

**MINUTES OF HOUSE EDUCATION
STANDING COMMITTEE**

February 16, 2005

Room W135, West Office Building, State Capitol Complex

MEMBERS PRESENT: Rep. Margaret Dayton, Chair
Rep. LaVar Christensen, Vice Chair
Rep. Ron Bigelow
Rep. Duane Bourdeaux
Rep. John Dougall
Rep. James A. Ferrin
Rep. James R. Gowans
Rep. David L. Hogue
Rep. Kory M. Holdaway
Rep. Gregory H. Hughes
Rep. Bradley T. Johnson
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold
Rep. LaWanna Shurtliff
Rep. Stephen Urquhart

STAFF PRESENT: Constance C. Steffen Policy Analyst
Cindy Baker, Committee Secretary
Dee S Larsen, Associate General Counsel

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

Chair Dayton called the meeting to order at 8:00 a.m. and welcomed committee members.
Rep. Moss gave a one minute lesson on grammar.

MOTION: Rep. Hogue moved to approve the minutes of February 14, 2005.

SUBSTITUTE

MOTION: Rep. Holdaway moved to approve the minutes of February 14, 2005 with the correction that Rep. Hogue voted in opposition to Rep. Holdaway's motion on H.B.187," to move to the next item on the agenda." The motion passed unanimously with Representatives Hughes and Urquhart absent for the vote.

H.B. 362 Appropriation for Highly Qualified Teachers (*K. Holdaway*)

Rep. Holdaway explained the bill creates a program to pay for teachers' out-of-pocket expenses in meeting highly qualified teacher standards.

The following spoke in favor of the bill:

Patty Harrington, State Superintendent

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Kevin King, National Board of Certified Teachers
Joan Patterson, Utah State Office of Education

MOTION: Rep. Gowans moved to pass the bill out favorably. The motion passed unanimously with Representatives Hughes, Urquhart and Christensen absent for the vote.

H.B. 249 Carson Smith Special Needs Scholarships (*M. Newbold*)

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

1. *Page 2, Lines 57 through 60:*

57 The Legislature finds that:

58 (1) the state system of public education as established and maintained under the
state

59 constitution ~~[[is charged with making available a free public education~~
~~for]]~~ shall be open to all children of the

60 state;

1. *Page 3, Line 87 through Page 4, Line 92:*

87 (1) "Assessment team" means a team consisting of:

88 (a) the student's parent or guardian;

89 (b) the student's private school classroom teacher;

90 (c) special education personnel from the student's resident school district; and

91 (d) if available, special education personnel from the private school at which the
92 student is enrolled.

2. *Page 5, Line 147 through Page 6, Line 155:*

147 (5) (a) The scholarship application form shall contain the following statement:

148 "I acknowledge that:

149 (1) A private school may not provide the same level of special education services
that

150 are provided in a public school; ~~[[and]]~~

151 (2) I will assume full financial responsibility for the education of my scholarship
152 student if I accept this scholarship ; and

(3) Acceptance of this scholarship has the same effect as a parental refusal to
consent to services pursuant to Section 614(a)(1) of the Individuals with Disabilities
Education Act 20 U.S.C. Sec. 1400 et seq. ."

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153 **(b) Upon acceptance of the scholarship, the parent assumes full financial**
responsibility

154 **for the education of the scholarship student.**

(c) Acceptance of a scholarship has the same effect as a parental refusal to consent
to services pursuant to Section 614(a)(1) of the Individuals with Disabilities
Education Act, 20 U.S.C. Sec. 1400 et seq.

155 **[(c)] (d) The creation of the scholarship program or granting of a**
scholarship does not:

The motion passed unanimously with Representatives Hughes and Urquhart absent for the vote.

The following spoke in favor of the bill:

Patty Harrington, State Superintendent
Cheryl Smith, mother of Carson Smith
Stan Beagley, Children's Biomedical Center, and parent
Julianne Moore, parent
Katie Nelson, parent
Brian Wiggins, parent

The following spoke against the bill:

Shane Sadler, parent, Handout - Insurance Benefits from Aetna
Shirley Arnett, American Federation of Teachers

The following spoke to the bill:

Frazier Nelson, Disability Law Center
Kris Fossom, Legislative Coalition, People with Disabilities
Martell Menlove, Superintendent, Box Elder School District
Karyn Storey, Utah PTA

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

SUBSTITUTE

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

Page 7, Line 208: After line 208 insert the following:

"(3) Residential treatment facilities licensed by the state are not eligible to enroll
scholarship students."

Re-number remaining subsections.

The motion passed with Representatives Ferrin, Johnson, Urquhart and Dayton voting in opposition and Representative Hughes absent for the vote.

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MOTION: Rep. Urquhart moved to pass the bill out favorably. The motion passed with Representative Shurtliff voting in opposition.

H.B. 346 Schools for the Deaf and the Blind Salary Adjustments (K. Morgan)

MOTION: Rep. Bigelow moved to pass the bill out favorably. The motion passed unanimously with Representative Moss absent for the vote.

MOTION: Rep. Bigelow moved to place the bill on the consent calendar. The motion passed unanimously with Representative Moss absent for the vote.

H.B. 129 School Uniforms (C. Frank)

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

1. Page 3, Lines 74 through 76:

74 (5) A school uniform policy shall include a provision allowing a principal at any
time
75 during the school year to grant an exemption from wearing a school uniform to a student
76 because of extenuating circumstances.

(6)(a) If a school adopts a school uniform policy under this part, that school's governing body or local school board shall adopt local appellate procedures for school actions under this part, including a denial of an exemption requested under Subsection (5).

(b) A person may seek judicial review of an action under this part only after exhausting the remedies provided under this Subsection (6).

The motion passed unanimously with Representative Moss absent for the vote.

Rep. Frank explained that the bill modifies school uniform policy provisions. Handouts were distributed.

Patty Harrington, State Superintendent, spoke in support of the bill and distributed her written comments.

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

SUBSTITUTE

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

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1. *Page 2, Lines 46 through 47:*

46 (b) the wearing of certain types of clothing ~~[[identifies]]~~ may identify
students as members of youth
47 gangs and ~~[[has contributed]]~~ contribute to disruptive behavior and violence in
the schools;

2. *Page 2, Lines 52 through 58:*

52 (d) school uniforms may:
53 (i) decrease violence and theft among students ~~[[over designer clothing or~~
~~expensive~~
54 ~~shoes]]~~ ; and
55 (ii) ~~[[instill students with discipline;]]~~ foster and promote desirable school
operating conditions and a positive educational environment in accordance with this
part.
56 ~~[[(iii) help parents and students resist peer pressure;~~
57 ~~(iv) help students concentrate on their school work; and~~
58 ~~(v) help school officials recognize intruders who come to a school.]]~~

3. *Page 3, Lines 59 through 60:*

59 (2) ~~[[A]]~~ In accordance with Section 53A-15-1003, a school may adopt a
school uniform policy that requires students enrolled at that
60 school to wear a designated school uniform during the school day.

The motion passed unanimously with Representatives Bigelow and Gowans absent for the vote.

MOTION: Rep. Christensen moved to pass the bill out favorably as amended. The motion passed with Representative Urquhart voting in opposition and Representatives Bigelow and Gowans absent for the vote.

MOTION: Rep. Urquhart moved to adjourn. The motion passed unanimously with Representatives Bigelow and Gowans absent for the vote. Chair Dayton adjourned at 9:55 a.m.

Rep. Margaret Dayton, Chair