

**MINUTES OF THE  
SENATE EDUCATION STANDING COMMITTEE  
MONDAY, MARCH 2, 2009  
ROOM 415, STATE CAPITOL**

Members Present: Sen. Curtis Bramble, Chair  
Sen. Margaret Dayton  
Sen. Brent Goodfellow  
Sen. Scott Jenkins  
Sen. Karen Morgan  
Sen. Howard A. Stephenson

Members Excused: Sen. Lyle Hillyard

Staff Present: Allison Nicholson, Policy Analyst  
Dee Larsen, Associate General Counsel  
Karen C. Allred, Secretary

Public Speakers Present: Steven H. Peterson, Executive Director, Utah School Boards  
Association and Representative, Superintendents Association  
Jeff Leonard, Utah School Employees Association  
Holly Langton, Education Commissioner, Utah PTA  
Susan Kusiak, Utah Education Association  
Michael Clara, Gang Task Force Member  
Debbie White, President, American Federation of Teachers, Utah  
Tom Love, Chair, United Way Board of Directors  
Greg Summerhays, Hispanic Affairs Director, Workers'  
Compensation Fund  
Bob Babcock, President, Babcock Scott Construction  
John C. Wester, Bishop, Salt Lake Diocese, Catholic Church  
Kevin Taylor, Trustee, Liahona Self Reliance Foundation  
Stan Rasmussen, Public Affairs, Sutherland Institute  
Juan M. Ruiz, President, Latin American Chamber of Commerce  
Tim Wheelwright, Attorney, American Immigration Lawyers  
Association  
Octavio Villalpando, Citizen  
Melva Sine, President/CEO, Utah Restaurant Association  
Lee Gardner, Salt Lake County Assessor  
Ana Archuleta, Civic Leader, Hispanic Community  
Antonella Packerd, Co-Chair, Utah Hispanic Legislative Task Force  
Ronald Mortensen, Citizen, Utah Coalition on Illegal Immigration  
Michael Sanchez, Citizen, Utah Minuteman  
Jennifer M. Seelig, Utah State Representative

Larry Shumway, Deputy Superintendent, Utah State Office of  
Education  
Leslie Gertsch, Chair, Utah Council of the Blind  
Joe Zeidner, Parent of a Deaf Child  
Von Horten, Institutional Council, Utah Schools for the Deaf and  
the Blind  
Mike Hadden, Deputy Director, Utah Department of Corrections  
Mason Bishop, Vice President, Institutional Advancement, Salt  
Lake Community College  
Derek Monson, Policy Analyst, Sutherland Institute

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

Chair Bramble called the meeting to order at 4:15 p.m.

**MOTION:** Sen. Goodfellow moved to approve the minutes of the February 27, 2009 meeting.

The motion passed unanimously, with Sens. Dayton, Jenkins, and Stephenson absent for the vote.

1. **S.B. 241 -- Instructional Expenses Requirements**

Sen. Madsen introduced and explained the bill, and an amendment was adopted at the last meeting, February 27, 2009.

Steven H. Peterson, Jeff Leonard, Holly Langton, and Susan Kusiak, spoke in opposition to the bill.

**MOTION:** Sen. Goodfellow moved to go to the next item on the agenda.

The motion passed unanimously with Sens. Dayton, Jenkins, and Stephenson absent for the vote.

2. **S.B. 74 -- At Risk Student Provisions**

**MOTION:** Sen. Goodfellow moved to adopt the following amendment:

1. *Page 2, Lines 53 through 55:*

- 53        (1) In addition to {~~participation~~} **the individual schools that participate** in the  
gang prevention and intervention program  
54        established under Section 53A-15-601 for at-risk students, a local school board or governing  
55        board of a charter school shall enact policies to ensure the following **at all public schools** :

2. *Page 2, Line 58 through Page 3, Line 59:*

58 (b) a student who participates in gang activities ~~{shall}~~ may be excluded from  
participation in  
59 extracurricular activities, including interscholastic athletics, as determined by school

