

UTAH STATE BOARD OF EDUCATION
MEETING MINUTES

A regular meeting of the Utah State Board of Education was held on September 8, 2022, at 250 E 500 S, Salt Lake City, Utah. Vice-chair Belnap presided. The public could watch the meeting through the YouTube media channel.

Members Present:

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 Matt Hymas
Member Carol Barlow Lear
Member James Moss Jr.
Member Kristan Norton
Member Brent J. Strate

Members Absent

Chair Mark Huntsman

Executive Staff Present:

Sydnee Dickson, State Superintendent
Scott Jones, Deputy Superintendent
Patty Norman, Deputy Superintendent
Angie Stallings, Deputy Superintendent
Sarah Young, Chief of Staff

Minutes taken by:

Cybil Child, Executive Assistant

Opening Business

Vice-chair Belnap called the meeting to order at 9:01 a.m.

Board Member Message

Member Stacey Hutchings brought Gold Medalist Derek Parra with her to share the her board member message. Derek Parra was the first US Hispanic male to win a medal or gold medal at the Winter Olympics. She spoke about her community involvement with the Utah Olympic Oval and the synergy between the community and education, and building partnerships has lifted education opportunities.

Education Highlight

Kelsey James, Board Communications Coordinator celebrated back to school. It's been interesting watching the various ways schools and districts kick off the new year. Some begin in a very low key fashion with staff meetings and prep time. Others start with professional development for large or small groups and some bring together the entire district in a pep rally atmosphere. She shared local back to school news from Midas Creek Elementary School and Cedar Valley Elementary School, plus a video from former Teacher of the Year, John Arthur.

Public Comment for USBE

Jay Blain, UniServ Coordinator, Policy and Research Director, Utah Education Association (UEA), supports the current amendments to Board rule R277-609 Standards for Local Education Agency (LEA) Discipline Plans and Emergency Safety Interventions. UEA recommends making the rule effective.

State Superintendent's Report

Acknowledgment of Student Artwork

Cathy Jensen, USBE Education Specialist for Fine Arts, Music, and Theatre, presented the student artwork.

Employee Recognition

State Superintendent Sydnee Dickson recognized the September Employee of the Month, Noralee Green.

Superintendent's Report

USBE State Superintendent Sydnee Dickson shared her experience in Hurricane City, Utah at a full-day Kindergarten classroom and their early learning goals, which is one of the four goals of the Utah State Board of Education's strategic plan. The Early Learning goal states that each student starts strong through early grades with a foundation in literacy and numeracy. She

reported on the strategy of Goal 1: Early Learning, which is 1A: Promote high-quality instruction in every early grade classroom.

General Consent Calendar

Member Lear pulled item 4.5.

Member Cline pulled item 4.2.

MOTION was made by Member Cannon and seconded by member Davis that the Board approves the General Consent Calendar, as amended.

Motion carried unanimously.

Consent Calendar

4.1 Contracts/Agreements for Review

Staff provided contracts and agreements under \$100,000 for Board review.

4.3 Career and Technical Education (CTE) Approved Programs SY23-24

The Board approved the CTE programs that meet or exceed the state program standards or outcomes for CTE programs.

4.4 Approval of Meeting Minutes

The Board approved the minutes of its August 4 and 5, 2022 meetings.

CONSENT CALENDAR BOARD DISCUSSION

4.5 State Review Panel Recommendations for the Remaining Five Cohort 3 Turnaround Schools

MOTION was made by Member Lear and seconded by Member Hutchings that the Board approves all five schools reviewed by the state review panel for exit from the school turnaround program.

MOTION TO AMEND was made by Member Davis and seconded by

Member Strate that the Board approves granting Roots Charter High School a two-year pause from the turnaround provisions.

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

CALL THE QUESTION

Motion passed unanimously.

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

4.2 Contracts/Agreements for Approval

The Board approved the contracts/agreements as presented.

- (1) Agreement Type: Fiscal Year 2024 Maintenance Budget Request
- (2) Agreement Number: USBE230017CT - Contractor: Infini-D Learning
- (3) Agreement Number: USBE230009CT - Contractor: WestEd
- (4) Agreement Number: USBE230014IAA - Contractor: Department of Workforce Services, Utah Center for Assistive Technology

MOTION was made by Member Davis and seconded by Member Hart that the Board approves the contracts/agreements presented.

