



Utah State Board of Education

Meeting Minutes

October 5, 2023, Board Meeting
9:00 AM. – 5:00 PM.

A regular Utah State Board of Education meeting was held on October 5, 2023. Chair Moss presided. As Utah Code 52-4 authorized, this meeting was held at the state board offices, 250 E. 500 S, Salt Lake City, Utah. The public can view the discussion through live YouTube streaming.

MEMBERS OF THE PUBLIC MAY VIEW THE MEETING LIVE AT

<https://www.youtube.com/c/USBEMedia>

Members Present

Board Chair James Moss
First Vice-Chair Molly Hart
Second Vice-Chair Jennie Earl
Member Kristan Norton
Member Natalie Cline
Member LeAnn Wood
Member Cindy Davis
Member Emily Green

Member Carol Barlow Lear
Member Matt Hymas
Member Christina Boggess
Member Randy Boothe
Member Brent J. Strate
Member Joseph Kerry
Member Sarah Reale

Executive Staff Present

Sydnee Dickson, State Superintendent
Chief of Staff Sarah Young
Patty Norman, Deputy Superintendent
Scott Jones, Deputy Superintendent
Angie Stallings, Deputy Superintendent
Kelsey James, Board Communications Coordinator

Minutes were taken by:

Cybil Prideaux, Executive Assistant

Opening Business

Chair Moss called the meeting to order and roll call at 9:05 AM.

Board Member Message

Board Member Carol Lear offered inspirational thoughts and welcoming thoughts for October.

Education Highlight

The Board Communication Coordinator, Kelsey James, presented the October education highlight. She recognized the National Blue Ribbon Schools.

- Milford Elementary
 - Beaver School District
 - Principal Brian Hollingshead
- Wasatch Elementary
 - Salt Lake City School District
 - Principal Adrienne Kumik

Public Comment for USBE

The public is welcome to send written comments to publiccomment@schools.utah.gov.

- Public comments are limited to 2 minutes per person.
- A comment can express support or dissent for regulatory action.
- Individuals should not use public comment to complain about personnel issues or attack or defame an individual.
- Speakers making a highly detailed or complex comment should also consider providing a written outline of their words to the Board.
- Please remember that children may hear your comments. Be thoughtful and professional.
- Keep your comments appropriate for a general audience. If you have material with explicit language or content, submit such material in writing to the Board at publiccomments@schools.utah.gov

The State Board of Education heard public comments from the following individuals:

Lexi Cunningham, Renée Pinkney, Aimee Warren, Julie Cluff, Sarah Erb, Laurel Fetzer, Monica Wilbur, Ashley Rayback, Todd Quarnberg, and Amber Bonner.

[Law and Licensing Committee Report/Recommendations \(Items duplicated from the September 8, 2023 meeting\)](#)

Amendment to Research Data Sharing Agreement with Wasatch School District and Brigham Young University (USBE230051RA Amd. 1)

MOTION was made by Member Kerry that the Board approve the amendment to the research data sharing agreement with Wasatch School District and Brigham Young University.

The motion carried with Member Boggess and Cline opposed.

Amendment to Data Sharing Agreement with DCFS (USBE230048IAA Amd. 1)

MOTION was made by Member Kerry that the Board approve the amendment to the data-sharing agreement with the Division of Child and Family Services.

The motion carried with Members Boggess, Cline, Earl, and Green opposed.

Amendment to Research Data Sharing Agreement with Palacios, et al. (USBE210073DA Amd. 3)

MOTION was made by Member Kerry that the Board approve the amendment to the research data-sharing agreement with Palacios, et al.

The motion carried with Members Cline and Boggess.

SCSB Charter School New Satellite School and Large Expansion Requests Processes

MOTION was made by Member Kerry that the Board approve the State Charter School Board's New Satellite School and Large Expansion Processes.

The motion passed unanimously.

