

UTAH STATE BOARD OF EDUCATION
Meeting Minutes

November 3, 2022, Board Meeting

9:00 AM. – 6:00 PM.

A regular Utah State Board of Education meeting was held on November 3, 2022. Chair Huntsman presided. As authorized by Utah Code 52-4, this meeting was held at the state board offices, 250 E. 500 S, Salt Lake City, Utah. The public can view the meeting through live YouTube streaming.

Members Present

Chair Mark **Huntsman**

First Vice-Chair Laura **Belnap**

Member Kristin **Norton**

Member Brent **Strate**

Member Janet **Cannon**

Member Jennie **Earl**

Member Stacey **Hutchings**

Member James **Moss**

Member Carol Barlow **Lear**

Second Vice-Chair Cindy **Davis**

Member Randy **Boothe**

Member Natalie **Cline**

Member Scott **Hansen**

Member Matt **Hymas**

Member Molly **Hart**

Executive Staff Present

Patty Norman, Deputy Superintendent

Scott Jones, Deputy Superintendent

Angie Stallings, Deputy Superintendent

Leah Voorhies, Assistant Superintendent

Darin Nielsen, Assistant Superintendent

Minutes were taken by:

Cybil Child, Executive Assistant

Others Present

Jerry Record, Alex Farrah, Greg Connell, Bryan Quesenberry, Kelsey James, Dave Slaughter, Monica Wilbur, Jay Blain.

Opening Business

Chair Huntsman called the meeting to order and roll call at 9:05 AM.

Board Member Message

Board Member Hart shared a welcome message.

Public Comment for USBE

The public comments are limited to 2 minutes per person. A comment can express support or dissent for regulatory action. Individuals should not use public comment to complain about personnel issues or attack or defame an individual. Speakers making a highly detailed or complex comment should also consider providing a written outline of their words to the Board.

The Board Chair reminded the public speakers that children may hear your comments. Be thoughtful and professional.

The Board heard public comments from the following individuals: Monica Wilbur, Dave Slaughter, Joe Jensen, Renee Pinkney, John Arthur, Eric Terahara, and Nichole Mason.

Superintendent's Report

Acknowledgment of Student Artwork

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

Employee Recognition

Deputy Superintendent Patty Norman recognized Kelsey Gressmen, the November Employee of the Month.

General Consent Calendar

Member Cline pulled 4.2

MOTION was made by Member Cannon and seconded by Member Hansen to approve the consent calendar, minus Item 4.2.

The **motion** passed unanimously.

MOTION was made by Member Belnap and seconded by Member Cannon that the Board approves the consent calendar, as amended.

The motion passed unanimously.

MOTION was made by Member Belnap and seconded by Member Cannon that the Board approve Item 4.2 Contracts/Agreements for Review.

The **motion** carried with Members Cline and Earl opposed.

1.1. INFORMATION: Contracts/Agreements for Review

1.2. ACTION: Contracts/Agreements for Approval

1. Agreement Number USBE230030CT

The Board approves contract agreement number 230030CT.

2. Agreement Number USBE230031MA

The Board approves contract agreement number 230031MA.

3. Agreement Number USBE230032MA

The Board approves contract agreement number 230032MA.

4. Agreement Number USBE230033MA

The Board approves contract agreement number 230033MA.

5. Agreement Number USBE230034MA

The Board approves contract agreement number 230033MA.

6. Agreement Number USBE230036CT

The Board approves contract agreement number 230036CT.

1.2.1 Bipartisan Safer Communities Act Stronger Connections Grant Program

The Board approves the definition of high need and directs staff to complete the initial submission of data under the Stronger Connections Grant Program.

1.3. ACTION: Approval of Meeting Minutes

The Board approves the minutes as presented.

Monthly Budget Report

Monthly Budget Report

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

Discretionary Funds Report

Scott Jones, Deputy Superintendent of Operations, and Deborah Jacobson, Assistant Superintendent of Operations, presented the Board of education discretionary fund report. Per the Money Management Act and the Budgetary Procedures Act the Utah State Board of Education is provided with a status of the funds. Deborah Jacobson, Assistant Superintendent, updated the Board on the FY2021 P-12 Discretionary Funds account.

Utah Every Student Succeeds Act (ESSA) State Plan Revision

Darin Nielsen, Assistant Superintendent of Student Learning

Leah Voorhies, Assistant Superintendent of Student Support

MOTION was made by Member Cannon and seconded by Member Belnap that the Board approves the November 2022 ESSA revision for submission to the U.S. Department of Education.

