



**Utah State Board of Education
Meeting Minutes**

February 1, 2024, Board Meeting
9:00 AM. – 12:15 AM.

A regular Utah State Board of Education meeting was held on February 1, 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 Natalie Cline
Member LeAnn Wood
Member Sarah Reale
Member Cindy Davis

Member Carol Barlow Lear
Member Matt Hymas
Member Christina Boggess
Member Randy Boothe
Member Brent J. Strate
Member Emily Green
Member Joseph Kerry

Executive Staff Present

Sydnee Dickson, State Superintendent
Sarah Young, Chief of Staff
Patty Norman, Deputy Superintendent
Scott Jones, Deputy Superintendent
Angie Stallings, Deputy Superintendent
Kelsey James, Board Communications Coordinator

Minutes were taken by:

Cybil Prideaux, Executive Assistant

Public Participants

Lexi Cunningham, Monica Wilbur, Renee Pinkney, Shane Jones, CJ Wilkinson, Julie Cluff, Briawna Hugh, Laurel Fetzer, and Royce Van Tassel.

1. Opening Business

Chair Moss called the meeting to order at 9:11 AM.

1.1. Pledge of Allegiance

1.2. Board Member Message – Member Randy Boothe shared the February message.

1.3. Education Highlight – Board Communications Coordinator Kelsey James

Abel Huskinson

Abel Huskinson is USBE’s full-time Legislative Intern for the 2024 General Legislative Session. Abel recently graduated from BYU Provo, where he received his degree in sociology and a minor in political science. During the next several months, Abel’s duties and responsibilities include assisting Deputy Superintendent Stallings and the Policy Team, attending committee meetings, monitoring and tracking legislation, supporting weekly legislative meetings, and conducting research related to bills. Following this internship, Abel plans to attend graduate school in the fall to pursue his Ph.D. in Sociology.

Jace Greenamyre

Jace is a Utah Military Academy Charter School senior and will be interning with USBE on Thursdays during the Legislative Session. He was previously an intern for Rep. Jefferson Burton and Congressman Blake Moore. Following graduation, Jace will attend Valley Forge Military College as part of the Army's Early Commissioning Program.

2. Public Comment for USBE.

The public is welcome to send written comments to publiccomment@schools.utah.gov.

2.1. INFORMATION: Public Comment

- 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 highly detailed or complex comments 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 publiccomments@schools.utah.gov

The Board heard public comments from the following individuals:

Kevin Korous
Renée Pinkney
Cody Eflin
Wendy Hart
Lexi Cunningham
Julie Cluff, Utah PTA
Curtis Linton
Corderro Baxter
Monica Wilbur
Laurel Fetzer
Darlene McDonald
Carolyn Sharette

3. Superintendent's Report

3.1. Employee Recognition

Superintendent Dickson introduced Vanessa Barnes, February Employee of the Month.

3.2. Acknowledgement of Student Art Work

Laurie Baefsky, DMA, Coordinator, Fine Arts
Beverley Taylor Sorenson Arts Learning Program (BTS Arts)

3.3. INFORMATION: Superintendent's Report

4. **Finance Committee Report/Recommendations (Items duplicated from the December 8, 2023 committee meeting)**

The Committee Chair, Kristan Norton, shared the committee motions.

4.1. ACTION: State Fiscal Year 2023 Discretionary Carry Forward Balance Status and Approval for Use (continued from the January 11, 2024, board meeting)

MOTION was made by Member Earl and seconded by Member Hymas that the Board use \$50,000 from available FML funds - A broad look at the structural challenges that face school-age boys in Utah: A micro-analysis to a national discussion. (see Richard V Reeves, Of Boys and Men).

MOTION TO AMEND was made by Member Earl and seconded by Member Reale that the Board allocate an additional \$50,000 and add an additional research focus for challenges facing school-age girls.

The motion passed unanimously. Members Cline and Kerry were absent.

MOTION TO AMEND was made by Member Boggess and seconded by Member Green that the Board add an additional research question, “~~Where~~ is the system creating vulnerability for Utah boys or girls? “~~where~~ is the system creating hostility towards boys or girls?”

- ~~Where~~ is the system creating vulnerability for Utah boys or girls?
- What important role do young men play in society?
- Are young men prepared to meet today's challenges academically and socially?
- How can schools support boys better?
- ~~Where~~ is the system creating vulnerability for Utah boys or girls? If so, what are the issues?

The motion to amend passed unanimously. Member Cline was absent.

The motion, as amended, passed unanimously. Member Cline was absent.

MOTION was made by Member Earl and seconded by Member Green that the

Board allocate \$30,000 from available FML funds - Survey of the current landscape of SEL in Utah public schools.

Systemically identify core components of social-emotional learning programs currently used within Utah public schools. Components to be identified:

- Program design and evidence of effectiveness
- Scientific rigor associated with the program
- Types of intervention being implemented
- Time commitment of programs, including frequency and dosage
- Parent components, including consent and engagement
- Individual data collected by this program
- Self-regulation activities (mindfulness, meditation, etc.)
- Types of group discussions
- Cost to the district
- Personnel cost
- How success is measured
- How long has the program been in place
- Positive protective factors present in the program (goal setting, gratitude, parent engagement)

MOTION TO POSTPONE until Friday, February 2, 2024, Study Session.

The motion carried with Members Strate and Davis opposed. Member Hymas was absent.

5. Finance Committee Report/Recommendations (Items duplicated from the January 12, 2024, meeting)

The Committee Chair, Kristan Norton, shared the committee motions.

