

## UTAH STATE BOARD OF EDUCATION MEETING MINUTES

April 2, 2020

A special meeting of the Utah State Board of Education was held April 2, 2020. Due to the COVID-19 pandemic, the meeting was held via teleconference. The meeting was streamed live to the public. Chair Mark Huntsman presided.

### Members Present:

Chair Mark Huntsman  
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:

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:

Michelle Beus, Bryan Quesenberry—Assistant Attorneys General; Darin Nielsen, Sarah Young, Melissa Cano, Jerry Record, Alex Farah—USBE staff

### Opening Business

Chair Mark Huntsman called the meeting to order at 1:00 p.m.

### Capstone Academy Appeal

Assistant Attorney General Bryan Quesenberry reviewed that earlier this year the State Charter School Board made a decision to terminate the charter of Capstone Classical Academy.

That decision was appealed to the State Board of Education, and on February 25, 2020 a panel of State Board members heard the appeal. A hearing panel report with a recommendation from the panel was presented to the Board in its March 19, 2020 meeting. The Board postponed action due to a question concerning factual information that the panel received during the hearing. The hearing panel reconvened, with the hearing officer, to review the evidence presented at the hearing, and an addendum to the hearing report was prepared.

AAG Quesenberry cautioned Board members that since the Board is acting in a quasi-judicial capacity for this decision, the evidence considered should be limited to that on record.

**MOTION** was made by Member Marsh and seconded that the Board accept the recommendation of the hearing panel and uphold the State Charter School Board's decision to terminate the charter of Capstone Classical Academy effective at the end of the 2019-2020 school year.

Motion carried unanimously.

### **Superintendent's Report**

Superintendent Sydnee Dickson provided an update about the continuation of education during this soft closure of schools. She reported that staff is heavily engaged in answering questions from local education agencies (LEAs) and providing financial information. Staff is also looking to the future and what guidance will be needed from the Board. A survey has been sent to LEAs and information is being collected about their needs. She indicated the Board will receive more information from the survey in future meetings.

Superintendent Dickson reported that for the most part, education seems to be going well. She expressed that she is overwhelmed by how great teachers, administrators and support staff are doing under the circumstances.

Dr. Dickson also reported that the Governor will be receiving federal money that can be used for K-12 public education; as more details are received, staff will come to the Board for policy decisions as necessary. Deputy Superintendent Scott Jones elaborated on the federal funding, indicating that from the information he has received, the federal money will be intended to cover losses that occurred due to the pandemic.

## Waivers from Board Rule

Deputy Superintendent Angie Stallings reviewed Board rules that have been identified by staff as currently needing waivers.

**MOTION** was made by Member Belnap and seconded that in light of the national and state declarations of state of emergency due to the COVID-19 pandemic, and in addition to the waivers approved by the Board on March 19, 2020, the State Board of Education:

- 1) grants to local education agencies (LEAs) a statewide waiver of the employee evaluation requirements of R277-531 and R277-533, including the requirement for an educator or administrator to have a certain number of observations or a summative rating for the 2019-20 school year;
- 2) grants teacher candidates a waiver of the minimum clock hour requirements for university students currently enrolled in a board-approved educator preparation licensure program in Section R277-504-3;
- 3) grants teacher candidates a waiver for receiving a C or better in all education-related courses and major-required content courses for university students currently enrolled in a board-approved educator preparation licensure program and expecting to complete fieldwork/clinical experience requirements for courses or experiences between January 1, 2020 and before June 30, 2020 in Section R277-504-3, as long as the teacher candidate receives at least a passing grade in the applicable course.
- 4) grants to educational leadership candidates currently enrolled in a board-approved educational leadership preparation program and expecting to complete educational leadership requirements on or before June 30, 2020, a waiver of minimum clock hour requirements for educational leaders in Section R277-505-5;
- 5) grants to School Psychologist, School Social Worker, School Counselor, Audiologist, Speech-Language Pathologist, and Speech-Language Technician candidates a waiver of the minimum clock hour requirements in R277-506 for candidates completing applicable requirements between January 1, 2020 and before June 30, 2020;
- 6) grants a waiver for university students currently enrolled in a board-approved licensure program and expecting to complete fieldwork/clinical experience requirements on or before June 30, 2020 in R277-506; and
- 7) for educators whose licenses are required to be renewed by June 30, 2020, extends the June 30 deadline in Section R277-500-4 to October 31, 2020 to allow educators more time to renew their licenses.

