

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

June 3, 2021

A regular meeting of the Utah State Board of Education/Utah Schools for the Deaf and the Blind Governing Board was held on June 3, 2021. Due to the COVID-19 pandemic, the meeting was held electronically and streamed to the public. Vice Chair Laura Belnap presided.

Members Present

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 Carol Barlow **Lear**
Member James **Moss Jr.**
Member Kristin **Norton**
Member Brent J. **Strate**

Members Absent

Chair Mark Huntsman
Member Matt Hymas

Executive Staff Present

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

Minutes taken by:

Cybil Child, Board Secretary

Others Present

Dr. Joe Backman
Alex Farah
Annette Drueger

Allison Cook
Aaron Brough
Ann-Michelle Neal

Angie Stallings
Alan Griffin
Bryan Quesenberry

Darin Nielsen	Debbie Davis	Deborah Gatrell
Deborah Jacobson	E. Biggs	Elyse Arrington
Emily F.	Hailey Anderson	Jared Felt
Jennifer Thronsen	Jennifer Zundel	Jimmy May
Karla	Kathy Helgesen	Katie Nitka
LauraLee Gillespie	Leah Voorhies	Leslie Evans
Lexi Cunningham	Lorraine Austin	Malia Hite
Marilee C-R	Max Lang	Melinda McDaniel
Michelle Beus	Michelle Tanner	Michelle Watts
Michleene Johnson	Patrick Lee	Patty Norman
Rita Brock	Sarah Young	Steve Henderson
Sydnee Dickson	Tony Zani	Tracy Vandeventer
Zachary Christensen	Dale Frost	David Sallay
Erica Horsley	Jerry Record	Jeffrey Van Hulten
Ben Rasmussen		

Opening Business

Vice Chair Laura Belnap called the meeting to order at 9:01 a.m. Chair Mark Huntsman and Member Matt Hymas were excused.

Statement Regarding Electronic Meeting

Vice Chair Belnap read the following statement: *As authorized by Utah Code 52-4, this meeting is being held electronically without an anchor location due to safety risks at the location where the public body would normally meet.*

Board Member Message

Member Kristan Norton gave the Board member welcome message.

Education Highlight

Jeffrey Van Hulten, USBE Director of Public Affairs, introduced Dr. Joe Backman, Alpine School District Curriculum Director. Dr. Backman introduced his math team and they shared information about some exciting things that are happening with math in their school district. Alpine School Districts vision is that all their students acquire the essential math knowledge skills, helping students to truly feel empowered to learn mathematics, that they can make

sense of problems, that they can reason, that they can productively struggle and persevere through whatever problems come their way as well as finding their self-esteem math identity.

Employee Recognition

Michelle Watts, H.R. Director, introduced new USB E employees Rachel Colledge, Katie Krumholz, Dijana Karabegovic, Jessica Kjar.

State Superintendent Sydnee Dickson recognized LauraLee Gillespie, the Employee of the Month for May.

Public Comment

Allison Cook – spoke to express concerns regarding critical race theory and its introduction into our school's curricula under the guise of diversity, equity, and inclusion.

Tony Zani and Rose Park Elementary 5th grade students spoke about racism in schools and the importance that all nationality lives matter.

Deborah Gatrell – spoke in support of National Board Certification and the importance of diversity training.

Jimmy May, Utah resident – spoke against critical race theory. He read a message written by teachers in his district, on their behalf, due to the teacher's fear of retaliation and the need for anonymity.

Katie Johnson – spoke against critical race theory and related concepts of equity, diversity, and inclusivity. The meanings of these words have been changed and weaponized to lull us into passivity.

Rozanna Benally-Sagg, ACEESS Committee Member representing the Native Americans – spoke in support of equity. We are here to help our most vulnerable students who may not be provided equitable opportunities and access to resources.

Audryn Damron – spoke about the National Board Certification and her support of the opportunity for teachers. The national board certification process has improved and transformed her teaching.

