

(Draft - Awaiting Formal Approval)

**MINUTES OF THE
EDUCATION INTERIM COMMITTEE**

Wednesday, May 16, 2012 – 2:00 p.m. – Room 30 House Building

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Francis D. Gibson, House Chair
Sen. Karen W. Morgan
Sen. Wayne L. Niederhauser
Sen. Jerry W. Stevenson
Sen. Daniel W. Thatcher
Rep. Patrice M. Arent
Rep. LaVar Christensen
Rep. Steven Eliason
Rep. Gregory H. Hughes
Rep. John G. Mathis
Rep. Kay L. McIff
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold
Rep. Jim Nielson

Rep. Val L. Peterson
Rep. Kenneth W. Sumsion

Members Absent:

Sen. Lyle W. Hillyard
Sen. Aaron Osmond
Rep. Johnny Anderson
Rep. Marie H. Poulson
Rep. Bill Wright

Staff Present:

Ms. Allison M. Nicholson, Policy Analyst
Ms. Constance C. Steffen, Policy Analyst
Ms. Angela Oakes Stallings, Associate General Counsel
Ms. Debra Hale, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Stephenson called the meeting to order at 2:25 p.m. Rep. Poulson was excused from the meeting.

MOTION: Rep. Moss moved to approve the minutes of the November 16, 2011 meeting. The motion passed unanimously, with Sen. Stephenson absent for the vote.

2. Acquisition of New Products and Services Funded in the 2012 General Session

Dr. Larry K. Shumway, State Superintendent of Public Instruction, representing the State Board of Education (SBOE), and Mr. Spencer Eccles, Executive Director, Governor's Office of Economic Development, representing the Board of Business and Economic Development, provided timelines to acquire new products and services funded in the 2012 General Session and make those products and services available to school districts and schools.

Supt. Shumway distributed a handout to the committee, "Instructional Services Division/Student Services and Federal Services Division, RFPs & Grants 2012," which provides timelines for awarding various contracts and grants for products and services, including information technology equipment, instructional software, and math textbooks.

Mr. Eccles conducted a presentation regarding 2012 General Session S.B. 248, "Smart School Technology Act," which directs the Board of Business and Economic Development to issue a request for proposals (RFP) for the development and implementation of whole-school technology deployment plans.

Chair Stephenson excused himself from the meeting and requested Rep. Gibson, House Chair, to conduct the remainder of the meeting.

3. School Finance Data and Calculations

Supt. Shumway and Mr. Jonathan Ball, Director, Office of the Legislative Fiscal Analyst (LFA), reported on an error made by the Utah State Office of Education in calculating the number of weighted pupil units estimated for the 2012-13 school year, which resulted in underfunding the Minimum School Program by approximately \$25 million.

Supt. Shumway and Mr. Ball discussed how the error occurred, options to address the underfunding, and procedures to be taken to prevent similar errors in the future. Mr. Ball noted that a recent in-depth budget review of public education conducted by LFA recommended that the Utah State Office of Education consider adopting an enterprise resource management system.

4. Utah Core Standards

Ms. Nicholson and Ms. Stallings gave a presentation, "Common Core State Standards," on the development and adoption of Utah core standards in English language arts and mathematics. A copy of the presentation was distributed to committee members.

Ms. Nicholson reviewed key dates and events relating to the adoption and implementation of Utah core standards in English language arts and mathematics.

Ms. Stallings explained that the chairs requested that she address four legal questions regarding the Utah core standards and assessments of the core standards. The four questions and a summary of Ms. Stallings' responses are as follows:

- a. Is Utah required to keep the Common Core State Standards (CCSS) as Utah's state standards? The federal government is not authorized to directly regulate education; however, under Congress's spending power a state may be required to take actions as a condition of receiving certain federal funds. Utah has not received any federal funds obligating the state to adopt the CCSS. Utah has applied for a waiver from some of the regulations of the federal No Child Left Behind (NCLB) law. As a condition of receiving the waiver, the state will be required to either adopt the CCSS or other college- and career-ready standards certified by higher education institutions. The memorandum of agreement signed by Governor Huntsman and former state superintendent Patti Harrington for the purpose of participating in the development of the CCSS does not obligate the state to adopt the CCSS.
- b. Can Utah withdraw from the Smarter Balanced Assessment Consortium (SBAC)? Utah has joined SBAC, a consortium of states that has received a federal grant to develop assessments to measure students' mastery of the CCSS. The bylaws of the consortium specify that a state may withdraw from the consortium by submitting a request in writing stating the reason for the withdrawal that is signed by the signatories to the original memorandum of agreement. Since October 2010, six states have withdrawn from SBAC and two states have joined SBAC.

c. Is Utah required to administer assessments developed by SBAC? As an advisory state member, Utah is not required to administer SBAC assessments. However, if Utah is a member of SBAC in the 2014-15 school year, Utah will be required to administer SBAC assessments.

d. Is Utah required to give student-identifying data? The administration of SBAC assessments does not require reporting of student information. The federal Elementary and Secondary Education Act (ESEA) and Individuals with Disabilities Education Act (IDEA) require reporting of aggregate student data to receive federal funds for students who are disadvantaged or have disabilities. Both the ESEA and IDEA explicitly prohibit the disclosure of personally identifiable information to the public or the Secretary of the U.S. Department of Education.

5. College and Career Readiness Assessments

Supt. Shumway notified the committee that, because legislation introduced in the 2012 General Session S.B. 10, "College and Career Readiness Assessments," did not pass, the SBOE will need to plan for the adoption and administration of a basic skills competency test to tenth grade students beginning in the 2012-13 school year. Supt. Shumway discussed options for meeting the requirements of the law, including addressing the issue in a special session.

Chair Gibson announced that four legislators, including the Education Interim Committee chairs, have sent a letter to Governor Herbert, President Waddoups, and Speaker Lockhart requesting that legislation to repeal the requirement to administer a tenth grade basic skills competency test be considered in a special session.

6. Other Items/Adjourn

Supt. Shumway distributed booklets to the committee entitled "Utah State Office of Education - Public Education Summary - 2012 General Session of the Utah Legislature," which summarizes legislation enacted in the 2012 General Session affecting public education. Supt. Shumway stated that every year there is a significant set of new legislation, directions, and programs received from the legislature. He assured the committee, as executive officer of the SBOE, that they will do their best to move these programs forward and comply with the law.

MOTION: Sen. Stevenson moved to adjourn the meeting. The motion passed unanimously, with Sen. Niederhauser, Sen. Stephenson, and Rep. Hughes absent for the vote.

Chair Gibson adjourned the meeting at 4:22 p.m.