5.1. INFORMATION: January 11, 2024, Summary of Actions

5.2. INFORMATION: Public Comment

5.3. ACTION: R277-726, Statewide Online Education Program (SOEP) (Amendment)
(No motion for the Board. The committee posted the item to the February 2, 2024,

Finance Committee meeting)

Board Action: On January 12, 2024, MOTION was made that the Board advocates retaining DTL as a Related-to-Basic Program while maintaining the historical/existing funding model.

- 5.4. ACTION: Digital Teaching and Learning (DTL) Program *(The Board took action on this item during their January 12, 2024, Study Session Meeting)*
- 5.5. ACTION: R277-471, School Construction Oversight, Inspections, Training, and Reporting (Amendment)

MOTION was made by Member Norton that the Board approves R277-471, School Construction Oversight, Inspections, Training, and Reporting, Draft 1, on the second and final reading.

The motion was carried with Member Cline opposed, and Member Hymas was absent.

- 5.6. ACTION: R277-486, Professional Staff Cost Program (Amendment & Continuation)

MOTION was made by Member Norton that the Board continue and approve R277-486, Professional Staff Cost Program, Draft 1, on the second and final reading.

SUBSTITUTE MOTION was made by Member Norton and seconded by Member Strate That the Board continue R277-486, Professional Staff Cost Program, without amendment, on the second and final reading.

The motions carried with Member Cline opposed.

- 5.7. ACTION: Update and Action on Tooele County School District *(The Board took action on this item during their January 18, 2024 Legislative Meeting)*

BOARD ACTION JANUARY 18: MOTION was made that the Board recommends to the Legislature to support Tooele School District in mitigating loss during the

transition and in light of potential code changes or clarifications.

- 5.8. DISCUSSION: Data Sharing for Advertising School Options and Potential Amendments to Board Rule
- 5.9. INFORMATION: Midyear Updates to the Minimum School Program (MSP)
- 5.10. INFORMATION: Recognition of Progress, Achievements, or Improvements
 - 5.10.1. INFORMATION: Program Monthly Report (PMR) on the Utah Schools Information Management System
 - 5.10.2. INFORMATION: Program Monthly Report (PMR) on Utah Grants
- 5.11. INFORMATION: Requests for Data and Information
- 5.12. INFORMATION: Quarterly Report from the School Children's Trust
- 5.13. INFORMATION: Adding a Priority Academic Area to School LAND Trust
- 5.14. DISCUSSION: Educator Incentive Program Report
- 5.15. INFORMATION: Necessarily Existent Small Schools (NESS)/Rural Districts Study Status

6. Law and Licensing Committee Report/Recommendations (Items duplicated from the January 12, 2024, meeting.)

The Committee Chair, Matt Hymas, shared the committee motions.

- 6.1. INFORMATION: January 12, 2024, Summary of Actions
- 6.2. INFORMATION: Public Comment
- 6.3. ACTION: R277-308, New Educator Induction and Mentoring (Amendment & Continuation)

MOTION was made by Member Hymas that the Board continue and approve R277-308, New Educator Introduction and Mentoring, Draft 1, on the second and final reading.

The motion passed unanimously. Member Norton was absent.

- 6.4. ACTION: R277-912, Law Enforcement Related Incident Reporting (Amendment & Continuation)

MOTION was made by Member Hymas that the Board continue and approve R277-912, Law Enforcement Related Incident Reporting, Draft 1, on the second and final reading.

The motion carried with Member Green opposed. Member Cline was absent. Member Boggess abstained.

- 6.5. ACTION: Annual Training Requirements Brief *(No motion for the Board)*
- 6.6. ACTION: R277-406, Early Learning Program and Benchmark Assessments (Amendment)

MOTION was made by Member Hymas that the Board approve R277-406, Early Learning Program and Benchmark Assessments, Draft 3, on second and final reading.

SUBSTITUTE MOTION was made by Member Hymas and seconded by Member Moss that the Board approve R277-406, Early Learning Program and Benchmark Assessments, Draft 4, on second and final reading.

MOTION TO POSTPONE was made by Member Davis and seconded by Member Strate to postpone the rule to future Study Session.

Member Cline asked staff if they have a comparison between reading standards now and before 2010 available, such as scores then and now.

CALL THE QUESTION was made by Member Hymas.

The motion carried with Members Moss, Kerry, Earl, and Boggess opposed. Member Reale was absent.

The motion to postpone carried with Member Kerry and Boggess opposed.

7. Standards and Assessment Committee Report/Recommendations - (Items duplicated from the January 12, 2024, meetings.)

The Committee Chair, Randy Boothe, shared the committee motions.

7.1. INFORMATION: January 12, 2024 Summary of Actions

7.2. ACTION: R277-910, Underage Drinking and Substance Abuse Prevention Program (Amendment & Continuation)

MOTION was made by Member Boothe that the Board continue and approve R277-910, Underage Drinking and Substance Abuse Prevention Program, Draft 1, on second and final reading.

The motion carried with Member Cline and Boggess opposed. Member Kerry abstained.

8. Lunch Break

9. Standards and Assessment Committee Report/Recommendations (Items duplicated from the December 8, 2023 committee meeting.)

The Committee Chair, Randy Boothe, shared the committee motions.

9.1. ACTION: R277-328: Educational Equity in Schools (REPEAL) (continued from the January 11, 2024, board meeting)

MOTION was made by Member Boothe that the Board repeals R277-328, Educational Equity in Schools.

MOTION was made by Member Boothe that the Board repeals R277-328, Educational Equity in Schools.

MOTION was made by Member Davis and seconded by Member Strate that the Board approve R277-328, Educational Equity in Schools, Draft 1.

