

## **USBE LAW AND LICENSING COMMITTEE**

### **Summary of Actions**

December 19, 2023

2:00 PM

*The meeting was conducted in a virtual format via Zoom.*

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

**Committee Staff:** Angie Stallings, Ben Rasmussen, Vanessa Barnes

**Others Present:** Debbie Davis, Michelle Beus, Patty Norman, Ashley Biehl, Leah Voorhies, Darin Nielsen

Chair Hymas called the meeting to order at 2:06 p.m.

#### **6.1 Public Comment**

- N/A

#### **6.2 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 Rule R277-114 and new Rule 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. R277-111 was prepared to support a request from some stakeholders to split R277-114 - Draft 4 into two separate rules. If the Committee or Board decide to separate the Board Oversight Framework from provisions on corrective action (currently included in R277-114) the Committee or Board will want to consider R277-111 separately.

**Committee Action:** Member Wood moved that the Committee strike the word “typically” on line 71.

The motion passed unanimously.

**Committee Action:** Member Lear moved that the Committee approve R277-111, Draft 1, as amended, on first reading and forward to the Board for approval on second and final reading.

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

**MOTION FOR THE BOARD:** The Committee recommends that the Board approve R277-111, Board Oversight Framework, Draft 2, on second and final reading.

### 6.3 **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. The Law & Licensing Committee considered amendments to R277-114 - Draft 4 and Draft 5. They made amendments during Committee, which resulted in R277-114 - Draft 6.

Staff presented R277-114 - Draft 6 for consideration and approval.

**Committee Action:** Member Hart moved that the Committee strike lines 73-80.

The motion passed unanimously.

**Committee Action:** Member Lear moved that the Committee strike “if the Board or Board leadership does not elect to resolve an issue or if the issue is not resolved through efforts described in Subsection (3)(a),” from lines 82-84.

The motion passed unanimously.

**Committee Action:** Member Lear moved that the Committee approve R277-114, Draft 6, as amended, on first reading and forward to the Board for approval on second and final reading.

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

**MOTION FOR THE BOARD:** The Committee recommends that the Board approve R277-114, Corrective Action and Withdrawal or Reduction of Program Funds, Draft 7, on second and final reading.

**6.4 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 3, for consideration and approval.

**Committee Action:** Member Lear moved that the Committee approve R277-100, Draft 3, on first reading and forward to the Board for approval on second and final reading.

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

**MOTION FOR THE BOARD:** The Committee recommends that the Board approve R277-100, Definitions for Utah State Board of Education Rules, Draft 3, on second and final reading.

The meeting adjourned at 3:55 p.m.