

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

November 5, 2020

A regular meeting of the Utah State Board of Education/USDB Governing Board was held November 5, 2020. The meeting was held electronically via teleconference due to the COVID-19 pandemic. The meeting was streamed live to the public. Chair Mark Huntsman presided. At the request of the Chair, Vice Chair Brittney Cummins conducted.

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
Angie Stallings, Deputy Superintendent
Patty Norman, Deputy Superintendent
Joel Coleman, USDB Superintendent

Minutes taken by:

Lorraine Austin, Board Secretary

Others Present:

Carl Empey, Michelle Tanner, Susan Patten—Utah Schools for the Deaf and the Blind; Peggy Paterson, Heather Newell—Salt Lake City School District; Sara Jones, Jay Blain—Utah Education Association; Alex Jacobson; David Mortensen; Dee Henderson, Carolyn Sharette—American Preparatory Academy; Jason Willis, Alexander Berg-Jacobsen, Justin Silverstein—WestEd; Brian Yazzie, Rozanna Benally-Sagg—Advisory Committee on Equity of Educational Services for Students; Scott Eyre—Division of Substance Abuse and Mental Health; Bryan Quesenberry, Michelle Beus—Assistant Attorneys General; Jeff Van Hulten, Estelle Estrada, Jerry Record, Aaron Brough, Alex Farrah, Ben Rasmussen, Cory Kanth, Darin Nielsen, Debbie Davis, Deborah Jacobson, Jake Houtrouw, Jason Willis, Jennifer Thronsen, Jill Curry, Kenwyn Derby, Leah Voorhies, Leslie Evans, Malia Hite, Max Lang, Michelle Watts, Patrick Lee, Rebecca Donaldson, Tami Gear, Tiffany Stanley, Whitney Phillips, Zac

Christensen, Sarah Young, Kathy Helgesen, Ann-Michelle Neal, Audra Urie, Brian Olmstead, Holly Bell, Jennifer Throndsen, Kevin John, Tracy Vandeventer, Dale Frost—USBE staff

Opening Business

Vice Chair Brittney Cummins called the meeting to order at 9:03 a.m. She read the statement: “As authorized by Utah Code 52-4 [Utah Open and Public Meetings Act], 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.”

Board Welcome Message

Vice Chair Cummins welcomed the Board by talking about the mental health benefits of laughter, which include providing distraction, improving mood, reducing stress hormones, increasing endorphins, and strengthening relationships. Sharing laughter can help people feel more connected and form strong and lasting bonds and heal past disagreements and resentments. Vice Chair Cummins expressed hope that as we approach Thanksgiving, we can find connections through shared gratitude and laughter.

Employee Introductions and Recognition

Michelle Watts, H.R. Director, introduced new USBE employees Lindsey Henderson, Yanka Demireva, Sara Harward, Jared Lisonbee, William Evans, Issac Pitcher, and Smitri Dhakal.

State Superintendent Sydnee Dickson introduced the Employee of the Month, Scott Eddie. Dr Dickson also announced that staff of the USBE’s Assessment Implementation Leadership Team—Darin Nielsen, Zac Christensen, Chuma Uzoh, Cydnee Carter, Jared Wright, Kim Rathke, and the late Randy Raphael—were honored for their leadership by the Governor.

Education Highlight

Jeffrey Van Hulten reported on 19 elementary schools being honored by the Board for the work they are doing with English learners. Estelle Estrada, Education Specialist, reviewed the criteria for the Schools of Excellence and Exemplary Schools awards. There are 11 elementary schools that fit the criteria for the Schools of Excellence designation: Midvale,

Woodrow Wilson, Hillside, Stansbury, Granger, David Gourley, Monroe, James Madison, Thomas O. Smith, Meadowlark, and Mary W. Jackson.

Eight elementary schools have reached the Exemplary Schools status: Odyssey, Spring Creek, Edison, Liberty, Escalante, Mountain View, and Backman.

Peggy Patterson, Literacy and Alternative Language Services Director for Salt Lake City School District, highlighted the work being done at the district level to help English learners. Heather Newell, Principal from Backman Elementary, also spoke about what the school is doing for these learners.

