

**MINUTES OF HOUSE EDUCATION  
STANDING COMMITTEE  
March 1, 2011  
Room 445, State Capitol Building**

**MEMBERS PRESENT:** Rep. Bill Wright, Chair  
Rep. LaVar Christensen, Vice Chair  
Rep. Patrice Arent  
Rep. Becky Edwards  
Rep. Steve Eliason  
Rep. Greg Hughes  
Rep. Rebecca Lockhart  
Rep. John Mathis  
Rep. Kay McIff  
Rep. Carol Spackman Moss  
Rep. Merlynn Newbold  
Rep. Marie Poulson  
Rep. Kraig Powell  
Rep. Holly Richardson  
Rep. Ken Sumsion

**STAFF PRESENT:** Constance C. Steffen, Policy Analyst  
Linda Service, Committee Secretary

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

Rep. Wright called the meeting to order at 8:10 a.m.

**MOTION:** Rep. Arent moved to approve the minutes of February 25, 2011. The motion passed unanimously. Rep. Edwards, Rep. Hughes, Rep. Lockhart, Rep. McIff, and Rep. Newbold were absent for the vote.

**H.B. 123 K-12 Education Amendments (Rep. K. Sumsion)**

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

1. *Page 1, Line 9:*

9 This bill modifies the funding { ~~and governance~~ } of public schools.

2. *Page 1, Line 12:*

12 { ~~reduces the term of local school board members from four years to two years;~~ }

3. *Page 1, Lines 23 through 26:*

23            ~~{20A-1-511, as last amended by Laws of Utah 1994, Chapter 108~~  
24    ~~——20A-14-201, as last amended by Laws of Utah 2007, Chapter 215~~  
25    ~~——20A-14-202, as last amended by Laws of Utah 2008, Chapter 8~~  
26    ~~——20A-14-203, as enacted by Laws of Utah 1995, Chapter 1 }~~

4. *Page 4, Line 107 through Page 8, Line 243:*

107            ~~{Section 1. Section 20A-1-511 is amended to read:~~  
108    ~~——20A-1-511. Midterm vacancies on local school boards:~~  
109    ~~——(1) (a) A local school board shall fill vacancies on the board by appointment[, except as~~  
110    ~~otherwise provided in Subsection (2)];~~  
111    ~~——(b) If the board fails to make an appointment within 30 days after a vacancy occurs, the~~  
112    ~~county legislative body, or municipal legislative body in a city district, shall fill the~~  
113    ~~vacancy by~~  
114    ~~appointment:~~  
115    ~~——(c) A member appointed and qualified under this subsection shall serve until a~~  
116    ~~successor is elected or appointed and qualified.~~  
117    ~~——[(2) (a) A vacancy on the board shall be filled by an interim appointment,~~  
118    ~~followed by~~  
119    ~~an election to fill a two-year term if:]~~  
120    ~~——[(i) the vacancy on the board occurs, or a letter of resignation is received by the~~  
121    ~~board,~~  
122    ~~at least 14 days before the deadline for filing a declaration of candidacy; and]~~  
123    ~~——[(ii) two years of the vacated term will remain after the first Monday of January~~  
124    ~~following the next school board election.];~~  
125    ~~——[(b) Members elected under this subsection shall serve for the remaining two~~  
126    ~~years of~~  
127    ~~the vacated term and until a successor is elected and qualified.];~~  
128    ~~——[(3)] (2) Before appointing a person to fill a vacancy under this section, the local~~  
129    ~~school board shall:~~  
130    ~~——(a) give public notice of the vacancy at least two weeks before the local school~~  
131    ~~board~~  
132    ~~meets to fill the vacancy; and~~

