

**MINUTES OF THE JOINT PUBLIC EDUCATION APPROPRIATIONS  
SUBCOMMITTEE  
Monday, February 15, 1999, 2:00 P.M.  
ROOM 303, STATE CAPITOL BUILDING**

Members Present: Sen. Howard Stephenson, Co-Chair  
Rep. Nora B. Stephens, Co-Chair  
Sen. Ron Allen  
Sen. Karen Hale  
Sen. Lyle Hillyard  
Sen. John Valentine  
Rep. Duane Bourdeaux  
Rep. Judy Ann Buffmire  
Rep. Lloyd Frandsen  
Rep. David Gladwell  
Rep. Brad King  
Rep. Becky Lockhart  
Rep. Tammy Rowan  
Rep. A. Lamont Tyler  
Rep. Glenn L. Way

Staff Present: R. Michael Kjar, Legislative Fiscal Analyst  
Gary Ricks, Legislative Fiscal Analyst  
Shirley Smith, Secretary

Others Present: Dorothy Lane, Blind Consumer  
Laurie Chivers, Deputy Supt., USOE  
Jerry Peterson, Assoc. Supt., USOE  
Rob Brems, Assoc. Supt., USOE  
Steven Laing, State Supt., USOE  
Keele Johnson, Representative USL  
Pat O'Hara, Dir. of Finance, USOE  
Con Rowley, Analyst, Governor's Office  
Steven Peterson, Exec. Dir.,USSA  
Evan L. Olsen, Representative USL

List of others present is on file:

Committee Co-Chair Sen. Stephens called the meeting to order at 2:06 p.m.

**1. Presentation Item**

- a. Evan L. Olsen, Representative USL

Rep. Olsen, attended the meeting to talk on behalf of Character Education. He explained the reason for his attendance at the committee meeting was to make a suggestion for parents to be empowered to develop family values. He said State programs may not be the ones best suited for parents and their children. Rep. Olsen, identified some of the areas of concern voiced by parents: foul language, lack of respect and peer pressure, he also said many parents are willing to become part of the solution to the problems facing students.

## 2. Intent Language

Mr. Kjar explained Public Education FY 1999 Intent Language and reported on the items which needed action by the committee as well as those which have been addressed.

Laurie Chivers, noted the items that needed the attention of the committee. Rob Brems, spoke to the Custom Fit Training program. Jerry Peterson, identified employees for USDB who work more than 800 hours be provided with benefits afforded State employees.

**MOTION:** Rep. Rowan moved that paragraph 1, and 2, page 2, of the **Public Education 1999 Intent Language** budget, be deleted and replaced with the following intent language as currently approved for **State Agencies:**

**SUBSTITUTE MOTION:** Rep. Stephenson moved that paragraph 4, page 1 of the **Minimum School Program, Public Education 1999 Intent Language**, include in FY 2000 intent language, and paragraph 1 and 2, page 2 regarding ATCs and ATCSRs as amended by Rep. Rowan as follows:

*(4) It is the intent of the Legislature that each school district evaluate its outdoor athletic facilities and upgrade the facilities as funds permit.*

*It is the intent of the Legislature that the teachers for the Applied Technology Centers and Applied Technology Center Service Regions receive an increase in pay comparable to that provided for certificated teachers in FY 2000.*

*It is the intent of the Legislature that \$1,7000,000 appropriated for ATC/ATCSR Development, be used for applied technology secondary and adult non credit programs in the nine Applied Technology regions in Utah. Each funded program must be part of a regional master plan approved by the Joint Liaison Committee. In addition, these funds shall be distributed according to performance and productivity measures developed and*

*adopted by the Joint Liaison Committee. They shall include competency measures, placement measures, recognition of growth needs, and enrollment measures. This intent language does not supersede agreed-upon policies of the public education and higher education systems to provide credit for non credit efforts where appropriate.*

The motion passed unanimously with Sen. Hillyard absent at the time of voting.

Discussion: Con Rowley, Analyst, Governor's Office, explained his concern regarding the nature of intent statements.

