

## MINUTES

February 13, 2009

Minutes of the legislative meeting of the State Board of Education held February 13, 2009, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 11:40 a.m. Chairman Debra G. Roberts chaired the meeting.

Members present were:

- Chairman Debra G. Roberts
- Member Laurel O. Brown
- Member Kim R. Burningham
- Member Leslie B. Castle
- Member David L. Crandall
- Member Greg W. Haws
- Member Denis R. Morrill
- Member Carol A. Murphy
- Member C. Mark Openshaw
- Member David L. Thomas

Members Dixie L. Allen, Janet A. Cannon, Rosanita Cespedes, Meghan Holbrook, Michael Jensen, Shelly Locke, Charlene Lui, and Richard Moss were excused.

Also present were:

- Superintendent Patti Harrington
- Deputy Superintendent Larry Shumway
- Associate Superintendent Brenda Hales
- Associate Superintendent Todd Hauber
- Associate Superintendent Judy Park
- Public Relations Director, Mark Peterson
- Board Secretary, Twila B. Affleck

Members of the Press:

- Amy Stewart, Deseret Morning News
- Holly Langton, Utah PTA
- Raymond Timothy, Superintendent, Park City School District
- Steve Carlsen, Superintendent, North Summit School District
- Dale Lamborn, Superintendent Rich School District
- Bruce Northcott, Superintendent, Daggett School District
- Duke Mossman, Director, Northeastern Utah Educational Services (NUES)

State Office of Education Staff:

- Carol Lear, Law, Legislation and Educational Services
- Larry Newton, Business Services

Chairman Debra G. Roberts welcomed everyone and called the meeting to order.

### Analysis of FY 10 Budget

John Nixon, Director, Governor's Office of Planning and Budget presented the Governor's Office perspective of the education stabilization money. Mr. Nixon then discussed

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the revenue projections for the state. He indicated that the Governor's Office of Planning and Budget, the Legislative Fiscal Analysts and the State Tax Commission all get together to determine the revenue projections.

Mr. Nixon stated that the Governor is a big education supporter and would do all he could to help hold education as harmless as possible. His main objective will be to keep the classroom as whole as possible.

Chairman Debra Roberts expressed appreciation to the Governors office and his consistent support of public education.

Deputy Superintendent Larry Shumway commented that the American Recovery and Reinvestment Act states that the money will come through the Governor's office. He questioned if the Governor's office would distribute the money or will it go through the Legislature. Mr. Nixon responded that they will be working with the legislature. He stated that Utah is the best managed state in the nation and we can put politics aside and work things out.

Deputy Superintendent Larry Shumway presented the Previous REAL Value of the WPU information. He indicated that it appears on the spread sheet that there is a mirage that the wpu has not been reduced. It is important that it is clear that the wpu is precisely what has been reduced and the cut was 20.6%. The cuts below the line are actually only 3.4%. There is less flexibility for the districts.

Concern was expressed by some board members that this will not provide an adequate education because it is the wpu that is supporting the basic education of students.

Dr. Shumway reported that in the Utah School Superintendents Association meeting earlier in the day Representative Kevin Garn noted that these cuts would take \$22,000 out of every Utah classroom.

#### SB 159 (S1) - *Math Education Initiative*

Deputy Superintendent Larry Shumway reported that the Board had passed a motion last week to support SB 159, Math Education Initiative sponsored by Senator Stephenson if he would agree to make certain changes. He shared the list of amendments that came from the Board and a couple of slight changes that in the process of presenting to him he would not go as far as the Board asked. His substitute bill has two variations from what the Board proposed. Line 102 of the bill, the language the Board adopted was to award grants up to \$200, he would go as far as \$150. The Board motion was to strike the section making grants to higher education and

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his agreement was to defer any funding for those grants until at least fiscal year 2011, having the same effect, but leaving the language in. Dr. Shumway indicated that based on the discussion and the appropriation being at the lower amount, and still at the low amount the Board had described, and with the effect of deferring the grants to higher education being the same in terms of the appropriation as cutting it, he indicated to Senator Stephenson that this seemed reasonable.