R277-925, Effective Teachers in High Poverty Schools Incentive Program (Amendment)

MOTION was made by Member Kerry that the Board approve R277-925, Effective Teachers in High Poverty Schools Incentive Program, Draft 1, on the second and final reading.

MOTION TO AMEND was made by Member Boggess and seconded by Member Cline that the Board amends lines 56-57 to read as follows:

(B) as measured by student ~~performance-achievement data~~ on a standards assessment, restricted to those students ~~for the teachers students~~ who were taught by the teacher a full academic year;

MOTION TO AMEND THE AMENDMENT was made by Member Davis and seconded by Member Green that the Board adds “for at least 80% of” in between “teacher” and “a” as follows:

(B) as measured by student academic performance data, including growth on a standards assessment, restricted to those students ~~for the teachers students~~ who were enrolled for at least 160 days or more in the teacher’s class for the academic year, for at least 80% of a full academic year;

MOTION TO POSTPONE was made by Member Davis and seconded by Member Boggess that the Board return R277-925 to a future committee meeting.

That motion carried with Members Strate and Wood opposed.

R277-495, Electronic Devices in Public Schools (Amendment & Continuation)

MOTION was made by Member Kerry that the Board continue and approve R277-495, Electronic Devices in Public Schools, Draft 1, on second and final reading.

The motion carried with Members Boggess, Cline, Green, and Strate opposed.

MOTION TO AMEND was made by Member Cline and seconded by Member Earl that the Board AMEND R277-495 Line 34 ADD "and 53G-10-103" (Sensitive Materials in Schools)

The motion carried with Members Reale and Lear abstained.

MOTION TO AMEND was made by Member Cline and seconded by Member Boggess that the Board amend R277-495, Draft 1, Line 83, REPLACE existing language with (i) distract from a student’s learning”

The motion failed with Member Cline in favor.

MOTION TO AMEND was made by Member Cline and seconded by Member Boggess that the Board amend R277-495, Draft 1, ADD after line 83: Requires students to perform in excess of 25% of required coursework on an electronic device, excepting courses specifically designed to instruct students on the use and features of a computer-based program;

The motion failed with Member Cline in favor.

CALL THE QUESTION was made by Member Hart.

The motion carried with Members Boggess, Cline, Earl, Green, and Kerry opposed.

MOTION TO AMEND was made by Member Cline and seconded by Member Boggess that the Board amend R277-495, Draft 1, Lines 107- 109 Amend (e) to read Use of electronic devices in violation of an LEA's or teacher's instructional policies "may result in the school contacting a parent to address the alleged violation"

SUBSTITUTE MOTION was made by Member Wood and seconded by Member Moss that the Board add the following language to Lines 107-109 (e): to read Use of electronic devices in violation of an LEA's or teacher's instructional policies "and may result in the school contacting a parent to address the alleged violation"

The motion carried with Members Hart, Lear, Reale, and Strate opposed.

SUBSTITUTE MOTION was made by Member Boggess and seconded by Member Green that the Board amend lines 108-109 by striking "for a designated period" and replacing with "to be retrieved by a parent"

The motion failed with Members Boggess and Cline in favor.

MOTION TO POSTPONE was made by Member Boggess and seconded by Member Cline that the Board send R277-495 back to a future committee meeting.

The motion failed with Members Boggess, Cline, Green, and Hart in favor.

MOTION was made by Member Kerry that the Board continue and approve R277-495, Electronic Devices in Public Schools, Draft 1, on the second and final reading, including the substitute motion.

The motion carried with Members Boggess, Cline, Green, and Strate opposed.

R277-551, Charter Schools - General Provisions (Continuation)

MOTION was made by Member Kerry that the Board continue R277-551, Charter Schools – General Provisions, on the second and final reading.

The motion passed unanimously.

R277-553, Charter School Oversight, Monitoring and Appeals (Amendment & Continuation)

MOTION was made by Member Kerry that the Board continue and approve R277-553, Charter School Oversight, Monitoring and Appeals, Draft 2, on second and final reading.

