

**MINUTES OF THE  
JOINT PUBLIC EDUCATION APPROPRIATIONS SUBCOMMITTEE  
WEDNESDAY, JANUARY 16, 2008 9:00 A.M.  
Room W135, West Office Building, State Capitol Complex**

Members Present: Sen. Howard A. Stephenson, Co-Chair  
Rep. Bradley G. Last, Co-Chair  
Sen. Lyle W. Hillyard  
Sen. Patricia W. Jones  
Sen. Kevin T. VanTassell  
Rep. Tim M. Cosgrove  
Rep. Brad L. Dee  
Rep. Lorie D. Fowlke  
Rep. Gage Froerer  
Rep. Gregory H. Hughes  
Rep. Ronda Rudd Menlove  
Rep. Karen W. Morgan  
Rep. Phil Riesen

Members Absent: Rep. Gage Froerer (Afternoon)  
Rep. Phil Riesen (Afternoon)  
Rep. Aaron Tilton (Morning)  
Rep. Carl Wimmer

Staff Present: Ben Leishman, Legislative Fiscal Analyst  
Patrick Lee, Legislative Fiscal Analyst  
Cherie Schmidt, Secretary

Public Speakers Present: Larry Shumway, Deputy Superintendent, USOE  
Brenda Hales, Associate Superintendent, USOE  
Judy Park, Associate Superintendent, USOE  
Todd Hauber, Associate Superintendent, USOE  
Marlies Burns, Educator, USOE Charter Schools  
Timothy Smith, Superintendent, USDB  
Dr. Karl White, Professor, Utah State University  
Beth Foley, Utah State University  
Michelle Archibald, Parent  
Brenda Hales, Associate Superintendent, USOE  
Dr. Sheryl Smith, Former State Specialist for Library Medium at USOE  
Wayne Pay, Utah Academic Library Consortium  
Rebecca Odoardi, Director of Gifted and Talented Programs  
Joan Bramble, Principal in Granite School District and current  
President of Utah Association for Gifted Children

Darin Underwood, Audit Manager, OLAG  
Darren Marshall, Audit Supervisor, OLAG  
Amy Wadsworth, Principal, Salt Lake Arts Academy Charter School  
Debbie Gomberg, Principal, North Davis Prep Academy Charter School  
Errol Porter, Principal, Timp Academy Charter School

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

Committee Co-Chair Last called the meeting to order at 9:15 a.m.

1. **Welcome** - Co-Chair Last welcomed those present to the meeting.
2. **Overview of Base Budget Bills** - Ben Leishman, Legislative Fiscal Analyst, presented an overview of the Base Budget Bills contained in the Issue Brief - Base Budget & Student Enrollment Growth. This brief provides information on adjustments contained in H.B. 1 "Minimum School Program Base Budget Amendments." Funding enrollment growth in the public schools continues to be a major budgetary factor facing the Legislature each year. In recent history, the Legislature has appropriated additional revenue to find the impact of student enrollment increases in the Minimum School Program (MSP) Base Budget Amendments. This bill not only funds increases in student enrollment growth, but also ensures that the ongoing budget from the current fiscal year is continued into the new fiscal year. In Fall 2007, Utah's public schools enrolled 537,653 students, a 2.6 percent increase over the 2006-07 school year. Projections for Fall 2008 indicate that an additional 12,880 students will likely enroll in Utah's public schools, an increase of 2.4 percent over Fall 2007. Legislative action on H.B. 1 will implement the base budget adjustments identified in this brief.
3. **Agency Base Budgets** - Judy Park, Associate Superintendent, USOE, presented the Data, Assessment, and Accountability section of the Base Budget Bill. (Refer to Handout *Agency Base Budget, Utah State Office of Education.*) Associate Superintendent Park stated that there are three major areas that this division is focused. The first is computer services, second assessment, and third accountability.

The Computer Services section has a two-fold mission. One is to be responsible for the computer and technical needs of the Utah State Office of Education. The second responsibility is to work with the schools on their computer technical needs.

Key accomplishments of this section include completing all ten elements of the National Data Quality Campaign and the development of the single state-wide student identifier (SSID) that allows students to be tracked from Pre-school to post secondary.

