

**UTAH STATE BOARD OF EDUCATION/UTAH SCHOOLS
FOR THE DEAF AND THE BLIND GOVERNING BOARD
MEETING MINUTES**

June 22, 2021

A regular meeting of the Utah State Board of Education/Utah Schools for the Deaf and the Blind Governing Board was held on June 22, 2021, at 250 E. 500 S., Salt Lake City, Utah.

Chair Mark Huntsman presided.

Members Present

Chair Mark Huntsman
First Vice Chair Laura Belnap
Second Vice Chair Cindy Davis
Member Randy Boothe
Member Janet A. Cannon
Member Natalie Cline
Member Jennie Earl
Member Scott L. Hansen

Member Molly Hart
Member Stacey Hutchings
Member Matt Hymas
Member Carol Barlow Lear
Member James Moss Jr.
Member Kristin Norton
Member Brent J. Strate - absent

Members Absent Member Brent Strate

Executive Staff Present

Sydnee Dickson, State Superintendent
Patty Norman, Deputy Superintendent
Angie Stallings, Deputy Superintendent
Joel Coleman, USDB Superintendent

Minutes taken by:

Cybil Child, Board Secretary

Others Present

Carl Empey, Susan Patten, Michelle Tanner—Utah Schools for the Deaf and the Blind; Bryan Quesenberry—Assistant Attorneys General; Royce Van Tassle, Jeff Van Hulten, Jerry Record, Lorraine Austin, Darin Nielsen, Debbie Davis, Kathy Helgesen, Katrina Brinkley, Malia Hite, Max Lang, Michelle Watts, Jared Felt, Tracy Vandeventer, Zac Christensen, Jared Felt, Leah Voorhies, Sara Wiebke, Tiffany Stanley, Darin Nielsen, Alex Farah, Ben Rasmussen, Kevin John, Leslie Evans, Rebecca Donaldson, Shannon Olson, Dale Frost, Sara Harward, Paula Plant, Leah Voorhies, Kim Herrera, Ricky Scott, David Sallay, Debbie Davis, Kendra Muir, Lindsey Henderson; Dallin Peugnet; Lisa McLachlan—USBE staff

Opening Business

Chair Mark Huntsman called the meeting to order at 1:04 p.m. Deputy Superintendent Scott Jones was excused.

Pledge of Allegiance

Member Huntsman started the pledge.

Employee Recognition

State Superintendent Sydnee Dickson recognized Tim Davis, the Employee of the Month for July.

Recognition of Outgoing Board Secretary

Chair Huntsman recognized Lorraine Austin, the outgoing board secretary. Vice-Chair Davis and Vice Chair Belnap shared gifts with Lorraine.

Utah Schools for the Deaf and the Blind

Monthly USDB Budget Update ending May 31, 2021

Carl Empey, USDB Finance Director provided the board with a monthly financial update ending May 31, 2021.

The 2020-21 Year End Wrap-up/Graduation

Joel Coleman, Michelle Tanner, and Susan Patten provided a 2020-21 year-end wrap-up.

Accomplishments:

- Able to maintain in-person instruction throughout the school year.
- Virtual instruction was provided to those students that needed that accommodation.
- Only needed to quarantine individual classes as exposures occurred.
- Created many new online courses for deaf and hard of hearing (DHH) students.
- Engaged in several Deaf Hope Activities with middle and high school students.

- Hosted the first-ever National Deaf High School Theatre Competition - Held virtually.
- Completed 50 of 70 miles in the Seventy/48 man-powered boat race from Tacoma to Port Townsend, Washington.

Parent-Infant Program:

- Providers were trained on unique strategies for reading to deaf children.
 - Activity boxes home to families
- Provided services through tele-intervention.
- Completed an audit from BabyWatch (branch of the Health Department).

Looking Ahead for School for the Deaf:

- Over 28 Summer Camps for DHH students of all ages and locations!
- Completing the development of online course content for DHH Elementary Students
- Hosting DeafTown Event in October 2021
- Expanding National High School Deaf Theatre Competition to weekly training and the competition in February 2022
- International trip to India in March of 2022.
- Participating in a myriad of after school activities for students of all ages (In-State and Out of State)
- Hosting Conference for Educational Administrators Schools and Programs for the Deaf in April 2022

Superintendency Update

Joel Coleman, USDB Superintendent, and staff reported on the following updates. USDB had only one project over the projected costs that were \$137,000, the remaining projects were \$82,000 each. The 70-mile boat race across Lake Powell gained 3.4 million views and \$320,000 of earned media. They are considering a change to the Advisory Council By-laws in the event they cannot fill one of the required positions. The request was asked if the Board would

entertain reappointing someone willing to continue to serve after their terms have expired allowing a member to serve a possible fourth term.

