

**MINUTES OF THE JOINT PUBLIC EDUCATION APPROPRIATIONS
SUBCOMMITTEE
FRIDAY, FEBRUARY 16, 2001 - 4:00 P.M.
ROOM 303, STATE CAPITOL BUILDING**

Members Present: Sen. Howard Stephenson, Co-Chair
Rep. Marda Dillree, Co-Chair
Sen. Karen Hale
Sen. Bill Hickman
Rep. Doug Agard
Rep. Duane Bourdeaux
Rep. Judy Ann Buffmire
Rep. Glenn Donnelson
Rep. James Ferrin
Rep. Tom Hatch
Rep. Brad King
Rep. Karen Morgan
Rep. J. Morgan Philpot
Rep. John Swallow

Members Absent: Rep. Glenn Way
Sen. John Valentine

Staff Present: R. Michael Kjar, Legislative Fiscal Analyst
Gary Ricks, Legislative Fiscal Analyst
Ben Leishman, Legislative Fiscal Analyst
Nedra Duzett, Secretary

Visitor List on File

Committee Co-Chair Sen. Stephenson called the meeting to order at 4:15 p.m.

1. Approval of Minutes -

MOTION: Rep. Buffmire moved to approve the minutes of meetings held February 9 and February 12, 2001. The motion passed unanimously.

- 2. Committee Business -** Michael Kjar, Fiscal Analyst, explained the base budget recommendation of the State Office of Education, the Internal Service Fund, and the Indirect Cost Pool. He stated it is a requirement for the committee to approve the Internal Service Fund rates and the Indirect Cost Pool rates. Committee members were given copies of the budget, and copies of the proposed motions to accommodate the intended transfer of programs from the Minimum School Program to the State Office of Education.

Mr. Kjar said it did not include the compensation rate. The Executive Appropriations Committee will set that rate.

MOTION: Rep. Dillree moved to adopt the Analyst's base budgets recommendations for the Utah State Office of Education as listed on the table and the associated Internal Service Funds rates and Indirect Cost Pool rates on the budget sheet.

The motion passed unanimously with Rep. Swallow absent for the vote.

MOTION: Rep. Dillree moved to transfer \$3,575,556 and the following programs from the Minimum School Program to the Utah State Office of Education budgets beginning FY 2002: Contingency Fund, Regional Service Centers, Reading Scholarship Program and Staff Development.

The motion passed unanimously with Rep. Swallow absent for the vote.

MOTION: Rep. Hatch moved to adopt the following intent language:

It is the intent of the Legislature that Pregnancy Prevention programs in public schools must stress the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases.

It is also the intent of the Legislature that sexual education courses taught in public schools must stress the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases. It is also the intent of the Legislature that the State Office of Education should not apply for, nor accept, federal grants specifically used to fund sexual education, including grants currently received by the State Office of Education, namely the Aids Education and Prevention.

Rep. Buffmire spoke in opposition to the motion. She was concerned that the Health Department would not receive their part of the federal grant money for this program if the education part of the money was not used.

Supt. Laing commented on a handout he had distributed from the Center for Disease Control, the entity for the funding source of the federal programs. He said the proposed intent language, with the exception of the piece that prohibits the State Office of Education from seeking the funding, is consistent with state law. CDC encourages schools to use programs that are consistent with their local community values. Schools are free to adapt any curriculum as they see fit. Supt. Laing said there are no strings attached to the money. The application the state office submits can be consistent with

existing statute and the intent language as proposed and would alleviate some burdens on the state's funds to provide the prevention training that is important with regard to communicable diseases.

Rep. Hatch stated that S.B. 75 is consistent with the intent language and would allow each district to formulate their own curriculum on sex education.

The motion passed with Sen. Hale, Rep. Bourdeaux, Rep. Buffmire, Rep. King and Rep. Morgan voting against the motion.

MOTION: Rep. Hatch moved to appropriate \$240,000 from the Uniform School Fund to the State Office of Education to replace lost revenue the State Office of Education would experience by not applying for, or accepting, the federal Aids Education and Prevention grant.

The motion passed unanimously.

MOTION: Rep. Dillree moved to approve committee allocation as recommended on the committee priorities list for the programs and amounts as listed for one-time and on-going appropriations.

The motion was withdrawn.

MOTION: Rep. Dillree moved to approve a voted and board leeway state contribution rate of .008044.