- 128 ~~——(b) identify, in the notice:~~
- 129 ~~——(i) the date, time, and place of the meeting where the vacancy will be filled; and~~
- 130 ~~——(ii) the person to whom a person interested in being appointed to fill the vacancy~~  
~~may~~
- 131 ~~submit his name for consideration and any deadline for submitting it.~~
- 132 ~~——Section 2. Section 20A-14-201 is amended to read:~~
- 133 ~~——20A-14-201. Boards of education -- School board districts -- Creation --~~
- 134 ~~Reapportionment:~~
- 135 ~~——(1) (a) The county legislative body, for local school districts whose boundaries~~  
136 ~~encompass more than a single municipality, and the municipal legislative body, for~~  
137 ~~school~~  
138 ~~districts contained completely within a municipality, shall divide the local school~~  
139 ~~district into~~  
140 ~~local school board districts as required under [Subsection 20A-14-202(1)(a)] Section~~  
141 ~~20A-14-202.~~
- 142 ~~——(b) The county and municipal legislative bodies shall divide the school district so~~  
143 ~~that~~  
144 ~~the local school board districts are substantially equal in population and are as~~  
145 ~~contiguous and~~  
146 ~~compact as practicable:~~
- 147 ~~——(2) (a) County and municipal legislative bodies shall reapportion district~~  
148 ~~boundaries to~~  
149 ~~meet the population, compactness, and contiguity requirements of this section:~~
- 150 ~~——(i) at least once every 10 years;~~
- 151 ~~——(ii) if a new district is created:~~
- 152 ~~——(A) within 45 days after the canvass of an election at which voters approve the~~  
153 ~~creation~~  
154 ~~of a new district; and~~
- 155 ~~——(B) at least 60 days before the candidate filing deadline for a school board~~  
156 ~~election;~~
- 157 ~~——(iii) whenever districts are consolidated;~~
- 158 ~~——(iv) whenever a district loses more than 20% of the population of the entire~~  
159 ~~school~~  
160 ~~district to another district;~~
- 161 ~~——(v) whenever a district loses more than 50% of the population of a local school~~

**board**  
154 ~~district to another district;~~  
155 ~~—(vi) whenever a district receives new residents equal to at least 20% of the~~  
~~population~~  
156 ~~of the district at the time of the last reapportionment because of a transfer of territory~~  
~~from~~  
157 ~~another district; and~~  
158 ~~—(vii) whenever it is necessary to increase the membership of a board from five to~~  
~~seven~~  
159 ~~members as a result of changes in student membership under Section 20A-14-202.~~  
160 ~~—(b) If a school district receives territory containing less than 20% of the~~  
~~population of~~  
161 ~~the transferee district at the time of the last reapportionment, the local school board~~  
~~may assign~~  
162 ~~the new territory to one or more existing school board districts.~~  
163 ~~—(3)(a) Reapportionment does not affect the right of any school board member to~~  
164 ~~complete the term for which the member was elected.~~  
165 ~~—(b) (i) After reapportionment, representation in a local school board district~~  
~~shall be~~  
166 ~~determined as provided in this Subsection (3).~~  
167 ~~—(ii) If only one board member whose term extends beyond reapportionment lives~~  
168 ~~within a reapportioned local school board district, that board member shall represent~~  
~~that local~~  
169 ~~school board district.~~  
170 ~~—(iii) (A) If two or more members whose terms extend beyond reapportionment~~  
~~five~~  
171 ~~within a reapportioned local school board district, the members involved shall select~~  
~~one~~  
172 ~~member by lot to represent the local school board district.~~  
173 ~~—(B) The other members shall serve at-large for the remainder of their terms.~~  
174 ~~—(C) The at-large board members shall serve in addition to the designated~~  
~~number of~~  
175 ~~board members for the board in question for the remainder of their terms.~~  
176 ~~—(iv) If there is no board member living within a local school board district whose~~  
~~term~~

177 ~~extends beyond reapportionment, the seat shall be treated as vacant and filled as~~  
178 ~~provided in~~  
179 ~~this part:~~  
180 ~~—[(4) (a) If, before an election affected by reapportionment, the county or~~  
181 ~~municipal~~  
182 ~~legislative body that conducted the reapportionment determines that one or more~~  
183 ~~members~~  
184 ~~must be elected to terms of two years to meet this part's requirements for staggered~~  
185 ~~terms, the~~  
186 ~~legislative body shall determine by lot which of the reapportioned local school board~~  
187 ~~districts~~  
188 ~~will elect members to two-year terms and which will elect members to four-year~~  
189 ~~terms.]~~  
190 ~~—[(b) All subsequent elections are for four-year terms.]~~  
191 ~~—[(5) (4) Within 10 days after any local school board district boundary change,~~  
192 ~~the~~  
193 ~~county or municipal legislative body making the change shall send an accurate map~~  
194 ~~or plat of~~  
195 ~~the boundary change to the Automated Geographic Reference Center created under~~  
196 ~~Section~~  
197 ~~63F-1-506.~~  
198 ~~—Section 3. Section 20A-14-202 is amended to read:~~  
199 ~~—20A-14-202. Local boards of education -- Membership -- When elected --~~  
200 ~~Qualifications -- Avoiding conflicts of interest.~~  
201 ~~—(1) (a) Except as provided in Subsection (1)(b), the board of education of a school~~  
202 ~~district with a student population of up to 24,000 students shall consist of five~~  
203 ~~members:~~  
204 ~~—(b) The board of education of a school district with a student population of more~~  
205 ~~than~~  
206 ~~10,000 students but fewer than 24,000 students shall increase from five to seven~~  
207 ~~members~~  
208 ~~beginning with the 2004 regular general election:~~  
209 ~~—(c) The board of education of a school district with a student population of~~  
210 ~~24,000 or~~  
211 ~~more students shall consist of seven members.~~

