

UTAH STATE BOARD OF EDUCATION

Meeting Minutes

February 3, 2022

9:00 AM. – 5:00 PM.

A regular meeting of the Utah State Board of Education/Utah Schools for the Deaf and the Blind Governing Board was held electronically on February 3, 2022. Chair Mark Huntsman presided. The meeting was held electronically and streamed to the public.

Members Present

Chair Mark **Huntsman**

First Vice-Chair Laura **Belnap**

Second Vice-Chair Cindy **Davis**

Member Randy **Boothe**

Member Janet A. **Cannon**

Member Jennie **Earl**

Member Stacey **Hutchings**

Member Molly **Hart**

Member Carol Barlow **Lear**

Member James **Moss Jr.**

Member Kristin **Norton**

Member Brent J. **Strate**

Member Natalie **Cline**

Member Scott B. **Hansen**

Member Matt **Hymas**

Executive Staff Present

Sydnee Dickson, State Superintendent

Patty Norman, Deputy Superintendent

Angie Stallings, Deputy Superintendent

Scott Jones, Deputy Superintendent

Leah Voorhies, Assistant Superintendent

Darin Nielsen, Assistant Superintendent

Deborah Jacobsen, Assistant Superintendent

Jeffrey Van Hulten, Policy Advisor

Sarah Young, Chief of Staff

Minutes taken by:

Cybil Child, Executive Assistant

Others Present

Cathy Jensen, Jerry Record, Sara Harward, Sam Urie, Alex Farah, Jennifer Throndsen, Malia Hite, Ben Rasmussen, Naomi Watkins, Paula Plant, Zac Christensen, Ryan Bartlett, Kathy Helgesen, Debbie Davis, David Sallay, Tracy Vandeventer, Nathan Auck, Bryan Quesenberry, Ashley Biehl, and Dale Frost.

Opening Business

Chair Mark Huntsman called the meeting to order and roll call at 9:02 AM.

Board Member Message

Board Member Janet Cannon shared a welcome message.

Education Highlight

Jeff Van Hulten, Policy Advisor, introduced the presentation of the Winners of The Stock Market Game, a statewide financial education competition.

Public Comment for USBE

Heidi Matthews, representing a teacher serving as the President of the Utah Education Association (UEA), stated her thanks to the Board for their continued foundations and support for public education.

France Barral spoke on behalf of herself. She noted that the public education system and its educated workforce are the strength of the government.

Nate Bigler spoke about his support of the draft document for gender guidance.

Monica Wilbur spoke about an expression called cui bono, which means who stands, or stood, to gain. She feels that parents are not benefitting from the Board's standing committees decisions.

Superintendent's Report

Employee Recognition

State Superintendent Sydnee Dickson recognized Kristina Yamada, the February Employee of the Month.

Acknowledgment of Student Artwork

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

Superintendent's Report

USBE State Superintendent Sydnee Dickson shared information about her experiences at Board member Norton's fifth-grade class at Little Valley Elementary School. She reminded the audience about the Utah State Board of Education (USBE) vision – all Utah students are prepared to succeed and lead. She gave staff acknowledgments to all those who assisted with the Superintendent Annual Report. Her conclusion focused on the common threads of purposeful cultures: clear values, compassionate leadership, and a can-do attitude.

General Consent Calendar

1. Approval of Meeting Minutes

The Board approved the minutes of the following meetings:

- December 2, 2021
- December 3, 2021
- January 14, 2022
- January 20, 2022
- January 27, 2022

2. Contracts/Agreements for Approval

The Board approved contracts/agreements of over \$100,000 with the following entities

3. Contracts/Agreements for Review

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

4. LEA-Specific Educator License Renewals

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

Motion passed unanimously.

[Workforce Innovation and Opportunity Act \(WIOA\) State Plan - 10:50 to 11:00 AM](#)

WIOA State Plan (Title II: Adult Education)

Stephanie Patton, Adult Education Specialist and Leah Voorhies, Assistant Superintendent of Student Support led the WIOA presentation.

