



MINUTES

HOUSE EDUCATION STANDING COMMITTEE

LEGISLATURE

Wednesday, February 1, 2023 | 3:40 p.m. | 120 Senate Building

Members Present:

Rep. Candice B. Pierucci, Chair
Rep. Dan N. Johnson, Vice Chair
Rep. Kera Birkeland
Rep. Tyler Clancy
Rep. Joseph Elison
Rep. Katy Hall
Rep. Karianne Lisonbee
Rep. Steven J. Lund
Rep. Carol S. Moss
Rep. Karen M. Peterson

Rep. Susan Pulsipher
Rep. Angela Romero
Rep. R. Neil Walter

Members Absent:

Rep. Jefferson Moss
Rep. Val L. Peterson
Rep. Mike Schultz

Staff Present:

Robert Wood, Policy Analyst
Shay Berger, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Pierucci called the meeting to order.

MOTION: Rep. Elison moved to approve the minutes. The motion passed with a vote of 8 - 0 - 8.

Yeas - 8

Rep. K. Birkeland
Rep. T. Clancy
Rep. J. Elison
Rep. K. Hall
Rep. S. Lund
Rep. C. Moss
Rep. S. Pulsipher
Rep. R. Walter

Nays - 0

Absent - 8

Rep. D. Johnson
Rep. K. Lisonbee
Rep. J. Moss
Rep. K. Peterson
Rep. V. Peterson
Rep. C. Pierucci
Rep. A. Romero
Rep. M. Schultz

1. H.B. 82 School Assembly Notice Requirements (Ballard, M.G.)

Rep. Melissa Ballard introduced the bill with Eric Tadehara, Assistant Director of Office of Substance Abuse and Mental Health, and Liz Rivera, Director of Education with Utah Foster Care, and Les Harris, Utah Foster Care.

Nicole Mason, President of Utah Parents United, spoke in favor of the bill.

Lexi Cunningham, Utah School Superintendents Association, spoke in favor of the bill.

Chase Clyde, Utah Education Association, spoke on the bill.

Brad Asay, President of American Federation of Teachers Utah, spoke against the bill.

Aaron Bullen, citizen, spoke on the bill.

MOTION: Rep. Birkeland moved to replace H.B. 82 with 1st Substitute H.B. 82. The motion passed with a vote of 11 - 1 - 4.

Amendment 1
1st Sub. H.B. 82

1. Page 2, Lines 47 through 49:

47 (2) At least three calendar days before the day on which an assembly takes place
48 relating to a prevention topic{~~-, race, diversity,-~~} or educational equity, {~~or inclusion,-~~} an LEA shall ensure that
the
49 LEA or the relevant school:

Yeas - 11

Rep. K. Birkeland
Rep. T. Clancy
Rep. J. Elison
Rep. K. Hall
Rep. D. Johnson
Rep. S. Lund
Rep. C. Moss
Rep. K. Peterson
Rep. C. Pierucci
Rep. S. Pulsipher
Rep. R. Walter

Nays - 1

Rep. A. Romero

Absent - 4

Rep. K. Lisonbee
Rep. J. Moss
Rep. V. Peterson
Rep. M. Schultz

MOTION: Rep. Johnson moved to hold 1st Substitute H.B. 82. The motion passed with a vote of 10 - 2 - 4.

Yeas - 10

Rep. J. Elison
Rep. K. Hall
Rep. D. Johnson
Rep. S. Lund
Rep. C. Moss
Rep. K. Peterson
Rep. C. Pierucci
Rep. S. Pulsipher
Rep. A. Romero
Rep. R. Walter

Nays - 2

Rep. K. Birkeland
Rep. T. Clancy

Absent - 4

Rep. K. Lisonbee
Rep. J. Moss
Rep. V. Peterson
Rep. M. Schultz

2. H.B. 138 Digital School Curriculum Requirements (Ballard, M.G.)

Rep. Johnson assumed the chair.

Rep. Melissa Ballard introduced the bill with Jen Brown.

Rep. Pierucci assumed the chair.

Linda Sanger, Digital Wellness Specialist for Utah Parent Teacher Association, spoke in favor of the bill.

Nicole Mason, Utah Parents United, spoke in favor of the bill.

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

Patty Norman, Deputy Superintendent of Utah State Board of Education, spoke in favor of the bill.

Ben Horsely, Granite School District, spoke in favor of the bill.

Rita Heagrin, Vice President of Political Action for American Federation of Teachers Utah, spoke against the bill.

Royce Van Tassell, Utah Association of Public Charter Schools, spoke against the bill.

Aaron Bullen, citizen, spoke in favor of the bill.

Steven Phelps, Special Education Teacher, spoke on the bill.

Nicholeen Peck, President of the World Wide Women Association, spoke in favor of the bill.

MOTION: Rep. Birkeland moved to hold H.B. 138. The motion passed with a vote of 12 - 0 - 4.