Marilee Coles-Ritchiea, parent of a child in public school, 30-plus years in education, former public school teacher of both elementary and secondary students with the most experience working with English learners – thanked the Board for all their work addressing the importance of diversity, equity, and inclusion. Marilee expressed the Board has done a commendable job of demonstrating that they realize the work is crucial and that educators do need ongoing professional development. If we understand the systems, we can work to change the systems; this empowers all of us, it does not victimize us.

Nicole Steffes, teacher, Ph.D. student, and adjunct professor – spoke about her support of teaching critical race theory. There has been much confusion and public discourse amongst board members about critical race theory and equity efforts in education. Critical race theory is a framework that is used to help us understand why racially minoritized inequities exist in our society and how to eradicate them through an academic and legal framework.

Elyse Arrington – spoke about her perspective and of those others who are advocating for professional development programs and curriculum that centers on equity, and reflects, and honors each student's identity.

Hailey Anderson, a parent of three children in the Salt Lake City school district and representing my community – spoke about her support for equity education. I want teachers to continue to have this freedom to teach about these issues and not be censored or silenced and want inclusive equitable diverse schools that support all children.

John Arthur, 2021 Teacher of the Year – spoke in the support of denouncing racism and embracing equity. John is a proud National Board Certified teacher and teaches at Meadowlark Elementary. Somehow people have found a way to spoil beautiful words like equity, inclusion, and diversity and it's up to us, as reasonable people, to recognize that these ideas need to be upheld; otherwise learning for our students will suffer.

Lexi Cunningham, Utah School Superintendents Association (USSA) – believes in advocating for all children in public education. USSA always welcomes the opportunity to work collaboratively with the Board and knows that by working together we can provide meaningful experiences for students and teachers. USSA would like to be a partner in working through this process and not be excluded. USSA is concerned that they have not been involved in any

discussion about the new requirements and ask that before adopting R277-328, Educational Equity in Schools, the Board works with a variety of stakeholders.

Emilie Furse, Educator in Utah for 15 years – spoke about the importance of diversity, inclusion, and equity training for teachers. These pieces of training give teachers the skills and understanding to teach all of our students the skills that they deeply need such as empathy, perspective, respect, and kindness.

Katie Nitka, Educator – spoke about her disappointment of H.R. 901 House Resolution on Critical Race Theory in Public Education that grossly misrepresents critical race theory and shows zero knowledge of our Utah core standards. The bill is wasting our time and energy and forcing this Board to take time away from amazing efforts like the Portrait of a Graduate competencies and the Personalized Competency-Based Learning framework that are innovative and evidence-based.

Heidi Matthews, a teacher serving as the President of the Utah Education Association (UEA) – spoke about the importance of teaching accurate diversity, equity, and inclusion. She encouraged the Board to establish professional learning standards that build our educators' understanding so that they can ensure safe, inclusive environments for discussions of race, bias, gender, and equity and allow our educators to share accurate history through clear lenses.

Steve Henderson, Utah Parents United rep, a parent, and a U.S. History teacher – spoke about the importance of the difference between equity and equality and organizing those definitions.

Utah Schools for the Deaf and the Blind

Authorization of USDB Summer Facility Projects

Joel Coleman, USDB Superintendent, reviewed two projects that the USDB has requested to complete over the summer that may exceed \$100,000 due to rising costs of building materials and services.

MOTION was made by Member Moss and seconded that the Board approves USDB's three summer projects that may exceed \$100,000.

Motion carried, with Member Hansen opposed.

Turnaround School Reports

Tracy Vandeventer, Director, USBE Center for Continuous School Improvement, reported that following state statute, local school board members are required to report the progress of Turnaround Schools in their local education agencies (LEAs). The schools reporting today will present an update of progress toward the goals, benchmarks, and timetable in their low-performing schools' turnaround plans.

Aaron Wilson, Granite School District Federal Programs Director, presented the report on Redwood Elementary School.

Jennifer Zundel, Ogden School District Board Chair, presented the report on James Madison School.

