

**MINUTES OF HOUSE EDUCATION  
STANDING COMMITTEE**

February 4, 2004

Room 129, State Capitol Building

MEMBERS PRESENT: Rep. Margaret Dayton, Chair  
Rep. Merlynn T. Newbold, Vice Chair  
Rep. LaVar Christensen  
Rep. John Dougall  
Rep. James A. Ferrin  
Rep. James R. Gowans  
Rep. Ann W. Hardy  
Rep. Kory M. Holdaway  
Rep. David L. Hogue  
Rep. Gregory H. Hughes  
Rep. Bradley T. Johnson  
Rep. Brad King  
Rep. Carol Spackman Moss  
Rep. Loraine T. Pace  
Rep. LaWanna Shurtliff

STAFF PRESENT: Constance C. Steffen, Policy Analyst  
Cindy Baker, Committee Secretary

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

Vice Chair Newbold called the meeting to order at 8:03 a.m. and welcomed committee members. Approval of the minutes was postponed until a quorum assembled.

**S.B. 32 Use of Asthma Medication by Pupils in School (*Sen. P. Arent*)**

Sen. Patrice Arent introduced S.B.32 saying it directs a public school to permit a student to possess and self-administer inhaled asthma medication under certain requirements.

Those who spoke in favor of the bill:

Ronda Rose, Utah PTA  
Susan Kusiak, Utah Education Association  
Chad Harris, Utah School Boards Association

MOTION: Rep. Dayton moved to pass the bill out favorably. The motion passed unanimously with Rep. Ferrin, Rep. Hogue, and Rep. Johnson absent for the vote.

MOTION: Rep. Dayton moved to approve the minutes of February 2, 2004. The motion passed unanimously with Rep. Ferrin, Rep. Hogue, and Rep. Johnson absent for the vote.

**H.B. 84 State School Board Candidates (Rep. D. Cox)**

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

1. *Page 3, Lines 66 through 69:*

66 (3) (a) The chair, or another member of the committee designated by the  
chair, ~~[[shall]]~~ may  
67 schedule and convene all committee meetings.

68 (b) (i) Any formal action by the committee requires the approval of a  
majority of  
69 committee members.

**(ii) To meet the requirements under this section, the chair may establish  
an election process to select candidates, including sending candidate  
information and ballots to committee members, in lieu of convening a meeting  
of committee members.**

The motion passed unanimously with Rep. Ferrin, Rep. Holdaway, Rep. Hogue, and Rep. Johnson absent for the vote.

Rep. Cox said the bill modifies the process for selecting candidates for membership on the State Board of Education.

Kim Burningham, State Board of Education, commented on the bill.

The following spoke in opposition to the bill:

Jim Olsen, Food Merchants

Robin Riggs, Salt Lake Chamber of Commerce

MOTION: Rep. King moved to pass the bill out favorably.

SUBSTITUTE

MOTION: Rep. Hughes moved to move to the next item on the agenda. The motion passed with Rep. Holdaway, Rep. King, Rep. Gowans, and Rep. Moss voting in opposition and Rep. Ferrin, Rep. Hogue, and Rep. Johnson absent for the vote.

**H.B. 223      State School Board Candidate Selection Committees (*Rep. K. Morgan*)**

Rep. Morgan said the bill modifies the nominating and recruiting committee that selects candidates for membership on the State Board of Education.

The following spoke in favor of the bill:

Cheryl Phipps, Utah PTA  
Gary Cameron, USBA/USSA  
Kim Burningham, Speaking on his own behalf  
Susan Kusiak, UEA

Rep. Dave Cox commented on the Bill.

The following spoke in opposition to the bill:

Larry Bunkall,( handout on file)

MOTION:      Rep. Dayton moved to pass the bill out favorably.

**SUBSTITUTE**

MOTION:      Rep. King moved to pass the bill out favorably and also vote to pass out HB 84 favorably with the motion divided.  
Vote was taken on HB 223. The motion passed with Rep. Hughes and Rep. Ferrin, voting in opposition. Rep. Johnson and Rep. Pace were absent for the vote.  
Vote was taken on HB 84. The motion passed with Rep. Newbold, Rep. Holdaway, Rep. Shurtliff, Rep. Ferrin, Rep. Dougall, and Rep. Hughes voting in opposition. Rep. Johnson and Rep. Pace were absent for the vote.

**H.B. 98      Eligibility for Interscholastic Athletics (*Rep. A. Hardy*)**

The following commented on the bill:

Steve Laing, Utah State Office of Education  
Kim Burningham, State Board of Education  
Mr. Davidson, Granite School District

The following spoke in opposition to the bill:

Utah High School Activities Association

A letter from Marc Hunter, Utah Interscholastic Athletic Administrators Association, was distributed to committee members.

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

1. Page 3, Lines 65 through 69:

- 65        (d) occurs under a special group block permit established by one or more  
          school
- 66        districts; ~~[[or-]]~~
- (e) results from enrollment and continued attendance in an accelerated**  
          **learning program that:**
- (i) is not available at the student's school;**
- (ii) requires the student to attend all of the student's classes at the school**  
          **outside of the student's high school boundary; and**
- (iii) may not be available by only taking some classes at the school outside**  
          **of the student's high school boundary;**
- (f) is approved by the principal and athletic director of the student's**  
          **boundary high school; or** -
- 67        ~~[[e-]]~~ (g) is granted an exception, based upon  
          ~~[[exceptional-]]~~ individual circumstances and ~~[[undue~~  
          hardship-]] objectives that are not primarily athletic .
- 68        by the Utah High School Activities Association or its designated committee in  
          accordance with
- 69        rules adopted by the State Board of Education.

SUBSTITUTE

MOTION: Rep. Ferrin moved to adopt Rep. Christensen's amendment without subsection (f).

MOTION: Rep. Johnson moved to cut off debate. The motion passed unanimously.

A vote was taken on the substitute motion. The motion failed with Rep. Dougall, Rep. Ferrin, Rep. Holdaway, Rep. Hughes, Rep. King, Rep. Pace and Rep. Shurtliff voting in favor of the motion.

A vote was taken on Rep. Christensen's motion. The motion failed with Rep. King, Rep. Gowans, Rep. Christensen, and Rep. Hogue voting in favor of the motion.

MOTION: Rep. Moss moved to continue discussion at the next meeting.

SUBSTITUTE

MOTION: Rep. Holdaway moved to adjourn. The motion failed with Rep. Christensen, Rep. Gowans, Rep. Hardy, Rep. Holdaway, Rep. King, and Rep. Pace voting in favor of the motion.

A vote was taken on Rep. Moss's motion.

SUBSTITUTE

MOTION: Rep. Ferrin moved to pass the bill out favorably.

MOTION: Rep. Dougall moved to cut off debate. The motion passed with Rep. Holdaway, Rep. Christensen, Rep. Hogue, Rep. Pace, and Rep. Moss voting in opposition.

A vote was taken on Rep. Ferrin's motion. The motion failed with Rep. Dougall, Rep. Ferrin, Rep. Gowans, Rep. Hardy, Rep. Hughes, Rep. Johnson, and Rep. Shurtliff voting in favor of the motion.

MOTION: Rep. Holdaway moved to adjourn the meeting. The motion passed unanimously.

Vice-Chair Newbold adjourned the meeting at 10:04 a.m.

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Rep. Margaret Dayton, Chair