Public Comment

Sara Jones, Utah Education Association President – reported that UEA has put forward its budget priorities for the upcoming legislative session. Items of note include recognizing the need for one-time funds to deal with COVID-related expenses; enrollment fluctuations and making sure schools are held harmless; reinstating some of the critical funding that was cut last spring due to COVID; and continuing to work towards increasing the WPU—UEA’s request is a four percent increase. She expressed hope that the education community can be united in policy and funding requests.

David Mortensen, attorney from Stoel Rives representing American Preparatory Academy (APA) – noted the Board will be addressing today an audit on APA concerning APA’s use of special education funds. He reported that APA uses several licensed, special education teachers and trained paraeducators to assist special education students while they learn in classes, often alongside their non-disabled peers. Last year, after 17 years of operating this program, some issues arose and APA has been working tirelessly to resolve those concerns, including participating in the audit. In the conclusions reached by the audit, the auditors did not find any misappropriated funds and found that every penny of the funds was spent on legitimate education expenses. The biggest issue raised by the auditors was whether APA had properly paid certain paraeducators’ salaries with special education funds. He stated that those paraeducators are supplemental employees hired specifically to provide, teach, and meet special education services for students in their IEPs. Therefore, APA believes those funds were properly expended. He asked that as the Board addresses the audit today it keeps in mind:

1) The cause of the concerns raised by the auditors including the lack of clear guidance in special education rules and regulations; 2) APA has a sincere desire to comply and seek instruction and guidance; and 3) whether it is appropriate to require repayment of expended funds that were spent on legitimate education expenses.

Dee Henderson, APA Board Chair – stated that charters were started to be innovative and creative in education solutions and APA has done that. APA has tried earnestly to adhere to state regulations and policies. APA’s intent has always been to fully comply and have the best demonstrated program. Collecting those audit dollars will only hurt the existing students.

Carolyn Sharette, Executive Director, APA – as a charter school leader for the last 18 years she has worked to fulfill the charter school mandate to innovate new models of public schools while remaining compliant with current laws and rules. The challenge has been great and one of those challenges will be addressed today. APA has been very successful in its special education program with the goal to teach students in the least restrictive environment. Parent satisfaction is high, and students have consistently performed above the state average academically when compared with other special education students across the state. The school has been fully complaint with IDEA but have encountered challenges with state rule. She noted that the audit identifies that the state rules are unclear and have not kept up with innovation.

Utah Schools for the Deaf and the Blind

FY21 Monthly Budget Review

Carl Empey, USDB Finance Director, gave the status of the USDB budget as of September 30, 2020.

Enrichment Fund

Associate Superintendent Michelle Tanner reviewed a proposal for use of the USDB’s Enrichment Fund for online content creation, an audiology van, and a small bus. It was noted that the USDB Advisory Council is supportive of the use of the funds.

MOTION was made by Chair Huntsman and seconded that the Board approve the proposal for the use of the USDB Enrichment Fund.

Motion carried unanimously.

FY22 USDB Fees

Finance Director Empey informed that the legislature requires the USDB Governing Board to approve fees proposed for the coming year. He provided information about the USDB fees being proposed for FY22.

MOTION was made by Member Belnap and seconded that the Board approve the USDB fees for FY 2022, as proposed.

Motion carried unanimously.

USDB Superintendent's Report

Superintendent Joel Coleman reported the following:

- Staff are excited about online school progress, and the outcome has been great. Concerning COVID, there have been a few quarantines, with the case count 15-18 total since March. There have been two classes in the blind school and one in the deaf that have been doing online learning but they should be back in class after next week.
- Last week Susan Thomas, USDB Communications Director, received the Governor's Award of Excellence. Superintendent Coleman lauded Ms. Thomas's work and mentioned that Todd Keith, media specialist, is also very helpful. A video has recently been finished for new board members to learn about their role as the USDB Governing Board.
- USDB staff have been working with the higher education community and recently met with the education deans of all the schools and received great feedback concerning licensing for USDB teachers and producing more teachers with the skills to teach at USDB.
- Three business cases have been prepared as requests from the legislature in the upcoming session: 1) Replacement of the modular building at Millcreek Elementary; 2) one-time money for the final phase of the USIMAC sustainability plan; and 3) a new

warehouse in Ogden and renovation of the current warehouse on the main campus for USIMAC.

General Consent Calendar

Member Earl requested that item 4.2 Salt Lake County Department of Health Data Request be pulled from the consent calendar.