Kathy Clark, Utah International Board Member, presented the report on Utah International Charter School.

John Robison, Davis School District Board President, presented the report on Holt Elementary School.

Paradise Canyon Elementary School presented a five-minute video and school staff Susan Harrah, Amy Mitchell, and Eliza Maravilla were present for questions.

State Superintendent's Report

Superintendent Dickson reported on the following:

2021 U.S. Presidential Scholars include 161 high school seniors nationwide recognized for their accomplishments in academics, the arts, and career and technical education fields.

The White House Commission on Presidential Scholars selects scholars annually based on their academic success, artistic and technical excellence, essays, school evaluations, and transcripts, as well as evidence of community service, leadership, and demonstrated commitment to high ideals.

The National Cyber Scholars Awardees are a competition sponsored by National Cyber Scholarship Foundation. 30,000 sought qualifications nationwide, 5,000 advanced and Utah had four students who earned more than \$31,500 combined in scholarships and training.

Superintendent Dickson honored the three Utah U.S. Presidential Scholars: Dallin Tyler Christensen from Pleasant View, Mahider Tadesse from Salt Lake City, Nathan Daniel Ford from Lehi, and four National Cyber Scholars: Kyle Holland, Grace Wong, Isaiah Stoddard, and Parker (Jaxon) Gardner.

General Consent Calendar

Member Earl requested that Item. 3: iSEE FY22 Funding Proposal is pulled from the consent calendar for questions.

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

Motion passed unanimously.

GENERAL CONSENT CALENDAR

6.1 Approval of Meeting Minutes

The Board approved the minutes of its May 6, 2021, meetings.

6.2 Contracts/Agreements for Approval

The Board approved contracts/agreements of over \$100,000 with the following entities: Multidimensional Software Creations; Waterford Research Institute, Dynamic Measurement Group, Amplify Education Inc., Empyra.com, Corwin Press, Inc., Shmoop University, Inc., Applied Engineering Management (AEM) Corporation, WestEd, Voyager Sopris Learning, Inc

6.3 iSEE FY22 Funding Proposal

This item was pulled from the consent calendar.

6.4 FY22 DTL Plan Approval, Cohort 7

The Board approved these Digital Teaching and Learning (Cohort 7) plans as recommended by the Digital Teaching and Learning Advisory Committee.

6.5 Utah State Instructional Materials Commission Recommendations

The Board approved the recommendations of the Utah Instructional Materials Commission from the spring 2021 review and directed staff to award contracts to the various publishers to furnish instructional materials to the schools of Utah.

6.6 State School Turnaround Plan approval - Holt Elementary School (Davis District)

The Board approved Holt Elementary School's Turnaround Plan.

6.7 Contracts/Agreements for Review

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

iSEE FY22 Funding Proposal

Member Earl asked about the opportunities outside of the Salt Lake County area and the Provo area. She expressed concern about whether there are opportunities for organizations in Washington or Cache County to be part of this accessibility of resources and funding.

Melissa Mendenhall, USB E Elementary Science, and Stem Specialist addressed the question indicating that following R277-444 all organizations receiving iSEE funding visit every public school for the grade level selected once every three years.

MOTION was made by Member Earl and seconded by Member Boothe that the Board approved the iSEE FY22 funding proposal.

Motion carried unanimously.

Monthly Budget Items

Monthly Budget Report

Finance Director Deborah Jacobson presented the budget report for the month ending March 31, 2021.

Discretionary Funds

Finance Director Jacobson reviewed the discretionary fund.

Tiffany Stanley, Chief of Staff, reviewed a staff request for use of Federal Mineral Lease discretionary funds for further work on the Utah Funding Study.

MOTION was made by Member Norton and seconded that the Board uses the reserved Federal Mineral Lease funds for the finding study and directed staff to amend the contract with WestEd:

1. Engage with Utah local education leaders regarding implementation of the at-risk WPU add-on, including opportunities and challenges of student-based budgeting;
2. prepare a brief with findings and recommendations to be delivered no later than the October 2021 Board meeting.