SUBSTITUTE MOTION was made by Member Davis and seconded by Member N that the Board approve R277-328, Educational Equity in Schools, Draft 2.

MOTION TO AMEND was made by Member Hymas and seconded by Member Boggess that the Board strike “understanding each student’s unique circumstances” from line 55-56.

(2) The professional learning described in Subsection (1) shall include instruction in:

- (a) fostering a learning environment which is safe, conducive to the learning process, and free from unnecessary disruption, ~~understanding each student’s unique circumstances, as consistent~~^[is safe and respectful of all students and educators] with Section 53G-8-202 ~~and federal law;~~

The motion was carried with Member Lear opposed, and Member Davis abstained.

MOTION TO AMEND THE AMENDMENT was made by Member Boggess and seconded by Member Green that the Board insert “physically” in between “which is” and “safe”

The motion to amend the amendment failed, with Member Green in favor.

MOTION TO AMEND THE AMENDMENT was made by Member Davis and seconded by Member Strate that the Board amends lines 55-56 as follows:

- (a) Understanding each student’s unique circumstances, fostering a learning environment which is safe, conducive to the learning process, and free from unnecessary disruption, as consistent^[is safe and respectful of all students and educators] with Section 53G-8-202 ~~and federal law;~~

The motion to amend the amendment failed, with Members Reale, Earl, Lear, and Wood in favor. Member Davis abstained.

MOTION TO AMEND was made by Member Hymas and seconded by Member Norton that the Board strike lines 70-75.

~~(g)(c)~~ implementing principles and strategies of inclusion, as they pertain to students and educators with diverse abilities and backgrounds so that:

~~(i) a student with a disability is educated with peers without a disability to the maximum extent appropriate, consistent with IDEA; and~~
~~(ii) specially designed instruction is provided in addition to, not instead of, high-quality core instruction as consistent with IDEA;~~

The motion failed with Members Boggess, Green, Moss, Cline, Kerry, and Hymas in favor.

MOTION TO AMEND THE AMENDMENT was made by Member Cline and seconded by Member Boggess that the Board unstrike “~~(i) a student with a disability is educated with peers without a disability to the maximum extent appropriate, consistent with IDEA; and~~
~~(ii) specially designed instruction is provided in addition to, not instead of, high-quality core instruction as consistent with IDEA;~~

~~(g)(c) implementing principles and strategies of inclusion, as they pertain to students and educators with diverse abilities and backgrounds so that:~~

Ensuring:

~~(i) a student with a disability is educated with peers without a disability to the maximum extent appropriate, consistent with IDEA; and~~
~~(ii) specially designed instruction is provided in addition to, not instead of, high-quality core instruction as consistent with IDEA;~~

And

Strike the definition for “inclusion” at the beginning of the rule

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

MOTION TO AMEND was made by Member Hymas and seconded by Member Boggess that the Board strike lines 82-86.

MOTION TO AMEND THE AMENDMENT was made by Member Cline and seconded by Member Boggess that the Board strike lines 82-86 and add the following language:

“(d) recognizing the constitutionally protected rights of all students

(e) avoiding activist or provocative treatment of topics while allowing students to discuss in a courteous and respectful manner whether those opinions are in the majority or minority.”

MOTION TO DIVIDE was made by Member Wood.

The motion carried with Members Reale, Boothe, Green, and Earl opposed.

Divided Motion #1: To still strike lines 82-86 and add “(d) recognizing the constitutionally protected rights of all students

The motion carried with Member Reale opposed. Member Moss was absent.

Divided Motion #2: To still strike lines 82-86 and add (e) avoiding activist or provocative treatment of topics while allowing students to discuss in a courteous and respectful manner whether those opinions are in the majority or minority.”

The motion failed with Members Cline, Hymas, Green, and Boggess in favor.

MOTION TO AMEND was made by Member Hymas and seconded by Member Boggess that the Board strike lines 82-86, and add “(d) recognizing the constitutionally protected rights of all students.

(d) recognizing the constitutionally protected rights of all students.

~~(e) [(i)] defending intellectual honesty, including freedom of inquiry, speech, and association; and~~

~~(f)(g) develop~~ing strategies to promote ~~[viewpoint diversity demonstrating role model responsibilities through]~~the examination of various viewpoints on a topic in an impartial and politically neutral manner.

MOTION TO DIVIDE was made by Member Davis and seconded by Member Lear.

The motion carried with Member Cline and Hymas opposed.

MOTION TO AMEND THE AMENDMENT was made by Member Cline and seconded by Member Boggess that the Board amend the following language:

~~(e)(i)~~ defending intellectual honesty, including freedom of inquiry, speech, and association; and

~~(f)(g) develop~~ing strategies to promote ~~[viewpoint diversity demonstrating role model responsibilities through]~~the examination of various viewpoints on a topic in an impartial and politically neutral manner.

(e) avoiding provocative activist in the treatment of topics while allowing students to discuss in a courteous and respectful manner.

Definitions:

(1) "Activism" means presenting ideas or encouraging behavior for the purpose of bringing about political or social change.

(5) "Provocation" means delivering instruction or content for the purpose of eliciting a negative emotional response.

The motion failed with Members Cline, Boggess, and Green in favor.

MOTION TO DIVIDE was made by Member Davis and seconded by Member Lear.

The motion carried with Member Cline and Hymas opposed.

MOTION TO AMEND, AS AMENDED, remove lines 84-86 ~~(f)(g) develop~~ing strategies to promote ~~[viewpoint diversity demonstrating role model responsibilities through]~~the examination of various viewpoints on a topic in an impartial and politically neutral manner.

