

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

August 6, 2020

A regular meeting of the Utah State Board of Education/USDB Governing Board was held August 6, 2020. The meeting was held electronically via videoconference due to the COVID-19 pandemic. 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 Scott B. Neilson  
Member Shawn E. Newell  
Member Laurieann Thorpe

**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:**

Jennifer Lambert—State Charter School Board staff; Kathleen Riebe; Bryan Quesenberry, Michelle Beus—Assistant Attorneys General; Lexi Cunningham—Utah School Boards/School Superintendents Associations; Suzy Blackham—USDB Education Association; Royce Van Tassell—Utah Association of Public Charter Schools; Michelle Tanner, Carl Empey—USDB; Caren Burns, Nevaeh Parker; Carsyn Bayard; Shasta Burton; Amy Barton; Margaret O’Neill; Jeff Van Hulten, Jerry Record, Alex Farah, Ben Rasmussen, Darin Nielsen, Deborah Jacobson, Cory Kanth, Naté Dearden, Neil Shakespear, Patrick Lee, Sara Wiebke, Steven Phelps, Tami Gear, Tanya Semerad, Thalea Longhurst, Whitney Phillips, Zac Christensen, Erica Horsley, Leah Voorhies, Jennifer Throndsen, Cathy Jensen, Melissa Mendenhall, Malia Hite, Sarah Young, Todd Call, Tiffany Stanley, David Sallay—USBE staff

## **Opening Business**

Chair Mark Huntsman called the meeting to order at 9:02 a.m.

### **Board Member Message**

Member Jennifer Gravier welcomed the Board and addressed that as part of the Board's mission statement, the Board will lead by creating equitable conditions for student success. She invited two students from her Honors English class last year to write something for the meeting.

Students Nevaeh Parker and Carsyn Bayard introduced themselves and shared a joint essay they wrote about racism. Member Gravier ended with an excerpt from a poem by Sherman Alexie.

### **Public Comment**

Shasta Burton – spoke to the fear that people are feeling right now, particularly as they prepare to send their children back to school. She expressed appreciation for the Board requiring district plans with flexibility but stated that, unfortunately, many districts have chosen to follow the bare minimum standards even though there are high percentage rates of cases in their communities. She asked the Board to demand safety in schools—particularly with social distancing.

Steve Phelps – expressed the need for clear metrics to guide safe decisions statewide to help inform school districts concerning their reopening plans. He reviewed issues with school reopening plans and equity, particularly for students participating online and those with disabilities. He called on the Board to create metrics to guide school opening based on expert advice and help rebuild the trust of educators. He also called on the Board to create policies ensuring equitable distance learning options that will meet the diverse needs of our students.

Suzy Blackham, USDB Education Association President – expressed the desire to foster productive relationships between USDB educators and the Board. She shared that currently USDB teacher morale is low. USDB teachers are the only educators in the state whose contract

numbers are the same as less year; in addition, teachers are fearing for their safety. They are the only all-special-education local education agency in the state and their safety protocols needs to reflect that.

Caren Burns, teacher – as a teacher she has spoken to parents who are extremely anxious about sending their children to school. Many parents are unable to keep their children at home and the online options are not good. She expressed that her district is treating its plan as if it is a rural area with no cases. She shared that teachers love their jobs and want to be in school but are feeling desperate because they cannot provide social distancing in their classrooms.

Amy Barton, teacher – reported that she has yet to see a district plan that truly addresses the crowded conditions in Utah classrooms and that addresses the seven characteristics [outlined in the Board’s Templates and Tools document.] She asked the Board to do something substantive to drive the plans and provide standards for when it is safe to be in school buildings.

Trevor Belnap, teacher in a Title I school – shared that staff in his school created a video showing how impossible it is to have social distancing in a classroom. This issue is a source of despair and fear. He voiced that teachers are by nature creative and are problem solvers, and have proposed ideas and hybrid models for schools, including extending the school year into the summer. This is an opportunity to choose something that will allow educators and communities to move forward.

Margaret O’Neill, teacher – stated that Utah’s many schools and districts need the Board to supervise their reopening plans and make sure they are in line with CDC guidelines. She indicated that most schools do not have the supplies they need, and some classrooms don’t have individual desks, but only tables. She asked the Board to provide funds to buy furniture and ensure that ventilation systems can function properly. She expressed concern over the high number of teachers that are high risk and questioned how substitutes will be provided. She asked that school not be reopened until they can do so safely.

Lexi Cunningham, Executive Director, Utah School Superintendents Association – expressed appreciation for the Board’s guidance provided to schools and districts in

preparation for reopening. She reported that schools and districts have been engaged and have developed plans that are unique and meet the needs of the local community. They realize there is more work to be done and that they need to be nimble with their plans. She respectfully asked that the Board to make no additional changes to its reopening plan requirements at this time.

