

Meeting Minutes

Utah State Board of Education

A regular Utah State Board of Education meeting was held on December 5, 2024. Chair Moss presided. As Utah Code 52-4 authorized, this meeting was held at the state board offices, 250 E. 500 S, Salt Lake City, Utah. The public can view the discussion through live **YouTube** streaming.

Members Present

Board Chair James Moss First Vice-Chair Molly Hart

Second Vice-Chair Jennie Earl

Member Kristan Norton

Member Brent J. Strate

Member LeAnn Wood

Member Sarah Reale

Member Emily Green

Member Cindy Davis

Member Christina Boggess

Member Randy Boothe

Member Joseph Kerry

Member Matt Hymas

Member Carol Barlow Lear

Members Online

Member Natalie Cline

Executive Staff Present

Sydnee Dickson, State Superintendent Sarah Young, Chief of Staff Patty Norman, Deputy Superintendent Scott Jones, Deputy Superintendent Elisse Newey, Deputy Superintendent

Minutes were taken by:

Cybil Prideaux, Executive Assistant

Chair Moss called the meeting to order at 9:03 AM.

Opening Business

Pledge of Allegiance

Member Norton led the pledge of allegiance.

Board Member Message

Member Davis shared the December board member message.

Employee Recognition

Superintendent Dickson introduced the Employee of the Month, Katie Jones.

Public Comment for USBE

- The public may sign up to share public comments at publiccomment@schools.utah.gov.
- The public may send written public comments to the Board at board@schools.utah.gov
- 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.
- Please remember that children may hear your comments. Be thoughtful and professional.
- Keep your comments appropriate for a general audience. If you have material with explicit language or content, submit such material in writing to the Board at board@schools.utah.gov

The Board heard from the following individuals:

Aimee Warren, Corey Fairholm, Utah PTA President 2023-2025, Sarah Erb, Stephan Seabury, Professor Joel Jo. Campbell, Renne Pinkney, and Cindy Phillips.

<u>Finance Committee Report/Recommendations – (Items duplicated from the November 8, 2024, meeting)</u>

R277-801, Services for Students Who are Deaf, Hard of Hearing, Blind, Visually Impaired, and Deaf Blind (Amendment)

MOTION was made by Member Norton that the Board:

- 1. Provide \$300,000 to Tooele School District to allow for identified necessary services to their students by USDB and that Board staff coordinate with the Legislature to ensure proper alignment of the funds for this purpose.
- 2. Direct staff to work with board members and the legislature to request temporary funding for FTE needs for next year as we work toward a new formula long-term solution that aligns practice with current or potential code and meets the needs of those working and learning at USDB, the LEAs in the bottom three enrollment percentile, and the large LEAs with 3% or more of the public student population.

MOTION TO DIVIDE was made by Member Cline and seconded by Member Boggess.

IN FAVOR: Members Cline, Green, Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Hymas, Boggess, Boothe, and Davis.

OPPOSED: Members Strate and Norton.

FIRST DIVIDED MOTION

1. Provide \$300,000 to Tooele School District to allow for identified necessary services to their students by USDB and that Board staff coordinate with the Legislature to ensure proper alignment of the funds for this purpose.

The motion passed unanimously.

SECOND DIVIDED MOTION

2. Direct staff to work with board members and the legislature to request temporary funding for FTE needs for next year as we work toward a new formula long-term solution that aligns practice with current or potential code and meets the needs of those working and learning at USDB, the LEAs in the bottom three enrollment percentile, and the large LEAs with 3% or more of the public student population.

The motion carried.

IN FAVOR: Members Green, Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

OPPOSED: Member Cline.

R277-490, Beverley Taylor Sorenson Elementary Arts Learning Program (BTS Arts) (Amendment)

MOTION was made by Member Norton that the Board approves R277-490, Beverley Taylor Sorenson Elementary Arts Learning Program (BTS Arts), Draft 1, on second and final reading.

SUBSTITUTE MOTION was made by Member Earl and seconded that the Board approve R277-490, Draft 2, on second and final reading.

MOTION TO POSTPONE was made by Member Hart and seconded by Member Kerry that the Board postpone until the January board meeting.

The motion carried.

IN FAVOR: Members Green, Cline, Kerry, Earl, Moss, Hart, Hymas, Boothe, Strate, Davis, and Norton.

OPPOSED: Members Lear, Reale, Wood and Boggess.