The motion failed with Members Boggess, Earl, Cline, Green, Hart, Kerry, and Hymas in favor.

MOTION TO AMEND was made by Member Earl and seconded by Member Davis that the Board amends lines 177 - 178 as follows:

designated specifically for students ~~[within a personal identity characteristic group]~~ based on a different personal identity characteristic . . .

The motion passed unanimously.

MOTION TO AMEND was made by Member Earl and seconded by Member Strate that the Board add “consistent with 53-G-2-105” to line 164. As follows:

(1) An LEA may establish or maintain an office, division, employment position, or other unit of an LEA that provides support, guidance, and resources that equip all students, including all students in public schools at higher risk of not completing high school, with experiences and opportunities for success in each student’s academic and career goals, and without excluding individuals on the basis of an individual’s personal identity characteristics consistent with 53-G-2-105.

The motion passed unanimously. Member Cline abstained.

MOTION TO AMEND THE AMENDMENT was made by Member Cline and seconded by Member Green that the Board amend the following language:

(1) An LEA may establish or maintain an office, division, employment position, or other unit of an LEA that ~~[provides support, guidance, and resources that equip all students, including all students in public schools at higher risk of not completing high school, with experiences and opportunities for success in each student’s academic and career goals, and without excluding individuals on the basis of an individual’s personal identity characteristics.]~~ offers support, guidance, and resources for student academic success and career goals, without regard to an individual's personal identity characteristics consistent with 53G-2-105.

The motion failed with Members Green, Boggess, Hart, Kerry, and Cline in favor. Member Lear was absent.

MOTION TO AMEND was made by Member Earl and seconded by Member Strate that the Board amend line 121 as follows:

(3) The professional learning provided by an LEA ~~shall~~ may not include instruction that promotes or endorses that:...

(c) an individual should be discriminated against in violation of Titles VI, VI of the Civil Rights Act of 1964, IX of the Education Amendments of 1972, and Section 504 of the rehabilitation Act of 1973, receive adverse treatment, be advanced, or receive beneficial treatment because of the individual's personal identity characteristics

The motion passed unanimously.

MOTION TO AMEND was made by Member Cline and seconded by Member Green that the Board amend the following language:

“(2) The purpose of this rule is to provide the Superintendent, LEAs, and educators with standards for equal opportunities, educational freedom, and prohibited discriminatory practices, including in professional learning, core standards, classroom instruction, and materials.”

The motion failed with Members Green and Cline in favor, and Member Moss is absent.

MOTION TO AMEND was made by Member Cline and seconded by Member Boggess that the Board add subsection (e) to Section 1(1) as follows:

“(e) Section 53G-10-206, which requires the Board, LEAs, and the Superintendent to ensure that instructional materials and classroom instruction are consistent with certain principles of educational freedom.”

The motion carried with Member Norton, Strate, Real, Lear, and Hart opposed.

MOTION TO AMEND was made by Member Cline and seconded by Member Kerry that the Board unstrike "classroom instruction" and amend the definition as follows:

~~(2)-(1)~~ "Classroom instruction" means any instruction or information to a student, including direct teaching, course material, unit, class, lesson, activity, or presentation.

Currently stricken in draft 2:

~~(1) "Classroom instruction" means any course material, unit, class, lesson, activity, or presentation that, as the focus of the discussion, provides instruction or information to a student.~~

amend lines 89-90 as follows:

(3) The professional learning, core standards, classroom instruction, and materials provided by the Superintendent or an LEA ~~[shall]~~may not include: ~~[instruction that promotes or endorses that:]~~

amend lines 144 and 145 as follows:

~~(4)~~(5) The professional learning, core standards, classroom instruction, and materials provided by the Superintendent or an LEA shall be done in accordance with all state and federal laws.

The motion failed with Members Green, Kerry, Boggess, and Cline in favor.

MOTION TO AMEND was made by Member Cline and seconded by Member Boggess that the Board amends lines 165 through 171 as follows:

~~(1)~~(2) No part of this rule shall be construed by an LEA or educator to:

(a) prohibit or ban discussions of events, ideas, attitudes, beliefs, or concepts, except for those expressly prohibited in this rule; including those described in this rule, [from the general sharing and participation in the marketplace of ideas fostered in a learning environment, and consistent with Sections 53G-10-202 and 53G-10-206.];

(b) prohibit disaggregation of data based on personal identity characteristics to meet state and federal requirements, including those in Section 53E-3-501 or 53E-5-302; or

MOTION TO AMEND THE AMENDMENT was made by Member Boggess and seconded by Member Cline that the Board add after “except expressly prohibited in this rule” or in Sections 53G-10-206 and 53G-2-104”

The motion carried with Member Lear and Reale opposed.

The motion, as amended, failed with Members Earl, Kerry, Green Cline, and Boggess in favor.

MOTION TO AMEND was made by Member Cline and seconded by Member Boggess that the Board amend to add subsection (c) below line 171 that reads:

- (b) allow for differential treatment on individual students based primarily or solely on disaggregated group data.

The motion carried with Members Reale, Strate, Davis, Boothe, Norton, Hart, and Lear opposed.

MOTION TO AMEND was made by Member Cline and seconded by Member Green that the Board amend line 174 as follows:

- (a) has an important governmental interest, including protecting the safety and privacy of individuals on the basis of sex consistent with Section 63G-31-301; or

The motion failed with Member Green, Cline, Kerry, and Boggess in favor.