Royce Van Tassell, Director, Utah Association of Public Charter School and chair of a charter school board – voiced that he has been impressed at how radically different the communities throughout the state are, and how the school reopening plans have been contingent on local circumstances. He acknowledged the real fears that are present and the challenges in opening. He urged the Board to trust the members of local boards and administrators of schools to work with their constituencies to solve problems at the local level.

Kathleen Riebe, mother and teacher – indicated she has asked her community to join with her in a school reopening goal—fifty percent capacity until a positivity rate of less than five percent is met. She stated that this benchmark is data driven and the goal provides both flexibility and local control; it will allow districts to meet the needs of all students in an equitable way and allow them to be flexible, nimble, and respond to the needs of their communities.

Meg Thunell, parent and community council member – asked the Board to set a standard across the state for reopening that will still allow local flexibility. She reported that the CDC, World Health Organization, and Harvard Global Health Institute all advocate for not reopening communities until the community spread is five percent or less for two consecutive weeks. Currently all the school districts in Salt Lake County are above the five percent positivity rate and Utah is at nearly ten percent. All five districts in her county have very different plans for reopening, which has created mass open enrollment chaos between the districts. She urged the Board to issue the guideline as stated above.

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

### USDB Superintendent's Report

Superintendent Joel Coleman reported on the following:

- USDB is not funded through formulas as other local education agencies are, therefore, USDB teacher increases were not funded for FY21. Superintendent Coleman has been working with the Legislative Fiscal Analyst's office and legislators and has received word that the legislature will be considering this issue. He has been reassured that it was an oversight.
- About a year ago there were several Board meetings where a group of parents expressed concerns about the use of American Sign Language (ASL) and Listening and Spoken Language (LSL) educational approaches. In addition, a series of complaints were filed with the state Special Education Section. Superintendent Coleman reported that all the complaints were thoroughly investigated by third parties and were found to be without merit. He assured that USDB staff are sensitive to the concerns and want to serve all students with equity and integrity.
- USDB employee orientation will be held on August 14 and the Opening Institute will be held on August 17.
- USDB is ready for reopening and has been working with the health department on the unique needs of the school. Most USDB classes are small enough that social distancing will be possible in the classrooms. Superintendent Coleman is looking into exceptions for students that need to see faces to permit distancing of six feet without masks.

### **State Superintendent's Report**

Superintendent Sydnee Dickson gave a presentation that addressed three crises educators are facing as they come back to school: The uncertainty of COVID-19; racial unrest and injustice; and economic loss of security. She reviewed the USBE response to these crises. She recognized Sarah Young, Director of Strategic Initiatives, and Zac Christensen, Purchasing Director, for their key roles in obtaining and distributing personal protective equipment (PPE) to LEAs. She reported that additional PPE for schools has been acquired through State Emergency Services. The Superintendent also discussed broadband needs, reported on various advisory groups with which she is working to provide feedback, and provided information about the Utah Department of Health's COVID-19 School Manual.

Dr. Dickson reported that she has organized a steering committee and work group in the office to look at eliminating implicit bias in the workplace and make sure employees aren't feeling marginalized.

### **General Consent Calendar**

At the request of Member Earl, item 5.8 Carryover of POPS Funding was pulled.

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

Motion carried; Members Neilson and Newell absent.

### **Consent Calendar**

#### 5.1 Approval of Meeting Minutes

The Board approved the minutes of its July 9 and July 23, 2020 meetings.

#### 5.2 Contracts/Agreements for Approval

The Board approved contracts/agreements over \$100,000 with the following entities: Applied Learning Technology Associates (ALTA); SHI International Corp.; Ellevation Inc.; Narrativo, LLC; and Benchmark Education Company LLC.

#### 5.3 External Data-Sharing Agreement Renewal

The Board renewed its data-sharing agreement with Natalie Palacio—University of Virginia, Natalie Bohlmann—Montana State University Billings, and Ross Larsen—Brigham Young University.

#### 5.4 Cohort 5 Digital Teaching and Learning Qualified Grant Plans

The Board accepted the recommendations of the Digital Teaching and Learning Advisory Committee to approve plans for the Digital Teaching and Learning Qualified Grant Program submitted by local education agencies (LEAs), as submitted.

5.5 Informal Science Education Enhancement (iSEE) Funding

The Board approved the FY21 funding for iSEE organizations as proposed.

5.6 Adoption of State Per Diem

The Board adopted the per diem rates established by the Director of the State Division of Finance for FY 21.

5.7 Professional Outreach Program in the Schools (POPS) Funding

The Board approved the POPS funding for FY 21, as proposed.

5.8 Distribution of Carryover Provisional POPS Funding

This item was removed for further discussion.

