

USBE LAW AND LICENSING COMMITTEE

Summary of Actions

February 3, 2023

9:15 AM

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

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

Committee Staff: Angie Stallings, Ben Rasmussen, Vanessa Barnes

Others Present: Ashley Biehl, Darin Nielsen, Malia Hite, Sharon Turner, Tracey Watson, Leah Voorhies, Sarah Young, Stephanie Patton

Chair Hymas called the meeting to order at 9:15 a.m.

2.1 Public Comment

- N/A

2.2 R277-751, Special Education Extended School Year (ESY) (Amendment & Continuation)

Committee Discussion: This rule is approaching the time for its five-year review (expiring April 2, 2023). Staff has reviewed the rule and recommends that the Board adopts technical updates and new provisions based on recent case law developments.

Staff presented R277-751, Draft 1, for consideration and approval.

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53-3-401(4); 53E-3-501(1)(c)(vi)(A)

Committee Action: Member Wood moved that the Committee continue and approve R277-751, Draft 1, on first reading and forward to the Board for continuation and approval on second and final reading.

The motion passed unanimously.

MOTION FOR THE BOARD: The Committee moves that the Board continue and approve R277-751, Special Education Extended School Year (ESY), Draft 1, on second and final reading.

2.3 Utah Adult Education Policies and Procedures Guide, incorporated by reference into R277-733

Committee Discussion: As a result of a recent federal Office of Career, Technical, and Adult Education monitoring visit, the USBE must update one (1) section of the Utah Adult Education Policies and Procedures Guide, which is incorporated by reference into R277-733. Further, several minor updates are recommended to align with the required update.

Staff presented R277-733 - Draft 1 with the updated Utah Adult Education Policies and Procedures Guide incorporated by reference into R277-733 for consideration.

Committee Action: Member Hart moved that the Committee approve the update to the Utah Adult Education Policies and Procedures Guide incorporated by reference into R277-733 and forward it to the Board for approval and direct staff to make non-substantive changes to the manual before the manual is reviewed by the Board.

The motion passed unanimously.

MOTION FOR THE BOARD: The Committee moves that the Board approve Utah Adult Education Policies and Procedures Guide, incorporated by reference into R277-733.

2.4 R277-733, Adult Education Programs (Amendment)

Committee Discussion: One of the corrective actions from Adult Ed's monitoring visit from OCTAE requires a change to the Utah Adult Education Policies and Procedures Guide that is incorporated into R277-733 by reference. Another rule change is needed in order to take out reporting requirements for fees and tuition for programs that are not federally funded.

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

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-10-202; 53E-3-501(1); 53E-3-401(4); 53F-2-401; 53E-10-205

Committee Action: Member Lear moved that the Committee approve R277-733, 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: The Committee moves that the Board approve R277-733, Adult Education Programs, Draft 1, on second and final reading.

2.5 R277-532, Local Board Policies for Evaluation of Non-Licensed Public Education Employees - Classified Employees (Repeal)

Committee Discussion: R277-532 is approaching its five-year review. Staff proposed repealing the rule and adopting a new rule with a different number.

Staff presented R277-532, Repeal, for consideration and approval.

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401; 53G-11-504

Committee Action: Member Wood moved that the Committee repeal R277-532 on first reading and recommend the Board repeal the rule on second and final reading.

The motion passed unanimously.

MOTION FOR THE BOARD: The Committee moves that the Board repeal R277-532, Local Board Policies for Evaluation of Non-Licensed Public Education Employees – Classified Employees on second and final reading.

2.6 R277-329, Local Board Policies for Evaluation of Classified Employees (Re-adopt)

Committee Discussion: R277-532 needs to be repealed and re-adopted as R277-329 under the new licensing numbering system.

Staff presented R277-329, Draft 2, for consideration and approval.

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401; 53G-11-504

Committee Action: Member Hart moved that the Committee approve R277-329, 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 moves that the Board approve R277-329, Local Board Policies for Evaluation of Classified Employees, Draft 2, on second and final reading.

2.7 R277-104, ADA Complaint Procedure (Amendment & Continuation)

Committee Discussion: This rule is approaching the time for its five-year review (Expiring 5/11/23). Staff has reviewed the rule and it continues to be necessary.

Staff presented R277-104, Draft 2, for consideration and approval.

Authorizing, and Implemented or Interpreted Law: 28 CFR 35.107

Committee Action: Member Wood moved that the Committee continue and approve R277-104, Draft 2, on first reading and forward to the Board for continuation and approval on second and final reading.

The motion passed unanimously.

MOTION FOR THE BOARD: The Committee moves that the Board continue and approve R277-104, ADA Complaint Procedure, Draft 2, on second and final reading.

2.8 R277-107, Educational Services Outside of an Educator's Regular Employment (Continuation)

Committee Discussion: This rule is approaching the time for its five-year review (Expiring 5/11/23). Staff has reviewed the rule and it continues to be necessary.

Staff presented R277-107, Continuation, for consideration and approval.

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-512; 53E-3-401(4)

Committee Action: Member Lear moved that the Committee continue R277-107 on first reading, and forward to the Board for continuation on second and final reading.

The motion passed unanimously.

MOTION FOR THE BOARD: The Committee moves that the Board continue R277-107, Educational Services Outside of an Educator's Regular Employment, on second and final reading.

2.9 Social Studies RFP Committee Selection

Committee Discussion: Action taken in the Thursday, February 2, 2023, USBE Board Meeting moves that the Board approves the 2023 Social Studies Competitive Grant Process, as follows:

- USBE impanels a Social Studies Grant Committee (Committee) to oversee the competitive grant process for the Social Studies Standards K-6.
- The Committee consists of three board members and appropriate staff.
- Board members may submit Social Studies competitive grant process recommendations to the Committee (to Elementary Social Studies Specialist) for consideration by February 16 at 5:00.
- The Committee reviews recommendations and other related materials and publishes a competitive grant.
- The Committee reviews the grant proposals and selects a grantee.
- The Committee prepares a grant agreement between USBE and the grantee and places it on the USBE consent calendar for approval in a regular USBE Board meeting.
- After the grant agreement is approved and signed, the Committee convenes to review the grantee's deliverables at key checkpoints as outlined in the competitive grant process and agreement.
- Approve the use of \$400,000 from state discretionary funds and \$400,000 from mineral lease funds for the competitive grant.
- Each standing committee will vote on one board member to serve on the committee.

Committee Action: Member Kerry moved that the Committee approve Board Member Hymas to represent the Law and Licensing Committee on the 2023 Social Studies RFP Committee.

The motion passed 3-2, with Members Wood and Lear opposed.

MOTION FOR THE BOARD: None.

The meeting adjourned at 10:05 a.m.