, ACT Riverton Cache Thompson Steve Eliason, Utah House of Representatives Kory Holdaway, UEA Andrea Campbell, Utah Parents of Blind Children Michelle Tanner, USDB Shannon Parker, USDB Aimee Brienholt, USDB Julie Ledford, Utah Parents of Blind Children Tamra Gear, USDB

## **Opening Business**

Chair Debra Roberts called the meeting to order at 8:07 a.m. Members Laurel Brown and Michael Jensen were excused.

The Pledge of Allegiance was led by Member Carol Murphy.

Member Joel Coleman gave the welcome message by sharing an article by Raymond Jones, *To Err is Human*, about correcting errors. He offered an invocation.

## Swearing in of Teresa Theurer

Teresa L. Theurer was sworn in by Superintendent Larry K. Shumway as an Appointed Member of the Utah State Board of Education representing the Utah State Board of Regents.

#### **Recognition of Meghan Holbrook**

Outgoing Member Megan Holbrook was recognized for her service on the Board and presented the traditional bell. Appreciation was expressed for her work. Ms. Holbrook served as the Board of Regents representative from 2008-2011.

# Promises to Keep Highlight - Public Educator Evaluation Requirements

Superintendent Larry Shumway highlighted the work of the Educator Evaluation/Educator Effectiveness Committee—part of the Educator Effectiveness Project. Educator evaluation is first and foremost aimed at the quality of instruction. Dr. Sydnee Dickson, USOE Director of Teaching and Learning, gave a brief presentation about educator evaluation. [For complete details, see General Exhibit No. 11585.]

## **Public Participation and Comment**

Gigi Brandt, League of Women Voters - the national organization of the League is studying the federal role in education. Materials were left for the Board.

Lydia Nuttall, parent - reported on her review of textbooks and how many times the U.S. Constitution and Declaration of Independence were directly quoted in those books. She expressed her concern that students are studying only a piece of the Constitution and learning only a part of the nation's foundational principles. Trisha Syverson, Davis School District - expressed concern that the guidelines for the Public Education Online Program are not specific enough for the law to be implemented as it is intended. She suggested that a minimum guideline be set for active participation, and asked that "progress toward early graduation" be defined, and more specifics be included about providing information about online courses. She also expressed caution regarding the expectations and pressures put on students to take more courses.

[For complete details, see General Exhibit No. 11586.]

The Board recessed into committees. The Board reconvened at 11:17 a.m.

#### **Achievement Spotlight**

Associate Superintendent Brenda Hales reported that twelve students from Utah received a perfect score of 36 on the ACT test. The ACT measures a student's general knowledge in terms of student career and college readiness in math, English, reading and science. The following students were honored and presented a certificate by Chair Debra Roberts: Peter Daniels, Logan High School; Judah Evangelista, Kanab High School; Timothy Kuhn, Skyview High School; Samuel Watson, Hillcrest High School; Cache Thompson, American Fork High School; Michael Christensen, Timpview High School; Nathan Hulet, American Fork High School; Andrew Johnson, Riverton High School; Landon Willey, Viewmont High School; Frost Mitchell, Tooele High School; Rebecca Nickerson, West High School; Christopher Madsen, West Jordan High School.

#### **Representative Steve Eliason - Proposed Legislation**

Representative Steve Eliason, Utah House of Representatives, was welcomed to the meeting. He discussed a bill he is preparing for the 2012 Legislative Session looking at 360 degrees of accountability. The bill will propose that a school survey be given possibly twice a year to obtain feedback from parents and students. The basis of the bill will be to have the State Board develop the survey and determine the details of to whom and when it should be given. The purpose is to provide an opportunity to include students and parents in assessing school and teacher performance, and determine parent involvement.

Member Tami Pyfer informed that Utah State University School of the Future has researched and developed a similar type of survey. Member Carol Murphy also referenced him to the parental component in the Board's public educator evaluation requirements. Representative Eliason reported that he has talked with several education stakeholders, including teacher and parent groups, and has received positive feedback.

Member Murphy mentioned that an important consideration will be how the data will be used. It was also suggested that analytical tools will be needed.

## Redistricting

The Board reviewed redistricting maps for State Board of Education districts submitted to the Legislative Redistricting Committee.