199 ~~——(d) Student population is based on the October 1 student count submitted by~~  
districts to  
200 the State Office of Education.

201 ~~——(e) If the number of members of a local school board is required to change under~~  
202 ~~Subsection (1)(b), the board shall be reapportioned and elections conducted as~~  
provided in  
203 Sections 20A-14-201 and 20A-14-203.

204 ~~——(f) A school district which now has or increases to a seven-member board shall~~  
205 ~~maintain a seven-member board regardless of subsequent changes in student~~  
population:

206 ~~——(g) [(i)] Members of a local board of education shall be elected at each regular~~  
general  
207 election:

208 ~~——[(ii) Except as provided in Subsection (1)(g)(iii), no more than three members of~~  
a  
209 local board of education may be elected to a five-member board, nor more than four  
members  
210 elected to a seven-member board, in any election year.]

211 ~~——[(iii) More than three members of a local board of education may be elected to a~~  
212 ~~five-member board and more than four members elected to a seven-member board in~~  
any  
213 election year only when required by reapportionment or to fill a vacancy or to  
implement  
214 Subsection (1)(b).]

215 ~~——(h) One member of the local board of education shall be elected from each local~~  
school  
216 board district:

217 ~~——(2) (a) For an election held after the 2008 general election, a person seeking~~  
election to  
218 a local school board must have been a resident of the local school board district in  
which the  
219 person is seeking election for at least one year as of the date of the election:

220 ~~——(b) A person who has resided within the local school board district, as the~~  
boundaries  
221 of the district exist on the date of the election, for one year immediately preceding the

date of  
222 ~~the election shall be considered to have met the requirements of this Subsection (2).~~  
223 ~~—(3) A member of a local school board shall:~~  
224 ~~—(a) be and remain a registered voter in the local school board district from~~  
~~which the~~  
225 ~~member is elected or appointed; and~~  
226 ~~—(b) maintain the member's primary residence within the local school board~~  
~~district from~~  
227 ~~which the member is elected or appointed during the member's term of office.~~  
228 ~~—(4) A member of a local school board may not, during the member's term in~~  
~~office, also~~  
229 ~~serve as an employee of that board.~~  
230 ~~—Section 4. Section 20A-14-203 is amended to read:~~  
231 ~~—20A-14-203. Becoming a member of a local board of education -- Declaration of~~  
232 ~~candidacy -- Election:~~  
233 ~~—(1) An individual may become a candidate for a local school board by filing a~~  
234 ~~declaration of candidacy with the county clerk and paying the fee as required by~~  
~~Section~~  
235 ~~20A-9-202.~~  
236 ~~—(2) (a) The term of office for an individual elected to a local board of education~~  
~~before~~  
237 ~~January 1, 2012, is four years, beginning on the first Monday in January after the~~  
~~election:~~  
238 ~~—(b) The term of office for an individual elected to a local board of education after~~  
239 ~~January 1, 2012, is two years, beginning on the first Monday in January after the~~  
~~election:~~  
240 ~~—[(b)] (c) A member of a local board of education shall serve until a successor is~~  
~~elected~~  
241 ~~or appointed and qualified:~~  
242 ~~—[(c)] (d) A member of a local board of education is "qualified" when the member~~  
~~takes~~  
243 ~~or signs the constitutional oath of office. }~~

The motion to amend passed unanimously. Rep. Edwards, Rep. Hughes, Rep. Lockhart, and Rep. McIff were absent for the vote.

Rep. Sumsion introduced the bill which modifies the funding and governance of public schools.

The following spoke to the bill:

Martell Menlove, Deputy Superintendent, Utah State Office of Education  
Ray Timothy, Superintendent, Park City School District

Charri Brummer, Deputy Director, Division of Child and Family Services, spoke in opposition to the bill.