Yeas - 12

- Rep. K. Birkeland
- Rep. T. Clancy
- Rep. J. Elison
- Rep. K. Hall
- Rep. D. Johnson
- Rep. S. Lund
- Rep. C. Moss
- Rep. K. Peterson
- Rep. C. Pierucci
- Rep. S. Pulsipher
- Rep. A. Romero
- Rep. R. Walter

Nays - 0

Absent - 4

- Rep. K. Lisonbee
- Rep. J. Moss
- Rep. V. Peterson
- Rep. M. Schultz

3. H.B. 195 Criminal Investigations of School Employees (Birkeland, K.)

Rep. Birkeland introduced the bill.

Rita Heagrin, American Federation of Teachers Utah, spoke in favor of the bill.

Jay Blain, Utah Education Association, spoke against the bill.

MOTION: Rep. Clancy moved to amend H.B. 195 with Amendment #2. The motion passed with a vote of 12 - 0 - 4.

Amendment 2
H.B. 195

1. Page 2, Lines 57 through 58:

57 (a) the local school board shall place the employee on paid administrative leave while maintaining the confidentiality of the reason for the leave, until

58 the local school board alters the employment circumstances as described in Subsection (5)(b)

Yeas - 12

- Rep. K. Birkeland
- Rep. T. Clancy
- Rep. J. Elison
- Rep. K. Hall
- Rep. D. Johnson
- Rep. S. Lund
- Rep. C. Moss
- Rep. K. Peterson
- Rep. C. Pierucci
- Rep. S. Pulsipher
- Rep. A. Romero
- Rep. R. Walter

Nays - 0

Absent - 4

- Rep. K. Lisonbee
- Rep. J. Moss
- Rep. V. Peterson
- Rep. M. Schultz

MOTION: Rep. Clancy moved to amend H.B. 195 with Amendment #3. The motion passed with a vote of 12 - 0 - 4.

Amendment 3
H.B. 195

1. Page 3, Lines 60 through 69:
60 (b) the local school board shall provide the employee the opportunity to return to
61 regular work if the investigation:
62 (i) concludes without leading to criminal charges: ~~{ and } or~~
63 (ii) does not ~~{ substantiate wrongdoing on the part }~~ result in the conviction of the employee; and
64 (c) if the investigation ~~{ substantiates wrongdoing on the part }~~ results in the conviction of the employee ~~{ or~~
leads to
65 criminal charges};
66 (i) the local school board shall take further employment action in response to the
67 ~~{ substantiated wrongdoing or criminal charges }~~ conviction, including leave without pay or termination; and
68 (ii) the employee shall pay back all salary compensation that the employee received
69 during the paid administrative leave period described in Subsection (5)(a).

Yeas - 12

Rep. K. Birkeland
Rep. T. Clancy
Rep. J. Elison
Rep. K. Hall
Rep. D. Johnson
Rep. S. Lund
Rep. C. Moss
Rep. K. Peterson
Rep. C. Pierucci
Rep. S. Pulsipher
Rep. A. Romero
Rep. R. Walter

Nays - 0

Absent - 4

Rep. K. Lisonbee
Rep. J. Moss
Rep. V. Peterson
Rep. M. Schultz

MOTION: Rep. Clancy moved to pass H.B. 195 out favorably. The motion passed with a vote of 10 - 2 - 4.

Yeas - 10

Rep. K. Birkeland
Rep. T. Clancy
Rep. K. Hall
Rep. D. Johnson
Rep. S. Lund
Rep. C. Moss
Rep. K. Peterson
Rep. C. Pierucci
Rep. S. Pulsipher
Rep. A. Romero

Nays - 2

Rep. J. Elison
Rep. R. Walter

Absent - 4

Rep. K. Lisonbee
Rep. J. Moss
Rep. V. Peterson
Rep. M. Schultz

4. H.B. 217 School Energy and Water Reductions (Bennion, G.)

Rep. Gay Lynn Bennion introduced the bill with Michael Orton, Dominion Energy Utah, Heather Anderson, Utah Association of Special Districts, and Sunny Devnani, KW Engineering.

Greg Libecchi, Sustainability Manager for Salt Lake City School District, spoke in favor of the bill.

MOTION: Rep. Moss moved to replace H.B. 217 with 1st Substitute H.B. 217. The motion passed with a vote of 10 - 0 - 6.

Yeas - 10

Rep. K. Birkeland
Rep. J. Elison
Rep. K. Hall
Rep. D. Johnson
Rep. C. Moss
Rep. K. Peterson
Rep. C. Pierucci
Rep. S. Pulsipher
Rep. A. Romero
Rep. R. Walter

Nays - 0

Absent - 6

Rep. T. Clancy
Rep. K. Lisonbee
Rep. S. Lund
Rep. J. Moss
Rep. V. Peterson
Rep. M. Schultz

MOTION:

Rep. Romero moved to pass 1st Substitute H.B. 217 out favorably. The motion failed with a vote of 3 - 8 - 5.