Some board members were concerned about deciding without more information. Members wanted to know how much interaction there has been with local education leaders regarding the study generally.

MOTION TO AMEND was made by Member Lear and seconded by Member Moss to add “and other related issues” to the end of the sentence, as follows:

1. engage with Utah local education leaders regarding implementation of the at-risk WPU add-on, including opportunities and challenges of student-based budgeting; and other related issues

Amendment passed unanimously.

MOTION TO AMEND was made by Member Earl and seconded by Member Strate to add additional language to the previous amendment, “including various geographic locations,” to read as follows:

1. engage with Utah local education leaders regarding implementation of the at-risk WPU add-on, including opportunities and challenges of student-based budgeting; and other related issues including various geographic locations

Amendment, as amended, carried, with Member Cline opposed.

There was further discussion about the federal funds impact individual student equity issues and what was the intended study for the use of funding.

MOTION TO AMEND was made by Member Earl and seconded to add a new No. 2 to the original motion to read: “2. examine implications of federal funds on local and state funding to support the individual equity of students; and”

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

Motion, as amended, carried unanimously, with Member Hart abstaining.

Federal COVID-19 Relief Funding Update

Sarah Young, Director of Strategic Initiatives, addressed the Board with a general update related to the finances about the American Rescue Plan (ARP) ESSER State Plan, and a request related to the ARP ESSER State Administrative Fund in terms of supporting a very small project with the Utah Grants Management System to help reduce some of the reporting burdens on local education agencies (LEAs).

Approval of USBE ESSER ARP Application

Dr. Sarah Young, Director of Strategic Initiatives, updated the Board about the preparation of the state application for ARP ESSER, the creation of the document, the facilitation of public comment, and feedback and the drafting revisions related to those comments of the Utah Grants Management System.

MOTION was made by Member Hart and seconded by Member Hansen that the Board approves the submission of the USBE ESSER ARP Plan to the U.S. Department of Education.

Motion carried unanimously.

Approval for ARP ESSER State Administrative Funding

Dr. Young reviewed a funding request for use of the ARP ESSER fund.

MOTION was made by Member Hart and seconded by Member Boothe that the Board approves the authorization of \$60,000 from the ARP ESSER fund for the revision of the Utah Grants Management System to allow for enhanced tracking of federal COVID-19 relief funding.

Motion carried, with Member Cline opposed

Vice Chair Belnap passed the gavel to Vice Chair Davis.

Paradigm High School Exit Review Panel Recommendations

MOTION was made by Member Strate and seconded by Member Cannon that the Board accepts the recommendation of the School Turnaround State Exit Review Panel for Paradigm High School to exit School Turnaround status for the 2021-2022 school year.

Motion carried unanimously.

American Preparatory Academy (APA) Special Education CAP Appeal Hearing Decision

MOTION was made by Member Belnap and seconded that the Board accepts the recommendation of the hearing panel that the American Preparatory Academy Special Education Corrective Action Plan (CAP) be affirmed, and that APA is required to comply with the plan.

Motion carried, with Member Cline opposed.

Finance Committee Report/Recommendations

Committee Vice Chair James Moss reported on the following items from the May 7, 2021, Committee meeting. Information on items not reported will be included in the Board meeting exhibits.

R277-607, Absenteeism and Truancy Prevention

The Committee reviewed the proposed amendments to R277-607 created as a result of the absenteeism statute in HB 81 of the 2021 General Session and approved Draft 1 of the rule on the first reading.

MOTION from Committee that the Board approves R277-607, Absenteeism and Truancy Prevention, Draft 2, on second and final reading.

Motion carried, with Member Lear opposed

R277-600, Student Transportation Standards and Procedures

The Committee reviewed board rule R277-600 under the five-year review requirement five-year. The Committee continued and approved Draft 1 on the first reading.

