

**MINUTES OF THE
SENATE EDUCATION STANDING COMMITTEE
FRIDAY, FEBRUARY 25, 2011, 8:30 A.M.
ROOM 415, STATE CAPITOL**

Members Present: Sen. Howard A. Stephenson, Chair
Sen. Lyle Hillyard
Sen. Karen Morgan
Sen. Wayne Niederhauser
Sen. Jerry Stevenson
Sen. Daniel Thatcher

Staff Present: Allison Nicholson, Policy Analyst
Karen C. Allred, Secretary

Public Speakers Present: Mark Madsen, Senator, State of Utah
Bart Thompson, Assistant Director, Utah High School Activities
Association
Michael Morely, Representative, State of Utah
Kenneth Ivory, Representative, State of Utah
Wendi Baggaley, Mother
Martell Menlove, Deputy Superintendent, Utah State Office of
Education
Gayle Ruzicka, Utah Eagle Forum
Ross Collier, Citizen
Marianne Bodine Allen, Teacher, Weber Education Association
Peter Cannon, Citizen
Sharon Gallagher-Fishbaugh, President, Utah Education
Association

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

Chair Stephenson called the meeting to order at 8:57 a.m.

MOTION: Sen. Morgan moved to approve the minutes of the February 23, 2011 meeting.

The motion passed unanimously with Sens. Hillyard and J. Stevenson absent for the vote.

1. S.B. 53 - Eligibility for Interscholastic Activities in Secondary Schools

MOTION: Sen. Thatcher moved to adopt the following amendment:

1. Page 4, Lines 105 through 108:

- 105 (e) "Recruiting" means a solicitation or conversation:
106 (i) initiated by:
107 (A) an employee of a school or school district; ~~{or}~~
108 (B) a coach or advisor of an interscholastic activity; or
(C) a member of a booster, alumni, or other organization that performs a
substantially similar role as a booster organization, affiliated with a school or school
district;

2. Page 4, Lines 109 through 113:

- 109 (ii) to influence a student, or the student's relative or legal guardian, to transfer to a
110 school for the purpose of participating in an interscholastic activity at the school; and
111 (iii) with an offer for the student, or the student's relative or legal guardian, that the
112 school or person has the capacity to fulfill.
113 (f) "School" means a public school.

3. Page 5, Lines 143 through 144:

- 143 (a) an employee of a school or school district; ~~{or}~~
144 (b) a coach or advisor of an interscholastic activity ~~{-}~~ ; or
(c) a member of a booster, alumni, or other organization that performs a
substantially similar role as a booster organization, affiliated with a school or school
district.

The motion passed unanimously with Sens. Hillyard and J. Stevenson absent for the vote.

Sen. Madsen introduced and explained the bill.

Mr. Thompson spoke in opposition to the bill.

MOTION: Sen. Thatcher moved to adopt the following amendment:

1. Page 5, Lines 141 through 142:

- 141 transfer between schools if the school, school district, or association can prove that the
student
142 was recruited to transfer ~~{solely}~~ primarily for an athletic purpose by:

The motion passed unanimously with Sens. Hillyard and J. Stevenson absent for the vote.

MOTION: Sen. Niederhauser moved to pass S.B. 53 out of committee with a favorable recommendation.

The motion passed with Sens. Niederhauser, H. Stephenson, J. Stevenson, and Thatcher voting in favor; Sen. Morgan voting in opposition; and Sen. Hillyard absent for the vote.

2. **H.B. 220 - Civics Education Amendments**

Rep. Morely introduced and explained the bill.

MOTION: Sen. Niederhauser moved to adopt the following amendment:

1. *Page 2, Lines 37 through 38*
House Committee Amendments
2-4-2011:

37 (ii) the United States' form of government, a ~~H~~→ constitutional **compound** ←~~H~~
republic.

38 (3) School curricula and activities shall include [~~the appropriate~~] a thorough study of

Rep. Ivory spoke in favor of the amendment.

SUBSTITUTE MOTION: Sen. Morgan moved to adopt the following amendment:

1. *Page 2, Lines 35 through 36*
House Committee Amendments
2-4-2011:

35 (c) Instruction in American history and government shall include a study of:

36 (i) forms of government, such as a **republic, a pure** democracy, ~~H~~→ a ←~~H~~
monarchy.

2. *Page 2, Line 37*
House Committee Amendments
2-4-2011:

37 (ii) the United States' form of government, a ~~H~~→ constitutional **democratic** ←~~H~~
republic.

Chair H. Stephenson divided the motion.

The first part of the motion passed unanimously with Sen. Hillyard absent for the vote.

The second part of the motion failed with Sen. Morgan voting in favor; Sens. Niederhauser, H. Stephenson, J. Stevenson, and Thatcher voting in opposition; and Sen. Hillyard absent for the vote.

MOTION: Sen. Niederhauser moved to adopt the following amendment:

1. *Page 2, Lines 37 through 38*
House Committee Amendments
2-4-2011:

37 (ii) the United States' form of government, a ~~Ĥ~~→ constitutional compound ←~~Ĥ~~
republic.

38 (3) School curricula and activities shall include [~~the appropriate~~] a thorough study of
The motion passed unanimously with Sen. Hillyard absent for the vote.

Ms. Baggaley, Ms. Ruzicka, and Mr. Cannon spoke in favor of the bill.

Dr. Menlove, Mr. Collier, and Ms. Allen spoke to the bill.

MOTION: Sen. Thatcher moved to pass H.B. 220 out of committee with a favorable recommendation.

The motion passed unanimously with Sens. Hillyard and Morgan absent for the vote.

Sen. Niederhauser assumed the Chair.

3. **S.B. 73 - Public School Teacher Tenure Modifications**

MOTION: Sen. Stephenson moved to replace S.B. 73 with 1st Substitute S.B. 73.

The motion passed unanimously with Sens. Hillyard and Morgan absent for the vote.

Ms. Gallagher-Fishbaugh and Ms. Allen spoke in opposition to the bill.

Dr. Menlove spoke to the bill.

Mr. Cannon spoke in favor of the bill.

MOTION: Sen. Stephenson moved to pass 1st Substitute S.B. 73 out of committee with a favorable recommendation.

The motion passed unanimously with Sens. Hillyard and Morgan absent for the vote.

MOTION: Sen. Stephenson moved to adjourn.

The motion passed unanimously with Sens. Hillyard and Morgan absent for the vote.

Acting Chair Niederhauser adjourned the meeting at 10:08.

Minutes were reported by Karen C. Allred, Secretary.

Sen. Howard A. Stephenson