

**MINUTES OF THE  
SENATE EDUCATION STANDING COMMITTEE  
TUESDAY, FEBRUARY 6, 2001, 4:00 P.M.  
ROOM 416, STATE CAPITOL**

Members Present: Sen. Bill Wright, Chair  
Sen. Carlene Walker  
Sen. Howard A. Stephenson  
Sen. Michael Waddoups  
Sen. Ron Allen  
Sen. Pete Suazo

Members Excused: Sen. Karen Hale  
Sen. Chris Buttars  
Sen. David Steele  
Sen. David Gladwell

Staff Present: Wayne Lewis, Legislative Analyst  
Jim Wilson, General Counsel  
Sherry Nielsen, Secretary

Public Speakers Present: Val Peterson, Associate Vice President, Utah Valley State College  
Pat Rusk, Vice President, Utah Education Association  
Julie Adamic, Charter School Teacher  
Janet Hovorka, parent  
Ethan Smith, student  
Michelle Smith, parent  
Rebecca Brand, parent  
Lisa Stamps, parent  
Jim Peterson, parent  
Jennifer Willis, parent  
Karen Derrick, Utah State Board of Education  
Debbie Besseliever, Founder, Utah Charter School  
Gary Carlson, State Office of Education

Visitor List on File

Committee Chair Wright called the meeting to order at 4:10 p.m.

**MOTION:** Sen. Walker made a motion to approve the minutes of February 2, 2001.

The motion passed unanimously.

**1. H.B. 197 Waiver of Tuition by State College or University (K. Bryson)**

Rep. Bryson explained the bill.

Val Peterson, Associate Vice President, UVSC, spoke in support of the bill.

**MOTION:** Sen. Suazo made a motion to pass the bill out favorably.

The motion passed unanimously .

**2. S.B. 169 Charter School Amendments (H. Stephenson)**

Sen. Stephenson explained the bill, and distributed the following amendments:

1. Page 1, Line 8:           After "**increase of**" insert "**up to**"
2. Page 1, Line 17:        After line 17 insert:"**53A-1a-506**, as enacted by Chapter 231, Laws of Utah 1998"
3. Page 2, Line 29:        After "by" insert "up to"
4. Page 2, Line 33:        After line 33 insert:  
"Section 2. Section **53A-1-506** is amended to read:  
**53A-1a-506. Eligible students.**  
(1) All resident students of the state qualify for admission to a charter school, subject to the limitations set forth in this section.  
(2) (a) A charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or the school.  
(b) (i) If the number of applications exceeds the capacity of a program, class, grade level, or the school, then students shall be selected on a random basis except that the school may give preference to a student of a parent who has actively participated in the development of the school and to siblings of students presently enrolled in the school[~~, not to exceed 20% of the student population for preferential selection~~].  
(ii) The school may give preference to students who reside within the school district in which the school is located.  
(c) When a public school converts to charter status, the school shall give enrollment preference to students who would have otherwise attended it as a regular public school.  
(3) A charter school may not discriminate in its admission policies or practices on the same basis as other public schools may not discriminate in their admission policies and practices."  
**Renumber remaining sections accordingly.**

1. Page 1, Line 17: After line 17 insert:  
"**53A-1a-505**, as enacted by Chapter 231, Laws of Utah 1998"
  
2. Page 2, Line 33: After line 33 insert:  
"Section 2. Section **53A-1a-505** is amended to read:  
**53A-1a-505. Sponsors of charter schools -- Application process.**  
(1) An applicant for a charter school shall seek sponsorship of its charter from the State Board of Education, except that an existing public school seeking to convert to a charter school must be sponsored by a local school board as provided in Section 53A-1a-515.  
(2) (a) (i) The applicant shall also provide a copy of the application to the local school board of the school district in which the proposed charter school shall be located either before or at the same time it files its application with the state board.  
(ii) The local board shall review the application and may offer suggestions or recommendations to the applicant or the state board prior to its acting on the application.  
(iii) The state board shall give due consideration to suggestions or recommendations made by the local school board under Subsection (2)(a)(ii).  
(b) The State Board of Education shall review and, by majority vote, either approve or deny the application within 60 days after the application is received by the board.  
(c) The state board's action under Subsection (2)(b) is final action subject to judicial review.  
(3) (a) The applicant and the state board shall set forth the terms and conditions for the operation of the charter school in a written contractual agreement.  
(b) The contract is the school's charter.  
(4) The State Office of Education and the school district in which the school is to be located may provide technical assistance to an applicant upon written request."

**Renumber remaining sections accordingly.**

3. Page 2, Line 39: After "charter" insert ", except that an existing public school converting to charter status shall sign its charter with the sponsoring local school board under Section 53A-1a-515"

**MOTION:** Sen. Suazo made a motion to adopt the amendments.

The motion passed unanimously.

**MOTION:** Sen. Allen made a motion to amend the bill as follows:

Page 2, line 30            At the end of the line after “year.” insert “, as determined by the State Board of Education”

The motion passed with Sen. Waddoups voting in the negative.

Pat Rusk, Vice President, State Board of Education, spoke against the bill.

Julie Adamic, Charter School Teacher; Janet Hovorka, parent; Ethan Smith, Student; Michelle Smith, parent; Rebecca Brand, parent; Lisa Stamps, parent; Jim Peterson, parent; Jennifer Willis, parent; Karen Derrick, Utah State Board of Education, and Debbie Besseliever, Founder, Utah Charter School, spoke in favor of the bill.

Gary Carlson, State Office of Education, spoke to the bill.

Due to lack of a quorum, there was no vote.

Committee Chair Wright adjourned the meeting at 5:25 p.m.

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Sen. Bill Wright, Committee Chair