The Workforce Innovation and Opportunity Act (WIOA) requires each state to submit a plan every four years with an update every two years. Utah's WIOA state plan update is due to the federal Departments of Education and Labor by March 15, 2022. The Utah Department of Workforce (DWS) Services is responsible for the Plan. However, Title II: Adult Education of the WIOA Utah State Plan falls under the purview of the USBE. The proposed WIOA Utah State Plan update has been vetted through three town hall meetings and updated based on stakeholder feedback. DWS is currently reviewing the Plan before submission. The USBE now has the opportunity to provide feedback on the proposed WIOA Utah State Plan before a final version is submitted on March 15, 2022.

MOTION was made by Member Moss and seconded by Member Boothe that the Board supports the Division of Workforce Services' draft of the Utah WIOA State Plan.

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 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.

Discretionary Funds Report

Scott Jones, Deputy Superintendent of Operations, and Deborah Jacobson, Assistant Superintendent of Operations, presented the Board of education discretionary fund report. Per the Money Management Act and the Budgetary Procedures Act the Utah State Board of Education is provided with a status of the funds. Deborah Jacobson, Assistant Superintendent updated the Board on the FY2021 P-12 Discretionary Funds account.

Federal COVID-19 Relief Funding Update

Sara Harward, CARES Specialist, and Sarah Young, Chief of Staff provided, a monthly update on the status of federal COVID-19 relief funding to support Utah K-12 schools and communities. The update included the status of reimbursements to the field and a report on existing COVID-19 relief funding state projects.

[Legislative Session Preparation](#)

2022 Legislative Session Business Cases and Funding Priorities

Scott Jones, Deputy Superintendent of Operations gave an update on the Board's current list of priorities.

Redistribution of POPS Carryforward Funds Resulting from Public Education Appropriations Committee Presentation

Cathy Jensen, Fine Arts Education Specialist, presented the proposal to re-allocate the carryforward funds to the organizations based on their participation in the original allocation. In addition, it removes the requirement for a one-to-one match by a waiver to R277-444-4(3), thus supporting the organizations through this difficult financial time.

COVID19 highly impacted the Professional Outreach Programs in the Schools organizations during the past 20 months. School closures prohibited many of the scheduled school visits and venue performances. While the organizations pivoted quickly to create virtual experiences, the organizations were not able to use and appropriately claim reimbursement for the allocated funds.

Many performers and other staff were furloughed to keep the organizations solvent. This resulted in a larger than normal carry forward amount. In addition, the closure of arts venues resulted in loss of normal revenue streams for the organizations. All organizations are back to full operation and providing professional arts learning experiences for students and educators.

MOTION was made by Member Boothe and seconded by Member Lear that the Board approves the re-distribution of carrying forward funds from the FY 2021 POPS carryforward to the POPS and Provisional POPS organizations and bases the distribution on the percentage of each organization's part of the original allocation.

Motion passed unanimously.

MOTION was made by Member Boothe and seconded by Member Lear that the Board approves waiving R277-444-4(3) that requires "equal matching money from another source to support its delivery of an educational service" for this distribution, only.

Motion passed unanimously.

Requests for Statutory Changes

Angie Stallings, Deputy Superintendent of Policy, lead a discussion on proposed policy/statutory requests and recommendations for the 2022 Legislative Session, including a continued discussion of potential legislation on the school turnaround program.

MOTION was made by Member Earl and seconded by Member Hymas that the Board approves staff moving forward with the possible amendments to Utah Code 53E-5-301, but recommends the full program would be voluntary.

MOTION TO COMMIT was made by Member Hutchings and seconded by Member Cannon the statutory request to AAPAC and a standing committee for further review and discussion.

MOTION TO POSTPONE was made by Member Davis and seconded by Member Hansen to postpone the discussion until February 10, 2022.

Motion carried with Member Cline opposed.

2022 General Session Legislation

Deputy Superintendent Angie Stallings and Jeffrey Van Hulten, Policy Advisor, reviewed the following bills: SB 145 Reading Competency Benchmark Assessment, Sen. Stevenson; HB 265 Charter School Agreements and Renewals, Rep. Snow; HB 290 School Readiness Amendments, Rep. Karen Peterson; HB 256 Farm to School Program, Rep. Handy.

Board Positions on Legislation

Deputy Superintendent Angie Stallings and Jeffrey Van Hulten, Policy Advisor, led the Board's support of legislation or recommendations to bill sponsors for amendments.