Computer Services is well involved in many facets of the agency as well as providing leadership to the districts.

The second section is Assessment. This section is responsible for the development and implementation of state-wide required assessment, on-going development of assessment items to cover the depth and breadth of the core curriculums, assessment data analysis and reporting, training of district personnel through the Data Mentor program and Cognos (Business Intelligence Data Analysis System) for school and student data analysis, and development and implementation of formative assessments through Utah Test Item Pool System (UTIPS).

Key accomplishments of this section include development, publishing scoring, and reporting of the 70 state assessments that test the depth and breadth of the core. There is also a strong commitment to returning the results of a student's assessment to that student as soon as possible. The agency also feels that the state needs to move to having all assessments taken with the use of the computer. In 2008, there will be an increase of 9 percent to 51 percent of the CRT's taken on the computer.

Associate Superintendent Park also referred to a handout entitled, *Computer-Based Testing State of Readiness Survey*. This document covers additional data requested in December. Limiting factors for 100 percent computer-based testing include hardware, infrastructure, and a lack of technical support. Additional funding is needed to help all school be at 100 percent computer-based testing. Districts are reporting that they will need an additional \$74 million and charter schools an additional \$2 million. On-going funding is also needed for replacement of computers.

Questions were also asked concerning the average number of days computers are used for instruction, which is 150; and the average number of days computers are used for summative assessment, which is 30. Average number of FTE's currently allocated for technical support per school is 0.37.

The third section covered in this presentation was Accountability. This section is responsible for the development, maintenance, and improvement of the Utah Performance Assessment System for Students (U-PASS), Accountability System, as well as the development, maintenance, and improvements to the electronic U-PASS school report card.

Todd Hauber, Associate Superintendent, USOE, presented Business Services. (Refer to Handout *Agency Base Budget, Utah State Office of Education.*) This division of the Utah State Office of Education is comprised of the following sections:

- School Finance
- Child Nutrition Programs
- Internal Accounting
- Human Resource Management

School Finance establishes and maintains the financial framework that supports equal education opportunities for all children in Utah by applying best professional practices in collecting, verifying and analyzing data, allocating public funds and determining the fiscal impact of state and federal policies with constant attention to the timeliness, completeness, and accuracy of all products and services.

Key accomplishments include development of a highly useful School Finance and Statistics Web page, which contains school district and charter schools financial reports, student and staff data summaries, school district property tax information, historical statewide redevelopment data, pupil transportation statistics and standards information, as well as a comprehensive school building construction and inspection manual for use by school district and charter school personnel. They have also streamlined and automated financial and statistical processes and procedures for increased efficiencies.

The Child Nutrition Program promotes the nutritional well-being of the Utah public, with a focus on children, so they may reach their full potential. Key accomplishments include a presentation of Foods of Minimal Nutritional Value proposal to the Board in effort to establish a standard for School Districts to follow. This program has also conducted annual sponsor focus training designed to share new policies and provide assistance with a goal to maintaining a high level of compliance.

The Internal Accounting section provides quality budgeting, accounting and purchasing services to the members of the Utah State Board of Education as well as the Utah State Office of Education and the Utah State Office of Rehabilitation. Key accomplishments include development of a Standard Business Practice and Procedures manual for the Agency and also in process of converting all accounting procedures to an electronic system.

Human Resources provides a full range of quality human resource service to support each employee in contributing at optimum levels towards the mission and goals of the Utah State Office of Education and the Utah State Office of Rehabilitation.

Dr. Larry Shumway, Deputy Superintendent, presented information on Law, Legislation, and Educational Services Division (Refer to Handout *Agency Base Budget, Utah State Office of Education.*)

The Educator Quality and Licensing section supports educators in all matters related to licensure and collaborates with colleges and universities to ensure that educator preparation programs meet state and national standards. Key accomplishments include development of an on-line licensure process that greatly increases accessibility and quality of service to educators and deployment of an on-line and LiveScan fingerprinting process that reduces time lag in the background checks of educators from as much as 18 weeks to less than five days. They also issued 271 BSEP Vouchers payments in 2007 valued at \$166,000.

