

**CORRECTED**  
**MINUTES OF HOUSE EDUCATION**  
**STANDING COMMITTEE**

February 17, 2006

Room W135, West Office Building, State Capitol Complex

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

**MEMBERS ABSENT:** Rep. Ron Bigelow  
Rep. David L. Hogue  
Rep. Kory M. Holdaway.

**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.**

The meeting was called to order by Chair Dayton at 4:40 PM and appreciation was expressed to the public and staff for staying late on a Friday night for this meeting.

Rep. Moss gave a brief lesson on grammar.

Chair Dayton indicated that input from the public would depend on time taken by questions from the committee members.

**H.B. 393      Public Education Club Amendments (*Rep. A. Tilton*)**

**MOTION:** Rep. Newbold moved to delete in title and body H.B. 393 and replace it with 1st Substitute H.B. 393. The motion passed unanimously.

Rep. Tilton says the bill incorporates rules of the State Board of Education and local school boards that regulate school clubs into statute, so that if there is a legal challenge to a regulation, the Attorney General will defend the regulations.

The following spoke in opposition to the bill:

Nadia Kergaye, Brighton High School student  
Camille Lee, East High School  
Hal Newman, Hunter High Advisor  
Steve Peterson, Utah School Boards & Superintendents Association  
Chris Johnson, parent  
Brandon Monson, Hunter High School student  
Chris Cooke, Rowland Hall St. Marks student  
L. Daniel Holsinger, Equality Utah  
Eva Erickson, West High School student  
Emily Pendleton, Hunter High School student

The following spoke in favor of the bill:

Steve Graham, Standard of Liberty  
Paul Merrill, Sutherland Institute  
Monica Gardner, Eagle Forum  
Carolyn Wright, Provo School District Board  
James Starr, University of Utah student  
Gayle Ruzicka, Eagle Forum  
Carole McGlothlin, Eagle Forum  
Sharidean Flint, Eagle Forum  
Vickie Peterson, Eagle Forum  
Karianne Lisonbee, Eagle Forum

In response to committee members' questions, Attorney General Mark Shurtleff said the substitute bill is constitutionally defensible, and the bill does not outlaw gay-straight alliance clubs.

**MOTION:** Rep. Urquhart moved to pass the bill out favorably. The motion passed with Rep. Bourdeaux, Rep. Gowans, Rep. Moss, and Rep. Shurtleff in opposition.

**H.B. 184 Parent Choice in Education Act (*Rep. J. S. Adams*)**

Rep. Adams presented HB 184 to the committee stating the bill creates a program to award

scholarships to students to attend a private school..

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

0. Page 3, Line 87 through Page 4, Line 112:

87 As used in this part:

88 ~~[[ (1) "Average student cost" means Minimum School Program costs divided~~  
~~by total~~

89 ~~student membership in public schools on October 1. ]]~~

90 ~~[[ (2) ]]~~ (1) "Board" means the State Board of Education.

91 ~~[[ (3) ]]~~ (2) "Eligible private school" means a private school that meets the  
requirements of

92 Section 53A-1a-805.

93 ~~[[ (4) ]]~~ (3) "Income eligibility guideline" means the maximum annual income  
allowed to

94 qualify for reduced price meals for the applicable household size as published by the U.S.

95 Department of Agriculture by notice in the Federal Register.

96 ~~[[ (5) "Minimum School Program costs" means the sum of the following costs:~~

97 ~~— (a) programs listed in Section 53A-17a-104 the costs of which are tied to the~~  
~~value of~~

98 ~~the weighted pupil unit;~~

99 ~~— (b) the following programs listed in Section 53A-17a-104:~~

100 ~~— (i) Social Security and retirement;~~

101 ~~— (ii) Local Discretionary Block Grant Program;~~

102 ~~— (iii) Interventions for Student Success Block Grant Program;~~

103 ~~— (iv) Quality Teaching Block Grant Program;~~

104 ~~— (v) at-risk programs;~~

105 ~~— (vi) accelerated learning programs; and~~

106 ~~— (v) K-3 Reading Improvement Program; and~~

107 ~~— (c) the state contribution to the voted and board leeway programs established~~  
~~under~~

108 ~~Sections 53A-17a-133 and 53A-17a-134. ]]~~

109 ~~[[ (6) ]]~~ (4) "Parent" includes a legal guardian.

110 ~~[[ (7) ]]~~ (5) "Scholarship student" means a student who receives a scholarship  
under this part.

111           ~~[(8)]~~ (6) "Tuition" means amounts charged for attending a private school,  
                  excluding fees for  
112           extracurricular activities or transportation to the private school.

0. *Page 11, Lines 329 through 331:*

329           (3) Each transferred scholarship student meeting the criteria of Subsection (2) shall  
                  be  
330           retained in enrollment:  
331           (a) for five years following the transfer or until the student would have  
                  graduated from high school, if within five years of the date of transfer ; or

The motion passed unanimously.

