

**MINUTES OF HOUSE EDUCATION  
STANDING COMMITTEE**

January 27, 2006

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. Carol Spackman Moss  
Rep. Merlynn T. Newbold  
Rep. LaWanna Shurtliff  
Rep. Stephen Urquhart

**MEMBERS ABSENT:** Rep. Bradley T. Johnson.

**STAFF PRESENT:** Constance C. Steffen, Policy Analyst  
Barbara Thomas, 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 8:05 a.m.

Rep. Moss gave a brief lesson on English grammar.

**MOTION:** Rep. Hogue moved to approve the minutes of January 24, 2006. The motion passed unanimously with Rep. Bigelow, Rep. Bourdeau, Rep. Hughes, Rep. Shurtliff, and Rep. Urquhart absent for the vote.

**H.B. 62      Reading Requirements for Student Advancement (*Rep. K. Morgan*)**

Rep. Morgan introduced the bill which requires that students in first through third grades read at grade level prior to advancing to the next grade, with exceptions.

Carol Murphy, Disability Law Center, recommended that the bill be amended on lines 39-40 to replace "excluded by an individual education program" with "exempt by the Individuals with Disabilities Education Act."

Lynn Greenwood, Utah State Office of Education, distributed a handout that states recommended amendments to the bill, including deleting the language requiring retention. She reported that the State Board of Education has identified the bill as unnecessary, because principals currently have the authority to retain pupils.

Twenty-five principals were in attendance at the meeting. The principals indicated their opposition to the bill.

Steve Peterson, Utah School Boards Association and Utah Superintendents Association, testified that research shows that retention can have negative impacts on children and stated the associations are opposed to the bill.

Marco Diaz, State Chair, Utah Hispanic Republican Association, spoke in favor of the bill. Carolyn Ingles, Principal, Washington Elementary, Davis District, spoke against the bill. Dr. Reed Spencer, Ogden School District administrator, commented that grade levels are just a way to organize students in groups. Carmen Snow, Utah PTA, stated the Utah PTA finds the bill unnecessary.

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

Page 2, Lines 39- 40: After "disabilities" delete "who are excluded" and insert "may be exempt" and after "education" delete "program" and insert "plan covered under the Individuals with Disabilities Education Act". The motion passed unanimously.

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

Page 2, Line 36: After "first" delete "or" and insert a comma and after "second" insert ", or third". The motion passed with Representatives Bourdeau, Ferrin, Holdaway and Shurtliff voting in opposition and Rep. Hogue absent for the vote.

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

Page 2, Line 39: After "disabilities" insert "who". The motion passed unanimously with Rep. Hogue absent for the vote.

MOTION: Rep. Hughes moved to pass the bill out favorably. The motion passed with Representatives Bigelow, Bourdeaux, Christensen, Dayton, Ferrin, and Holdaway voting in opposition with Rep. Hogue absent for the vote.

**H.B. 253 School Truancy Amendments (Rep. E. Hutchings)**

Rep. Hutchings introduced the bill which amends provisions related to compulsory education and truancy.

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

1. Page 1, Line 12:

- 12 ▶ defines terms;
- ▶ directs a local school board or school district to strongly consider preapproving an extended absence of a school-age minor if it is determined that the school-age minor is exhibiting academic excellence and that the extended absence will not adversely impact the school-age minor's education;

2. Page 3, Line 62:

- 62 ENACTS: =
- 53A-11-101.3, Utah Code Annotated 1953

3. Page 6, Lines 162 through 164:

- 162 [[~~(1) "Absence" or "absent" means failure, on any day, of a school-age minor to attend~~
- 163 the entire class or class period of each scheduled class or class period to which the school-age
- 164 minor is assigned that is held on that day.]]
- (1) (a) "Absence" or "absent" means, consistent with Subsection (1)(b), failure of a school-age minor assigned to a class or class period to attend the entire class or class period.
- (b) A school-age minor may not be considered absent under this part more than one time during one day.

4. Page 7, Lines 208 through 212:

- 208 (9) "Valid excuse" means:
- 209 (a) an illness;
- 210 (b) a family death or crisis;

- 211 (c) an approved school activity; ~~[[or]]~~  
(d) an absence permitted by a school-age minor's:  
(i) individualized education program, developed pursuant to the  
Individuals with Disabilities Education Improvement Act of 2004, as amended; or  
(ii) accommodation plan, developed pursuant to Section 504 of the  
Rehabilitation Act of 1973, as amended; or
- 212 ~~[[d]]~~ (e) any other excuse established as valid by a local school board or  
school district.

Section 3. Section 53A-11-101.3 is enacted to read:  
53A-11-101.3. Preapproval of extended absence.  
In determining whether to preapprove an extended absence of a school-age  
minor as a valid excuse under Subsection 53A-11-101(9)(e), a local school board or  
school district shall strongly consider approving the absence if the local school board  
or school district determines that:  
(1) the school-age minor is exhibiting academic excellence; and  
(2) the extended absence will not adversely impact the school-age minor's  
education.

**Renumber remaining sections accordingly.**

The motion passed unanimously with Representatives Dougall, Shurtliff, and Urquhart absent for the vote.

**MOTION:** Rep. Hogue moved to amend the bill as follows:

1. *Page 13, Lines 388 through 390:*

- 388 (e) considering alternatives proposed by a parent; ~~[[and]]~~  
389 ~~[(e)]~~ (f) monitoring school attendance of the minor [for a period not to exceed 30  
390 days] ~~[[.]]~~ ; and
- (g) voluntary participation in truancy mediation.

The motion passed unanimously with Representatives Dougall, Shurtliff and Christensen absent for the vote.

The following spoke in support of the bill:

Rhonda Rose, Utah PTA  
Steve Peterson, Utah School Boards Association and Utah School Superintendents Association  
Tiffany Iocona, Granite School District  
Marilyn Richards, Jordan School District

MOTION: Rep. Moss moved to pass the bill out as amended. The motion passed unanimously, with Representatives Dougall, Hughes, Newbold and Christensen absent for the vote.

**H.J.R. 15 Joint Resolution Raising Public Awareness of Vital Role of Paraeducators  
(Rep. R. Menlove)**

Rep. Menlove explained that paraeducators play a critical role in instruction.

Marilyn Likins, National Center for Paraprofessionals, explained that No Child Left Behind requires paraeducators to have certain qualifications.

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

Page 1, Lines 26-27: After "paraeducators" delete ", just as their counterparts in law and medicine are designated as paralegals and paramedics"

SUBSTITUTE MOTION:

Rep. Urquhart moved to adjourn. The motion failed with Representatives Dayton and Urquhart voting in favor of the motion and Representatives Dougall, Hughes, and Christensen absent for the vote.

A vote was taken on Rep. Bigelow's motion to amend. The motion passed unanimously, with Representatives Dougall, Hughes and Christensen absent for the vote.

MOTION: Rep Holdaway moved to pass the resolution out favorably.

SUBSTITUTE MOTION:

Rep. Ferrin moved to amend the resolution as follows:

Page 2, Line 31: After "Utah's" delete "40" and after "districts" insert "and charter schools"

Page 3, Line 64: Delete "40" and after "districts," insert "charter schools,"

The motion passed unanimously, with Representatives Dougall, Hughes, and Christensen absent for the vote.

MOTION: Rep. Holdway moved to pass the resolution out favorably as amended. The motion passed with Rep. Dayton voting in opposition and Representatives Dougall and Hughes absent for the vote.

MOTION: Rep. Urquhart moved to adjourn. The motion passed unanimously

The meeting was adjourned at 10:01 a.m.

---

Rep. Margaret Dayton, Chair