Education Equity provides support to school districts and charter schools in compliance with state and federally mandated civil rights. The section maintains a data base of civil rights complaints, inquiries and resolution, and provides mediation services to resolve issues prior to hearings. A key accomplishment of this section is providing training to charter schools and local districts.

The Law and Legislation Section provides support to the State Board of Education and the USOE in development and maintenance of board rules, interpretation of state and federal statutes and rules, and general advice in matters of law and policy. Key accomplishments include 55 investigations of educator misconduct, resulting in disciplinary action in 41 cases and eight revocations. They also developed State Board of Education rules in response to legislative requirements and other developments, including eight new rules and 25 amended rules.

Public Relations provides support of the State Board of Education and the USOE to communicate key information to the public, the media, and others in documentary and electronic form. Key accomplishments include streamed audio of Board and Committee meetings that are now available online for media feeds and public participation and development and distribution of pocket guides with Utah Public Education information including Fingertip Facts and Board Priorities.

Co-Chair Last posed the question concerning the procedures followed by the Utah State Board of Education's office in the evaluation of budgets and making sure that the money allocated is being spent efficiently. Dr. Shumway stated that this office tries very carefully to make sure that they are doing what was asked of them. He stated that every staff member has mandates, and that they are very cognizant that the money is used as efficiently as possible.

Co-Chair Stephenson asked this office to submit a plan for the implementation of computer-based testing by 2009. He pointed out that six districts have made the commitment and have established 100 percent computer-based testing. Other districts have made no commitment. Response to this question indicated that districts were to submit a technology plan to the State Office of how they were going to achieve the 100 percent. A synopsis of that plan is available. A summit was also held in November to instruct districts on how to implement the computer-based testing. This information from that summit will also be made available. It was mentioned that a plan is being developed that details the office's plan. Dr. Shumway also stated that it is difficult to maintain local control of the districts. Co-Chair Stephenson asked that this plan be submitted before the end of this appropriations session.

The Charter School information was presented by Marlies Burns, Educator, USOE Charter Schools. The Charter School section provides leadership, technical assistance, professional development, and compliance oversight to 58 operational charter schools. Efforts and programs assigned to this section include administering \$4 million dollar to the Federal Charter School Funds for startup schools, assuring charter accountability, administering \$12 million dollars of Federal Charter Schools Funds for facility incentives, implementing state law and state board policy for distribution of \$2 million annually, participating in legislative activities, establishing and implementing state charter school rules, and making sure that the needs of charter school students are met. Key accomplishments include creating a monitoring system and accountability handbook for charter schools, significantly increasing the number of charter schools in Utah, updating the application process, and providing training to potential applicants.

Timothy Smith presented information on the Utah Schools for the Deaf and Blind. (Refer to Handout *USDB: Realization of Individual Potential*.) Utah Schools for the Deaf and Blind is a statewide educational agency that deals with a small population of students. The vision of USDB is the realization of individual potential. A key accomplishment is increasing the number of students participating in CRT's each year over the past five years.

4. **Sound Beginnings - Utah State University** - Dr. Karl White, Professor, Utah State University; and Beth Foley, Utah State University; provided a PowerPoint presentation of the program Sound Beginnings. (Also refer to Handout *Sound Beginnings*.) Sound Beginnings was established in 2007 with USU funding to provide:

- infants and young children with hearing loss the communications, academic, and social skills they need to be successfully integrated into their neighborhood schools by first grade

- Prepare teachers and clinicians to teach birth to five-year old children with hearing loss to listen and speak.
- Collaborate with other education programs to improve early intervention and preschool programs for children with hearing loss using research-based effective practices.
- Support families in teaching their child with hearing loss and in accessing appropriate services that will enable their child to succeed at home, school, and in the community.

This program is seeking an ongoing appropriation of \$300,000 to provide direct services to more children by establishing early intervention and preschool programs throughout the state and training and support to existing teachers and clinicians in local education agencies to improve their ability to provide auditory learning programs to infants and toddlers with hearing loss. This money would also allow additional programs implemented throughout the state. This program is being coordinated with USDB.