MOTION from Committee that the Board continues and approves R277-600, Student Transportation Standards and Procedures, Draft 1, on second and final reading.

Motion carried unanimously.

R277-601, Standards for Utah School Buses and Operations

The Committee reviewed proposed amendments to R277-601 to update the incorporation by reference manual with the edition currently being used and approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board continues and approves R277-601, Standards for Utah School Buses and Operations, Draft 1, on second and final reading.

Motion carried unanimously.

Licensing Committee Report/Recommendations

Committee Chair Carol Lear reporting on the following items from the May 7, 2021, Committee meeting. Information on items not reported will be included in the Board meeting exhibits.

Utah County Academy of Sciences Board Rule Waiver Renewal

The Committee reviewed the Utah County Academy of Science request that the Board renews its waiver of the 180-day requirement in R477-419 Pupil Accounting and the requirement in R277-700. The purpose of the waiver is to align the school's schedule to better match that of Utah Valley University as the school's students are highly involved in college-level courses at the university. Additionally, the waiver reduces the number of Arts and

Health/Physical Education requirements to allow for students to increase the number of STEM courses taken.

MOTION from Committee that the Board approves the waiver of certain requirements in R277-419 and R277-700 for Utah County Academy of Sciences, as requested.

Motion passed unanimously.

Tooele School District Request for Waiver from R277-419

The committee discussed the school district's request to extend the expiration date of the waiver for Dugway, Vernon, and Ibapah schools for two years and merge this waiver with another waiver so that all five schools will be on the same expiration/renewal schedule for the future.

MOTION from Committee that the Board approves the request from Tooele School District to extend the waiver from R277-419 for an additional two years and merge the waiver with that of its Wendover schools so that all will be subject to renewal at the same time.

Motion carried, with Member Cannon opposed.

Utah Special Education Advisory Panel (USEAP) Recommendation: *Systems Change for Meaningful Inclusion*

The Committee reviewed each recommendation from USEAP and forwarded a proposal to the board concerning the implementation of one, some, or all the individual recommendations in the memo.

MOTION from Committee that the Board direct staff to establish a micro-credential and training on inclusionary practices; establish administrator inclusionary practices training, materials, and Utah Educational Leader competencies; and prepare a Board rule provision for Committee review that would require an LEA to include inclusionary practices into the LEA's local policies.

Motion carried, with Members Hart, Strate, Earl, Cline and Moss opposed.

R277-309, Appropriate Licensing and Assignment of Teachers

The Committee reviewed the updates to R277-309 to clarify endorsement requirements for some special education licensees and approved the rule on first reading.

MOTION from Committee that the Board approve and continue R277-309, Appropriate Licensing, and Assignment of Teachers, Draft 4, on second and final reading.

Motion passed unanimously.

R277-530, Utah Effective Educator Standards

The staff recommended the continuation of the rule only as they are undertaking major rewrite recommendations. The Committee approved the continuation of the rule on the first reading.

MOTION from Committee that the Board continues R277-530, Utah Effective Educator Standards, on second and final reading.

Motion passed unanimously.

R277-531, Public Educator Evaluation Requirements (PEER)

The Committee discussed the continuation of the rule and approved the continuation on the first reading.

MOTION from Committee that the Board continues R277-531, Public Educator Evaluation Requirements (PEER), on second and final reading.

Motion carried, with Member Moss not present.

R277-925, Effective Teachers in High Poverty Schools Incentive Program

The Committee amended the rule to update the data used for identifying high poverty schools and approved the rule on first reading.

MOTION from Committee that the Board approve and continue R277-925, Effective Teachers in High Poverty Schools Incentive Program, Draft 1, on second and final reading.

Motion passed unanimously.

Doctoral Candidate Request for LEA-level Special Education Counts

MOTION from Committee that the Board approves the request from Brenda Smith for data, as presented.

Motion carried, with Member Earl not present.

