

**MINUTES OF THE
EDUCATION INTERIM COMMITTEE
November 23, 1999 - 9:00 a.m. - Room 303 State Capitol Building**

Members Present:

Sen. David H. Steele, Chair
Rep. Lloyd Frandsen, Chair
Sen. Ron Allen
Sen. Karen Hale
Sen. Lyle W. Hillyard
Sen. Howard A. Stephenson
Rep. Jeff Alexander
Rep. Ron Bigelow
Rep. Duane Bourdeaux
Rep. Judy Ann Buffmire
Rep. Fred J. Fife III
Rep. James R. Gowans
Rep. David L. Hogue
Rep. Bradley T. Johnson
Rep. Evan L. Olsen
Rep. Tammy J. Rowan
Rep. LaWanna "Lou" Shurtliff
Rep. Nora B. Stephens
Rep. Matt Throckmorton
Rep. Bill Wright

Members Absent:

Rep. Keele Johnson

Staff Present:

Mr. J. Wayne Lewis,
Research Analyst
Mr. James L. Wilson,
Associate General Counsel
Ms. Wendy L. Bangerter,
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

- 1. Call to Order** - Rep. Lloyd Frandsen called the meeting to order at 9:00 a.m.

MOTION: Rep. Hogue moved to approve the minutes of November 17, 1999. The motion passed unanimously.

Mr. Val Finlayson, Executive Director of Utah Partners in Education, reviewed the association's biannual report. He said the association's Board of Trustees unanimously passed a resolution stating education as its top priority consideration in providing qualified workers for Utah business. He reviewed four legislative issues supported by the board: 1) custom-fit training, 2) work-based learning, 3) centers of excellence, and 4) applied technology educational equipment for public and higher education.

2. Postsecondary Proprietary Schools Proposed Legislation

Mr. Hardin Eyring, Associate Commissioner of Higher Education, explained proposed legislation supported by the State Board of Regents titled, "Postsecondary Proprietary School Act Amendments." He said the bill modifies the criteria which may be used by the State Board of Regents to refuse to accept a statement of registration from or grant an exemption to a postsecondary proprietary school. It also authorizes the Board of Regents to require a surety bond from all proprietary schools, as a protection to students against loss of advanced tuition and fees.

The Committee discussed the impact the proposed legislation would have on bonafide existing private providers of higher education. Mr. Eyring explained that the State Board of Regents supports this legislation because it creates greater security and confidence between enrollees, the community at large, and private institutions. The bill is not intended to create adverse effects on existing schools. He explained that additional costs created by the bill may be absorbed by the student.

MOTION: Sen. Hillyard moved that the Education Interim Committee adopt the proposed legislation, "Post Secondary Proprietary Schools Amendments," as a committee bill. The motion passed with Sen. Stephenson and Representatives Fife and Rowan voting in opposition.

3. Strategic Planning for Public and Higher Education Proposed Legislation

Mr. Steve Laing, Superintendent of Public Instruction, and Mr. Jim Wilson, Associate Legislative General Counsel, reviewed proposed legislation "Strategic Planning for Public Education Amendments." They reviewed those changes proposed by the bill and discussed strategic planning policies currently in law. Mr. Laing explained why the bill focuses on specific programs like the Student Education Plan (SEP) and the Student Education Occupation Plan (SEOP) with contingency funding "subject to legislative appropriation." He discussed the composition of and the need for a community council or subcommittee in each school to implement the School Land Trust Program. In regard to testing, Mr. Laing said the results from testing often are not readily apparent and other indicators are useful in implementing improvement in education. He said that over time, those indicators should define progress in education. Mr. Laing said schools are required to publicize test results to the patrons of the school.

MOTION: Rep. Alexander made a motion to amend the bill by deleting the new language on lines 142 and on lines 177-178.

SUBSTITUTE MOTION: Rep. Hogue made a substitute motion to amend the bill by deleting the new language on lines 142 and 177-178 and deleting lines 118-119.

Rep. Buffmire said the Legislature has made a commitment to be part of the education process and she felt that deletion of those lines would remove the Legislature from that process. Rep. Frandsen cautioned that deleting this language may have the opposite effect from that desired by the committee. Sen. Steele explained that the language itself is not critical, but funding and the legislative process is critical. He felt the legislation would improve the process where students, parents, and educators could have a more meaningful SEOP.

Mr. Laing clarified the discussion and explained that funds have not been appropriated for full implementation of SEOPs, but comprehensive guidance moneys, which includes many elements of the SEOPs, have been used to supplement the program.

The substitute motion failed with Representatives Alexander, Hogue, Rowan, Stephens, Throckmorton, and Wright voting in favor and Sen. Hillyard absent for the vote. A vote on the original motion was taken. It passed with Senators Allen and Hale and Representatives Frandsen, Bourdeaux, Buffmire, Fife, Gowans, and Shurtliff voting in opposition and Sen. Hillyard absent for the vote.