Motion carried with Member Cline opposed.

Fine Arts Standards Revision

Fine Arts Standards Revision: Step 1

As part of the Board approved Standards Revision timeline, the Fine Arts Standards are up for consideration for revision. For the first two steps of the Board approved standards revision process, staff must submit an action item requesting the full Board's approval to start the standards review process and organize the standards review committee, if warranted. Staff will present results from the Annual Core Standards Survey, the Fine Arts cueing rubric, as

well as feedback from the field on the necessity or lack thereof for revising the Fine Arts standards at this time.

MOTION was made by Member Davis and seconded by Member Boothe that the Board does not recommend beginning the standards revision process for the Fine Arts standards.

Motion passed unanimously.

Monthly Budget Report

Monthly Budget Report

Scott Jones, Deputy Superintendent of Operations, and Deborah Jacobson, Assistant Superintendent of Operations, presented the Board of education's monthly budget report. In accordance with the Money Management Act and the Budgetary Procedures Act, the Utah State Board of Education is provided a report on the status of funds for their internal budgets.

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

R277-726 was recently amended to add language to R277-726 related to a new appropriation to cover the costs of students participating in SOEP courses for schools with less than 1,000 students. The legislative appropriation for FY23 will only cover the cost of one course for one student for each eligible school. The new amendments went into effect on August 22. Since the updated language in R277-726 became effective, LEAs reached out and shared their understanding of the new language, which does not match USBE staff understanding. The rule is now being amended to match what USBE had previously been communicating with LEAs and in accordance with the legislative appropriation. The substantive changes can be found beginning at line 534 of R277-726 – Draft 2.

MOTION was made by Member Norton and seconded by Member Moss that the Board approves R277-726 – Draft 2, as amended on second and final reading.

MOTION TO AMEND was made by Member Hansen and seconded by Member Lear that the Board amends to include a definition of high school to mean the same as statute

Motion to amend passed unanimously.

Motion passed unanimously.

Discretionary Funds Report

Deputy Superintendent Jones provided Information on the Discretionary Fund. The Utah State Board of Education maintains a Discretionary Funds account. In accordance with the Money Management Act and the Budgetary Procedures Act the Utah State Board of Education is provided as status of the funds.

MOTION was made by Member Davis and seconded by Member Hansen that the Board approve the continuation of the contingency and legal contingency funds and multi-year, ongoing projects highlighted in yellow.

Motion passed unanimously.

Federal COVID-19 Relief Funding Update

Sara Harward, CARES Specialist, provided an update on Coronavirus Aid, Relief, and Economic Security (CARES) Act funding.

2023 Legislative Session Preparation

Requests for Statutory Changes

Angie Stallings, Deputy Superintendent of Policy, and Jeff Van Hulten, Policy Advisor, lead a discussion on proposed policy/statutory requests and recommendations for the 2023 Legislative Session.

Legislative Proposals for Board Consideration:

1) Repeal of the Interventions for Reading Difficulties Grant- The passing of 2022 SB 127 and the influx of COVID-19 relief funds has rendered the Interventions for Reading Difficulties Grant no longer necessary (Section 53F-5-203). The current code repeals this program on July 1, 2024, this request is to repeal the program on July 1, 2023. The annual reports on this program show it has not had statistically significant outcomes compared to matching schools, the number of students referred or qualifying for SPED has not changed, and the Utah Professional Standards are not being met. Advocates of the Decoding Dyslexia legislation are also supportive of the repeal and voted unanimously in their August 11, 2022, board meeting to support the repeal of this program.

2) Amendment to Carson Smith Scholarship Private School Eligibility Requirements- This request is to amend Utah State Code Section 53F-4-302(1)(e)(ii) to clarify and prevent private

schools from charging the recipients of the Carson Smith Scholarship more tuition than they charge for other students.

MOTION was made by Member Davis and seconded by Member Lear that the Board directs staff to work with legislators on potential amendments to Utah Code as proposed.

Motion carried unanimously.

Vice-chair Belnap passed the gavel to Vice-chair Davis.

Board Chair's Report

Vice-chair Belnap spoke about going Back To School and how teachers impact the lives of their student's.

Public Hearing for Administrative Rule R277-609

R277-609 Hearing Record

Hearing Record from August 10, 2022. The Board held a hearing on administrative rule R277-609 Standards for Local Education Agency (LEA) Discipline Plans and Emergency Safety Interventions. Ben Rasmussen, the hearing officer, presented a record of the hearing.