3. *Page 3, Line 62:*

62 notification and appropriate administrative and law enforcement actions,  
~~{including}~~ which may include obtaining

4. *Page 3, Line 64:*

64 (d) if a serious gang-related incident , as determined by the school administrator in  
consultation with local law enforcement, occurs on school property, at school related

5. *Page 3, Line 67:*

67 (i) informing them, in general terms, about the incident , but removing all personally  
identifiable information about students from the notice ;

6. *Page 4, Line 90:*

90 through school websites, handbooks, letters to parents and guardians, ~~{and}~~ or other  
reasonable

The motion passed unanimously with Sens. Dayton, Jenkins, and Stephenson absent for the vote.

Sen. Robles explained the amendment and introduced and explained the bill.

Michael Clara and Debbie White spoke in favor of the bill.

Sen. Dayton assumed the chair.

**MOTION:** Sen. Goodfellow moved to pass S.B. 74 out of committee with a favorable recommendation.

The motion passed with Sens. Goodfellow, Jenkins, and Morgan voting in favor, and Sen. Dayton voting in opposition.

3. **S.B. 113 -- Delayed Effective Date for Illegal Immigration Legislation**

Sen. Jones introduced and explained the bill.

Tom Love, Greg Summerhayes, Bob Babcock, John C. Wester, Kevin Taylor, and Stan Rasmussen spoke in favor of the bill.

Sen. Bramble resumed the Chair.

Juan M. Ruiz, Tim Wheelwright, Octavio Villalpando, Melva Sine, Lee Gardner, Ana Archuleta, and Antonella Packerd spoke in favor of the bill.

Ronald Mortenson, and Michael Sanchez spoke in opposition of the bill.

**MOTION:** Sen. Goodfellow moved to pass S.B. 113 out of committee with a favorable recommendation.

The motion failed with Sens. Goodfellow, Morgan, and Stephenson voting in favor; and Sens. Bramble, Dayton, and Jenkins voting in opposition.

**MOTION:** Sen. Dayton moved to pass S.B. 241 out of committee with a favorable recommendation.

The motion passed with Sens. Bramble, Dayton, Jenkins, and Stephenson voting in favor, and Sens. Goodfellow and Morgan voting in opposition

4. **H.B. 312 -- Amended Campaign Finance Filings**

Rep. Allen introduced and explained the bill.

**MOTION:** Sen. Goodfellow moved to pass H.B. 312 out of committee with a favorable recommendation.

The motion failed with Sen. Goodfellow voting in favor, Sens. Bramble, Dayton, Jenkins, and Stephenson voting in opposition, and Sen. Morgan absent for the vote.

5. **H.B. 1st Sub. H.B. 296 -- Schools for the Deaf and Blind**

Rep. Sumsion introduced and explained the bill.

Representative Jennifer M. Seelig, Larry Shumway, Leslie Gertsch, Joe Zeidner, and Von Horten, spoke in favor of the bill.

**MOTION:** Sen. Morgan moved to pass 1st Sub. H.B. 296 out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Jenkins absent for the vote.

6. **1st Sub. H.B. 100 -- Department of Corrections -- Tracking and Reimbursement of Individual Prisoner Costs**

**MOTION:** Sen. Dayton moved to adopt the following amendment:

1. *Page 3, Line 77*

*House Floor Amendments  
2-23-2009:*

77 (2) ~~{-In order to-}~~ **(a) To** fulfill ~~{-this-}~~ **the** responsibility **under**  
**Subsection (1)** , the [boards] State Board of Education and the

2. *Page 3, Line 79*

*House Floor Amendments  
2-23-2009:*

79 public agencies to provide educational and related administrative services **. Contracts for**  
**postsecondary education and training shall be under Subsection (2)(b)** .