Motion carried unanimously.

### **Requests for Statutory Changes**

Deputy Superintendent Stallings reported that after the Board waived the rules concerning statewide assessments in its last meeting, legislative staff requested a list of exemptions needed for those assessments in state code. Superintendent Stallings reviewed the sections that staff have identified and reported that the legislature will consider amending those sections, or possibly giving a blanket waiver, during a special session.

Superintendent Stallings also reviewed other statutes, including financial requirements, that staff have identified that may need amendment due to current circumstances.

**MOTION** was made by Member Belnap and seconded that due to the national and state declarations of state of emergency due to the COVID-19 pandemic, staff work with the Legislature on potential amendments to Utah Code to be addressed in a special session, including provisions related to the following:

- 1) LEA budget deadlines in Sections 53G-7-302 and 53G-7-303;
- 2) funding distribution formula changes related to average daily membership (ADM) calculations;
- 3) notification and public hearing deadlines and requirements related to an LEA imposing property taxes; and
- 4) educator evaluation requirements;

**MOTION to amend** was made by Member Lear and seconded to add:

“5) deadlines for the Board to file administrative rules as described in Section 63G-3-301(14).”

Motion to amend carried unanimously.

Motion, as amended, carried unanimously.

### **Civics Test Requirement**

Deputy Superintendent Patty Norman provided information that passage of the basic civics test required in statute for high school graduation was not waived by the Board with the other statewide assessments. She indicated the test does not meet that definition of statewide assessment because it is not included in the statutory definition of a statewide assessment nor in R277-404. Also, the basic civics test doesn't require active proctoring.

Superintendent Norman further reported that each LEA tracks this requirement and verifies the student has taken the test, and that no student has failed to graduate because the student didn't complete this requirement.

Some Board members expressed concern that with the school closures certain students may not have access to the test. Others felt that since access is available in a variety of ways, the test would be accessible to all.

**MOTION** was made by Member Belnap and seconded that staff work with the Legislature to amend Section 53E-4-205 to allow the Board to grant a student a waiver, in mitigating circumstances where a senior or the senior's LEA has demonstrated the student's inability to access the basic civics test, from the requirement in Section 53E-4-205 for a student to pass a basic civics test before receiving a high school diploma.

**MOTION to amend** was made by Member Davis and seconded to add to the end of the motion: ". . . for students graduating between January 1, 2020 and September 30, 2020."

Motion to amend carried.

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

### **School Turnaround Exit Status**

Assistant Superintendent Darin Neilsen reviewed the exit requirements for the seven schools in cohort 1 and cohort 2 under the School Turnaround Program that can't currently be met due to the suspension of statewide testing.

**MOTION** was made by Member Davis and seconded that as a result of the suspension of the requirement to administer state assessments in 2019-2020, the Board waive the exit criteria requirements of R277-920 and approve that schools identified for turnaround status in cohort 1 that were granted an extension and schools identified in cohort 2 that are scheduled to be considered for exit at the conclusion of this school year, use the following criteria and process to determine their status.

The State Review Panel would review each school's data and make a recommendation to the Board. The guiding questions in this review will be:

1. Did the school achieve above the lowest three percent threshold using the 2018-2019 school accountability data/measures?
2. Can the school provide evidence of substantial progress and growth in addition to the data in the accountability system?
3. Does the school have qualitative and/or quantitative data from the implementation of its School Turnaround Plan that also demonstrates substantial improvement?

Motion carried unanimously.

### **Board Chair's Report**

Chair Huntsman recognized all involved in public education and lauded them as heroes.

### **Adjournment**

The meeting adjourned at 3:04 p.m.

[For additional information on items from the meeting, see General Exhibit No. 20-09.]

Lorraine Austin, Board Secretary  
Minutes approved April 16, 2020