Member Dave Thomas commented that the Board had voted to conditionally support this with these changes.

Motion was made by Member David L. Thomas and seconded by Member C. Mark Openshaw that the Board support SB 159 (S1) with the minor variations because it now satisfies the intent of the board.

Carol Murphy spoke against the motion indicating she could not support this any more because he was not willing to look at optional expenditures.

Member Thomas commented that if we believe this is a reasonable effort we could go the rest of the way to show we are fulfilling what we said we would do. We still need to work with the legislative appropriations committee to get money back in terms of backfill. He has been told they are willing to do that, specifically to the social security portions. He felt it is more productive for the Board to stay at the table, fulfill what we said we were going to do, even if we think they are not doing what we thought they were going to do, we can say but we are.

Member Murphy commented that there is new information today that she did not have a week ago.

Member Greg Haws commented that it comes down to if you are giving me a choice in this current year budget do I want to start a pilot program to do Singapore math in some schools or do I want to leave that money in the basic school program to help keep teachers in a bunch of classes, even though this is a great idea he will not support it at this time. We also talked last week that maybe this is not the time to go off and start new programs. This is not a retaliation, but we are now looking at a choice.

Chairman Debra Roberts commented that she did not think the choice is different today than it was a week ago. We knew they were asking for a 15% cut in FY 10 when we made the decision to only support new programs that go up to \$1 million. We were trying to weigh in a compromise. If we take a hard line attitude, we are doing what John Nixon cautioned us not to do.

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Member Greg Haws voiced concern that this is Senator Stephenson's beloved program and for him to continue to push this forward above all other of the basic school program, and we hesitate to not support him in that is offensive and he will not support this.

Member Laurel Brown commented that it would be great to have pilot on Singapore math but she is having a hard time accepting the fact we are even doing it this year. She would like to see us ask the legislature to be more prudent in terms of developing new programs. She also indicated she would oppose the motion at this point.

Chairman Debra Roberts noted that the Board had in good faith sent Dr. Shumway out with marching orders and now we are pulling the rug out from under his feet and going to take, somewhat, his ability to work on our behalf and be trusted.

Substitute motion was made by Member David L. Crandall and seconded by Member Carol A. Murphy to take a position of hold until we know more information about the overall budget.

Member Denis Morrill commented that he is troubled that we would make an agreement one week and change our mind the next. He did not agree with that, and he can't now say he does not support what was directed and completed, even though he feels that we now have more information.

Member Kim Burningham spoke in favor of the substitute motion to take no action, postpone for one week, which acknowledges that we are not going against what was said but we have a whole series of new facts now before us. The Board has indicated it would like to see a small pilot on the Singapore math issue.

Member Greg Haws suggested that the Board support the bill, but encouraged the delay of it because of the budget.

Substitute motion was withdrawn by Members Crandall and Murphy.

Substitute Motion was made by Member Greg W. Haws and seconded by Member David L. Thomas to support the bill as it has been amended with a strong encouragement to put off implementation one year given the current economic situation.

Motion carried with Members Brown, Burningham, Castle, Crandall, Haws, Morrill, Openshaw and Thomas voting in favor; Member Murphy opposed.

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Discussion/Positions on Specific Legislation

***SB 199 Equal Recognition of School Parent Groups***

Senator Bramble presented the particulars of his proposed legislation. He was accompanied by Representative Lockhart. Senator Bramble stated that this legislation is not in opposition to PTA's. The bill indicates that school parent groups ought to be given equal recognition, equal access and ought to have a seat at the table when things are being discussed and decisions being made that affect the education of the students.

There have been a lot of concerns with lines 56, 57 and 58 which says a school may not work in conjunction with a parent group that requires the payment of dues as a condition for participation in its group. He offered the following amendment for these lines: Line 58 would read work in conjunction with a parent group that requires the payment of dues as a condition for participation in its group, including participation in volunteer opportunities, leadership positions or the ability to vote unless a waiver of such membership dues is granted upon request.