5.9 Beverley Taylor Sorenson (BTS) Foundation Grant

The Board authorized staff to apply for a BTS Foundation Grant in the amount of \$500,000 for the Beverley Taylor Sorenson Arts Learning Program.

5.10 Paraeducator to Teacher Scholarship Award Recipients

The Board was provided with information concerning the scholarship award recipients for FY 21.

5.11 Contracts/Agreements for Review

The Board was provided with information concerning contracts and agreements under \$100,000.

5.8 Carryover of POPS Funding

Clarification was provided that the POPS organizations continued to provide services last spring after the schools went into a soft closure.

**MOTION** was made by Member Earl and seconded that the Board approve the FY 21 carryover provisional POPS funding, as proposed.

Motion carried unanimously.

## **Monthly Budget Report**

Deputy Superintendent Scott Jones reported that the Board continues to be financially stable and able to meet all its commitments and obligations for the closure of FY 20. He also reported that there are balances remaining in the Discretionary Fund for use as allowable.

## **Use of Federal CARES Act Funds**

Deputy Superintendent Jones reviewed what the Board received from the federal Elementary and Secondary School Emergency Relief Fund (ESSER) provided through the CARES Act. There was an initial set aside of \$1,500,000 for personal protective equipment (PPE), which left a balance of \$3,926,458. Staff is requesting that within that balance the Board set aside \$1.5 million for continuation of PPE, \$600,000 for the cost of additional licensing of the early intervention software program, and \$1,400 for a facilitator to assist in conducting a school counselor training. Superintendent Jones also presented a request to use \$335,108.93 from the administrative set aside for an administrative secretary position to support Sarah Young.

Board member concerns were expressed about the amount being requested for the secretary position. It was explained that it is a time-limited position through December 2021 and is needed to provide support for the operational pieces of procurement and other responsibilities that have been added to Ms. Young's work as a result of the pandemic. It is not intended that the full amount would be used for one position, but the amount would allow flexibility to hire additional staff if needed.

**MOTION** was made by Member Belnap and seconded that the Board approve USBE staff requests for use of the reserve ESSER funds to support the development, implementation and reporting of CARES Act funding, and that the amount for an administrative position be amended from \$339,108.93 to \$160,000.

**MOTION TO AMEND** was made by Member Cummins and seconded to strike "and that the amount for an administrative position be amended from \$339,108.93 to \$160,000" from the motion.

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

Motion, as amended—that the Board approve USBE staff requests for use of the reserve ESSER funds to support the development, implementation and reporting of CARES Act funding—carried, with Member Hansen opposed.

### **Finance Committee Report/Recommendations**

Committee Chair Laura Belnap reported on the following items from the July 10, 2020 Committee meeting. [Information on items not reported will be included in the exhibits to the Board meeting minutes.]

#### R277-726 Statewide Online Education Program

Staff presented amendments to the Committee including changes related to assessments and how those assessment would be administered. The Committee approve Draft 3 of the rule on first reading.

**MOTION** from Committee that the Board approve *R277-726 Statewide Online Education Program*, Draft 3, on second and final reading.

**MOTION** was made by Member Belnap and seconded that the rule be referred back to the Finance Committee for further work.

Motion carried unanimously.

#### R277-419 Pupil Accounting

The Committee addressed concerns from local education agencies (LEAs) about the requirement in R277-419 for schools to be conducted for at least 990 hours over a minimum of 180 school days each year, given the reimagining of education during the current pandemic.

The Committee reviewed Draft 2 of the rule and made additional changes. The Committee passed Draft 2, as amended, on first reading. In its July 23 meeting, the Board approved R277-419, Draft 4, on final reading. However, in order for the rule to go into effect

immediately to assist LEAs in their school reopening plans, it is necessary to designate the rule as an emergency rule.

Member Belnap also reviewed a proposed amendment to add lines 612-619 included in a new Draft 5 of the rule.

**MOTION** was made by Member Belnap and seconded that the Board approve R277-419 *Pupil Accounting*, Draft 5, on final reading and request that staff file R277-419, Draft 5, with the Office of Administrative Rules as an emergency rule.

Motion carried unanimously.

#### FY 20 Out-of-State Tuition Reimbursement

**MOTION** from Committee that the Board approve out-of-state tuition reimbursements for Box Elder, Kane, and South Summit School Districts.

Motion carried; Member Lear abstained due to a conflict of interest.

#### **Law and Licensing Committee Report/Recommendations**

Committee Chair Carol Lear reported on the following items from the July 10, 2020 Committee meeting. [Information on items not reported will be included in the exhibits to the Board meeting minutes.]

#### State Charter School Board Expansion Approval Process

**MOTION** from Committee that the Board approve the State Charter School Board's process to approve charter school expansion requests.

Motion carried unanimously.

