

**UTAH STATE BOARD OF EDUCATION**  
**Meeting Minutes**

**[June 30, 2022, Board Meeting](#)**

1:00 PM. – 3:35 PM.

The Utah State Board of Education regular meeting was held on June 30, 2022. Chair Mark Huntsman presided. As authorized by Utah Code 52-4, this meeting was held electronically without an anchor location for safety reasons due to the construction at the site where the public body would generally meet. The public can view the meeting through live YouTube streaming.

**Members Present**

Chair Mark **Huntsman**

Member Carol Barlow **Lear**

First Vice-Chair Laura **Belnap**

Second Vice-Chair Cindy **Davis**

Member Kristin **Norton**

Member Randy **Boothe**

Member Brent **Strate**

Member Natalie **Cline**

Member Janet **Cannon**

Member Scott **Hansen**

Member Jennie **Earl**

Member Matt **Hymas**

Member Stacey **Hutchings**

Member James **Moss**

**Members Absent**

Member Molly Hart

**Executive Staff Present**

Sydnee Dickson, State Superintendent

Sarah Young, Chief of Staff

Scott Jones, Deputy Superintendent

**Minutes were taken by:**

Cybil Child, Executive Assistant

Patty Norman, Deputy Superintendent  
Angie Stallings, Deputy Superintendent  
Leah Voorhies, Assistant Superintendent  
Darin Nielsen, Assistant Superintendent  
Deborah Jacobsen, Assistant Superintendent

### **Others Present**

Jerry Record, Jeffrey Van Hulten, Kelsey James, Ashley Biehl, Bryan Quesenberry, Davina Sauthoff, Cathy Gray, Jennifer Thronsen, Naomi Watkins, Benjamin Rasmussen, Teri Davis, and Cory Kanth.

### **Opening Business**

Chair Mark Huntsman called the meeting to order and roll call at 1:00 PM.

### **Public Comments**

The Board welcomed the public to share comments about an item on today's agenda by sending written comments to the Board at [board@schools.utah.gov](mailto:board@schools.utah.gov) and [publiccomment@schools.utah.gov](mailto:publiccomment@schools.utah.gov). The Board received comments from Bethany Jennings, Jonathan Bejarano, Sydna Graf, Christel S, Sarah Fager, Monica Wilbur, Sara Jones, Diane Brown, and Terry Poulton.

### **R277-726, Statewide Online Education Program (Amendment)**

USBE Staff initially presented Draft 1 to the Finance committee, which amends the rule to clarify that only students in grades 7-12 may participate in the program, consistent with the underlying statute. Draft 1 also included additional changes related to funding and enrollment and clarification of how the program works with students taking online concurrent enrollment courses.

The Finance committee approved Draft 1 at its May committee meeting. However, during the June board meeting, the Board asked staff to get additional feedback from LEA

leadership on the impact of the proposed changes. Draft 3 reflects changes to the distribution formula for small schools based on Superintendents' feedback. Additionally, Draft 3 incorporates language previously adopted by the Board that was inadvertently removed during prior amendment processes.

**MOTION** was made by Member Norton and seconded by Member Boothe that the Board approves R277-726, Draft 3 on the first and final reading.

Motion passed unanimously, with Member Cline abstained and Member Hart absent.

### Library Materials Model Policy

In the February 2022 Board meeting, the Board approved R277-628 School Libraries. This rule requires LEAs to create policies regarding selecting and reconsidering materials placed in school libraries. The rule also required USBE staff to create a model policy.

In addition to approving R277-628, the Board approved a motion to have the model policy developed by USBE staff to be approved in a future meeting.

The USBE staff created this model policy in consultation with the AAGs representing USBE to include all relevant laws and court rulings related to school libraries in Utah. It also sets out a process for material selection and how to reconsider existing materials when requested by members of the school's community, including parents, students, and teachers.

The Master Merged Version, dated June 24, 2022, reflects the contributions of multiple Board members and is presented as their collective draft, including Board Members Hart, Lear, Hymas, and Davis.

**MOTION** was made by Member Cline and seconded by Member Hutchings that the Board adopts Member Clines Model Policy – Draft 3.5, in anticipation of a State Board Rule being created specifically to Sensitive Materials, which shall implement this model policy in compliance with §53G-10-103 and the Utah Attorney General Official Memorandum—Laws Surrounding School 24 Libraries.

