

**UTAH STATE BOARD OF EDUCATION/USDB GOVERNING BOARD  
MEETING MINUTES**

**July 9, 2020**

A regular meeting of the Utah State Board of Education/Utah Schools for the Deaf and the Blind Governing Board was held July 9, 2020. The meeting was held electronically via videoconference due to the COVID-19 pandemic. The meeting was streamed live to the public. Vice Chair Brittney Cummins presided.

**Members Present:**

Vice Chair Brittney Cummins  
Member Laura Belnap  
Member Michelle Boulter  
Member Janet A. Cannon  
Member Cindy Davis  
Member Jennie Earl  
Member Jennifer Graviet

Member Scott L. Hansen  
Member Mike Haynes  
Member Carol Barlow Lear  
Member Mark R. Marsh  
Member Shawn E. Newell  
Member Laurieann Thorpe

**Members Absent:**

Chair Mark Huntsman  
Member Scott B. Neilson

**Executive Staff Present:**

Sydnee Dickson, State Superintendent  
Scott Jones, Deputy Superintendent  
Patty Norman, Deputy Superintendent  
Angie Stallings, Deputy Superintendent

**Minutes taken by:**

Lorraine Austin, Board Secretary

**Others Present:**

Joel Coleman, Michelle Tanner, Susan Patten, Carl Empey—Utah Schools for the Deaf and the Blind; Bryan Quesenberry, Michelle Beus—Assistant Attorneys General; Darin Nielsen, Leah Voorhies, Jeff Van Hulten, Alex Farah, Jerry Record, Ben Rasmussen, Deborah Jacobson, Jennifer Throndsen, Sarah Young, Whitney Phillips, Zac Christensen, Jill Curry, David Christensen, Tamra Dayley, Christy Walker, Kathleen Britton, Robert Palmer, Thalea Longhurst, David Forbush, Albert Tay, Tiffany Stanley, Aaron Brough, Stewart Okobia, Malia Hite, Kim Herrera, Kathy Helgesen, Nate Auck, Shannon Olson, Jerri Sagers, Corby Eason—USBE staff

## **Opening Business**

Vice Chair Brittney Cummins called the meeting to order at 9:04 a.m. and excused Chair Huntsman from the meeting.

### Board Member Welcome Message

Member Shawn Newell welcomed the Board sending out his hope and desire for all to be healthy. He spoke that as leaders the Board needs to leverage its authority for the benefit of those over which it has authority and do what it can to eliminate inequities.

### Employee Introductions

Michelle Watts, H.R. director, introduced the following new employees that have been hired since March: Brenda Contreras, Naomi Watkins, Andrea Taylor, Katie Dewey Hill, Kami Dupree, Tony Onofrietti, Robert Kohutec, Mercedes Wilson, Julia Armstrong, Dallin Peugeot, Ashley Pistello, Sergeant Jeremy Barnes, and Melissa Cano.

## **State Superintendent's Report**

Superintendent Dickson gave kudos to the team working on the CACTUS system (Comprehensive Administration of Credentials for Teachers in Utah Schools) and the licensing team for the upgrades and changes to the system, going from 19 licensing types to 3 types.

Dr. Dickson thanked all the educators who are working so hard to make the reopening of schools happen. She reviewed the Board's role in providing requirements and guidance to local education agencies (LEAs) and enabling their adaptability and organization. She also reported on meetings with stakeholders and webinars that staff have held to assist LEAs.

## **Utah Schools for the Deaf and the Blind**

### Monthly Budget Report

Carl Empey, USDB Finance Director, gave the budget report for the month ending May 2020 including updates on the Enrichment fund and donated funds.

### FY21 USDB Budget

Mr. Empey reviewed USDB's proposed budget for fiscal year 2021.

**MOTION** was made by Member Belnap and seconded that the Board approve the USDB FY21 budget.

Motion carried; Member Boulter absent.

### USDB Superintendent's Report

Superintendent Joel Coleman reported on the work of USDB staff to develop the budget for fiscal year 2021. He reported that the impact of the legislative reductions on USDB were minimal and the school will be able to fulfill student needs. He noted that because USDB is not a recipient of weighted pupil unit funds the school's teachers will not receive an increase this year.

