



## **UTAH STATE BOARD OF EDUCATION**

### **Meeting Minutes**

March 9, 2023, Board Meeting

9:00 AM. – 5:00 PM.

A regular Utah State Board of Education meeting was held on March 9, 2023. Chair Moss 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**

Board Chair James Moss

First Vice-Chair Molly Hart

Second Vice-Chair Jennie Earl

Member Kristan Norton

Member Natalie Cline

Member LeAnn Wood

Member Cindy Davis

Member Joseph Kerry

Member Carol Barlow Lear

Member Matt Hymas

Member Christina Boggess

Member Randy Boothe

Member Brent J. Strate

Member Sarah Reale

Member Emily Green

### **Executive Staff Present**

Sydnee Dickson, State Superintendent

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

### **Opening Business**

Chair Moss called the meeting to order and roll call at 9:04 AM.

### **Board Member Message**

Board Member Cindy Davis shared a welcome message.

### Public Comment

Jay Blain, representing Utah Education Association (UEA) – thanked the Board and the USBE staff for their engagement during the legislative session and asked them to address H.B. 427 Second Substitute -- Individual Freedom in Public Education (Rep. Jimenez, T.) during their veto discussion.

Sarah Urb used the book Fortunately by Remy Charlip as a reference during her public comments. She shared a story about her child's school experience finding a new school.

Jan Goodwin addressed proposed changes to R277-733: Adult Education Programs to extend student participation hours from 40 to 50 hours before post-testing.

### **Superintendent's Report**

#### Employee Recognition

State Superintendent recognized Deanna Taylor as the February Employee of the Month.

#### Acknowledgment of Student Artwork

Rachel Colledge, USBE Education Specialist for Fine Arts, Music, and Theatre, presented the student artwork.

#### Superintendent's Report

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

## **Education Highlight**

Representative Doug Welton spoke about the positive impact of debate participation with students in schools. He believes it prepares students for higher education and their professional careers.

## **Utah Schools for the Deaf and the Blind (USDB) Board Meeting**

### Division Report – Kenneth Burdett School for the Deaf (KBS)

Dr. Michelle Tanner, Associate Superintendent of the Deaf, gave board members a report on Kenneth Burdett School for the Deaf.

### Ogden Campus Activity Center Contract Review/Approval

Carl Empey, Finance Director Mr. Empey requests that board members review/approve the state contract for the remodeling project of the Ogden Campus activity center.

**MOTION** was made by Member Davis and seconded by Member Norton that the Board review/approval of the state contract to remodel the Ogden campus activity center.

The **motion** passed unanimously. Members Lear and Hart were absent.

### Enrichment Program Review

Joel Coleman, Superintendent USDB Superintendent Coleman will provide an overview of the USDB Enrichment Program.

### FY23 Monthly Budget Update as of January 31, 2023

Carl Empey, Finance Director Mr. Empey will provide board members with an FY23 Monthly Budget update as of January 31, 2023.

## **General Consent Calendar**

**MOTION** was made by Member Cline and seconded by Member Boggess that the Board pulls item 7.2 ACTION: Contracts/Agreements for Approval for further discussion.

**MOTION** was made by Member Boggess and seconded by Member Cline that the Board postpones the minutes to the April board meeting.

7.1 ACTION: Approval of Meeting Minutes

The **motion** carried with Members Boggess, Boothe, Cline, Earl, Green, Hart, Hymas, Kerry, and Lear in favor, and Members Norton, Strate, Reale, and Davis were opposed.

**MOTION** was made by Member Cline and seconded by Member Boggess that the Board postpones the approval of Kids Now, Inc. until the April board meeting.

7.2 ACTION: Contracts/Agreements for Approval

**CALL THE QUESTION** was made by Member Reale and seconded by Member Lear. The motion carried with Members Boothe, Davis, Earl, Hart, Hymas, Kerry, Lear, Norton, Reale, Strate, Wood, and Moss in favor, and Members Boggess, Cline, and Green were opposed.

**MOTION** was made by Member Davis and seconded by Member Lear that the Board approves the Kids Now, Inc. contract, as presented.