Michelle Archibald, parent, also spoke in support of this program.

5. **Funding Accountability Report: Optional All Day Kindergarten** - Brenda Hales, Associate Superintendent, USOE, referred to the Handout *Optional Extended-Day Kindergarten Program* (OEK). The report indicates that for this year \$7,500,000 has been disbursed to all districts. There are 205 schools with 307 programs that have been funded from the money allocated last year.

Rep. Morgan asked for information on the average class size for the optional kindergarten programs. Associate Superintendent Hales stated that she would obtain that information for all school districts. Co-Chair Stephenson also asked for a report on how many students are being served in each of the extended-day kindergartens.

6. **Quarterly Student Count & Fund Apportionment** - Todd Hauber, Associate Superintendent, USOE, referred to a handout entitled *Quarterly Student Count and Fund Apportionment* in his presentation. Discussions during interim have explored the possibility of changing fund apportionment calculations and distribution from an annual calculation of October 1 to quarterly. The reason for this consideration is to more accurately account for students who are leaving the charter school system and return to regular schools. Rep. Morgan asked for the numbers of students going back and forth from charter schools to regular schools before any decision is made on this proposal.

7. **USOE Data Management System** - Larry Shumway, Deputy Superintendent, USOE, stated that Superintendent Harrington has been leading the work to re-issue the request for proposals. The work is now completed from the USOE, and the final selection of a vendor and issue of a contract should be around March 1 or April 1.

Sen Stephenson asked in seeking information on the optional extended kindergarten, would it be possible to have a chart with student numbers not just section numbers. Response will be given today or tomorrow on this question.

Co-Chair Last adjourned the morning session of this meeting at 11:50 a.m.

Committee Co-Chair Stephenson reconvened the meeting at 2:25 p.m.

8. **Utah Basic Skills Competency Test Re-mediation Program Adjustments** - Larry Shumway, Deputy Superintendent, USOE, referred to a memorandum sent to the Education Appropriations Subcommittee concerning the Basic Skills Education Program. In the 2007 Accountability Report presented to the Subcommittee at the November meeting, the USOE recommended consideration be given to revising the Basic Skills Education Program (BSEP). The number and amount of payments show that significant progress has been made. Payments to providers based on the October 2007 UBSCT results totaled \$582,500, accounting for 899 students who passed the test after receiving remediation services. All payments to providers prior to this time totaled only \$166,000, accounting for 261 students who passed the test after receiving remediation services. While the progress is substantial in increasing the flow of resources to the needed remediation services for students, less progress has been made in increasing the availability of a variety of providers available to voucher eligible students. The USOE is working to engage providers in developing a process to ensure greater choice.
9. **Instructional Technology - Software Licenses for Schools** - Co-Chair Stephenson introduced this agenda item by referring to a movie that is intended to show the difficulty in getting technology to focus on enhancing the core mission of schools. Instead of being viewed as a new curriculum, technology should be viewed as a tool to enhance teachers' capacity to teach the core curriculum more effectively. Co-Chair Stephenson indicated that there will be a proposal coming before this Subcommittee for funding software licenses. The districts would then compete for the licenses based on their ability to implement them effectively to ensure that students are using the software the optimum number of minutes per day, the time is being tracked, teachers are being trained, that the hardware is in place, and personnel is in place to back up the hardware and software. Co-Chair Stephenson also stated that in talking to the districts they have suggested that three-year licenses be given so that results would be over a longer period.