Yeas - 3

Rep. S. Lund
Rep. C. Moss
Rep. A. Romero

Nays - 8

Rep. K. Birkeland
Rep. J. Elison
Rep. K. Hall
Rep. D. Johnson
Rep. K. Peterson
Rep. C. Pierucci
Rep. S. Pulsipher
Rep. R. Walter

Absent - 5

Rep. T. Clancy
Rep. K. Lisonbee
Rep. J. Moss
Rep. V. Peterson
Rep. M. Schultz

5. H.B. 270 School Cellphone Usage Amendments (Lee, T.)

Rep. Trevor Lee introduced the bill.

[Handout for HB270](#)

Chase Clyde, Utah Education Association, spoke on the bill.

Rita Heagrin, American Federation of Teachers Utah, spoke against the bill.

Robert McDaniel, Principal of Cyprus High School, spoke in favor of the bill.

Robin Till Vice Principal of Cyprus High School, spoke in favor of the bill.

Nicole Mason, President of Utah Parents United, spoke against the bill.

John Harvey, citizen, spoke against the bill.

Linda Hanks, Utah School Board Association, spoke against the bill.

Royce Van Tassell, Utah Association of Public Charter Schools, spoke against the bill.

Mark Bors, Teacher, spoke in favor of the bill.

Leah Hansen, citizen, spoke against the bill.

Matt Ricks, citizen, spoke in favor of the bill.

Steven Phelps, Special Education Teacher, spoke against the bill.

Bryan Lay, Teacher, spoke in favor of the bill.

MOTION: Rep. Romero moved to replace H.B. 270 with 2nd Substitute H.B. 270 and adopt Amendment 1. The motion passed with a vote of 12 - 0 - 4.
Amendment 1
2nd Sub. H.B. 270

- 1. Page 2, Lines 37 through 40:
37 (3) Except as provided in Subsections (4) through (6), if a student's cellphone or smart
38 watch use is determined by an educator or administrator to be disruptive or {~~interring~~} interfering with
39 classroom instruction:
40 (a) the student may not have a cellphone or smart watch in the student's possession in

- 2. Page 3, Lines 58 through 60:
58 actions for a violation; and
59 (c) require an educator or administrator to enforce the LEA's policy when a cellphone
60 or smart watch is determined to be disruptive or {~~interring~~} interfering with classroom instruction.

Yeas - 12

Rep. K. Birkeland
Rep. T. Clancy
Rep. J. Elison
Rep. K. Hall
Rep. D. Johnson
Rep. S. Lund
Rep. C. Moss
Rep. K. Peterson
Rep. C. Pierucci
Rep. S. Pulsipher
Rep. A. Romero
Rep. R. Walter

Nays - 0

Absent - 4

Rep. K. Lisonbee
Rep. J. Moss
Rep. V. Peterson
Rep. M. Schultz

MOTION: Rep. Romero moved to pass 2nd Substitute H.B. 270 out favorably. The motion failed with a vote of 3 - 9 - 4.

Yeas - 3

Rep. T. Clancy
Rep. C. Moss
Rep. A. Romero

Nays - 9

Rep. K. Birkeland
Rep. J. Elison
Rep. K. Hall
Rep. D. Johnson
Rep. S. Lund
Rep. K. Peterson
Rep. C. Pierucci
Rep. S. Pulsipher
Rep. R. Walter

Absent - 4

Rep. K. Lisonbee
Rep. J. Moss
Rep. V. Peterson
Rep. M. Schultz

SUBSTITUTE MOTION: Rep. Hall moved to hold 2nd Substitute H.B. 270. The substitute motion failed with a vote of 4 - 8 - 4.

Yeas - 4

Rep. T. Clancy
Rep. K. Hall
Rep. S. Pulsipher
Rep. A. Romero

Nays - 8

Rep. K. Birkeland
Rep. J. Elison
Rep. D. Johnson
Rep. S. Lund
Rep. C. Moss
Rep. K. Peterson
Rep. C. Pierucci
Rep. R. Walter

Absent - 4

Rep. K. Lisonbee
Rep. J. Moss
Rep. V. Peterson
Rep. M. Schultz

MOTION: Rep. Clancy moved to adjourn. The motion passed with a vote of 12 - 0 - 4.

Yeas - 12

Rep. K. Birkeland
Rep. T. Clancy
Rep. J. Elison
Rep. K. Hall
Rep. D. Johnson
Rep. S. Lund
Rep. C. Moss
Rep. K. Peterson
Rep. C. Pierucci
Rep. S. Pulsipher
Rep. A. Romero
Rep. R. Walter

Nays - 0

Absent - 4

Rep. K. Lisonbee
Rep. J. Moss
Rep. V. Peterson
Rep. M. Schultz

NOTE: H.B. 0163, H.B. 0306 were not discussed in the meeting.