General Consent Calendar

MOTION was made by Member Davis and seconded by Member Belnap that the Board approves the General Consent Calendar.

Motion carried unanimously.

GENERAL CONSENT CALENDAR

3.1 Contracts/Agreements for Approval

The Board approved contracts/agreements over \$100,000 with the following entities: Voyager Sopris Learning, Inc., Utah State Library Division (PE), and Qualtrics, LLC (PE).

3.2 Contracts/Agreements for Review

The Board was provided with a list of contracts/agreements under \$100,000.

2022 Legislative Session Policy Requests

2022 Legislative Session Requests for Statutory Changes

Deputy Angie Stallings lead proposed policy/statutory requests and recommendations for the 2022 Legislative Session. Proposals included: 1) the repeal of the dropout prevention and recovery program in statute (53G-9-802) and 2) Repeal 53E-5-308 to remove a redundant section of the School Turnaround program and potentially make further amendments to the program to increase alignment with federal improvement programs, to be complementary programs and not competing programs.

Board-Approved Requests for Statutory Changes: 1) Amend Section 26-68-102 or enact a new Section to prohibit LEAs from coercing or providing incentives for or against vaccinations.

MOTION was made by Member Belnap and seconded by Member Cannon that the Board direct staff to work with legislators on potential amendments to Utah Code as proposed.

Motion passed unanimously.

Finance Committee Report/Recommendations

Vice-chair James Moss reported on the following items from the June 4, 2021, Committee meeting.

Charter School Revolving Loan

Charter School Revolving loans are administered according to Utah Code Annotated §53F-9-203 and Utah Administrative Rule 277-480. Total loan amounts to all charter schools may not exceed \$2 million in any fiscal year.

The Utah State Charter School Board (SCSB) approved this first round of revolving loans in its May Board meeting.

MOTION that the Board approves a revolving loan for Wasatch Waldorf Charter School for \$107,826.

Motion carried unanimously.

R277-605, Coaching Standards and Athletic Clinics (Amendment)

R277-605 is approaching the time for its five-year review. In anticipation of the need for continuation, USBE staff solicited feedback from UHSAA and several LEAs. Based on LEA feedback, staff recommends clarifying issues in the rule surrounding student supervision and training for dealing with bullying. The Committee approved draft 1 on the first reading.

MOTION: Member Hansen made a motion to amend R277-605 add the following language to the end of 605-3(2): Subject to LEA policy consistent with this rule

Motion passed unanimously.

MOTION from Committee that the Board approves R277-605, Coaching Standards and Athletic Clinics, Draft 1, as amended on second and final reading.

Motion carried unanimously.

R277-607, Truancy Prevention (Amendment)

This rule is being amended to provide clarity regarding what a "punitive action" is about SB 219 from the 2021 General Session.

The amendment defines what is and is not considered punitive action for the 21-22 SY regarding the truancy moratorium and actions an LEA may take in responding to chronically absent students. The Committee approved draft 1 on the first reading.

MOTION made by Member Moss and seconded to amend R277-607 – Draft 1 with the following amendments:

Delete the following language in Section 2: ~~c) administrative penalties including referral to a restorative justice program consistent with 53G-8-211;~~

Add the following language in Section 3: (iii) ensure that between March 17, 2021, and June 1, 2022, that no punitive action is taken against a student or student's parent for being truant.

(b) review the LEA's absenteeism and truancy policy regularly;

(c) create and operate an attendance review team as described in Subsection (3);

(d) review attendance data annually and consider revisions to the absenteeism and truancy policy to encourage student attendance; ~~and~~

(e) make the absenteeism and truancy policy available for review by parents or interested parties[-]; and

(f) as described in Subsection 53G-8-211(2)(b), ensure that the LEA does not refer a student to a court for being truant between March 17, 2021, and June 1, 2022.

MOTION from Committee that the Board approves R277-607, Truancy Prevention, Draft 2, on second and final reading.

Motion carried unanimously.

