

MINUTES OF THE  
SENATE EDUCATION STANDING COMMITTEE  
Monday, February 19, 2007  
Room W130, West Office Building, State Capitol Complex

Members Present: Sen. Margaret Dayton, Committee Chair  
Sen. Greg Bell  
Sen. Curtis Bramble  
Sen. Pat Jones  
Sen. Ross Romero  
Sen. Howard A. Stephenson

Member Excused: Sen. Lyle Hillyard

Members Absent: Sen. Darin Peterson

Staff Present: Phillip V. Dean, Policy Analyst  
Dee S. Larsen, Attorney  
Norda Shepard, Secretary

Public Speakers Present: Rep. Karen Morgan  
Patti Harrington, Superintendent, Utah State Board of Education  
Kim Frank, Utah Association of Public Charter Schools  
Steve Peterson, Utah School Boards and Utah Superintendents  
Associations  
Howard Headlee, Chairman, American Prep Academy  
Sarah Meier, President, Utah School Boards and Utah  
Superintendents Associations  
Vic Arnold, Utah Education Association

A list of visitors and a copy of handouts are filed with the committee minutes.

Committee Chair Dayton called the meeting to order at 8:15 a.m.

**MOTION:** Sen. Bell moved to approve the minutes February 15, 2007. The motion passed unanimously with Sens. Bramble, Jones and Romero absent at the time of the vote.

**1. S.B. 80 Education Reform**

Sen. Stephenson presented the bill and proposed amendments.

**MOTION:** Sen. Stephenson moved to amend S.B. 80, Education Reform, with the following amendments:

1. Page 1, Lines 14 through 15:

- 14 expansion and satellite campuses;
- = ▶ prohibits a school district from purchasing certain instructional materials unless the materials have been evaluated by an independent party for alignment with the core curriculum including:
    - requiring that the alignment evaluation be made available on a website at no charge; and
    - exempting charter schools from the evaluation requirements;
- 15 ▶ establishes the Critical Languages Program and authorizes a pilot program;

2. Page 2, Lines 39 through 40:

- 39 AMENDS:
- 40 53A-1a-508, as last amended by Chapter 291, Laws of Utah 2005
- = 53A-1a-511, as last amended by Chapter 14, Laws of Utah 2006

3. Page 2, Line 47:

- 47 ENACTS:
- = 53A-14-107, Utah Code Annotated 1953

4. Page 4, Line 115:

- 115 (viii) provided all other documents required by the board.
- = Section 2. Section 53A-1a-511 is amended to read:  
**53A-1a-511. Waivers from state board rules -- Application of statutes and rules to charter schools.**
    - (1) A charter school shall operate in accordance with its charter and is subject to Title 53A, State System of Public Education, and other state laws applicable to public schools, except as otherwise provided in this part.
    - (2) (a) A charter school or any other public school or school district may apply to the State Board of Education for a waiver of any state board rule that inhibits or hinders the school or the school district from accomplishing its mission or educational goals set out in its strategic plan or charter.
    - (b) The state board may grant the waiver, unless:

(i) the waiver would cause the school district or the school to be in violation of state or federal law; or

(ii) the waiver would threaten the health, safety, or welfare of students in the district or at the school.

(c) If the State Board of Education denies the waiver, the reason for the denial shall be provided in writing to the waiver applicant.

(3) (a) Except as provided in Subsection (3)(b), State Board of Education rules governing the following do not apply to a charter school:

(i) school libraries;

(ii) required school administrative and supervisory services; and

(iii) required expenditures for instructional supplies.

(b) A charter school shall comply with rules implementing statutes that prescribe how state appropriations may be spent.

(4) The following provisions of Title 53A, State System of Public Education, and rules adopted under those provisions, do not apply to a charter school:

(a) Sections 53A-1a-108 and 53A-1a-108.5, requiring the establishment of a school community council and school improvement plan;

(b) Sections 53A-3-413 and 53A-3-414, pertaining to the use of school buildings as civic centers;

(c) Section 53A-3-420, requiring the use of activity disclosure statements;

(d) Section 53A-12-207, requiring notification of intent to dispose of textbooks;

(e) Section 53A-13-107, requiring annual presentations on adoption; and

(f) Chapter 19, Part 1, Fiscal Procedures, pertaining to fiscal procedures of school districts and local school boards.

**(g) Section 53A-14-107, requiring an independent evaluation of instructional materials.**

(5) For the purposes of Title 63, Chapter 56, Utah Procurement Code, a charter school shall be considered a local public procurement unit.

(6) Each charter school shall be subject to:

(a) Title 52, Chapter 4, Open and Public Meetings Act; and

(b) Title 63, Chapter 2, Government Records Access and Management Act.

(7) (a) The State Charter School Board shall, in concert with the charter schools, study existing state law and administrative rules for the purpose of determining from which laws and rules charter schools should be exempt.

