

**MINUTES OF HOUSE EDUCATION
STANDING COMMITTEE**

February 15, 2008

Room 445, State Capitol Building

MEMBERS PRESENT: Rep. Gregory H. Hughes, Chair
Rep. Patrick Painter, Vice Chair
Rep. Sylvia S. Andersen
Rep. Brad Dee
Rep. Craig A. Frank
Rep. James R. Gowans
Rep. Kory M. Holdaway
Rep. Bradley G. Last
Rep. Rebecca D. Lockhart
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold
Rep. LaWanna "Lou" Shurtliff
Rep. Kenneth W. Sumsion
Rep. Stephen Urquhart
Rep. Mark A. Wheatley

STAFF PRESENT: Constance C. Steffen, Policy Analyst
Linda Service, Committee Secretary
Dee S Larsen, Associate General Counsel

Note: List of visitors and copy of handouts are filed with committee minutes.

Rep. Painter, Vice Chair, called the meeting to order at 8:12 a.m.

MOTION: Rep. Holdaway moved to approve the minutes of February 13, 2008. The motion passed unanimously. Rep. Dee, Rep. Hughes, Rep. Newbold, Rep. Shurtliff, Rep. Urquhart, and Rep. Wheatley were absent for the vote.

H.B. 212 State System of Public Education Amendments (*Rep. J. Dougall*)

Rep. Dougall introduced the bill which increases the state's contribution toward the cost of the minimum school program.

The following spoke in support of the bill:

Geoff Leonard, Utah School Employees Association
Susan Kusiak, Utah Education Association

Dave Barrett, Utah Council of Educators, expressed concern regarding raising the value of the WPU rather than appropriating money specifically for teacher salary increases.

Rep. Gage Froerer proposed the committee adopt a substitute to the bill.

MOTION: Rep. Urquhart moved to delete in title and body H.B. 212 and adopt 2nd Substitute H.B. 212. The motion passed with Rep. Shurtliff, Rep. Moss, Rep. Gowans, and Rep. Wheatley voting in opposition. Rep. Holdaway was absent for the vote.

MOTION: Rep. Urquhart moved to pass out with a favorable recommendation 2nd Substitute H.B. 212. The motion passed unanimously.

H.B. 349 Open Enrollment Revisions (Rep. Julie Fisher)

Rep. Hughes moved to amend the bill as follows:

1. *Page 6, Lines 167 through 172:*

167 (10) (a) ~~{A}~~ **Except as provided in Subsection (10)(c), a** student who
 transfers between schools, whether effective on the first day of
168 the school year or after the school year has begun, by exercising an open enrollment option
169 under this section may not transfer to a different school during the same school year by
170 exercising an open enrollment option under this section.

171 (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a
172 student transfer made for health or safety reasons. -

(c) A local school board may adopt a policy allowing a student to exercise an
open enrollment option more than once in a school year.

2. *Page 6, Line 180 through Page 7, Line 185:*

180 (2) Standards for accepting or rejecting an application for enrollment may include:

181 (a) for an elementary school, the capacity of the [~~program, class,~~] grade level[~~, or~~
182 ~~school building~~];

183 (b) maintenance of heterogeneous student populations if necessary to avoid violation
 of
184 constitutional or statutory rights of students;

185 (c) not offering ~~{a}~~ **, or having capacity in, an elementary or secondary**
special education or other special program the student requires; [~~and~~]

3. *Page 7, Lines 207 through 209:*

207 (4) **(a)** The State Board of Education, in consultation with the Utah High School
 Activities

208 Association, shall establish policies regarding nonresident student participation in
209 interscholastic competition. =

(b) Nonresident students shall be eligible for extracurricular activities at a public school consistent with eligibility standards as applied to students that reside within the school attendance area, except as provided by policies established under Subsection (4)(a).

4. *Page 7, Line 210 through Page 8, Line 216:*

210 (5) For each school in the district, the local school board shall post on the school
211 district's website:

212 (a) the school's maximum capacity;

213 (b) the school's adjusted capacity;

214 (c) the school's projected enrollment used in the calculation of the open enrollment
215 threshold;

216 (d) actual enrollment {~~for each semester~~} **on October 1, January 2, and**
April 1 ;

5. *Page 9, Lines 261 through 263:*

261 {+} (ii) **In granting interdistrict and intradistrict transfers to a particular**
school, the local

262 **school board shall take into consideration the fact that an applicant's brother or**
sister is

263 **attending the school or another school within the district.** {+}

The motion passed unanimously. Rep. Newbold was absent for the vote.

Rep. Hughes moved to amend the bill as follows:

1. *Page 5, Lines 132 through 145:*

132 (6) An enrolled nonresident student shall be permitted to remain enrolled in [~~the~~
133 ~~nonresident district's schools~~] a school, subject to the same rules and standards as resident
134 students, without renewed applications in subsequent years unless one of the following
occurs:

135 (a) the student graduates;

136 (b) the student is no longer a Utah resident;

137 (c) the student is suspended or expelled from school; or

138 (d) the district determines that enrollment within the school [~~in question~~] will exceed
139 [~~90% of maximum capacity during the coming school year~~] the school's open enrollment
140 threshold.

141 (7) (a) Determination of which nonresident students will be excluded from continued
142 enrollment in a [~~nonresident district~~] school during a subsequent year under Subsection
143 (6) {~~(b)~~} (d)
144 is based upon time in the [~~district~~] school, with those most recently enrolled being
145 excluded
146 first and the use of a lottery system when multiple nonresident students have the same
147 number
148 of school days in the school.

2. *Page 6, Line 172:*

172 student transfer made for health or safety reasons. =

(11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a
school that is not the student's school of residence, because school bus service is not
provided between the student's neighborhood and school of residence for safety
reasons:

(a) shall be allowed to continue to attend the school until the student finishes the
highest grade level offered; and

(b) shall be allowed to attend the middle school, junior high school, or high
school into which the school's students feed until the student graduates from high
school.

The motion passed with Rep. Holdaway voting in opposition. Rep. Frank and Rep. Moss were absent for the vote.

Sarah Meier, Utah School Boards Association, spoke in opposition to the bill.

The following spoke in support of the bill:

Denise Griffiths, mother

Hector Ladesma, father

MOTION: Rep. Hughes moved to pass out with a favorable motion H.B. 349 as amended.

SUBSTITUTE MOTION: Rep. Holdaway moved to amend the bill as follows:

Page 6, Line 185: Amend the previous amendment made on line 185 by inserting "Title 1

school," after "special education"

The motion passed unanimously. Rep. Dee, Rep. Frank, and Rep. Urquhart were absent for the vote.

MOTION: Rep. Hughes moved to pass out with a favorable recommendation H.B. 349 as amended.

The motion passed unanimously. Rep. Dee and Rep. Frank were absent for the vote.

Due to time constraints, the following bills were not heard.

H.B. 475	Labor Organization Amendments (<i>Rep. G. Hughes</i>)
S.B. 61	Financial and Economic Literacy Education (<i>Sen. P. Jones</i>)
H.B. 194	Class Size Reduction in Kindergarten Through Grade Three (<i>Rep. K. Morgan</i>)
H.B. 41	Campaign Report Amendments (<i>Rep. S. Allen</i>)

MOTION: Rep. Newbold moved to adjourn at 9:59 a.m. The motion passed unanimously.

Rep. Gregory H. Hughes, Chair