The **motion** carried with Members Earl, and Cline opposed.

School Accountability Redesign Advisory Committee

School Accountability Redesign Report

Darin Nielsen, Assistant Superintendent of Student Learning

Scott Marion, Executive Director, Center for Assessment

MOTION was made by Member Hart and seconded by Member Hutchings that the Board receives the School Accountability Redesign Report.

The **motion** passed unanimously.

2023 General Session Legislation Preparation

Requests for Statutory Changes

Program or Request Title: Special Needs Opportunity Scholarship

Angie Stallings, Deputy Superintendent of Policy

Greg Connell, Program Analyst

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

That **motion** passed unanimously.

MOTION was made by Member Strate and seconded by Member Boothe that the Board directs staff to work with a legislator on potential legislation to amend provisions in Section 53F-7-203 related to paid professional hours, including to:

1. amend the language to require the educator's plan to be submitted within the first 5 days of instruction (instead of the first day of instruction);
2. explicitly allow educators who begin employment with an LEA after the beginning of a school year to submit the educator's plan within 10 days of employment; and
3. allow an LEA to prorate the hours provided to an educator who begins employment with the LEA after the beginning of the school year.

The **motion** passed unanimously.

[Reports and Requirements Task Force](#)

Reports and Requirements Task Force Update

Angie Stallings, Deputy Superintendent of Policy

Greg Connell, Program Analyst

MOTION was made by Member Davis and seconded by Member Boothe that the Board directs staff to receive and implement the Reports and Requirements Task Force recommendations as described and work with a legislator to open a bill file to amend the School Plant Capital Outlay Report requirements to reduce LEA reporting.

MOTION TO AMEND was made by Member Hansen and seconded by Member Lear that the Board add to the previous motion, "with the exception of the recommendations on School Fees."

CALL THE QUESTION was made by Member Hutchings and seconded by Member Cannon.

The **call the question** failed with Members Belnap, Boothe, Cannon, Hutchings, Hymas, and Norton in favor, and with Members Davis, Earl, Hansen, Hart, Huntsman, Lear, Moss, and Strate opposed.

The **motion to amend** failed with Members Hansen, Hutchings, Lear, and Norton in favor, and with Members Belnap, Boothe, Cannon, Cline, Davis, Earl, Hart, Hymas,

Moss, and Strate opposed.

The **final motion** passed unanimously.

[Audit Committee Report](#)

Prioritization of Audits and Research

MOTION was made by Vice chair Belnap that the Board prioritizes the following audits, in the following order:

1. (Already approved by the Board) Subrecipient Monitoring
 - a. Return on Investment of Contracting for Education Services
2. Technical Assistance
3. Personnel Management
4. School Construction

The **motion** passed unanimously with Member Hymas absent.

MOTION was made by Member Belnap that the Board use federal mineral lease funds to contract for a research study of Standards and Curriculum Alignment and a research study of Student Safety and Environment.

MOTION TO AMEND was made by Member Belnap and seconded by Member Cannon to add at the end of the previous motion, “in an amount not to exceed \$200,000 for both studies.”

The **motion to amend** passed unanimously.

The **final motion** passed unanimously.

[Executive Session](#)

The motion was made by Member Huntsman and second by Member Belnap and seconded by Member Hart that the Board moves into executive session for the purpose of: 1)

discussing the purchase, exchange, or lease of real property; 2) discussing the character, professional competence, or physical or mental health of individuals; and 3) strategy on pending or reasonably imminent litigation.

Upon 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 session at 1:15 p.m.

Executive Session Action Items

MOTION was made by Member Boothe and seconded by Member Belnap that the Board goes into executive session for the purpose of discussing the character, professional competence, or physical or mental health of individuals and pending or reasonably imminent litigation.

Upon voice vote of all Members, the Board went into closed session.

Those present included the Members above, Scott Jones, Patty Norman, Angie Stallings, Kelsey James, Cybil Child, Debbie Davis, Thalea Longhurst, Adam Herd, and Bryan Quesenberry.

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

Motion carried. The Board reconvened in an open meeting at 2:30 P.M.

Executive Session Action Items

Educator Licenses

MOTION was made by Member Hart and seconded by Member Cannon that the Board approves the UPPAC consent calendar recommendations.