(b) (i) The State Charter School Board shall present recommendations for exemption

to the State Board of Education for consideration.

(ii) The State Board of Education shall consider the recommendations of the State Charter School Board and respond within 60 days.

(c) Annually, the State Charter School Board shall report the results of its review of state laws and administrative rules, along with the responses received from the State Board of Education, to the Education Interim Committee by October 1.

= **Section 3. Section 53A-14-107 is enacted to read:**

**53A-14-107. Instructional materials alignment with core curriculum.**

**(1) A school district may not purchase primary instructional materials unless the primary instructional materials provider:**

**(a) contracts with an independent party to evaluate and map the alignment of the primary instructional materials with the core curriculum adopted under Section 53A-1-402;**

**(b) provides a detailed summary of the evaluation under Subsection (1)(a) on a public website at no charge, for use by teachers and the general public; and**

**(c) pays the costs related to the requirements of this Subsection (1).**

**(2) The requirements under Subsection (1) may not be performed by:**

**(a) the State Board of Education;**

**(b) the superintendent of public instruction or the superintendent's staff;**

**(c) the State Instructional Materials Commission appointed pursuant to Section 53A-14-101;**

**(d) an employee or board member of a school district; or**

**(e) the instructional materials creator or publisher.**

**Renumber remaining sections accordingly.**

5. Page 12, Lines 344 through 345:

344 (2) (a) The State Board of Education shall allocate the appropriation to school  
districts

345 and charter schools **, based upon prior year average daily membership,** as provided  
for in rules made in accordance with Title 63, Chapter 46a,

6. Page 12, Line 359 through Page 13, Line 369:

359 (F) education software and digital content; ~~{and}~~

**(G) technology assisted assessments and testing; and**

- 360           ~~{(G)}~~    (H)    other instructional devices and protective cases.  
361           (3) (a) Prior to using money allocated for the Instructional Technology Classroom  
362           Program, a school district or charter school shall:  
363           (i) submit ~~{a class size reduction}~~    an instructional technology plan to the  
                  Instructional Technology Advisory  
364           Committee created in Section 53A-17a-155 that specifies how the school district or charter  
365           school intends to spend program money, including proposed expenditures for the next  
                  fiscal  
366           year and long-term instructional technology plans; {and}  
367           (ii) receive approval of the plan from the Instructional Technology Advisory  
368           Committee ; and  
                  (iii) provide matching funds from other school district or charter school funds in  
                  an amount equal to the allocation .  
369           (b) Program monies may not be used to supplant funds for existing programs or

7. Page 13, Lines 374 through 379:

- 374           (1) There is established the Instructional Technology Advisory Committee consisting  
375           of :  
                  (a) the following 12 voting members:  
376           ~~{(a)}~~    (i)    the state superintendent of public instruction;  
377           ~~{(b)}~~    (ii)   three members appointed by the state superintendent of public  
                  instruction; and  
378           ~~{(c)}~~    (iii)   eight members appointed by the governor with diverse expertise  
                  or interest in  
379           technology, instructional technology, public education, and higher education { } :  
                  and  
                  (b) the following two nonvoting members:  
                  (i) one senator, appointed by the president of the Senate; and  
                  (ii) one representative, appointed by the speaker of the House of  
                  Representatives.

8. Page 13, Lines 384 through 385:

- (a) approve school district and charter school plans for the use of Instructional

Technology Classroom

385 Program monies in accordance with the provisions of Section 53A-17a-154;

The motion passed unanimously with Sens. Bramble and Jones absent at the time of the vote.

Patti Harrington, Superintendent, State Board of Education, voiced concerns about the bill. Kim Frank, Utah Association of Public Charter Schools; Steve Peterson, Utah School Boards and Utah Superintendents Associations; and Howard Headlee, Chairman, American Prep Academy, spoke in support. Ms. Frank distributed a handout.

**MOTION:** Sen. Bell moved to pass S.B. 80, Education Reform, out of committee with a favorable recommendation with the provision that Sen. Stephenson work with the Board of Education on amendments for the floor.

The motion passed with Chair Dayton, Sens. Bell, Bramble and Stephenson voting in favor, and Sens. Jones and Romero voting in opposition.

**2. H.C.R. 5 Early Childhood Reading Readiness Resolution**

Rep. Karen Morgan presented the resolution. Sarah Meier, President, Utah School Boards and Utah Superintendents Associations, and Vic Arnold, Utah Education Association, spoke in support.

**MOTION:** Sen. Bramble moved to send H.C. R. 5, Early Childhood Reading Readiness Resolution, out of committee with a favorable recommendation with a recommendation that amendments be made on the floor.

The motion passed unanimously.

**MOTION:** Sen. Bell moved to adjourn. The motion passed unanimously.

Chair Dayton adjourned the meeting at 9:24 a.m.

Minutes were reported by Norda Shepard, Secretary.

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Sen. Margaret Dayton, Committee Chair