### 2020-2021 USDB Reopening Plan

Superintendent Coleman reviewed an outlined of the reopening plan for USDB schools that must come to the Board for approval prior to the August 1 due date. He reported that a survey has been sent to all the families and staff members associated with each of USDB's campus programs to help inform the plan.

### **School Safety Survey Data**

Christy Walker, Safe and Healthy Schools Coordinator, reported that the School Safety Survey is administered to schools as a result of H.B. 120 passed in the 2019 legislative session. The survey of school building administrators has been conducted for the last two years to gather information on various school safety topics and see what implementation and current practices look like at the building level.

David Christensen, School Safety Data Analyst, presented the data from the survey that was conducted during the last three weeks in May. The focus of the report was on responses related to the COVID-19 pandemic along with social/emotional learning, threat assessment, school resource officers, and multidisciplinary teaming.

It was suggested that in the future the report include information from all district and charter schools and specifics about student safety incidents.

### **General Consent Calendar**

At the request of Member Earl, items 6.3 Grants for Approval and 6.6 Utah Connects Grant were removed from the Consent Calendar. At the request of Member Cannon, item 6.4 Spring 2020 Career and Technical Education Instructional Materials Review was also pulled.

**MOTION** was made by Member Cannon and seconded that the Board approve the General Consent Calendar, as amended.

Motion carried unanimously.

### **General Consent Calendar**

6.1 Approval of Meeting Minutes

The Board approved the minutes of its June 25, 2020 meeting.

6.2 Contracts/Agreements for Approval

The Board approved contracts and agreements over \$100,000 with the following entities: Department of Workforce Services, Utah Center for Assistive Technology; REI Systems, Inc.; KLEO, Inc. dba Class Wallet.

6.3 Grants for Approval

This item was removed for further discussion.

6.4 Spring 2020 Career and Technical Education Instructional Materials Review

This item was removed for further discussion.

6.5 Request for Data Sharing Agreement

The Board approved an Interagency Data Sharing Agreement with the Utah Higher Education Assistance Authority.

6.6 Utah CONNECTS: Rethink K-12 Education Models (ESF-REM) Discretionary Grants Program

This item was removed for further discussion.

#### 6.7 Contracts/Agreements for Review

The Board was provided with information on contracts and agreements under \$100,000 with the following entities: National Center for the Improvement of Educational Assessment; Utah Interactive LLC; Philip Vernon; U.S. Foodservice; University of Utah Department of Psychiatry; University of Utah; Utah Education Policy Center; Southern Utah University.

#### 6.3 Grants for Approval

It was clarified that data from the grant, Using Longitudinal Data to Support State Education Policymaking, will be provided to WestEd to support its study of education spending efficiency.

**MOTION** was made by Member Thorpe and seconded that the Board authorize application for the grant.

Motion carried; Member Newell absent.

#### 6.6 Utah Connects Grant Application

Sarah Young, Director of Strategic Initiatives, provided information that although a clear timeframe hasn't been given for the award period, the initial plan would be to have the services provided by the grant in place by November 2020 with the intention of replicating that cycle for future years in the summer months.

**MOTION** was made by Member Marsh and seconded that the Board support the submission of the Utah CONNECTS: Rethink K-12 Education Models Discretionary Grants Program application to the U.S. Department of Education.

Motion carried unanimously.

#### 6.4 Spring 2020 Career and Technical Education Instructional Materials Review

It was clarified that Board approval is sought only for the materials that were reviewed.

**MOTION** was made by Member Cannon and seconded that the Board accept the recommendations of the Instructional Materials Commission from the spring 2020 instructional materials review and direct that contractual obligations with the publishers be enacted.

Motion carried, with Member Belnap opposed.

### **Monthly Budget Report**

Deputy Superintendent Scott Jones presented the budget report ending May 31, 2020 and stated that the Board has met all its obligations and responsibilities.

Superintendent Jones reported that there are currently no remaining state or general funds in the Discretionary Fund, but there are discretionary funds remaining in specific projects. In addition, the Board has \$174,998.98 in its contingency fund; there are also mineral lease fund available that may be used for research and development.

### **Audit Committee Report**

Committee Vice Chair Janet Cannon reported on the June meeting of the Audit Committee.

### Internal Audit Plan Update

**MOTION** from Committee that the Board remove the following audits from the Audit Plan: 1) Opt-out Rates and Causes Audit; and 2) USBE Policies and Procedures Audit.

