

**MINUTES OF HOUSE EDUCATION  
STANDING COMMITTEE**

February 25, 2004

Room 129, State Capitol Building

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

MEMBERS ABSENT: Rep. John Dougall  
Rep. Gregory H. Hughes

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 4:40 p.m. and welcomed committee members.

**H.B. 366 Repeal of Exemption from Nonresident Tuition (*Rep. G. Donnelson*)**

Rep. Donnelson said the bill repeals a law that allows certain aliens to be exempt from the non-resident portion of tuition at state institutions of higher education.

The following spoke in favor of the bill:

Mike Sizer, Utah County  
Darren Davis, Highland Resident, UFIRE  
Matt Throckmorton, UFIRE  
Anna Jane Arroyo, Image de Utah-NUCHAC

The following spoke in opposition to the bill:

Suzanne Espinosa, Director of Student Recruiting, University of Utah  
Richard Kendall, Commissioner of Higher Education  
Mark O. Diaz, Utah Chair, Hispanic Assembly

Vice Chair Newbold relinquished the chair to Rep. Dayton at 4:55 p.m.

Brad Mortenson, Office of the Commissioner of Higher Education, and Fred Esplin, Vice President of University Relations, University of Utah, responded to committee members' questions.

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

SUBSTITUTE

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

**H.C.R. 9 No Child Left Behind Resolution (Rep. K. Holdaway)**

MOTION: Rep. Holdaway moved to amend the resolution as follows:

Page 4, Line 91: After "Representatives," insert "the United States Secretary of Education,"

The motion passed unanimously with Rep. Hogue and Rep. Newbold absent for the vote.

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

Page 3, Line 85: After "therein," insert "object to and " and after "with" insert "the above"

The motion passed unanimously with Rep. Hogue and Rep. Newbold absent for the vote.

The following spoke in favor of the bill:

Steve O. Laing, State Superintendent, Utah State Office of Education,

Pat Rusk, President, Utah Education Association

Sarah Meyer, Utah School Boards Association and Utah School Superintendents Association

MOTION: Rep. Pace moved to pass the resolution out favorably as amended. The motion passed with Rep. Dayton voting in opposition and Rep. Hogue and Rep. Newbold absent for the vote.

**H.R. 11      Eligibility for Interscholastic Athletics Resolution (*Rep. A. Hardy*)**

Rep. Hardy says the resolution urges the State Board of Education to review and take action to resolve concerns regarding student transfers and athletic eligibility.

MOTION:      Rep. Holdaway moved to amend the resolution as follows:

Page 2, Lines 52-53: Delete lines 52-53

The motion passed with Rep. Ferrin, Rep. Christensen, Rep. Dayton, and Rep. Johnson voting in opposition and Rep. Hogue and Rep. Newbold absent for the vote.

MOTION:      Rep. Johnson moved to pass the resolution out favorably as amended. The motion passed with Rep. Moss voting in opposition and Rep. Hogue and Rep. Newbold absent for the vote.

MOTION:      Rep. King moved to approve the minutes of February 24, 2004. The motion passed unanimously with Rep. Hogue and Rep. Newbold absent for the vote.

**H.B. 307      Oversight of High School Activities Association (*Rep. D. Bourdeaux*)**

Rep. Bourdeaux said the bill requires the State Board of Education to make rules governing participation in interscholastic high school activities and providing for board appeals of the Utah High School Activities Association.

Assisting in the presentation:  
Wayne Welsh, Legislative Auditor, who provided handouts  
Ron Stalworth, Black Advisory Council

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

Page 3, Line 71:                      After "varsity," insert "and"

Page 3, Lines 72-74                      Delete lines 72-74

Renumber accordingly.

The motion passed unanimously with Rep. Hardy and Rep. Newbold absent for the vote.

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

Page 3, Line 76: After "appealed" insert "by the student"

The motion passed unanimously with Rep. Hardy, Rep. Johnson and Rep. Newbold absent for the vote.

The following spoke to the bill:  
Steve O. Laing, Utah State Office of Education  
Jerry Bobee, Utah High School Activities Association

The following spoke in opposition to the bill:  
Gary Cameron, Utah School Boards Association  
Cheryl Phipps, PTA, Former School Board Member

Rep. Dayton relinquished the chair to Rep. King at 6:04 p.m.