R277-726, Statewide Online Education Program (SOEP) (Amendment)

R277-726 is being amended due to the passage of 2021 General Session SB 226 and SB 234. The amendments are required to respond to the change in the program that now allows for-profit entities, including that outside of the State of Utah, to apply to become "Certified online course providers" in the Statewide Online Education Program (SOEP). The Certified

online course providers would be in addition to the existing providers already allowed under 53F-4-504(1). The amendments create an application process, standards for the online courses offered by a Certified online course provider, and a fee for participation in the program as a Certified online course provider.

The rule especially incorporates 4 separate applications for each type of provider, requires all providers to be approved before offering services, maintain an 80% course completion rate, and submit to an annual review process that includes a process for curing any compliance issues before being removed from the program if the issues cannot be resolved. The rule also sets a fee for Certified online course providers to pay the Board 5% of the first \$200,000 collected according to 53F-4-505 and 1% after that in perpetuity to remain in the program. The Committee approved draft 2 on the first reading.

MOTION from Committee that the Board R277-726, Statewide Online Education Program, Draft 2, as amended, on second and final reading.

MOTION to amend by Member Moss and seconded to amend the following language in R277-726-8(12)9 by adding “following state fiscal year” and deleting “allotted timeline” as follows:

(9) If the certified online course provider fails to correct instances of non-compliance within the following state fiscal year ~~allotted timeline~~, the certified online course provider shall be removed from the program.

In R277-726-8(24) (a) add the language “including the cure period for non-compliance described in Subsection R277-726-12(9)” and in (24)(b) deleting “while utilizing” as follows:

(24) A provider is subject to:

(a) the same approval and annual performance review as described for a certified online course provider in Subsections R277-726-12(1)-(10) including the cure period for non-compliance described in Subsection R277-726-12(9); and

(b) ~~while utilizing~~ the applicable applications for a provider described in Subsections R277-726-3(1)(a) & (b).

Motion to amend passed unanimously.

Motion carriers with Members Huntsman, Belnap, Moss, Norton, Boothe, Hart, Hansen, Hymas, Earl, Hutchings in favor and Members Davis, Lear, Strate opposed.

Law and Licensing Committee Report/Recommendations

Committee Chair Carol Lear reporting on the following items from the June 4, 2021, Committee meeting.

Itineris Early College High School Board Rule Waiver Renewal

Itineris Early College High School requests that the Board renew its waiver of the requirement in R277-419, Pupil Accounting of 180 school days per year, and the requirements in R277-700, The Elementary and Secondary School General Core regarding Arts and Health/Physical Education credits for earning a diploma.

The purpose of the waiver of R277-419 has been to align the school's schedule to align with university standards, as the school's students are highly involved in on-campus college-level courses.

The waiver of R277-700 would reduce the number of Arts and Health/Physical Education requirements to allow students to increase the number of STEM courses taken.

MOTION from Committee that the Board renews the waiver of certain requirements in R277-419 and R277-700 for Itineris Early College High School.

Motion passed unanimously.

R277-503, Licensing Routes (Repeal)

This rule sunsets on June 30, 2020, and has been replaced by the new licensing rule structure. Notwithstanding the sunset date, the Office of Administrative Rules requires the Board to take affirmative steps to repeal the rule. The Committee approved the repeal on the first reading.

MOTION from Committee that the Board repeals R277-503 Licensing Routes on second and final reading.

Motion passed unanimously.

R277-930, English Language Learner Software (New)

The purpose of this rule is to establish procedures for allocating and reimbursing funds to an LEA for English language learner software per Section 53F-2-419. The Committee approved draft 1 on the first reading.

MOTION from Committee that the Board approves R277-930 English Language Learner Software, Draft 1, on second and final reading.

Motion carried unanimously. Member Strate not present

State Instructional Materials Commission Sunset Review Recommendation

This year five programs will sunset (be repealed) on July 1, 2022, or January 1, 2023, without legislative action. The Education Interim Committee (Committee) will be reviewing each of these in their June and September Committee meetings. The Committee would like a recommendation from the Board on whether the programs should be sunset (be repealed) or reinstated.

MOTION from Committee that the Board recommends the Legislature maintain the State Instructional Materials Commission in Utah Code and not allow the Commission to sunset.

Motion carried unanimously.

Standards and Assessment Committee Report/Recommendations

Committee Chair Scott Hansen will the items from the June 4, 2021, Committee meeting in the Board's August 5, 2021, meeting.