MOTION TO AMEND was made by Member Boggess and seconded by Member Green that the Board postpone to an additional board meeting before the end of the year.

The motion failed.

IN FAVOR: Members Hymas, Green, Boggess, Boothe, and Wood.

OPPOSED: Members Earl, Lear, Moss, Hart, Cline, Reale, Strate, Norton, Kerry, and Davis.

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 (TSSA) Program, Draft 2, on second and final reading.

MOTION TO AMEND was made by Member Norton and seconded by Member Hart that the Board strike "or preschool programs" on Line 125.

The motion carried.

IN FAVOR: Members Green, Lear, Reale, Wood, Kerry, Hart, Earl, Moss, Hymas, Boggess, Boothe, Strate, Davis, and Norton.

OPPOSED: Member Cline.

MOTION, AS AMENDED

IN FAVOR: Members Green, Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Hymas, Boothe, Davis, Strate, and Norton.

OPPOSED: Member Boggess and Cline.

Board Policy 2001, Board Member Compensation (Amendment)

MOTION was made by Member Norton that the Board approves Board Policy 2001, Board Member Compensation, Draft 2.

MOTION TO AMEND was made by Member Earl and seconded by Member Boggess that the Board:

- 1. strike lines 30-36.
- 2. amend line 42 to "4 meeting days per month"
- 3. add to line 46 "A legislative general session or Interim meeting"

MOTION TO POSTPONE was made by Member Strate and seconded by Member Norton to the January board meeting with the extra meetings identified.

The motion carried.

IN FAVOR: Members Green, Cline, Lear, Kerry, Earl, Moss, Hart, Strate, Boothe, and Norton.

OPPOSED: Members Wood, Boggess, Hymas, Davis, and Reale.

Chair Moss passed the gavel to Vice Chair Earl.

<u>Law and Licensing Committee Report/Recommendations – (Items duplicated from the November 8, 2024, meeting.)</u>

Interagency Data Sharing Agreement with Department of Workforce Services (USBE250012IAA)

MOTION was made by Member Kerry that the Board approve the interagency data sharing agreement with the Department of Workforce Services (USBE250012IAA).

The motion carried.

IN FAVOR: Members Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Hymas, Boothe, Davis, Strate, and Norton.

OPPOSED: Members Green, Cline, and Boggess.

<u>Uintah River High School Waiver Request (New)</u>

MOTION was made by Member Kerry that the Board approve Uintah River High School's request for a waiver from R277-419(4).

The motion carried.

IN FAVOR: Members Green, Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

OPPOSED: Member Cline.

R277-114, Response to Compliance and Related Issues (Amendment)

MOTION was made by Member Kerry that the Board approve R277-114, Response to Compliance and Related Issues, Draft 2, on second and final reading.

The motion carried.

IN FAVOR: Members Kerry, Wood, Reale, Lear, Green, Earl, Moss, Hart, Hymas, Boothe, Davis, Strate, and Norton.

OPPOSED: Member Boggess.

ABSTAINED: Member Cline.

R277-306, Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers (Amendment & Continuation)

MOTION was made by Member Kerry continue and approve R277-306, Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers, Draft 1, on second and final reading.

MOTION TO AMEND was made by Member Cline and seconded by Member Green that the Board strike references to the National Associations within the rule. Lines 27-28, 33-34, and 110-111.

The motion failed.

IN FAVOR: Members Cline, Boggess, Moss, and Green.

OPPOSED: Members Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Hymas, Boothe, Davis, Strate, and Norton.

CALL THE QUESTION by Member Strate and seconded by Member Reale.

The motion carried.

IN FAVOR: Members Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Boothe, Davis, Strate, and Norton.

OPPOSED: Members Cline, Hymas, Boggess, and Green.

MOTION TO AMEND was made by Member Kerry and seconded by Member Boggess that the Board add "and apply those standards and competencies in compliance with Utah law" after Line 34 and 112.

The motion carried.

IN FAVOR: Members Green, Lear, Wood, Kerry, Earl, Moss, Hart, Hymas, Boggess, Boothe, Davis, and Strate.

OPPOSED: Members Reale.

ABSTAINED: Member Cline.

ABSENT: Member Norton.

MOTION, AS AMENDED

IN FAVOR: Members Lear, Reale, Kerry, Earl, Moss, Hart, Hymas, Boothe, Moss, Davis, and Strate.

