

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

February 4, 2021

A regular meeting of the Utah State Board of Education/Utah Schools for the Deaf and the Blind Governing Board was held February 4, 2021. The meeting was held electronically due to the COVID-19 pandemic and streamed live to the public. Chair Mark Huntsman presided.

Members Present

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

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

Executive Staff Present

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

Minutes taken by:

Lorraine Austin, Board Secretary

Others Present

Aaron Brough, Ann-Michelle Neal, Ben Rasmussen, Christelle Estrada, Darin Neilsen, Debbie Davis, Deborah Jacobson, Jared Felt, Jeff Ojeda, Jennifer Covington, Jennifer Throndsen, Jill Curry, Malia Hite, Patrick Lee, Rebecca Donaldson, Robert Austin, Sarah Young, Tiffany Stanley, Whitney Phillips, Zachary Christensen, Jerry Record, Jeff Van Hulten, Alex Farah, Chuma Uzoh, Audra Urie, Jessica Smith, Thalea Longhurst, Dale Frost, Brian Olmstead, Nathan Auck, David Christensen—USBE staff; Bryan Quesenberry, Michelle Beus—Assistant Attorneys General; Jennifer Lambert—State Charter School Board staff; Heidi Matthews—Utah Education Association; Lexi Cunningham—Utah School Superintendents/School Boards Associations; Nune Phillips; Amanda McPeck—Division of Workforce Services; Alejandra Vitela; Ambrea Banagas; Steve Fershtut; Deanna Holland; Kalleth Warren; Rob Moolman; Chris Jensen—Utah Pride Center; David Mortensen—Stoel Rives; Michelle Tanner, Carl Empey, Susan Patten—USDB staff; Jennifer Covington, Jason Eyre, Missy Hamilton—Murray School District; Hanifi Oguz, Sheldon Killpack, Chris McCandless—Beehive Academy

Opening Business

Chair Mark Huntsman called the meeting to order at 9:00 a.m. He read the following statement: *As authorized by Utah Code 52-4, this meeting is being held electronically without an anchor location to reduce the risk to health and safety from COVID-19 by limiting the frequency of in-person meetings.*

Board Member Message

Vice Chair Cindy Davis provided the Board welcome message. She addressed the situation currently taking place where Board members are being inundated with communications from individuals expressing opinions about racism and the training and teaching of racist theories in schools. She clarified that the Board taken one substantive vote surrounding racism by adopting the Board's Resolution Denouncing Racism and Embracing Equity in Utah Schools.

Vice Chair Davis voiced her belief that Board members share a common goal of working to eradicate racism and build a society which upholds liberty and justice for all and that every member wants children to feel safe from bullying at school no matter their race, gender, ability, religion, economic status, or parent's political persuasion. She asked that the distractions stop so the Board can get on with its important work.

Employee Recognition

Chair Huntsman recognized Superintendent Sydnee Dickson for being named the USB E Employee of the Month for February.

Education Highlight

Murray School District staff members Missy Hamilton, Director of Technology and Elementary Teaching and Learning, and Jason Eyre, Technology Coordinator, highlighted the work Murray has done to reach out to families in need during the pandemic and provide greater access to students.

Public Comment

Alejandra Vitela, student – addressed the Coronavirus and asked the Board to reconsider its decision to send teachers at high risk of contracting the virus back to school. She stated that the environment in which they teach should be up to the teachers. Her teachers have been very kind and care a great deal about their students, and she would like to extend the same care to them.

Ambrea Banagas – shared that her family is racially diverse, and she has taught her children about different races and the importance of human respect. She voiced strong opposition to her children being taught about racial issues in school and expressed that schools should be neutral concerning racial issues, politics, morals, values, sexuality, and gender programming, and those things should be taught in the home. She asked the Board to uphold parental rights.

Deanna Holland – voiced that as a mother of five she is concerned about some of the extreme social views that are working their way into the Utah school system—specifically about comprehensive sexuality education, transgender ideology, and Critical Race Theory. CSC and CRT programs do not reflect the views of most Utah parents, and the teaching of these sensitive issues should be left up to parents. She also expressed concern that diversity of thought is no longer accepted and that attacks on Board member views could set a precedent where Board members and parents are unable to have a dialogue about important topics for fear of being maligned.

