

**MINUTES OF HOUSE EDUCATION
STANDING COMMITTEE**

February 19, 2007

Room W135, West Office Building, State Capitol Complex

MEMBERS PRESENT: Rep. Gregory H. Hughes, Chair
Rep. Patrick Painter, Vice Chair
Rep. Sylvia S. Andersen
Rep. Brad L. Dee
Rep. Craig A. Frank
Rep. James R. Gowans
Rep. Kory M. Holdaway
Rep. Bradley G. Last
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold
Rep. LaWanna "Lou" Shurtliff
Rep. Kenneth W. Sumsion
Rep. Stephen Urquhart
Rep. Mark A. Wheatley

MEMBERS ABSENT: Rep. Rebecca D. Lockhart

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

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

Chair Hughes called the meeting to order at 4:23 p.m.

Rep. Moss gave a grammar lesson on 'mea culpa', which means 'my fault'.

H.B. 94 Class Size Reduction (Rep. C. Moss)

Rep. Moss introduced the bill which increases the appropriation for class size reduction.

MOTION: Rep. Shurtliff moved to pass the bill out favorably. The motion passed unanimously, with Rep. Painter absent for the vote.

H.B. 382 Amendments to Education Funding (Rep. B. Dee)

Rep. Dee moved to amend the bill as follows:

1. Page 1, Line 28 through Page 2, Line 30:

28 ▶ as an ongoing appropriation, { ~~\$68,989,335~~ } \$69,826,822 from the

Uniform School Fund for fiscal
29 year 2007-08; and
30 ▶ for fiscal year 2007-08 only, { ~~\$34,494,667~~ } \$34,913,411 from the
Uniform School Fund.

2. *Page 2, Lines 52 through 53:*

52 (vi) mentor teacher: {~~or~~}
53 (vii) teacher specialist or teacher leader {~~.~~} :
(viii) guidance counselor;
(ix) audiologist;
(x) psychologist; or
(xi) social worker.

3. *Page 4, Line 107:*

107 from the Uniform School Fund for fiscal year 2007-08,
{~~\$68,989,335~~ } \$69,826,822 to the State Board of

4. *Page 4, Lines 110 through 111:*

110 (1) There is appropriated from the Uniform School Fund for fiscal year 2007-08 only,
111 {~~\$34,494,667~~ } \$34,913,411 to the State Board of Education for educator
bonuses.

The motion passed unanimously.

Rep. Dee introduced the bill which provides salary increases for educators.

The following spoke in opposition of the bill:

Dr. David McClay, Utah State University
Mike Hepner, Utah School Employees Association

The following spoke in favor of the bill:

Patti Herrington, Utah State Board of Education

Steve Peterson, Utah School Boards Association and Utah School Superintendents Association, expressed concern that the 4% increase in the value of the weighted pupil unit may not be sufficient. The Utah School Boards Association withheld their support "with comment".

Kim Campbell, Utah Education Association, did not speak in favor of the bill and requested the Legislature to increase the value of the weighted pupil unit by 10% or couple the teacher salary increase with a weighted pupil unit increase higher than the proposed 4%.

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

MOTION: Rep. Urquhart moved to end debate. The motion passed with Rep. Shurtliff voting in opposition.

A vote was taken on Rep. Anderson's motion earlier to pass the bill out favorably. The motion passed with Rep. Holdaway, Rep. Moss, and Rep. Shurtliff voting in opposition.

H.B. 164 Charter School Amendments (Rep. R. Bigelow)

MOTION: Rep. Painter moved to adopt 1st Substitute H.B. 164. The motion passed unanimously with Rep. Dee absent for the vote.

Rep. Bigelow introduced the bill which modifies provisions relating to charter schools.

Rep. Frank declared a conflict of interest on the bill. His wife works for a charter school.

Patti Harrington, State Board of Education, stated the board appreciates many of the provisions of the bill. The bill is currently on its watch list.

Rep. Hughes expressed a potential conflict of interest. He is serving on the board of his daughter's charter school.

Brian Allen, State Charter School Board, expressed support for parts of the bill.

Lincoln Fillmore, Lakeview Charter School, suggested changes to the bill.

Steve Peterson, Utah School Boards Association, spoke in support of the bill.

Scott Smith, State Charter School Board, spoke to the bill.

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

1. Page 1, Lines 17 through 18:

17 ▶ {~~prohibits certain transactions and relationships relating to charter schools and~~

18 ~~provides certain penalties~~} requires the State Board of Education to make rules

relating to conflicts of interest and unethical behavior for charter schools ; and

2. Page 16, Line 469:

469 53A-1a-518. Prohibited transactions and relationships -- Definitions --
 { ~~Penalties~~ } Rulemaking .

