

**( Draft-Awaiting Approval )**  
**MINUTES OF THE**  
**SENATE EDUCATION STANDING COMMITTEE**  
Monday , March 5, 2018 • 4:00 p.m. • 215 Senate Building

**Members Present:**

Sen. Ann Millner, Chair  
Sen. J. Stuart Adams  
Sen. Lyle W. Hillyard  
Sen. Jani Iwamoto  
Sen. Howard A. Stephenson

**Members Absent:**

Sen. Deidre M. Henderson  
President Wayne L. Niederhauser

**Staff Present:**

Mr. Nathan W. Brady, Policy Analyst  
Ms. Karen C. Allred, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

Chair Millner called the meeting to order at 4:12 p.m.

**MOTION:** Sen. Hillyard moved to approve the minutes for the March 2, 2018 meeting. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

Sen. J. Adams  
Sen. L. Hillyard  
Sen. J. Iwamoto  
Sen. A. Millner

Nays-0

Absent-3

Sen. D. Henderson  
Sen. W. Niederhauser  
Sen. H. Stephenson

**1 . 1st Sub. H.B. 313 Charter School Revisions (McCay, D.)**

Rep. Daniel McCay presented the bill with the assistance of Ms. Angie Stallings, Deputy Superintendent, Utah State Board of Education.

Mr. Royce Van Tassell, Executive Director, Utah Association of Public Charter Schools, spoke in favor of the bill.

**MOTION:** Sen. Hillyard moved to replace 1st Substitute H.B. 313 with 2nd Substitute H.B. 313.

**MOTION:** Sen. Stephenson moved to replace 1st Substitute H.B. 313 with 3rd Substitute H.B. 313.

Ms. Tami Pyfer, Education Advisor, Utah Governor's Office, spoke to the bill.

Ms. Angie Stallings, Deputy Superintendent, Utah State Board of Education, spoke to the bill.

Ms. Kristen Elinkowski, Chair, State Charter Board, spoke to the bill.

Ms. Kim Frank, Utah Charter Network, spoke to the bill.

Sen. Stephenson's motion to replace 1st Substitute H.B. 313 with 3rd Substitute H.B. 313 passed with a vote of 5 - 0 - 2 .

Yeas-5

Sen. J. Adams  
Sen. L. Hillyard  
Sen. J. Iwamoto

Nays-0

Absent-2

Sen. D. Henderson  
Sen. W. Niederhauser

Sen. A. Millner  
Sen. H. Stephenson

**MOTION:** Sen. Adams moved to pass 3rd Substitute H.B. 313 out favorably. The motion passed with a vote of 5 - 0 - 2 .

Yeas-5

Sen. J. Adams  
Sen. L. Hillyard  
Sen. J. Iwamoto  
Sen. A. Millner  
Sen. H. Stephenson

Nays-0

Absent-2

Sen. D. Henderson  
Sen. W. Niederhauser

**2 . 1st Sub. H.B. 286 Reproductive Education Amendments (Fawson, J.)**

Rep. Justin L. Fawson presented the bill with the assistance of Ms. Miriam Hall, Miss Springville/Mapelton.

**MOTION:** Sen. Hillyard moved to amend 1st Substitute H.B. 286 with Amendment #5. The motion passed with a vote of 4 - 0 - 3 .

Amendment 5  
1st Sub. H.B. 286

1. Page 6, Lines 167 through 171:  
a. House Committee Amendments  
b. 2-21-2018

167 53G-10-403. Required parental consent for ~~it~~ → [human sexuality]

167a ~~sex education~~ ← ~~it~~ instruction.

168 (1) As used in this section:

**(a) (i) "Harmful effects of pornography instruction" means instruction, a course, material, a unit, class, or lesson in the harmful effects of pornography.**

**(ii) "Harmful effects of pornography instruction" does not include instruction, materials, a lesson, or other information given in an assembly.**

169 { ~~(a)~~ } **(b)** "Parent" means the same as that term is defined in Section 53G-10-205.

170 [~~(a)~~] { ~~(b)~~ } **(c)** (i) "[Human sexuality] Sex education instruction" means any course material,

171 unit, class, lesson, activity, or presentation that, as the focus of the discussion, provides

2. Page 7, Lines 183 through 187:

183 (K) HIV/AIDS; [~~or~~]

184 (L) sexually transmitted diseases[.]; **or**

185 (M) refusal skills, as defined in Section 53G-10-402; ~~.~~ { **or**

186 ~~(N) the harmful effects of pornography.~~ }

187 (ii) "[Human sexuality] Sex education instruction" does not include child sexual abuse

3. Page 7, Lines 189 through 207:

189 [(b) "Parent" means the same as that term is defined in Section 53G-10-205.]