**MOTION:** Rep. Christensen moved to hold **H.B. 123** as amended with the intent to send it to interim study. The motion passed unanimously. Rep. Edwards, Rep. Hughes, and Rep. Lockhart were absent for the vote.

**H.B. 313 Charter School Funding Amendments (Rep. M. Newbold)**

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

1. *Page 1, Line 21:*

21 Enrollment Growth Program; =

▶ requires the state superintendent of public instruction to annually report on the number of a school district's resident students enrolled in charter schools and the school district's contribution of local property taxes per charter school student;

2. *Page 2, Lines 29 through 33:*

29 Utah Code Sections Affected:

30 AMENDS:

= 53A-1-301, as last amended by Laws of Utah 2010, Chapters 139 and 206

31 53A-1a-513, as last amended by Laws of Utah 2010, Chapters 3 and 399

32

33 *Be it enacted by the Legislature of the state of Utah:*

= Section 1. Section 53A-1-301 is amended to read:

**53A-1-301. Appointment -- Qualifications -- Duties.**

(1) (a) The State Board of Education shall appoint a superintendent of public instruction, hereinafter called the state superintendent, who is the executive officer of the board and serves at the pleasure of the board.

(b) The board shall appoint the state superintendent on the basis of outstanding professional qualifications.

(c) The state superintendent shall administer all programs assigned to the State



Board of Education in accordance with the policies and the standards established by the board.

(2) The superintendent shall develop a statewide education strategy focusing on core academics, including the development of:

- (a) core curriculum and graduation requirements;
- (b) a process to select instructional materials that best correlate to the core curriculum and graduation requirements that are supported by generally accepted scientific standards of evidence;
- (c) professional development programs for teachers, superintendents, and principals;
- (d) remediation programs;
- (e) a method for creating individual student learning targets, and a method of measuring an individual student's performance toward those targets;
- (f) progress-based assessments for ongoing performance evaluations of districts and schools;
- (g) incentives to achieve the desired outcome of individual student progress in core academics, and which do not create disincentives for setting high goals for the students;
- (h) an annual report card for school and district performance, measuring learning and reporting progress-based assessments;
- (i) a systematic method to encourage innovation in schools and school districts as they strive to achieve improvement in their performance; and
- (j) a method for identifying and sharing best demonstrated practices across districts and schools.

(3) The superintendent shall perform duties assigned by the board, including the following:

- (a) investigating all matters pertaining to the public schools;
- (b) adopting and keeping an official seal to authenticate the superintendent's official acts;
- (c) holding and conducting meetings, seminars, and conferences on educational topics;
- (d) presenting to the governor and the Legislature each December a report of the public school system for the preceding year to include:
  - (i) data on the general condition of the schools with recommendations considered desirable for specific programs;

- (ii) a complete statement of fund balances;
- (iii) a complete statement of revenues by fund and source;
- (iv) a complete statement of adjusted expenditures by fund, the status of bonded indebtedness, the cost of new school plants, and school levies;
- (v) a complete statement of state funds allocated to each school district and charter school by source, including supplemental appropriations, and a complete statement of expenditures by each school district and charter school, including supplemental appropriations, by function and object as outlined in the U.S. Department of Education publication "Financial Accounting for Local and State School Systems";
- (vi) a complete statement, by school district and charter school, of the amount of and percentage increase or decrease in expenditures from the previous year attributed to:
  - (A) wage increases, with expenditure data for base salary adjustments identified separately from step and lane expenditures;
  - (B) medical and dental premium cost adjustments; and
  - (C) adjustments in the number of teachers and other staff;

**(vii) a statement that shows, for each school district, the number of resident students enrolled in charter schools and the school district's contribution of local property taxes per charter school student as provided in Section 53A-1a-513;**

~~{(vii)}~~ **(viii)** a statement that includes data on fall enrollments, average membership, high school graduates, licensed and classified employees, pupil-teacher ratios, average class sizes calculated in accordance with State Board of Education rules adopted under Subsection 53A-3-602.5(4), average salaries, applicable private school data, and data from standardized norm-referenced tests in grades 5, 8, and 11 on each school and district;

~~{(viii)}~~ **(ix)** statistical information regarding incidents of delinquent activity in the schools or at school-related activities with separate categories for:

- (A) alcohol and drug abuse;
- (B) weapon possession;
- (C) assaults; and
- (D) arson;

