

**UTAH STATE BOARD OF EDUCATION/UTAH SCHOOLS
FOR THE DEAF AND THE BLIND GOVERNING BOARD
MEETING MINUTES**

January 6, 2021

A regular meeting of the Utah State Board of Education/USDB Governing Board was held January 6, 2021. The meeting was held electronically due to the COVID-19 pandemic. The meeting was streamed live to the public. Chair Mark Huntsman presided.

Members Present:

Chair Mark Huntsman
First Vice Chair Laura Belnap
Second Vice Chair Cindy Davis
Member Randy Boothe
Member Janet A. Cannon
Member Natalie Cline
Member Jennie Earl

Member Scott L. Hansen
Member Molly Hart
Member Matt Hymas
Member Carol Barlow Lear
Member James Moss Jr.
Member Kristan Norton
Member Brent J. Strate

Executive Staff Present:

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

Minutes taken by:

Lorraine Austin, Board Secretary

Others Present:

Joel Coleman, Carl Empey, Susan Patten, Michelle Tanner—USDB staff; Michelle Beus, Bryan Quesenberry—Assistant Attorneys General; Nune Phillips—DWS Office of Child Care; April Gardner; Emma Moench; Lexi Cunningham—Utah Schools Superintendents Association; Shawn Newell, Brittney Cummins, Jennifer Gravier, Laurieann Thorpe—former USBE members; Martin Bates—Granite School District; Rozanna Benally-Sagg, John Arthur—Advisory Committee on Equity of Educational Services for Students; Kevin Gerard; Sherilyn Fuhriman; Amanda McPeck; Representative Dan Johnson; Jerry Record, Alex Farah, Christelle Estrada, Darin Nielsen, Jill Curry, Jeff Van Hulten, Aaron Brough, Rebecca Donaldson, Leah Voorhies, Becky Peters, Alan Griffin, Ben Rasmussen, Dana Archuleta, Jennifer Thronsen, Kathy Helgesen, Sarah Young, Whitney Phillips, Zachary Christensen, Patrick Lee, Michelle Watts, Ann-Michelle Neal, Deborah Jacobson, Lauralee Gillespie, Cory Kanth, Russell Stevenson, Sherilyn Fuhriman, Jared Felt, Robert Austin, Dale Frost, Debbie Davis, Cathy Jensen, Audra Urie, Tamara Burnside, Tiffany Stanley—USBE staff

Opening Business

Chair Mark Huntsman called the meeting to order at 9:06 a.m. He read the following statement: “As authorized by Utah Code 52-4, this meeting is being held electronically without an anchor location to reduce the risk to health and safety from COVID-19 by limiting the frequency of in-person meetings.”

Swearing in of Board Members

Chair Huntsman administered the Oath of Office to the individuals elected to the Board in the November elections: Matt Hymas—District 3; Brent J. Strate—District 4; Carol Barlow Lear—District 7; Janet A. Cannon—District 8; Molly Hart—District 10; Natalie Cline—District 11; James Moss Jr.—District 12; Randy Boothe—District 13; and Kristan Norton—District 15.

Recognition of Outgoing Member

Chair Huntsman gave recognition to former Board Vice Chair Brittney Cummins, who left the Board to become the Governor’s education advisor.

Board Member Message

Vice Chair Laura Belnap welcomed the Board and made the presentation, “A Second Look.” She encouraged Board members to look at items differently and treat people with kindness and civility.

Employee Recognition

H.R. Director Michelle Watts introduced new USBE hires in November and December: Julie Clark, Racheal Routt, Elna Shelley, Austin Wahl, Sydney Tesch, Janice Whatcott, and Kendra Muir.

State Superintendent Sydnee Dickson acknowledged the January Employee of the Month, Becky Peters.

Education Highlight

USBE Educational Specialist in Title III federal programs, Christelle Estrada, provided information about awards given to high schools that close the opportunity gap. Martin Bates, Granite School District Superintendent, spoke about the importance of the awards.