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

#### SUBSTITUTE

MOTION: Rep. Pace moved to move to the next item on the agenda. The motion passed with Rep. Gowans, Rep. Shurtliff, and Rep. Ferrin voting in opposition and Rep. Christensen, Rep. Hardy, Rep. Johnson, Rep. Dayton, and Rep. Newbold absent for the vote.

#### **H.B. 299      *Teacher Accrual of Continuing Education Requirements (Rep. E. Hutchings)***

Rep. Hutchings said the bill allows a person to satisfy a portion of professional development points required to renew or reinstate a teacher's license by volunteering in a public school.

MOTION: Rep. Hogue moved to adopt 1st Substitute H.B. 299. The motion passed unanimously with Rep. Christensen, Rep. Hardy, Rep. Johnson, and Rep. Newbold absent for the vote.

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

1. *Page 2, Line 46:*

46 reinstate the person's teacher's license. \_

**(iv) The board rules may limit the number of professional development points that may be earned each year by teaching or volunteering as a teacher's aide.**

The motion passed with Rep. Holdaway voting in opposition and Rep. Ferrin, Rep. Hardy, Rep. Johnson, and Rep. Newbold absent for the vote.

The following spoke in opposition to the bill:  
Ray Timothy, Utah State Office of Education  
Susan Kusiak, Utah Education Association

Chad Harris, Utah School Boards Association, commented on the bill.

Ken Zenger, American Federation of Teachers, spoke in support of the bill.

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

Page 1, Line 15: After "50" delete "% of"

Page 2, Line 37: After "50" delete "% of"

Page 2, Line 45: After "50" delete "% of the"

The motion passed unanimously with Rep. Hardy, Rep. Johnson, and Rep. Newbold absent for the vote.

MOTION: Rep. Gowans moved to pass the bill out favorably. The motion failed with Rep. Christensen, Rep. Gowans, Rep. King, and Rep. Dayton voting in favor of the motion and Rep. Hardy, Rep. Johnson, and Rep. Newbold absent for the vote.

Rep. King relinquished the chair to Rep. Dayton at 6:44 p.m.

**S.B. 39 State and School Recognition of Cesar Chavez (Sen. J. Evans)**

Sen. Evans said the bill provides for recognition of Cesar Chavez by the state and public schools.

The following spoke in favor of the bill:  
Los Robles, GHAC  
Anna Jane Arroyo, Image de Utah-NUCHAC  
Yvette Diaz, Hispanic Assembly

MOTION: Rep. King moved to pass the bill out favorably. The motion passed with Rep. Christensen, Rep. Ferrin, and Rep. Dayton voting in opposition and Rep. Johnson and Rep. Newbold absent for the vote.

**H.B. 112      Enrollment Growth Program Amendments (*Rep. B. Last*)**

Rep. Last distributed and reviewed information on the bill and requested that the bill be submitted for interim study.

MOTION:      Rep. Ferrin moved to refer H.B. 112 to the Rules Committee to be referred for interim study. The motion passed unanimously with Rep. Christensen, Rep. Johnson, and Rep. Newbold absent for the vote.

**H.B. 130      Kindergarten Assessment Requirements (*Rep. K. Morgan*)**

Rep. Morgan distributed information to the committee members. Rep. Morgan said the bill requires students' reading and numeric skills to be assessed upon entering kindergarten.

The following spoke in favor of the bill:

JoAnn Neilson, Utah PTA  
Steve O. Laing, State Superintendent, USOE

MOTION:      Rep. King moved to pass the bill out favorably. The motion failed with Rep. Gowans, Rep. Shurtliff, Rep. Moss, Rep. King, and Rep. Hardy voting in favor of the motion and Rep. Christensen, Rep. Johnson, and Rep. Newbold absent for the vote.

MOTION:      Rep. Gowans move to adjourn the meeting. The motion passed with Rep. Christensen, Rep. Johnson, and Rep. Newbold absent for the vote.

Chair Dayton adjourned the meeting at 7:37 p.m.

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Rep. Margaret Dayton, Chair

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Rep. Margaret Dayton, Chair