Motion carried unanimously.

### **Finance Committee Report**

Committee Chair Laura Belnap reported on the following items from the June 9, 2020 committee meeting. [Information on items not reported will be included in the exhibits to the Board meeting minutes.]

### Charter School Revolving Loans

The Utah State Charter School Board approved requested charter school revolving loans in its May 2020 meeting. Charter revolving loans are administered according to Utah Code 53F-9-203 and Board rule R277-480.

**MOTION** from Committee that the Board approve revolving loans for: Advantage Arts Academy--\$63,000; Franklin Discovery Academy--\$273,858; John Hancock Charter School--\$39,000; Monticello Academy--\$300,000; and Wallace Stegner Academy--\$299,976.

Motion carried unanimously.

#### Final Action on State Special Education Amount Owed by the American International School of Utah (AISU)

Committee Chair Belnap reported that no recommendation on this item was forwarded from Committee. She reported that at a meeting with State Finance it was clarified that writing off the remaining balance is not an option. It has been requested that the State Charter School Board come back with recommendations on how the money owed will be paid back.

#### **Law and Licensing Committee Report**

Committee Chair Carol Lear reported on the following items from the June 9, 2020 committee meeting. [Information on items not reported will be included in the exhibits to the Board meeting minutes.]

#### Utah State University New Authorizing Processes

The Utah State University (USU) Board of Trustees is seeking to become a charter school authorizer and to begin accepting applications for new charter schools to start operation for the school year 2022-2023. Staff from the USU School of the Future presented USU's charter school application process and remediation policy to the Committee.

**MOTION** from Committee that the Board: 1) approve the Utah State University authorization process for approving new charter school applications.

Motion carried unanimously.

**MOTION** from Committee that the Board approve the Utah State University charter remediation process.

Member Lear noted that more discussion will be held about this process in the July 10 committee meeting.

Motion carried unanimously.

R277-602 Carson Smith Scholarships Funding and Procedures

The Committee reviewed R277-602 in accordance with the five-year rule review requirement and continued and approved Draft 1 of the rule on first reading.

**MOTION** from Committee that the Board continue and approve R477-602 *Carson Smith Scholarships Funding and Procedures*, Draft 1, on second and final reading.

Members Davis and Lear informed the Board that they voted against the amendments in committee because they felt an earlier deadline than that given in the rule was more appropriate.

Motion failed, with Members Belnap, Boulter, Cummins, Earl, Newell and Thorpe in favor, and Members Cannon, Davis, Graviet, Hansen, Haynes, Lear and Marsh opposed.

**MOTION** was made by Member Lear and seconded that the Board continue R277-602 on second and final reading.

Motion carried unanimously.

R277-100 Definitions for Utah State Board of Education Rules

The Committee reviewed R277-100 in accordance with the five-year rule review requirement and proposed amendments in Draft 2. The Committee approved continuation only on first reading.

**MOTION** from Committee that the Board continue R277-100 *Definitions for Utah State Board of Education Rules* on second and final reading.

Motion carried unanimously.

R277-418 Distance, Blended, Online, or Competency Based Learning Program



R277-418 was reviewed in accordance with the five-year rule review requirement and recommended for repeal as the areas governed by this rule are included in other Board rules. The Committee approved repeal on first reading.

**MOTION** from Committee that the Board repeal R277-418 *Distance, Blended, Online, or Competency Based Learning Program* on second and final reading.

Motion carried unanimously.

R277-488 Dual Language Immersion Program

The Committee reviewed amendments to R277-488 to update the application process and change the deadline for submission of an annual report to USBE. The Committee approved Draft 1 of the rule on first reading.

**MOTION** from Committee that the Board approve R277-488 *Dual Language Immersion Program*, Draft 1, on second and final reading.

Motion carried unanimously.

R277-310 International Guest Teachers

New rule R277-310 governs the International Guest Teacher Program and brings the rule into conformance with the new licensing structure. The Committee approved Draft 1 of the rule on first reading.

**MOTION** from Committee that the Board approve R277-310 *International Guest Teachers*, Draft 1, on second and final reading.

Motion carried unanimously.

R277-527 International Guest Teachers

Upon the approval of new rule R277-310, R277-527 is no longer necessary. The Committee approved repeal of R277-527 on first reading.