Public Comment

Jennifer Graviet, Jr. High English teacher and former State Board member – urged the Board to vote in favor of the resolution against racism and in support of equity coming to the Board today, which aligns with the Board’s mission and aligns with real students. She implored the Board to amend the resolution by adding a “be it resolved” section that recommends that all Utah schools begin a reflection and internal examination of their own policies and practices. She also asked that the Board include a “be it resolved” section that directs USBE staff to provide support to districts and charters for this reflection and examination.

Laurieann Thorpe, former State Board member – encouraged the Board to adopt the resolution on equity and spoke in support of Ms. Graviet’s recommendations for bolstering the resolution as far as what schools can do to focus on denouncing racism and embracing equity.

Shawn Newell, former State Board member – added his support for the equity resolution. He read a statement concerning the importance of educational institutions understanding equity and first being willing to understand what, where and how inequities in a system exist. He charged Board members with being leaders of change, not being afraid to face the fear of change, and being brave and resilient by being willing to do the hard work and the uncomfortable work of being leaders.

John Arthur, 2021 Teacher of the Year and member of the USBE Advisory Committee on Equity of Educational Services for Students (ACEESS) – related an incident of racism at his school and voiced that anti-racist policies, practices and actions are what students need in school. He urged the Board to include a statement in the equity resolution promoting anti-racist practices in Utah schools.

Heidi Matthews, Utah Education Association – expressed that UEA celebrates its continued commitment with the Board, particularly in celebration of what occurred in the base budget in terms of education funding. She indicated UEA is committed to working throughout

the legislative session for the health and safety of all educators in schools. She expressed hope that the Board will join with UEA to request that bills for public education be limited, and unless educators are asking for something, it should not be done this year.

Russell Stevenson – advocated for the proposed Resolution Denouncing Racism and Embracing Equity in Utah Schools to reflect and represent Utah state standards for social studies education more fully. He stated that specifically much of the language of the resolution does not directly engage the experience of minoritized peoples, and the language urges people to ignore some of the realities of racial history in the United States. He asked for a resolution that more directly targets the teaching of these experiences. He also requested that the ACEESS committee provide a monthly verbal report in Board meeting.

Rozanna Benally-Sagg, ACEESS Chair – expressed appreciation for the comments concerning the resolution before the Board today and recognized the exceptional members of the Board’s Advisory Committee on Equity of Educational Services for Students. She voiced that creating a solid resolution shows how we want students to feel included and valued and make a safe and brave space for all students in Utah. She stated that to eliminate racism, the existence of racism must first be acknowledged; in looking at the definition of racism, the resolution is not to call out people, but to call out people’s behavior. She reported that the ACEESS committee wants to make sure the term “anti-racism” is included in the resolution and recognizes the hard work of the Board in addressing ACEESS’s recommendations.

Utah Schools for the Deaf and the Blind

USDB Monthly Budget Update

USDB Finance Director Carl Empey provided the budget update and gave an overview of the reports provided.

Salt Lake Campus Space Issues

Superintendent Joel Coleman explained that many students using USDB services are coming back to the USDB campus, and there is a need to look at expanding the space of the Jean Massieu School. He reported that there are donated funds that can be used to purchase land for expansion until such time as funds are appropriated by the Legislature.

USDB Superintendent's Report

Superintendent Coleman reported on the USDB's annual budgeting process.

USDB Executive Session

MOTION was made by Member Cannon and seconded that the Board go into executive session for the purpose of discussing the purchase, exchange, or lease of real property.

Upon voice vote of all Members, the Board went into closed session at 10:43 a.m.

Those present included the Members above, and Joel Coleman, Patty Norman, Sydnee Dickson, Michelle Beus, Bryan Quesenberry, Scott Jones, and Lorraine Austin.

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

Motion carried. The Board reconvened in open meeting at 11:22 a.m.

State Superintendent's Report

Superintendent Dickson provided an update on COVID-19 issues for schools and mitigation efforts through testing. She also addressed academic learning and reported on data that is currently available and data that will be collected to gauge learning disruption.

Jennifer Thronsen, USBE Director of Teaching and Learning, reported on data gleaned from pre-K assessments and indicated there is a substantial difference from the past year in school readiness in students with disabilities and low-income students. Data from K-3 testing shows learning loss of about 15 percent from last year, and up to 50 percent in first grade. Dr. Dickson reported that as more data comes in from local education agencies, it will be shared with the Board.