MOTION was made by Member Norton and seconded by Member Cannon that the Board accepts the recommendation of UPPAC in

- Case No. 21-1839

The motion passed unanimously, with Members Strate and Lear recused.

- Case No. 21-1850

The motion passed unanimously.

- Case No. 21-1854

The motion passed unanimously, with Member Strate recused.

- Case No. 21-1872

The motion carried with Member Earl opposed.

Litigation

MOTION was made by Member Norton and seconded by Member Cannon that the Board accepts the settlement agreement in Case NO. 2022-0850.

The **motion** passed unanimously.

MOTION was made by Member Norton and seconded by Member Cannon that the Board appoints the following individuals to the State Instructional Materials Commission (IMC), for a four-year term or service.

- Promise Mayes, Lisa Barr, and Brian Champion, representing the Lay Citizen vacancies
- Ryan Kachold, representing the Secondary Principal vacancy
- Kestin Wilkinson, representing the Elementary Principal vacancy
- Shawn Ferriola, representing the Secondary Teacher vacancy

The **motion** passed unanimously.

Chair Huntsman passed the gavel to Vice Chair Davis.

[Standards and Assessment Committee Report/Recommendations](#)

Committee Chair Scott Hansen reported on the following items from the October 7, 2022, meeting.

R277-705, Secondary School Completion and Diplomas (Amendment & Continuation)

MOTION was made by Member Hansen that the Board approves and continues R277-705, Secondary School Completion and Diplomas, Draft 2, on second and final reading.

The **motion** passed unanimously.

SHARP Survey Working Group Recommendations

MOTION was made by Member Hansen that the Board approves the SHARP Survey letter of information for final approval.

The **motion** passed unanimously.

Finance Committee Report/Recommendations

Member Moss reported on the following items from the October 7, 2022, meeting.

R277-471, School Construction Oversight, Inspections, Training and Reporting (Amendment)

MOTION was made by Member Moss that the Board approves R277-471, School Construction Oversight, Inspections, Training and Reporting, Draft 2, on second and final reading.

The **motion** passed unanimously.

Aspire Student Information System Development

MOTION was made by Member Moss that the Board approve lifting the current moratorium on the building and programming of the Aspire SIS and permit USBE staff to build the system to provide the highest level of support and efficiency to the LEAs that choose to use the system and with the interest of ensuring interoperability, with the Utah Schools Information Management System (USIMS) as is required with all other SISs that LEAs choose to utilize.

The **motion** carried with Member Cline opposed.

Amend Board Bylaws to Require Midyear Updates to the USBE

MOTION was made by Member Moss that the Board approves amendments to the Board Bylaws requiring USBE staff to provide the midyear update final calculations for public education funds every year to the Finance Committee.

The **motion** passed unanimously.

Vice Chair Davis passed the gavel to Vice Chair Belnap.

Law and Licensing Committee Report/Recommendations

Committee Chair Carol Lear reported on the following items from the October 7, 2022, meeting.

Data Sharing Agreement: Division of Child and Family Services (DCFS)

MOTION was made by Member Lear that the Board approves the Data Sharing Agreement with Division of Child and Family Services (DCFS).

The **motion** carried with Member Cline opposed.

Updates to the Special Education Rules incorporated by reference in R277- 750 Education Programs for Students with Disabilities

MOTION was made by member Lear that the Board approves updates to the Special Education Rules, incorporated by reference in R277-750, Draft 2, on second and final reading.

MOTION TO AMEND was made by Member Hymas and seconded by Member Earl that the Board approves the below amendments

Amendment #1:

That the Committee replaced the definition of specially designed instruction proposed on p. 19 as follows:

Section I.E.

~~50. Specially designed instruction (SDI) means adapting, as appropriate to the needs of an eligible student who is eligible under these Rules, the content, methodology, or delivery of grade-level core curriculum instruction in order to:~~

- ~~a. Address the unique needs of the student that result from the student's disability; and~~
- ~~b. Ensure access of the student to the grade-level core/general curriculum, so that the student can meet the educational standards within the jurisdiction of the LEA that apply to all students.~~

~~(1) The IEP Team may determine the use of the grade-level alternate core standards (i.e., Essential Elements), for a student with a significant cognitive disability as defined in R277-705-2(8).~~

~~(2) Other alternate or modified academic achievement standards are prohibited.~~

50. Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—

- (i) To address the unique needs of the child that result from the child's disability; and
- (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

Amendment #2:

That the Committee add the (blue) language below to Section X.U.1. on p. 173:

An LEA shall use special education program money to pay the costs of providing an LEA special education program, even if the programs or services provide an incidental benefit (meaning likely to happen or naturally appertaining) to a student who is not a student with a disability, including for the uses described in 34 C.F.R. Sec. 300.208.