#### R277-100 Definitions for Utah State Board of Education Rules

Amendments to add definitions to R277-100 were reviewed by the Committee and Draft 3 was approved and continued on first reading.

**MOTION** from Committee that the Board approve and continue R277-100 *Definitions for Utah State Board of Education Rules*, Draft 3, on second and final reading.

Motion carried unanimously.

R277-319 Special Educator Stipends

The Committee reviewed amendments to R277-319 to update the rule specific to the stipend disbursement process and passed Draft 1 on first reading.

**MOTION** from Committee that the Board approve R277-319 *Special Educator Stipends*, Draft 1, on second and final reading.

Motion carried unanimously.

R277-525 Special Educator Stipends

Upon passage of R277-319, R277-525 will no longer be necessary. The Committee approved repeal of R277-525 on first reading.

**MOTION** from Committee that the Board repeal R277-525 *Special Educator Stipends* on second and final reading.

Motion carried unanimously.

R277-750 Education Programs for Students with Disabilities

Due to H.B. 29 Special Education Recodification passed in the 2019 legislative session, the Board's Special Education Manual must be incorporated by reference into R277-750. Staff have been working since that time on the Manual and presented the current iteration to the Committee. The Committee made additional changes to the Manual and passed Draft 1 of the rule on first reading.

**MOTION** from Committee that the Board approve R277-750 *Education Programs for Students with Disabilities*, Draft 1, incorporating Special Education Rules Manual version 071020, on second and final reading.

Motion carried unanimously.

R277-492 Math and Science Opportunities for Students and Teachers (MOST) Program

As a result of S.B. 93 Math and Science Opportunities for Students and Teachers passed in the 2020 legislative session, changes to R277-492 were made to amend the existing USTAR program and incorporate the Math and Science Opportunities for Students and Teachers (MOST) Program. The name of the rule was also changed to reflect the current program name. The Committee passed Draft 1 of the rule on first reading.

**MOTION** from Committee that the Board approve R277-492 *Math and Science Opportunities for Students and Teachers (MOST) Program*, Draft 1, on second and final reading.

Motion carried, with Member Belnap opposed.

R277-925 Effective Teachers in High Poverty Schools Incentive Program

The Committee reviewed amendments to R277-925 to implement changes from the recodification process and more recent legislative changes affecting who is eligible for the program. The Committee passed Draft 2 on first reading.

**MOTION** from Committee that the Board approve R277-925 *Effective Teachers in High Poverty Schools Incentive Program*, Draft 2, on second and final reading.

Motion carried unanimously.

**Standards and Assessment Committee Report/Recommendations**

Committee Chair Jennifer Gravier reported on the following items from the July 10, 2020 Committee meeting. [Information on items not reported will be included in the exhibits to the Board meeting minutes.]

Alternate Achievement Science Standards

The federal Individuals with Disabilities Education Act (IDEA) requires that states have alternate achievement standards for students with significant cognitive disabilities. Since the Board's adoption in 2019 of updated Science with Engineering Education Standards (SEEd), the current alternate achievement standards need to be revised. USBE Special Education staff, along with a group of stakeholders, reviewed the Board's SEEd Standards and the Dynamic

Learning Map Consortium's Alternate Achievement Science Standards. The Standards and Assessment Committee reviewed recommendations forwarded from this group.

**MOTION** from Committee that the Board adopt the Dynamic Learning Map's Alternate Science Standards and authorize the convening of a stakeholder group to write Alternate Achievement Science Standards that align with the new Utah-specific SEEd Standards not addressed in the DLM Science Standards.

Motion carried unanimously.

*R277-406 Early Literacy Program and Benchmark Reading Assessment*

Due to requirements in LEA school reopening plans this year, due dates for completion of the Beginning of Year assessment and reporting deadline will need to be extended in 2020. Amendments were made to R277-406 accordingly. The Committee approved Draft 1 of the rule on first reading.

**MOTION** from Committee that the Board approve R277-406 *Early Literacy Program and Benchmark Reading Assessment*, Draft 1, on second and final reading.

Motion carried unanimously.

**P-12 English Language Arts Standards Review**

Sara Wiebke, PreK-12 Literacy Coordinator, reported that a request to move forward with a review of the English Language Arts Standards is being brought before the Board in accordance with the Utah Core Standards Revision Timeline, rubric, and Standards Review Process.

**MOTION** was made by Member Cummins and seconded that the Board authorize staff to begin the standards revision process for the P-12 English Language Arts Standards and to organize the standards review committee.

Motion carried, with Members Boulter and Earl opposed.

## **Requests for Board Rule Waivers and Statutory Changes**

### Waivers from Board Rule

Deputy Superintendent Angie Stallings reported on the status of the R277-419 990-hour waiver requests from LEAs. She also reviewed LEA options related to the 180-day requirement in the rule and indicated most LEAs would request the Board waive 5-6 days.

