

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

May 6, 2021

A regular meeting of the Utah State Board of Education/Utah Schools for the Deaf and the Blind Governing Board was held May 6, 2021. Due to the COVID-19 pandemic, the meeting was held electronically and streamed 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 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
Joel Coleman, USDB Superintendent

Minutes taken by:

Lorraine Austin, Board Secretary

Others Present

Lori Volmar; Andrew Mount; Donell Pons; Bruce Smith, Charles Cunningham; Laurel Fetzer; Ellen Knell; Max Chang; Laura Ainsworth; Linda Nelson; Tony Zani; Greg Marchant; Janet Eyring; April Despain; Heather Langley Sikes; Tami Clevenger; Lindsay Gish; Macy Cook; Melody Francis; Sean Marchant; Carin Coria; Bryan Becherini; Cori Growth; Lindsay Gish; Leigh Ann Riding; Carina Zapata; Magda Tsagaris; Larissa Little; Alisa Muhlestein; Lexi Cunningham—Utah School Superintendents Association; Heidi Matthews—Utah Education Association; Liz Gabbatis—Utah State Library Division; Jennifer Remy, Jared Ferguson—Athenian eAcademy; Jayme Nay, Tracey Nelson—Greenwood Charter School; Dan Caffee, Tyler Bastian—Roots Charter School; Camille Knudsen, Gina Ruiz, Mark Ernst; —Ibapah School; Ron Nielsen, Nelson Yellowman, Gary Rock, Trevor Olsen—San Juan School District; David Forbush, Parker Fawson—Utah State University; Duke Mossman—Northeastern Utah Educational Services; Joel Coleman, Carl Empey, Susan Patten, Michelle Tanner—Utah Schools for the Deaf and the Blind; Michelle Beus, Bryan Quesenberry—Assistant Attorneys

General; Jeff Van Hulten, Jerry Record, Ann-Michelle Neal, Cybil Child, Darin Nielsen, Debbie Davis, Deborah Jacobson, Jennifer Throndsen, Jonathan Frey, Kathy Helgesen, Katrina Brinkley, Malia Hite, Max Lang, Michelle Watts, Naomi Watkins, Patrick Lee, Tracy Vandeventer, Whitney Phillips, Zac Christensen, Jared Felt, Leah Voorhies, Sara Wiebke, Tiffany Stanley, Aaron Brough, Darin Nielsen, Alex Farah, Ben Rasmussen, Kevin John, Leslie Evans, Rebecca Donaldson, Shannon Olson, Dale Frost, Sara Harward, Paula Plant, Leah Voorhies, Kim Herrera, Ricky Scott, David Sallay, Debbie Davis, Kendra Muir, Lindsey Henderson; Dallin Peugnet; Lisa McLachlan—USBE staff

Opening Business

Chair Mark Huntsman called the meeting to order at 8:04 a.m. Deputy Superintendent Scott Jones was excused.

Statement Regarding Electronic Meeting

Chair Huntsman 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.*

Swearing in of New Board Member

Chair Huntsman administered the Oath of Office to Stacey Hutchings. Ms. Hutchings was appointed by Governor Cox to fill the vacant seat in District 6.

Board Member Message

Member James Moss gave the Board member welcome message. He noted it is Teacher Appreciation Week and shared thoughts of his most influential teachers, beginning with his parents.

Employee Recognition

State Superintendent Sydnee Dickson recognized Jonathan Frey, the Employee of the Month for May.

Michelle Watts, H.R. Director, introduced new employees Greg Mateo, Emily Horne, Clint Hoke, Jeff Conley, Chelsea Oaks, Brandie Schulz, Mathew Anderson, and Jaimee Kidder.

Public Comment

Lori Volmar – voiced her belief in intercultural learning but expressed concern about Critical Race Theory (CRT) being implemented in our schools.

Andrew Mount – expressed concern with the propagation of anti-racism in schools across Utah. Children should not be taught to view people through the prism of race.