190 {(c)} (d) "School" means the same as that term is defined in Section 53G-10-205.

191 (2) A school shall obtain prior written consent from a student's parent before the school

192 may provide [~~human sexuality~~] sex education instruction **or harmful effects of pornography instruction**  
to the student.

193 (3) If a student's parent chooses not to have the student participate in [~~human sexuality~~]

194 sex education instruction **or harmful effects of pornography instruction**, a school shall:

195 (a) waive the requirement for the student to participate in the [~~human sexuality~~] sex

196 education instruction **or harmful effects of pornography instruction**; or

197 (b) provide the student with a reasonable alternative to the [~~human sexuality~~] sex

198 education instruction **or harmful effects of pornography instruction** requirement.

199 (4) In cooperation with the student's teacher or school, a parent shall take responsibility

200 for the parent's student's [~~human sexuality~~] sex education instruction **or harmful effects of pornography**  
**instruction** if a school:

201 (a) waives the student's [~~human sexuality~~] sex education instruction **or harmful effects of pornography**  
**instruction** requirement in

202 Subsection (3)(a); or

203 (b) provides the student with a reasonable alternative to the [~~human sexuality~~] sex

204 education instruction **or harmful effects of pornography instruction** requirement described in Subsection  
(3)(b).

205 (5) A student's academic or citizenship performance may not be penalized if the

206 student's parent chooses not to have the student participate in [~~human sexuality~~] sex education

207 instruction **or harmful effects of pornography instruction** as described in Subsection (3).

Yeas-4

Sen. L. Hillyard

Sen. J. Iwamoto

Sen. A. Millner

Sen. H. Stephenson

Nays-0

Absent-3

Sen. J. Adams

Sen. D. Henderson

Sen. W. Niederhauser

Ms. Nicholeen Peck, President, Worldwide Organization for Women, spoke in favor of the bill.

Ms. Gayle Ruzika, Utah Eagle Forum, spoke in favor of the bill.

Ms. Linda Zenger, Family Life Commissioner, Utah PTA, spoke in favor of the bill.

**MOTION:** Sen. Stephenson moved to pass 1st Substitute H.B. 286 out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

Sen. L. Hillyard  
Sen. J. Iwamoto  
Sen. A. Millner  
Sen. H. Stephenson

Nays-0

Absent-3

Sen. J. Adams  
Sen. D. Henderson  
Sen. W. Niederhauser

**3 . H.B. 458 Jail Beds Amendments (Noel, M.)**

Rep. Michael E. Noel presented the bill.

**MOTION:** Sen. Iwamoto moved to pass H.B. 458 out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

Sen. L. Hillyard  
Sen. J. Iwamoto  
Sen. A. Millner  
Sen. H. Stephenson

Nays-0

Absent-3

Sen. J. Adams  
Sen. D. Henderson  
Sen. W. Niederhauser

**4 . H.B. 468 Residential Vocational and Life Skills Program Amendments (Ray, P.)**

Rep. Paul Ray presented the bill with the assistance of Mr. Scott Howell, Other Side Academy.

**MOTION:** Sen. Hillyard moved to amend H.B. 468 with Amendment #3. The motion passed with a vote of 4 - 0 - 3 .

Amendment 3  
H.B. 468

1. Page 10, Line 305:  
House Committee Amendments  
3-1-2018

305 **(2) Annually, the department shall perform an on-site inspection of a registered residential, vocational and life skills program to ensure the health and safety of the program participants and transitional graduates, if any.**

**{(2)} (3)** In addition to penalties established by this chapter and in addition to the

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Yeas-4

Sen. L. Hillyard  
Sen. J. Iwamoto  
Sen. A. Millner  
Sen. H. Stephenson

Nays-0

Absent-3

Sen. J. Adams  
Sen. D. Henderson  
Sen. W. Niederhauser

Ms. Janet Garbett spoke in favor of the bill.

Mr. Stan Rasmussen, Sutherland Institute, spoke in favor of the bill.

**MOTION:** Sen. Iwamoto moved to pass H.B. 468 out favorably. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

Sen. L. Hillyard  
Sen. J. Iwamoto  
Sen. A. Millner  
Sen. H. Stephenson

Nays-0

Absent-3

Sen. J. Adams  
Sen. D. Henderson  
Sen. W. Niederhauser

**MOTION:** Sen. Hillyard moved to adjourn. The motion passed with a vote of 4 - 0 - 3 .

Yeas-4

Sen. L. Hillyard  
Sen. J. Iwamoto  
Sen. A. Millner  
Sen. H. Stephenson

Nays-0

Absent-3

Sen. J. Adams  
Sen. D. Henderson  
Sen. W. Niederhauser

Chair Millner adjourned the meeting at 5:35 p.m.