

UTAH STATE BOARD OF EDUCATION

MEETING MINUTES

December 2, 2021

A regular meeting of the Utah State Board of Education/Utah Schools for the Deaf and the Blind Governing Board was held on December 2, 2021, at 250 E. 500 S., Salt Lake City, Utah. Member Chair Huntsman presided. The meeting was held electronically and streamed to the public.

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 B. **Hansen**

Member Molly **Hart**
Member Stacey **Hutchings**
Member Matt **Hymas**
Member Carol Barlow **Lear**
Member James **Moss Jr.**
Member Kristin **Norton**
Member Brent J. **Strate**

Executive Staff Present

Sydnee Dickson, State Superintendent
Patty Norman, Deputy Superintendent
Angie Stallings, Deputy Superintendent
Scott Jones, Deputy Superintendent
Leah Voorhies, Assistant Superintendent
Darin Nielsen, Assistant Superintendent
Jeffrey Van Hulten, Director of Public Affairs
Bryan Quesenberry, Assistant Attorney General
Joel Coleman, USDB Superintendent

Minutes taken by:

Cybil Child, Executive Assistant

Others Present

Nathan Bigler

Cammy Wilcox

Genevra Prothero

Debbie Davis

Heidi Matthews

Jennifer Orten

Mike Brown	Katrina Brinkley
Ronald Parr	Noralee Green
Zac Christensen	David Sallay
Brian Garrett	Kathy Helgesen
Annie Massey	Jerry Record
Becky Hope	Alex Farah
Ben Rasmussen	Nathan Auck
Brenda McMurtrey	Sydnee Dickson
Duke Mossman	

Opening Business

Vice-Chair Huntsman called the meeting to order at 9:00 a.m.

Pledge of Allegiance

Member Hymas started the pledge.

Board Member Message

Member Lear gave the welcome message.

Education Highlight

Jeff Van Hulten, Director of Public Affairs, introduced the presentation of the Blue Ribbon Schools.

Public Comment

The following individuals gave public comments:

Christina Boggess, Nathan Bigler, Debra Oaks Coe, Jennifer Boehme, Phyllis Kimple, Darlene McDonald, Cj Wilkinson, Mike Brown, Kelly Strebel, Nathan Bigler, Hailey Anderson, Amanda Darrow. Tali Bruce, and John Arthur.

State Superintendents Report

Acknowledgment of Student Artwork

Cathy Jensen, USBE Education Specialist for Fine Arts, Music, Theatre, presented the student artwork.

Employee Recognition

State Superintendent Sydnee Dickson recognized Yuriko Murakami, the January Employee of the Month.

Superintendents Report

USBE State Superintendent Sydnee Dickson presented on the schools she recently visited. Career Path High shared its success by building positive relationships, encouraging clear communication, fostering an inclusive community of respect, collaborating to embrace academic challenges, honoring student achievement, and developing learning momentum that continues in the future.

Show Up for Teachers – Utah Principal and Teacher Wellbeing Project aim to understand the extent that Utah education professionals exhibit well-being; identify patterns in well-being across Utah schools by school type, school location, student demographics, and community context; identify ways in well-being across individuals according to their characteristics; examine the relationship between teacher well-being and principal well-being, and identify bright spots of higher than predicted well-being

General Consent Calendar

MOTION was made by Member Cannon and seconded by Member Boothe that the Board approves the General Consent Calendar minus 3, 4, and 5.

Motion passed unanimously.

GENERAL CONSENT CALENDAR

4.1 Approval of Meeting Minutes

The Board approved the minutes of its November 4-5, 2021, board meetings.

4.2 Contracts/Agreements for Approval

The Board approved contracts/agreements of over \$100,000.

4.3 Grants for Approval

The Board approves the Child Nutrition Program (CNP) to apply for the "Farm to School Grant" operated by the United States Department of Agriculture and Food (USDA).

4.4 World Languages Standards Review

The Board approves staff not to begin the standards revision process for World Languages Standards.

4.5 Utah State Instructional Materials Commission

The Board adopts the recommendations by the Utah State Instructional Materials Commission, and directs staff to award contracts to the various publishers to furnish instructional materials to the school of Utah.

4.6 Contracts/Agreements for Review

The Board was provided with a list of contracts/agreements under \$100,000.

