

UTAH STATE BOARD OF EDUCATION

Meeting Minutes

April 7, 2022

9:00 AM. – 5:30 PM.

A regular meeting of the Utah State Board of Education was held on April 7, 2022, at 250 E 500 S, Salt Lake City, Utah. Chair Mark Huntsman presided. The public can view the meeting through live YouTube streaming.

Members Present

Chair Mark **Huntsman**

First Vice-Chair Laura **Belnap**

Member Kristin **Norton**

Member Brent J. **Strate**

Member Janet A. **Cannon**

Member Jennie **Earl**

Member Stacey **Hutchings**

Member Carol Barlow **Lear**

Second Vice-Chair Cindy **Davis**

Member Randy **Boothe**

Member Natalie **Cline**

Member Scott B. **Hansen**

Member Matt **Hymas**

Member Molly **Hart**

Members Excused

Member James Moss

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

Jerry Record, Sarah Young, Alex Farah, Christy Schreck, Robert Bishop, Bernadette Brockman, Becky Hope, Natalie Harris, Jennifer Boehme, Zac Christensen, Amy Steele-Smith, Darin Nielsen, and Leah Voorhies.

Opening Business

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

Board Member Message

Board Member Brent Strate shared a welcome message.

Education Highlight

Holly Bell, Student & Family Rights Specialist, presented the April education highlight about effective teachers and leaders.

Public Comment for USBE

Jennifer Boehme, the Executive Director for the Utah Education Association, thanked the board members for their support of the concept of paid time for educators, which helped House Bill 396 pass. As the USBE implements board rules, UEA asks to be involved.

Bernadette Brockman spoke about Board rule R277-489, Kindergarten Entry, and Exit Assessment. Enhanced Kindergarten Program does not align with Utah code 53E-9-203. Parents should know and have access to surveys, assessments, evaluations, and analyses before the child engages in this activity.

Monica Wilbur reminded the board members that she has contacted them for the past ten months about her concerns with outsourcing contracts to third-party stakeholders. She mentioned the WestEd contracts centered around equity policies and funding redistribution. She believes that many members have shown little respect and action to these concerns.

Becky Hope, representing the Academic Integrity Movement, spoke about the National School Boards Association (NSBA) letter to develop a pretext to go after concerned parents who talk at the local school board meetings. The NSBA asked the Biden Administration to treat parents as terrorists. Also, the House Judiciary Committee is considering H.R.350 - Domestic Terrorism Prevention Act of 2021. She pleaded with the board members to research this bill and get the trespassing charges dropped for the Utah parents. AIM opposes the National Governors Association asking Governor Cox to consolidate school board power in Representative Melissa Ballard's H.B.79 State School Board Governance Amendments. Thirdly, AIM asked the USBE to write a resolution to amend the Utah Constitution to solidify parent rights, align with the State code, and withdraw from any affiliation with NSBA.

Robert Bishop, a resident of Utah county and a father of several children who attend schools in Alpine School District, spoke regarding serious concerns and issues with the "Prodigy Education" program used in classrooms across the State of Utah.

Superintendent's Report

Employee Recognition

State Superintendent Sydnee Dickson recognized Nicole Ferguson, the April 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 visited Davis Catalyst Professional Playgrounds, and she shared her experience spending time with staff and students from the tour. Next, the presentation focused on the USBE internal controls, followed by AP results – College Board Report, and ended with "Coherence"- the current legislative programs and policies, future USBE priorities for the next five to ten-year plans.

General Consent Calendar

1. Contracts/Agreements for Approval

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

2. Contracts/Agreements for Review

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

3. 2022 Utah STEM School Designation Approval

The Board approves the recommended five schools for STEM School Designation at the level recommended by the stakeholder review team for the 2022 school year.

4. 2023 Board Meeting Schedule

That the Board approves its meeting schedule for 2023, as presented.

5. Individuals with Disabilities Education Act (IDEA) Annual Funding Application Federal Fiscal Year (FFY) 2022

The Board approves the IDEA FFY22 funding application.

MOTION made by Member Cline to pull 1, 3, and 5.

MOTION was made by Member Belnap and seconded by Member Boothe that the Board approves the General Consent Calendar, minus Items 1, 3, and 5.

Motion passed unanimously.

1. Contracts/Agreements for Approval

The Board postponed contracts/agreements of over \$100,000 to the May board meeting.

3. 2022 Utah STEM School Designation Approval

MOTION was made by Member Hansen and Member Norton that the Board approves the recommended five schools for STEM School Designation at the level recommended by the stakeholder review team for the 2022 school year.

Motion carried with Member Cline opposed.