SUBSTITUTE MOTION: Rep. King moved to restore all of the WPU driven programs that are currently proposed to be below the line to move them above the line.

The motion failed with Sen. Stephenson, Rep. Dillree, Rep. Aagard, Rep. Donnelson, Rep. Ferrin, Rep. Hatch, Rep. Philpot, and Rep. Swallow voting against the motion.

The vote on the original motion passed unanimously.

MOTION: Sen. Hickman moved to reduce the ETI one-time money of \$8,500,000 to \$8,250,000 and increase Science and Arts one-time money from \$250,000 to \$500,000.

The motion passed with Rep. Hatch voting against the motion.

MOTION: Rep. Dillree moved to approve committee allocation as recommended on the committee priorities list for the programs and amounts as listed for one-time and on-going appropriations with the amendment made in the last motion.

The motion passed unanimously.

MOTION: Rep. Dillree moved to approve hold harmless amounts to be distributed to affected districts according to the schedules that generate the amount \$3,897,110.

The motion passed unanimously.

MOTION: Rep. Dillree moved to approve the Minimum School Program of \$1,899,835,487 with all items and weighted pupil units as represented on the Minimum School Program spread sheet.

The motion passed with Rep. Bourdeaux, Rep. Buffmire and Rep. King voting against the motion, and with Rep. Swallow absent for the vote.

MOTION: Rep. Dillree moved to approve the allocation of the remaining funds to increase the WPU and programs that were previously WPU driven along with the Transportation and Regional Service Centers at the same percentage increase.

The motion passed unanimously with Rep Swallow absent for the vote.

MOTION: Rep. Dillree moved to approve the Social Security and Retirement amount as will be determined by compensation increases.

The motion passed unanimously with Rep. Swallow absent for the vote.

MOTION: Rep. Dillree moved to approve an assessed valuation basic rate at .001768.

The motion passed unanimously with Rep. Swallow absent for the vote.

MOTION: Rep. Dillree moved to have \$72,000 of the one-time ETI fund allocated to the schools for the Schools for the Deaf and the Blind.

The motion passed unanimously with Rep. Swallow absent for the vote.

MOTION: Rep. Dillree moved to adopt the following intent language: It is the intent of the Legislature that programs that have been block granted by the FY 2001 Legislature and are no longer calculated with Weighted Pupil Units be given priority for equivalent WPU increases when considering compensation or WPU increases by the 2002 Legislature.

The motion passed unanimously.

MOTION: Rep. Dillree moved to adopt the following intent language:
Notwithstanding current statutory provisions for programs in the local discretionary block grant and the Special Populations programs, and with the exception of those programs for which funds are awarded based upon successful competition through a Request for Proposal, a school district may spend the allocation for any or all programs within the appropriated block.

The motion passed with all voting in favor with exception of Sen. Hale and Rep. King who voted in opposition, and with Rep. Swallow absent for the vote.

MOTION: Rep. Dillree moved to adopt the following intent language:
It is the intent of the Legislature that school districts meet existing spending criteria and requirements specific to those programs included within block grant categories and for which the local board of education chooses to expend block grant funds.

The motion passed unanimously with Rep. Swallow absent for the vote.

MOTION: Rep. Dillree moved to adopt the following intent language:
It is the intent of the Legislature that school districts report the expenditure of block grant funds to the degree of specificity and detail established by the Utah State Board of Education and sufficient to meet the intent of the Legislature as articulated in this section.

The motion passed unanimously with Rep. Swallow absent for the vote.

MOTION: Rep. Dillree moved to adopt the following intent language:
It is the intent of the Legislature that block grant funds are allocated to school districts proportionally based upon the district's total WPUs in kindergarten, grades 1-12, and Necessarily Existent Small Schools portion of the Basic Program.

The motion passed unanimously.

MOTION: Rep. Dillree moved to adopt the following intent language:
It is the intent of the Legislature that the State Office of Education convene a representative committee to study the needs of English Language Learners in Utah and related issues. It is the intent of the Legislature that the committee report to the Education Interim Committee by November 2001.

The motion passed unanimously.

MOTION: Rep. Dillree moved to adopt the following intent language:
It is the intent of the Legislature that the Utah State Office of Education charge out-of-state students tuition for access to Utah's electronic high school curricula.

The motion passed unanimously.

MOTION: Rep. Dillree moved to adopt the following intent language:
It is the intent of the Legislature that the State Office of Education may use carry forward funds from the Minimum School Program to pay school districts the amount necessary to make them whole for any support in subsidizing a charter school.