**SUBSTITUTE MOTION** was made by Member Boggess and seconded by Member Cline that the Board rejects the contract due to student data privacy concerns and directs staff to work with the legislature to amend or repeal the relevant code during the next available legislative session.

**CALL THE QUESTION** was made by Member Davis and seconded by Member Strate.

The motion carried with Members Boothe, Davis, Earl, Hart, Hymas, Kerry, Lear, Norton, Reale, Strate, Wood, and Moss in favor and Members Boggess, Cline, and Green opposed.

The substitute motion failed with Members Boggess, Cline, and Green in favor and Members Boothe, Davis, Earl, Hart, Hymas, Kerry, Lear, Norton, Reale, Strate, Wood, and Moss opposed.

Final motion carried with Members Boothe, Davis, Earl, Hart, Hymas, Kerry, Lear, Norton, Reale, Strate, Wood, and Moss.

7.3 INFORMATION: CSI Graduation Growth Schools Foregoing Implementation of Improvement Activities

7.4 INFORMATION: Educator Licensing & Preparation Annual Report 2021-22

## 7.5 INFORMATION: Contracts/Agreements for Review

### **2023 General Session Legislative Overview - 12:30 to 1:00 PM**

#### Legislative Session Overview

Angie Stallings, Deputy Superintendent of Policy, and Scott Jones, Deputy Superintendent of Operations, provided a review of the Legislative website, reviewed information on weekly Thursday meetings during the session, and answered Board member questions about the next steps following the legislative session.

#### **Board Administrative Rules**

##### R277-419: Pupil Accounting

During the Board's December meeting, Angie Stallings, Deputy Superintendent of Policy, led the discussion about the Board approving updates for R277-419. The amendments the Board previously approved have yet to be filed with the Office of Administrative Rules (OAR). The majority of the amendments in R277-419 were previously approved. One portion of the rule changes includes a requirement for LEAs to provide meals on each of the LEA's 180 days, with exceptions.

In December, staff sought a waiver from the Department of Agriculture to allow LEAs to continue to provide grab-and-go meals on certain days. The request was denied. Because the waiver request was denied, staff now recommend the Board approve an additional exception to the requirement to provide meals for "a day where an LEA provides educational services while the LEA's students engage in instruction. 100% virtually or from home." (See lines 262-266 of R277-419 - Draft 1) Staff will present R277-419 – Draft 1 for the Board's consideration.

**MOTION** was made by Member Hart and seconded by Member Hymas that the Board approves R277-419, Draft 1, on the second and final reading.

**MOTION TO AMEND** was made by Member Hymas and seconded by Member Hart that the Board approves the following amendment to R277-419 - Draft 1:

(D) a day where the LEA provides educational services while all the LEA's students engage in distance learning.

The **motion to amend** carried with Members Boggess, Boothe, Cline, Earl, Green, Hart, Hymas, Lear, Norton, Reale, Strate, Wood, and Moss in favor and Member Kerry opposed.

**FINAL MOTION**, as amended. That the Board approves R277-419, Draft 1, as amended, on the

second and final reading.

The **final motion** carried with Members Boggess, Boothe, Cline, Earl, Green, Hart, Hymas, Lear, Norton, Reale, Strate, Wood, and Moss in favor and Member Kerry opposed.

#### R277-552: Charter School Timelines and Approval Processes

The Board approved R277-552 – Draft 3 during the Board’s February 2, 2023, meeting. R277-552 – Draft 3 was filed with the Office of Administrative Rules (OAR) on February 15, 2023, and was published in the OAR March 1st Bulletin and is currently open for public comment. Since the Board’s February meeting, Board leadership and staff have been asked to present to the Legislature’s Administrative Rules Review and General Oversight Committee to discuss R277-552. Based on the feedback, it has been recommended that the Board consider the amendments on lines 203-205 of R277-552-Draft 4. The rest of Draft 4 includes the amendments already approved in February. For your reference, Draft 3 is included as a backup, but the Board will only be voting on the amendments in R277-552 - Draft 4 this month.

