

**MINUTES OF THE  
HOUSE EDUCATION STANDING COMMITTEE**

Room 30, House Building

March 3, 2016

**Members Present:** Rep. Brad G. Last, Chair  
Rep. V. Lowry Snow, Vice Chair  
Rep. LaVar Christensen  
Rep. Kim Coleman  
Rep. Bruce R. Cutler  
Rep. Steve Eliason  
Rep. Justin L. Fawson  
Rep. Francis D. Gibson  
Rep. Eric Hutchings  
Rep. David E. Lifferth  
Rep. Daniel McCay  
Rep. Carol Spackman Moss  
Rep. Marie H. Poulson

**Members Absent:** Rep. Michael E. Noel

**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.

Chair Last called the meeting to order at 4:42 p.m.

**MOTION:** Rep. McCay moved to approve the minutes of the February 25, 2016, February 29, 2016, and March 2, 2016 meetings. The motion passed unanimously with Rep. Coleman and Rep. Gibson absent for the vote.

Vice Chair Snow assumed the chair.

**H.B. 433      Minimum School Program Amendments (*Rep. B. R. Cutler*)**

Rep. Cutler explained the bill with the assistance of Mr. Ben Leishman, Fiscal Analyst, Office of Legislative Fiscal Analyst.

Rep. Last moved to pass H.B. 433 out favorably. The motion passed unanimously with Rep. Coleman and Rep. McCay absent for the vote.

**H.B. 445 State School Board Amendments (Rep. F. Gibson)**

Rep. Gibson explained the bill.

**MOTION:** Rep. Fawson moved to pass H.B. 445 out favorably. The motion passed unanimously with Rep. Coleman and Rep. McCay absent for the vote.

**H.B. 454 Educator Rights Amendments (Rep. K. Stratton)**

Rep. Stratton explained the bill.

Spoke for the bill:

Ms. Rita Heagren, American Federation of Teachers, Utah  
Dr. Sara Jones, Utah Education Association

**MOTION:** Rep. Lifferth moved to pass out H.B. 454 favorably. The motion passed unanimously with Rep. Coleman absent for the vote.

**H.J.R. 14 Joint Resolution Supporting the Retention of Public Educators (Rep. R. Edwards)**

Rep. Edwards explained the bill.

**MOTION:** Rep. Cutler moved to pass H.J.R. 14 out favorably. The motion passed unanimously with Rep. Coleman and Rep. Gibson absent for the vote.

**2nd Sub. S.B. 91 Board of Education Amendments (Sen. L. Hillyard) (Rep. S. Eliason)**

Sen. Hillyard explained the bill assisted by Mr. Dave Thomas, 1st Vice Chair, State Board of Education

Spoke for the bill:

Mr. Howard Headlee, Utah State Charter School Board  
Ms. Angie Stallings, Utah State Board of Education

Spoke against the bill:

Mr. Brent Bills, Washington County School District  
Ms. Julie King, parent

**MOTION:** Rep. Eliason moved to pass 2nd Sub. S.B. 91 out favorably. The motion passed

with Rep. Lifferth voting against the motion. Rep. Coleman and Rep. Gibson were absent for the vote.

**2nd Sub. S.B. 93                      Computer Science Initiative for Public Schools (*Sen. H. Stephenson*) (Rep. B. Last)**

Sen. Stephenson explained the bill with the assistance of Dr. Tami Goetz, Director, STEM Action Center.

**MOTION:** Rep. Lifferth moved to pass 2nd Sub. S.B. 93 out favorably. The motion passed unanimously with Rep. Eliason, Rep. Fawson, Rep. Gibson, Rep. McCay, and Rep. Poulson absent for the vote.

**S.B. 152                      Accelerated Foreign Language Course Amendments (*Sen. H. Stephenson*) (Rep. E. Hutchings)**

Sen. Stephenson explained the bill with the assistance of Dr. Johanna Watzinger-Tharp, University of Utah.

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

1. *Page 1, Lines 23 through 25:*

23 Other Special Clauses:

24            ~~{None}~~      **This bill provides a coordination clause.**

25 Utah Code Sections Affected:

2. *Page 3, Lines 81 through 84:*

81            The Legislature intends that appropriations under this section:

82            (1) be used to develop ~~{courses that meet the criteria described in Section 53B-17-1003}~~ **foreign language concurrent enrollment courses for accelerated foreign language students** ;

83 and

84            (2) under Section 63J-1-603, not lapse at the close of fiscal year 2017.