Resolution Supporting Individual Health Decisions in Utah Schools

MOTION from Committee that the Board direct staff to work with sponsors of H.B. 308 from the 2021 legislative session to prohibit LEAs from coercing or providing incentives for or against vaccinations.

Motion carried unanimously.

Standards and Assessment Committee Report/Recommendations

Committee Chair Scott Hansen reported on the following items from the April 9, 2021, Committee meeting. Information on items not reported will be included in the Board meeting exhibits.

R277-700, The Elementary and Secondary School General Core

The Committee reviewed the amendments to R277-700 that update outdated references in the rule and approved the rule on the first reading.

MOTION from Committee that the Board approves and continues R277-700, The Elementary and Secondary School General Core, Draft 3, on second and final reading.

Motion carried unanimously.

R277-920, School Turnaround

The Committee discussed the amendments to R277-930 and approved the rule on the first reading.

MOTION from Committee that the Board approve and continue R277-920, School Turnaround, Draft 2, on second and final reading.

Motion carried unanimously.

R277-496, Waiver of Fidelity for the Early Intervention Software Program (EISP)

Deputy Superintendent Angie Stallings discussed the waiver details.

MOTION was made by Member Strate that the Board waive the requirement in Subsection R277-496-4(1) that prohibits a school from receiving K-3 reading software licenses for one year if a school does not use the early interactive reading software licenses per the technology provider's dosage recommendations and allow staff to provide all schools access to early interactive reading software licenses during the 2021-22 school year.

Motion carried unanimously.

R277-708, Waiver of EARS 10% Carry Forward Maximum

MOTION was made by Member Hutchings and seconded by Member Hart and Strate that the Board:

1) waives the 10% maximum Enhancement for At-Risk Student (EARS) carryforward amount described in Subsection R277-708-4(5)(a) for an LEA if the LEA:

a) submits a plan to staff by July 31, 2021, on how the LEA plans to spend down all of the LEA's EARS carryforward funds by June 30, 2022; and

b) returns to staff by October 31, 2022, any remaining EARS carry forward funds not spent by June 30, 2022; and

2) for an LEA's 2020-21 closing EARS balances, waives the requirement in R277-708-4(5)(c) for an LEA to submit the LEA's detailed spend plan and revised budget through the Board's grant management system.

Motion carried unanimously.

Standards Review Committee Sunset Review Recommendation

MOTION was made by Member Hutchings and seconded that the Board recommends the Legislature maintain the Standards Review Committee in Utah Code and not allow the Committee to sunset.

Motion carried unanimously.

R277-328, Educational Equity in Schools

MOTION from Committee that the Board approves R277-328, Educational Equity in Schools, Draft 5, on second and final reading.

MOTION TO AMEND was made by Member Cline Motion and seconded by Member Earl to add the statutory reference acknowledging parent's responsibility as the primary educator to the authority statement at the end of R277-328-1(d): consistent with 53E-6-103(1)(b).

Amendment carried unanimously.

MOTION TO AMEND was made by Member Cline and seconded to add the following subsection (3): Nothing in this Rule is intended to nor should conflict with Title VI (of other relevant aspects) of the Civil Rights Act of 1964. If it is determined that there are conflicts between this rule and the Civil Rights Act of 1964, the latter should prevail, and this rule should be amended.

Member Cline amended her original motion, and it was seconded to move the language: "Nothing in this Rule is intended to conflict with Title VI (of other relevant aspects) of the Civil Rights Act of 1964." to the end of Section 1 of the rule by creating R277-328-1(3) and remove the language "nor should" from her original motion.

Motion carried, with Member Lear, Cannon, and Norton opposed.

MOTION TO AMEND THE AMENDMENT was made by Member Cline and seconded to add language at the end of R277-328-1(3): Nothing in this Rule is intended to conflict with Title VI (of other relevant aspects) of the Civil Rights Act of 1964.

Amendment to the amendment failed, with Members Davis, Boothe, Lear, Hansen, Strate, Belnap, Hutchings, Cannon, and Hart in favor, and Members Earl, Cline, and Moss opposed.