**MOTION** was made by Member Earl and seconded by Member Kerry that the Board approves R277-552, Draft 4, on the second and final reading.

**MOTION TO AMEND** was made by Member Cline and seconded by Member Kerry that the Board amends lines 203 – 205 as follows:

(b) the charter school meets the charter school authorizer’s academic and other standards and requirements of the ~~charter school authorizer.~~

The **motion to amend** failed with Members Boggess, Boothe, Cline, Kerry, and Moss in favor and Members Davis, Earl, Green, Hart, Hymas, Lear, Norton, Strate, and Wood opposed. Member Reale was absent.

**FINAL MOTION** that the Board approves R277-552, Draft 4, on the second and final reading.

The **final motion** carried with Members Boggess, Boothe, Davis, Earl, Green, Hart, Hymas, Lear, Norton, Strate, Wood, and Moss in favor and Members Cline and Kerry opposed. Member Reale was absent.

#### **Reports and Requirements Task Force**

##### Reports and Requirements Task Force Update

In the 2021 General Session, the Legislature directed (2021 HB 300) the Utah State Board of Education (USBE) to work with LEAs to review the statutorily required reports for their

purpose and effectiveness and to determine if the accountability, transparency, or the reports' purpose could be collected in a less burdensome way. The bill also allowed the USBE to recommend to the legislature based on their review of the reporting requirements. On August 9, 2022, the USBE convened a Task Force to review the reporting requirements. The Task Force was comprised of legislators from both the House and Senate, USBE Board members and staff, State Charter School Board (SCSB) members and staff, district superintendents and charter directors, business administrators from both districts and charters as well as representatives from both, the superintendent's association, and the charter network.

Since August 9th, the Task Force has met six times and spent a combined 350 hours reviewing the required reports. LEAs provided feedback on the reporting requirements in the form of survey responses. USBE staff reviewed the survey responses and shared the results with the Task Force. The Task Force discussed the reports with USBE staff and made recommendations. The Task Force has compiled seven recommendations to present to the USBE on ways to reduce the reporting burden on LEAs.

*Chair Moss passed the gavel to Vice chair Earl.*

### **Finance Committee Report/Recommendations - (Items duplicated from the February 3, 2023 meeting)**

ACTION: R277-927, Teacher and Student Success Act (TSSA) Program (Amendment)

**MOTION** was made by Member Norton that the Board approves R277-927, Teacher and Student Success Act Program, Draft 1, on the second and final reading.

The **motion** passed unanimously.

ACTION: Medicaid Billing System

**MOTION** was made by Member Norton that the Board approves Utah State Board of Education staff to work and coordinate with the Utah Department of Health to develop, test, and implement a Medicaid billing system for use by districts and/or charter schools and that once the system is fully operational the Utah State Board of Education staff transition the system to oversight and control by Utah State Board of Education staff.

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

ACTION: Utah Data Research Center Agenda Priority (UDRC)

**MOTION** was made by Member Norton that the Board approves the UDRC Research agenda priorities.

*Vice Chair Earl passed the gavel to Chair Moss.*

**MOTION TO AMEND** was made by Member Earl and seconded by Member Green that the Board strike the last two research priorities and add “and requests the UDRC add the following topics to the UDRC’s research agenda priorities:”

- 1) Professional Learning practices that lead to academic excellence;
- 2) Risk management, planning, and efficacy of operations impacted by effective internal controls within public schools;
- 3) Promising education flexibility and choice options leading to educator and parent satisfaction; and
- 4) Safety prevention through security measures, school discipline, and threat assessment.”

**MOTION TO DIVIDE THE QUESTION** was made by Member Davis and seconded by Member Cline to divide all five amendments.

The **motion to divide** carried with Members Boothe, Cline, Davis, Kerry, Norton, Reale, Wood, and Moss in favor and Members Boggess, Green, Hart, Hymas, Lear, and Strate opposed. Member Earl was absent.

#### **DIVIDED MOTIONS**

- 1) That the Board strikes the last two research priorities from the UDRC’s research agenda priorities.