**(b)(i) The contract under Subsection (2)(a) to provide postsecondary education and**  
**training shall be with a community college if the correctional facility is located within the**  
**service region of a community college, except under Subsection (2)(b)(ii).**

**(ii) If the community college under Subsection (2)(b)(i) declines to provide the**  
**education and training or cannot meet reasonable contractual terms for providing the**  
**education and training as specified by the Utah Department of Corrections,**  
**postsecondary education and training under Subsection (2)(a) may be procured**  
**through other appropriate private or public agencies.**

3. *Page 7, Line 193*

*House Floor Amendments  
2-23-2009:*

193 offenders and inmates as defined in Section 64-13-1.

**(3) Funds appropriated from the Prison Telephone Surcharge Account may only be**  
**used by the Department purposes under Subsections 53A-1-403.5(3)(a)(i) and (iv).**

The motion passed unanimously with Sen. Jenkins absent for the vote.

Rep. Wimmer introduced and explained the bill.

Mike Hadden and Mason Bishop spoke in favor of the bill.

**MOTION:** Sen Goodfellow moved to adopt the following amendment:

1. Page 1, Line 12

House Floor Amendments

2-23-2009:

- 12 require offenders who receive medical {~~;~~} and dental {~~;~~and postsecondary educational} services,

2. Page 1, Line 27 through Page 2, Line 45

House Floor Amendments

2-23-2009:

- 27 pay for the treatment because of inadequate financial resources; {-
- 28 ~~requires an inmate participating in postsecondary education through the~~  
~~department~~
- 29 ~~to pay or reimburse the department for 50% of the costs of tuition;}~~
- 30 {~~requires the department to coordinate a deferred postsecondary education~~  
~~tuition~~
- 31 ~~repayment program with the Office of State Debt Collection to provide a~~  
32 ~~participating inmate:~~
- 33 ~~• a reasonable time frame to make payments, beginning no later than two~~  
~~years~~
- 34 ~~after termination of the inmate's parole; and-~~
- 35 ~~• a reasonable payment amount to allow an inmate to reimburse the tuition~~  
36 ~~obligation incurred while under the supervision of the department;~~
- 37 ~~provides that tuition costs not paid by the inmate at the time of participating in~~  
38 ~~postsecondary education will be paid from the Prison Telephone Surcharge~~  
39 ~~Account;~~
- 40 ~~provides that of the amounts collected by the Office of State Debt Collection:~~
- 41 ~~• 10% may be used by the Office of State Debt Collection for purposes of~~  
42 ~~operating the deferred payment program; and~~
- 43 ~~• all other funds collected as repayment for postsecondary tuition costs will be~~  
44 ~~deposited into the Prison Telephone Surcharge Account to be used by the~~  
45 ~~department for education and training programs for inmates; }~~

3. Page 3, Line 65

House Floor Amendments

2-23-2009:

- 65 {~~64-13-30.5, Utah Code Annotated 1953 }~~

4. Page 6, Lines 136 through 165:

136 { ~~Section 3. Section 64-13-30.5 is enacted to read:~~  
137 ~~64-13-30.5. Payment by inmate for postsecondary educational tuition:~~  
138 ~~(1) (a) An inmate participating in a postsecondary education program through the~~  
139 ~~department shall pay to the department at the time of enrollment ~~Ĥ→ [tuition for] ←Ĥ 50%~~~~  
139a ~~of the~~  
140 ~~Ĥ→ the ←Ĥ postsecondary education Ĥ→ tuition ←Ĥ .~~  
141 ~~(b) If an inmate desires to participate in the postsecondary education program but is~~  
142 ~~unable to pay the costs of the education because of inadequate financial resources, the inmate~~  
143 ~~may participate in a deferred tuition payment program under this section:~~  
144 ~~(c) The department and the Office of State Debt Collection shall coordinate a deferred~~  
145 ~~postsecondary education tuition repayment program to provide inmates a reasonable~~  
146 ~~payment~~  
147 ~~schedule and payment amount to allow for deferred payment of the postsecondary~~  
148 ~~educational~~  
149 ~~tuition obligation the inmate incurred while under supervision of the department, which~~  
150 ~~shall:~~  
151 ~~(i) account for all postsecondary education tuition costs incurred by the inmate while~~  
152 ~~under the supervision of the department;~~  
153 ~~(ii) establish an appropriate time for the inmate to begin payment of postsecondary~~  
154 ~~education tuition costs, which shall require that payments start no later than two years after~~  
155 ~~termination of parole; and~~  
156 ~~(iii) establish a payment schedule and payment amounts, including prevailing interest~~  
157 ~~rates, commensurate with student loans currently being offered by local financial institutions:~~  
158 ~~(d) Neither the department nor the Office of State Debt Collection may relieve an~~  
159 ~~offender of the postsecondary tuition repayment responsibility:~~  
160 ~~(e) The department shall pay costs of postsecondary education not paid by the offender~~  
161 ~~at the time of participation in the program from the Prison Telephone Surcharge Account:~~  
162 ~~(2) (a) Of those tuition funds collected by the Office of State Debt Collection under~~  
163 ~~this section, 10% may be used by the Office of State Debt Collection for operation of the~~  
164 ~~deferred payment program:~~  
165 ~~(b) All other funds collected as repayment for postsecondary tuition costs shall be~~  
166 ~~deposited in the Prison Telephone Surcharge Account:~~  
167 ~~(3) Only inmates lawfully present in the United States may participate in the~~  
168 ~~postsecondary educational program offered through the department. }~~

5. Page 7, Lines 181 through 190:

181 located at any correctional facility as defined in Section 64-13-1; {+} and {+}  
182 (ii) interest on account monies[-] {+} Ĥ→ [and] ←Ĥ .  
183 { (iii) (A) money paid by inmates participating in postsecondary education  
184 provided by  
185 the department; and  
186 (B) money repaid by former inmates who have a written agreement with the  
187 department to pay for a specified portion of the tuition costs under the department's  
188 deferred

- 187 tuition-payment program;  
188 —(iv) money collected by the Office of State Debt Collection for debt described in  
189 Subsection (1)(b)(iii); and  
190 —(v) money appropriated by the Legislature.}

The motion failed with Sens. Goodfellow and Morgan voting in favor, Sens. Bramble, Dayton, and Stephenson voting in opposition, and Sen. Jenkins absent for the vote.

**MOTION:** Sen. Stephenson moved to pass 2nd Sub. H.B. 100 out of committee with a favorable recommendation.

The motion passed with Sens. Bramble, Dayton, Morgan, and Stephenson voting in favor, Sen. Goodfellow voting in opposition, and Sen. Jenkins absent for the vote.

7. **H.B. 328 -- Teacher Quality Amendments**

Sen. Stephenson introduced and explained the bill.

Larry Shumway and Derek Monson spoke in favor of the bill.

Steve Peterson spoke against the bill.

**MOTION:** Sen. Stephenson moved to pass H.B. 328 out of committee with a favorable recommendation.

The motion passed with Sens. Bramble, Dayton, and Stephenson voting in favor; Sen. Morgan voting in opposition, and Sens. Goodfellow and Jenkins absent for the vote.

8. **H.B. 194 -- Education Policies for Military Children**

Rep. Menlove introduced and explained the bill.

**MOTION:** Sen. Dayton moved to pass H.B. 194 out of committee with a favorable recommendation.

The motion passed unanimously with Sens. Goodfellow and Jenkins absent for the vote.

**MOTION:** Sen. Dayton moved to place H.B. 194 on the Consent Calendar.

The motion passed unanimously with Sens. Goodfellow and Jenkins absent for the vote.

**MOTION:** Sen. Stephenson moved to adjourn.



The motion passed with Sens. Bramble, Dayton, and Stephenson voting in favor, Sen. Morgan voting in opposition, and Sens. Goodfellow and Jenkins absent for the vote.

Committee Chair Bramble adjourned the meeting at 6:48 p.m.

Minutes were reported by Karen C. Allred, Secretary.

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Sen. Curtis Bramble