OPPOSED: Members Cline, Green, and Boggess.

ABSENT: Member Norton.

Board Policy 2006, Audit Committee and Chief Audit Executive Responsibilities (Amendment)

MOTION was made by Member Kerry that the Board approve Board Policy 2006, Audit Committee and Chief Audit Executive Responsibilities, Draft 1.

The motion passed unanimously.

IN FAVOR: Members Green, Lear, Wood, Kerry, Cline, Earl, Moss, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

ABSENT: Members Hart and Reale.

Board Bylaws Article IX (Amendment)

MOTION was made by Member Kerry that the Board approve Board Bylaws - Article IX, Draft 1.

The motion passed unanimously.

IN FAVOR: Members Green, Lear, Reale, Wood, Kerry, Earl, Moss, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

ABSENT: Member Hart.

R277-722, Procedures for the Focused Graduation Pathway (New)

MOTION was made by Member that the Board approve R277-722, Procedures for the Focused Graduation Pathway, Draft 3, second and final reading.

The motion carried.

IN FAVOR: Members Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Hymas, Boothe, Davis, Strate and Norton.

OPPOSED: Members Green, Boggess and Cline.

R277-702, Procedures for the Utah High School Completion Diploma (Amendment)

MOTION was made by Member that the Board approve R277-702, Procedures for the Utah High School Completion Diploma, Draft 2, on second and final reading and that the Board amend Line 52 to add after "age" at the time of registration for the exam.

MOTION, AS AMENDED

The motion carried.

IN FAVOR: Members Green, Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

OPPOSED: Member Cline.

R277-419, Pupil Accounting (Amendment)

MOTION was made by Member Kerry that the Board approve R277-419, Pupil Accounting, Draft 2, on second and final reading.

The motion carried.

IN FAVOR: Members Lear, Reale, Wood, Kerry, Earl, Moss, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

OPPOSED: Members Hart and Cline.

ABSENT: Member Green.

Recognition of Outgoing Members

The Board thanked the outgoing board members for their time and dedication to the Utah State Board of Education.

Members Brent Strate, Kristan Norton, Natalie Cline, and James Moss will leave the Utah State Board of Education in 2025.

<u>Law and Licensing Committee Report/Recommendations – (Items duplicated from the November 22, 2024, meeting.)</u>

R277-123, Process for Members of the Public to Report Violations of Statute and Board Rule (Amendment)

MOTION was made by Member Hymas that the Board approve R277-123, Process for Members of the Public to Report Violations of Statute and Board Rule, Draft 4, on second and final reading.

Without objection the Board directed staff to amend Line 39 to add "an individual" and strike "a Boardmember, Board staff, or another individual"

Without objection the Board directed staff to amend Line 75 to read "Anyone may report.."

MOTION TO AMEND was made by Member Kerry and seconded by Member Boggess that the Board:

1) amend Line 66-67 add "and the findings reported to a complainant. "Change "results" to "findings" on Line 68.

The motion carried.

IN FAVOR: Members Lear, Green, Kerry, Earl, Moss, Hart, Hymas, Boggess, Cline, Boothe, Strate, and Norton.

OPPOSED: Members Wood, Reale, and Davis.

MOTION TO AMEND was made by Member Kerry and seconded by Member Boggess that the Board amend Line 149, to read "(b) Board Leadership and the Boardmember representing the district."

The motion carried.

IN FAVOR: Members Green, Wood, Kerry, Earl, Hart, Hymas, Boggess, Cline, Boothe, Davis, Strate, and Norton.

OPPOSED: Members Lear and Reale.

ABSENT: Member Moss.

MOTION TO AMEND was made by Member Kerry and seconded by Member Boggess that the Board amend Draft 4 Lines 293 to mirror Line 292 "readily accessible access to the state education hotline." Strike the URL on Line 78.

The motion passed unanimously.

IN FAVOR: Members Green, Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Cline, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

MOTION TO AMEND was made by Member Boggess and seconded by Member Green that the Board reinstate Line 118-120 and add following IAD, "within 14 calendar days," Following complaint, add "and notify the complainant of closure."

The motion passed unanimously.

IN FAVOR: Members Cline, Green, Lear, Wood, Kerry, Earl, Moss, Hart, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

ABSENT: Member Reale.