Kalleth Warren, Utah Education Association Educators of the Blind Caucus – addressed the Board in its role as the USDB Governing Board, speaking on behalf of the caucus. She stated that the current Board “three percent” rule [R277-801] does not need recalculation, reevaluation, or change as it is already robust and allows choice for families, LEAs, and educators. Manipulation of the three percent rule could result in a monopoly of the delivery of services for blind and visually-impaired students in Utah and employment choices for teachers of the visually impaired (TVIs) and could increase the TVI shortage in the state. She asked the

Board to consider the input of the caucus who is advocating for the students and families they serve.

Rob Moolman – identified himself as “the queer kid from a school in South Africa, a queer teacher and passionate and life-long educator.” He spoke in response to comments made recently by a Board member and asked the Board members think about: 1) What they believe the purpose of schooling and education is; 2) why a place like the Utah Pride Center advocates for inclusive classrooms; and 3) why we are so afraid of certain topics and discussions. He asked Board members to come to the Utah Pride Center to find out why it still must exist and why its work is so important.

Heidi Matthews, President, Utah Education Association – Informed the Board that UEA’s mission is to advance the cause of public education, to strengthen the teaching profession, and promote quality schools for Utah’s children. She stated that UEA’s goals are like the Board’s and require collaboration. UEA applauds the Board for its efforts creating and supporting an advisory committee on equity and educational services for students, hiring an equity specialist, establishing equity compliant services, and for its strong statement denouncing racism and embracing equity.

Chris Jensen, Chair, Utah Pride Center – shared his experience since he was ten growing up as a gay person in a small town. The hateful words and damaging stereotypes that were frequently made about the queer community, even by teachers and school board members, made him feel he had no hope and that his life was a mistake. He voiced that Board members have a primary responsibility to ensure that schools are safe and welcoming to all students, and a Board member’s recent comments have put queer students at risk of bullying, harassment, and mental anguish. He asked for an apology for the comments and invited Board members to accept the Utah Pride Center’s open invitation to visit the Center.

David Mortensen, attorney for American Preparatory Academy (APA) – spoke to an audit of APA special education expenses the Board will be addressing later today. He indicated that APA has asked repeatedly for an opportunity to address the Board and has been denied that opportunity. He also stated that the audit incorrectly questions special education expenses

for occupational therapists that worked with special education students and reiterated that APA should not have to repay those amounts.

Steve Fershtut – shared his belief that the Board can help students become properly educated about the balance of power between the federal and state governments by endorsing a proposal that would stress the importance of the 10th Amendment by requiring students to memorize it. He stated that by doing so, and with the additional study that would result, students will become politically intelligent voters. He asked Board members for their support of the proposal.

Utah Schools for the Deaf and the Blind (USDB)

FY21 Monthly Budget Update

Carl Empey, USDB Finance Director, provided the budget update, indicating that USDB has a strong financial report for first six months of fiscal year.

Superintendent Joel Coleman spoke in response to some comments made about the “three percent rule” (R277-801 *Services for Students who are Deaf, Hard of Hearing, Blind, Visually Impaired, and Deaf-Blind*) and indicated he will bring more information about the rule and its effects on school districts to the next meeting.

USDB FY22 Legislative Request

Superintendent Coleman reviewed USDB’s legislative funding requests for fiscal year 2022.

LEA-specific License for Board Approval

Associate Superintendent Michelle Tanner presented a request for the Board to approve an LEA-specific license for Sara Rinehart, a mid-year hire. Superintendent Tanner reported that Ms. Rinehart is in the process of working towards her credentials.

MOTION was made by Vice Chair Davis and seconded that the Board approve the LEA-specific license as proposed.

Motion carried unanimously.

LIS Innovation Study Tour/Working Group

Superintendent Coleman reported that USDB will be engaged over the next 18 months in an innovation study and working group on social emotional learning and learning differences. He informed that the opportunity came because of USDB's membership in the League of Innovative Schools. He reported that the only cost to USDB is a one-time fee of \$800, and the work will culminate next year with a trip to New Zealand to visit schools there.

Mid-year Professional Development Re-charge Event for USDB Educators

Associate Superintendents Michelle Tanner and Susan Patten reported on a survey USDB sent to their teachers that shed light on the emotional stress teachers are under right now. In response, a professional development day was held to address those needs.

