

June 6, 2025

Utah State Board of Education

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

Members Present: Joseph Kerry (online), Amanda Bollinger, Carol Lear, Rod Hall

Committee Staff: Elisse Newey, Ben Rasmussen, Vanessa Hatton

Others Present: Malia Hite (online), Ashley Biehl (online), Lauren Neufeld (online), Michael Sanderson (online), Stacey Swilling (online), Katy Challis, Darin Nielsen, Debbie Davis, Marieke Timmer, Taya Albornoz, Stephanie Patton, Molly Hart, Aaron Brough, Ashley Carter, Christine Olcott, Royce Van Tassell, Becca Rae, Sydnee Dickson, Joanna Bell, Ashley Lower, Krisanne Lewis, LauraLee Gillespie

Vice Chair Bollinger called the meeting to order at 8:02 a.m.

5.1 Public Comment

5.2 R277-333, Registered Apprenticeship Program for Teachers (Amendment)

Committee Discussion: Staff recommends that we update the program to include requirements for pre-apprentices and to conform with updated Department of Labor requirements.

Staff presented R277-333, Registered Apprenticeship Program for Teachers, Draft 1, for consideration and approval.

Committee Action: Member Hall moved that the Committee approve R277-333, Registered Apprenticeship Program for Teachers, Draft 1, on first reading and forward to the Board for approval on second and final reading.

The motion passed unanimously.

MOTION FOR THE BOARD: That the Board approve R277-333, Registered Apprenticeship Program for Teachers, Draft 1, on second and final reading.

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5.3 Data Sharing Agreement with Marieke Timmer (USBE250073RA)

Committee Discussion: Marieke Timmer, a graduate student at the University of Utah, is seeking student-level data for the purpose of conducting a research study titled "Analyzing Systemic Pathways and Policy for English Learners in Secondary Schools in Utah." Marieke's dissertation would analyze English Learners (ELs) access to higher academic coursework (e.g., Advanced Placement) in Utah secondary schools.

Committee Action: Member Hall moved that the Committee approve the data sharing agreement with Marieke Timmer (USBE250073RA) and forward to the Board for approval.

The motion passed unanimously.

MOTION FOR THE BOARD: That the Board approve the data sharing agreement with Marieke Timmer (USBE250073RA).

5.4 Data Sharing Agreement with Utah Department of Health and Human Services (USBE250078IAA)

Committee Discussion: The Department of Health and Human Services is seeking aggregate data. These data do not have USBE's disclosure avoidance techniques applied; thus, the data are not public-ready and require a data sharing agreement to share. The data shared under this agreement will be used for stratification and post stratification weighting of a dental screening conducted of third-grade students at certain schools by the Department of Health and Human Services. The screening survey assesses the dental health of 3rd graders in Utah. It helps track trends in oral health and identify any issues that might be affecting the learning and development of children. More information about the survey can be found in Attachment C: About the Basic Screening Survey in the agreement.

Committee Action: Member Hall moved that the Committee approve the data sharing agreement with Utah Department of Health and Human Services (USBE250078IAA) and forward to the Board for approval.

The motion passed unanimously.

MOTION FOR THE BOARD: That the Board approve the data sharing agreement with Utah Department of Health and Human Services (USBE250078IAA).

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5.5 Amendment to Board Bylaw Article IX

Committee Discussion: In April, the Internal Audit Department presented to the Audit Committee that Board Bylaws currently includes a staffing provision that conflicts with the Utah Internal Audit Act (63I-5). The Bylaw provision is Article IX(1)(f), which states:

“Unless specified as a direct employee of the Board in these Bylaws, employees are supervised by the Superintendent.”

The Utah Internal Audit Act, and the professional internal auditing standards it requires be followed, require that the internal audit function be independent of the entity that it primarily audits (i.e., USBE) to ensure it may perform independent and objective analyses. Thus, the staff of the Board’s Internal Audit Department must be independent of (i.e., not supervised by) the Superintendent. The current practice, in alignment with Utah Code, is that Internal Audit staff are supervised by the Chief Audit Executive.

The Audit Committee discussed this, identified that the timing to address the amendment was not urgent, and moved that Board Leadership assign this to a Board standing committee for approval and recommendation to the Board.

Committee Action: Member Hall moved that the Committee approve Board Bylaws Article IX, Direct Employees of the Board, Draft 1, and forward to the Board for approval.

The motion passed unanimously.

MOTION FOR THE BOARD: That the Board approve Board Bylaws Article IX, Direct Employees of the Board, Draft 1.

5.6 Amendments to Board Bylaws Article IV

Committee Discussion: The Board received a request from a board member to remove abusive language in Article IV, as well as Board Policy 2005 and Board Rule R277-123.

Committee Action: Member Bollinger moved that the Committee postpone Item 1.6, Amendments to Board Bylaws Article IV, to the July Committee meeting.

The motion passed unanimously.

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MOTION FOR THE BOARD: None.

