

**MINUTES OF THE  
EDUCATION INTERIM COMMITTEE**

Wednesday, November 18, 2009 – 9:00 a.m. – Room 445 State Capitol

**Members Present:**

Sen. Howard A. Stephenson, Senate Chair  
Rep. Gregory H. Hughes, House Chair  
Sen. Curtis S. Bramble  
Sen. Margaret Dayton  
Sen. Lyle W. Hillyard  
Sen. Karen W. Morgan  
Rep. Laura Black  
Rep. Rebecca P. Edwards  
Rep. Wayne A. Harper  
Rep. Don L. Ipson  
Rep. Rebecca D. Lockhart  
Rep. Merlynn T. Newbold

Rep. Curtis Oda  
Rep. Marie H. Poulson  
Rep. Kraig Powell  
Rep. Kenneth W. Sumsion  
Rep. Christine F. Watkins  
Rep. Mark A. Wheatley  
Rep. Carl Wimmer

**Staff Present:**

Ms. Constance C. Steffen, Policy Analyst  
Ms. Allison M. Nicholson, Policy Analyst  
Ms. Angela Oakes Stallings, Associate General Counsel  
Ms. Glenda S. Whitney, 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 Hughes called the meeting to order at 9:20 a.m.

**MOTION:** Rep. Newbold moved to approve the minutes of the October 21, 2009 meeting. The motion passed unanimously. Sen. Bramble, Rep. Lockhart, Rep. Watkins, and Rep. Wimmer were absent for the vote.

**2. Draft Legislation: "School Property Tax Equalization Amendments"**

Sen. Stephenson distributed 2010 General Session draft legislation, "School Property Tax Equalization Amendments." He explained that the proposed legislation requires a school district in a county of the first class that receives property tax revenue from a capital outlay levy equalization program to adopt schedules to increase the enrollment capacity of certain school buildings.

Ms. Steffen reviewed changes made to the bill since the bill was introduced at the September Committee meeting.

Mr. Kory Holdaway, Utah Education Association (UEA), stated that UEA has not taken a position for or against the proposed legislation. He expressed concern that parents may select other schools rather than enrolling students in a school with a modified schedule.

Dr. Barry Newbold, Superintendent of Schools, Jordan School District, spoke to the bill and noted that a trimester schedule in a high school has not been modeled.

Dr. Larry Shumway, State Superintendent of Public Instruction, stated that his office is working with a group on preparing a request for proposals to develop a model showing how a trimester schedule may work.

**MOTION:** Sen. Dayton moved to favorably recommend 2010 General Session draft legislation, "School Property Tax Equalization Amendments," as a committee bill. The motion failed with Sen. Bramble, Sen. Dayton, Sen. Hillyard, Sen. Stephenson, Rep. Hughes, Rep. Ipson, Rep. Oda, and Rep. Powell voting in favor. Rep. Lockhart, Rep. Sumsion, Rep. Watkins, and Rep. Wimmer were absent for the vote.

### **3. Draft Legislation: "Amendments to Education Financing"**

Rep. Newbold reviewed 2010 General Session draft legislation, "Amendments to Education Financing," which was distributed in the committee mailing packet. An updated version of the bill was also distributed at the meeting. She noted the proposed legislation will: (1) set the statewide minimum basic tax rate at the 2010 rate starting with taxable year 2011; (2) consolidate 11 school district property tax levies into three property tax levies; and (3) provide a formula to set a school district's certified tax rate beginning with the 2011 taxable year.

Rep. Newbold distributed and reviewed the following informational handouts: "School District Tax Levies," "List of Consolidated Levies," "Minimum School Program: History of Basic Levy Revenue & Rate Compared to Total MSP Appropriation," "Public Education: Estimated Property Tax Revenue Generated Per WPU & Per Enrolled Student," "Hypothetical Scenario Showing Impact of Freezing the Basic Levy and School Districts' Setting the Board Local Discretionary Levy at the Certified Tax Rate," and "Hypothetical Scenario Showing Impact of Freezing the Basic Levy and Certain School Districts' Setting the Board Local Discretionary Levy Above the Certified Tax Rate to Maintain School District Revenues."