The **motion** failed with Members Boggess, Cline, Earl, Green, Hymas, and Kerry in favor and Members Boothe, Davis, Hart, Lear, Norton, Reale, Strate, Wood, and Moss opposed.

- 2) That the Board requests the UDRC add the following topics to the UDRC’s research agenda priorities.”
  - a. Professional Learning practices that lead to academic excellence;

The **motion** carried with Members Boggess, Boothe, Cline, Earl, Green, Hart, Hymas, Kerry, Wood, and Moss in favor and Members Davis, Lear, Norton, Reale, and Strate opposed.

- 3) That the Board requests the UDRC add the following topics to the UDRC’s research



agenda priorities.”

- a. Risk management, planning, and efficacy of operations impacted by effective internal controls within public schools;

**SUBSTITUTE MOTION** was made by Member Strate and seconded by Member Norton that the Board refers UDRC’s research agenda priorities to the audit committee for consideration for future audit staff action:

- a. Risk management, planning, and efficacy of operations impacted by effective internal controls within public schools;

The **substitute motion** failed with Members Boothe, Lear, Norton, and Strate in favor and Members Boggess, Cline, Davis, Earl, Green, Hart, Hymas, Kerry, Reale, Wood, and Moss opposed.

The **divided motion** #3 carried with Members Boggess, Boothe, Cline, Davis, Earl, Green, Hart, Hymas, Kerry, Reale, Wood, and Moss in favor and Members Lear, Norton, and Strate opposed.

- 4) That the Board requests the UDRC add the following topics to the UDRC’s research agenda priorities.”

- a. Promising education flexibility and choice options leading to educator and parent satisfaction; and

The **motion** failed with Members Boothe, Green, Hart, Hymas, Kerry, and Moss and Members Boggess, Cline, Davis, Lear, Norton, Reale, Strate, and Wood opposed.

- 5) Safety school safety through prevention, security measures, discipline, and threat assessment.”

The **motion** failed with Members Boggess, Boothe, Earl, Green, Hymas, Kerry, and Moss in favor and Members Cline, Davis, Hart, Lear, Norton, Reale, Strate, and Wood opposed.

**MOTION** was made by Member Boggess and seconded by Member Davis that the Board adds a request for the UDRC to add “the effect of ‘art for art’s sake’ on academic growth” to the UDRC’s research agenda priorities.

The **motion** passed unanimously.

*Chair Moss passed the gavel to Vice Chair Earl.*

**Law and Licensing Committee Report/Recommendations – (Items duplicated from the February 3, 2023 meeting)**

ACTION: R277-751, Special Education Extended School Year (ESY) (Amendment & Continuation)

**MOTION** was made by Member Hymas that the Board continues and approves R277-751, Special Education Extended School Year (ESY), Draft 1, on the second and final reading.

The **motion** passed unanimously. Member Kerry absent.

ACTION: Utah Adult Education Policies and Procedures Guide, incorporated by reference into R277-733

**MOTION** was made by Member Hymas that the Board approves Utah Adult Education Policies and Procedures Guide, incorporated by reference into R277-733.

**SUBSTITUTE MOTION** was made by Member Norton and seconded by Member Reale that the Board refers R277-733 and the Utah Adult Education Policies and Procedure Guide, incorporated into the rule by reference back to a Committee for further discussion and action and directs staff to coordinate with adult education directors on identified concerns on potential amendments.

The **motion** carried with Boothe, Lear, Wood, Moss, Reale, Davis, Norton, and Strate in favor and Members Boggess, Cline, Earl, Green, Hart, and Hymas opposed. Member Kerry was absent.

ACTION: R277-733, Adult Education Programs (Amendment)

**MOTION** was made by Member Hymas that the Board approves R277-733, Adult Education Programs, Draft 1, on the second and final reading.

The **motion** carried with Boothe, Lear, Wood, Moss, Reale, Davis, Norton, and Strate in favor and Members Boggess, Cline, Earl, Green, Hart, and Hymas opposed. Member Kerry was absent.