USDB Superintendent's Report

Superintendent Coleman reported that in addition to the mid-year event for educators, USDB's staff from the Department of Human Resource Management has reached out to remind employees of the resources DHRM provides individually for employees that need help.

Superintendent Coleman reported that a review of USDB's Utah Program Improvement Planning System (UPIPS) indicator was completed and "the files were found to be 100 percent compliant and the data will be reported to the Office of Special Education Programs in the Annual Performance Report."

Superintendent Coleman announced that this week USDB will be launching a new tool called Parent Square. The tool is an app that will be used to facilitate all communications with parents and staff members with the hope to increase communication and parent engagement.

State Superintendent's Report

State Superintendent of Public Instruction Sydnee Dickson reported that as Board staff have been looking at various student groups during this pandemic, they have been very concerned about students who are members of families classified as migrants. Dr. Dickson made a presentation about the Migrant Education Program.

Jeff Ojeda, USBE McKinney-Vento and Migrant Education Specialist, informed the Board about the effects of COVID on the migrant community and reported that those students have had considerable challenges because of COVID, exacerbated because of situations with workplaces closing, unavailability of services such as Internet connectivity, and inexperience with technology. School districts have created opportunities for those students, but the number of support personnel is small.

Budget Report

Monthly Budget and Discretionary Funds Report

Deputy Superintendent Scott Jones informed that USBE is fiscally sound and able to meet all its financial obligations at this time. He also provided an overview of the Discretionary Fund.

CARES K-12 Monthly Report

Sarah Young, Director of Strategic Initiatives, provided an update related to the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding for K-12. She shared that the reporting for the first year of the Elementary and Secondary School Emergency Relief Fund (ESSER) and Governor's Emergency Education Relief Fund (GEAR) has been completed.

Ms. Young also explained changes in the requirements for the ESSER II LEA grants to LEAs and that requirements could be affected by 1st Substitute S.B. 1 by the Utah Legislature. The intent of the language in S.B. 1 is that ESSER II funds must focus specifically on learning loss, and that the Board would have to reduce funding to any LEA opting to use those funds for other purposes. Due to the change, USBE staff will reissue the ESSER II grant with the updated guidelines.

CARES Act Survey Report

Jill Curry, USB E Program Analyst, gave a report on a survey USB E administered to each LEA that received CARES funding. The survey included federal reporting requirements and other questions from the State Board.

General Consent Calendar

At the request of Member Earl, item 5.3 was pulled from the Consent Calendar and at the request of Member Earl, item 5.4 was pulled.

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

Motion carried unanimously.

GENERAL CONSENT CALENDAR

5.1 Approval of Meeting Minutes

The Board approved the minutes of its January 6 and January 21, 2021 meetings.

5.2 Contracts/Agreements for Approval

The Board approved contracts/agreements with the following entities: American Automobile Association (AAA); Renaissance Learning Inc.; Teaching Strategies, Inc. DBA Safe & Civil Schools.

5.3 DWS Data Sharing Agreement Request

This item was pulled for further discussion.

5.4 Lifelong Learner Project

This item was pulled for further discussion.

5.5 Contracts/Agreement for Review

The Board was provided with information about contracts/agreements under \$100,000.

5.6 Digital Teaching and Learning Annual Evaluation

The Board was provided with an evaluation of its Digital Teaching and Learning Grant Program.

5.7 Annual Report from the Land Trusts Protection and Advocacy Office

The report was provided to the Board as required in Utah Code 53D-2-203.

Item 5.3 DWS Data Sharing Agreement Request

MOTION was made by Member Cline and seconded that the following language be added to the end of the Grantee Model Disclosure Notification to Parent or Guardian of Participant in Attachment D of the Memorandum of Understanding Between the Utah Department of Workforce Services and Utah State Board of Education for School Readiness Initiative Coordination: "Program-level data will be shared with the Department of Workforce Services to fulfill requirements of 53E-4-314. No personally identifiable student data will be shared by the Utah State Board of Education without parental notification."

Motion carried unanimously.

MOTION was made by Member Cline and seconded that the following wording be added to the end of the Disclosure Notification to Parent or Guardian of Participants: "If you have concerns or would prefer your child not be assessed/or data shared, please contact [insert program contact information]."