Donell Pons – informed that she spends her days working with people who struggle to read and write. She has gained greater understanding about Dyslexia and has learned that we can teach anyone to read through the science of learning and reading. She urged the Board members to search for understanding to develop their own equity literacy.

Bruce Smith – stated that the sacred duty of any school board is to serve the children and to ensure and enhance the maximum educational experience. Children should be taught how to think, not what to think. He stated that CRT is not fact; it is a theory and a lie.

Charles Cunningham – expressed that CRT is viewed by a large, increasing segment of Utah population as insidious, divisive, and very damaging to children. If CRT is permitted in Utah public schools it will create a firestorm among parents that will be very destructive to public education in this state.

Laurel Fetzer – voiced her belief that CRT is going to be a destructive theory if taught to our students. It teaches people to determine what people are like from the color of their skin and teaches children at a young age that their character is not important. Children need to be taught to be responsible for their lives and to be critical thinkers.

Ellen Knell – stated that every student needs to feel valued and that it is important to have discussions about race, but CRT is not the way to do it. She asked that education not have diversity training that teaches students to view everything through only one lens—the lens of race. Instead, she advocates for a rigorous education that requires students to examine all sides of an issue.

Max Chang – voiced that today some Board members still insist that systemic racism does not exist, and pitch for a colorblind system and neutral curriculum. He stated these notions propagated by a fiduciary body are exactly representative of systemic racism, and if

anything, our rich and diverse student population is being indoctrinated in narrowly defined parameters that only set us back from our goal of educational equity for all students.

Laura Ainsworth – voiced that there is a new bully in town that is threatening the mental health of children in some states, that we should try to keep out of Utah. This new bully, disguised as equity training, creates fear, social anxiety, embarrassment, guilt, inadequacy, and sorrow in some children. She also spoke against the 1619 Project, which some are being taught.

Linda Nelson – informed that 40+ years ago she heard an interview with young black man named Thomas Sowell, and commended his book, *Race and Culture*, to the Board. She stated that the problem with revisionist history with proposed curriculum like CRT is its erroneous and selective view of our history lacking context, that it divides by skin color, creates loathing for our country, and perpetuates victimhood. She asked that children be taught real American history in context.

Tony Zani – shared that he is a National Board-Certified Teacher and going through that rigorous process is the best thing he ever did, both for his teaching and for improving outcomes for his students. He asked the Board to support this program.

Greg Marchant – spoke against an equity council, CRT trainings, and book bundles infusing transgender and CRT ideologies into elementary schools in Murray School District, all done without parental consent. He asked that teachers be trained to expect and demand the same high standards of all students, with love and not bias, and to teach respect, academic excellence, and accountability.

Dr. Jan Eyring – addressed the recommendations of the Board’s Advisory Council on Equity of Educational Services for Students (ACEESS) regarding underrepresented students. The preface of that memorandum is filled with obvious Critical Race Theory jargon showing an incorrect premise to their suggestions. CRT is not appropriate for Utah.

April Despain – spoke against teacher trainings on equity and equity bundles being used in Murray District and voiced that the principles being taught are inappropriate in our schools. She asked the Board to focus on academics.

Heidi Matthews, Utah Education Association President – stated that UEA is committed to serving as an education stakeholder voice and wants to be included in the American Rescue

Act discussions. She reiterated UEA's specific request that these federal funds get to our districts with as much local control and flexibility as possible. She also expressed her gratitude to all teachers during this National Teacher Appreciation week.

Education Highlight

Superintendent Dickson informed about National Board-Certified teachers and the rigorous, two-year process in which teachers engage to become nationally board certified. She extended congratulations to those teachers who have newly certified and have renewed their certification.

Utah Schools for the Deaf and the Blind

Contract Approval

Joel Coleman, USDB Superintendent, reviewed a proposed contract to purchase a portable modular classroom to be used at Millcreek Elementary in Granite School District.

MOTION was made by Vice Chair Belnap and seconded that the Board approve the USDB contract with Williams Scotsman Inc., as presented.

Motion carried unanimously.