Motion was made by Member David Thomas and seconded by Member Dixie Allen that the Board adopt the Thomas 5 Map. In this map, each Board member would represent at least two school districts. Chair Roberts expressed concern that in this map potentially all but two or three members could come from the Wasatch Front, therefore limiting rural representation.

Motion carried with Members Allen, Burningham, Buswell, C. Coleman, Crandall, Murphy, Openshaw, and Thomas in favor and Members Cannon, Castle, J. Coleman, Pyfer, and Roberts opposed. [For complete details, see General Exhibit No. 11587.]

Chair Roberts will send a letter to the Redistricting Committee forwarding the Board's decision, and reiterating the Board's recommendation that each board district represents more than one school district.

## **Senator Patricia Jones - Proposed Legislation**

Senator Patricia Jones was welcomed to the meeting, along with Kory Holdaway from the Utah Education Association. Senator Jones presented the concepts of a bill she is developing, *School Level Education Funding*. The bill would eliminate the state tax exemption on dependents. The federal exemption would remain intact. By so doing, \$400 million per year of new, ongoing funding would be generated, and part of that would be put into a dedicated account that would flow to schools. An accountability piece and performance measurement piece will be critical. The bill would also specify that the new money cannot supplant existing funds.

Senator Jones suggested that School Community Councils (SCC) could be tasked with submitting plans for use of the funding, to be approved by the local school board. She felt this

would strengthen the role of the SCC and may generate more interest in participation on the SCC. She also suggested expanding SCC membership.

The Senator informed that Salt Lake Community College is developing a web portal that will bring together a group of web sites with education programs that have been vetted and proven. The web portal could be used as a resource for SCCs.

If the legislation is passed, there would be a year for income tax to accrue. The Senator will propose in the bill that during that year, a small committee of experts in assessment and public and higher education be formed to develop performance measurements. Suggestions for use of the money have included career guidance counselors, pre-K education, training for SCCs and principals, and teacher bonuses.

Kory Holdaway reported that Senator Jones has talked with the Utah Education Association about the idea. UEA is very interested in resources to improve quality instruction, and supports the concept of local control. UEA has done some studies related to the economic factors that investing in education provide. Money generated from this bill could create real jobs in the state.

Board members expressed interest in the bill and reiterated the need to bring new money to schools. Senator Jones welcomed feedback from the Board.

## **Utah State Office of Rehabilitation Report**

Don Uchida, Executive Director of the Utah State Office of Rehabilitation (USOR), introduced the USOR division directors: Marilyn Call, Russ Thelin, Bill Gibson, and Gary Nakao. Mr. Uchida gave a presentation about the work of USOR. [For complete details, see General Exhibit No. 11588.]

#### Utah Schools for the Deaf and the Blind Task Force Report

Deputy Superintendent Martell Menlove reported on the work of the Board-appointed USDB Task Force formed in March 2011 to look at concerns regarding USDB.

Motion was made by Member Carol Murphy and seconded by Member Tami Pyfer that the Board accept the task force recommendations for review and action at a future date. Deputy Superintendent Menlove reviewed the recommendations. Motion carried unanimously.

Chair Roberts expressed appreciation to the members of the task force for their work. Direction was given for State Office of Education staff to review the recommendations with State Board leadership and come back with specific implementation time lines. [For complete details, see General Exhibit No. 11589.]

# **Executive Officer Report**

Superintendent Larry K. Shumway reported on the following.

- A letter from the U.S. Department of Education was sent on July 26, 2011 giving approval for Utah's request to amend some of its annual measurable objectives under the No Child Left Behind Act.
- A Research Summary from Utah Foundation's report, *Utah's Education Funding Effort: State Faces Long-Term Funding*, was distributed.
- The State of Utah Education Address will take place on October 11, 2011.
- A report of gender and ethnic composition of the Utah State Office of Education was reviewed.
- A report was given on the Data Quality Conference attended by Superintendent Shumway, Board Chair Roberts, Governor's Education Director Christine Kearl, and Commissioner of Higher Education William Sederburg. Data Quality Campaign is a nonprofit group that has been working over the last decade to improve the quality of data in schools. Utah has met all ten of the elements and is doing well in terms of its foundation with data. One area for improvement is in the availability of data to parents.
- Common Core Academy Thousands of teachers throughout the state have participated this summer in the Academy. Commendation was given to USOE staff for their outstanding work in this endeavor.