MOTION TO AMEND THE AMENDMENT was made by Member Strate and seconded by Member Norton that the Board amend the rule from "14 calendar days" to "10 business days".

The motion failed.

IN FAVOR: Members Cline, Moss, Strate, and Lear.

OPPOSED: Members Green, Kerry, Hymas, Wood, Boggess, Boothe, Earl, Hart, and Davis.

ABSENT: Member Reale

MOTION, AS AMENDED.

The motion passed unanimously.

R277-113, LEA Fiscal and Auditing Policies (Amendment)

MOTION was made by Member Hymas that the Board approve R277-113, LEA Fiscal and Auditing Policies, Draft 4, on the second and final reading.

The motion carried.

IN FAVOR: Members Green, Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

ABSTAINED: Member Cline.

MOU: USBE and SCSB Relationship

MOTION was made by Member Hymas that the Board approve the MOU between USBE and SCSB, Draft 3.

The motion carried.

IN FAVOR: Members Green, Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

ABSTAINED: Member Cline.

Use of Discretionary Funds

MOTION was made by Member Hymas that the Board commit \$1,500,000.00 of Federal Mineral Lease (FML) funds for use for compliance with 53G-6-806 (Effective 05/0102024)-Parent Portal and direct staff to begin using the funds as soon as possible with the intent to comply with the applicable code.

MOTION TO AMEND was made by Member Boggess and seconded by Member Boothe that the Board direct staff to work with the legislature to advise of fiscal needs and secure ongoing funds. Without objection from the Board, the staff will proceed with the request.

MOTION TO POSTPONE was made by Member Davis and seconded by Member Lear that the Board postpone the agenda item until Friday, December 6, board meeting agenda item 6.1 of the Work Session.

The motion passed unanimously.

IN FAVOR: Members Wood, Green, Lear, Reale, Kerry, Earl, Cline, Hart, Moss, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

MOTION was made by Member Hymas that the Board return the remaining balance from the 'Impact of Title IX Changes on Public Schools' project to the State Funds portion of the Discretionary Funds account and then commit \$75,000 of state funds for use by external research to advise and assist on the Return on Investment (ROI) evaluation process.

The motion carried.

IN FAVOR: Members Green, Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Hymas, Boothe, Davis, Strate, and Norton.

OPPOSED: Members Boggess and Cline.

MOTION was made by Member Hymas the Board commit \$40,000 of FML Federal Mineral Lease (FML) funds to add a facilitator to support the Board in developing its strategic plan beginning January 2025.

The motion carried.

IN FAVOR: Members Reale, Lear, Wood, Earl, Moss, Hart, Hymas, Boothe, Strate, and Norton.

OPPOSED: Members Boggess, Green, and Cline.

Vice Chair Earl passed the gavel to Chair Moss.

General Consent Calendar

Member Earl pulled the Instructional Materials Review Report from the consent calendar. Member Cline pulled the meeting minutes from the consent calendar.

MOTION was made by Member Hart and seconded by Member Boothe that the Board approve the Consent Calendar minus the items pulled.

The motion carried.

IN FAVOR: Members Green, Reale, Lear, Wood, Kerry, Moss, Hart, Hymas, Boothe, Davis, Strate, and Norton.

OPPOSED: Members Boggess, Cline, and Earl.

Instructional Materials Fall 2024 Report

MOTION was made by Member Hart and seconded by Member that the Board approve the Fall 2023 Instructional Materials review report, minus "By the People: A History of the United States."

MOTION TO DIVIDE was made by Member Cline and seconded by Member Boggess.

The motion carried.

IN FAVOR: Members Cline, Green, Reale, Wood, Kerry, Earl, Moss, Hart, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

OPPOSED: Member Lear.

MOTION that the Board does not approve "By the People: A History of the United States" from the Instructional Material review report.

The motion carried.

IN FAVOR: Members Green, Wood, Cline, Kerry, Earl, Moss, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

OPPOSED: Members Lear, Reale, and Hart.

MOTION that the Board approve the Fall 2023 Instructional Materials review report, minus "By the People: A History of the United States."

The motion carried.

IN FAVOR: Members Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Hymas, Boothe, Davis, Strate, and Norton.

OPPOSED: Members Cline, Boggess, and Green.

Approval of Meeting Minutes

MOTION was made by Member Hart and seconded by Member Boothe that the Board approve the meeting minutes as presented.

The motion passed unanimously.