FY21 Monthly Budget Update

Carl Empey, USDB Finance Director, reviewed the USDB budget report for the month ending March 31, 2021 and stated that the school is fiscally and financially solvent.

Mr. Empey reported that USDB is getting ready to close out fiscal year end. He also reported that there is a balance in the enrichment fund, and it is not anticipated the money will all be spent due to the pandemic.

Fiscal Year 2022 Budget

Finance Director Empey presented the proposed FY22 budget and reviewed the budgeting process. He noted that the audiology van is not on the list.

MOTION was made by Member Belnap and seconded that the Board approve the USDB budget for fiscal year 2022.

Motion carried unanimously.

FY22 Enrichment Funds and Carryover Budget

Finance Director Empey reviewed the projects proposed for use of the Enrichment Funds.

MOTION was made by Member Hutchings and seconded that the Board approve the USDB FY22 Enrichment Funds Project List and FY21 carryover budget.

Motion carried unanimously.

Governor's Telework Initiative

Superintendent Coleman informed the Board that the Governor's Telework Initiative does not apply to much of USDB's staff. There are four positions that have been identified as eligible for telework.

Superintendency Update

Superintendent Coleman and staff reported on the following.

- The numbers are so low in the school on testing for COVID-19 that adults are now being referred to community resources for testing.
- After hearing from peers across the country it is believed that the Utah School for the Deaf might be the only deaf school that remained open this past year.
- Staff continues to work with the USBE licensing coordinator to figure out how USDB can match its needs with the Board's licensing system. Superintendent Coleman expressed his gratitude to Malia Hite, USBE Coordinator for Educator Licensing.
- The USDB Advisory Council considered the cost of its meetings, access to the meetings, and public participation. The Council determined to hold its meetings alternating with a virtual meeting one month and an in-person meeting the next, beginning in August.

- The Seventy48 event is moving ahead with a final practice run on Utah Lake. The race will be in Tacoma, Washington in June.
- Associate Superintendent Michelle Tanner updated the Board on finding a site for the St. George campus portable, which will have four classrooms.
- Associate Superintendent Tanner updated the Board on administrative changes at Jean Massieu School. New leadership will be in place for next school year.
- A virtual convening was held with the League of Innovative Schools of which USDB is a member. Superintendent Coleman participated on a roundtable discussion panel on meeting students where they are.
- USDB just won an architectural award for its new school building in Springville.
- Associate Superintendent Patten reported that students will be meeting in person for summer programs.

State Superintendent's Report

Superintendent Dickson reported on the following:

- During this Teacher Appreciation Week, there is not a more important year to appreciate our teachers and what they have been through.
- Paradise Canyon Elementary School has been named by the Embassy of Spain as the 2021 School of the Year for the entire country for its Spanish-language dual immersion program.
- Shadow Valley Elementary has been named by the U.S. Department of Education as a Green Ribbon School.
- First Lady Jill Biden visited Glendale Middle School and Snow Springs Elementary School this week.

Dr. Dickson celebrated that we get to have in-person graduations, proms, and spring activities this year and voiced how proud she is of all Utah educators, parents, students, and everyone who had made that happen. She reported that the mask mandate ends for schools on June 15 and there is no anticipation of mask requirements in the fall.

Turnaround School Reports

Tracy Vandeventer, Director of the USBE Center for Continuous School Improvement, informed that in accordance with state statute, local school board members are required to annually report the progress of Turnaround Schools in their local education agencies (LEAs). The Cohort 3 schools reporting today will present an update of progress toward the goals, benchmarks, and timetable in their low performing schools' turnaround plan.

Jennifer Remy, Athenian Governing Board Interim Chair and School Director Jared Ferguson presented the report on Athenian eAcademy High School.

Jayme Nay, Roots Governing Board Chair, and Tracey Nelson, School Director, presented the report on Greenwood Charter School.

Dan Caffee, Roots Governing Board Chair, and School Director Tyler Bastian presented the report on Roots Charter High School.

Camille Knudsen, Tooele County School District Board Member, and Gina Ruiz presented the report on Ibapah School.