**MOTION:** Rep. Tyler moved that items 3 and 4 on page 1, of **Proposed New Language and Intent Language for FY 2000**, be approved:

*(3) It is the intent of the legislature that all State Agencies, in cooperation with the division of Fleet Operations fully implement the three core components of CARS fleet information system by July 1, 1999 in accordance with UCA 63A-9-401 (1)(b). The three core components are as follows, 1)Inventory tracking center, 2)Motor Pool Utilization Center (Reservations) and 3)Work Order center. It is further the intent of the Legislature that all State Agencies fully utilize CARS to obtain at least six calendar months of fleet cost data prior to the FY 20000 General Session.*

*(4) It is the intent of the Legislature that of the amount appropriated in Senate Bill 3 of the 1998 General Session of the Legislature, Minimum School Program Act Amendments, \$6,000,000 is to lapse to the Uniform School Fund at the end of fiscal Year 1999.*

Motion passed unanimously with Sen. Hillyard absent at the time of the vote.

**MOTION:** Rep. Frandsen moved that item 9, page 1, **Proposed New Language and Intent Language for FY 2000**, be approved as follows:

*(9) It is the intent of the Legislature that the Utah State Office of Education provide a report on FACT (families, agencies, communities, together) that details the amount funded for personnel, the number of FTE, and the amount for services and type of services, programs objectives and program effectiveness.*

Motion passed unanimously with Sen. Hillyard absent at the time of the vote.

**MOTION:** Rep. Frandsen moved to add new intent language for FY 2000, as follows:

*It is the intent of the Legislature that the Utah State Office of Education provide a report*

*identifying primary and secondary customers for education programs and identify program objectives for education programs.*

Motion failed with Sens. Stephenson, Allen, Hale, and Valentine, and Reps. Stephens, Bourdeaux, Buffmire, Gladwell, King, Lockhart, Rowan Tyler and Way, voting nay. Rep. Frandsen, voting aye. Sen. Hillyard absent at the time of voting.

**MOTION:** Sen. Stephenson moved that the committee reconsider their action of the meeting 2-12-99, concerning the \$85,000 line item appropriation for the Science and the Arts Program.

Motion passed unanimously with Sen. Hillyard absent at the time of the vote.

**MOTION:** Sen. Stephenson moved to accept the Analyst's recommendation on the line items as originally listed and place \$50,000 in the RFP section, with the understanding that the State Office will accommodate a coordinating booking organization with no fee required and that the allowance would be made for local school financial participation for the coming year, with the understanding that a more permanent solution can be found next year at this time.

Motion passed with Sen.Sens. Stephenson, Allen, Hale, and Valentine, and Reps. Stephens, Bourdeaux, Buffmire, Gladwell, King, Lockhart, Rowan Tyler and Way, voting aye. Rep. Frandsen, voting nay. Sen. Hillyard absent at the time of the vote.

**Presentation - Rep. Keele Johnson**

Rep. Johnson, spoke to the committee to encourage the members to support HB 179, an equalization bill on transportation funding for activity travel and for hazardous routes. The bill has a fiscal note of \$225,000.

**MOTION:** Rep. Frandsen moved to add \$225,000 to the adequacy list for transportation.

Motion passed unanimously with Sen. Hillyard absent at the time of the vote.

**MOTION:** Rep. Tyler moved to instruct the USOE to include the **Process for Moving RFP's to Line Items**, into their rules.

Motion passed unanimously with Sen. Hillyard absent at the time of the vote.

**MOTION:** Rep. Tyler moved to reinstate capital levy of .0024, which was inadvertently deleted when the new Capital Outlay Foundation Act was adopted.  
Motion passed unanimously with Sen. Hillyard absent at the time of the vote.

**MOTION:** Rep. Buffmire moved to change the Contingency Fund Language from “including” to “through.”

Motion passed unanimously with Sen. Hillyard absent at the time of the vote.

**MOTION:** Rep. Buffmire moved to Change Alternative Language Services Program from competitive grants program by eliminating “competitive” and inserting after applications and “assurances of.”

Motion passed unanimously with Sen. Hillyard absent at the time of the vote.

**MOTION:** Rep. Rowan moved to retain the class size reporting language in Class Reduction allocations.

**SUBSTITUTE MOTION:** Rep. Frandsen moved to adopt the Class Size reporting language, as distributed to the committee as follows:

(8) (a) Each district shall provide annually to the State Superintendent of Public Instruction a summary on the overall district plan for utilizing class size reduction funds provided by the legislature.

(b) If the district has received new additional class size reduction funds during the previous year, the district shall report data identifying how: (1) the use of funds complies with legislative intent; and (2) the use of funds supplements the district’s class size reduction plan.

Motion passed with Sens. Allen, Hale and Reps. Bourdeaux, Buffmire, Frandsen, Gladwell, King, Tyler and Way, voting aye. Sens. Stephenson, Valentine and Reps. Stephens, Lockhart, Rowan, voting nay. Sen. Hillyard absent at the time of the vote.