The motion passed unanimously.

R277-555, Corrective Action Against Charter School Authorizers (Continuation)

MOTION was made by Member Kerry that the Board continue R277-555, Corrective Action Against Charter School Authorizers, on the second and final reading.

The motion passed unanimously.

R277-210, Utah Professional Practices Advisory Commission (UPPAC), Definitions (Amendment)

MOTION was made by Member Kerry that the Board approve R277-210, Utah Professional Practices Advisory Commission (UPPAC) Definitions, Draft 1, on the second and final reading.

MOTION TO AMEND was made by Member Cline and seconded by Member Green that the Board amends R277-210, Draft 1, Lines 132-136 to read as follows:

"Educator misconduct" means:

(a) unprofessional conduct;

(b) conduct that renders an educator unfit for duty or

(c) conduct that is a violation of standards of ethical conduct, Educator Code of Conduct, state code, boundary violations, or professional competence as provided in Rule R277-217

MOTION TO POSTPONE was made by Member Hart and seconded by Member Boggess that the Board postpone the Board rule R277-210 to a future committee meeting.

The motion carried with Members Cline, Earl, Hymas, Lear, and Norton opposed.

MOTION TO AMEND was made by Member Lear and seconded by Member Davis that the Board postpone the Board rule R277-210 to a future committee meeting and postpone the rule for at least two months.

The motion failed with Members Boothe, Davis, Green, and Norton in favor. Members Hymas and Lear abstained.

R277-211, Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions (Amendment)

MOTION was made by Member Kerry that the Board approve R277-211, Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions, Draft 1, on second and final reading.

MOTION TO POSTPONE was made by Member Hart and seconded by Member Davis that the Board postpone the Board rule R277-210 to a future committee meeting.

The motion passed unanimously.

MOTION was made by Member Wood and seconded by Member Strate that the Board requests Board leadership convene a UPPAC Task Force before addressing the UPPAC Rules, R277-210, R277-211, and R277-217 in Committee.

The motion failed with Members Boothe, Davis, Lear, Norton, and Reale in favor.

MOTION TO AMEND was made by Member Davis and seconded by Member Wood that the Board amend the motion to:

- 1) Replace the word “convene” with requests Board leadership create”;
- 2) Add “including a similar stakeholder makeup as the most recent UPPAC Task Force “ after “Task Force” in the motion; and
- 3) Add at the end, “and bring back the Task Force makeup to the Board for approval in November.”

The motion failed with Members Boothe, Davis, Lear, Norton, Strate, Wood, and Reale in favor and Members Boggess, Cline, Earl, Green, Hart, Hymas, Kerry, and Moss opposed.

MOTION TO AMEND was made by Member Lear and seconded by Member Boothe that the Board add the following: “to be convened after the end of the 2024 Legislative Session” after Task Force on the second line.

The motion failed with Members Davis, Hymas, Lear, Norton, and Reale in favor.

MOTION TO AMEND was made by Member Davis and seconded by Member that the Board add a #4 stating:

- 4) Add a requirement that “Board leadership extend an invitation to the UEA, PTA, USSA (Superintendents), and UPEHRA (HR Directors) for the name of the person they’d like to fill the appropriate membership position”

The motion failed with Members Boothe, Davis, Lear, Norton, Reale, Strate, and Wood in favor.

MOTION TO TABLE was made by Member Boggess and seconded by Member Wood.

Previous UPPAC Task Force member list

11 Total Members:

- 5 Board Members

And one of each of the following:

- LEA Superintendent
- Former UPPAC Member
- PTA Representative
- UEA Representative
- LEA HR Director
- Contract Hearing officer

Staff Support:

- AAGs
- Deputy Superintendent
- UPPAC Staff

[Law and Licensing Committee Report/Recommendations – \(Items duplicated from the October 3, 2023 meeting\)](#)

SCSB Request for Exception from Board-Approved New School Application Process

MOTION was made by Member Kerry that the Board approve a timeline exception to the SCSB’s Board-approved process for approval of new school applications related to the new American Principles Academy new school.