Nelson Yellowman, San Juan School District Board Member, presented the reports on Navajo Mountain High School and Tse'Bii'Nidzizgai School.

General Consent Calendar

Member Earl requested that item 7.4 Contracts/Agreements for Review be pulled from the agenda.

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

Motion carried unanimously.

GENERAL CONSENT CALENDAR

7.1 Approval of Meeting Minutes

The Board approved the minutes of its March 25, April 8, and April 16, 2021 meetings.

7.2 Contracts/Agreements for Approval

The Board approved contracts/agreements over \$100,000 with the following entities: Education Direction; GuideSoft (dba Knowledge Services).

7.3 Individuals with Disabilities Education Act (IDEA) Annual Funding Application (FFY21)

The Board approved the IDEA FFY21 funding application.

7.4 Contracts/Agreements for Review

The Board was provided with a list of contracts/agreements under \$100,000. This item was pulled for further discussion.

7.4 Contracts/Agreements for Review

Member Earl asked questions about the Memorandum of Understanding with the Council of Chief State School Officers (CCSSO) and whether privacy concerns are being addressed. Superintendent Dickson provided the assurance that no student data is being shared. Member Earl also voiced concerns about the National Summer Learning Association.

Budget Items

Monthly Budget Report

Finance Director Deborah Jacobson presented the budget report for the month ending March 31, 2021 and indicated that USB E remains financially sound and is able to fulfill all of its obligations for the remainder of FY 2021. She reported that staff is in the process of year-end close.

Discretionary Fund Request

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 Belnap and seconded that the Board approve the USB E staff request for the use of the remaining Federal Mineral Lease funds for further research and development related to the funding study conducted by WestEd.

Board members questioned whether the Board would have an opportunity to provide direction more specifically on the use of the funds.

MOTION was made by Member Hansen and seconded that the motion be amended to read: *That the Board reserves the remaining federal mineral lease funds (\$54,151.55) for further research and development related to the Funding Study conducted by WestEd and that the use of the funds be decided after the Board study session later in May 2021.*

Amendment carried unanimously.

Motion, as amended, carried unanimously.

COVID-19 Relief Funding Update

Sarah Young, Director of Strategic Initiatives, and Sara Harward, CARES Education Specialist, gave an update on the use of federal CARES funding, Coronavirus Relief Awards, CRSSA Funding, and American Rescue Plan Act funds.

Chief of Staff Tiffany Stanley addressed the vision for these funds moving forward.

Elementary and Secondary School Emergency Relief II (ESSER II) State Administrative Funding Request: Competency Assessment

Jennifer Thronsen, Director of Teaching and Learning, presented a request for use of ESSER II State Administrative funds.

MOTION was made by Member Davis and seconded that the Board approve the use of \$250,000 from the ESSER II State Reserve to support the Demonstrated Competency Assessment: Next Generation Project.

Motion carried with Members Belnap and Earl opposed.

ESSER II State Administrative Funding Request: Digital Access

Dr. Sarah Young reported that Board staff have played the role of convener to address emergency broadband needs for students to have access to educational opportunities, recognizing this is not an issue exclusive to schools. Dr. Young and Liz Gabbatis from the Utah

State Library Division reviewed a proposal for a partnership between the Board and State Libraries for a Digital Access and Education program. The program would require a time-limited position through September 30, 2023.

MOTION was made by Member Belnap and seconded that the Board authorize \$300,000 from the ESSER II State Administration Fund for the creation of a multi-year, time-limited Digital Access and Education Coordinator with the Utah State Library Division.

Some members voiced concern over not having direct accountability for the funds, possibly creating more bureaucracy, and that there may be different standards in libraries for youth content than are in the schools; additionally, that there is already a state agency with the mission to create broadband and there may be a better use for the funds.

Other members were supportive of creating these types of partnerships and lifting a burden off local schools.

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

ESSER II State Reserve Funding Request: Transforming Accountability to Support Personalized Competency-based Learning

Darin Nielsen, Assistant Superintendent, reviewed a proposal for use of the ESSER II State Reserve funds.