ACTION: R277-532, Local Board Policies for Evaluation of Non-Licensed Public Education Employees - Classified Employees (Repeal)

**MOTION** was made by Member Hymas that the Board repeals R277-532, Local Board Policies for Evaluation of Non-Licensed Public Education Employees – Classified Employees, on the second and final reading.

The **motion** passed unanimously.

**ACTION:** R277-329, Local Board Policies for Evaluation of Non-Licensed Public Education Employees - Classified Employees (Re-adopt)

**MOTION** was made by Member Hymas that the Board approves R277-329, Local Board Policies for Evaluation of Classified Employees, Draft 2, on the second and final reading.

The **motion** passed unanimously.

**ACTION:** R277-104, ADA Complaint Procedure (Amendment & Continuation)

**MOTION** was made by Member Hymas that the Board continues and approves R277-104, ADA Complaint Procedure, Draft 2, on the second and final reading.

The **motion** passed unanimously.

**ACTION:** R277-107, Educational Services Outside of an Educator's Regular Employment (Continuation)

**MOTION** was made by Member Hymas that the Board continues R277-107, Educational Services Outside of an Educator's Regular Employment, on the second and final reading.

The **motion** passed unanimously.

**ACTION:** Social Studies RFP Committee Selection

**MOTION** was made by Member Hymas that the Committee approves Board Member Hymas to represent the Law and Licensing Committee on the 2023 Social Studies RFP Committee.

**Standards and Assessment Committee Report/Recommendations - (Items duplicated from the February 3, 2023 meeting)**

**ACTION:** Single Course Standards Revision Process

**MOTION** was made by Member Boothe that the Board approves the revised single course standards revision process as amended.

The **motion** passed unanimously.

**Executive Session (closed in accordance with the Utah Open and Public Meetings Act)**

The motion was made by Chair Moss 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 and professional competence or physical or mental health of individuals; and 3) strategy on pending or reasonably imminent litigation.

Upon voice vote of Members Boggess, Boothe, Cline, Davis, Earl, Green, Hart, Hymas, Kerry, Lear, Moss, Norton, Reale, Strate, and Wood, the Board went into closed session at 4:21 PM.

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

Those present included the Members above, Scott Jones, Sydnee Dickson, Angie Stallings, Kelsey James, Cybil Child, Ben Rasmussen, Ashley Biehl, and Bryan Quesenberry.

### **Executive Session Action Items**

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

**Motion** carried.

The Board reconvened in an open meeting at 4:44 PM.

### Educator Licenses

**MOTION** was made by Member Norton and seconded by Member Moss that the Board approves the UPPAC consent calendar recommendations.

The **motion** passed unanimously.

**MOTION** was made by Member Norton and seconded by Member Hymas and seconded by Member Moss that the Board approves the recommendation of UPPAC in cases:

- Case No. 19-1705  
The motion passed unanimously.
- Case No. 20-1772  
The motion passed unanimously.
- Case No. 21-1820  
The motion passed unanimously.
- Case No. 22-1887

The motion passed unanimously.

### Committee Appointments

**MOTION** was made by Member Norton and seconded that the Board appoints Kava Tukuafu representing, a member Representing the Pacific Islander/Native Hawaiian community, to the Advisory Committee on Equity of Education Services for Students (ACEESS) for a two-year term.

The motion passed unanimously.

**MOTION** was made by Member Norton and seconded by Member Boggess that the Board appoints Katie Nelson, a parent of a blind student, and Kiara Guymon, a parent of a deaf student, to the Utah Schools for the Deaf and the Blind Advisory Council (USDB).

The **motion** passed unanimously.

### **Public Notice Meeting Act (PNM)**

#### PNM Training

The Open and Public Meetings Act (OPMA) requires that members of a public body be “provided with annual training on the requirements of [the Open and Public Meetings Act]” (Section 52-4-104). J. Bryan Quesenberry, Assistant Attorney General, trained the board members about the meeting act.

### **Adjournment**

Member Hart motioned to adjourn the meeting.

The meeting was adjourned at 5:05 PM.

Minutes were taken by Cybil Prideaux, Board Secretary.  
The minutes were approved on April 6, 2023.