Superintendent Stallings reviewed additional Board rule waivers recommended by staff due to the COVID-19 pandemic.

**MOTION** was made by Member Davis and seconded that for licensed, non-provisional teachers only, the Board waives the requirement of R277-533 *Educator Evaluation Systems* that an LEA implement a summative evaluation and submit summative educator and administrator evaluation data to USBE if the LEA submits formative evaluation assessment data to USBE for the 2020-2021 school year.

Motion carried unanimously.

**MOTION** was made by Member Thorpe and seconded that in light of the national and state declarations of states of emergency due to the COVID-19 pandemic, the State Board of Education provides the following waivers if the LEA's reopening plans meets the Board's minimum Requirements and Recommendations for K-12 schools: 1) waives the testing and reporting deadlines for LEAs to administer the Kindergarten Entry and Exit Assessments (KEEP) and report data to the USBE described in Rule R277-489 *Kindergarten Entry and Exit Assessment—Enhanced Kindergarten Program* and grants the Superintendent the authority to determine the KEEP testing and reporting deadlines during the 2020-21 school year; 2) waives the requirement in Section R277-400-6 *Emergency Preparedness Training for School Occupants* for each school to conduct one fire drill within the first ten days of the beginning of the regular school year for the 2020-2021 school year; 3) for an LEA seeking to obtain a waiver from the 990-hour requirements of R277- 419 *Pupil Accounting* for the 2020-21 school year, extend the August 1 deadline in Section R277-419-6 to September 1, 2020 to allow LEAs and their governing boards more time to determine whether the LEA's instructional model for the 2020-21 school year will require a waiver; and 4) waives up to six days total in the 180-day

requirement in R277-419 for the 2020-21 school year which includes the four days allowed in Subsection 53F-2-102(4)(d).

Motion carried unanimously.

### Requests for Statutory Changes for Special Session

Deputy Superintendent Stallings reviewed proposals for statutory changes to go before the next special session of the legislature.

**MOTION** was made by Member Belnap and seconded that the Board request the legislature to: 1) Waive the requirement in Section 15A-5-202.5 of the State Construction and Fire Codes Act for an LEA to conduct an emergency evacuation drill for fire within the first 10 calendar days after the beginning of classes for the 2020-21 school year; and 2) amend Section 53G-6-502 Eligible Students to allow charter schools to give enrollment preference to students who unenroll from the school to attend a distance learning program for the 2020-21 school year due to COVID-19 and want to return the following year.

Motion carried unanimously.

### **Legislative Session Preparation**

#### SFY 22 Legislative Funding Request Process Overview

Deputy Superintendent Scott Jones reviewed the process and timeline used by the Board to develop its funding requests for the regular legislative session.

Dale Frost, Fiscal Policy Analyst, gave an overview of the budget tracker for the FY 22 business cases submitted by staff. He also showed the tool staff are using to develop business cases.

#### USBE Staff FY 22 Funding Requests

Deputy Superintendent Jones noted that the business cases that have been submitted thus far have been provided for Board information and the Board may begin its approval of priorities in September.

### Requests for Statutory Changes

Deputy Superintendent Stallings reviewed changes to statute that have been suggested by staff.

Members expressed concern with proposal #2 to include the Free Application for Federal Student Aid (FAFSA) completion as a graduation requirement and asked for additional data as to why Utah might be the lowest in the nation for FAFSA application. It was noted that the requirement was suggested as it would be beneficial in getting more students into college.

**MOTION** was made by Member Cummins and seconded that the Board authorize staff to work with legislators on potential amendments to Utah Code as outlined in #1, #3 and #4 of staff recommendations:

- 1) In the interest of eliminating duplicate entry of data by business administrators, the School Children's Trust Section is seeking statutory changes to align dates and processes in Code with new programming and the data entry through UPEFS. In addition, the Section seeks clarification between the Program and the administration of the Program (53G-7-1206).
- 3) Provide the flexibility to update professional learning standards as they shift by removing constraining statutory language (53G-11-303) and defining high quality professional learning in board rule.
- 4) Provide the flexibility to update the definition of competency-based education (CBE) as it continues to shift by removing the outdated definition from statute (53F-5-501 and 53F-5-502) and establishing an updated definition in board rule. In the interest of bringing coherence and alignment to the intent of the Competency-based Education (CBE) Grant Program and emphasize personalized and competency-based learning, change the title of the program throughout 53F-5 to Personalized Competency-based Learning Grant Program.

Motion carried unanimously.

## **Executive Session**

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

Upon voice vote of Members Belnap, Boulter, Cannon, Cummins, Davis, Earl, Graviet, Hansen, Haynes, Huntsman, Lear, Marsh, Neilson, Newell and Thorpe, the Board went into closed executive session at 3:09 p.m.