[For complete details, see General Exhibit No. 11590.]

# **Board Committee Reports**

# INSTRUCTION, SUPPORT, AND TECHNOLOGY COMMITTEE

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

#### Public Education Online Program R277-726

On June 27, 2011, the Board approved R277-726 *Public Education Online Program* under the 120-day (Emergency Rule) provision so that standards and procedures for implementation of the Online Program would be in place by July 1, 2011. This emergency rule will expire on October 28, 2011. To continue with an effective rule, including standards and procedures for implementation of the Online Program, it is necessary for the Board to consider R277-726 consistent with the Board's three-reading process.

A sheet with proposed amendments to R277-726 was distributed, along with information about the Public Education Online program. The committee approved the rule on first reading, as amended on distributed sheet, and moved that the Board approve R277-726 *Public Education Online Program* on second reading.

Motion carried unanimously. [For complete details, see General Exhibit No. 11591.]

#### Public Educator Evaluation Requirements R277-531

R277-531 outlines provisions for statewide educator evaluation programs. Currently, Board rule does not address educator evaluation. The proposed rule includes required Board-directed expectations and additional LEA-determined components focused on improving instruction and student achievement. An amendments sheet was distributed.

The Committee approved the R277-531 *Public Educator Evaluation Requirements*, as amended, on first reading, and moved that the Board approve R277-531 on second reading.

Motion carried unanimously. [For complete details, see General Exhibit No. 11592.]

#### Athletes and Students with Head Injuries R277-614

H.B. 204 *Protection of Athletes with Head Injuries* was passed in the 2011 legislative session. A board rule is needed to guide LEAs in the implementation of the provisions of the new law.

The Committee passed R277-614 *Athletes and Students with Head Injuries* on first reading with the following amendments, and moved that the Board approve the rule on second reading:

Line 76 - change to read "... notice at least annually to parents ... "

Line 14 - remove the word "through."

Motion carried unanimously. [For complete details, see General Exhibit No. 11593.]

## Public School Student Confidentiality R277-487

The rule provides standards and procedures related to public school student confidentiality consistent with H.B. 145 *Public School Privacy Amendments*, 2011 Legislative Session. The rule provides for Board responsibilities, LEA responsibilities, and public education employee, student aide and volunteer responsibilities.

The Committee approved R277-487 *Public School Student Confidentiality* on first reading and moved that the Board approve on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11594.]

# Copyrighting Material Developed with Funds that Flow Through the Board R277-115 (repeal) and Materials Developed with State Education Funds R277-115

Because of significant changes to R277-115, the rule is being repealed and reenacted. The new language simplifies procedures and changes, including the title of the rule to "Materials Developed with State Education Funds." The committee approved R277-115 on first reading with an amendment to Line 64 to read: "... upon request at a cost not to exceed the LEA's actual cost."

Motion from Committee that the Board repeal R277-115 *Copyrighting Material Developed with Funds that Flow Through the Board* and reenact R277-115 *Materials Developed with State Education Funds,* as amended, on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11595.]

## DATA, ASSESSMENT, AND ACCOUNTABILITY COMMITTEE

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

## Pupil Accounting R277-419

In its February 2011 meeting the State Board reviewed and supported changes to the graduation rates, but the Board rule was not modified at that time. R277-419 *Pupil Accounting* has been revised to reflect these changes. Additionally, schools and programs are not clearly distinguished in Board rule, and definitions of schools and programs have also been added to the rule.

A sheet with amendments was distributed and reviewed. The committee passed the rule on first reading as amended, and moved that the Board approve R277-419 *Pupil Accounting* on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11596.]

## Autism Awareness Restricted Account Distribution R277-603

The legislature has established the Autism Awareness Restricted Account in the General Fund to "promote access to resources and responsible information for individuals of all ages who have, or are affected by, autism or related conditions" (UCA 53A-1-304). The statute directs the state superintendent to direct funds to eligible organizations under an application process established by the State Board of Education. R277-603 establishes a grant application process for eligible organizations.