MOTION was made by Member Belnap and seconded that the Board approve the use of \$300,000 from the ESSER II State Reserve to support the Transforming Accountability to Support Personalized Competency-based Learning Project.

Some members spoke to privacy concerns and keeping things as local as possible.

Motion carried, with Members Cline and Earl opposed.

ESSER II State Reserve Funding Request: Early Learning Coaches for Rural Utah

Jennifer Thronsen, Director of Teaching and Learning, provided an overview of a proposal for use of the funds.

Member Strate announced a potential conflict of interest as his brother is a service center director. Chair Huntsman rule that there is no conflict.

MOTION was made by Member Belnap and seconded that the Board approve the use of \$2,400,000 from the ESSER II State Reserve to support the Early Learning Coaches for Rural Utah Project.

Motion carried unanimously.

State Fiscal Year 2022 Budget

In its April meeting, the USB E Finance Committee reviewed the proposed FY22 public education budgets.

MOTION from the Finance Committee that the Board approve the State Fiscal Year 2022 public education budgets.

Motion carried unanimously.

Finance Committee Report/Recommendations

Chair Huntsman, in his capacity as Finance Committee Chair, 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.]

Board Policy 5009, Statewide Online Education Program Advisory Group

The Committee discussed different versions of the draft policy. The policy was drafted in response to a hearing in December 2020 on R277-726 *Statewide Online Education Program*. Concerns were raised that the policy may not address the intent of the request by the Utah School Superintendents Association (USSA) in that hearing for the formation of an advisory group.

MOTION from Committee that the Board direct staff to form an SOEP stakeholder work group and an online education stakeholder work group, and to coordinate with USSA on both work groups.

Motion carried unanimously.

R277-477 Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program

The Committee reviewed proposed amendments to R277-477 to incorporate changes because of 2021 legislation, to update reporting requirements, and make updates in requirements of oversight of School LAND Trust Funds. The Committee approved Draft 2 of the rule on first reading.

MOTION from Committee that the Board approve R277-477 *Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program*, Draft 2, on second and final reading.

Motion carried unanimously.

R277-491 School Community Councils

The Committee reviewed proposed amendments to R277-491 based on recommendations from the Trust Lands Advisory Committee and legislative requirements, and approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve R277-491 *School Community Councils*, Draft 1, on second and final reading.

Motion carried unanimously.

Law and Licensing Committee Report/Recommendations

Committee Chair Carol Lear reporting on the following items from the April 9, 2021 Committee meeting. [Information on items not reported will be included in the Board meeting exhibits.]

USU Authorizer Transfer Process

The Committee reviewed a request from the Utah State University Board of Trustees, as a charter school authorizer, to review and accept applications of existing charter schools desiring to change authorizers.

MOTION from Committee that the Board approve Utah State University's process to review and approve a request from a school to change authorizers.

MOTION TO AMEND was made by Carol Lear that the draft process presented to the Committee be replaced with the process dated May 5, 2021.

It was noted that the updated process includes changes recommended by staff after further review.

Amendment carried unanimously.

Motion, as amended, carried unanimously.

R277-317 Incentives for National Board Certification

The Committee reviewed proposed amendments to R277-317 to update the application window for National Board Certification and approved Draft 1 of the rule on first reading.

MOTION from Committee that the Board approve R277-317 *Incentives for National Board Certification*, Draft 1, on second and final reading.

A concern was expressed about some statements on the National Board Certification website. Superintendent Dickson responded that she is unaware of specific training in the areas of concern.

Motion carried, with Member Cline opposed.

R277-320 Grow Your Own Teacher and School Counselor Pipeline Program

R277-320 was created in response to H.B. 381 from the 2021 legislative session. The Committee reviewed Draft 3 of the rule and made additional changes. The Committee approved Draft 3, as amended, on first reading.

MOTION from Committee that the Board approve R277-320 *Grow Your Own Teacher and School Counselor Pipeline Program*, Draft 4, on second and final reading.

Motion carried unanimously.

