

**MINUTES OF THE
HOUSE EDUCATION STANDING COMMITTEE**

Room 30, House Building

March 9, 2015, 2015

Members Present: Rep. Bradley G. Last, Chair
Rep. V. Lowry Snow, Vice Chair
Rep. LaVar Christensen
Rep. Kim Coleman
Rep. Steve Eliason
Rep. Justin L. Fawson
Rep. Eric K. Hutchings
Rep. David E. Lifferth
Rep. Carol Spackman Moss
Rep. Marie H. Poulson

Members Excused: Rep. Gregory H. Hughes
Rep. Francis D. Gibson
Rep. Michael E. Noel

Members Absent: Rep. Daniel McCay

Staff Present: Ms. Tiffany Stanley, Policy Analyst
Ms. Linda Service, Committee Secretary

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

Vice Chair Snow called the meeting to order at 7:45 a.m.

S.B. 195 Amendments to State Board of Education (*Sen. A. Millner*) (Rep. D. McCay)

Sen. Millner explained the bill to the committee.

Spoke for the bill: Mr. Royce Van Tassell, Utah Association of Public Charter Schools

Spoke against the bill: Ms. Marilyn Bown, citizen

Spoke to the bill: Mr. Brad C. Smith, Superintendent, State Office of Education

Ms. Liz Zentner, Utah PTA

Ms. Lynda Simmons, citizen

MOTION: Rep. Last moved to pass the bill out favorably. The motion passed with Rep. Hutchings, Rep. Lifferth, Rep. Moss, and Rep. Poulson voting against the motion. Rep. Eliason was absent for the vote.

Chair Last assumed the chair.

**S.J.R. 5 Proposal to Amend Utah Constitution -- State Board of Education
Changes (Sen. A. Millner) (Rep. D. McCay)**

Sen. Millner explained the resolution to the committee.

No action was taken on the resolution.

1st Sub. S.B. 37 Data Reporting Regarding Front-line Teachers (A. Osmond)

Sen. Osmond explained the bill to the committee.

MOTION: Rep. Poulson moved to move to the next item on the agenda. The motion passed unanimously with Rep. Eliason and Rep. Snow absent for the vote.

**1st Sub. S.B. 204 Parental Rights in Public Education Amendments (Sen. A.
Osmond) (Rep. R. Cunningham)**

Sen. Osmond explained the bill to the committee.

Spoke for the bill: Ms. Emmalee Gardner, citizen
 Ms. Heather Gardner, citizen
Spoke to the bill: Mr. Brad C. Smith, Superintendent, State Office of Education

MOTION: Rep. Lifferth moved to amend the bill as follows:

1. Page 6, Line 169:

169 (ii) ~~{if the student has an IEP,}~~ consistent with ~~{the}~~ a student's
 IEP if the student already has an IEP .

2. Page 7, Line 190:

190 to place a student in a specialized class ~~{or}~~ . specialized program, or an
 advanced course.

3. Page 7, Line 202 through Page 8, Line 219:

202 ~~{(9)(a)}~~ ~~{Upon [the] receipt of a written [request] statement of a~~
 student's parent or

203 ~~guardian, an LEA shall excuse the student from taking [a test that is administered~~
204 ~~statewide or~~
205 ~~the National Assessment of Educational Progress.];~~
206 ~~— (i) any summative, interim, or formative test that was developed for, or~~
207 ~~provided by;~~
208 ~~the state under this title; or~~
209 ~~— (ii) any test that is federally mandated or mandated by the state under this title.~~
210 ~~— (b) An LEA may not:~~
211 ~~— (i) require a meeting as a condition of excusing a student from taking a test~~
212 ~~described~~
213 ~~in Subsection (9)(a); or~~
214 ~~— (ii) specify the form of a written statement under Subsection (9)(a):~~
215 ~~— (c) A written statement to an LEA to excuse a student from taking a test under~~
216 ~~Subsection (9)(a) remains in effect across multiple school years until:~~
217 ~~— (i) further notice from the student's parent or guardian; or~~
218 ~~— (ii) the student is no longer enrolled at the LEA.~~
219 ~~— (d) An LEA may not reward a student for taking a test described in Subsection~~
~~(9)(a):~~
220 ~~— [(b)] (e) The State Board of Education shall ensure through board rule that~~
221 ~~neither an~~
222 ~~LEA nor its employees are negatively impacted through school grading or employee~~
223 ~~evaluation~~
224 ~~due to a student not taking a test pursuant to Subsection (9)(a).}~~ =
225 (9)(a) At the request of a student's parent or guardian, an LEA shall excuse a
226 student from taking an assessment that:
227 (i) is federally mandated;
228 (ii) is mandated by the state under this title; or
229 (iii) requires the use of:
230 (A) a state assessment system; or
231 (B) software that is provided or paid for by the state.
232 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
233 the State Board of Education shall make rules:
234 (i) to establish a statewide procedure for excusing a student under Subsection (9)(a)
235 that:
236 (A) does not place an undue burden on a parent or guardian; and

- (B) may be completed online or through the mail; and
(ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or an LEA's employees through school grading or employee evaluations due to a student not taking a test under Subsection (9)(a).
- (c) An LEA:
(i) shall follow the procedures outlined in rules made by the State Board of Education under Subsection (9)(b) to excuse a student under Subsection (9)(a);
(ii) may not require procedures to excuse a student under Subsection (9)(a) in addition to the procedures outlined in rules made by the State Board of Education under Subsection (9)(b); and
(ii) may not reward a student for taking an assessment described in Subsection (9)(a).
- (d) The State Board of Education shall:
(i) maintain and publish a list of state assessments, state assessment systems, and software that qualify under Subsection (9)(a); and
(ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).

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

MOTION: Rep. Lifferth moved to pass the bill out favorably as amended. The motion passed with Rep. Moss voting against the motion. Rep. Snow was absent for the vote.

1st Sub. S.B. 145 **Physics Education Proposal (Sen. H. Stephenson) (Rep. S. Eliason)**

Sen. Stephenson explained the bill to the committee.

MOTION: Rep. Hutchings moved to pass the bill out favorably. The motion passed unanimously with Rep. Snow absent for the vote.

MOTION: Rep. Moss moved to adjourn. The motion passed unanimously with Rep. Snow absent for the vote. Chair Last adjourned the meeting at 9:05 a.m.