5. Individuals with Disabilities Education Act (IDEA) Annual Funding Application Federal Fiscal Year (FFY) 2022

MOTION was made by Member Belnap and seconded by Member Strate that the Board approves the IDEA FFY22 funding application.

Motion passed unanimously.

[2022 General Session](#)

R277-124, Teacher Bonuses for Extra Assignments (New)

This rule is being enacted due to the passage of 2022 SB 2, which appropriated \$10 million to be distributed to LEAs to award as bonuses to teachers for extra assignments and includes intent language with the appropriation. The rule describes the distribution formula, application process, guidelines on LEA bonuses to teachers, and requirements related to undistributed funds.

MOTION was made by Member Cannon and seconded by Member Boothe that the Board approves R277-124, Draft 2, on the first and final reading.

MOTION TO AMEND made by Member Hansen and seconded by Member Strate to add the day to the month and year as follows: December 1, 2021, and May 31, 2022, and to add the following words "for another teacher."

Motion to amend passed unanimously.

Motion passed unanimously.

R277-489: Kindergarten Entry and Exit Assessment. Enhanced Kindergarten Program (Amendment)

This rule is being amended due to the passage of 2022 General Session HB 193 Full-day Kindergarten, which requires the Board to distribute funds to LEAs for all-day Kindergarten programs. LEAs have asked the Board to fast-track the passage of R277-489 so they may know how funds will be distributed. Ben Rasmussen, Director of Law and Professional Practices, and Sara Wiebke, Educational Coordinator, Pre-K-12 Literacy, presented the amendments.

MOTION was made by Member Hansen and seconded by Member Strate that the Board approves R277-489, Draft 1, by reinstating lines 78-85 on the first and final reading.

MOTION TO AMEND was made by Member Earl and seconded by Member Hutchings to reinstate lines 122 and 123.

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

Motion passed unanimously.

Review and Approval of Specific Program Budgets-Full Day Kindergarten, Early Literacy, Teacher Bonuses for Additional Assignments and Ethnic Studies

The Budgetary Procedures Act requires the Utah State Board of Education (USBE) to approve each year's overall public education budget. The process is for the Finance Committee to review the budget during the April meeting and recommend the USBE to approve the budget for the next fiscal year during the May USBE meeting. This particular year three programs within the 2023 proposed budget need a more immediate review and approval by the USBE. This is due to LEA requests for the estimates for the programs and approval to take advantage of hiring timeframes and other actions that place them in a better position to execute the funding when it is made available on July 1. The three proposed budgets are for 1 Full Day Kindergarten, 2 Early Literacy, 3 Teacher Bonuses for Additional Assignments, and 4 Ethnic Studies

MOTION was made by Member Boothe and seconded by Member Strate that the Board approves the four proposed program budgets.

Motion carried with Member Cline opposed.

[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.

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 - Approval of Elementary and Secondary School Elementary and Secondary Emergency Relief II State Reserve Revision

Sara Harward, CARES Specialist, Leah Voorhies, Assistant Superintendent of Student Support, and Max Lang, Title I Director, 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.

MOTION was made by Member Earl and seconded by Member Belnap that the Board approves the revised braille embosser use case for the ESSER II state flexible reserve to include brailers to address needs in K-12 education due to COVID-19.

Motion passed unanimously.

Chair Huntsman passed the gavel to Vice-chair Belnap.

School Turnaround Reports

Ryan Bartlett, Director of Strategic Communications, and Tracy Vandeventer, Director of the Center for Continuous School Improvement, introduced the turnaround report video presentations for the following schools:

1. Ibapah School
2. Roots Charter High School
3. Navajo Mountain High

4. Tse'Bii'Nidzizgai School
5. Utah International Charter School
6. Holt Elementary
7. Paradise Canyon Elementary

Board Chair's Report

Chair Huntsman spoke about not moving forward with the gender identity guidance document from the Standards and Assessment Committee, where it has remained since introduced in September 2021 and empowering local education leaders as being the best solution for students and families. The Board will continue to empower district and charter school leaders to bring local resources to support students and families. Next, he spoke about the Board's upcoming work on the USBE Strategic Plan as stated in the Board Bylaws and asked the board members to support the request for the discretionary funds for – anti-bullying programs– in schools.

Board Member Comments

Member Lear spoke about the National Association of State Boards of Education (NASBE) conference and her support and appreciation for the USBE's staff during the conference, who kept them on schedule and were helpful.

Member Cannon spoke about the National Association of State Boards of Education (NASBE) conference and her appreciation of the time she spent getting to know her fellow board members and their congressional visits together.

Member Earl shared her research about resiliency and what that looks like, and its associated research. It correlates with Utah's Portrait of a Graduate, which identifies the ideal characteristics of a Utah graduate after going through the K-12 system. These are aspirations not necessarily meant to be quantified and measured. These characteristics begin at home and are cultivated in educational settings.