R277-923 American Indian and Alaskan Native Education State Plan Programs

The Committee reviewed R277-923 in accordance with the five-year rule review requirement, and approved continuation of the rule on first reading.

MOTION from Committee that the Board approve continuation of R277-923 *American Indian and Alaskan Native Education State Plan Programs* 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 April 9, 2021 Committee meeting. [Information on items not reported will be included in the Board meeting exhibits.]

Supplemental Core Standards

The Committee reviewed the following supplemental course standards: Astronomy, Botany, Environmental Science, Wildlife Biology, Zoology, Journalism, Speech/Debate, Modern Mathematics, Mathematical Decision Making, Introductory Statistics, College Prep Mathematics, and Introductory Calculus.

MOTION from Committee that the Board approve the Supplemental Course Standards, as presented.

MOTION TO AMEND was made by Member Earl and seconded that in the Journalism Course Standards, the language under Standard 1.5 be replaced with, "Seeking perspective and variety in the human experience while respecting cultural differences in approach and treatment."

MOTION TO AMEND THE AMENDMENT was made by Member Davis and seconded to change the wording to: "Seeks perspective and variety in the human experience while respecting cultural and ability differences."

Amendment to the amendment carried, with Members Lear and Norton opposed.

Motion to amend the amendment was made by Member Hansen to change the wording to: “Understands issues and perspectives that are inclusive of the full variety in the human experience including gender, race, ethnicity, sexual orientation, and other areas.”

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

Motion to amend the amendment was made by Member Davis to add: “and gender differences.”

Amendment to the amendment failed, with Members Davis, Huntsman, Lear, Norton, and Strate in favor, and all others opposed.

MOTION TO AMEND THE AMENDMENT was made by Member Cline to change the wording to: “Seeks perspective and variety in the human experience.”

Amendment to the amendment carried, with Members Cannon, Hansen, Huntsman, Lear, and Norton opposed.

The amendment, as amended was restated: That in the Journalism Course Standards, the language under Standard 1.5 be replaced with, “Seeks perspective and variety in the human experience.”

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

MOTION was made by Member Earl and seconded to amend the Environmental Science Course Standard 4.2 to strike “environmental justice, and.”

Motion to amend the amendment was made by Member Strate and seconded to remove the words “justice, and.”

Amendment to the amendment failed, with Members Boothe, Huntsman, and Lear in favor, and all others opposed.

Amendment carried unanimously.

Motion, as amended, carried unanimously.

School Safety Framework Approval

The Committee was presented with a request to add an additional condition to the Utah Framework for School Safety, which was adopted by the Board in 2019.

MOTION from Committee that the Board approve the addition of a ninth condition, “Student Health Services,” to the Utah Framework for School Safety.

Motion carried, with Member Cline opposed.

R277-400 Requirements for Assessment of Student Achievement

The Committee reviewed proposed amendments to R277-400 to update the effective date of the Standard Test Administration and Testing Ethics Policy and add reference to the formative tools’ guidance documentation. The Committee made additional changes and approved Draft 1 of the rule, as amended.

MOTION from Committee that the Board approve R277-404 *Requirements for Assessment of Student Achievement*, Draft 2, on second and final reading.

Motion carried unanimously.

Board Bylaws

The USBE Finance, Law and Licensing, and Standards and Assessment Committees met in special meetings to review sections of the Board Bylaws, Draft 1. Committee Chairs Huntsman, Lear, and Hansen, forwarded the committee motions to the Board.

Board Bylaws, Article I – Legal Basis

MOTION from the Law and Licensing Committee that the Board approve Article I—Legal Basis, Draft 3.

Motion carried unanimously.

Board Bylaws, Article II - Definitions

MOTION from the Law and Licensing Committee that the Board approve Article II—Definitions, Draft 3.

Motion carried unanimously.

Board Bylaws, Article III – Membership and Compensation

MOTION from the Law and Licensing Committee that the Board approve Article III— Membership and Compensation, Draft 3.