MOTION was made by Member Belnap and seconded by Member Cannon that the Board accepts the Hearing Record, as presented.

R277-609, Standards for Local Education Agency (LEA) Discipline Plans and Emergency Safety Interventions

R277-609 has been through the Administrative Rulemaking Process described in Title 63G, Chapter 3, Part 3, Utah Administrative Rulemaking Act and R15-4, Administrative Rulemaking Procedures. Staff could file a notice of the effective date for R277-609 with the Office of Administrative Rules (OAR) as early as Monday, August 22, 2022. Due to the request for a public hearing and the requirements of Board Policy 1002 Section II, Subsection (8), the staff is waiting for Board action on R277-609 before filing a notification with the Office of Administrative Rules of the date the rule should become effective.

MOTION was made by Member Earl and seconded by Member Hart that the Board adds a definition for "harassment and discrimination" to Board rule R277-609, as follows:

"Harassment and discrimination-free learning" means students have the opportunity to learn in a positive environment conducive to the learning process and free from unnecessary disruption. An environment where students are expected to exercise self-discipline as described in R277-328-3(3)(a) through (d).

MOTION TO AMEND was made by Member Moss and seconded by Member Cannon that the Board adds: regardless of race, color, or national origin.

SUBSTITUTE MOTION made by Member Hart and seconded by Member Cline that the Board returns the board rule to a committee for amendments to add the definition of harassment and discrimination, and;

1) That the Board directs staff to file an effective date for R277-609 with OAR.

2) That the Board refers R277-609 back to a committee for further review and consideration of the definition of harassment and discrimination free learning.

MOTION TO AMEND was made by Member Earl and seconded by Member Moss that the Board adds the following to the substitute motion:

a) definition of harassment and discrimination free learning;

b) "other appropriate measurements" to Subsection R277-609-2(15)

c) replace the definition of "Self-discipline"; and

d) add at the end of line 136: "Through strategies promoting positive engagement between staff, students, and parents."

Motion to amend carried with Members Cannon and Cline opposed.

Finance Committee Report/Recommendations

Chair Jim Moss reported on the following items from the August 5, 2022, meeting. [Information on items not reported will be included in the exhibits to the Board meeting minutes.]

R277-420, Aiding Financially Distressed School Districts (Continuation)

MOTION from Committee that the Board continues R277-420, Aiding Financially Distressed School Districts, on second and final reading.

Motion passed unanimously.

R277-422, State Supported Voted Local Levy, Board Local Levy and Reading Improvement Program (Continuation)

MOTION from Committee that the Board continues R277-422, State Supported Voted Local Levy, Board Local Levy and Reading Improvement Program, on second and final reading.

Motion passed unanimously.

R277-454, Construction Management of School Building Projects (Amendment & Continuation)

MOTION from Committee that the Board amends and continues R277-454, Construction Management of School Building Projects, Draft 1, on second and final reading.

Motion passed unanimously.

R277-426, Definition of Private and Non-Profit Schools for Federal Program Services (Amendment & Continuation)

MOTION from Committee that the Board approves and continues R277-426, Definition of Private and Non-Profit Schools for Federal Program Services, Draft 1, on second and final reading.

Motion passed unanimously.

R277-123, Process for Members of the Public to Report Violations of Statute and Board Rule (Amendment)

MOTION from Committee that the Board approves R277-123, Process for Public Members to Report Violations of Statute and Board Rule, Draft 3, on second and final reading.

MOTION TO AMEND was made by Member Moss to approve the proposed amendments in R277-123, to strike the word "Superintendent" and replace with "Board's legal counsel" in R277-123-6. Board Review of LEA Appeals on Library Materials.

Motion to amend passed unanimously.

MOTION was made by Member Hansen and seconded by Member Belnap that the Board replaces the word "may" with "shall" in Section 4. (lines 72, 73, and 74.)

Motion failed.

MOTION was made by Member Lear and seconded by Member Strate that the Board add language to Line 20 in R277-123-2:

- (3) for purposes of Section R277-123-6,"
- (c) a student enrolled in the LEA; or
- (d) an employee of the LEA.

Motion passed unanimously.

Final Motion that the Board approves R277-123, Process for Members of the Public to Report Violations of Statute and Board Rule, Draft 3, as amended on second and final reading.

