

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
Tuesday, October 3, 2006 – 9:30 a.m. – Room W135 House Building

**Members Present:**

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

**Members Excused:**

Rep. Kory M. Holdaway

**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, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Ure called the meeting to order at 9:44 a.m.

**MOTION:** Rep. Gowans moved to approve the minutes of the September 26, 2006 meeting. The motion passed unanimously. Sen. Dmitrich and Sen. Waddoups were absent for the vote.

**2. Issues Related to Charter Schools**

**A. State Board Rules Related to Utah High School Activities Association**

Rep. Michael T. Morley introduced the issue of student participation in athletic activities, which was also studied by the Committee in its March 29, 2006 meeting. Rep. Morley said that over the past several months, students trying to transfer to the American Leadership Academy and participate in athletics have met obstacles.

Ms. Carol Lear, Director, School Law and Legislation, State Office of Education, spoke in favor of presenting this issue to the State Board of Education for study.

Mr. Kalin Hall, Assistant Director, American Leadership Academy, said the athletic programs the school offers should benefit the students, not the coaches or the administrators who make the decision of whether a student will be allowed to participate.

Mr. Rob Muhlestein, Director, American Leadership Academy, responded to questions from the Committee.

The Committee agreed to revisit this issue at a future meeting.

**B. R277-470, Education - Charter Schools**

Sen. Stephenson said there is concern regarding changes to R277-470, "Charter Schools," which requires charter schools to have a minimum of 25% parental representation on their school boards and requires board membership elections.

Mr. John Broberg, Director, Utah Charter Schools, Utah State Office of Education, commented on the statutory requirement in Section 53A-1a-503 which states that one purpose of charter schools is to "provide

opportunities for greater parental involvement in management decisions at the school level," and he explained the reason for the rule.

Ms. Lear clarified the rule by explaining that it requires only one elected parent on a charter school board, but that parents are to constitute at least 25% of the board's membership, whether by appointment or some other means of selection by the board.

Mr. Jonathan Hafen, Member, Board of Directors, Tuacahn High School for the Performing Arts, spoke against the new requirements.

Ms. Carolyn Sharette, Director, American Preparatory Academy, spoke against the rule and responded to questions from the Committee.

Sen. Stephenson requested staff to research the ability to alter a contract by rule or statute, and how alterations to a contract would affect charter schools.

The Committee agreed to revisit this issue at a future meeting.

**MOTION:** Sen. Waddoups moved to adjourn at 11:45 a.m. . The motion passed unanimously. Sen. Dmitrich and Sen. Mayne were absent for the vote.

### **3. Committee Business**

The next meeting was scheduled for Wednesday, October 25, 2006.

### **4. Adjourn**

Chair Ure adjourned the meeting at 11:45 a.m.