MOTION was made by Member Davis and seconded by Member Lear that the Board (a) considering the potential impacts to an LEA's Maintenance of Effort (MOE) requests that staff work with the sponsors of HB 113 and SB 118 on a special education funding bill to include if prudent:

1. an adjusted prevalence cap;
2. a removal of the LEA growth cap;
3. a continuation of the 1.53 WPU multiplier for the Special Education Add-on; and

4. an adjustment to the growth years and foundation calculation; and
(b) opposes, as written, 1st Sub SB 134 and directs staff to work with the sponsor to align the bill language with Federal Special Education law and guidance and federal uniform guidance if the sponsor is open to amendments.

MOTION TO DIVIDE made by Member Earl and seconded by Member Hymas.

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

Motion carried with Belnap, Boothe, Cannon, Davis, Hansen, Hart, Hutchings, Lear, Norton, and Strate in favor, and

MOTION was made by Member Earl and seconded by Member Cline that the Board supports SB 114, Public School Curriculum Requirements, SCR 5, and SJR 6.

MOTION TO DIVIDE made by Member Lear and seconded by Member Strate.

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

MOTION that the Board supports SB 114, Public School Curriculum Requirements.

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

MOTION that the Board supports SCR 5, Concurrent Resolution Honoring 25th Anniversary of the National Parent Teacher Association.

Motion carried with Member Cline abstained.

MOTION that the Board supports SJR 6, Joint Resolution Promoting the 3rs Framework of Rights, Responsibility, and Respect in Classrooms.

Motion carried with Member Hansen abstained.

MOTION made by Member Lear and seconded by Member Boothe that the Board supports SB 145, Reading Competency Benchmark Assessment, Sen. Stevenson HB 265, Charter School Agreements and Renewals, Rep. Snow HB 290, School Readiness Amendments, Rep. Karen Peterson and HB 256, Farm to School Program, Rep. Handy.

MOTION TO DIVIDE made by Member Hutchings and seconded by Member Moss.

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

MOTION TO TABLE was made by Member Earl and seconded by Member Cline.

Motion failed.

MOTION TO AMEND made by Member Hutchings and seconded by Member Moss to remove HB 265, Charter School Agreements and Renewals, from the motion to support.

Motion failed.

REQUEST TO WITHDRAW made by Member Lear and seconded by Member Boothe.

Motion carried.

[Board Chair's Report](#)

Chair Huntsman recognized Member Molly Hart for receiving the Utah Music Educators Association's Outstanding Administrator Award.

[Educator Licensing Renewal](#)

R277-302: Educator Licensing Renewal (Amendment)

Ben Rasmussen, Director of Law and Professional Practices, and Malia Hite, Education Licensing Coordinator, led the educator licensing renewal discussion.

Teachers are feeling stress at greater levels than ever before. Due to the COVID-19 pandemic, educators have had to adapt and modify their teaching practices with little or no time to adjust. Staff proposes to allow special renewal hours for educators that taught/worked in Utah during the COVID19 pandemic.

Currently, educators need 20 hours per year to renew their Educator license. We suggest that any educator who was an active educator during the pandemic would earn these hours by virtue of doing their jobs. Each educator spends far more than 20 hours per year learning how to teach virtually, create and maintain relationships with their students, and respond to the ever-changing circumstances with agility and grace.

By allowing these educators to earn 20 renewal hours per year, it would simplify the renewal process and acknowledge the additional time that was spent adapting to the current environment and constantly changing circumstances in education.

This would require an adjustment to Board Rule R277-302, but it would be a significant gesture for Utah educators who have risen to the challenge of serving our students in these challenging times.

MOTION was made by Member Belnap and seconded by Member Hart that the Board approves R277-302, Draft 1 on final reading.

Motion passed unanimously.

The Chair passed the gavel to Vice-Chair Davis.

[Finance Committee Report/Recommendations](#)

Cambium Assessment Incorporated (CAI) Options

MOTION was made by Member Moss and seconded that the Board approves executing the cost options 2a (Spanish Trans-adaptive item development and delivery), 4b (writing prompt development in all grades), 4d (short answer development for all grades), 5 (system functionality for remote testing), and item development contained in the CAI Cost Proposal and contract.

MOTION TO COMMIT was made by Member Moss and seconded by Member Huntsman that the Board send the cost options contained in the CAI Cost Proposal and contract back to the finance committee for further discussion.

Motion passed unanimously.