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

Motion carried unanimously.

General Consent Calendar

4.1 Approval of Meeting Minutes

The Board approved the minutes of its October 1, 2020 meeting.

4.2 Salt Lake County Department of Health Data Request

This item was pulled.

4.3 Contracts/Agreements for Review

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

4.4 Contracts/Agreement for Approval

No contracts over \$100,000 were submitted.

4.2 Salt Lake County Department of Health Data Request

Member Earl questioned why the data of all children is being requested and for what the data will be used.

Whitney Phillips, Chief Privacy Officer, informed that the Salt Lake County Department of Health has asked Board staff to send them monthly school enrollment information including

name, birth date, and gender. The data will be used to verify the enrollment of COVID-positive cases reported by the state Department of Health. Currently, school nurses are being asked for that information.

Jeffrey Eason from the Salt Lake County Health Department reported that the department collects communicable disease information under the communicable disease rule R386-702. The data will be used to conduct investigations to determine people at risk of transmitting COVID for the purpose of minimizing transmission in the school setting. The request is to receive a monthly data export of children in the school districts and schools in which they are enrolled so when the health department receives a list of positive cases, staff can match a case with a school and notify the school nurse. The process is already being done manually but is causing more work for school nurses and takes longer than if the data is shared by the state.

MOTION was made by Member Hansen and seconded that the Board direct staff to work with the state health department to look at a comprehensive approach to student data sharing.

MOTION TO AMEND was made by Member Lear to add to the motion that the Board approve the data-sharing agreement with the Salt Lake County Department of Health.

Motion to amend carried, with Members Boulter, Earl, and Neilson opposed.

MOTION TO AMEND was made by Member Hansen and seconded to change “state health department” to “county health departments.”

Amendment carried, with Members Belnap, Boulter, Earl, and Neilson opposed.

Motion, as amended—that the Board direct staff to work with county health departments to look at a comprehensive approach to student data sharing, and to approve the data-sharing agreement with the Salt Lake County Department of Health—carried, with Members Boulter and Earl opposed.

Utah Education Funding Study

Tiffany Stanley, USBE Chief of Staff, and Jason Willis, Alexander Berg-Jacobsen, and Justin Silverstein from WestEd presented an overview of Phase II of the Education Funding Study. It was noted that the full written report will be presented in December.

State Superintendent's Report

Superintendent Dickson shared a slide presentation of her reflections at this time, including sharing concerns from her advisory councils, reporting on how students are doing, and investing in our teachers.

Dr. Dickson acknowledged and honored the 2020 Teacher of the Year, Lauren Merkley. Ms. Merkley addressed the Board on what it has been like to be Teacher of the Year in 2020. She shared a phrase from one of her college professors that "everything is in revision." She talked about seeing each day as a process to re-envision herself and her community and how this year has been one of constant revision. She expressed gratitude for being part of that experience and stated that the world not only needs visionaries, but perhaps even more needs re-visionaries.

Monthly Budget Report

Deputy Superintendent Scott Jones stated that the Board remains fiscally sound and can meet all its known obligations through FY2021.

Discretionary Funds

Deputy Superintendent Jones called attention to the amounts in the discretionary fund remaining in the various categories of the fund. Deputy Superintendent Patty Norman reviewed a request for use of the discretionary funds for a new position—Director of Equity, Diversity, and Inclusion.

MOTION was made by Member Graviet and seconded that the Board approve the request to fund a Director of Equity, Diversity and Inclusion position using the remaining balance of Federal Mineral Lease funds in the Board's Discretionary Fund Account.

Member Graviet spoke to motion, observing that the work in equity and inclusion is increasing dramatically and this position is necessary, practical, and timely.

Members added that these types of positions are necessary to be director positions because they are pivoting on so many issues and concerns, and it is critical to take the burden off other employees and understand what the parameters are for equity in the system. This person could also work with higher education institutions in a collaborative way.

Others expressed concerns that the position has not been thoroughly vetted by the Board, that it is not clear how the position will fit with the work in the office, and that one-time monies are being used for a permanent position.

MOTION was made by Member Earl and seconded that this item be referred to a committee for further review.