**MOTION** from Committee that the Board repeal R277-527 *International Guest Teachers* on second and final reading.

Motion carried unanimously; Member Boulter absent.

## **Standards and Assessment Committee**

Committee Chair Jennifer Gravier reported on the following items from the June 9, 2020 committee meeting. [Information on items not reported will be included in the exhibits to the Board meeting minutes.]

### Standards Revision Process

Proposed amendments to the Board's Standards Revision Process that provide technical changes and clarifications were reviewed by the Committee. The Committee made additional changes and approved Draft 1, as amended.

**MOTION** from Committee that the Board approve the Standards Revision Process, Draft 3.

Motion carried; Member Boulter absent.

### R277-912 Law Enforcement Related Incident Reporting

The Committee reviewed amendments to R277-912 made as a result of S.B. 166 Student Data Privacy Amendments passed in the 2020 legislative session. The Committee made additional changes and approved Draft 1, as amended, on first reading.

**MOTION** from Committee that the Board approve R277-912 *Law Enforcement Related Incident Reporting*, Draft 2, on second and final reading.

Motion carried unanimously; Member Boulter absent.

### R277-723 Start Smart Utah Program

The Committee reviewed new rule R277-723, Draft 2, created as a result of H.B. 222 Start Smart Utah Breakfast Program passed in the 2020 legislative session. The rule addresses waivers from the requirement of serving alternative breakfast models. The Committee made additional changes and approved Draft 2, as amended, on first reading.

**MOTION** from Committee that the Board approve R277-723 *Start Smart Utah Program*, Draft 3, on second and final reading.

Motion carried unanimously; Member Boulter absent.

#### School Counselor to Student Ratios

Staff presented information to the Committee concerning counselor to student ratios for LEAs that have approved school counseling programs for which they receive funding. The Committee reviewed required plans submitted by LEAs not meeting the recommended school counselor to student ratio as to how they will meet the ratio.

**MOTION** from Committee that the Board approve plans for the 2020-2021 school year submitted by Davis and Iron School Districts who are out of compliance with the 1:350 school counselor to student ratios.

Motion carried; Member Boulter absent.

#### R277-622 School-based Mental Health Qualified Grant Program

The Committee reviewed amendments to R277-622 that reflect the changes made to its authorizing law by H.B. 323 Mental Health Amendments (2020 legislative session). The Committee approved Draft 1 of the rule on first reading.

**MOTION** from Committee that the Board approve R277-622 *School-based Mental Health Qualified Grant Program*, Draft 1, on second and final reading.

Motion carried unanimously; Member Boulter absent.

#### Competency-based Endorsement Design Process

Staff presented to the Committee a proposed process to establish the content knowledge competency requirements for associate and professional endorsements. The Committee reviewed Draft 1 of the process and made additional changes.

**MOTION** from Committee that the Board approve the Competency-based Endorsement Design Process, Draft 2.

Motion carried, with Member Earl opposed; Member Boulter absent.

#### R277-606 Dropout Prevention and Recovery Program

The Committee reviewed amendments to R277-606 made as a result of H.B. 376 Dropout Prevention Amendments passed in the 2020 legislative session. The Committee approved and continued Draft 1 of the rule on first reading.

**MOTION** from Committee that the Board approve and continue R277-606 *Dropout Prevention and Recovery Program*, Draft 1, on second and final reading.

Motion carried, with Member Belnap opposed.

R277-707 Enhancement for Accelerated Students Program

R277-707 is amended as a result of S.B. 151 Accelerated Student Program Amendments (2020 legislative session) that splits the Gifted and Talented Program from the Advanced Placement/International Baccalaureate Program. The Committee reviewed Draft 1 of the rule and made additional changes. The Committee approved and continued Draft 1, as amended, on first reading.

**MOTION** from Committee that the Board approve and continue R277-707 *Enhancement for Accelerated Students Program*, Draft 2, on second and final reading.

Motion carried unanimously.

R277-701 Early College Programs

New rule R277-701 was created to address changes to the Gifted and Talented Program and the Advanced Placement/International Baccalaureate Program made in S.B. 151 Accelerated Student Program Amendments (2020 legislative session). The Committee reviewed Draft 1 of the rule and made additional changes. The Committee approved Draft 1, as amended on first reading.