Member Cline indicated this statement would let parents know they have the option to not participate and provide information on how to opt out.

Jennifer Thronsen, USBE Director of Teaching and Learning, noted that the legislature made it very clear in statute it expects the Board to conduct this program for preschool students and the tests are not part of the Parent Exclusion Form for opting out of tests. There are parents, however, who will not have their children participate and staff are sensitive to those parental rights.

MOTION was made by Member Belnap and seconded that the wording be amended to read: "If you have questions about the assessment or about data collected, please contact [insert program contact information]."

Amendment passed, with Member Cline opposed.

Motion, as amended, carried unanimously.

Motion was made by Member Earl and seconded that the language at the bottom of the form beginning with "Preschool Program Active Parent Notification" be amended to replace, "I _____ (name) _____ verify that I have notified all student parents or guardians that the student SSID will be created," with, "I _____ (parent name) _____ verify that I have been notified that my child will have an SSID created."

It was clarified that the bottom section of the form is for the LEA to signify it has notified parents, not for the parent to fill out. Amanda McPeck, attorney for the Department of Workforce Services, indicated DWS would have concerns with the additional burden that collecting parent signatures would cause. Whitney Phillips, USBE Chief Privacy Officer, added that in this case parental consent is not required and adding such language may go beyond legislative intent.

Motion failed, with all members opposed.

MOTION was made by Member Hart and seconded that the Board approve the MOU with the Department of Workforce Services for Student Readiness Coordination, as amended.

Motion carried unanimously.

Item 5.4 Lifelong Learner Project

Member Earl explained that she pulled this item from the Consent Calendar because it uses blockchain and she is not in support.

MOTION was made by Member Belnap and seconded that the Board approve staff participation in the Lifelong Learner Project.

Motion carried, with Members Cline and Earl opposed.

R277-303 Educator Preparation Programs

R277-303 was approved by the Board in its January 6, 2021 meeting and was slated to be published in the January 15th Office of Administrative Rules' Utah State Bulletin. Since that time, USBE staff have received a concern from the field about a date included in the rule that

would be difficult for university preparation programs to implement. An amendment to that date was proposed by staff.

MOTION was made by Member Lear and seconded that the Board approve R277-303 *Educator Preparation Programs, Draft 2*, on final reading.

Motion carried unanimously.

Beehive Sciences and Technology Academy Waiver Request

Assistant Attorney General Michelle Beus provided a request from Beehive Science and Technology Academy for a waiver from Board rule R277-522-6(6), which states that if the satellite school does not open within 36 months of approval, the approval will expire. The school is requesting a waiver to allow for an August 2022 opening, which will exceed the 36 months. AAG Beus provided information that Beehive staff have been actively involved with Draper City to obtain zoning approvals and have gone to extensive efforts with the Department of Transportation for infrastructure development. The zoning delays have pushed the construction back to the point the school will not be able to open by August 2021.

MOTION was made by Member Hart and seconded that the Board waive R277-552-6(6) for Beehive Academy, as requested.

Motion carried unanimously. [On February 9, an amended version of the rule went into effect, changing the citation above to R277-552-7(7).]

American Preparatory Academy Settlement

Assistant Attorney General Bryan Quesenberry provided background regarding findings by USBE staff questioning the use of special education funds by American Preparatory Academy (APA) with the requirement that the funds be paid back to the state. APA disagreed with the findings, which eventually resulted in mediation and a settlement agreement. The agreement required that USBE conduct an audit of the original findings in the notice of non-compliance. The scope of the audit was specifically whether state special education funds were incurred for expenses that qualified for state special education funds for 2019. The audit reduced the amount of funds owed from \$8 million to \$2.8 million.

In its December 3, 2020 meeting, the Board met in closed session to discuss the audit and amount the Board would require APA to repay. The Board then took the following action in open session concerning the use of special education funds by American Preparatory Academy: 1) Accepted and approved the audit of APA's use of state special education funds completed by the USBE Internal Audit Department and dated November 5, 2020; 2) required reimbursement, consistent with the deadlines established in the Settlement Agreement, of \$2,785,917.59 (the full amount of questioned expenditures referenced in the November 5, 2020 APA audit) which the Board determined to be disallowed; and 3) instructed its legal counsel to provide to APA the explanation for the decision as required in the Settlement Agreement.