**Section 5. Coordinating S.B. 152 and H.B. 182 -- Substantive and technical amendments.**

**If this S.B. 152 and H.B. 182, Concurrent Enrollment Education Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication**

by:

(1) not giving effect to Title 53B, Chapter 17, Part 10, Concurrent Enrollment Courses for Accelerated Foreign Language Students; and

(2) replacing Subsection 53A-15-1703(1)(b)(ii) with the following:

"(ii) are one of the following:

(A) general education courses;

(B) career and technical education courses;

(C) pre-major college level courses; or

(D) foreign language concurrent enrollment courses described in Section 53A-15-1708; and";

(3) replacing Subsection 53A-15-1703(2)(a)(ii)(B) with the following:

"(B) except for foreign language concurrent enrollment courses described in Section 53A-15-1708, institution of higher education lower division courses numbered at or above the 1000 level; and";

(4) replacing Subsection 53A-15-1703(5) with the following:

"(5) An LEA and an institution of higher education may qualify a grade 9 or grade 10 student to enroll in a current enrollment course by exception, including a student who otherwise qualifies to take a foreign language concurrent enrollment course described in Subsection 53A-15-1708."; and

(5) replacing Section 53A-15-1708 with the following:

"53A-15-1708. Concurrent enrollment courses for accelerated foreign language students.

(1) As used in this section:

(a) "Accelerated foreign language student" means a student who:

(i) has passed a world language advanced placement exam; and

(ii) is in grade 10, grade 11, or grade 12.

(b) "Blended learning delivery model" means an education delivery model in which a student learns, at least in part:

(i) through online learning with an element of student control over time, place, path, and pace; and

(ii) in the physical presence of an instructor.

(c) "State university" means an institution of higher education that offers courses leading to a bachelor's degree.

(2) The University of Utah shall partner with all state universities to develop, as part of the concurrent enrollment program described in this part, concurrent

**enrollment courses that:**

**(a) are age-appropriate foreign language courses for accelerated foreign language students who are eligible students;**

**(b) count toward a foreign language degree offered by an institution of higher education; and**

**(c) are delivered:**

**(i) using a blended learning delivery model; and**

**(ii) by an eligible instructor that is faculty of a state institution of higher education."**

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Legislative Review Note

Office of Legislative Research and General Counsel

The motion passed unanimously with Rep. Eliason, Rep. Fawson, Rep. Gibson, Rep. McCay, and Rep. Poulson absent for the vote.

**MOTION:** Rep. Lifferth moved to pass S.B. 152 out favorably as amended. The motion passed with Rep. Cutler and Rep. Moss voting against the motion. Rep. Eliason, Rep. Fawson, Rep. Gibson, Rep. McCay, and Rep. Poulson were absent for the vote.

**S.B. 86 School Building Coordination (*Sen. A. Jackson*) (Rep. Johnny Anderson)**

Sen. Jackson explained the bill and distributed a letter from the Department of Transportation dated February 29, 2016.

Ms. Linda Hall, Utah Department of Transportation, spoke for the bill.

Mr. Brent Bills spoke to the bill.

**MOTION:** Rep. Last moved to pass S.B. 86 out favorably. The motion passed unanimously with Rep. Eliason, Rep. Fawson, Rep. Gibson, Rep. McCay, and Rep. Poulson absent for the vote.

**S.B. 78 State Board of Education Candidate Selection (*Sen. A. Millner*) (Rep. B. Last)**

Sen. Millner explained the bill.

**MOTION:** Rep. Coleman moved to amend the bill as follows:

1. *Page 1, Lines 13 through 14:*

- 13       ▶ describes ~~{the criteria and}~~ requirements relating to selecting candidates  
          for the State  
14    Board of Education;

2. *Page 4, Line 111 through Page 5, Line 127:*

- 111       (6) The nominating committee shall select ~~{the most}~~ qualified ~~{of the}~~  
      candidates ~~{, taking~~  
112    ~~into account a candidate's:~~  
113    ~~—(a) level and quality of education and experience, including education and~~  
      ~~experience~~  
114    ~~in the following areas:~~  
115    ~~—(i) education;~~  
116    ~~—(ii) administration or management;~~  
117    ~~—(iii) past service on:~~  
118    ~~—(A) a local school board or a charter school governing board, or in a state~~  
      ~~education~~  
119    ~~agency; and~~  
120    ~~—(B) other boards of public, private, for-profit, or nonprofit entities;~~  
121    ~~—(iv) finances; and~~  
122    ~~—(v) business management;~~  
123    ~~—(b) knowledge and understanding of skill sets needed by Utah's citizens;~~  
      ~~including~~  
124    ~~Utah's future workforce;~~  
125    ~~—(c) work ethic;~~  
126    ~~—(d) financial responsibility; and~~  
127    ~~—(e) ability to perform the responsibilities of a member of the State Board of~~  
      ~~Education} .~~

3. *Page 5, Lines 144 through 151*  
*Senate 3rd Reading Amendments*  
*2-4-2016:*

- 144       (2) In selecting the candidates under Subsection (1)(a), the governor:  
145       ~~{(a) shall select the most qualified of the candidates, taking into account the~~

criteria  
146 described in Subsection 20A-14-104(6);  
147 ~~{(b)}~~ (a) may not consider, nor make a selection, based on the political or  
educational  
148 philosophies, viewpoints, or affiliations of a candidate; and  
149 ~~{(c)}~~ (b) shall, with the certification described in Subsection (1)(b),  
provide a written  
150 statement to the lieutenant governor describing the qualifications of the candidates  
selected by  
151 the governor.