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

Motion to approve funds for the position carried, with Members Belnap, Cummins, Davis, Graviet, Haynes, Huntsman, Lear, Marsh, Newell, and Thorpe in favor, and Members Boulter, Earl, Hansen, and Neilson opposed; Member Cannon absent.

CARES Act Funding Update

Sarah Young, Director of Strategic Initiatives, gave an update on use of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding. She reviewed each area under the CARES funding umbrella which incorporates separate grant awards including: ESSER Awards, GEER Awards, K-12 Broadband Grant, San Juan WiFi Grant, K-12 PPE grant and K-12 Coronavirus Relief Grant.

Mid-year Budget Adjustments

October 1 Enrollment Counts

Deputy Superintendent Scott Jones and Aaron Brough, Data and Statistics Coordinator, reviewed the official October 1, 2020 enrollment counts and provided an analysis.

Current Fiscal/School Year Funding Courses of Action

Deputy Superintendent Jones, Fiscal Policy Analyst Dale Frost, and Minimum School Program Coordinator Jake Houtrouw made a presentation on funding school year 2020-2021, reviewing the effects of COVID-19 on average daily membership (ADM) calculations and funding in the current year and future school years.

The Common Data Committee (CDC), consisting of representatives from the Board, Legislative Fiscal Analyst's Office, and Governor's Office of Management and Budget, discussed different methodologies to not only account for the COVID situation but stabilize funding for the current fiscal year. The CDC came to an agreement on FY20 ADM calculations.

Deputy Superintendent Jones informed that a legal opinion is being sought on whether the wording in the statute to avoid penalizing school districts would apply to charter schools.

Audit Committee Report/Recommendations

The gavel was passed to Chair Huntsman while Vice Chair Cummins, in her role as Audit Committee Chair, reported on the October Audit Committee meeting.

Board Bylaws Revision

The Committee reviewed proposed changes to the Board Bylaws concerning the Audit Plan.

MOTION from Committee that the Board approve the Board Bylaws, Draft 1.

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

Prioritization of Audits

MOTION from Committee that the Board maintain the ProStart audit as planned and reprioritize the other approved audits as follows: 1) Education Service Providers;

2) Subrecipient Monitoring Procedures; and 3) Data Reliability.

Motion carried unanimously; Member Neilson absent.

American Preparatory Academy's Use of State Special Education Funds Audit

Internal Audit completed an audit required by the Settlement Agreement between the Board and American Preparatory Academy (APA), signed January 14, 2020. The audit reviewed APA's use of state special education funds during state fiscal year 2019.

MOTION from Committee that the Board approve the release of the audit report, *APA's Use of State Special Education Funds*, to the public.

Motion carried unanimously.

Vice Chair Cummins resumed chairing the meeting.

Standards and Assessment Committee Report/Recommendations

Committee Chair Jennifer Graviet reported on the following items from the October 2 and October 30, 2020 committee meetings. [Information on items not reported will be included in the exhibits to the meeting minutes.]

ACEESS Recommendations

The Committee reviewed recommendations from the Board's Advisory Committee on Equity of Educational Services for Students (ACEESS).

MOTION from Committee that the Board accept the recommendations in the ACEESS memo: *Supporting Underrepresented, Historically Marginalized, and Underserved Students*.

MOTION was made by Member Earl and seconded that this item be referred to committee for further dialogue.

Member Earl spoke to the motion, stating that there are definitions in the memo that need clarification and a committee would be the best place for that discussion. Other members concurred that more work needs to be done to provide suggestions on implementing the recommendations.

It was noted that the recommendation from ACEESS is for the Board to consider the recommendations, and in accepting the memo the Board would then consider each item individually in future meetings to determine next steps.

Some members voiced the importance of working on the recommendations immediately and acknowledging the needs of students without delay.

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

MOTION TO AMEND was made by Member Belnap and seconded to change the word “adopt” to “accept for consideration.”

Amendment carried, with Members Cannon and Thorpe opposed.

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

Sharp Survey Resolution

The Committee discussed a proposed resolution concerning the development of the Student Health and Risk Prevention (SHARP) Survey.

MOTION from Committee that the Board adopt Draft 2 of Resolution No. 2020-01: *A Resolution Establishing the Official Position of the Utah State Board of Education Concerning the SHARP Survey.*

Motion carried, with Members Belnap and Hansen opposed.