MOTION: Rep. Stephens moved to delete lines 55-56.

SUBSTITUTE MOTION: Sen. Stephenson moved to delete Section 2, Lines 49-56 from the bill. The motion passed with Sen. Allen and Representatives Buffmire, Bourdeaux, and Gowans voting in opposition and Sen. Hillyard absent for the vote.

MOTION: Rep. Throckmorton moved to restore the original language on lines 123-124 and line 127. The motion failed with Senators Allen, Hillyard, and Stephenson voting in opposition.

MOTION: Rep. Hogue moved to proceed to the next item on the agenda.

SUBSTITUTE MOTION: Rep. Stephens moved to endorse the amended bill as a committee bill. The motion passed with Sen. Hillyard and Representatives Bigelow, Bourdeaux, Hogue, and Rowan voting in opposition.

4. Learning Standards and Accountability Proposed Legislation

Mr. Val Finlayson reported that the Business Education Policy Committee and the Education Training Committee from Utah Partners in Education had officially commended the Task Force on Learning Standards and Accountability in Public Education for its work during the 1999 interim. They recommended the task force consider an additional tool to assess skills needed by employers in the workforce. They also recommended the task force continue its focus on assessment and accountability.

Mr. Laing reviewed a handout, "Assessing Reporting, and Evaluating Student Performance Annual Costs," which is the State Office of Education's estimate of the annual cost for assessing, reporting, and evaluating student performance.

Rep. Rowan pointed out that current assessment costs now in statute are underfunded and will require additional funding. Ms. Barbara Lawrence, State Office of Education, said the requirements of H.B. 33 from the 1999 General Session were not fully funded. Rep. Bourdeaux was concerned with hidden costs in the newly proposed assessment process. Mr. Laing said there would be additional costs and identified possible areas.

Rep. Olsen asked if there was a requirement in the bill to improve student behavior. Rep. Rowan explained that parental surveys could be helpful in determining a behavioral focus, and the task force will continue its discussion of this topic and other important student considerations. She said there was not enough time to fully discuss and arrive at a task force consensus in many areas.

Sen. Stephenson reviewed issues the task force had thoroughly discussed and those requiring further discussion. He reminded the committee that the proposed bill included assessments previously adopted by the Legislature. He explained that because many educators emphasized the need for authentic testing, the new assessments will include testing which requires constructed answers and direct writing assessment. Sen. Stephenson emphasized that the bill does not include standards; however, by the 2002-03 school year, standards will be established to identify schools who do not achieve acceptable levels of student performance. He further emphasized that reporting assessment information, by itself, provides some accountability and has great influence on performance.

Rep. Rowan explained the time frame for the assessment program. She said if teachers use test results in their own classrooms, they can have an impact on their teaching. She felt that providing test results to teachers to be used where the greatest change can occur was the most important recommendation made by the task force.

Sen. Stephenson said the task force vigorously sought for and considered the public's opinion of assessment and accountability. He said the education community took the opportunity to express its feelings in public hearings about the Legislature wanting to require greater educational accountability when the Legislature has not been accountable to education through adequately funding mandatory programs. He explained that revenue projections this year are well below previous years, and funding projections for educational funding are also lower. Without this proposed legislation, he felt the increases hoped for would be much less.

Debbie White, 6th grade teacher, said educators feel they have always been accountable to

parents and teachers. She felt data comparisons from tests would not make classrooms outcomes improve, and test results should be used for students and parents only. Ms. White felt every school needs help, regardless of how they score on tests.

Sen. Allen commended the task force for its work, but felt the proposed legislation would implement assessment programs without knowing the costs. He was concerned about using funding from fundamental programs to pay for this program. He encouraged legislation that would allocate greater pay for teachers and reduce classroom size.

Ms. Pat Rusk, UEA Vice President and classroom teacher, said teachers are not opposed to being held accountable for results, but they feel funding is needed in many other areas. She noted that UEA is requesting a long-term commitment in basic funding if long-term accountability is required.

MOTION: Rep. Rowan made a motion to pass "Assessing, Reporting, and Evaluating Student Performance" out as a committee bill. The motion passed with Senators Allen and Hale and Representatives Bigelow, Bourdeaux, Buffmire, Fife, Gowans, and Shurtliff voting in opposition and Sen. Hillyard and Representatives Alexander and Bradley Johnson absent for the vote.

5. Safe Schools Coordinated Plan Proposed Legislation

Rep. Frandsen apologized to Rep. Arent for not having time to hear her proposed bill, "Safe Schools Coordinated Plan."

6. Additional Discussion on Public Education Reports Presented November 17

There was not adequate time to discuss this item.

7. Adjournment

MOTION: Rep. Stephens moved to adjourn the meeting. The motion passed at 12:00 noon.