The motion carried with Members Lear and Norton opposed.

[Finance Committee Report/Recommendations –\(Items duplicated from the September 8, 2023 meeting\)](#)

R277-113, LEA Fiscal and Auditing Policies (Amendment)

MOTION was made by Member Norton that the Board approves R277-113, Draft 3, on

the second and final reading.

The motion carried with Members Boothe, Davis, Earl, Green, Hart, Hymas, Lear, Norton, Reale, Strate, Wood, and Moss in favor and Members Cline and Boggess opposed.

State Fiscal Year 2023 Carry Forward Balance Status and Approval for Use

MOTION was made by Member Norton that the Board approves the spend plans for the unencumbered state fiscal year 2023 carry forward balances.

The motion carried with Member Cline opposed.

MOTION TO DIVIDE was made by Member Boggess and seconded by Member Green that the Board divide the Student Services Spend Plan from the remainder.

The motion carried with Members Boggess, Cline, Davis, Earl, Green, Hart, Hymas, Kerry, Strate, Wood, and Moss, and Members Boothe, Lear, Norton, and Reale opposed.

MOTION was made by Member Norton, and seconded that the Board approves the Student Services Spend Plan.

The motion carried with Members Boggess, Cline, and Green opposed.

MOTION TO AMEND was made by Member Boggess and seconded by Member Cline that the Board supports the Student Services Spend Plan, except for the kindness and bullying prevention and home visit training and translation support.

The motion failed with Members Boothe, Cline, Davis, Earl, Hart, Hymas, Kerry, Lear, Norton, Reale, Strate, Wood, and Moss opposed and Members Boggess and Green in favor.

State Fiscal Year 2023 Discretionary Carry Forward Balance Status and Approval for Use

MOTION was made by Member Norton that the Board approves continuing:

- A contingency fund of \$200,000,
- A legal contingency fund of \$250,000,

- The internal controls fund of \$10,000,
- \$200,000 for training for General Education and Special Education,
- \$50,000 for over the phone and website translation services from the discretionary account, and
- Returning \$200,000 for the research study of Standards and Curriculum Alignment and research study of Student Safety and Environment to the discretionary fund balances.

The motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Boothe that the Board approve \$100,000 from the Tax Delay fund for discretionary use by the Superintendent of Public Instruction.

The motion carried with Member Cline and Boggess opposed.

MOTION: That the Board approves using \$260,000 of state funds and \$20,000 in tax delay funds from the discretionary funds for:

- \$130,000 for security guard services at the USB E office,
- \$75,000 for two part-time staff to assist in the mail room and with facility-related needs and
- \$75,000 to upgrade obsolete parking gate equipment.

The motion passed unanimously.

[Standards and Assessment Committee Report/Recommendations – \(Items duplicated from the September 8, 2023 meeting\)](#)

Board Policy 5002, Assessment and Accountability Policy Advisory Committee

MOTION was made by Member Earl and seconded by Member Davis that the Board approve Board Policy 5002, Assessment and Accountability Policy Advisory Committee, Draft 1.

MOTION TO AMEND was made by Member Strate and seconded that the Board

remove one position from #9 (line 67) and create a #10 with that remaining position to have 1 LEA assessment director & and 1 Utah Association of Assessment Directors Member.

The motion carried with Members Boggess, Cline, Earl, Green, Hymas, Kerry, and Reale opposed.

MOTION TO AMEND was made by Member Wood and seconded by Member Hart that the Board amend the draft to strike line 74.

The motion carried with Member Cline opposed. Member Hymas abstained.

MOTION was made by Member Earl and seconded by Member Davis that the Board approve Board Policy 5002, Assessment and Accountability Policy Advisory Committee, Draft 1, as amended.