Assessment and Accountability Policy Advisory Committee (AAPAC) Recommendations

The Board’s Assessment and Accountability Policy Advisory Committee met on September 16, 2020 to review pending state assessment administration, implications of the 2020 suspension of assessment on calculating student growth percentiles, and implications on school accountability. The Standards and Assessment Committee reviewed AAPAC recommendations from that meeting.

MOTION from Committee that the Board accept the Assessment and Accountability Policy Advisory Committee recommendations.

Motion carried unanimously.

Instructional Materials for Implementation of Human Trafficking Prevention and Awareness Requirements for Youth

Utah Code 53G-9-207 requires that the Board, in partnership with the Department of Human Services, approve instructional materials for child sexual abuse and human trafficking prevention.

MOTION from Committee that the Board approve the Minimum Expectations for Human Trafficking Awareness and Prevention Instructional Materials for Youth, Draft 4.

Motion carried unanimously.

R277-920 School Improvement Implementation of the School Turnaround and Leadership Development Act

The Committee reviewed proposed amendments to the rule made due to the passage of H.B. 420 Turnaround Program Amendments in the 2020 legislative session. The Committee made additional amendments and passed R277-920, Draft 3, as amended, on first reading.

MOTION from Committee that the Board direct staff to work with legislators on a bill file for the 2021 General Legislative Session, allowing the Board more flexibility to determine the Entry Criteria for the School Turnaround Program in Board rule.

MOTION TO AMEND was made by Member Earl and seconded to add language to read: "... to determine the Entry Criteria and data that is used for the School Turnaround Program identification in board rule."

Member Earl discussed the need to go beyond the end-of-year assessment and to give LEAs opportunities to provide other data to show success.

Motion to amend carried, with Member Hansen opposed.

Motion, as amended, carried unanimously.

MOTION from Committee that the Board approve R277-920 *School Improvement Implementation of the School Turnaround and Leadership Development Act, Draft 4*, on second and final reading.

Motion carried unanimously.

Finance Committee Report/Recommendations

Committee Chair Laura Belnap reported on the following items from the October 2, 2020 committee meeting. Details on items not reported will be included in the exhibits to the meeting summary.

Board Policy 1001 – Board Internal Policymaking Authority and Process

The Committee reviewed proposed amendments to the policy to address changes to the Board's organization since the policy was originally adopted.

MOTION from Committee that the Board approve Board Policy 1001 – Board Policymaking Authority and Process, Draft 1.

Motion carried unanimously.

Board Policies 1003, 1005, 3003, 3004, 3005

Staff recommended repeal of the following Board policies as all have subject matter dealing with USBE staff human resource issues, which generally fall under the purview of the Superintendent to administer: 1003 Reporting of Pornography on Office Computers; 1005 Pre-Separation or Pre-Retirement Restrictions; 3003 Employee Incentive Policy; 3004 Educational Assistance Program for Board Employees; and 3005 Employee Overtime Compensation Policy. It was noted that if repeal is approved, the policies will be re-issued as internal policies.

MOTION from Committee that the Board repeal Board Policies 1003, 1005, 3003, 3004, and 3005.

Motion carried unanimously.

R277-445 Classifying Small Schools as Necessarily Existent

The legislature passed H.B. 5012 during the legislative session, which authorized new funding under the Necessarily Existent Small Schools Program. Changes to R277-445 were proposed in response to the changes in statute. The Committee approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve R277-445 *Classifying Small Schools as Necessarily Existent*, Draft 1, on second and final reading.

Motion carried unanimously.

R277-626 Special Needs Scholarship Grant Program

The Legislature enacted H.B. 4003 in its 2020 4th Special Session, which created the Special Needs Scholarship Program. R277-626 was drafted to comply with rulemaking requirements and establishment of the program in the legislation. The Committee approved Draft 2 of the rule on first reading.

MOTION from Committee that the Board approve R277-626 *Special Needs Scholarship Grant Program*, Draft 2, on second and final reading.

MOTION TO AMEND was made by Member Belnap and seconded to replace Draft 2 with Draft 3.

Amendment carried unanimously.

Motion, as amended, carried unanimously.