The motion passed unanimously.

MOTION: Rep. Dillree moved to approve the USOE request to increase the amount of dedicated credits it can collect in order to accommodate educator license renewal fees, and the request for authority to hire one additional FTE with revenue from this fee. This would increase dedicated credits in Planning and Project Services by \$30,000 in FY 2001, and \$60,000 in FY 2002.

The motion passed unanimously with Rep. Aagard absent for the vote.

MOTION: Rep. Dillree moved to adopt the following intent language:
It is the intent of the Legislature that District Computer Services may charge local school districts a fee for the use of state student and fiscal information systems. The fee shall be set by the Utah State Board of Education and shall be based upon student enrollment. Revenue from the fee may be used to either contract or hire support staff.

The motion passed with Rep. King voting against the motion.

MOTION: Rep. Dillree moved to adopt the following intent language in the Arts and Science programs:
It is the intent of the Legislature that Line Item funding recipients not participate in the Arts and Science Request for Proposal Process (RFP) funding administered by the Utah State Office of Education.

It is the intent of the Legislature that the listed program groups go through a request for proposal process to reestablish their participation in the program at the level indicated during the 2001 interim. The USOE will be the supervising agent of this process.

The State Office of Education shall validate the groups' function in the planned curriculum for arts and sciences in the schools.

The State Office of Education shall report to the Legislature any problems or changes necessary to implement and maintain the validity of the arts and sciences program in the school curriculum.

The motion on intent language for Arts and Science programs passed unanimously.

MOTION: It is the intent of the Legislature that the Utah Schools for the Deaf and the Blind be appropriated \$42,305 per day for each additional day funded by the Legislature to the school districts. This is to be funded from the \$15 million allocation for extra days.

The motion passed unanimously with Sen. Hickman absent for the vote.

Sen. Stephenson said the education community has expressed concerns regarding the provision for the five extra teacher days. Instead of requiring the district to provide two days in order to receive three extra days, it has been suggested that a compromise would be to give the first two extra days without a requirement for a matching day. The third extra day appropriated by the committee would require one matching day from the district to provide four total days of professional development.

Rep King said currently those days are already being paid for and are figured into the salary schedule of the teachers. The stipend being proposed would not be equal to the teacher's regular day's salary, so they are giving up one thing for something of a lesser value.

Rep. Dillree said some have been concerned that it would be on an equal pay basis. It would be a problem for districts who already have the extra days in their contracts. The chairs may look into this issue and if the committee would like to make adjustments, there is still time for Executive Appropriations to address the issue.

MOTION: Rep. Dillree moved to accept the recommended draft on the extra days for professional development.

The motion passed with Sen. Hale, Rep. Bourdeaux, Rep. Buffmire, Rep. King, and Rep. Morgan voting against the motion and with Sen. Hickman, Rep. Hatch, and Rep. Swallow absent for the vote.

MOTION: Rep. Dillree moved that under the Utah State Office of Rehabilitation, salary adjustments for Blind and Visual Disability Services \$54,000 be taken out of the compensation package and distributed to Utah State Office of Rehabilitation.

The motion passed unanimously.

Rep. Dillree reported the Board and Voted Leeway is \$6,100,000 the Capital Outlay is \$10,000,000 on- going, and the Text Book is at \$23,822,800 and Teachers Supplies is at \$5,000,000. It has not been determined what is going to happen to the Mitigation or the Rainy Day for Education fund. Action is still pending.

MOTION: Rep. Bourdeaux proposed the following intent language:

It is the intent of the Legislature to move the nursing component of line 45 above the line and make it WPU.

The motion failed with Sen. Hickman, Sen. Stephenson, Rep. Dillree, Rep. Aagard, Rep. Donnelson, Rep. Ferrin, and Rep. Philpot voting against the motion, and with Rep. Swallow absent for the vote.

MOTION: Rep. Bourdeaux moved to place the nursing component of line 45 on an RFP basis.

The motion failed with Sen. Hickman, Sen. Stephenson, Rep. Dillree, Rep. Aagard, Rep. Donnelson, Rep. Ferrin, and Rep. Philpot voting against the motion, and with Rep. Swallow absent for the vote.

MOTION: Sen. Hickman moved to adjourn at 5:55 p.m.

Minutes recorded by Nedra Duzett, Secretary

Sen. Howard Stephenson, Co-Chair

Rep. Marda Dillree, Co-Chair