Executive Session

MOTION was made by Member Davis and seconded that the Board goes into executive session for the purpose of 1) discussing the character, professional competence, or physical or mental health of individuals; 2) strategy on pending or reasonably imminent litigation; and 3) investigative proceedings regarding allegations of criminal misconduct.

Upon a voice vote of Members Belnap, Boothe, Cannon, Cline, Davis, Earl, Hansen, Hart, Huntsman, Hutchings, Hymas, Lear, Moss, Norton, and Strate, the Board went into closed executive session at 3:38 p.m.

Those present included the Members above and Sydnee Dickson, Lorraine Austin, Ben Rasmussen, Cammy Wilcox, Bryan Quesenberry, Cybil Child, Patty Norman, Jeff Van Hulten, Angie Stallings, Jared Felt, Matt Ferris, and Patrick Hopkins.

MOTION was made by Chair Huntsman and seconded by Member Cline that the Board comes out of executive session.

Motion carried unanimously.

The Board reconvened in an open session at 7:19 p.m.

Executive Session Action Items

Educator Licenses

MOTION was made by Member Norton and seconded that the Board accept the recommendations of the Utah Professional Practices Advisory Commission (UPPAC) in

Case No. 19-1645 to accept the educator's voluntary surrender of his license, which will be reported as a permanent revocation.

Case No. 19-1668 that the educator's license is suspended for not less than six (6) months from the date of Board action.

Case No. 19-1706 that the educator's license is suspended for not less than four(4) years from the date of Board action.

Case No. 19-1720 that the educator is reprimanded with a flag on the educator's Professional Elementary Education and School Leadership licenses for no less than two years from the date UPPAC opened its investigation, December 13, 2019.

Case No. 20-1743 to permanently revoke the individual's Professional Elementary Education license.

Case No. 20-1760 educator reprimanded, and a flag remains on his CACTUS account for a period of not less than two (2) years from June 9, 2020, the date the case was initially flagged for investigation.

Case No. 20-1767 educator reprimanded, and a flag remains on his CACTUS account for a period of not less than two (2) years from August 11, 2020, the date the case was initially flagged for investigation.

Case No. 20-1768 educator's license is suspended for not less than one (1) year from the date of Board action.

Case No. 20-1776 educator reprimanded, and a flag remains on his CACTUS account for a period of not less than two (2) years from October 8, 2020, the date the case was initially flagged for investigation.

Case No. 20-1784 educator's license is suspended for not less than one (1) year from the date of Board action.

Case No. 20-1785 educator's license is permanently revoked.

Motion carried with Member Belnap and Lear opposed.

Advisory Committee Appointments

Utah Instructional Materials Commission

MOTION was made by Member Norton and seconded by Member Belnap that the Board appoints Belinda Talonia to the Utah Instructional Materials Commission, as a secondary principal representative, for four-year terms.

Motion passed unanimously.

Utah Special Education Advisory Panel (USEAP)

MOTION was made by Member Norton and seconded by Member Moss that the Board to appoints Steve Phelps and Sara Brady, 2nd terms, and Kristin Mansell, Heidi Robinson, and Michele Beck, 1st terms, to the Utah Special Education Advisory Panel (USEAP), representing individuals with disabilities and/or parents of students with disabilities, for three-year terms.

Motion passed unanimously.

Advisory Committee on Equity of Educational Services for Students (ACEESS)

MOTION was made by Member Norton and seconded by Member Lear that the Board appoints the following individuals to ACEESS, for two-year terms:

- Claustina Mahon Reynolds, - 2nd term, as representative for Black Americans;
- Dina Kohler and Susie Estrada, - 2nd terms, as representatives for Hispanic/Latino Americans;

- Fatai Tuifua – 2nd term, as a representative for Pacific Islander Americans;
- Donell Pons and Mindy Layton, 2nd terms, and Kimberly Read and Bora Lee, 1st terms, as at-large representatives: expertise or experience serving students who are at risk for under-achievement for terms determined by ACEESS leadership.

Motion carried with Member Cline opposed.

USDB Superintendent Reappointment

MOTION: was made by Member Belnap and seconded by Member Cline that the Board renews the appointment of the USDB Superintendent, Joel Coleman, for a two-year term.

Motion passed unanimously.

Adjournment

The meeting adjourned at 7:29 p.m.

Cybil Child, Board Secretary
Minutes approved August 5, 2021.