MOTION TO AMEND was made by Member Cline and seconded by Member Boggess that the Board amend line 179 as follows:

(5) [An LEA shall submit an annual assurance to the Board that the LEA’s professional learning is consistent with this rule and 53G-10-206]. The Superintendent shall submit an annual report to the Board that the professional learning, core standards, and materials provided by the Superintendent are consistent with this rule and 53G-10-206.

The motion failed with Members Boggess, Kerry, Green, and Cline in favor.

MOTION TO AMEND was made by Member Boggess and seconded by Member Cline that the Board Strike lines 16-19.

That the Board amend lines 16-19 to read:

The purpose of this rule is to ~~[provide]~~ direct LEAs to Utah State Code ~~[with the standards for educators and LEAs]~~ with regard to instruction, training, coaching, evaluation, or professional learning of instructional or administrative personnel ~~[, and guidelines and requirements for curriculum, and classroom instruction]~~ ~~[on educational equity.]~~ aligned to Sections 53G-10-206 and 53G-2-104

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

MOTION TO AMEND was made by Member Boggess and seconded by Member Hymas that the Board strike lines 27-29 and add the following definition:

(1) "Professional learning" means:

- a. teacher training, professional development, coaching, remediation and counseling of any administrative or instructional personnel as defined in 53G-10-206;
and
- b. the same as the term is defined in 53G-11-303.

For reference, Lines 27-29:

(1) "Equal Opportunity in Education" means acknowledging that all students are capable of learning and may need additional guidance, resources, and support based on their academic needs.

The motion failed with Members Green, Boggess, Hymas, and Cline in favor.

MOTION TO POSTPONE was made by Member Earl and seconded that the Board postpone the current item until after the P-12 Mathematics Standards Review Committee Report.

The motion passed unanimously.

SUBSTITUTE MOTION was made by Member Davis and seconded by Member Norton that the Board approve R277-328, Educational Equity in Schools, Draft 2.

MOTION TO AMEND was made by Member Boggess and seconded that the Board strike the language and insert the below language:

R277. Education, Administration. R277-328.

Equal Opportunity in Schools.

R277-328-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section 53E-3-401(4), which allows the Board to make rules to execute the board's duties and responsibilities under the Utah Constitution and state law;

(2) The purpose of this rule is to direct LEAs to the Utah State Code with regard to instruction, training, coaching, evaluation, or professional development of instructional or administrative personnel aligned to Sections 53G-10-206 and 53G-2-104.

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R277-328-2. Definitions.

(1) "Professional Development" means teacher training, coaching, remediation and counseling of any administrative or instructional personnel as defined in 53G-10-206.

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R277-328-3. Professional Learning.

(1) An LEA is prohibited from providing professional development in conflict with 53G-2-104.

(2) If professional development occurs, it must adhere to the principles set forth in 53G-10-206 (2).

(3) The content of any professional development provided by an LEA shall be freely available to taxpayers or parents of students in the LEA upon request.

(4) The professional development referred to in Subsection (3) does not include remediation sessions for a specific educator.

(6) The State Board shall provide a complaint process for violations of 53G-10-206 or 53G-10-104.

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KEY: education freedom, professional learning, instruction Date of Enactment or Last Substantive Amendment: February 1, 2024 Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4)

The Vice Chair denied the motion to amend due to the Chair calling the motion a substitute motion.

MOTION TO APPEAL was made by Member Boggess and seconded by Member Kerry.

The motion failed with Member Boggess and Green in favor. Member Cline abstained.

MOTION was made by Member Boggess and seconded by Member Hymas that the Board amends lines 166 -169 to read:

- (a) prohibit or ban discussions of events, ideas, attitudes, beliefs, or concepts in the marketplace of ideas, if consistent with Sections 53G-10-202, 53G-10-206, and 53G-2-104....

Current Language:

- (a) prohibit or ban discussions of events, ideas, attitudes, beliefs, or concepts ~~including those described in this rule~~, from the general sharing and participation in the marketplace of ideas fostered in a learning environment, and consistent with Sections 53G-10-202 and 53G-10-206; or

The motion carried with Members Lear, Reale, and Moss opposed.

MOTION was made by Member Boggess and seconded by Member Green that the Board strike 115-138.

- (a) one personal identity characteristic is inherently superior or inferior to another personal identity characteristic;
- (b) an individual, by virtue of the individual's personal identity characteristics, is inherently privileged, oppressed, racist, sexist, oppressive, or a victim, whether consciously or unconsciously;
- (c) an individual should be discriminated against in violation of Titles VI, VII, and IX of the Education Amendments of 1972, receive adverse treatment, be advanced, or receive beneficial treatment because of the individual's personal identity characteristics;

- (d) an individual's moral character is determined by the individual's personal identity characteristics;
- (e) an individual, by virtue of the individual's personal identity characteristics, bears responsibility for actions committed in the past by other individuals with the same personal identity characteristics;
- (f) an individual should feel discomfort, guilt, anguish, or other psychological distress solely because of the individual's personal identity characteristics;
- (g) asserts that meritocracy is inherently racist or sexist;
- (h) asserts that socio-political structures are inherently a series of power relationships and struggles among racial groups;
- (i) promotes resentment between, or resentment of, individuals by virtue of their personal identity characteristics;
- (j) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual because of the individual's race, color, ethnicity, sex, sexual orientation, national origin, or gender identity;
- (k) is referred to or named diversity, equity, and inclusion, used in conjunction; or

The motion failed with Members Kerry, Green, Cline, Hymas, and Boggess in favor.

MOTION was made by Member Boggess and seconded by Member Green that the Board restore 154 and 155 and strike the word “coaching.”

(8) The professional learning referred to in Subsection (5) does not include ~~coaching or~~ remediation sessions for a specific educator.