The motion carried with Members Boggess, Cline, Green, and Kerry opposed.

R277-326, Early Learning (Amendment)

MOTION was made by Member Boothe that the Board approve R277-326, Early Learning, Draft 1, on the second and final reading.

The motion carried with Member Cline and Green opposed.

R277-604, Private School, Home School, and Bureau of Indian Education Student Participation in Public School Achievement Tests (Amendment)

MOTION was made by Member Boothe that the Board approve R277-604, Private School, Home School, and Bureau of Indian Student Participation in Public School Achievement Tests, Draft 2, on the second and final reading.

The motion carried with Member Cline and Boggess opposed.

MOTION TO POSTPONE was made by Member Boggess and seconded by Member Green that the Board postpone R277-604 back to the committee.

The motion failed with Member Boggess in favor.

Internal Audit

Modify the Internal Audit Plan

MOTION was made by Member Hart that the Board remove the Subrecipient Monitoring internal audit from the Audit Plan.

The motion carried with Member Davis and Lear opposed.

2024 General Session Legislation Preparation

Recommendation for WPU % for Legislative Funding Request

MOTION was made by Member Strate and seconded by Member Lear that the Board direct staff to revise the WPU Legislative Funding Request to include a 13.5% increase for the WPU for the upcoming legislative session, as follows:

- 8% for LEA flexibility (discretionary increase);
- 4% for the inflationary increase; and
- 1.5% for general and curricular school fees.

MOTION TO AMEND was made by Member Earl and seconded by Member Boggess that the Board direct staff to revise the WPU Legislative Funding Request to include a 9.5% increase for the WPU for the upcoming legislative session, as follows:

- 4% for LEA flexibility (discretionary increase);
- 4% for the inflationary increase; and
- 1.5% for general and curricular school fees.

The motion carried with Members Green, Norton, Hart, Hymas, Boggess, Moss, Cline, and Earl in favor.

MOTION TO AMEND was made by Member Boothe and seconded by Member Strate that the Board direct staff to revise the WPU Legislative Funding Request to include an 11.5% increase for the WPU for the upcoming legislative session, as follows:

- 6% for LEA flexibility (discretionary increase);
- 4% for the inflationary increase; and
- 1.5% for general and curricular school fees.

The motion failed with Members Reale, Boothe, Lear, Strate, Hymas, Wood, and Davis in favor. Member Kerry was absent.

CALL THE QUESTION was made by Member Strate

The motion failed with Members Boothe, Davis, Green, Hart, Hymas, Norton, Reale, Strate, and Wood in favor and Members Boggess, Cline, Earl, Lear, and Moss opposed.

MOTION TO AMEND was made by Member Davis and seconded by Member Strate that the Board direct staff to revise the WPU Legislative Funding Request to include a 9.5% increase for the WPU for the upcoming legislative session, as follows:

- 6% for LEA flexibility (discretionary increase);
- 4% for the inflationary increase; and
- 1.5% for general and curricular school fees.

And remove “Voted and Board Local Levy” and “Educator Salary Adjustment” funding requests from the list of priorities.

The motion failed with Members Boggess, Cline, Earl, Green, Hart, Hymas, Norton, and Moss opposed.

MOTION TO AMEND was made by Member Strate and seconded by Member Lear that the Board direct staff to revise the WPU Legislative Funding Request to include a potential 10% increase for the WPU for the upcoming legislative session.

Broken down as follows:

- 6% for LEA flexibility (discretionary increase);
- 4% for the inflationary increase; and
- ~~1.5% if the legislature eliminates general and curricular fees~~

The motion carried with Members Boggess, Cline, Earl, and Moss opposed.

The final motion carried with Members Boggess, Cline, Green, and Earl opposed.

MOTION TO ADJOURN

Member Cline motioned to adjourn. The meeting adjourned at 6:10 PM.

The Executive Assistant Cybil Prideaux took minutes.
Minutes were approved on November 2, 2023.