MOTION was made by Member Lear and seconded to amend III)2)d) to change “Rules” to “Rule” and add the reference, “R477-6;” and amend III)4) to read: “A member granted paid leave to serve on the Board by a public education employer may receive salary and compensation as outlined in these Bylaws so long as the employer does not provide additional compensation or incentives for the Member’s performance of Board duties and responsibilities.”

Amendment carried unanimously.

Motion, as amended, carried unanimously.

Board Bylaws, Article IV – Member Ethics

MOTION from the Law and Licensing Committee that the Board approve Article IV— Member Ethics, Draft 3.

MOTION was made by Member Hansen to amend Article IV as follows:

- IV)2) – change to read: “. . . including refraining from direct and indirect identification of such, in a negative light in any public setting, venue, or platform where there is a reasonable expectation of privacy.”
- IV)3 – change to read: “. . . as determined by the Board Leadership in consultation with the Board’s legal counsel.”
- IV)5)b) – add “an apparent” before “conflict.”
- IV)1)c) – remove “and” from “and/or.”

The vote on this amendment was delayed.

Motion was made by Member Earl to amend IV)1)c) as follows: Add “families of” before “school children” and remove “or to pursue private interests.”

Without objection, the motion was split to vote on adding “families of” separately.

Motion to amend the amendment to add “families of” was made by Member Cline to strike “of the state” and add the reference “53E-3-201” to the end of the sentence.

Amendment to the amendment, and the amendment, failed, with Members Cline and Earl in favor, and all others opposed.

Amendment to strike “or to pursue private interests” failed, with Members Cline, Earl, and Moss in favor, and Members Belnap, Boothe, Cannon, Hansen, Hart, Huntsman, Hutchings, Hymas, Lear, Norton, and Strate opposed; Member Davis absent.

Motion was made by Member Moss to amend IV)12)b) to replace “shall” with “should.”

Amendment failed, with Members Cline, Earl, and Moss in favor, and all others opposed.

MOTION was made by Member Cline that Sections IV)9) and IV)10) be merged. The vote on this amendment was delayed.

Motion was made by Member Cline to amend IV)3) to add “may” after “manner that” and change “causes” to “cause.”

Amendment failed, with Members Cline and Moss in favor, and all others opposed.

MOTION was made by Member Lear and seconded that the Board approve Article IV with the following amendments [previously stated]:

- IV)2) – change to read: “. . . including refraining from direct and indirect identification of such, in a negative light in any public setting, venue, or platform where there is a reasonable expectation of privacy.”
- IV)3) – change to read: “. . . as determined by the Board Leadership in consultation with the Board’s legal counsel.”
- IV)5)b) – add “an apparent” before “conflict.”
- IV)1)c) – remove “and” from “and/or.”

- Merge Sections IV)9) and IV)10).

Motion carried unanimously; Member Davis absent.

Board Bylaws Article V – Role of the Board and Members

MOTION from the Standards and Assessment Committee that the Board approve Article V—Role of the Board and Members, Draft 3.

MOTION was made by Member Earl to amend Article V as follows:

- V)4)i)ii)A) – add, “the appropriate staff may,” after “research” and remove, “than ten minutes of staff time or analysis:”;
- V)4)i)ii)A)a) – add, “Fulfill the request,” and strike, “Make the request during a standing committee meeting for further consideration”;
- V)4)i)ii)A)b) add, “Contact the appropriate member of Superintendency regarding the item” and delete, “Send the request to Board leadership for further assignment”;
- V)4)i)ii)C – replace with “Ask Board Leadership to consider addressing the issue in other constructive means like committee meetings or other agenda items;”

Amendment failed, with Member Cline in favor and all others opposed.

MOTION was made by Member Hansen to amend Article V as follows:

- V)4)i)ii)A) – change, “ten minutes” to “a nominal amount;”
- V)4)i)ii)C) – change to read: “If the issue will ~~only take ten minutes~~ only a nominal amount of staff time . . .”

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

MOTION was made by Member Earl to amend V)4)i)iii) to read: "Members may work with the superintendency and staff in ways that promote the educational welfare of children in Utah."