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

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

Motion carried. The meeting reconvened at 5:05 p.m.

## **Executive Session Items for Action**

### 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. 19-1670 for a reprimand on the educator's Level 2 Elementary Education (1-8) license to be in place for not less than two years commencing on June 10, 2019, consistent with the Consent to Discipline.

Motion carried; Member Neilson absent.

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

Motion carried; Member Neilson absent.

### Utah Special Education Advisory Panel (USEAP)

**MOTION** was made by Member Belnap and seconded that the Board appoint the following individuals to the Utah Special Education Advisory Panel for three-year terms: Heidi

Preece, representing special education teachers/service providers; Christian Sabey and Katuska Christensen, representing individuals/parents of a student with a disability.

Motion carried; Member Neilson absent.

Advisory Committee on Equity of Educational Services for Students (ACEESS)

**MOTION** was made by Member Belnap and seconded that the Board appoint the following individuals to its Advisory Committee on Equity of Educational Services for Students for two-year terms ending June 30, 2022: Ignacio Garcia, as an at-large representative with expertise or experience serving students at risk for under-achievement; and Max Chang, representing Asian Americans.

Motion carried; Member Neilson absent.

Utah High School Activities Association Appeals Panel

**MOTION** was made by Member Belnap and seconded that the Board appoint the following individuals to the UHSAA Appeals Panel for three-year terms: Mae Miya, as the retired athletic director or coach representative; and Chris Anderson, as the judge or attorney representative.

Motion carried; Member Neilson absent.

**School Reopening Plans Report**

Superintendent Dickson gave a report on the School Reopening Plans that were due August 1, including plan compliance, key takeaways, and communication highlights and challenges. She thanked Melissa Cano, Director of Strategic Communications, Tiffany Stanley, Chief of Staff, and Jill Curry, Policy Analyst, for their work and quick turnaround in reviewing the plans.

Chief of Staff Tiffany Stanley gave an overview of school district delivery models as outlined in their plans, mitigation tactics by school setting, and accommodating high risk employees.

Dr. Dickson reported that at the recommendation of Dr. Dunn from the Health Department, a medical advisory group is being convened that will meet weekly. The group will be key in making sure consistent information is being shared.

Some Board member concerns were expressed about whether all LEAs worked with their local health departments in creating their plans. Superintendent Dickson responded that staff provided health department names and contacts to LEAs and she believes most worked with them. She indicated that data could be gathered.

Concerns were also voiced regarding possible lack of communication by LEAs with parents and teachers. Chair Huntsman noted that local board members have contacted him indicating they were very engaged in the reopening plans and expressing appreciation for the help and support from USBE as well as local health department staff.

Superintendent Dickson acknowledged the great deal of work done on the plans by LEA staff and reported that in reviewing the plans she saw some great work. She expressed appreciation for the state and local health departments.

### **USBE Planning Requirements and Recommendations for K-12 School Reopening**

The Board readdressed the *USBE Planning Requirements and Recommendations for K-12 School Reopening* document approved in its June 25, 2020 meeting. It was noted that this document has been incorporated into the Governor's Executive Order and if requirements are changed, the document will be sent to the Governor for his review and possible replacement in the Executive Order.

The following motions for changes to the document were made.

**MOTION 1** was made by Member Hansen seconded to add an additional sentence to the Introduction to read: "The Utah Department of Health's most recent COVID-19 School Manual is incorporated as a reference of additional recommendations to this USBE school reopening document."

**MOTION TO AMEND** was made by Member Graviet and seconded to change "recommendations" to "health considerations."

**MOTION TO AMEND THE AMENDMENT** was made by Member Thorpe and seconded to change the wording to: “Please refer to the Utah Department of Health’s COVID-19 School Manual for additional health considerations.”

Motion to amend the amendment carried unanimously. It was suggested the sentence be placed at the end of the paragraph.

Amendment, as amended, carried, with Members Belnap and Huntsman opposed.

Motion 1, as amended, carried, with Members Belnap, Huntsman and Neilson opposed.

**MOTION 2** was made by Member Hansen and seconded to add a requirement under Plan Requirements to read: “LEAs must provide confirmation of active guidance and participation in plan development by local health departments, including having the local health department acknowledge receipt of each revision of each school’s plan.”

Member Hansen spoke to the motion, stating his belief that the Board needs a requirement to have local health departments involved.

Concerns were expressed that the Board doesn’t have authority over health departments, that the requirement would add one more step and that the process is becoming too cumbersome, and that the plans are LEAs plans—not individual school plans.

Board members also voiced that there seems to be a disconnect between what the school plans are recommending and the guidance the health departments are giving.