5.7 R277-211, Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions (Amendment)

Committee Discussion: Staff is proposing changes to this rule as a result of code changes made in HB 497 that require UPPAC to prioritize certain UPPAC cases. Staff has also proposed technical amendments consistent with UPPAC's existing processes.

Staff presented R277-211, Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions, Draft 1, for consideration and approval.

Committee Action: Member Lear moved that the Committee postpone discussion of R277-211 until the July committee meeting and involve other parties in the discussion.

The motion passed unanimously.

MOTION FOR THE BOARD: None.

5.8 R277-613, LEA Policies and Training Regarding Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct (Amendment)

Committee Discussion: R277-613 is being updated to include the new definitions related to student and staff bullying. Additional changes are being proposed to update LEA policy requirements to include information about safe digital citizenship and to clarify general language.

Staff presented R277-613, LEA Policies and Training Regarding Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct, Draft 1, for consideration and approval.

Committee Action: Member Lear moved that the Committee approve R277-613, LEA Policies and Training Regarding Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct, Draft 1, on first reading and forward to the Board for approval on second and final reading.

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The motion passed unanimously, with Member Kerry absent.

MOTION FOR THE BOARD: That the Board approve R277-613, LEA Policies and Training Regarding Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct, Draft 1, on second and final reading.

5.9 R277-733, Adult Education Programs (Incorporated Document)

Committee Discussion: Staff presented R277-733 incorporated document "Utah Adult Education Policies and Procedures Guide", Draft 1, for consideration and approval.

Committee Action: Member Lear moved that the Committee approve R277-733, Adult Education Programs, incorporated document, "Utah Adult Education Policies and Procedures Guide," Draft 1, on first reading and forward to the Board for approval on second and final reading.

The motion passed unanimously, with Member Kerry absent.

MOTION FOR THE BOARD: That the Board approve R277-733, Adult Education Programs, incorporated document, "Utah Adult Education Policies and Procedures Guide," Draft 1, on second and final reading.

5.10 R277-733, Adult Education Programs (Amendment)

Committee Discussion: The Federal Register announcing new approved assessments for adult education was recently released last week. This means updates for our policies and procedures guide are needed to include these new assessments and delete the expired tests. Our policies and procedures guide is incorporated by reference into R277-733, so that means the rule also needs to be updated. The approved tests need to be updated in the guide for the new school year.

Staff presented R277-733, Adult Education Programs, Draft 1, for consideration and approval.

Committee Action: Member Lear moved that the Committee approve R277-733, Adult Education Programs, Draft 1, on first reading and forward to the Board for

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approval on second and final reading.

The motion passed unanimously, with Member Kerry absent.

MOTION FOR THE BOARD: That the Board approve R277-733, Adult Education Programs, Draft 1, on second and final reading.

5.11 R277-608, Emergency Safety Interventions and Prohibition of Corporal Punishment (Amendment)

Committee Discussion: Staff is proposing changes to R277-608 in response to recent legislation from the 2025 session. SB 170, School Discipline Amendments, made changes to code surrounding the use of Emergency Safety Interventions (ESI) in Utah schools. The changes being proposed in this rule include: amending the definition of "seclusionary time out," amending LEA policy requirements, and increasing the reporting requirements for LEAs using ESI. The Oversight category is also being increased from a 2 to a 3 given the increased reporting and monitoring requirements from SB 170.

Staff presented R277-608, Emergency Safety Interventions and Prohibition of Corporal Punishment, Draft 1, for consideration and approval.

Committee Action: Member Lear moved that the Committee amend Line 40 to read "ESI shall not be used for disciplinary purposes."

The motion passed unanimously, with Member Kerry absent.

Committee Action: Member Bollinger moved that the Committee direct staff to meet with the sponsor of SB 170 to discuss the following topics and bring the information back to the committee:

1. possibilities of legislation to delay the implementation date of the data reporting requirement;
2. review the requirement to write rules outlining investigation protocols; and
3. explore other options for the use of the word "intervention."

The motion passed unanimously.

Committee Action: Member Kerry moved that the Committee postpone R277-608, Emergency Safety Interventions and Prohibition of Corporal Punishment, to the July Committee meeting.

The motion passed unanimously.

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MOTION FOR THE BOARD: Not at this time.

5.12 Review of UPPAC Investigative Results

Committee Discussion: UPPAC staff reviewed data and trends to help the committee understand the UPPAC investigative process, caseload, and recent case results.

Committee Action: None.

MOTION FOR THE BOARD: None.

5.13 R277-114: Response to Compliance and Related Issues

Committee Discussion: Board members requested a review of R277-114. Requested by Kerry to update in February. The specific language will be formulated by the committee. (HB 233 and HB 497)

Committee Action: None.

MOTION FOR THE BOARD: None.

5.14 R277-111, Board Oversight Framework

Committee Discussion: The Board leadership approved a board member's request to review or revise Board Rule R277-111: Board Oversight Framework.

Committee Action: None.

MOTION FOR THE BOARD: None.

Adjournment

The meeting adjourned at 11:56 a.m.