3. Page 17, Lines 491 through 507:

491 ~~{ (2) A person may not receive compensation that is conditioned in whole or in~~
 ~~part on:~~
492 ~~— (a) the passage, defeat, or amendment of legislative action related to charter~~
 ~~schools or~~
493 ~~charter school authorization; or~~
494 ~~— (b) the approval, modification, or denial of a charter school application by a~~
 ~~chartering~~
495 ~~entity;~~
496 ~~— (3) A charter school officer, charter school proposer, a relative of a charter~~
 ~~school~~
497 ~~officer, or a relative of a charter school proposer may not have a pecuniary interest,~~
 ~~directly or~~
498 ~~indirectly, in any contract or other transaction involving that charter school,~~
 ~~including a~~
499 ~~contract or transaction pertaining to:~~
500 ~~— (a) developing a charter school proposal;~~
501 ~~— (b) preparing or presenting a charter school application to a charter school~~
 ~~authorizing~~
502 ~~entity;~~
503 ~~— (c) obtaining financing for a charter school facility;~~
504 ~~— (d) leasing, constructing, or otherwise obtaining a charter school facility; or~~
505 ~~— (e) procuring or providing management, maintenance, operational, or support~~
 ~~services~~
506 ~~for a charter school. }~~
507 ~~{ (4) }~~ (2) (a) Except as provided in Subsection ~~{ (4) }~~ (2) (b), a
 ~~relative of a charter school officer~~

4. Page 18, Lines 522 through 524:

522 determined.

523 {~~(5) A person who violates a provision of Subsection (2), (3), or (4) is guilty of~~
~~a class C~~

524 ~~misdemeanor.~~} =

(3) The State Board of Education or State Charter School Board may not operate a charter school.

(4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the State Board of Education, in consultation with the State Charter School Board, shall make rules that require the disclosure of conflicts of interest and regulate unethical behavior for charter schools.

The motion passed with Rep. Gowans and Rep. Holdaway voting in opposition and Rep. Dee absent for the vote.

MOTION: Rep. Urquhart moved to pass the bill out favorably. The motion passed unanimously with Rep. Dee absent for the vote.

H.B. 169 Virtual Charter Schools (Rep. S. Urquhart)

Rep. Urquhart introduced the bill which modifies charter school provisions relating to virtual charter schools.

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

1. Page 2, Lines 42 through 45:

42 (2) "Virtual charter school" means a ~~charter school that uses technology in~~
~~order to~~

43 ~~provide a preponderance of its curriculum and instruction to its students through the~~
~~Internet or~~

44 ~~other electronic means in a manner that fosters on-demand, interactive, self-paced,~~
~~and~~

45 ~~individualized instruction.~~} performance-based, charter school that delivers
synchronous or asynchronous instruction from a teacher to a student primarily
through the use of technology via the Internet in a virtual or remote setting.

2. *Page 3, Lines 78 through 79:*

- 78 (b) The virtual charter school {~~and the other public school shall enter into an~~
~~agreement~~
79 ~~to cover the reasonable costs of participation in the program.~~} shall remit to the
other public school one-sixth of the value of the weighted pupil unit provided in
Subsection 53A-17a-103(1) for each academic course that the virtual charter school
student enrolls in at the other public school, up to a maximum of two courses.

The motion passed unanimously with Rep. Dee and Rep. Wheatley absent for the vote.

MOTION: Rep. Newbold moved to pass the bill out favorably. The motion passed with Rep. Gowans, Rep. Holdaway, Rep. Moss, Rep. Shurtliff and Rep. Wheatley voting in opposition and with Rep. Dee absent for the vote.

MOTION: Rep. Hughes moved to pass the minutes of February 13th and February 16, 2007. The motion passed unanimously with Rep. Dee absent for the vote.

H.B. 172 Utah K-8 Online Virtual School (Rep. B. Ferry)

Rep. Ferry introduced the bill which authorizes the State Board of Education to establish a virtual school for students in kindergarten through eighth grade.

Ronda Rose, Utah PTA, commented on the bill.

MOTION: Rep. Gowans moved to pass the bill out favorably. The motion passed unanimously, with Rep. Anderson and Rep. Dee absent for the vote.

H.B. 461 Education Revisions (Rep. S. Sandstrom)

Rep. Sandstrom introduced the bill which appropriates money for the K-3 Reading Improvement Program.

MOTION: Rep. Newbold moved to pass the bill out favorably. The motion passed unanimously with Rep. Dee and Rep. Last absent for the vote.

H.B. 165 School Fee Amendments (Rep. C. Frank)

MOTION: Rep. Frank moved to adopt 1st Substitute H.B.165. The motion passed unanimously with Rep. Dee, Rep. Last, and Rep. Urquhart absent for the vote.

MOTION: Rep. Anderson moved to pass the bill out favorably. The motion passed with Rep. Holdaway, Rep. Gowans, Rep. Shurtliff, Rep. Moss, and Rep. Wheatley voting in opposition and with Rep. Dee, Rep. Last, and Rep. Urquhart absent for the vote.

H.B. 196 Higher Education Criminal Background Checks (*Rep. R. Menlove*)

MOTION: Rep. Newbold moved to adopt 1st Substitute H.B. 196. The motion passed unanimously with Rep. Dee, Rep. Last, and Rep. Urquhart absent for the vote.

Rep. Menlove introduced the bill which requires the State Board of Regents to adopt a policy providing for criminal background checks of higher education personnel.

MOTION: Rep. Holdaway moved to pass the bill out favorably. The motion passed unanimously with Rep. Dee, Rep. Last, and Rep. Urquhart absent for the vote.

MOTION: Rep. Moss moved to adjourn the meeting at 7:13 p.m. The motion passed unanimously.

Rep. Gregory H. Hughes, Chair