APA objected to the Board holding a deliberation in closed session, and because the Utah Open and Public Meetings Act is unclear on that point, it was recommended by the Board's attorneys that a further discussion be held in open session.

MOTION was made by Member Hansen and seconded that the Board reaffirm its action previously taken in the Board's December 3, 2020 meeting concerning American Preparatory Academy's use of special education funds.

Member Hansen spoke to his motion, indicating that the Board's position was made clear in December and that APA has the right to formally appeal that decision.

Member Hymas declared a conflict of interest and made clear he has not spoken to any Board member regarding this situation.

Motion carried, with Members Cline and Moss opposed; Member Hymas abstained due to a conflict of interest.

Drift Net Contract Settlement

Assistant Attorney General Michelle Beus referenced a proposed agreement to recover funds for a Board contract with Drift Net that expired but was not completed. She reported that she has been working with the vendor on the agreement and the vendor has indicated the entity would accept the terms of the agreement.

MOTION was made by Member Cannon and seconded that the Board accept the Settlement and Release Agreement with Drift Net, as proposed.

Motion carried unanimously.

2021 Legislative Session

2021 General Session Legislation

Deputy Superintendent Angie Stallings and Jeffrey Van Hulten, Public Affairs Director, reviewed the following bills: S.B. 145 Military Family Education Amendments; S.B. 154 Teacher Salary Supplement Program Amendments; H.B. 72 Device Filter Amendments; S.B. 142 Public Education Funding Amendments; and H.B. 38 School Technology Amendments.

2021 Legislative Session Public Education Funding Priorities

Deputy Superintendent Jones reviewed the budget tracker for the Board's budget request. He reported that to date all the Board's requests have been briefed with the Public Education Appropriations Subcommittee of the legislature. He also indicated that the revenue available should be known sometime early next week.

Board Positions on Legislation

MOTION was made by Member Cannon and seconded that the Board support S.B. 154 Teacher Salary Supplement Program Amendments.

Motion carried unanimously.

MOTION was made by Member Earl and seconded that the Board direct staff to work with the sponsor of H.B. 93 Youth Suicide Prevention Programs Amendments to address the following issues in a substitute bill: 1) Separate the elementary and secondary suicide prevention components, including providing additional components for the elementary portion of the program; and 2) address the risk factors in the legislation.

Member Earl spoke to her motion, noting that several high-risk populations are identified in the suicide prevention coalition plan section, and she supports asking if the sponsor would consider a broader description of risk factors and include positive environments and structures.

A concern was expressed that with the proposed changes flexibility for LEAs may be diminished.

Motion carried, with Member Lear opposed.

MOTION was made by Member Cannon and seconded that the Board support H.B. 134 Notice of Public Education Reporting.

Motion carried unanimously.

Finance Committee Report/Recommendations

Chair Huntsman vacated the Chair to Vice Chair Belnap while he gave the Finance Committee report. Following the report, Chair Huntsman reassumed the Chair.

Committee Chair Huntsman reported on the following items from the January 7, 2021 Finance Committee meeting. [Information on items not reported will be included in the Board meeting exhibits.]

R277-484 Data Standards

The Committee reviewed amendments to R277-484 to change deadlines for data submissions, and approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve R277-484 *Data Standards*, Draft 1, on second and final reading.

Motion carried unanimously.

R277-490 Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)

The Committee reviewed amendments to the rule to provide an exception for LEAs and university recipients of BTSALP funds from charging indirect costs to the program. The Committee approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve R277-490 *Beverley Taylor Sorenson Elementary Arts Learning Program*, Draft 1, on second and final reading.

Motion carried unanimously.

Law and Licensing Committee Report/Recommendations

Committee Chair Carol Lear reported on the following items from the January 7, 2021 Law and Licensing Committee meeting. [Information on items not reported will be included in the Board meeting exhibits.]

Data Sharing Agreement Request

The Committee reviewed a request from Duke University to receive de-identifiable student-level data related to Utah's Drug Free Zoning laws.

MOTION from Committee that the Board approve the Duke University research sharing agreement for the years 2010-2020 with standards for de-identification language added to the contract, with the phrase, "identifiable data," in Section 35.8 being changed to "de-identifiable data." In addition, that the terms and conditions of the addendum to this agreement provide language that supersedes any conflicting provisions in the General Terms and Conditions when, and if, in conflict.