4.7 Annual Report from the Land Trust Protection and Advocacy Office

4.8 Co-Sponsorship One Utah Learning Hive/Adopt a School

ITEMS PULLED FOR FURTHER DISCUSSION

4.3 Grants for Approval

MOTION was made by Member Lear and seconded by Member Norton that the Board approves the Child Nutrition Program (CNP) to apply for the "Farm to School Grant" operated by the United States Department of Agriculture and Food (USDA).

Motion passed with Member Earl, and Cline opposed.

4.4 World Languages Standards Review

MOTION was made by Member Earl and seconded by Member Hutchings that the Board does not approve to begin the standards revision process for World Languages Standards.

Motion passed unanimously.

4.5 Utah State Instructional Materials Commission

MOTION was made by Member Hansen and seconded by Member Davis that the Board adopts the recommendations by the Utah State Instructional Materials Commission and directs staff to award contracts to the various publishers to furnish instructional materials to the school of Utah.

Motion failed with Members Boothe, Moss, Cline, Hart, Hymas, Norton, Hutchings, and Earl opposed, and Members Huntsman, Hansen, Cannon, Lear, Davis, and Strate in favor.

Monthly Budget Items

Monthly Budget Report

Scott Jones, Deputy Superintendent of Operations, and Deborah Jacobson, Assistant Superintendent of Operations, presented the Board of education monthly budget report. In accordance with the Money Management Act and the Budgetary Procedures Act the Utah State Board of Education is provided a report on the status of funds for their internal budgets.

Discretionary Funds

Per the Money Management Act and the Budgetary Procedures Act the Utah State Board of Education is provided with a status of the funds. Deborah Jacobson, Assistant Superintendent, updated the Board on the FY2021 P-12 Discretionary Funds account.

Federal COVID-19 Relief Funding Update

Sarah Young, Director of Strategic Initiatives, and Sara Harward, CARES Specialist, presented a monthly update on the status of federal COVID-19 relief funding to support Utah K-12 schools and communities. The update will include the status of reimbursements to the field and an update on the recent American Rescue Plan Act legislation.

Approval of ESSER II State Reserve

USBE Sarah Young, Chief of Staff, discussed The Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA), was signed into law on December 27, 2020, and provides an additional \$54.3 billion for the Elementary and Secondary School Emergency Relief Fund (ESSER II Fund). ESSER II Fund awards to SEAs are the same proportion as each state

received funds under Part A of Title I of the Elementary and Secondary Education Act of 1965, as amended, in the fiscal year 2020.

The Utah State Board of Education reserved \$26,036,810 of the award for statewide projects to support the response to COVID-19 in alignment with federal guidance. Currently, the state has \$7,483,261 remaining in the ESSER II state reserve.

The Utah State Board of Education must obligate these funds by January 6, 2022. Staff is seeking direction from the Board on using these funds to best address K-12 needs due to COVID-19.

MOTION was made by Member Davis and seconded by Member Hart that the Board shifts the previously approved K-3 Professional Learning for Literacy project and the Early Learning Coaches for Rural Utah from ESSER II flexible state reserve to ARP ESSER evidence-based strategy for accelerated learning state reserve for funding.

Motion passed unanimously

MOTION was made by Member Norton and seconded by Member Strate that the Board funds the USIMS proposal with \$17.2 million with ARP ESSER flexible state reserve and ESSER II state reserve funding.

Motion carried with Member Earl opposed.

MOTION was made by Member Moss and seconded by Member Boothe that the Board approves the following projects for funding using the ARP ESSER evidence-based interventions for accelerated learning state reserve Pilot Program to Supplement Refugee Education and Family Engagement Program: Increase Educator Compensation.

Motion carried with Member Cline opposed.

MOTION was made by Member Davis and seconded by Member Cannon that the Board approves the Special Education Teacher Shortage Pilot, After School Expansion for Utah K-12, Digital Teaching and Learning (DTL) Jump Start, ARP ESSER accelerated learning state reserve scaling Afterschool Expansion if needed until funds are expended, and the Utah Donors Choose from the ESSER II Flexible allocation.

Motion passed unanimously.

MOTION was made by Member Hart and seconded by Member Hymas that the Board approves the Building Capacity: Utah Principals Supervisor Academy scaled to the remaining funds in the ESSER II flexible state reserve.