MOTION TO AMEND was made by Member Boothe and seconded by Member Belnap to add the following new language to R277-328-2(3): “Diversity” or “diverse” means the exploration and incorporation of differences that each student brings through unique experiences, strengths, and ideas into a classroom. Member Boothe requested a withdraw of his motion.

Board members approved the withdraw of the motion.

MOTION TO AMEND was made by Member Cline and seconded to add the following definition of learning communities in R277-328-2(6): “Learning communities” means the shared responsibilities of a parent, student, and teacher working together towards successful academic outcomes.

Motion failed unanimously.

MOTION TO AMEND was made by Member Boothe and seconded by Member Cannon in R277-328-3(2)(c) to insert the word, “Professional,” before the definition of learning communities and capitalize “Learning” and capitalize “Communities”.

Motion carried unanimously.

MOTION TO AMEND was made by Member Hart and seconded by Member Strate to replace “shall” with “may” in R277-328-3(1).

Motion failed unanimously.

MOTION TO AMEND was made by Member Boothe and seconded by Member Strate to move the words in R277-328-3(2)(c) to subsection 3(2)(a) and add the word, “safe,” to read: (a) fostering a learning environment and workplace that are safe and respectful of all students and educators.

Motion carried unanimously.

MOTION TO AMEND was made by Member Moss and seconded by Member Cline to add the following to R277-328-3(2)(b): including prevention of discrimination or harassment in violation of state or federal law;

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

MOTION TO AMEND was made by Board Member Belnap and seconded to add (3)(2) the words “described in Subsection 1” and remove “provided by an LEA”.

Motion carried unanimously.

MOTION TO AMEND was made by Member Cline and seconded to replace “individual and collective responsibility, and” with “by” and add “providing necessary supports for” in front of “underperforming” and make conforming changes in Section 3(d) to read (d) establishing professional learning communities committed to continuous improvement, by identifying and providing necessary supports for underperforming students.

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

MOTION TO AMEND was made by Member Moss and seconded by Member Earl to add the following to R277-328-3(2)(d): “including modes of dress, speech, or religious observance that may be related to a student’s country of origin or ancestry;”

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

MOTION TO AMEND was made by Member Boothe and seconded by Member Cannon to add “and strategies,” replace “varying” with “diverse” and add the language at the end of R277-328-3(2)(g): including those with exceptional needs and those who are vulnerable to marginalization and exclusion and those who traditionally have been left out or excluded from appropriate educational learning opportunities.

MOTION TO DIVIDE THE QUESTION was made by Member Earl and seconded to divide the question.

Motion carried, with Member Cannon opposed.

FIRST MOTION the Board considered the first part of the divided motion to add “and strategies of.”

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

SECOND MOTION the Board considered the second part of the divided motion to replace “varying” with “diverse “ in R277-328-3(3)(g).

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

MOTION TO AMEND was made by Member Cline and seconded by Member Earl to reorganize R277-328-3(3) subsection (k) as follows: (l) protecting against any form of compelled speech or thought; (m) cultivating supportive conditions that focus on academic learning; and (n) remove barriers to learning; and (o) providing open access to opportunities for academic growth, achievement, and needed resources. (p) allow students to have accessible pathways to resources and opportunities.

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

MOTION TO AMEND was made by Board Member Moss and seconded to include the words in R277-328-3(3) “or asks a student to accept” to read as follows: (3) The professional learning provided by an LEA may not include instruction that promotes or endorses or asks a student to accept that.

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

MOTION TO AMEND was made by Member Cline and seconded by Member Earl to add the new subsection (a) to R277-328-3(3) and add the additional language to the following subsection (b): (a) direct or encourage students to identify themselves with any identity groups associated with "oppressor" or "oppressed" categories; or

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

MOTION TO AMEND was made by Member Cline and seconded by Member Boothe to add "shame" to R277-328-3(3)(d).

