

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Tuesday, October 11, 2005 – 9:00 a.m.. – Room W135 House Building

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. David Ure, House Chair
Sen. Ed Mayne
Sen. Michael G. Waddoups
Sen. Mark B. Madsen
Rep. James R. Gowans
Rep. Kory M. Holdaway
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

Members Excused:

Sen. Mike Dmitrich

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Ure called the meeting to order at 9:07 a.m.

MOTION: Sen. Waddoups moved to approve the minutes of the August 23, 2005 meeting. The motion passed unanimously. Sen. Stephenson and Rep. Moss were absent for the vote.

2. Sharing of Student Contact Information Among Public and Charter Schools

Sen. Stephenson introduced the issue.

Ms. Jean Hill, Attorney, State Office of Education, commented on provisions in the federal FERPA (Family Educational Rights and Privacy Act). She said FERPA provides that school districts can release student contact information, but they are not required to. Ms. Hill explained that the problem is that once the information is given to one entity, it is difficult to say deny access to the next group that asks. She recommended reviewing how other states have handled these requests.

Mr. Dan Earley, Da Vinci Academy, explained that they had requested contact information of parents of students so that information about their school could be mailed to them, but were denied.

Mr. Kim Burningham, Chair, State Board of Education, said that legislation or a school board administrative rule should be written so that information could be obtained in specified circumstances, but not all instances.

Committee discussion followed.

Sen. Stephenson said he would file a bill request and work with the state school board on what the statute should say as far as the sharing of mailing addresses for advertising of charter schools.

Rep. Ure encouraged giving the school board the authority to write the administrative rule.

3. Community Council Policies of School Districts

Sen. Mayne introduced the issue.

Ms. Kim Coleman, Parent, Granite School District, distributed and reviewed "Timeline Community Council in Granite School District," and an excerpt from the "Granite School District Policy." She expressed concern over district policies which she contends are in violation of law.

Mr. Kim Burningham, Chair, State Board of Education, said that Board is committed to the value of the community councils. He said that an audit of the community council program has been requested and will likely be completed in a couple of months.

Mr. Martin Bates, Granite School District, responded to questions from the Committee.

Committee discussion followed.

Sen. Mayne said that he was hopeful that the Granite School District, through its attorney, would work through the issues with Ms. Coleman to make changes to the policies before they are finalized in mid-November.

4. Policies Governing Terrel H. Bell Teaching Incentive Program

Rep. Ronda Rudd Menlove addressed the committee, commenting on H.B. 74 "Tuition Program for Students Seeking Teacher Licensure in Disability or Special Education" 2005 General Session, and said that it opened the Terrel H. Bell Incentive Loan Program for nontraditional students. She said that there is a discrepancy between the statute and the Utah State Board of Regents policy with regard to the availability of the program to part-time students.

Rep. Newbold distributed and reviewed "Teaching Field Index of Criticality for Utah T. H. Bell Teaching Incentive Loan Program," and "Teaching Assignments of T.H. Bell Loan Recipients."

Mr. Dave Buhler, Associate Commissioner, Utah System of Higher Education, distributed a draft of "R603, Terrel H. Bell Teaching Incentive Loan Program," as contained in the committee's supplemental mailing packet, and "Utah System of Higher Education." He gave an overview of the scholarship program.

Rep. Menlove said that the draft distributed by Mr. Buhler does address her concerns.

Dr. Teddi Safman, Associate Commissioner for Academic Affairs, Utah System of Higher Education, commented on how the loans are awarded.

Dr. David Doty, Director of Policy and Research, Office of the Commissioner of Higher Education, Utah System of Higher Education, suggested that language be added to the beginning of the document which clearly states that the purpose of the program is to address critical teacher needs in the state and that it will comply with the state criticality index as revised from year to year.

Committee discussion followed.

5. Committee Business

Minutes of the Administrative Rules Review Committee
October 11, 2005
Page 3

Next meeting is tentatively scheduled for Friday, November 4, 2005 at 9 a.m.

6. Adjourn

MOTION: Rep. Holdaway moved to adjourn the meeting. The motion passed unanimously. Sen. Stephenson and Rep. Moss were absent for the vote.

Chair Ure adjourned the meeting at 11:05 a.m.