Member Boothe shared his gratitude for Utah's Constitution, Article X Education, and that Utah's education is deemed so necessary. He appreciates that the Utah citizens are open to the needs of every child, parent, and family in the state.

Training: Framework for Educational Equity, R277-328

MOTION was made by Member Hansen and seconded by Member Strate that the Board refers the R277-328 framework to the standards and assessment committee for evaluation of educator training required by state statute or rule so that training can be integrated, consolidated, and prioritized to be efficiently and effectively delivered.

MOTION TO AMEND was made by Member Norton and seconded by Member Lear that the board direct staff to limit the time commitment of the model training for R277-328 to one hour.

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

Motion passed unanimously.

MOTION was made by Member Earl and seconded that the Board follows a process of using definitions that are first defined in Utah statute, in USBE rule, and then Federal Code, in that order.

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

[Audit Committee Report](#)

MOTION was made by Member Davis that the Board revises the audit plan as follows:

1. Data Reliability: Assessment, Graduation Rates, Student, and Teacher Data audit
2. Licensing audit
3. Subrecipient Monitoring audit

Motion passed unanimously.

[Finance Committee Report/Recommendations](#)

Request for Board Discretionary Funds

MOTION was made by Member Norton and seconded that the Board approves using a portion of remaining State Funds to fund requests 1, 2, and 3 (Totaling \$310,000) and a portion of the remaining Federal Mineral Lease (FML) funds for requests 4, 5, and 6 (Totaling: \$383,420).

MOTION TO AMEND was made by Member Earl and seconded by Member Hutchings that the Board use the Superintendent's budget for the Utah Rural Schools Association (URSA) Conference - \$33,420.

Motion to amend passed unanimously.

MOTION TO AMEND was made by Member Earl and seconded by Member Hutchings that the Board uses \$150,000 from the Board's discretionary fund for a two-year anti-bullying part-time, time-limited position.

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

Motion passed unanimously.

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), 4a (writing prompt development in grades 5 and 8), 5 (system functionality for remote testing), and item development contained in the CAI Cost Proposal and contract.

Motion carried with Member Cline opposed.

Law and Licensing Committee Report/Recommendations

R277-301, Educator Licensing (Amendment and Continuation)

MOTION was made by Member Lear and seconded that the Board continues and approves R277-301, Educator Licensing, Draft 1, on second and final reading.

Motion passed unanimously.

SUBSTITUTE made by Member Boothe and seconded by Member Lear that the Board continues and approves R277-301, Educator Licensing, Draft 2, on second and final reading.

Substitute motion carried with Member Cline opposed.

R277-312, Online Educator License (Amendment and Continuation)

MOTION was made by Member Lear and seconded that the Board approves R277-312, Online Educator License, Draft 1, on the second and final reading.

Motion passed unanimously.

R277-433, Disposal of Textbooks in Public Schools (Amendment and Continuation)

MOTION was made by Member Lear and seconded that the Board continues and approves R277-433, Disposal of Textbooks in Public Schools, Draft 1, on second and final reading and that the Board request staff work with the Legislature to repeal Section 53G-7-606.

Motion passed unanimously.

R277-110, Educator Salary Adjustment (Continuation)

MOTION was made by Member Lear and seconded that the Board continue R277-110, Educator Salary Adjustment, Draft 1, on the second and final reading.

Motion passed unanimously.

R277-520, Appropriate Licensing and Assignment of Teachers (Repeal)

MOTION was made by Member Lear and seconded that the Board repeals R277-520, Appropriate Licensing and Assignment of Teachers, on the second and final reading.

Motion passed unanimously.

Standards and Assessment Committee Report/Recommendations

USEAP Post-secondary Transition Recommendations Memo

MOTION was made by Member Hansen and seconded that the Board approve Solution 1 of the USEAP Post-secondary Transition Recommendations Memo:

Solution # 1 - Motion: Member L. Belnap moved that the committee recommend to the Full Board that the Board authorize staff to work with Department of Health and Human Services (DHHS) to streamline the process of identifying and securing available transitional services, support, and technical assistance for individuals with disabilities and provide that information to Local Education Agencies (LEAs).

Motion passed unanimously.

[Executive Session](#)

Executive Session

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

Motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Cannon that the Board accepts the recommendation of UPPAC in Case No. 21-1812.

Motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Cannon that the Board accepts the recommendation of UPPAC in Case No. 21-1835.

Motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Cannon that the Board accepts the recommendation of UPPAC in Case No. 21-1836.

Motion passed unanimously.

Adjournment

The meeting adjourned at 5:20 PM.

Cybil Child, Board Secretary
Minutes approved May 5, 2022.