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

1. *Page 1, Lines 11 through 12:*

11           This bill:  
12           ▶ creates the ~~[[Education Restricted Account]]~~ Supplementary  
                  Mitigation Fund ;

2. *Page 1, Line 27 through Page 2, Line 28:*

27           Other Special Clauses:  
28           ~~[[This bill coordinates with H.B. 294 by providing substantive~~  
                  changes.]] None

3. *Page 2, Line 45 through Page 3, Line 59:*

45           Section 1. Section **51-8-101** is enacted to read:  
46           51-8-101. ~~[[Education Restricted Account]]~~ Supplementary Mitigation  
                  Fund created.  
47           ~~[[(1) A restricted account is created within revenues collected by the state~~  
                  from taxes on  
48           intangible property or income. The restricted account shall be known as the  
                  Education  
49           Restricted Account.

50 ~~— (2) The contents of the Education Restricted Account shall consist of monies deposited~~

51 ~~to the account pursuant to Section 53A-1a-807.~~

52 ~~— (3) The Legislature shall appropriate money from the Education Restricted Account for~~

53 ~~the following purposes:~~

54 ~~— (a) to mitigate impacts due to a reduction in revenues resulting from the transfer of~~

55 ~~scholarship students from a school district to a private school pursuant to Title 53A, Chapter~~

56 ~~1a, Part 8, Parent Choice in Education Act;~~

57 ~~— (b) other public education purposes; or~~

58 ~~— (c) to fund the higher education system. ]]~~

= (1) There is created a restricted special revenue fund known as the Supplementary Mitigation Fund.

(2) The contents of the Supplementary Mitigation Fund shall be the revenues deducted from school districts' minimum school program funds as provided by Section 53A-1a-807.

(3) The State Board of Education shall distribute monies from the Supplementary Mitigation Fund to a school district, if the school district demonstrates that the mitigation monies it receives under Section 53A-1a-807 are not sufficient to maintain its operations at substantially the same level as before its revenues were reduced due to the transfer of a student to a private school.

(5) Supplemental mitigation monies awarded to a school district may not exceed the amount of money deducted from the district's minimum school program funds pursuant to Section 53A-1a-807.

(6) The State Board of Education shall annually make a report to the Legislature on the distributions of money made from the Supplementary Mitigation Fund, including data on how the operations of each school district are impacted and the amount of money distributed to each school district.

(7) The Legislature may appropriate any remaining balance in the Supplementary Mitigation Fund at the end of a fiscal year not distributed or due to a school district for mitigation for the following purposes:

(a) other public education purposes; or

(b) to fund the higher education system.

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4. Page 12, Lines 339 through 341:

339 (5) the monies deducted from a school district's minimum school program funds as  
340 provided by Subsection (4) shall be deposited into the ~~[[Education Restricted~~  
~~Account]] Supplementary Mitigation Fund created in  
341 Section 51-8-101.~~

= (6)(a) If the mitigation monies provided to a school district in this section are not sufficient to maintain operations at substantially the same level as before its revenues were reduced due to the transfer of a student to a private school, the district may submit documentation of the impact to its operations to the State Board of Education

(b) The State Board of Education shall distribute money to a school district from the Supplementary Mitigation Fund pursuant to Section 51-8-101 to mitigate the impacts on its operations, up to the amount of money deducted from the district's minimum school program funds pursuant to this section, provided the district reasonably demonstrates the need for the supplementary mitigation money.

5. Page 13, Lines 373 through 374:

373 The legislative auditor general shall conduct a review and issue a report on the Parent  
374 Choice in Education Program after the conclusion of the ~~[[2012-13 school~~  
~~year]] program's third year of operations .~~

6. Page 13, Lines 380 through 388:

380 ~~[[Section 14. Coordinating H.B. 184 with H.B. 294 -- Substantive changes:~~  
381 ~~— If this H.B. 184 and H.B. 294, Creation of Education Fund, both pass, it is the~~  
~~intent of~~  
382 ~~the Legislature that the Office of Legislative Research and General Counsel, in~~  
~~preparing the~~  
383 ~~Utah Code database for publication, shall do the following:~~  
384 ~~— (1) repeal Section 51-8-101; and~~  
385 ~~— (2) modify Subsection 53A-1a-807(5) to read as follows:~~  
386 ~~— "(5) The monies deducted from a school district's minimum school program~~  
~~funds as~~  
387 ~~provided by Subsection (4) shall be deposited into the Education Fund created in~~  
~~Section~~

388 [51-5-4.11](#)]]

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

The following spoke in favor of the bill:

Latesia Anderson, Choice in Education  
Emmalou Penrod, Choice in Education  
Cindy Taylor, Principal, Heritage Foundation School  
Kathy Tenney, Parents/Student of Color  
Clint Kirry, Challenger School

The following spoke in opposition to the bill:

Delanie Hathaway, Utah School Boards  
Martell Menlove, Utah School Supt's. Association  
Pat Rusk, Utah Education Association  
Joel Briscoe, teacher  
Linda Simmons, parent

MOTION: Rep. Christensen moved to pass out H.B. 184 favorably as amended. The motion passed with Rep. Bourdeaux, Rep. Gowans, Rep. Moss and Rep. Shurtliff in opposition.

MOTION: Rep. Bourdeaux made the motion to adjourn. The motion passed unanimously. The meeting was adjourned at 6:35 pm.

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Rep. Margaret Dayton, Chair