Current language for reference:

~~[(8) The professional learning referred to in Subsection (5) does not include coaching or remediation sessions for a specific educator.]~~

The motion carried with Member Davis and Strate opposed.

MOTION was made by Member Kerry and seconded by Member Cline that the Board add the following language to line 47:

"Prohibited discriminatory practice means the same as defined in Section 53B-1-118"

The motion passed unanimously.

MOTION TO AMEND was made by Member Kerry and seconded by Member Hymas that the Board amend line 90:

“(3) The professional learning provided by an LEA may not include prohibited discriminatory practices that:”

MOTION TO AMEND was made by Member Boggess and seconded by Member Green that the Board add the following: The professional learning provided by an LEA may not include instruction that conflicts with 53B-1-118.

The motion failed with Member Boggess, Hart, Green, and Cline in favor.

MOTION TO AMEND was made by Member Cline and seconded by Member Boggess that the Board amend the language as follows:

An LEA shall provide professional learning on not engaging in prohibited discriminatory practices as follows:

The motion failed with Member Cline and Green in favor.

MOTION TO AMEND THE AMENDMENT was made by Member Davis and seconded by Member Strate that the Board amend the following:

Line 89: the professional learning provided by an LEA shall include instruction that educators may not promote prohibited discriminatory practices as described in Section 53B-1-118:”

The motion passed unanimously.

MOTION TO AMEND THE AMENDMENT was made by Member Cline and seconded by Member Boggess that the Board amends lines 89-90 to add “or engage in” after “promote”

That motion fails with Members Green, Boggess, and Cline in favor.

MOTION TO AMEND, AS AMENDED, was made by Member Kerry and seconded by Member Hymas that the Board amends lines 89-90:

“(3) The professional learning provided by an LEA may not include instruction that educators may not promote prohibited discriminatory practices as described in Section 53B-1-118:”
The motion passed unanimously.

MOTION TO AMEND was made by Member Kerry and seconded that the Board amend Line 152 to read

"If the board identifies a violation of this section, the Board shall:

- (i) on or before 30 days after the day on which the board identifies the violation, work with the LEA to create a remediation plan; and
- (ii) provide the LEA 180 days after the day of the creation of the remediation plan to cure the violation.”

The motion carried with Members Norton, Hymas, Moss, Cline, Kerry, Green, Hart, and Boggess in favor. Member Davis abstained.

MOTION TO RECONSIDER was made by Member Earl and seconded.

The motion carried with Members Cline, Green, and Boggess opposed.

MOTION TO POSTPONE was made by Member Cline and seconded by Member Boggess until Friday, February 2, 2024, by Study Session.

The motion failed with Members Cline, Green, Boggess, Kerry, and Earl in favor. Member Boothe was absent.

MOTION TO RECONSIDER the following motion: **MOTION TO AMEND** was made by Member Cline and seconded by Member Boggess that the Board amend to add subsection (c) below line 171 that reads:

allow for differential treatment on individual students based primarily or solely on disaggregated group data.

CALL THE QUESTION was made by Member Lear.

The motion failed with Members Hart, Norton, Moss, Earl, Hymas, Davis, Boothe, Reale, and Lear in favor.

MOTION TO AMEND was made by Member Boggess and seconded that the Board add the following language:

c) allow for discriminatory treatment of individual students based ~~primarily or solely on~~ disaggregated group data.

The motion passed unanimously. Member Boothe was absent.

MOTION TO RECONSIDER, as amended c) allow for discriminatory treatment of, or make assumptions about, individual students based on disaggregated group data.

MOTION TO AMEND was made by Member Cline and seconded by Member Kerry

or make assumptions about,

The motion failed with Members Cline and Boggess in favor. Member Boothe was absent.

MOTION TO RECONSIDER, as amended c) allow for discriminatory treatment of, individual students based on disaggregated group data.

The motion passed unanimously. Member Boothe was absent.

MOTION TO AMEND was made by Member Boggess and seconded by Member Green that the Board strike lines 170-171 after the comma as follows:

Changed language for reference:

(b) prohibit disaggregation of data based on personal identity characteristics to meet state and federal requirements, including those in Section ~~53E-3-501 or 53E-5-302.~~

The motion failed with Member Cline and Green in favor.

MOTION TO ADJOURN

The motion failed with Members Green, Hart, Boggess, Kerry, Moss, Hymas, Norton, and Cline opposed.

MOTION TO RECONSIDER was made by Member Norton and seconded by Member Moss. The motion carried with Member Boggess, Green, Kerry, and Cline opposed.

MOTION TO RECONSIDER Member Norton and seconded by Member Moss that the Board amend Line 152 to read:

"If the board identifies a violation of this section, the Board shall:

- (i) on or before 30 days after the day on which the board identifies the violation, work with the LEA to create a remediation plan; and
- (ii) provide the LEA 180 days after the day of the creation of the remediation plan to cure the violation."

SUBSTITUTE MOTION was made by Member Davis and seconded by Member Strate that the Board amend the previous language beginning on line 152 to read:

Suppose an alleged violation of this section is reported to the Board as described in Rule R277-123. In that case, the Board may investigate the alleged violation as described in Rule R277-114, including taking action as described in Subsection R277-114-3(3).

CALL THE QUESTION was made by Member Strate.

The motion failed with Members Green, Boggess, Hart, and Cline opposed.

MOTION TO AMEND was made by Member Cline and seconded by Member Boggess that the Board change the "may" to "shall"

Suppose an alleged violation of this section is reported to the Board as described in Rule R277-123. In that case, the Board ~~may~~ shall investigate the alleged violation as described in Rule R277-114, including taking action as described in Subsection R277-114-3(3).