Motion carried unanimously.

R277-505 Education Leadership License Areas of Concentration and Programs

The Board's adoption of R277-305 in August 2019 rendered R277-505 obsolete. The Committee approved repeal of the rule on first reading.

MOTION from Committee that the Board repeal R277-505 *Education Leadership License Areas of Concentration and Programs* on second and final reading.

Motion carried unanimously.

R277-506 School Psychologists, School Social Workers, School Counselors, Communication Disorders (Audiologists), Speech-Language Pathologists, and Speech Language Technicians Licenses and Programs

The Committee approved repeal of R277-506 on first reading.

MOTION from Committee that the Board repeal R277-506 *School Psychologists, School Social Workers, School Counselors, Communication Disorders (Audiologists), Speech-Language*

Pathologists, and Speech Language Technicians Licenses and Programs on second and final reading.

Motion carried unanimously.

R277-308 *New Educator Induction and Mentoring*

The Committee reviewed amendments to R277-308 to include greater detail on requirements for LEA induction programs, and approved Draft 2 of the rule on first reading.

MOTION from Committee that the Board approve R277-308 *New Educator Induction and Mentoring*, Draft 2, on second and final reading.

Motion carried unanimously.

R277-210 *Utah Professional Practices Advisory Commission (UPPAC), Definitions*

In accordance with the five-year rule review requirement, the Committee approved continuation of R277-210 on first reading.

MOTION from Committee that the Board approve continuation of R277-210 *Utah Professional Practices Advisory Commission (UPPAC), Definitions* on second and final reading.

Motion carried unanimously.

R277-211 *Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions*

In accordance with the five-year rule review requirements, the Committee approved continuation of R277-211 on first reading.

MOTION from Committee that the Board approve continuation of *Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions* on second and final reading.

Motion carried unanimously.

R277-212 *Utah Professional Practices Advisory Commission (UPPAC) Hearing Procedure and Reports*

In accordance with the five-year rule review requirement, the Committee approved continuation of R277-212 on first reading.

MOTION from Committee that the Board approve continuation of R277-212 *Utah Professional Practices Advisory Commission (UPPAC) Hearing Procedures and Reports* on second and final reading.

Motion carried unanimously.

R277-215 Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions

The Committee reviewed amendments to the rule to add a presumption that would apply in the rare circumstance that an educator is convicted of some form of homicide. The Committee approved and continued Draft 1 of the rule on first reading.

MOTION from Committee that the Board continue and approve R277-215 *Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions, Draft 1*, on second and final reading.

Motion carried unanimously.

R277-216 Surrender of License with Utah Professional Practices Advisory Commission (UPPAC) Investigation Pending

The Committee reviewed R277-216 in accordance with the five-year rule review requirement and made minor amendments. The Committee approved and continued Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve and continue R277-216 *Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions, Draft 1*, on second and final reading.

Motion carried unanimously.

R277-217 Educator Standards and Local Education Agency (LEA) Reporting

The Committee reviewed amendments to R277-217 to add a provision addressing cheating and academic dishonesty and approved and continued Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve and continue R277-217 *Educator Standards and Local Education Agency (LEA) Reporting*, Draft 1, on second and final reading.

Motion carried unanimously.

Standards and Assessment Committee Report/Recommendations

Committee Chair Scott Hansen reported on the following items from the January 7, 2021 Standards and Assessment Committee meeting. [Information on items not reported will be included in the Board meeting exhibits.]

School Threat Assessment Model Policy

The Committee reviewed model policies created by the USBE School Safety Center.

MOTION from Committee that the Board accept the *School Threat Assessment Model Policy for LEAs and the Model Policy for Schools*.

Motion carried unanimously.

R277-461 Elementary School Counselor Grant Program

The Committee reviewed amendments to the rule to clarify and streamline existing requirements for the grant application and reporting, and approved Draft 2 of the rule on first reading.

MOTION from Committee that the Board approve R277-461 *Elementary School Counselor Grant Program*, Draft 2, on second and final reading.

Motion carried unanimously.

R277-716 Alternative Language Services for Utah Students

The Committee made amendments to Draft 1 of R277-716 and approved the continuation and amendment of the rule of first reading.