The Superintendent also reported on the possibility of significant one-time funds from the legislature that will assist LEAs in addressing learning disruption.

General Consent Calendar

Member Earl requested that item 5.2, Contracts for Approval, be pulled. Member Cline requested that item 5.3, Data Sharing Agreement Request, be pulled.

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

Motion carried unanimously.

Consent Calendar

5.1 Approval of Meeting Minutes

The Board approved the minutes of its December 3 and December 8, 2020 meetings.

5.2 Contracts/Agreements for Approval

This item was pulled for further discussion.

5.3 Data Sharing Agreement Request

This item was pulled for further discussion.

5.4 Fall 2020 Instructional Materials Review

The Board approved the work of the Instructional Materials Commission and review committees in the fall 2020 instructional materials review so that the contractual obligations with publishers may be made and the reviews published on the USBE website.

5.5 Contracts/Agreements for Review

Contracts and agreements under \$100,000 were provided for Board information.

5.2 Contracts/Agreements

Member Earl spoke concerning the contract with Panorama Education, Inc. and observed that the screening tool the Board passed is not listed in the contract and the contract is an expansion of mental health screening and data gathering.

MOTION was made by Member Lear and seconded that the Board approve the contracts/agreements over \$100,000 as presented.

Motion carried, with Members Cline, Earl and Hymas opposed.

5.3 Data Sharing Agreement

Member Cline voiced a concern that with the delineation in the MOU of responsible parties, it might be difficult for a parent to receive an answer to a question. She also questioned if parents signing up with private childcare programs are aware of the data collection that will be done on their children and asked if there is a parent consent form.

Nune Phillips, Assistant Director in the Division of Workforce Services Office of Child Care, responded that parents are informed when they enroll in a private or Head Start program that is receiving a School Readiness grant that the Preschool Entry and Exit Profile (PEEP) will be administered. She informed that parents could opt out of the process. She also responded that DWS could make available to the Board the form that parents receive as part of the onboarding process.

The item was postponed to the next meeting so more information could be provided.

Monthly Budget Report

Deputy Superintendent Scott Jones provided the monthly budget report and attested that the Board is fiscally sound within its internal budget, with one caveat. He reported that enrollment requests for private and home school students to participate in the Student Online Education Program (SOEP) have exceeded the budget appropriated for that program. Deputy Jones advised that the Board would need to engage with the Legislature to look at opportunities for increasing the funding to accommodate these enrollments.

Sarah Young, Director of Strategic Initiatives, provided an update on Coronavirus Aid, Relief, and Economic Security (CARES) Act funding.

Deputy Superintendent Jones provided information on the Discretionary Fund.

Discussion with Legislator

Representative Dan Johnson was welcomed to the meeting. He spoke to the Board about legislation passed last year—H.B. 334 Civics Education Amendments—and indicated that he is working with several agencies across the state on the idea of civics education. He also reported that due to the COVID-19 pandemic, funding for the bill was pulled.

Reallocation of Federal Mineral Lease Money

In its November meeting, the Board approved the addition of a full-time, temporary USBE director (Equity) position. The estimated yearly cost of the position was discussed by the Board as \$180,000; however, the motion passed by the Board was worded such that the remaining balance of the Federal Mineral Lease (FML) funds (\$234,155.55) within the Discretionary Fund was allocated.

MOTION was made by Member Hansen and seconded that \$54,155.55 of Federal Mineral Lease funds in excess of position requirements be returned to the discretionary account for future allocation by the Board.

Motion carried unanimously.

2021 Legislative Session Preparation

2021 Legislative Session Funding Priorities

Deputy Superintendent Jones reviewed the process whereby the Board makes funding requests to the Legislature in accordance with the Budgetary Procedures Act.

Dale Frost, USBE Fiscal Policy Analyst, provided an update from the last Executive Appropriations Committee meeting and reviewed the recommendations for funding that the Board has already made. He indicated that the opportunities for funding increases are mostly in the one-time space. Mr. Frost presented staff recommendations for two requests for one-time appropriations.

MOTION was made by Member Davis and seconded that the Board replace the business case titled, "Reengaging Learners who are Disconnected," for \$5 million one-time with the business case titled, "Immediate Response to Learning Losses Created by the COVID-19 Pandemic," for \$60 million one-time.