The motion failed with Members Hart, Green, Kerry, Cline, Earl, Moss, and Boggess in favor.

SUBSTITUTE MOTION was made by Member Davis and seconded by Member Strate that the Board amend the previous language beginning on line 152 to read:

Suppose an alleged violation of this section is reported to the Board as described in Rule R277-123. In that case, the Board may investigate the alleged violation as described in Rule R277-114, including taking action as described in Subsection R277-114-3(3).

The motion carried with Members Kerry, Cline, Green, Hymas, and Boggess opposed.

CALL THE QUESTION was made by Member Strate and seconded by Member Lear.

The motion failed with Members Hymas, Kerry, Boggess, Cline, and Moss opposed.

MOTION TO POSTPONE was made by Member Boggess and seconded that the Board postpone until February 2, 2024.

The motion failed with Member Davis, Reale, Lear, Strate, Hymas, Norton, and Wood opposed.

MOTION TO ADJOURN was made by Member Boggess and seconded.

The motion failed with Members Kerry, Green, Cline, Hart, Earl, and Boggess in favor.

MOTION TO POSTPONE was made by Member Boggess and seconded by Member Green that the postpone until the March meeting.

The motion failed with Members Boggess, Green, Kerry, and Cline in favor.

MOTION TO POSTPONE was made by Member Moss and seconded by Member Boggess until 2:05 pm on February 2, 2024.

The motion failed with Members Reale, Davis, Lear, Strate, Hymas, Norton, and Wood opposed.

MOTION TO POSTPONE was made by Member Boggess and seconded by Member Green that the Board postpone until 2:10 PM on February 2, 2024.

The motion failed with Members Earl, Hart, Green, Kerry, Moss, Boggess, and Cline in favor.

FINAL MOTION that the Board approve R277-328, Draft 2, as amended.

The motion carried with Members Boggess, Kerry, Cline, and Green opposed.

10. 2024 General Session Legislation Preparation

This agenda item was tabled until the board meeting on Friday, February 2, 2024.

10.1. ACTION: Process for Board Requested Legislative Funding

10.2. ACTION: Requests for Statutory Changes

11. Monthly Budget Report - 2:15 to 2:45 PM

This agenda item was tabled until the board meeting on Friday, February 2, 2024.

11.1. INFORMATION: Monthly Budget Report

11.2. INFORMATION: Discretionary Funds Report

11.3. INFORMATION: Introduction of New Monthly Budget Report Format

12. Report of Standards Review Committee and Board Recommendations

12.1. ACTION: P-12 Mathematics Standards Review Committee Report - *(continued from the January 11, 2024, board meeting)*

Lindsey Henderson, Secondary Mathematics Specialist

Jennifer Throndsen, Director of Teaching and Learning

Cristina Barrera, Preschool Education Specialist

Molly Basham, Early Learning Mathematics Specialist

Trish French, Elementary Mathematics Specialist

MOTION was made by Member Earl and seconded by Member Hymas that the Board remove the Remove “Standards are written as learning goals” and accept the 14 from the first page.

Elementary:

- Current Preschool (3- and 4-year-old) standards are included in the updated Mathematics Standards document.
- Detail clear benchmarks for each grade level.
- Ensure elementary standards are comprehensive, coherent, and essential—building concrete skills from each grade level.
- Use more precise and consistent language (e.g., a Line Plot in elementary is called a Dot Plot in Secondary).
- How do we make sure that standards are measurable? Standards and skills that can be measured.
- Standards are clearly defined, actionable, and formally assessable.
- Secondary:
 - Carefully consider how we balance horizontal and vertical coherence as we decide to add and delete standards.
 - *Seek* Vertical content coherence (e.g., 2-way frequency table, dilations, exponential functions). *Identify* how ideas build year over year.
 - *Seek* Horizontal coherence (e.g., 2-way frequency table, dilations, and quadratics in Secondary Mathematics II). *Identify* which standards in the grade level connect?
 - Standards are written as learning goals.
 - Clarify standards that can be chunked together.
 - Standards are clearly defined and actionable.
 - Are there standards that can be revised or eliminated because of the tools available to students, ensuring that students are using tools appropriately and developing rich conceptual understandings while being mindful of all students' access to tools (Under Delete and Clarify)?
 - Clarify the coherence of standards vertically and horizontally. The Committee recommends including this in the standards document, not as an additional resource.
 - Clarify the definition of rigor to include conceptual understanding, procedural fluency, and application of mathematical concepts and

include clear examples of each (conceptual understanding, procedural fluency, and application).

The motion carried with Members Cline and Boggess abstained. Member Strate was absent.

MOTION was made by Member Davis and seconded by Member Boothe that the Board adopt the review committee's recommendations (tier 2) with Member Earl's input up through page 4.

The motion carried with Members Cline, Green, and Boggess opposed. Member Strate was absent.

SUBSTITUTE MOTION was made by Member Cline and seconded by Member Boggess that the Board direct the review committee to put together a document similar to the current document but based on California 1997 math standards.

The motion failed with Members Cline, Green, and Boggess in favor.

MOTION was made by Member Earl and seconded by Member Boggess that the Board recommends the committee review and consider applying the key components of the 1997 CA math standards to the standard writing process, as appropriate.

The motion carried with Member Green opposed.

MOTION TO POSTPONE was made by Member Cline and seconded by Member Boggess that the Board postpone voting on any of the math standards process until the writing committee reports back on the information about the 1997 CA math standards considerations from the writing committee.

The motion failed with Member Cline, Green, Boggess, and Kerry in favor.