Final Motion passed with Member Cline opposed.

Request for Approval of an External Review of the Utah Legislature Required USIMAC Study

MOTION from the Committee that the Board approves a third-party review of the data and conclusions of the USIMAC study.

Motion passed unanimously.

Requests for Data and Information

MOTION from the Committee that the Board approves repurposing the \$300,000 of discretionary funds for the anti-bullying FTE to be used for Dropout, Truancy, and Absenteeism Prevention contracted services.

Motion carried with Member Cline opposed.

Funding Amendment for ECO Pass Purchases for USBE Employees

MOTION from Committee that the Board approves paying 85% of the cost of an ECO pass for an individual employee of USBE.

Motion passed unanimously.

Law and Licensing Committee Report/Recommendations

Committee Chair Carol Lear reported on the following items from the August 5, 2022, meeting. [Information on items not reported will be included in the exhibits to the Board meeting minutes.]

Data Sharing Agreement: Salt Lake County Health Department (Extension)

MOTION from Committee that the Board approves the data sharing agreement extension through December 2023 with the Salt Lake County Health Department.

Motion carried with Members Belnap, Cline and Earl opposed.

Data Sharing Agreement: Utah Head Start Association (Amendment)

MOTION from Committee that the Board approves the agreement with Utah Head Start Association.

Motion carried with Members Cline, and Earl opposed.

R277-474, School Instruction and Sex Education (Continuation)

MOTION from Committee that the Board continues R277-474, School Instruction and Sex Education, on second and final reading.

Motion passed unanimously.

R277-324, Paraprofessional/Paraeducator Programs, Assignments, and Qualifications (Amendment)

MOTION from Committee that the Board approves R277-324, Paraprofessional/Paraeducator Programs, Assignments, and Qualifications, Draft 1, on second and final reading.

Motion passed unanimously.

Additional Assessments to Determine the Highly Qualified Status of Paraprofessionals Working in Title I Schools

MOTION from the Committee that the Board approves the recommended assessments and respective cut scores for LEAs to use to determine the highly qualified status of paraprofessionals working in the Title I schools.

Motion carried with Members Belnap, and Cline opposed.

R277-522, Entry Years Enhancements (EYE) for Quality Teaching Level 1 Utah Teachers (Continuation)

MOTION from Committee that the Board continues R277-522, Entry Years Enhancements (EYE) for Quality Teaching Level 1 Utah Teachers, on second and final reading, removing the words "level 1" from the title.

Motion carried with Member Cline opposed.

R277-728, Honors Courses (New)

MOTION from Committee that the Board approves R277-728, Honors Courses, Draft 3, on second and final reading.

MOTION TO AMEND was made by Member Hymas and seconded by Member Cannon that the Board remove the words "direct instruction" in line 27 and reinsert "emphasize teacher lecture;"

Motion to amend passed unanimously.

SUBSTITUTE MOTION was made by Member Earl and seconded by Member Hymas that the Board disapproves the Board rule R277-728 and that the Board directs staff to create a guidance and best practices document in place of a Board rule.

CALL THE QUESTION

Motion passed unanimously.

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

Motion carried with Members Cline, Earl, Hart, and Moss opposed.

R277-496, K-3 Reading Software Licenses (Amendment & Continuation)

MOTION from Committee that the Board approves R277-496, Draft 1, on second and final reading.

Motion carried Cline, Earl, and Hymas opposed.

R277-911, Secondary Career and Technical Education (Repeal and Reenact)

no motion for the Board

R277-217, Educator Standards and Local Education Agency Reporting (Amendment)

no motion for the Board

Standards and Assessment Committee Report/Recommendations

Committee Chair Scott Hansen reported on the following items from the August 5, 2022, meeting. [Information on items not reported will be included in the exhibits to the Board meeting minutes.]

2022 Instructional Materials Review Report

MOTION from Committee that the Board approves the 2022 Instructional Materials Review Report for final approval.

Motion carried with Members Cline and Earl opposed.

R277-469, Instructional Materials Commission Operating Procedures (Amendment & Continuation)

MOTION from Committee that the Board approves R277-469, Instructional Materials Review Report, Draft 2, on second and final reading.

Motion passed unanimously.