**MOTION** from Committee that the Board approve R277-701 *Early College Programs*, Draft 2, on second and final reading.

**MOTION** to amend was made by Member Graviet to replace Draft 2 with Draft 3.

Motion to amend carried unanimously; Member Lear absent.

Motion, as amended, carried unanimously.



R277-713 Concurrent Enrollment of Students in College Courses

R277-713 was recommended for repeal because it is being merged with new rule R277-701. The Committee approved repeal of the rule on first reading.

**MOTION** from Committee that the Board repeal R277-713 *Concurrent Enrollment of Students in College Courses* on second and final reading.

Motion unanimously.

**Rules Impacted by Budget Reductions**

Deputy Superintendent Angie Stallings informed that during its June 18, 2020 Special Session, the legislature reduced or eliminated funding for certain education programs. The legislature kept the programs in law but added the wording, “subject to appropriations” for those programs.

**MOTION** was made by Member Marsh and seconded that the Board authorize staff to amend Board rules for programs impacted by recent legislative budget cuts by adding the phrase, “subject to appropriations,” throughout the impacted rules and authorize staff to then file the updated rules with the Office of Administrative Rules.

Motion carried unanimously.

Deputy Superintendent Stallings indicated that the Board will be informed when rules have been changed accordingly through an information item on its monthly consent calendar.

**Executive Session**

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

Upon voice vote of Members Belnap, Boulter, Cannon, Cummins, Davis, Earl, Graviet, Hansen, Haynes, Lear, Marsh, Newell and Thorpe, the Board went into closed executive session at 1:11 p.m.

Those present included the Board members above and Sydnee Dickson, Patty Norman, Scott Jones, Bryan Quesenberry, Michelle Beus, Jeff Van Hulten, Lorraine Austin and Ben Rasmussen.

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

Motion carried; Members Davis and Thorpe absent. The Board reconvened in open meeting at 2:59 p.m.

### **Action on Educator Licenses**

**MOTION** was made by Member Belnap and seconded that the Board accept the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 19-1618 to suspend the individual's Level 2 Secondary Education license for not less than three years from the date of Board action pursuant to the Consent to Discipline.

Motion carried unanimously.

**MOTION** was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case 19-1658 to suspend the individual's Level 2 Special Education license for not less than six months from the date of Board action pursuant to the Consent to Discipline.

Motion carried unanimously.

**MOTION** was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 20-1735 to issue a reprimand on the individual's Level 2 Secondary and Special Education license to be in place until at least March 13, 2022.

Motion carried unanimously.

**MOTION** was made by Member Belnap and seconded that in UPPAC Case No. 20-EH8 the Board adopt the Remand Order.

Motion carried, with Member Belnap opposed.

**MOTION** was made by Member Belnap and seconded that the Board accept the UPPAC Consent Calendar.

Motion carried unanimously.

### **USDB Advisory Council Appointments**

**MOTION** was made by Member Belnap and seconded that the Board reappoint the following individuals to the Utah Schools for the Deaf and the Blind Advisory Council for two-year terms ending June 30, 2022: Karen Harrop, representing individuals with interest in or knowledge of blind, deaf and deafblind; Philippe Montalette, representing individuals who are deaf or hard-of-hearing; Sterling Hilton, representing individuals who are deafblind or parent of a deafblind child; and Sundie Goulding, representing deafblind teachers.

Motion carried unanimously.

### **ACEESS Appointments**

**MOTION** was made by Member Belnap and seconded that the Board reappoint the following individuals to its Advisory Committee on Equity of Educational Services for Students (ACEESS) for two-year terms ending June 30, 2022: Kalina Potts as an at-large representative; Amadou Niang, representing African Americans/Blacks; John Arthur, representing Asian Americans; and Brian Yazzie, representing American Indians.

Motion carried unanimously.

### **Board Member Comments**

Board members discussed beginning to hold in-person meetings again. Several members strongly expressed that the Board needs to show leadership and support to schools by holding themselves to the standards expected of schools.

### **Adjournment**

The meeting adjourned at 3:11 p.m.

[For additional information on items from the meeting, see General Exhibit No. 20-19.]

Lorraine Austin, Board Secretary  
Minutes approved August 6, 2020