**MOTION:** Sen. Stephenson moved The Public Education Joint Appropriations Subcommittee request that the management committee approve funding for 3 meetings to study executive issues during the 1999 interim as follows:

1. Whether there should be differentiated weighting of the WPU between High School and Elementary Students.

2. Whether high school completion courses should be provided by public or private agencies other than current public education providers.
3. Whether the WPU funding should be based on a combination of ADM and ADA.
4. How to fund the WPU to better reflect current student numbers rather than prior year numbers, particularly for growing districts.
5. Whether class size reduction funding should include standards for maximum class sizes at each grade level.
6. Whether modifications should be made in the funding formula to ensure that class sizes in growing school districts do not exceed identified thresholds.
7. How to more provide small rural schools with hold-harmless funding when student numbers fluctuate.
8. How to more equitably fund teacher salaries at the Schools for the Deaf & Blind.
9. How to more equitably fund education of students in custody.
10. How to equitably provide arts presentations to schools utilizing both arts organizations and coordinating non-profit organizations.
11. Other funding/accountability issues.

Motion passed unanimously.

**MOTION:** Sen. Stephenson moved the intent language of the four items on the information sheet as follows, and suggested the motion may be divided.

1. *It is the intent of the Legislature that the State Office of Education provide ongoing reporting to the Legislature of awards of federal grants and private foundation grants which either require Utah institutions of public education to comply with grant requirements or to provide matching funds, or where ongoing funding is phased out.*
2. *It is the intent of the Legislature that class size reduction funding be used to provide that when class sizes increase throughout the year in growing schools, the student-teacher ratio is adjusted downward as student numbers warrant the hiring of additional*

*teachers to assist with existing classrooms or the establishment of additional stand-alone classrooms.*

3. *It is the intent of the Legislature that the Superintendent's Annual report include Average Daily Attendance and Average Daily Membership figures reported in a uniform manner for each district.*

4. *It is the intent of the Legislature that time spent watching Channel 1 or similar programs does not count toward the 990 hour funding of the WPU.*

Sen. Stephenson divided the motion as follows:

1. *It is the intent of the Legislature that the State Office of Education provide ongoing reporting to the Legislature of awards of federal grants and private foundation grants which either require Utah institutions of public education to comply with grant requirements or to provide matching funds, or where ongoing funding is phased out.*

Motion passed unanimously.

2. *It is the intent of the Legislature that class size reduction funding be used to provide that when class sizes increase throughout the year in growing schools, the student-teacher ratio is adjusted downward as student numbers warrant the hiring of additional teachers to assist with existing classrooms or the establishment of additional stand-alone classrooms.*

Motion passed with Sens. Stephenson, Hillyard, Valentine, and Reps. Stephens, Gladwell, Lockhart, Tyler and Way, voting aye. Sens. Allen, Hale, and Reps. Bourdeaux, Buffmire, Frandsen, King and Rowan, voting nay.

**MOTION:** Sen. Stephenson moved the intent of the Legislature for the Superintendent's Annual Report include ADA and Adm figures as follows:

*It is the intent of the Legislature that the Superintendent's Annual report include Average Daily Attendance and Average Daily Membership figures reported in a uniform manner for each district.*

Motion passed with Sens. Stephenson, Hillyard, Valentine, and Reps. Stephens, Gladwell, Lockhart, Tyler and Way, voting aye. Sens. Allen, Hale, and Reps. Bourdeaux, Buffmire, Frandsen, King and Rowan, voting nay.

**MOTION:** Sen. Stephenson moved the intent of the Legislature that time spent watching Channel 1 or similar programs does not count toward the 990 hour funding of the WPU.

4. *It is the intent of the Legislature that time spent watching Channel 1 or similar programs does not count toward the 990 hour funding of the WPU.*

Motion passed with Sens. Stephenson, Hale, Hillyard, Valentine, and Reps. Stephens, Buffmire, Lockhart, Rowan, and Way, voting aye. Sens. Allen, and Reps. Bourdeaux, Frandsen, Gladwell, King and Tyler, voting nay.

**MOTION:** Sen. Stephenson moved The Charter School statute is amended through the Education Appropriations Act to provide parity funding between the regular public school students and the Charter School students.

**MOTION:** Sen Stephenson moved to withdraw the previous motion and reconsider in the next meeting, where final action can be taken when the written language is before the committee.