R277-468, Parents Review of Public Education Curriculum and Review of Compliant Process (Amendment)

MOTION from Committee that the Board approves R277-468, Parents Review of Public Education Curriculum and Review of Compliant Process, Draft 1, on second and final reading.

Motion carried with Member Cline opposed.

PreK-6 Social Studies Curriculum RFI

No motion for the Board.

Elementary Social Studies Standards Revision Step 10 & 11

No motion for the Board

R277-625, Mental Health Screeners (Amendment)

MOTION from Committee that the Board approves R277- 625, Mental Health Screeners, Draft 1, on second and final reading.

Motion carried with Member Cline opposed.

R277-614, Athletes and Students with Head Injuries (Amendment)

MOTION from Committee that the Board approves R277- 614, Athletes and Students with Head Injuries, Draft 2, on second and final reading.

Motion passed unanimously.

R277-436, Gang Prevention and Intervention Programs in Schools (Amendment)

MOTION from Committee that the Board approves R277- 436, Gang Prevention and Intervention Programs in Schools, Draft 2, on second and final reading.

Motion carried with Member Cline opposed.

Standards and Assessment Committee Report/Recommendations

Committee Chair Scott Hansen reported on the following items from the August 30, 2022 meeting. [Information on items not reported will be included in the exhibits to the Board meeting minutes.]

Elementary Social Studies Standards Revision Step 10 & 11

No motion for the Board

Executive Session

MOTION was made by Member Davis and seconded that the Board go into executive session for the purpose of discussing the character, professional competence, or physical or mental health of individuals and pending or reasonably imminent litigation.

Upon voice vote of all Members present, the Board went into closed session at 3:40 p.m.

Those present included the Members above and Sydnee Dickson, Patty Norman, Angie Stallings, Cybil Child, Kelsey James, Ashley Biehl, and Bryan Quesenberry.

MOTION was made by Member Belnap and seconded by Member Booth that the Board come out of executive session.

Motion carried. The Board reconvened in an open meeting at 5:36 p.m.

Executive Session Items**Educator Licenses**

MOTION was made by Member Norton and seconded by member Hymas that the Board accepts the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 20-1741.

Motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Hymas that the Board accepts the UPPAC recommendation in Case No. 20-1748, adding special education seclusion and physical restraints training.

Motion passed unanimously with Member Lear recused.

MOTION was made by Member Norton and seconded by Member Hymas that the Board accepts the UPPAC recommendation in Case No. 21-1811.

Motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Hymas that the Board accepts the UPPAC recommendation in Case No. 21-1848.

Motion passed unanimously.

MOTION was made by Member Norton and seconded that the Board accepts the UPPAC Consent Calendar.

Motion passed unanimously.

Committee Appointments

Assessment and Accountability Policy Advisory Committee (AAPAC)

MOTION was made by Member Norton and seconded by Member Hymas that the Board appoints Lance Hatch, representing a District Superintendent, for a four-year term to the Assessment and Accountability Policy Advisory Committee (AAPAC).

Motion passed unanimously.

Utah Special Education Advisory Panel (USEAP) Leadership Appointments

MOTION was made by Member Norton and seconded by Member Hymas that the Board appoints the following individuals to the Utah Special Education Advisory Panel (USEAP) Leadership for a three-year term:

- Trent Nelson, representing a Parent of Students with Disabilities
- Josilyn Lancaster, representing a Student with a Disability

- Kathleen Oertle, representing an Individual with Expertise in Post-secondary Transition Services for Students with Disabilities

Motion carried unanimously.

MOTION was made by Member Lear and seconded by Member Hansen that the Board sends a letter to Utah First Lady Abby Cox, thanking her for her support of education, recognition of teachers, and recent generous donation to that support.

Motion carried with Member's Earl, and Cline abstained.

Board Member Comments

Member Cannon reminded board members about the upcoming NASBE Annual Conference from October 26 – 29.

Member Lear shared her wonderful experience at the first Utah Schools for the Deaf and the Blind (USDB) football game.

Member Davis spoke about the excitement of kids going back to school. She had the opportunity to run across a sea of bicycles from all the kids going to school.

Member Hart challenged the board members to draw a name out of a hat in a school in an area to join Parent Teacher Association (PTA).

Member Belnap asks people to send an appreciation letter to one of their childhood teachers.

Adjournment

The meeting adjourned at 5:48 p.m.

Cybil Child, Executive Assistant
Minutes approved October 6, 2022