10. **Teacher Librarians** - Dr. Sheryl Smith, former State Specialist for Library Medium at USOE and retired from the University of Washington faculty and Wayne Pay who brought together the library community in Utah and formed a consortium and pioneered Utah's online library, spoke in behalf of teacher librarians. This year there is a request for teacher/librarian phase-in program. This program has proven to improve student performance and enhance teaching. This request would provide \$1.7 million per year for three years for three components: personnel, training, and assessment. The personnel part would fund 50 full-time, certified and library-media endorsed teacher librarians to be placed in 50 schools. The salary and benefits would be funded by a 50 percent match between the district and the state. There would also be one half-time Project Director, working with USOE, to train and administer the program. Dr. Smith stated that 30 school district superintendents have voiced their support for this program. The assessment part is for accountability. Nineteen independent studies show that where there is a teacher librarian who collaborates with classroom teachers, student performance increases as measured by test scores, literacy levels, and general overall achievement. An out-of-state assessment team would be employed to ensure that the State's return on investment is in meaningful results that could be reported back to the Subcommittee. Wayne Pay gave support to this funding request in behalf of the Utah Academic Library Consortium. The Directors of Libraries in higher education also support this proposal as well as the Utah PTA and the District Superintendents. Co-Chair Stephenson commented that in today's world we can mistake Googling (as in Google.com) for research. Students need to learn to use the real tools to conduct research. Rep. Cosgrove also spoke in support of this request.
  
11. **Project Rescue** - Rebecca Odoardi, Director of Gifted and Talented Programs in Davis School District, and Joan Bramble, Principal in Granite School District and current President of Utah Association for Gifted Children, spoke to the Subcommittee concerning the Gifted and Talented Programs in Utah. The Utah Association for Gifted Children (UAGC) is requesting consideration in seeking a total of \$5.9 million over three years to support Project RESCUE. The goal of Project RESCUE is to develop cost-effective, innovative, internet-based professional development resources for Utah educators to improve the academic growth of high-ability learners. Project RESCUE will also include resources for school administrators, parents, and high-ability students. (Refer to Handout *Project RESCUE*.)

Brenda Hales, Associate Superintendent USOE, presented a report to the Subcommittee concerning Optional Extended-Day Kindergarten. Discussion from the Subcommittee members centered around the results of this report. A request was made for additional information before this report can be fully evaluated.

12. **Textbook Evaluation Update** - This agenda item was deferred to the next meeting of the Subcommittee.
  
13. **Legislative Audit on Class Size Reduction** - Darin Underwood, Audit Manager, OLAG, and Darren Marshall, Audit Supervisor, OLAG, presented a PowerPoint presentation on the results of this audit. A handbook entitled *A Performance Audit of Class-Size Reduction Funds* was also given to the Subcommittee members. Discussion among the Subcommittee members centered around the results of this audit. Concerns were voiced from the Subcommittee members concerning how funding has been based on enrollment rather than need. Other concerns mentioned is the fact that even though funding has been maintained, class size has continued to rise. A handout was also given to the Subcommittee members showing the Pupil Teacher Ratio in Elementary and Secondary School in Utah's Largest School Districts 1995-2006. Co-Chair Stephenson asked the Subcommittee members to consider how to craft language to ensure that school districts show they have reached a standard in reducing class size. Sen. VanTassell and Rep. Cosgrove asked for a six-year time period report on class size reduction, class enrollment growth, and class size incentive funding. Co-Chair Stephenson challenged the Subcommittee members in looking forward to think of this problem in terms of class size incentive funding as opposed to class size reduction funding. Co-Chair Stephenson also encouraged the Auditors to explore further questions when the situation merits it.
  
14. **Class Size Reduction - Charter School Examples** - Amy Wadsworth, Principal of the Salt Lake Arts Academy Charter School, addressed the Subcommittee and stated that one of the major reasons this school has smaller class is due to the fact that new teachers have been hired. These teachers require a lower salary than veteran teachers.

Debbie Gomberg, Principal of the North Davis Prep Academy Charter School, stated that the reason they are able to cap their class size to 25 students is that they draw their students from a lottery and cap at 25 students per classroom.

Errol Porter, Principal of Timp Academy Charter School, also addressed the Subcommittee and stated they are able to reduce class size because they have hired aids and paraprofessionals on a part-time basis.

Co-Chair Stephenson asked a question concerning compensation packages and matching salaries as compared to the public schools. All three speakers reported that they are competitive in compensation and salary to the public schools.

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

Co-Chair Stephenson adjourned the meeting at 4:40 p.m.

Minutes were reported by Cherie Schmidt, Secretary

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Sen. Howard Stephenson  
Committee Co-Chair

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Rep. Bradley G. Last  
Committee Co-Chair