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

MOTION TO AMEND was made by Member Earl and seconded by Member Cline to delete "only" from R277-328-4(1) and to delete "that includes concepts;" and in R277-328-4(2) to delete "that includes concepts as" and to delete the current language from R277-328-4(4) by removing the following language: "(4) Classroom instruction that includes concepts as described in Section R277-328-4(3), shall be in accordance with the professional learning guidelines and requirements established in Section R277-328-4(2), (3), and (4)."

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

MOTION TO AMEND was made by Member Cline Motion to delete "that includes concepts as described in Section R277-328-3(3)" and to add the following subsection (1)(d) as follows: (d) truthful, historically accurate, and based on verifiable original source documents and a solid understanding of the original intent of the Constitution.

The motion was not seconded.

MOTION TO AMEND was made by Member Earl and seconded by Member Moss to move the following Subsection (5) to the end of R277-328-3 as follows: (5)(a) An educator, parent, or student may bring a violation of this rule to the attention of the Board pursuant to Subsection 53-E-401(8). (b) No retaliation by an LEA or educator shall be permitted for submitting a complaint about violation of this R277-328.

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

MOTION TO AMEND was made by Member Cline and seconded by Member Hart to delete R277-328-3(5) The content of professional learning provided by an LEA shall be made freely available by the LEA to parents with a student in the LEA within a reasonable amount time prior after to the training has been completed being offered. (6) The professional learning referred to in Subsection (5) does not include coaching or remediation sessions for a specific educator.

MOTION TO DIVIDE was made by Member Moss and seconded by Member Hart to split (5)(a) and (5)(b) as separate motions.

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

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

MOTION TO AMEND was made by Member Cline and seconded by seconded Member Earl to add the following new section 5 to R277-328 as follows: R277-328-5. Prohibited Expenditures and Compliance. (1) Any teacher, administrator or employee who knowingly, and intentionally violates any provision of R277-328, shall be sanctioned upon completion of a due process hearing.

Motion failed, with Member Cline in favor and all other Members opposed.

MOTION TO AMEND was made by Member Lear and seconded by Member Strate to replace “a specific approach” with “one ideology” in R277-328-6(1)(b).

Motion carried unanimously.

MOTION TO AMEND was made by Member Hart and seconded by Member Strate to insert “before or after the training is offered upon request and include: (a) a copy of this rule; and (b) a compliance rubric showing how the professional learning and materials adhere to the requirements of this rule in R277-328-3(5”.

Motion carried unanimously.

FINAL MOTION was that the Board approve R277-328, Educational Equity in Schools, Draft 5, on second and final reading, as amended.

Motion passed unanimously.

Executive Session

The motion was made by Member Belnap and seconded that the Board moves into executive session for the purpose of: 1) discussing the character, professional competence, or physical or mental health of individuals; 2) strategy on pending or reasonably imminent litigation; and 3) investigative proceedings regarding allegations of criminal misconduct.

Upon voice vote of Members Belnap, Hart, Strate, Hansen, Davis, Hutchings, Norton, Boothe, Moss, Cannon, Earl, the Board went into closed session at 8:10 p.m.

Those present included the Members above and Lorraine Austin, Cybil Child, Ben Rasmussen, Bryan Quesenberry, Jeff Van Hulten, Deborah Jacobson, Patty Norman, Michelle Beus, Angie Stallings, Michelle Watts, and Sydnee Dickson.

MOTION was made by Member Cannon and seconded by Vice Chair Davis that the Board comes out of executive session.

Motion carried unanimously. The Board reconvened in an open session at 8.56 p.m.

Executive Session Action Items

Educator Licenses

MOTION was made by Member Norton and seconded by Member Hart that the Board accepts the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 17-1444 to deny the educator's request to have his Elementary Education (K-6) License reinstated.

Motion carried unanimously.

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

Motion carried unanimously.

Adjournment

The meeting adjourned at 8.58 p.m.

Cybil Child, Board Secretary
Minutes approved August 5, 2021.