Motion carried unanimously.

MOTION was made by Member Davis and seconded that the Board prioritize \$4 million ongoing to fund the LEA Financial Information Systems program (2020 HB 67) as Board priority #7.

Motion carried unanimously.

MOTION was made by Member Belnap and seconded that the Board prioritize \$200 million one-time for FY22 for student proficiency supports as Board priority #8.

Motion carried unanimously.

Requests for Statutory Changes

Deputy Superintendent Angie Stallings reviewed staff recommendations for changes to Utah Code.

MOTION was made by Member Belnap and seconded that the Board move forward with legislative proposals 1, 2 and 3, as presented.

Motion carried unanimously.

Finance Committee Report/Recommendations

Vice Chair Laura Belnap reported on the following items from the December 4, 2020 meeting. [Information on items not reported will be included in the exhibits to the Board meeting minutes.]

POPS Carryforward Recommendation

The Committee received information from staff concerning carryforward funds that are available for distribution to Professional Outreach Programs in the Schools (POPS) organizations.

MOTION from Committee that the Board approve the use of the Professional Outreach Programs in the Schools (POPS) carryforward funds as recommended.

Motion carried unanimously.

R277-752 Special Education Intensive Services Fund

The Committee reviewed amendments to R277-752 to update the distribution formula for federal special education funds held in the Intensive Services Fund and passed Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve R277-752 *Special Education Intensive Services Fund*, Draft 1, on second and final reading.

Motion carried unanimously.

Law and Licensing Committee Report/Recommendations

Committee Chair Carol Lear reported on the following items from the December 4, 2020 meeting. [Information on items not reported will be included in the exhibits to the Board meeting minutes.]

Snow College Charter School Authorization Process Approval

Member Lear noted that Snow College has pulled this request.

R277-303 Educator Preparation Programs

The Committee reviewed amendments to the rule to clarify that participants in educator preparation programs must take a pedagogical assessment as a condition of the program receiving approval from the Superintendent, and approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve R277-303 *Educator Preparation Programs*, Draft 1, on second and final reading.

Motion carried unanimously.

Board Policy 4002 Utah Schools for the Deaf and the Blind Advisory Council

Board Policy 4002 was created due to the pending sunset of the USDB Advisory Council from Utah Code in July 2021.

MOTION from Committee that the Board approve Board Policy 4002, Utah Schools for the Deaf and the Blind Advisory Council, Draft 1.

Motion carried unanimously.

R277-800 Utah Schools for the Deaf and the Blind

The Committee reviewed amendments to the rule to remove provisions on the USDB Advisory Council in anticipation of legislative action to sunset the Council. The Committee approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve R277-800 *Utah Schools for the Deaf and the Blind*, Draft 1, on second and final reading.

Motion carried unanimously.

Utah Schools for the Deaf and the Blind Advisory Council Bylaws

MOTION from Committee that the Board approve the Bylaws for the Utah Schools for the Deaf and the Blind Advisory Council, Draft 2.

Motion carried unanimously.

R277-926 Certification of Residential Treatment Center Special Education Program

The Committee reviewed amendments to the rule to incorporate requested changes by residential treatment centers and USBE staff to provide clarity regarding requirements for an RTC's special education program to be approved by the Board. The Committee approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve R277-926 *Certification of Residential Treatment Center Special Education Program*, Draft 1, on second and final reading.

Motion carried unanimously.

Standards and Assessment Committee Report/Recommendations

Committee Chair Scott Hansen reported on the following items from the December 4, 2020 meeting. [Information on items not reported will be included in the exhibits to the Board meeting minutes.]

School Accountability – Federal

Staff reviewed with the Committee an addendum and waiver to the Utah Consolidation Plan to help relieve schools from federal and state accountability determinations based on the 2020-2021 assessments.

MOTION from Committee that the Board approve the addendum and waiver requests to the Utah Consolidated Plan.

Motion carried unanimously.