A sheet of amendments was distributed and reviewed. The committee approved R277-603 *Autism Awareness Restricted Account Distribution* on first reading as amended, and moved that the Board approve R277-603 on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11597.]

#### FY2012 Operating Budgets for USOE, USDB, and USOR

During the 2011 legislative session, the legislature appropriated over \$361.5 million to the State Office of Education (USOE) and its programmatic line items, \$28.9 million to the Utah Schools for the Deaf and the Blind (USDB), and \$64.7 million to the Utah State Office of Rehabilitation (USOR). This does not include funding for the Minimum School Program and Capital Outlay programs.

Starting July 1, 2011, the USOE and its divisions will begin expending appropriated funds according to Board instruction, statutory requirement, and federal regulation. The budgets were presented to provide funding and resource allocation information at the section level.

It was noted that USDB has cut its budget 2-1/2 percent, and now has in place contracts with school districts.

Motion from committee that the Board approve the operating budgets of the USOE, USDB and USOR for FY2012. Motion carried unanimously. [For complete details, see General Exhibit No. 11598.]

#### FY2013 Budget

A handout of preliminary budget increase priorities for the Board's consideration was distributed and reviewed. Items include enrollment growth, Optional Extended-Day Kindergarten, college readiness test, computer adaptive testing technology, restoration of at-risk funding, charter school start-up funding, and UCAT funding. It was mentioned that Utah's federal grant for charter schools start-up funding was not renewed, which will have ramifications for new charter schools.

Revenue forecasts will be released in November for FY2013. [For complete details, see General Exhibit No. 11599.]

#### Coalition of Minorities Advisory Committee Budget Request

The 2011 Utah Legislature consolidated multiple line items within the Minimum School Program that funded programs benefitting minority and at-risk students into a single Enhancements for At-Risk Students program. The consolidated "enhanced" program was funded at more than \$8,000,000 less than the combined total of the previous individual programs.

The Coalition of Minorities Advisory Committee (CMAC) met on June 30, 2011 and voted unanimously to petition the State Board to make the restoration of these funds the highest funding priority of the Board.

Member Isaiah Spencer distributed a letter from CMAC with the recommendation that the Board "consider restoring line item categories for the upcoming fiscal year; or, provide specific language in the Board Rule for the Enhancements for At-Risk Students program that would designate a minimum baseline for each program in order to sustain the program." CMAC further recommended the continuation of MESA, highly impacted schools funding, and English language learner family literacy centers. Member Spencer indicated that schools are not funding those programs.

The Board will consider the request along with other budget requests. [For complete details, see General Exhibit No. 11600.]

#### Taxing Entity Committee Outcomes

A Summary of Action of the Taxing Entity Committee for the Redevelopment Agency of Holladay and the Taxing Entity Committee for the South Ogden City Redevelopment Agency was presented to the committee. Both of the agencies' requests passed. [For complete details, see General Exhibit No. 11601.]

## Updated Ethics Documents

The USOE provides districts and charter schools with ethics documents which detail the appropriate procedures for administration of state-required assessments. The documents include the Standard Test Administration and Testing Ethics Policy, the Standard Test Administration Testing Ethics PowerPoint presentation, Frequently Asked Questions, and a Standard Test Administration and Testing Ethics Policy Signature Document.

The documents have been updated to include the issues associated with the transition to computer-based testing and other current ethics issues. The committee reviewed the updated documents. [For complete details, see General Exhibit No. 11602.]

## STANDARDS, CURRICULUM, AND STUDENT SUCCESS COMMITTEE

Committee Vice Chair Craig Coleman reported on the following items from the committee.

## **Driver Education Manual Revisions**

Revisions to the driver education manual were reviewed by the committee. The document, last revised in 2006, has been completely rewritten and more accurately reflects state law.

The Committee accepted the document and moved that the Board approve the revised manual, *Driver Education for Utah High Schools–Organization, Administration, and Standards*. Motion carried unanimously. [For complete details, see General Exhibit No. 11603.]

#### Driver Education Programs for Utah Schools R277-746

The Driver Education for Utah High Schools–Organization, Administration, and Standards Manual has been revised. R277-746 is amended to make the rule consistent with the manual revision date.

The committee approved R277-746 *Driver Education Programs for Utah Schools* on first reading and moved that the Board approve on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11604.]