R277-726 Statewide Online Education Program

USBE staff have identified issues related to assessments that providers of the Statewide Online Education Program (SOEP) are required to administer, and questions related to student access to facility space, fee waivers, and access to technology. The Committee approved 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 TO AMEND was made by Member Lear and seconded that Draft 3 be replaced with Draft 4.

Member Lear informed that the effect of the amendment would be to maintain the status quo and the rule would be silent on who pays for the fee waivers. She reported that often LEAs split the cost of fees with a provider and suggested this should be a local control issue. She also suggested that Draft 4 would alleviate additional burdens on some LEAs who do not have space or resources to supervise individual students.

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

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

Law and Licensing Committee Report/Recommendations

Committee Chair Carol Lear reported on the following items from the October 2, 2020 committee meeting. Details on items not reported will be included in the exhibits to the meeting summary.

United Way/WestEd Request for De-identified Student-level Data

The Board currently has a data-sharing agreement with WestEd; however, the existing agreement does not include the data to study student mobility, and an additional agreement is necessary for that analysis.

Kenwyn Derby from WestEd informed that the agreement will be in place through December 31, 2021.

MOTION from Committee that the Board approve the proposed data-sharing agreement with WestEd.

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

CREDO Request for Use of Data

CREDO is requesting an amendment to its existing data-sharing agreement with the Board to use the data for a different purpose than outlined in the agreement, i.e., how charter schools in charter management organizations support student learning compared to charters run by independent operators.

MOTION from Committee that the Board approve the data-sharing agreement amendment request from CREDO.

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

R277-100 Definitions for Utah State Board of Education (Board) Rules

The Committee reviewed amendments to R277-100 to define “threat” and “threat assessment.” The Committee made additional amendments and passed Draft 2 of the rule, with amendments, on first reading.

MOTION from Committee that the Board approve R277-100, Draft 3, on second and final reading.

Motion carried unanimously; Member Neilson absent.

R277-311 Specialized Endorsements

New rule R277-311 outlines requirements for specialized endorsements on educator licenses, specifically addressing endorsements for driver education and physical education. The Committee approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve R277-311 *Specialized Endorsements*, Draft 1, on second and final reading.

Malia Hite, Educator Licensing Coordinator, explained that these two areas have specialized endorsements due to safety requirements in those areas.

Motion carried unanimously; Member Neilson absent.

R277-507 Driver Education Endorsement

R277-311 incorporates the provisions of R277-507; therefore, the Driver Education rule is no longer necessary. The Committee approved repeal of the rule on first reading.

MOTION from Committee that the Board repeal R277-507 *Driver Education Endorsement* on second and final reading.

Motion carried unanimously; Member Neilson absent.

2021 Legislative Session Preparation

Funding Requests/Considerations for School Year 2021-22 (FY 22) for the 2021 Legislative General Session

Funding of local education agencies (LEAs) is based on Average Daily Membership (ADM) plus Growth. Due to the impacts of the COVID-19 pandemic there are questions and concerns with the funding levels for next State Fiscal Year 2022 and/or School Year 2021-22. USBE staff is preparing for the 2021 legislative session and the process of the determination of public education funding by the state legislature. Constitutional Amendment G on the ballot and the outcome of that measure will determine the way ahead for public education funding as well.

Dale Frost, Fiscal Policy Analyst, gave the presentation: Determining USBE Funding Priorities of the 2021 General Legislative Session. He outlined proposed differences between a Critical Budget Item and Other Important Budget Item and indicated that staff is seeking direction on the most critical budget items for the upcoming legislative session.

MOTION was made by Chair Huntsman and seconded that the Board approve the Critical Budget Items of student enrollment growth and a four percent net increase in the Weighted Pupil Unit and to send these business cases to the Governor's Office of Management and Budget in accordance with the Budgetary Procedures Act.

Motion carried unanimously.

Mr. Frost reviewed examples of possible items for the Other Important Budget Items category and asked for Board direction on budget items the Board would like to consider in December.

MOTION was made by Chair Huntsman and seconded that staff prepare an update of all existing business cases and any others received from Board staff to be available for Board member review and consideration in the Board's December meeting.

Motion carried unanimously.

Requests for Statutory Changes

Jill Curry, Program Analyst, reviewed recommendations for statutory changes for the 2021 legislative session.

MOTION was made by Member Belnap and seconded that the Board direct staff to work with legislators on potential amendments to Utah Code, as proposed.