ACEESS Recommendations for Consideration

During its November 2020 meeting, the Board accepted for consideration recommendations from its Advisory Committee on Equity of Educational Services for Students (ACEESS) in the memorandum: *Supporting Underrepresented, Historically Marginalized, and Underserved Students*. Recommendation #1 that “the USBE adopts a resolution denouncing racism and racial inequalities in our Utah schools” was considered by the Committee and several versions of a resolution were provided.

MOTION from Committee that the Board accept the Resolution Denouncing Racism and Embracing Equity in Utah Schools, Draft 2.

Motion carried unanimously.

Board Rule Waiver Requests

No waivers were presented. It was noted that a list of waiver requests for 2020 and 2021 was provided.

R277-726 Online Education Program

R277-726 Hearing Record

Hearing Officer Ben Rasmussen presented the record of the administrative rule hearing on R277-726 *Statewide Online Education Program* held December 22, 2020. Mr. Rasmussen stated that the hearing record was prepared in accordance with administrative rule.

A concern was voiced that the hearing record does not include specific comments by individuals. It was noted that a recording of the hearing is available.

MOTION was made by Member Hansen and seconded that the Board accept the R277-726 Hearing Record.

Motion carried, with Member Lear opposed.

Board Rule R277-726 *Statewide Online Education Program*

MOTION was made by Member Belnap and seconded that the Board direct staff to file a notice of effective date for R277-726 with the Office of Administrative Rules.

MOTION TO AMEND was made by Member Cannon and seconded to add that the Board direct staff to prepare a draft board policy establishing an online education advisory or other working group to be assigned to a Committee for consideration in February.

Member Cannon clarified that her intent is that the advisory group look at the recent amendments made to R277-726.

The amendment carried unanimously.

A Board member concern was expressed that 50 percent of the written comments for the hearing asked for a hold on the rule until the advisory group reviews it.

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

Executive Session

MOTION was made by Member Boothe and seconded 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.

Upon voice vote of all Members, the Board went into closed session at 4:40 p.m.

Those present included the Members above and Sydnee Dickson, Scott Jones, Patty Norman, Angie Stallings, Jeff Van Hulten, Lorraine Austin, Michelle Beus, Bryan Quesenberry, and Sarah Young.

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

Motion carried. The Board reconvened in open meeting at 7:04 p.m.

Executive Session Items

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.

19-1678 that the educator be issued a reprimand and a flag remain on the educator's professional license for not less than two years from August 15, 2019.

Motion carried unanimously.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 19-1690 to suspend the educator's Student Education license for not less than one year from Board action, consistent with the terms of 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. 19-1721 to suspend the educator's professional license for not less than one year from June 30, 2020.

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.

Computer Science Advisory Committee Appointments

MOTION was made by Member Belnap and seconded that the Board appoint the following individuals to its Computer Science Advisory Committee: Erin Casale, representing industry; Joy Bechenbach, representing charters schools.

Motion carried, with Member Cline opposed.

Digital Teaching and Learning Advisory Committee Appointment

MOTION was made by Member Belnap and seconded that the Board appoint Dawn McNeil to its Digital Teaching and Learning Advisory Committee representing charter schools.

Motion carried unanimously.

Board Audit Committee Appointments

MOTION was made by Member Hansen and seconded that the Board appoint the following Board members as members of its Audit Committee: Member Belnap (Chair), Member Davis (Vice Chair), and Members Cannon, Hart, and Strate.

Motion carried unanimously.

Board Chair's Report

Chair Huntsman thanked Board members for their willingness to accept their committee assignments. He voiced his commitment to making sure all board member votes matter and members can make a well-informed decision.

Board Member Comments

Member Hansen thanked all members, particularly the new Board members, for their work today. He mentioned that it is a sad for our country [in reference to the storming of the United States Capitol in Washington, D.C.].

Member Cannon shared her gratitude for a principal that was attentive to her granddaughter as she attended her first day of kindergarten in Utah today.

Member Davis reminded Board members of the Utah School Boards Association virtual conference beginning January 7.

Member Hymas expressed thanks to the former Board members that gave comment today and voiced his excitement to continue the work of the Board.

Adjournment

The meeting adjourned at 7:21 p.m.

[For additional information on items from the meeting, see General Exhibit No. 21-01.]

Lorraine Austin, Board Secretary
Minutes approved February 4, 2021