# Private School Student Driver Education R277-747

R277-747 has not been substantively amended since 1987. USOE staff reviewed the rule and determined that changes are necessary.

The committee repealed R277-747 *Private School Student Driver Education* on first reading as it is no longer needed, and moved that the Board repeal on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11605.]

#### Released-Time Classes for Religious Instruction R277-610

R277-610 has not been substantively amended since 1987. The rule has been amended to reflect that students are being released from public school classes for reasons other than religious instruction. The amended rule removes religious instruction as a qualification for released time and adds additional conditions for religious released-time programs. The name of the rule has been changed to "Released-Time Classes."

The Committee approved R277-610 *Released-Time Classes* on first reading with one amendment, to include the following definition of non-entangling criteria: "Non-entangling criteria means neutral course instruction and standards that are academic, not devotional; promote awareness, not acceptance of any religion; expose, not impose a particular view; educate about religion; and inform, but not seek to make students conform to any religion."

Motion from committee that the Board approve R277-610 *Released-Time Classes*, as amended, on second reading. Motion carried unanimously. [For complete details, see General Exhibit No. 11606.]

## Competency Based Testing

The document, Utah Demonstrated Competency Assessment Guidelines, was distributed, along with information about the Competency Measures Project and Demonstrated Competency Assessment Performance Data to Date. The committee suggested that more needs to be done to let students know this option is available to them. [For complete details, see General Exhibit No. 11607.]

# Common Core Curriculum and Assessment Update

Outcome Goals for the 2011 Summer Common Core Academy and an interim report of the Utah Common Core in Mathematics and English Language Arts were distributed. [For complete details, see General Exhibit No. 11608.]

## **Board Chair Report**

Chair Debra Roberts reported on the following:

- In the June meeting of the legislative Education Interim Committee, there was a discussion about the election process for the State Board of Education.
- In the June Education Interim Committee meeting Member Thomas presented the Board's college and career ready and the computer-adaptive testing proposed legislation, and both were well received.
- Superintendent Myron Mickelsen gave a very positively-received presentation on Sevier District's assessment pilot program to the Governor's Commission on Education Excellence, and will also present to Prosperity 2020.
- The Governor's Commission on Education Excellence has had an ongoing discussion on the Anthony Carnavale report. There has also been a discussion about the Utah Cluster Acceleration Partnership. Information about both items was passed around. There has also been discussion about matching career pathways with job requirements.
- Board members have been invited to an education meeting hosted by the U.S. Army on Tuesday, September 6 at 4:00 p.m. The focus will be college and career readiness.
- Lt. Governor Bell and Christine Kearl, the Governor's Director of Education, are making a concerted effort to visit every school district in the state. Chair Roberts participated in one of those visits.
- Members Keith Buswell, Craig Coleman, and Joel Coleman attended the NASBE New Board Members Institute in July. After talking with board members from other states, Member Buswell commented on the strength of this board and its culture. He indicated that other states look to Utah as a flagship state in many ways. Member Joel Coleman concurred, adding that other states asked for our materials. Member Craig Coleman was impressed with a session on implementing policy and the impacts of policy on education.

He was reminded that it is important for the Board to review its work and make sure the work is consistent with Board goals.

• The NASBE Annual Meeting will be held in Atlanta on October 13-15, 2011. Board members will notify Chair Roberts if they would like to attend.

## **Executive Session**

Motion was made by Member David Crandall and seconded by Member David Thomas that the Board recess into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual, or other items as outlined in UCA 52-4-205. The Board was polled and by unanimous consent of those present, moved into Executive Session at 4:25 p.m.

Motion was made by Member Joel Coleman and seconded by Member Leslie Castle that the Board reconvene into open meeting. Motion carried unanimously. The meeting reconvened at 5:25 p.m.

## **Action from Executive Session**

# Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Carol Murphy and seconded by Member Dixie Allen that the Board accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 08-878 to reinstate the license of a former teacher in the Murray School District. It is noted that the hearing report was reviewed in Executive Session. Motion carried unanimously.

Motion was made by Member Carol Murphy and seconded by Member Dixie Allen that the Board accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 11-998 to accept a stipulated agreement, including conditions of the agreement, whereby a teacher in Washington School District will voluntarily surrender his educator license in lieu of a hearing for purpose of suspension of his teaching license for six month from March 15, 2011, and the revocation of his administrative license from the date of formal action by the State Board of Education.