**SUBSTITUTE MOTION** made by Member Hymas and seconded by Member Lear that the Board approves the Library Materials Model Policy, Merged Master Draft 1.

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

**MOTION TO AMEND** was made by Member Hymas and seconded by Member Belnap that the Board amends lines 127-128 to read: The Review Committee will determine whether the material constitutes sensitive material consistent with Section 53G-10-103, this policy, and the guidance letter provided by the Attorney General's Office dated June 2, 2022, and if not contradicting the June 2, 2022 guidance, May 4, 2022.

And to place June 1, 2022, Assistant Attorney General's letter in front of the May 4, 2022 letter in the appendices.

**MOTION TO AMEND THE AMENDMENT** made by Member Earl and seconded by Member Cline to strike the following language: ~~and if not contradicting the June 2, 2022 guidance, May 4, 2022.~~

Motion carried with Members Strate, Norton, Moss, Hymas, Hutchings, Hansen, Earl, Davis, Cline, Cannon, Boothe, Belnap in favor, and Member Lear opposed.

**FINAL MOTION** that the Board approves the Library Materials Model Policy, Merged Master Draft 1, as amended, **MOTION** carried with Members Strate, Norton, Lear, Hymas, Hutchings, Hansen, Earl, Davis, Cannon, Boothe, Belnap in favor and Member Cline abstained.

**MOTION TO AMEND** made by Member Lear and seconded by Member Boothe that the Board amends line 205 to read: The requestor in Section V.A., may petition the USBE for a procedural review of the Appeals Committee's decision.

To amend section that the Board amends VII. A. 1. To read: The USBE will review the petition and will determine if a procedural review is warranted to determine whether the LEA correctly followed its material review policy referred to in Rule R277-628.

To amend section VII. A. 3. To read: If the USBE determines in USBE's procedural review

that the LEA did not correctly follow its materials review policy, it will return the appeal to the LEA with the direction to repeat its review process in compliance with its library materials review policy referred to in Rule R277-628.

**MOTION TO AMEND** made by Member Cline and seconded by Member Earl that the Board add "and the Official Memorandum – Laws Surrounding School Libraries, dated June 1, 2022.

Motion failed with Members Cline and Earl in favor, and Members Strate, Norton, Moss, Lear, Hymas, Hutchings, Hansen, Davis, Cannon, Boothe, and Belnap opposed.

**FINAL MOTION:** The Board approves the Library Materials Model Policy, Merged Master Draft 1, as amended per the above amendments. **MOTION** carried with Members Strate, Norton, Moss, Lear, Hymas, Hutchings, Hansen, Earl, Davis, Cline, Cannon, Boothe, and Belnap in favor, and Member Cline opposed.

**MOTION TO AMEND** made by Member Earl and seconded by Member Cline that the Board amends line 56-58 (Subsection III.A. of the Model Policy) as follows:

A. Library materials will be maintained consistent with the criteria listed in II.D, state, and federal laws, including Utah Code Ann. Section 53G-10-103, and represent varying viewpoints, perspectives, diverse ethnicities, and cultural backgrounds.

Motion carried with Members Strate, Norton, Moss, Hymas, Hutchings, Earl, Cline, Boothe, and Belnap in favor, and Members Lear, Hansen, Davis, and Cannon opposed.

**MOTION TO AMEND** made by Member Earl and seconded by Member Cline that the Board amends lines 129 through 133 (Subsection IV.T of the Model Policy) as follows:

#### IV.Sensitive Materials Review Process

In deciding whether the material constitutes sensitive material, the Committee must consider: ~~all elements of the definitions of~~ as pornographic or indecent materials defined as harmful to minors in Section 76-10-1201 described as pornographic in Section 76-10-1203, or described in Section 76-10-1227; and ~~as defined in Utah Code Sections 76-10-1235, 76-10-~~

~~1201, 76-10-1203, and 76-10-1227; and~~

**MOTION TO TABLE** the current amendment was made by Member Strate and seconded by Member Lear.

**MOTION TO POSTPONE** the meeting to a future date was made by Member Strate and seconded by Member Lear.

Motion carried with Members Strate, Norton, Moss, Lear, Hymas, Hutchings, Hansen, Cannon, Boothe, and Belnap in favor and Members Earl, Davis, and Cline opposed.

### **Adjournment**

The meeting adjourned at 3:35 PM.

Cybil Child, Board Secretary

Approved August 4, 2022.