MOTION from Committee that the Board approve the continuation and amendment of R277-716 *Alternative Language Services for Utah Students, Draft 2*, on second and final reading.

Motion carried unanimously.

R277-108 Annual Assurance of Compliance by Local School Boards

The Committee approved Draft 1 of R277-108 with specific caveats.

MOTION from Committee that the Board approve R277-108 *Annual Assurance of Compliance by Local School Boards, Draft 1*, on second and final reading with the recommended caveats: 1) Adopt the assurance document labeled for the FY2021-2022 school year; 2) approve for the FY2021-2022 school year only, and; 3) allow the committee the ability to bring the assurance document back to the committee throughout the year for discussion and further work.

Motion carried unanimously.

Public Education Reporting Requirements Audit Update

Assistant Superintendent Darin Nielsen reviewed the recommendations contained in the December 13, 2019 Office of the Legislative Auditor General's Performance Audit of Public Education Reporting Requirements. He updated the Board on the progress made on the recommendations.

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.

Upon voice vote of Members Belnap, Boothe, Cannon, Cline, Davis, Earl, Hansen, Hart, Huntsman, Hymas, Lear, Moss, Norton, and Strate, the Board went into closed executive session at 5:16 p.m.

Those present in executive session included the Members above, except Member Cline, and Patty Norman, Angie Stallings, Scott Jones, Ben Rasmussen, Bryan Quesenberry, Michelle Beus, Jeff Van Hulten, Lorraine Austin, Paula Plant, and Whitney Phillips.

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

Motion carried unanimously; Member Cline absent. The Board reconvened in open session at 6:28 p.m.

Educator Licenses

MOTION was made by Member Norton and seconded that the Board accept the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 19-1681 to permanently revoke the individual's Level 2 Secondary Education license.

Motion carried unanimously; Member Cline absent.

MOTION was made by Member Norton and seconded that the Board accept the UPPAC recommendation in Case No. 20-1761 that the Board accept the educator's Petition for Voluntary Surrender of his Professional Secondary license.

Motion carried unanimously; Member Cline absent.

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

Motion carried unanimously; Member Cline absent.

Appointments

Trust Lands Advisory Committee

MOTION was made by Member Norton and seconded that the Board appoint the following individuals to its Trust Lands Advisory Committee for four-year terms: Jay Blain, representing educators; Susan Edwards, as an at-large member; Nancy Kennedy, representing local school boards; Steve Poll, representing secondary principals; Mary Wohlforth, representing elementary principals; Lark Reynolds, representing school business administrators; and Diane Windley, representing parents from rural areas.

Motion carried unanimously; Member Cline absent.

Student Data Policy Advisory Group

MOTION was made by Member Norton and seconded that the Board appoint Laura Hunter to its Student Data Policy Advisory Group for a four-year term as the representative for the Utah Education and Telehealth Network.

Motion carried unanimously; Member Cline absent.

Student Data User Advisory Group

MOTION was made by Member Norton and seconded that the Board appoint the following individuals to its Student Data User Advisory Group for four-year terms as LEA representatives: Robyn Hedgecock and Gavin Anderson.

Motion carried; Member Cline absent.

Utah Open and Public Meetings Act Training

In accordance with Utah Code 52-4-104, Assistant Attorney General Michelle Beus provided the required annual training for Board members on the Open and Public Meetings Act.

Board Chair's Report

Chair Huntsman expressed appreciation to staff for responding to an unusually large number of emails the Board has been receiving. He thanked all for their work and commitment to public education.

Board Member Comments

Member Strate informed that he visited the Utah Schools for the Deaf and the Blind recently and shared would a wonderful experience it was.

Member Earl reported that in school visits she recently made school administrators expressed appreciation to the Board for leaving them the choice concerning how they serve

their students. She noted that all had unique needs and challenges and they are meeting those challenges.

Member Cannon reported that she and Members Boothe, Lear, and Earl recently toured the high school art exhibition at the Springville Art Museum, and expressed what an enriching experience it was.

Adjournment

The meeting adjourned at 7:12 p.m.

[For additional information on items from the meeting, see General Exhibit No. 21-04.]

Lorraine Austin, Board Secretary
Minutes approved March 11, 2021