4. *Page 6, Lines 152 through 155:*

152 ~~{(2)}~~ (3) If the governor fails to select two candidates for a state board district by  
153 August 1, the nominating and recruiting committee shall:  
154 (a) select the two candidates~~[-and]~~ {using the same criteria, and} subject to  
the same  
155 limitations ~~{,}~~ described in ~~{Subsections (2)(a) and (b)}~~ Subsection  
(2)(a) .

The motion passed with Rep. Cutler voting against the motion. Rep. Eliason, Rep. Fawson, Rep. Gibson, Rep. McCay, and Rep. Poulson were absent for the vote.

**MOTION:** Rep. Christensen moved to amend the bill as follows:

1. *Page 4, Lines 111 through 113:*

111 (6) The nominating committee shall select ~~{the most}~~ qualified ~~{of the}~~  
candidates ~~{, taking~~  
112 into account a candidate's:} , taking into account a candidate's commitment to  
the policies of Utah's public education system as provided in Section 53A-1-101.  
113 (a) level and quality of education and experience, including education and  
experience

The motion passed unanimously with Rep. Eliason, Rep. Fawson, Rep. Gibson, Rep. McCay, and Rep. Poulson absent for the vote.

**MOTION:** Rep. Christensen moved to amend the bill as follows:

1. *Page 3, Lines 68 through 70*  
*Senate 3rd Reading Amendments*  
*2-4-2016:*

68 (c) if the position is nonpartisan, may not consider, nor make an appointment,  
based on the political or educational  
69 philosophies, viewpoints, or affiliations of an individual whose name is submitted under  
70 Subsection (3)(a).

2. *Page 5, Lines 128 through 131*  
*Senate 3rd Reading Amendments*  
*2-4-2016:*

128 (7) The nominating and recruiting committee:  
129 (a) if the position is nonpartisan, may not consider, nor make a selection,  
based on the political or educational  
130 philosophies, viewpoints, or affiliations of an individual who files a declaration of  
candidacy  
131 for the office of State Board of Education member; and

3. *Page 5, Lines 147 through 148*  
*Senate 3rd Reading Amendments*  
*2-4-2016:*

147 (b) if the position is nonpartisan, may not consider, nor make a selection,  
based on the political or educational  
148 philosophies, viewpoints, or affiliations of a candidate; and

4. *Page 6, Lines 154 through 155:*

154 (a) select the two candidates[~~;~~and] using the same criteria, and subject to the same  
155 limitations, if the position is nonpartisan as described in Subsections (2)(a) and (b);

The motion passed with Rep. Cutler, Rep. Last, and Rep. Moss voting against the motion. Rep. Eliason, Rep. Fawson, Rep. Gibson, Rep. McCay, and Rep. Poulson were absent for the vote.

**MOTION:** Rep. Christensen moved to pass S.B. 78 out favorably as amended. The motion passed with Rep. Moss voting against the motion. Rep. Eliason, Rep. Fawson, Rep. Gibson, Rep. McCay, and Rep. Poulson absent for the vote.



**1st Sub. S.B. 149**                      **School Grading Modifications (*Sen. A. Millner*) (Rep. B. Last)**

Sen. Millner explained the bill with the assistance of President Niederhauser and Mr. Richard Nye, Associate Superintendent, Utah State Office of Education.

**MOTION:** Rep. Moss moved to replace 1st Sub. S.B. 149 with 2nd Sub. S.B. 149. The motion passed unanimously with Rep. Eliason, Rep. Fawson, Rep. Gibson, Rep. McCay, and Rep. Poulson absent for the vote.

**MOTION:** Rep. Cutler moved to pass 2nd Sub. S.B. 149 out favorably. The motion passed unanimously with Rep. Eliason, Rep. Fawson, Rep. Gibson, Rep. McCay, and Rep. Poulson absent for the vote.

**MOTION:** Rep. Lifferth moved to adjourn. The motion passed unanimously with Rep. Eliason, Rep. Fawson, Rep. Gibson, Rep. McCay, and Rep. Poulson absent for the vote.

Vice Chair Snow adjourned the meeting at 7:33 p.m.

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Rep. Bradley G. Last, Chair