MOTION TO AMEND was made by Member Earl and seconded by Member Norton that the Board adopt the review committee's recommendations with Member Earl's input up through adopt the review committee's recommendations with Member Earl's input with the exception of #24.

24. Use recommendations and language from the What Works Clearinghouse to combine "Standards for Mathematical Practice" 1, 2, 3, 4, 5, and 8 into a simple usable practice related to procedural fluency when solving problems. Simplify language around SMP's on 6 and 7 Recommendation listed here: **Attend to precision:** Calculate accurately and efficiently and use clear and concise notation to record work using standard algorithms. **Look for and make use of structure:** Recognize and apply the structures of mathematics, such as patterns, place value, the properties of operations. (Standards should reflect expectations of best practice.)

MOTION TO AMEND was made by Member Reale and seconded by Member Boothe that the Board add #18 and 25 to the exceptions and request staff bring back the aforementioned information.

18. Allow LEAs to choose a non-integrated sequence in high school math programs. Wasatch School District is a great resource as they have a pilot already addressing issues associated with the integrated approach reach out to Tod and Garrick Peterson from Wasatch to better address this item and alignment with including concurrent enrollment options.

The motion carried with Members Moss and Boggess opposed.

MOTION TO AMEND THE AMENDMENT was made by Member Cline and seconded by Member Boggess that the Board amend the original motion above by adding #25 and for staff to report back on the math scores over the past few decades.

25. Incorporate recommendations with strong evidence from the What Works Clearinghouse "Assisting Students Struggling with Mathematics" <https://ies.ed.gov/ncee/wwc/PracticeGuide/26>, where appropriate to assist struggling students.

The motion carried with Member Lear, Hymas, Davis, Reale, and Earl opposed.

MOTION TO AMEND, as amended, was made by Member Earl and seconded by Member Norton that the Board adopt the review committee's recommendations for Utah math standards with the Preschool-12 Mathematics Standards Board Member

Recommendations except for #24, #18, and #25.

The motion passed unanimously.

SUBSTITUTE MOTION was made by Member Davis and seconded by Member Lear that the Board ask the writing committee to review and consider all previously submitted board member feedback and give their feedback in one of the upcoming reports. With special information given for integrated math and Standards of Math Practices (SMPs) as to how they are used currently and what is recommended.

Member Davis withdrew her above substitute motion.

MOTION TO AMEND was made by Member Boggess and seconded by Member Cline that the Board approve and forward #18 from recommendations for the Utah Math Standard to the writing committee.

18. Allow LEAs to choose a non-integrated sequence in high school math programs. Wasatch School District is a great resource as they have a pilot already addressing issues associated with the integrated approach reach out to Tod and Garrick Peterson from Wasatch to better address this item and alignment with including concurrent enrollment options with the reference Section 53E-2-301(3).

The motion carried with Members Wood, Reale, Norton, Strate, Davis, Lear, and Boothe opposed.

MOTION TO POSTPONE was made by Member Davis and seconded by Member Strate that the Board postpone #18, #24, and #25 until more information is presented.

The motion failed with Members Strate and Davis in favor.

MOTION TO AMEND was made by Member Earl and seconded by Member Hymas that the Board approve and forward #24 from recommendations for the Utah Math Standard to the writing committee.

24. Use recommendations and language from the What Works Clearinghouse to combine "Standards for Mathematical Practice" 1, 2, 3, 4, 5, and 8 into a simple usable practice related to procedural fluency when solving problems. Simplify language around

SMP's on 6 and 7 Recommendation listed here: **Attend to precision:** Calculate accurately and efficiently and use clear and concise notation to record work using standard algorithms. **Look for and make use of structure:** Recognize and apply the structures of mathematics, such as patterns, place value, and the properties of operations. (Standards should reflect expectations of best practice.)

The motion was carried with Members Green, Cline, Lear, and Boggess opposed.

MOTION TO AMEND was made by Member Earl and seconded by Member Norton that the Board forwarded on to the writing committee #25.

25. Incorporate recommendations with strong evidence from the What Works Clearinghouse "Assisting Students Struggling with Mathematics"
<https://ies.ed.gov/ncee/wwc/PracticeGuide/26>, where appropriate to assist struggling students.

The motion carried with Members Kerry, Green, Cline, and Boggess opposed.

MOTION was made by Member Davis and seconded by Member Boggess that the Board move the entire document (Mathematics Standards Revision Process for February 2024 Board Meeting) is to be used and considered by the writing committee.

The motion carried with Members Kerry, Cline, Green, Earl, Moss, and Boggess opposed.

MOTION TO POSTPONE was made by Member Cline and seconded by Member Boggess that the Board postpone indefinitely.

The motion failed with Members Cline, Boggess, and Earl in favor.

CONTINUED BUSINESS

The remaining items are tabled until the board meeting on Friday, February 2, 2024.

13. General Consent Calendar

13.1. ACTION: Contracts/Agreements for Approval

13.2. INFORMATION: Contracts/Agreements for Review

13.3. ACTION: Approval of Meeting Minutes

13.4. ACTION: Approve WIOA 2024-2028 State Plan

14. Board Chair's Report

15. Board Member Comments

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

16.1. ACTION: Executive Session

17. Executive Session Action Items - 5:15 to 5:30 PM

17.1. ACTION: Educator Licenses

17.2. ACTION: Committee Appointments

18. Adjournment

MOTION TO ADJOURN was made by Member Moss and seconded.

The motion carried with Member Boggess and Kerry opposed.

The Board motioned to adjourn at 12:15 AM.

The executive assistant took the minutes.
Minutes pending approval.