Motion was made by Member Carol Murphy and seconded by Member Dixie Allen that the Board accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 11-1000 to accept a stipulated agreement, including conditions of the agreement, whereby a teacher in Iron School District voluntarily surrenders his educator license in lieu of a hearing, for purposes of suspension of his license from the date of formal action by the State Board of Education.

Motion was made by Member Carol Murphy and seconded by Member Dixie Allen that the Board accept the recommendation of the Utah Professional Practices Advisory Commission in Case No. 11-995 to accept a stipulated agreement, including conditions of the agreement, whereby a teacher in North Summit School District voluntarily surrenders his educator license in lieu of a hearing for the purpose of suspension of his license from the date of formal action by the State Board of Education.

[For complete details, see General Exhibit No. 11609.]

#### Advisory Committee Appointments

Motion was made by Member Janet Cannon and seconded by Member Dixie Allen that the Board approve appointments to the State Rehabilitation Council of the following: Mark Marrott, M. Maree Webb, and Richard Eversull (2<sup>nd</sup> term), Consumer representatives; Sheryl Walton and Ronald Campbell, CRP representatives; Bart Hill (2<sup>nd</sup> term), Business, Industry, and Labor representative; Peggy Mulligan (2<sup>nd</sup> term), Special Education representative; and Louise Ogden (2<sup>nd</sup> term), Utah Parent Center representative. All terms expire September 2014.

Motion carried unanimously.

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

Motion was made by Member David Thomas and seconded by Member Joel Coleman that USDB Superintendent Steven Noyce be made an at will employee, and consistent with recommendations from the USDB Task Force, that his office be moved to the State Office of Education. Motion carried unanimously.

Motion was made by Member Carol Murphy and seconded by Member Janet Cannon that the Board ratify the hiring of Trena Roueche and Carolyn Lasater as associate superintendents at the USDB. Motion carried unanimously.

# NASBE Delegate

Motion was made by Member Dixie Allen and seconded by Member Tami Pyfer that Member Carol Murphy be designated as the Board's voting delegate at the 2011 NASBE Annual Conference. Motion carried unanimously.

# **General Consent Calendar**

Motion was made by Member David Thomas and seconded by Member Dixie Allen that the Board approve the General Consent Calendar as presented. Motion carried unanimously.

# 1. Minutes of Previous Meetings

Minutes of the meetings of the State Board of Education held January 27, 2011, February 10, 2011, February 17, 2011, February 24, 2011, June 3, 2011, and June 27, 2011 were approved.

# 2. Contracts

The following contracts were approved by the Board. [For complete details, see General Exhibit No. 11610.]

# A. ETCC, \$5,000, 12/1/11 to 11/30/16, Amend. - Fed

To lease office space for the Division of Rehabilitation Services located at 1067 East Tabernacle, St. George, Utah.

# B. Department of Administrative Services, \$126,630, 7/1/11 to 6/30/12, Amend. - Fed.

To renew the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Division of Services for the Deaf and Hard of Hearing, located at 5709 South 1500 West, Taylorsville, Utah.

# C. Department of Administrative Services, \$124,027, 7/1/11 to 6/30/12, Amend. - Fed

To renew the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Division of Services for the Blind and Visually Impaired, located at 250 North 1950 West, Salt Lake City, Utah.

D. Department of Administrative Services, \$180,942, 7/1/11 to 6/30/12, Amend. - Fed.

To renew the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Division of Services, located at 500 South 1595 West, Salt Lake City, Utah. E. Department of Administrative Services, \$42,211, 7/1/11 to 6/30/12, Amend. - Fed.

To begin the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, located at 950 East 25<sup>th</sup> Street, Ogden, Utah.

F. Department of Administrative Services, \$14,368, 7/1/11 to 6/30/12, Amend. - Fed.

The operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Division of Rehabilitation Brigham City Office, 275 West 1100 South, Brigham City, Utah.

G. Department of Administrative Services, \$47,970, 7/1/11 to 6/30/12, Amend. - Fed.

To renew the operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Division of Services Provo Regional Center, located at 150 East Center, Provo, Utah.