MOTION to amend was made by Member Davis and seconded to change the wording to: “LEAs must provide confirmation of active guidance and participation in plans by local health departments, including evidence of submission of each new revision to the local department of health.”

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

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

**MOTION 3** was made by Member Lear and seconded to add a bullet under Repopulating Schools/Communication and Training to read: "Appoint a contact person for each school available for questions or specific concerns and list the contact person's contact information on the school's website;" and add a bullet to read: "Appoint a contact person for the entire LEA to consult with each school's contact person and list the contact person's contact information on the LEA's website."

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

**MOTION 4** was made by Member Lear and seconded to add a bullet under Communication and Training to read: "An LEA's board shall review the LEA's plan at least monthly and review and update the local plan in a public meeting based on changing local conditions and updated medical and scientific information. The review and reevaluation shall be noticed on the public agenda."

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

**MOTION 5** was made by Member Hansen and seconded to change the wording under Enhanced Environment Hygiene Safety requirements to read: Individual school plans must develop and implement specific requirements for "increased cleaning and hygiene regimens" including who, how and when (how often) for each protocol and related tasks ~~Develop protocols for implementing an increased cleaning and hygiene regimen.~~

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

**MOTION 6** was made by Member Hansen and seconded to add a requirement under Enhanced Environment Hygiene & Safety to read: “Implement mask protocols and procedures, including instructions on mask wearing and care, if and when there will be ‘mask breaks,’ waiver requirements, and waiver forms with protocols approved by the local health department.”

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

**MOTION 7** was made by Member Cannon and seconded to add a requirement under School Schedules to read: “LEAs must include their community COVID test positivity rate in the LEA’s school reopening plan.”

Member Cannon spoke to the motion, indicating the amendment would add an element of science to the school plans, and to ignore the science puts the lives of parents, students and community members in peril. She shared the Health Department statistic that schools have successfully opened with a five percent positivity rate.

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

**MOTION 8** was made by Member Hansen and seconded to add a requirement under the Classrooms section to read: “An LEA shall ensure each school located in an area identified by the local health department as having a 7-day average test positivity rate over 5% and a case incidence rate great than 10/100,000 due to community spread and not an isolated outbreak or alternative criteria as determined by the State Medical Advisory Group provides a minimum classroom area of 30 square feet per student for in-person learning or 20 square feet if plexiglass barriers are placed between all desks.

Member Hansen spoke to the motion, reporting that in surveys of the districts in his area most parents are in favor of in-person learning for their children and the teachers want to be back in school. However, it wouldn’t be good for the schools to open then immediately close

and have to shift to another model due to positive cases. Students have been afforded options for learning, but teachers generally do not have those options and are, by necessity, in the classrooms. He stated that though he is generally a proponent of local control, he feels there are exceptions for emergencies where a more top-down approach is appropriate—but only for the period of the emergency. Member Hansen also stated that the Board should have acted more decisively earlier, and though late, is not too late for this action. Member Hansen reported that the motion is based on a metric that has been brought forward by many state epidemiologists including Dr. Dunn from Utah.

Members speaking in support of the motion stated that the Board should err on the side of science, communication, and transparency; that teachers don't have the same options as parents and students and teachers are asking for help to be safe; that proximity, along with masks, is the most important factor.

Some members speaking in opposition felt the requirement assumes local leaders don't have the students' best interest in mind and is too extreme.

MOTION TO AMEND was made by Member Gravier and seconded to strike "or 20 square feet if plexiglass barriers are placed between all desks."

Amendment failed, with Members Boulter, Cannon, Gravier, Lear and Thorpe in favor, and Members Belnap, Cummins, Earl, Haynes, Hansen, Huntsman, Marsh, Neilson and Newell opposed; Member Davis absent.

Motion failed, with Members Cannon, Gravier, Hansen, Lear and Thorpe in favor, and Members Belnap, Boulter, Cummins, Earl, Haynes, Huntsman, Marsh, Neilson and Newell opposed; Member Davis absent.

**MOTION 9** was made by Member Hansen and seconded to add a requirement to the Classrooms section to read: "If adequate classroom distancing requirements cannot be maintained using its current schedule, an LEA must implement a hybrid schedule or remote learning in order to maintain adequate distancing requirements of 30 square feet or 20 square feet if plexiglass is placed between the desks for each school in an area identified by the local health department as having a 7-day average test positivity rate over 5% and a case incidence

rate over 10/100,000 due to community spread and not an isolated outbreak or alternate criteria as recommended by the State Medical Advisory Group.

Member Hansen spoke to his motion indicating that data should be used as a trigger for changing school plans.

Members speaking in favor expressed that the number one thing the Board can do for teachers is to give them the means to distance, which will help them stay in the classroom longer; and that there is inconsistency among districts in the data being used to determine how schools should open.