Motion carried with Member Cline opposed.

MOTION was made by Member Cline and seconded by Member Moss to bring back the USIMS proposal.

Motion carried with Member Boothe, Moss, Cline, Hart, Hymas, Earl, Hansen, and Cannon in favor, and Members Lear, Davis, Strate, Hutchings, Norton opposed.

MOTION TO AMEND was made by Member Earl and seconded by Member Cline that the Board to scale the funds \$5,667,866.15 of the USIMS proposal with \$17.2 million with ARP ESSER flexible state reserve and ESSER II state reserve funding to include the following:

- Braille Embossers, Brain Defense: Digital Safety Curriculum, Self-Government Works, Strengthening Civics Education.

MOTION TO DIVIDE by Member Cannon and seconded by Member Lear.

Motion passed unanimously.

MOTION was made by Member Earl and seconded by Member Cline that the Board scale the funds of the USIMS proposal with \$17.2 million with ARP ESSER flexible state reserve and ESSER II state reserve funding to include the Braille Embossers.

MOTION TO AMEND made by Member Lear and seconded by Member Lear that the Board fund the Braille Embossers program from the discretionary funds.

CALL THE QUESTION END DEBATE

Motion carried with Member Davis, and Earl opposed.

MOTION TO AMEND was made by Member Earl and seconded by Member Cline that the Board scale the funds of the USIMS proposal with \$17.2 million with ARP ESSER flexible state reserve and ESSER II state reserve funding to include the Braille Embossers.

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

MOTION TO AMEND was made by Member Earl and seconded by Member Cline that the Board scale the funds of the USIMS proposal with \$17.2 million with ARP ESSER flexible state reserve and ESSER II state reserve funding to include the Brain Defense: Digital Safety

Curriculum.

Motion failed with Members Cannon, Cline, Earl, and Moss in favor and Members Belnap, Boothe, Davis, Hansen, Hart, Hutchings, Hymas, Lear, Norton, and Strate opposed.

MOTION TO AMEND was made by Member Earl and seconded by Member Cline that the Board scale the funds of the USIMS proposal with \$17.2 million with ARP ESSER flexible state reserve and ESSER II state reserve funding to include the Self-Government Works, previously approved.

Motion failed with Members Cline, Earl, and Moss in favor and Members Belnap, Boothe, Cannon, Davis, Hansen, Hart, Hutchings, Hymas, Lear, Norton, and Strate opposed.

MOTION TO AMEND was made by Member Earl and seconded by Member Cline that the Board scale the funds of the USIMS proposal with \$17.2 million with ARP ESSER flexible state reserve and ESSER II state reserve funding to include the Strengthening Civics Education.

Motion failed with Members Davis and Cline in favor and Members Boothe, Belnap, Cannon, Hansen, Hart, Hutchings, Hymas, Lear, Norton, Strate, and Moss opposed.

PREVIOUS MOTION AS AMENDED that the Board fund the USIMS proposal with \$16.3 million with ARP ESSER flexible state reserve and ESSER II state reserve funding and that the Board approves \$900,000 for the Braille Embossers proposal from ESSER II flexible state reserve.

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

MOTION was made by Member Davis and seconded by Member Cannon that the Board approves the Special Education Teacher Shortage Pilot, After School Expansion for Utah K-12, Digital Teaching and Learning (DTL) Jump Start, ARP ESSER accelerated learning state reserve scaling Afterschool Expansion if needed until funds are expended, and the Utah Donors Choose from the ESSER II Flexible allocation, as amended.

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

Board Member Huntsman passed the gavel to Vice-Chair Davis

2022 Legislative Session Preparation

Requests for Statutory Changes

Angie Stallings, Deputy Superintendent, discussed legislative requests.

1) Amend Subsection 53E-3-518(2) to extend the deadline for completion of the Utah School Information Management System (USIMS) from July 1, 2023 to July 1, 2024.

2) Amend 53F-2-415 to allow USBE to use School-based Mental Health Grant carryforward (one-time) funds to address the challenge of hiring qualified personnel or contracting for services for a "Grow Your Own" type program for school social workers and school psychologists.

MOTION was made by Member Cannon and seconded by Member Boothe that the Board directs staff to work with legislators on potential amendments to Utah Code as proposed.

Motion passed unanimously.