H. Department of Administrative Services, \$49,736, 7/1/11 to 6/30/12, Amend. - Fed.

Operating and maintenance agreement between DFCM and the Utah State Office of Rehabilitation, Division of Services for the Blind and Visually Impaired Training Housing, at 1991 West 400 North, Salt Lake City, Utah.

I. <u>Special Education Data Services & Info System, Inc.</u>, \$50,000, 7/1/11 to 6/30/12, <u>Amend. - Fed.</u>

To provide software development Web based monitoring program to review and report Individuals with Disabilities Education Act (IDEA).

J. <u>LRP Publications</u>, \$941,328, 7/1/11 to 6/30/12, - Fed.

To provide access to the "Special Ed Connection" online resource for school districts and charter schools. Includes access for Special Education staff of the Utah State Office of Education.

K. Mississippi State University, \$18,842, 6/1/11 to 9/30/11, - Fed.

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

L. Utah Restaurant Association, \$273,100, 9/1/08 to 6/30/12, Amend.

To prepare high school juniors and seniors for a career in the restaurant and food service industry. Funding was appropriated by the legislature to aid with training, mentoring, equipment, supplies, and competitions in Utah high schools.

M. Measured Progress, Inc., \$44,049, 7/1/11 to 11/30/11, Amend. - Fed.

To further define the scope of work specified in the original contract between the Utah State Office of Education and Measured Progress, Inc. The work includes elimination of test administration manuals, elimination of paper-based test production, and clarification of test development activities.

N. Measured Progress, -\$1,497,555, 6/27/11 to 10/14/14, Amend.

To provide testing forms for use on the Scantron 5000i Image scanners.

O. Pearson Clinical Assessment, \$329,617.07, 7/1/11 to 6/30/11

To provide consumable tests to Vocational Evaluation Services.

P. Dynamic Internet Solutions LLC, \$178,450, 7/15/11 to 6/30/12

To provide ongoing or as needed support/enhancements to computer package/ database for administration of USOE Child Nutrition Programs.

Q. <u>RennuB Services</u>, LLC, \$9,600, 7/1/11 to 6/30/13, - Fed.

To provide funds for the janitorial needs of the State Office of Rehabilitation Bountiful Office, 150 North Main #103.

R. Jean Welch Hill, \$32,000, 7/1/11 to 6/30/14

To serve as a hearing officer for the Utah State Office of Education for educator licensing hearings when allegations of misconduct or appeals requests have been made.

S. Cannon & Match PC, \$32,000, 7/1/11 to 6/30/14

To serve as a hearing office for the Utah State Office of Education for educator licensing hearings when allegations of misconduct or appeals requests have been made.

T. Kelly A. Williams, \$32,000, 7/1/11 to 6/30/14

To serve as a hearing office for the Utah State Office of Education for educator licensing hearings when allegations of misconduct or appeals requests have been made.

U. Fred Donaldson, \$32,000, 7/1/11 to 6/30/14

To serve as a hearing office for the Utah State Office of Education for educator licensing hearings when allegations of misconduct or appeals requests have been made.

# V. Old Dominion Freight Line Inc., \$330,000, 8/1/11 to 7/31/12

For transportation of USDA dry and temperature-controlled commodities to recipient agencies statewide.

# 3. USDBEA/USDB Negotiated Agreement

The Negotiated Agreement between the Utah Schools for the Deaf and the Blind Education Association (USDBEA) and the Utah Schools for the Deaf and the Blind (USDB) for the school year 2011-2012 was ratified by the Board. [For complete details, see General Exhibit No. 11611.]

# 4. <u>R277-109 Legislative Reporting and Accountability</u>

In its June 3, 2011 meeting, the Board approved new rule R277-109 on second reading. The rule outlines the requirements for developing data collection plans and compliance by LEAs to those plans. There were no substantive changes since that time. The Board approved R277-109 *Legislative Reporting and Accountability* on third and final reading. [For complete details, see General Exhibit No. 11612.]

# 5. <u>R277-112 Prohibiting Discrimination in the Public Schools</u>

In its June 3, 2011 meeting, the Board approved R277-112 on second reading. The rule was amended to reflect updates in federal requirements and terminology. No substantive changes were made since that time. The Board approved R277-112 *Prohibiting Discrimination in the Public Schools* on third and final reading. [For complete details, see General Exhibit No. 11613.]