MOTION was made by Member Lear and seconded that item 3 be amended to strike “accommodate virtual delivery options of” and add “to consider revisions to the required parent seminars.”

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

Motion carried unanimously; Member Neilson absent.

Board Rule Waivers

Jeff Van Hulten, Director of Public Affairs, reviewed proposed waivers to Board rule needed due to the COVID-19 pandemic.

MOTION was made by Chair Huntsman and seconded that the Board: 1) Waive, for the 2020-21 school year the annual reporting requirements for the Enhancement for At-Risk Student Program described in Subsections R277-708-5(3)(b) and (c) in light of the assessment waiver described in Section 53E-4-315; and 2) extend the October 1 deadline in R277-622 to December 1, 2020 for the Superintendent to distribute any undistributed funds as an additional allocation to LEAs for the 2020-21 school year.

Motion carried unanimously; Member Neilson absent.

Board Policy 2002 – Board Officer Elections Procedures

In accordance with Board Policy 2002, Board members vote for officers in person using a printed ballot. Due to the pandemic, in-person voting may not be possible. The policy has been amended to provide a contingency for voting remotely.

Without objection, references in the rule to “the vice chair” will be changed to “a vice chair.”

A concern was expressed that Board member votes are done by ballot and the votes are not done in an open meeting. It was noted that the ballots are available after the meeting and the vote totals are recorded in the minutes.

MOTION was put forward by Vice Chair Cummins that the Board approve Board Policy 2002 – Board Officer Elections Procedures, Draft 1.

Motion carried, with Member Lear opposed; Member Neilson absent.

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, or physical or mental health of individuals.

Upon voice vote of Members Belnap, Boulter, Cannon, Cummins, Davis, Earl, Graviat, Hansen, Haynes, Huntsman, Lear, Marsh, Newell, and Thorpe, the Board went into closed session at 7:16 p.m.

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

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

Motion carried; Member Neilson absent. The Board reconvened in open session at 7:52 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. 19-1614 to suspend the individual's Professional Elementary Education license for not less than one year from the date of Board action, consistent with the terms of the Consent to Discipline.

Motion carried unanimously; Member Neilson absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC Executive Secretary's recommendation in Case No. 19-1648 to suspend the individual's

Professional Secondary Education license for not less than ten years from the date of Board action pursuant to the Default Order.

Motion carried unanimously; Member Neilson absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 19-1674 to issue a reprimand on the educator's Professional Elementary Education license for not less than two years from June 10, 2019.

Motion carried, with Member Belnap opposed; Member Neilson absent.

MOTION was made by Member Belnap and seconded that the Board accept the Remand Order in UPPAC Case No. 19-1680.

Motion carried unanimously; Member Neilson absent.

MOTION was made by Member Belnap and seconded that the Board accept the UPPAC recommendation in Case No. 19-1723 to issue a reprimand on the educator's Professional Special Education (K-12+) license to be in place not less than two years from June 10, 2019.

Motion carried, with Members Belnap and Earl opposed; Member Neilson absent.

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

Motion carried unanimously.

Appointments

MOTION was made by Member Belnap and seconded that the Board appoint Scott Jones to the Utah Transparency Advisory Board for a four-year term.

Motion carried unanimously; Member Neilson absent.

MOTION was made by Member Belnap and seconded that the Board appoint Michelle Bagley to its Assessment and Accountability Policy Advisory Committee, representing elementary principals, to fill a mid-term vacancy to January 2022.

Motion carried unanimously; Member Neilson absent.

Board Chair's Report

Chair Huntsman congratulated Member Cannon for being elected as president-elect of the National Association of State Boards of Education (NASBE). He also recognized the work of the standing committees and thanked Vice Chair Cummins for chairing the meeting.

Board Member Comments

Member Davis informed that Colin Kartchner passed away recently. Mr. Kartchner spent the last few years working with students in Utah and across the nation to protect them from the dangers of social media. A statement of gratitude for his work will be prepared from the Board.

Member Boulter added her congratulations to Member Cannon for her election as a NASBE officer.

Adjournment

The meeting adjourned at 8:04 p.m.

[For additional information on items from the meeting, see General Exhibit No. 20-26.]

Lorraine Austin, Board Secretary
Minutes approved December 3, 2020