Amendment failed, with Members Cline, Earl, and Moss in favor, and all others opposed.

MOTION was made by Member Davis and seconded that the Board approve Article V, Draft 3, as amended.

Motion carried unanimously.

Board Bylaws Article VI – Board Officers

MOTION from the Finance Committee that the Board approve Article VI—Board Officers, Draft 3.

Motion carried unanimously.

Board Bylaws Article VII – Board Meetings

MOTION from the Finance Committee that the Board approve Article VII—Board Meetings, Draft 3.

MOTION was made by Member Belnap to amend VII)12)g) to read:

~~"Except as modified by state law or rule, or by these Bylaws, Robert's Rules of Order (latest edition) shall constitute the rules of parliamentary procedure applicable to all meetings of the Board and its committees- except:~~

- (i) where deemed to be unnecessary, impractical, or inefficient by the member chairing the meeting;
- (ii) where they conflict with state law or rule; or
- (iii) where they conflict with these Bylaws."

Amendment carried unanimously.

MOTION was made by Member Earl to amend VII)5) to replace “three” with “two.”

Amendment failed, with Members Cline, Earl, Hart, and Hymas in favor, and all others opposed.

MOTION was made by Member Earl to amend VII)5)d)ii) to read: “Agree regarding the need for consideration.”

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

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

Motion carried unanimously.

Board Bylaws, Article VIII – Board Committee Procedures and Outside Committee Participation

MOTION from the Finance Committee that the Board approve Article VIII—Board Committee Procedures and Outside Committee Participation, Draft 3.

MOTION was made by Member Hansen that VIII)1)j)ii)F) be amended to change “usually” to “may.”

Without objection, the change was made.

MOTION was made by Member Lear that VIII)2)g) be amended to change “only unless” to “and may be invited.”

Without objection, the change was made.

MOTION was made by Member Huntsman that the Board approve Article VIII, as amended.

Motion carried unanimously.

Board Bylaws, Article IX – Direct Employees of the Board

MOTION from the Finance Committee that the Board approve Article IX—Direct Employees of the Board, Draft 3.

Motion carried unanimously.

Board Bylaws, Article V – Role of the Board and Members, Revisited

Member Cline asked for a discussion of Board member attendance at advisory committee meetings. Vice Chair Belnap responded that attendance will be considered when the individual advisory committee policies are reviewed.

Board Bylaws, Article X - Appointments

MOTION from the Standards and Assessment Committee that the Board approve Article X—Appointments, Draft 3.

Motion carried unanimously.

Board Bylaws, Article XI – Amendments of the Bylaws

MOTION from the Standards and Assessment Committee that the Board approve Article XI—Amendments of the Bylaws, Draft 3.

MOTION was made by Member Lear that XI)2) be amended to insert “or” before “as directed by the Board.”

Without objection, the change was made.

MOTION was made by Member Strate that the Board approve Article XI, as amended.

Motion carried unanimously.

Approval of the Bylaws

MOTION was made by Member Strate and seconded that the Board adopt the Board Bylaws, Draft 3, as amended.

Motion carried unanimously.

Executive Session

MOTION was made by Member Davis and seconded that the Board go 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 a voice vote of Members Belnap, Boothe, Cannon, Cline, Davis, Earl, Hansen, Hart, Huntsman, Hutchings, Hymas, Lear, Moss, Norton, and Strate, the Board went into closed executive session at 9:43 p.m.

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

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

Motion carried unanimously. The Board reconvened in open session at 11:30 p.m.

Executive Session Action Items

Educator Licenses

MOTION was made by Vice Chair Belnap and seconded that the Board accept the recommendation of the Utah Professional Practices Advisory Commission (UPPAC) in Case No. 20-1786 to permanently revoke the individual's Professional Elementary Education license.

Motion carried, with Member Hart abstaining.

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

Motion carried unanimously.

Adjournment

The meeting adjourned at 11:33 p.m.

[For additional information on items from the meeting, see General Exhibit No. 21-12.]

Lorraine Austin, Board Secretary
Minutes approved June 3, 2021