2022 Legislative Session Business Cases and Funding Priorities

Scott Jones, Deputy Superintendent of Operations, and Dale Frost, Fiscal Policy Analyst, updated the funding priorities.

MOTION was made by Member Boothe and seconded by Member Cannon to remove Special Education Teacher Shortage Pilot from the current priorities.

Motion passed unanimously.

MOTION was made by Member Hart and seconded by Member Strate that the Board replaces the current business case priorities with the ranked survey priorities 1-10 as presented and forward these priorities on the Governor's Office and Legislature, as amended.

Motion carried with Member Hansen opposed.

MOTION TO AMEND was made by Member Lear and seconded by Member Strate that the Board adopts the Flexible, Educator-Directed Preparation and Collaboration Time business case and transmits it to the Governor and Legislature for consideration.

Motion carried with Members Belnap and Hansen opposed.

MOTION was made by Member Hansen and seconded by Member Strate that the Board re-rank the top eleven business cases with the above-added business case included in the survey and continue to reprioritize the business cases.

Motion failed with Members Boothe, Cline, Hutchings, Earl, Hansen, Cannon, and Belnap opposed and Members Hymas, Strate, Hart, Norton, and Lear in favor.

R277-419: Pupil Accounting

Angie Stallings, Deputy Superintendent of Policy, presented R277-419, Pupil Accounting. R277-419 was last amended in Spring 2021. The rule amendments were enacted for the 2021-22 school year only. Because the rule is only in effective for the remainder of the current school year, the Board needs to determine whether the current version of R277-419 should be: 1) extended for an additional school year; 2) extended permanently (without a one-year effective date); or 3) other amendments should be included for one or more years.

Staff recommends the Board extend the current version of R277-419 for an additional year and bring the rule back to the Board in Fall 2022 to determine whether the rule should be enacted permanently; revert to prior versions of the rule; or amend the rule based on information collected.

The Audit Committee also recommends R277-419 be amended to remove language relating to the annual agreed-upon procedures engagement (AUP) to codify the Audit Committee's recommendation to discontinue the AUP for SFY2022 and all future years.

MOTION was made by Member Hutchings and seconded by Member Strate that the Board continues and approves R277-419, Draft 1, on second and final reading.

Motion carried with Members Boothe, Cannon, and Hansen opposed.

[Audit Committee Report](#)

Vice-Chair Laura Belnap presented the audit report action.

R277-484 Data Standards (Amendment)

MOTION was made by Member Belnap that the Board approves R277-484 Draft 1 on second and final reading.

Motion passed unanimously.

Finance Committee Report/Recommendations

Committee Chair Mark Huntsman reported on the following items from the October 8, 2021, Committee meeting. Information on items not reported will be included in the Board meeting exhibits.

R277-427, LEA Financial Information Systems (New)

MOTION was made by Member Moss that the Board approves R277-427, Draft 2, on second and final reading.

Motion passed unanimously.

LEA Financial Data Submission in the Utah Public Education Financial System (UPEFS)

MOTION was made by Member Moss that the Board approves sending a formal letter to the LEAs that have not certified their UPEFS financial data submissions, noting that MSP funds may be withheld if data is not certified within 30 days of receipt of the formal letter.

Motion passed unanimously.

Law and Licensing Committee Report/Recommendations

Committee Chair Carol Lear reported on the following items from the October 8, 2021, Committee meeting. Information on items not reported will be included in the Board meeting exhibits.

R277-499, Seal of Biliteracy (Continuation)

MOTION was made by Member Lear that the Board continues R277-499, Draft 1, on second and final reading.

Motion passed unanimously.

R277-702, Procedures for the Utah High School Completion Diploma (Continuation)

MOTION was made by Member Lear that the Board continues R277-702, Draft 1, on second and final reading.

Motion passed carried with Member Hansen not present.

R277-703, Centennial Scholarship for Early Graduation (Repeal)

MOTION was made by Member Lear that the Board repeals R277-703 on the second

and final reading.

Motion passed unanimously.

R277-915, Work-based Learning Programs (Continuation)

MOTION was made by Member Lear that the Board continues R277-915, Draft 1, on second and final reading.

Motion passed unanimously.

Standards and Assessment Committee Report/Recommendations

Committee Chair Scott Hansen had no action items to report on from the October 8, 2021, Committee meeting. Information on items not reported will be included in the Board meeting exhibits.