Mr. Tim Leffel, Business Administrator, Murray City School District, commented on the proposed legislation and expressed concern that the bill redistributes existing revenue among school districts, especially in a time of tight budgets.

Mr. Holdaway stated the Legislature needs to move slowly with equalization and noted the importance of including a property tax component in the funding of schools.

Rep. Newbold stated that she intended to bring the bill to the Committee for discussion and feedback, but is still continuing to develop the bill and would not be requesting the Committee to approve the bill today.

### **4. Draft Legislation: "Modifications to Higher Education Scholarships"**

Ms. Nicholson distributed and gave an overview on the policy differences between 2010 General Session draft legislation, "Modifications to Higher Education Scholarships" and "Higher Education Scholarship Amendments," and reviewed changes to the bills since the topic was introduced at the October committee meeting.

Sen. John. L. Valentine gave an overview on the two proposed drafts, and noted that he chose to bring both versions to the Committee for its input. He explained the adjustments that the bills make to the New Century Scholarship and the Regents' Scholarship.

Sen. Valentine noted that the "Higher Education Scholarship Amendments" is his preferred proposal.

Mr. David Buhler, Associate Commissioner, Utah System of Higher Education, spoke in support of the bills and the objective. He responded to committee members' questions on eligibility requirements.

#### **5. Draft Legislation: "School District Employees - Career Status Requirements"**

Rep. Ronda Rudd Menlove distributed and gave an overview on 2010 General Session draft legislation, "School District Employees - Career Status Requirements," which was distributed in the committee mailing packet. She said the intent of the bill is to allow school districts to have additional flexibility in determining whether to retain a provisional employee by extending the period when an employee becomes eligible for career status from three to five years.

Dr. Barry Newbold explained the history behind the bill and spoke in support of the bill.

Ms. JoDee Sundberg, Alpine School District, and Utah School Boards Association, spoke in support of the bill and noted that the bill gives districts flexibility to determine the probation of teachers before giving career status.

Mr. Joel Briscoe, Davis Education Association, stated that he recognized merit in both the present system and the proposed legislation and suggested that this issue needed further discussion.

Ms. Sidnee Dickson, Utah State Office of Education, spoke to the bill and noted the proposed legislation tied in well with the current licensing structure.

Mr. Holdaway spoke against the bill. He indicated an issue that needed clarification was with regard to the local option for school districts to be able to extend the provisional status, and whether that would be part of the negotiated agreement with individual associations.

Ms. Helen Watts, former teacher in the Davis School District and Ogden School District, questioned if a teacher is allowed to be provisional for five years, would that time frame apply to all teachers or only in certain circumstances. She spoke in support of three years and not five years as the standard for probation.

Miss Kasey Petersen, private citizen, questioned if the bill gives specific guidelines as to what is adequate.

Ms. Rita Heagren, American Federation of Teachers, questioned whether provisional status would be extended for all teachers or on an individual basis.

Rep. Menlove responded to public comments and questions.

**MOTION:** Sen. Stephenson moved to favorably recommend 2010 General Session draft legislation, "School District Employees - Career Status Requirements," as a committee bill. The motion passed with Sen. Morgan, Rep. Black, Rep. Edwards, Rep. Poulson, Rep. Watkins, and Rep. Wheatley voting in opposition. Sen. Bramble, Sen. Hillyard, Rep. Lockhart, and Rep. Sumsion were absent for the vote.

**6. Grades 4 - 6 Math Improvement Program Annual Report and Sunset Review**

Chair Hughes referred the committee members to the annual reports, Agenda Item 6, and Agenda Item 7 that were distributed in the mailing packet. He gave an opportunity for committee members to raise questions or concerns regarding any of the reports.

**7. Annual Reports**

- A. Engineering and Computer Science Initiative
- B. Financial and Economic Literacy Education
- C. School Discipline
- D. Sorenson Elementary Arts Initiative
- E. Utah Schools for the Deaf and the Blind
- F. UPSTART

**8. Other Items / Adjourn**

**MOTION:** Sen. Morgan moved to adjourn the meeting. The motion passed unanimously with Sen. Bramble, Sen. Hillyard, Rep. Lockhart, and Rep. Sumsion absent for the vote.

Chair Hughes adjourned the meeting at 12:00 p.m.