**MOTION:** Sen. Stephenson moved the Management Committee shall be requested to ask the Legislative Auditor General to conduct an audit regarding the benefits of federal funds related to Public Education Programs identified by APED and the costs of complying with the conditions attached to Utah's acceptance of those funds. The audit shall also review and make recommendations regarding the advisability of accepting short term federal funds which require the establishment of long term programs.

Motion passed with Sens. Stephenson, Hillyard, Valentine, and Sens. Allen, and Hale, and Reps. Stephens, Frandsen, Gladwell, King, Lockhart, Rowan, Tyler and Way, voting aye. Sen. Allen, and Reps. Bourdeaux, and Buffmire, voting nay.

**MOTION:** Rep. Rowan moved The Public Education Appropriations Committee requests that the Management Committee request the Audit Committee authorize the Office of the Legislative Auditor General to update the numbers in the December 9, 1994 and January 1995 Applied Technology Funding and also to return with recommendations on the best ways to fund Applied Technology Education equitably across the state within

the next three years and "funding for these requests shall be on the same basis as the ATC's."

Motion passed unanimously.

**MOTION:** Rep. Rowan moved The Public Education Appropriations Committee requests that the State Office of Education, the State Board of Regents and the Joint Liaison Committee report to the November 1999 Education Interim Committee their findings on the best way to resolve the funding inequities between ATCs and ATCSRs within the next three years while preserving the unique approach that each region has developed to deliver programs. They should also recommend appropriate accountability measures that could be used in developing an equitable funding formula for funding applied technology education on a basis that relies less on base plus and more on the size of the potential student pool to be served, per student funding divided between educational institutions fairly instead of double or triple funding the same students, funding for different types of students differently based on the cost of the programs for that type of student, funding based on job placements and any other criteria that would provide equity.

**MOTION:** Sen. Allen moved to suspend the rules.

Motion passed with Rep. Rowan voting in opposition. Sen. Hillyard absent at the time of the vote.

**SUBSTITUTE MOTION:** Sen. Allen moved to amend the language for The Public Education Appropriations Committee as follows:

The Public Education Appropriations Committee requests that the State Office of Education, the State Board of Regents and the Joint Liaison Committee report to the November 1999 Education Interim Committee their findings on the best way to resolve the funding inequities between ATCs and ATCSRs within the next three years while preserving the unique approach that each region has developed to deliver programs. They should also recommend appropriate accountability measures that could be used in developing an equitable funding formula for funding applied technology education.

Motion passed with Rep. Rowan voting in opposition. Sen. Hillyard absent at the time of the vote.

Michael Kjar noted that the committee had not voted on Highly Impacted Schools. The Analyst recommends \$4,173,207 one time funding with \$1,200,000 reduction, which was recommended by the Analyst and the Governor's office.

**MOTION:** Rep. King moved to accept the Analyst's recommendation for Highly Impacted Schools and put \$1,200,000 back on the adequacy list.

**SUBSTITUTE MOTION:** Rep. Buffmire moved to go to the next item on the agenda.

Motion passed unanimously. Sen Hillyard absent at the time of the vote.

**MOTION:** Rep. Tyler moved to add \$135,000 to the priority list for USOR.

Motion passed unanimously with Sen. Hillyard absent at the time of the vote.

**MOTION:** Rep. Buffmire moved to accept intent language for comparison of salaries of teachers in the Career Ladder Program, USD&B, ATCs and ATCSRs and determine the steps necessary to equalize the salaries.

*It is the intent of the Legislature that the Utah State Board of Education will compare the salaried and the career ladder program of the teachers at the Utah Schools for the Deaf and the Blind (USDB) and in Applied Technology Education (ATCs and ATCSRs) with the 40 school districts of the state; taking into account the different levels of education and years of experience, and specialized training required to deal with there population and determine the one time appropriation needed to bring these faculties up to comparable salary levels in districts.*

Motion passed unanimously with Sen. Hillyard absent at the time of the vote.

**MOTION:** Rep. Gladwell moved to accept the task force language study as follows:

*In the event that the task force, proposed under HB 144, is not created it is the intent of the Legislature that the State Office of Education identify the narrow portion of the State core curriculum that is the most critical to future learning, translated into specific standards, and determine what performance students must show in order to demonstrate matching the standard.*

Motion passed.

**MOTION:** Rep. Tyler moved to adjourn.

Motion passed unanimously.

The meeting was adjourned at 5:30 p.m.

The minutes were reported by Shirley Smith, Secretary

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Sen. Howard Stephenson  
Committee Co-Chair

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Rep. Nora Stephens  
Committee Co-Chair