MOTION was made by Member Moss and seconded that the Board approves executing the cost options 2a (Spanish Trans-adaptive item development and delivery), 4b (writing prompt development in all grades), 4d (short answer development for all grades), 5 (system functionality for remote testing), and item development contained in the CAI Cost Proposal and contract, as amended.

Motion passed unanimously.

Board Resolution No. 2022-02, Regarding School Trust Lands and Funds

MOTION was made by Member Moss and seconded that the Board approves updates to Board Resolution No. 2022-02.

Motion passed unanimously.

Adult Education Carry Forward Spend Plan

MOTION was made by Member Moss and seconded that the Board approves a change to the Adult Education (21PLD) Carry Forward Spend Plan to purchase equipment for Adult Education Programs being developed for the new State Prison.

Motion passed unanimously.

Law and Licensing Committee Report/Recommendations

Board Policy 1004, Advisory Groups (Amendment)

MOTION was made by Member Lear and seconded approves Board Policy 1004, Draft 3.

Motion carried with Members Hart and Hymas opposed.

Board Policy 5003, Student Data Policy Advisory Group (Amendment)

MOTION was made by Member Lear and seconded that the Board approves Board Policy 5003, Draft 1.

Motion passed unanimously.

R277-612, Foreign Exchange Students (Continuation)

MOTION was made by Member Lear and seconded that the Board continues R277-612, Draft 1, on second and final reading.

Motion Passed unanimously.

R277-613, LEA Policies and Training Regarding Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct (Amendment and Continuation)

MOTION was made by Member Lear and seconded that the Board approves R277-613, Draft 4, on second and final reading.

SUBSTITUTE MOTION was made by Member Hymas and seconded by Member Hart that the Board approves Draft 5, on second and final reading.

Motion passed unanimously.

R277-628, School Libraries (New)

MOTION was made by Member Lear and seconded that the Board approves R277-628, Draft 3, on second and final reading.

Motion carried with Member Cline opposed.

MOTION OF CONSIDERATION made by Member Earl and seconded by Member Cline to bring back R277-613, LEA Policies and Training Regarding Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct, Draft 5.

Motion carried with Member Hymas, Belnap, Lear, and Strate opposed

MOTION TO AMEND made by Member Earl and seconded by Member Cline to add "Inform parents that they are not prohibited from seeking redress under any other provisions of civil or criminal law" at the end of the sentence in (10)(b) of Draft 5.

Motion failed.

MOTION OF CONSIDERATION made by Member Cline and seconded by Member Earl to bring back Board Policy 1004, Advisory Groups.

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

Vice-Chair Member Davis passed the gavel to Chair Huntsman.

[Executive Session](#)

Executive Session

MOTION was made by Member Huntsman and seconded by Member Boothe 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.

MOTION was made by Member Cannon and seconded by Member Davis that the Board comes out of executive session.

Motion passed unanimously.

[Executive Session Action Items](#)

Educator Licenses

MOTION was made by Member Norton and seconded by Member Boothe that the Board approves the UPPAC consent calendar recommendations.

Motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Hart that the Board accepts the recommendation of UPPAC in Case No. 20-1770.

Motion carried with Members Belnap and Cannon.

MOTION was made by Member Norton and seconded by Member Hart that the Board accepts the recommendation of UPPAC in Case No. 20-1780, with an amended penalty of revocation.

Motion passed unanimously with Member Lear abstained.

Committee Appointments

MOTION was made by Member Norton and seconded by Member Davis that the Board appoints Willie Chen to the Advisory Committee on Equity of Educational Services for Students (ACEESS) as a representative of Asian Americans, for a two-year term.

Motion passed unanimously.

[Board Member Comments](#)

Member Lear requested a discussion about board priorities.

Member Earl noted that she changed her vote on Board Policy, 1004. Advisory Groups.

Member Hutchings recognized the hard work of the USBE staff.

Member Cline noted that she changed her vote on Board Policy, 1004. Advisory Groups.

Member Strate would like the board members to lengthen the conversations about the Board's priorities.

Member Belnap recognized the board members' comments and the hard work of the USBE staff. She reminded the audience that February is the month of love and she loves working on this Board.

Adjournment

The meeting adjourned at 3:50 PM.

Cybil Child, Board Secretary
Minutes approved March 10, 2022.