

USBE LAW AND LICENSING COMMITTEE

Summary of Actions

December 8, 2023

9:15 AM

The meeting was conducted in a hybrid format via Zoom and in-person.

Members Present: Matt Hymas, Joseph Kerry, Carol Lear, LeAnn Wood, Molly Hart

Committee Staff: Angie Stallings, Ben Rasmussen, Vanessa Barnes

Others Present: Lisa McLachlan, Greg Connell, Ashley Biehl (via Zoom), Tracy Watson (via Zoom), Royce Van Tassell, Malia Hite, Jennifer Throndsen, Debbie Davis

Chair Hymas called the meeting to order at 9:17 a.m.

3.1 Public Comment

- N/A

3.2 R277-114, Corrective Action and Withdrawal or Reduction of Program Funds (Amendment)

Committee Discussion: During the last couple of years, USBE has contracted with a consultant to make legal requirements more accessible to LEAs and simplify the assurances document. As part of the review of public education legal requirements, we discovered that in public education the legal requirements often are not clear as to who is responsible for making sure they are fulfilled. USBE oversight of education programs differs from program to program depending on requirements and resources available. Members of the education community often disagree about how much and what type of oversight USBE should be providing. In addition, the USBE assurances document has become bloated and burdensome to LEAs. To address these issues, staff have prepared amendments to R277-114, Corrective Action and Withdrawal or Reduction of Program Funds to provide an oversight framework, including four categories of oversight.

Staff presented R277-114 - Draft 5 for consideration and approval.

Committee Action: Member Hymas moved that the Committee replace “noncompliant program recipient” with “oversight entity” on line 213.

The motion passed unanimously, with Member Hart absent.

Committee Action: Member Hymas moved that the Committee strike the word “typically” on line 189.

The motion passed unanimously.

Committee Action: Member Lear moved that the Committee amend lines 154-156 to read:

(b) each identified issue, including the reasons for the corrective action plan as described in Subsection (3);

(c) details of the identified issue, based on evidence gathered, including dates;

The motion passed 4-1, with Member Hymas opposed.

Committee Action: Member Hart moved that the Committee strike the word “other” in the defined term “program or ~~other~~ set of requirements” on line 51 and amend the phrase throughout the rule.

The motion passed unanimously.

Committee Action: Member Wood moved that the Committee amend R277-114 – Draft 5, by directing staff to separate Section R277-114-3 into two Sections, one for the Superintendent and one for the Board and renumber the rule accordingly.

The motion failed 3-2, with members Wood and Kerry in favor.

Committee Action: Member Hymas moved that the Committee refer R277-114, R277-111, and R277-100 to the January Law and Licensing Committee Meeting.

The motion passed unanimously.

MOTION FOR THE BOARD: No motion for the Board.

3.3 R277-111, Board Oversight Framework (New)

Committee Discussion: During the last couple of years, USBE has contracted with a consultant to make legal requirements more accessible to LEAs and simplify the assurances document. As part of the review of public education legal requirements, we discovered that in public education the legal requirements often are not clear as to who is responsible for making sure they are fulfilled. USBE

oversight of education programs differs from program to program depending on requirements and resources available. Members of the education community often disagree about how much and what type of oversight USBE should be providing. In addition, the USBE assurances document has become bloated and burdensome to LEAs. To address these issues, staff have prepared amendments to R277-111, Board Oversight Framework to provide an oversight framework, including four categories of oversight.

Staff presented R277-111, Draft 1, for consideration and approval.

Committee Action: Member Hymas moved that the Committee refer R277-114, R277-111, and R277-100 to the January Law and Licensing Committee Meeting.

The motion passed unanimously.

MOTION FOR THE BOARD: No motion for the Board.

3.4 R277-100, Definitions for Utah State Board of Education Rules (Amendment)

Committee Discussion: Staff recommend amendments to R277-100 to amend the definition of the term "monitoring" to align with the amendments to R277-114, which creates the USBE Oversight Framework.

Staff presented R277-100, Draft 2, for consideration and approval.

Committee Action: Member Hymas moved that the Committee refer R277-114, R277-111, and R277-100 to the January Law and Licensing Committee Meeting.

The motion passed unanimously.

MOTION FOR THE BOARD: No motion for the Board.

3.5 R277-304, Teacher Preparation Programs (Amendment)

Committee Discussion: Staff recommends amendments to R277-304 to incorporate by reference new General Teaching Preparation Competencies and Elementary Content competencies.

Staff presented R277-304, Draft 2, for consideration and approval.

Committee Action: Member Lear moved that the Committee approve R277-304, Draft 2, on first reading and forward to the Board for approval on second and final reading.

The motion passed unanimously.

MOTION FOR THE BOARD: The Committee recommends that the Board approve R277-304, Teacher Preparation Programs, Draft 2, on second and final reading.

3.6 Revoke Approval Status for Wasatch Front Consortium APPEL Program

Committee Discussion: The Wasatch Front Consortium Alternate Pathway to Professional Educator License (APPEL) Program entered probationary status 11/10/2023. Per R277-301-4 (7), the Board may revoke approval status. The Wasatch Front Consortium has not met the requirements of their Corrective Action Plan and is in violation of Board rules (R277-301, R277-303, and R277-304). USBE Staff have received numerous complaints from Wasatch Front Consortium APPEL candidates describing a pattern of miscommunication, changing expectations, and Professional Learning Plans (PLPs) that are not consistent with Board rule. Educator Licensing recommends the Board revoke approval status of the Wasatch Front Consortium APPEL Program and direct staff to work with enrolled educators to complete their PLPs.

Committee Action: Member Hart moved that the Committee recommends that the Board revoke approval status of the Wasatch Front Consortium APPEL Program if the program does not voluntarily close by January 15, 2024, and direct staff to work with enrolled educators to complete their established Professional Learning Plans.

The motion passed unanimously.

MOTION FOR THE BOARD: The Committee recommends that the Board revoke approval status of the Wasatch Front Consortium APPEL Program if the program does not voluntarily close by January 15, 2024, and direct staff to work with enrolled educators to complete their established Professional Learning Plans.

3.7 Public Hearing Policy Recommendations

Committee Discussion: Staff will review options for conducting rulemaking hearings with the committee in hopes of receiving feedback to be implemented in a board policy on how future rulemaking hearings will be conducted.

Committee Action: None.

MOTION FOR THE BOARD: No motion for the Board.

The meeting adjourned at 12:25 p.m.