Annual Core Standards Survey and Revision Cycle

MOTION was made by Member Hansen that the Board approves the results of the Overall Cueing Rubric rating survey.

Motion passed unanimously.

CTE Course Standards Approval

MOTION was made by Member Hansen to approve the CTE Course Standards, Draft 1, with exceptional teaching as a profession 3.

MOTION TO AMEND made by Member Earl and seconded by Member Cline amend Page 269 of Standard Four to add Strand 7, Standard 4 of CTE Course Individual and Family relationships, "Adverse Childhood Experiences and Positive Childhood Experiences."

Motion passed unanimously.

Motion, as amended, passed unanimously.

Resources for Implementation of R277-328, Educational Equity in Schools

Resources for Implementation of the Board Rule

MOTION was made by Member Lear and seconded by Member Hutchings the Board to approve slides 1-16 for the R277-328 Educational Equity in Schools training presentation.

Motion passed unanimously.

MOTION TO AMEND was made by Member Cline and seconded by Member Earl that the Board strikes Slide No. 15 Parental Responsibility in total as outside the scope of rule 328 and in conflict with existing law.

Motion failed Boothe, Cline, and Earl in favor, and Members Belnap, Cannon, Hart, Hutchings, Hymas, Davis, Moss, Lear, Norton, and Hansen opposed.

CALL THE QUESTION

Motion passed unanimously.

MOTION was made by Member Hutchings and seconded by Member Lear to amend Slide 17 with the slide notes to replace "Preserve academic freedom" with the following: Respect teachers' right to choose language and words appropriate for the curriculum content, age of the students, and the nature of the discussion.

Motion passed unanimously.

MOTION TO AMEND was made by Member Cline and was seconded by Member Earl that the Board amends the Slide No. 17. Summary and Intent for consistency with the legislative intent of H.B. 901:

STUDENTS

- Will be provided with curriculum, instruction, and teacher training that does not promote, model, or contain divisive or discriminatory concepts based on race, color, nationality, etc.

TEACHERS

- Will model personal responsibility and create opportunities that respect and preserve the rights of all individuals.
- Will model the examination of various counterpoints to topics in an impartial manner.
- Will follow guidelines for appropriate classroom instruction as already established in state code 53E-9-203, Activities prohibited without prior written consent—Validity of

consent—Qualifications—Training on implementation; R277-217, Educator Standards and LEA Reporting; and R277-328.

ADMINISTRATORS

- Will ensure LEA-provided training to teachers complies with the intent of H.B. 901 and prohibits divisive and discriminatory concepts in curriculum and instruction.
- Will ensure a complaint process pursuant to R277-113-4(3)(4) that will promote transparency and impartiality, and fully engage parents.

Motion failed with Members Cline and Hymas, and Earl in favor and Members Huntsman, Belnap, Hansen, Strate, Hutchings, Lear, Cannon, Hart, Moss, Boothe, Norton opposed.

MOTION was made by Member Hutchings and seconded by Member Lear that the Board approves Slide 17, as amended.

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

Executive Session Action Items

MOTION was made by Member Boothe and seconded by Member Cannon 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.

Motion passed unanimously.

MOTION was made by Member Hart and seconded by Member Boothe that the Board comes out of executive session.

Educator Licenses

MOTION was made by Member Norton and seconded by Member Cannon that the Board accepts the UPPAC Consent Calendar.

Motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Cannon that the Board accepts the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 17-1425.

Motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Cannon that the Board accepts the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 19-1692.

Motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Cannon that the Board accepts the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 20-1758.

Motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Cannon that the Board accepts the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 20-1764.

Motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Cannon that the Board accepts the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 20-1773.

Motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Cannon that the Board accepts the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 20-1781.

Motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Cannon that the Board accepts the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 20-1790.

Motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Cannon that the Board accepts the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 21-1794.

Motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Cannon that the Board accepts the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 21-1817.

Motion passed unanimously.

Advisory Committee Appointments

MOTION was made by Member Norton and seconded by Member Cannon that the Board appoints Katherine Grove, representing a parent of a blind student, to the USDB Advisory Council.

Motion passed unanimously.

Adjournment

The meeting adjourned at 6:19 p.m.

Cybil Child, Board Secretary
Approved February 3, 2022.