~~{(ix)}~~ **(x)** information about:

- (A) the development and implementation of the strategy of focusing on core academics;
- (B) the development and implementation of competency-based education and progress-based assessments; and

(C) the results being achieved under Subsections (3)(d)(ix)(A) and (B), as measured by individual progress-based assessments and a comparison of Utah students' progress with the progress of students in other states using standardized norm-referenced tests as benchmarks; and

~~{(x)}~~ (xi) other statistical and financial information about the school system which the state superintendent considers pertinent;

(e) collecting and organizing education data into an automated decision support system to facilitate school district and school improvement planning, accountability reporting, performance recognition, and the evaluation of educational policy and program effectiveness to include:

(i) data that are:

(A) comparable across schools and school districts;

(B) appropriate for use in longitudinal studies; and

(C) comprehensive with regard to the data elements required under applicable state or federal law or state board rule;

(ii) features that enable users, most particularly school administrators, teachers, and parents, to:

(A) retrieve school and school district level data electronically;

(B) interpret the data visually; and

(C) draw conclusions that are statistically valid; and

(iii) procedures for the collection and management of education data that:

(A) require the state superintendent of public instruction to:

(I) collaborate with school districts in designing and implementing uniform data standards and definitions;

(II) undertake or sponsor research to implement improved methods for analyzing education data;

(III) provide for data security to prevent unauthorized access to or contamination of the data; and

(IV) protect the confidentiality of data under state and federal privacy laws; and

(B) require all school districts and schools to comply with the data collection and management procedures established under Subsection (3)(e);

(f) administering and implementing federal educational programs in accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act; and

(g) with the approval of the board, preparing and submitting to the governor a budget for the board to be included in the budget that the governor submits to the

Legislature.

(4) The state superintendent shall distribute funds deposited in the Autism Awareness Restricted Account created in Section 53A-1-304 in accordance with the requirements of Section 53A-1-304.

(5) Upon leaving office, the state superintendent shall deliver to the state superintendent's successor all books, records, documents, maps, reports, papers, and other articles pertaining to the state superintendent's office.

(6) (a) For the purpose of Subsection (3)(d)(vii):

(i) the pupil-teacher ratio for a school shall be calculated by dividing the number of students enrolled in a school by the number of full-time equivalent teachers assigned to the school, including regular classroom teachers, school-based specialists, and special education teachers;

(ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of the schools within a school district;

(iii) the pupil-teacher ratio for charter schools aggregated shall be the median pupil-teacher ratio of charter schools in the state; and

(iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median pupil-teacher ratio of public schools in the state.

(b) The printed copy of the report required by Subsection (3)(d) shall:

(i) include the pupil-teacher ratio for:

(A) each school district;

(B) the charter schools aggregated; and

(C) the state's public schools aggregated; and

(ii) indicate the Internet website where pupil-teacher ratios for each school in the state may be accessed.

**Renumber remaining sections accordingly.**

3. *Page 2, Line 37:*

37 (a) " ~~{ Charter school students' average local revenues }~~ Average district per pupil local revenues " means the amount determined as

4. *Page 7, Line 193:*

193 ~~(iv)(A)~~ (e) (i) If the appropriation provided under this Subsection (4)~~(iv)~~ ~~{ (e) }~~ is ~~less~~

The motion passed unanimously. Rep. Arent, Rep. Edwards, Rep. Hughes, Rep. Lockhart, and

Rep. Christensen were absent for the vote.

Rep. Newbold introduced the bill which modifies funding provided to a charter school to replace local discretionary property taxes that are not available to charter schools.

The following spoke in opposition to the bill:

Kory Holdaway, Utah Education Association

Claire Geddes, citizen

Patti Harrington, Associate Director, Utah School Boards Association and Utah School Superintendents Association

Chris Bleak, Utah Association of Public Charter Schools, spoke in favor of the bill.

**MOTION:** Rep. Richardson moved to pass out **H.B. 313** as amended with a favorable recommendation. The motion passed with Rep. Edwards, Rep. McIff, Rep. Moss, Rep. Poulson, and Rep. Powell voting in opposition to the motion. Rep. Arent and Rep. Christensen were absent for the vote.

**MOTION:** Rep. Moss moved to adjourn at 9:33 a.m. The motion passed unanimously. Rep. Arent and Rep. Christensen were absent for the vote.

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Rep. Bill Wright, Chair