Amendment #3:

That the Committee add a definition of Alternate Achievement Standards to Section I.E. on p. 2 as follows:

3. Alternate Achievement Standards, the Essential Elements, are specific statements of knowledge and skills linked to the grade-level expectations identified in the Utah Core Standards for students with significant cognitive disabilities.

- a. The purpose of the Essential Elements is to build a bridge from the content in the Utah Core Standards to grade-level academic expectations for students with the most significant cognitive disabilities by adapting the depth, breadth, and complexity of the Utah Core Standards against which students with significant cognitive disabilities will be measured.
- b. Other alternate or modified academic achievement standards are prohibited.

MOTION TO DIVIDE was made by Member Lear and seconded by Member Boothe that the Board divide the amendments and vote on amendment 1 and 3 together, and item 2 separately.

The **divided motion** passed unanimously.

Amendment #1:

That the Committee replace the definition of specially designed instruction proposed on p. 19 as follows:

Strike the following language from the document incorporated by reference:

~~Section I.E.~~

~~50. Specially designed instruction (SDI) means adapting, as appropriate to the needs of an eligible student who is eligible under these Rules, the content, methodology, or delivery of grade-level core curriculum instruction in order to:-~~

- ~~a. Address the unique needs of the student that result from the student's disability; and~~
- ~~b. Ensure access of the student to the grade level core/general curriculum, so that the student can meet the educational standards within the jurisdiction of the LEA that apply to all students.-~~

~~(1) The IEP Team may determine the use of the grade-level alternate core standards (i.e., Essential Elements), for a student with a significant cognitive disability as defined in R277-705-2(8).-~~

~~(2) Other alternate or modified academic achievement standards are prohibited.-~~

Replace with the following language for the document incorporated by reference:

50. Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—

- (i) To address the unique needs of the child that result from the child's disability; and
- (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

Amendment #3:

That the Committee add a definition of Alternate Achievement Standards to Section I.E. on p. 2 as follows:

3. Alternate Achievement Standards, the Essential Elements, are specific statements of knowledge and skills linked to the grade-level expectations identified in the Utah Core Standards for students with significant cognitive disabilities.

- a. The purpose of the Essential Elements is to build a bridge from the content in the Utah Core Standards to grade-level academic expectations for students with the most significant cognitive disabilities by adapting the depth, breadth, and complexity of the Utah Core Standards against which students with significant cognitive disabilities will be measured.
- b. Other alternate or modified academic achievement standards are prohibited.

The **motion to amend** passed unanimously.

Amendment #2:

That the Committee add the (blue) language below to Section X.U.1. on p. 173:

An LEA shall use special education program money to pay the costs of providing an LEA special education program, even if the programs or services provide an incidental benefit “meaning likely to happen or naturally appertaining” to a student who is not a student with a disability, including for the uses described in 34 C.F.R. Sec. 300.208.

MOTION TO AMEND THE AMENDMENT was made by Member Davis and seconded by Member Lear to change the proposed amendment language “meaning likely to happen or naturally appertaining” to “occurring merely by chance or without intention or calculation”

The **motion to amend the amendment** carried with Members Cannon, Cline, Earl, Huntsman, Hymas, Moss opposed.

The **motion to amend** carried with Members Davis, Strate, and Huntsman

The **final motion** passed with Member Huntsman opposed.

R277-750, Education Programs for Students with Disabilities (Amendment)

MOTION was made by Member Lear that the Board approves R277-750, Education Program for Students with Disabilities (Amendment), Draft 1, on second and final reading.

The **motion** passed unanimously.

R277-479, Funding for Charter School Students With Disabilities on an Individualized Education Program (IEP) (Amendment)

MOTION was made by Member Lear that the Board approve R277-479, Funding for Charter School Students with Disabilities on an Individualize Education Program (IEP) (Amendment), Draft 1, on second and final reading.

The **motion** passed unanimously.

R277-412, State Capitol Visit Program (Repeal)

MOTION was made by Member Lear that the Board repeals R277-412 on second and final reading.

The **motion** passed unanimously.

Adjournment - 6:00 PM: HARD STOP

Minutes taken by Cybil Child, Board Secretary

Minutes approved December 1, 2022