# 6. <u>R277-403 Student Reading Proficiency and Notice to Parents</u>

In its June 3, 2011 meeting, the Board approved R277-403 on second reading. The rule was amended to reflect changes made in legislation including correct time lines for both student assessment and parent notification. No substantive changes were made since that time. The Board approved R277-403 *Student Reading Proficiency and Notice to Parents* on third and final reading. [For complete details, see General Exhibit No. 11614.]

# 7. <u>R277-406 K-3 Reading Improvement Program and the State Reading Goal</u>

In its June 3, 2011 meeting, the Board approved R277-460 on second reading. The rule reflects changes to the K-3 Reading Program made in the 2011 legislative session. No substantive changes were made since that time. The Board approved R277-406 *K-3 Reading Improvement Program and the State Reading Goal* on third and final reading. [For complete details, see General Exhibit No. 11615.]

# 8. <u>R277-460 Distribution of Substance Abuse Prevention Account</u>

In its June 3, 2011 meeting, the Board approved R277-460 on second reading. The rule was amended to ensure that funds from the Substance Abuse Prevention Account are used to implement the Substance Abuse Prevention Program. There were no substantive changes since that time. The Board approved R277-460 *Distribution of Substance Abuse Prevention Account* on third and final reading. [For complete details, see General Exhibit No. 11616.]

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# 9. <u>R277-479 Expenditure of Appropriation for District Services</u>

In its June 3, 2011 meeting, the Board approved on second reading the repeal of R277-479, as it was deemed unnecessary. The Board repealed R277-479 *Expenditure of Appropriation for District Services* on third and final reading. [For complete details, see General Exhibit No. 11617.]

# 10. <u>R277-530 Utah Effective Teaching and Educational Leadership Standards</u>

In its June 3, 2011 meeting, the Board approved R277-530 on second reading. The rule outlines the new Effective Teaching and Educational Leadership Standards. No substantive changes were made since that time. The Board approved R277-530 *Utah Effective Teaching and Educational Leadership Standards* on third and final reading. [For complete details, see General Exhibit No. 11618.]

# 11. R277-708 Enhancement for At-Risk Students Program

In its June 3, 2011 meeting the Board approved R277-708 on second reading. The rule details provisions of the new Enhancement for At-Risk Students program. No substantive changes were made since that time. The Board approved R277-708 *Enhancement for At-Risk Students Program* on third and final reading. [For complete details, see General Exhibit No. 11619.]

# 12. Adoption of Per Diem Rates

The Board adopted the per diem rates for boards established by the director of the State Division of Finance [63A-3-106 and 107]. The rates established for FY2012 are listed in Utah Administrative Code R25-5-4. [For complete details, see General Exhibit No. 11620.]

# 13. Monthly Budget Reports

The Monthly Budget Reports for May and June 2011 provided 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. 11621.]

# 14. Advisory Council Notice of Vacancy

There are five vacancies on the Disability Determination Services Advisory Council. All are advocate representatives.

# 15. National Association of State Boards of Education (NASBE) Dues

The Board approved payment of membership dues to NASBE in the amount of \$23,556 for FY2012. Included as part of the dues is \$130 for membership in the National Council of State Education Attorneys (NCOSEA).

# 16. Utah School Boards Association (USBA) Dues

The Board approved payment of membership dues to USBA in the amount of \$1,500 for FY2012.

# 17. List of Applicants for Licenses

A summary of the list of applicants for initial and renewal licenses was approved. [For complete details, see General Exhibit No. 11622.]

# 18. Claims Reports

The Claims Reports for May 2011 in the amount of \$244,484,161.49 and June 2011 in the amount of \$207,211,160.75 were approved. [For complete details, see General Exhibit No. 11623.]

# 19. Council of Chief State School Officers (CCSSO) Dues

The Board approved payment of membership dues to CCSSO in the amount of \$37,000 for FY2012.

Motion was made by Member Joel Coleman and seconded by Member Mark Openshaw

that the meeting adjourn. The meeting adjourned at 5:35 p.m.

Lorraine Austin, Secretary to the Board Minutes approved September 9, 2011