

# UTAH STATE BOARD OF EDUCATION

**Subject:**

ACTION: American Preparatory Academy (APA) Board Rule Waiver

**Agenda item type:**

Action Item

**Recommended Action:**

That the Board consider approving the waiver request from APA to be exempted from portions of a climate survey.

**Background:**

[R277-121](#) allows an LEA to request a waiver from Board rule. APA has requested the following waivers from Board Rule [R277-623](#):

1. A) APA would submit the “Adults” version of the Climate Survey with a few minor changes; B) APA argues that its parent surveys address topics the USBE may request; and C) APA would not disseminate the student versions of the Climate Survey.

Response: The School Climate Survey is statutorily required. USBE does not have the authority to approve a school’s request for a waiver of the school climate survey, because [53G-8-802](#) explicitly requires USBE to adopt a rule requiring an LEA to create and disseminate the school climate survey.

2. Alternatively, APA requested a list of the required areas of content for the student survey so that it could create and disseminate a survey that complies with its legal obligations and policies.

Response: The Board may consider a waiver request from R277-623-4, which requires LEAs to utilize the model School Climate Survey.

APA requested the waiver request be considered by the full Board in May instead of being heard by a Board Committee first due to timing issues. The 2023 window for administering the School Climate Survey is March 14-May 5. USBE began providing communication to inform LEAs about the School Climate Survey in December of 2022 and held subsequent webinars to offer technical assistance and information on the administration of the survey.

Rule R277-121-2(1)(iv) requires a charter school to submit a recommendation from the board of the school's authorizer as part of the charter school's waiver request. During the meeting on April 13, the Utah State Charter School Board (USCSB) considered APA's request.

During their April meeting, the SCSB discussed APA’s request and found:

1. APA's request does not reside within their purview, inasmuch as the climate survey is not part of the authorization agreement between APA and the USCSB.

2. As the SCSB, they don’t administer the climate survey, have access to the climate survey, nor do they use the climate survey results.

The USCSB unanimously supported a motion to forward APA's request to the USBE for consideration for board rule waiver approval.

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**Attachments:**

1. APA School Climate Survey Waiver Request Background
2. 2023-04-19 APA - Climate Survey Waiver Request - Letter re SCSB Recommendation
3. APA Waiver Student Survey