Members opposed stated that the plans were to be put together in consultation with local health departments; that this is not the role of the Board; and that this approach shows distrust for local boards and administrators.

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

**MOTION 10** was made by Member Hansen and seconded to add a requirement under Classrooms to read: "Utilize portable room air filtering and purification systems for each classroom where adequate distancing cannot be maintained and an adequate filtration and purification system is not already in place."

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

**MOTION 11** was made by Member Hansen and seconded to add a requirement under Transportation to read: "Provide at least one empty row between each family group during bus transportation, or limit bus usage to 50% of capacity for bus routes that transport students attending schools located in an area identified by the local health department as having a 7-day average test positivity rate over 5% and a case incidence rate greater than 10/100,000 due to community spread and not an isolated outbreak or alternate criteria as recommended by the State Medical Advisory Group.

Motion failed, with Members Cannon, Gravier, Hansen, Lear and Thorpe in favor, and Members Belnap, Boulter, Cummins, Earl, Haynes, Huntsman, Marsh, Neilson and Newell opposed; Member Davis absent.

**MOTION 12** was made by Member Hansen and seconded that a new requirement be added under Transportation to read: "Make alternate travel arrangements outside of general student transportation to take a student to their home when the student exhibits COVID symptoms at school."

Member concerns were expressed about an LEA employee being put in the position of taking a child home; the appropriateness of an adult being one-on-one with a child in a car; and the undue burden on the school.

**MOTION TO AMEND** was made by Member Lear and seconded to add to the end of the sentence: "and the school cannot separate the student on the bus by six feet or with a physical barrier or parent transportation is not available."

Amendment carried, with Members Belnap, Cannon, Cummins, Earl, Gravier, Hansen, Huntsman, Marsh, Neilson, Newell and Thorpe in favor, and Members Boulter and Haynes opposed; Member Davis absent.

Motion, as amended, failed, with Members Cannon, Gravier, Hansen, Lear, Neilson and Thorpe in favor, and Members Belnap, Boulter, Cummins, Earl, Haynes, Huntsman, Marsh and Newell opposed; Member Davis absent.

**MOTION 13** was made by Member Hansen and seconded to amend the requirement under Large Group Gatherings to read: "LEAs shall submit a plan to local health departments in advance of all group gatherings, including athletic events, which includes a plan for limiting attendance, distancing, facial coverings, contact tracing (assigned seating), and enforcement. ~~LEAs ensure group gatherings are organized with health and safety principles and requirements in place and, as needed, in consultation with local health departments.~~"

Motion failed, with Members Belnap, Cannon, Gravier, Hansen, Lear, Thorpe and Newell in favor, and Members Boulter, Cummins, Earl, Haynes, Huntsman, Marsh and Neilson opposed; Member Davis absent.

**MOTION 14** was made by Member Belnap to delete the requirement under Symptom Monitoring that reads: “Do not allow symptomatic individuals to physically return to school unless their symptoms are not due to a communicable disease as confirmed by a medical provider.”

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

**MOTION 15** was made by Member Earl to amend the 4<sup>th</sup> bullet under Symptom Monitoring requirements to replace: “if you feel sick; stay home,” to “individuals experiencing symptoms should stay at home.”

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

**MOTION 16** was made by Member Hansen and seconded to add a requirement under Symptom Monitoring to read: “Implement daily, in-school temperature checks for all students, teachers, administrators and staff.”

MOTION was made by Member Lear and seconded to amend the sentence to read: “Implement daily temperature checks for all students, teachers, administrators, and staff.”

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

Motion failed, with Members Cannon and Hansen in favor, and all others opposed.

**MOTION 17** was made by Member Davis and seconded to add a requirement under Preparation Phase to read: “Proactively prepare a list of ‘high risk’ individuals including students and staff for each school prior to the first day of instruction.”

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

**MOTION 18** was made by Member Davis and seconded to add a requirement under Preparation Phase to read: “Proactively implement a contact tracing plan for all students and staff that minimizes the risk of group spread including for example: assigned seating at school and on school transportation, attendance tracking, podding and cohorting.”

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

**MOTION 19** was made by Member Hansen and seconded to add a requirement under Quarantine/Isolation Protocol to read: “Implement proactive planning, protocols and procedures for outbreak scenarios as recommended in the Department of Health’s COVID-19 School Manual.”

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

### **Board Member Comments**

Member Earl expressed appreciation for the hard work of those that prepared the proposed amendments to the school reopening plans document. She feels strongly that local districts and boards need to carry the responsibility and are doing so.

### **Adjournment**

The meeting adjourned at 10:49 p.m.

[For additional information on items from the meeting, see General Exhibit No. 20-21.]

Lorraine Austin, Board Secretary  
Minutes approved September 3, 2020