IN FAVOR: Members Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Hymas, Boothe, Davis, Strate, Cline, Boggess, Green. And Norton.

Chair Moss passed the gavel to Vice Chair Earl.

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

The motion was made by Member Hart and seconded by Member Kerry that the Board move into executive session for the purpose of

- a person's character, competence, or health;
- pending or imminent litigation;
- certain matters regarding the acquisition or sale of real property, including water rights or shares;
- the deployment of security personnel, devices, or systems;
- an investigation of alleged criminal conduct;
- the receipt or review of an ethics complaint if the public body is the Independent Legislative Ethics Commission;
- certain matters under the jurisdiction of a legislative ethics committee; and
- certain deliberations and decision making involved in the procurement process.

Upon voice vote of Members Reale, Boothe, Boggess, Davis, Green, Kerry, Wood, Lear, Norton, Strate, Earl, Hart, Hymas, and Moss, the Board went into closed session at 6:15 PM.

The above members and the following individuals were present: Sydnee Dickson, Cybil Prideaux, Kelsey James, Michelle Beus, Ashley Biehl, and Ben Rasmussen.

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

The Board came out of the executive session at 7:30 PM.

Executive Session Action Items

Appointment

MOTION was made by Member Norton and seconded by Member Kerry that the Board appoints the following individual for a position on the Utah Special Education Advisory Panel (USEAP) - Jamie Webb.

The motion carried.

IN FAVOR: Members Green, Lear, Reale, Wood, Kerry, Earl, Moss, Hart, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

OPPOSED: Members Cline.

Educator Licenses

MOTION was made by Member Norton and seconded by Member Kerry that the Board pulls Case No. 24-2067 from the UPPAC consent calendar.

The motion carried.

IN FAVOR: Members Green, Lear, Reale, Wood, Kerry, Moss, Hart, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

ABSTAINED: Members Cline and Earl.

MOTION was made by Member Norton and seconded by Member Kerry that the Board approve the UPPAC consent calendar.

The motion carried.

IN FAVOR: Members Green, Lear, Reale, Wood, Kerry, Moss, Hart, Hymas, Boggess, Boothe, Davis, Strate, and Norton.

ABSTAINED: Member Cline.

MOTION was made by Member Norton and seconded by Member Kerry that the Board accepts UPPAC recommendation for:

• Case No. 19-1706

The motion carried.

ABSTAINED: Member Cline.

ABSENT: Member Lear.

MOTION was made by Member Norton and seconded by Member Kerry that the Board accepts UPPAC recommendation for:

• Case No. 23-1980

The motion carried.

ABSTAINED: Member Cline.

ABSENT: Member Lear.

MOTION was made by Member Norton and seconded by Member Kerry that the Board accepts UPPAC recommendation for:

• Case No. 24-2052

The motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Kerry that the Board accepts UPPAC recommendation for:

• Case No. 23-2060

The motion passed unanimously.

MOTION was made by Member Norton and seconded by Member Kerry that the Board accepts UPPAC recommendation for:

• Case No. 24-2061

The motion carried.

ABSTAINED: Member Cline.

MOTION was made by Member Norton and seconded by Member Kerry that the Board accepts UPPAC recommendation for:

Case No. 24-2079

The motion carried.

ABSTAINED: Member Cline.

MOTION was made by Member Norton and seconded by Member Kerry that the Board accepts UPPAC recommendation for:

• Case No. 24-2090

The motion carried.

ABSTAINED: Member Cline.

MOTION was made by Member Norton and seconded by Member Kerry that the Board accepts UPPAC recommendation for:

Case No. 24-2114

The motion carried.

ABSTAINED: Member Cline.

The agenda items below were postponed until Friday, December 6, at the board meeting.

Audit Committee Report

Update Internal Audit Plan

MOTION was made by Member Hart that the Board add an audit of USBE Advisory Committees to the audit plan.

Monthly Budget Report

Monthly Budget Report

Discretionary Funds Report

December Economic Update

2025 General Session Legislative Preparation

Requests for Statutory Changes

Reports and Requirements Task Force Legislative Asks

Board Requested Legislative Funding

ADJOURNMENT

MOTION TO ADJOURN was made by Member Earl and seconded by Member Strate. **The motion passed unanimously.**

The meeting adjourned at 7:37 PM.

The executive assistant took the meeting minutes. The minutes were approved on January 9, 2025.