The Board asked questions and engaged in discussion with Senator Bramble relative to the issues of the bill in that PTO's are being excluded from participation in the activities at the district level when those parents have said they would rather be a PTO than part of the PTA.

Senator Bramble invited board members to participate in the Senate Education Committee. He expressed appreciation to Chairman Roberts for her involvement and in opening lines of communication and different level of confidence.

Analysis of FY 10 Budget Cont.

Senator Lyle Hillyard and Representative Ron Bigelow co-chairs of the Executive Appropriations Committee joined the Board for a discussion of the revenue shortfalls.

Senator Hillyard commented that these are very stressful times with regard to revenues. He indicated that there have been many cuts and they have impacted all agencies in various ways. There is no way to take these cuts without a change in paradigm. However, this is not the end. We will find out Tuesday morning where we are, but it will not be a revenue surplus.

Senator Hillyard expressed appreciation to Superintendent Harrington stating that she has done a marvelous job in relating with them this year. She has been a real player in the budget discussions.

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Senator Hillyard indicated that there have been significant reductions in revenue. If we were to just take the cuts in public education of the 3% in the special session, the 15% targeted (18%) if we were to solve that problem by raising income tax it would be a 20% increase in income tax, just to hold public education harmless.

Senator Hillyard indicated that public education will be very thankful they have not spent any of the rainy day fund. There seems to be a perception that they will never spend it, but they will when they know what they need to spend. If the revenues come down even further than they have projected, they need to be very careful that they end up the year with money in the bank.

Representative Ron Bigelow added that one of the interesting dynamics is that they have increased public education funding over the last couple of years and with what they have done is taken it down to the 2007 levels. This is a quick look at a thing that is much more complex. Those funds are in teacher salaries. We are not reducing teacher salaries, but the reductions come outside of that.

Representative Bigelow noted that the economic stimulus package has just been passed by the House and the expectation is that the Senate will pass it out also. We are not sure of all the details on the restrictions for these monies. This still needs to be studied to see what the impact really is and see what it means for public education.

Representative Bigelow stated that currently the pressure they are getting from the public is don't raise taxes, figure it out with what you have. If there is a significant continuing decrease on Tuesday, it means we haven't hit the bottom and we will need to keep some things in play for somewhere down the road until we do hit the bottom. Most all of the economists are saying it will be significantly down and it will continue until at least mid year. They are looking at the remainder of this fiscal year and the better part of the next as significant challenges.

Senator Hillyard indicated that as soon as they have a chance to digest the numbers on Tuesday he invited Superintendent Harrington, Larry Shumway and others in the office to come and talk with them.

Chairman Roberts expressed appreciation to the Senator and Representative for attending the meeting.

Discussion/Positions on Specific Legislation Cont.

**HB 315 *Local School Governance Amendments (Sumsion)***

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Representative Sumsion commented that he is not going to run this bill as it is. He talked about the concept and the substitute he is going to propose. This bill would have through a petition of parents of a school would empower the school community council have the authority to transfer a student or principal back to the district for relocation. There are some issues with this, it is very much outside the box. There may be some legal issues related to this approach as well. The genesis is how do we try to get our parents more involved and feel like they have some say at schools. School Community Council Audit is out and there is a wide variance on how the school community councils are functioning.

Representative Sumsion shared the results of a survey he conducted in his district relative to school community councils.

Representative Sumsion will be amending his bill and he will be looking to superintendents and others relative ideas and suggestions as to how to shift more parent involvement in the school community council.

The Board discussed with Representative Sumsion aspects that may be included as he makes modifications to his bill.

**HB 207 (S1) *Concurrent Enrollment Amendments (Holdaway)***

Representative Holdaway presented the basis of his legislation indicating it is an attempt to try to improve legislation that he sponsored and was passed in the 2007 legislature, dealing with the formula for the concurrent enrollment programs. He added some of the things in Senator Dayton's bill and indicated that he was not comfortable with the honors program she is proposing in her bill.

Motion was made by Member Greg W. Haws and seconded by Member Laurel L. Brown to support HB 207. Motion carried with Members Brown, Burningham, Crandall, Haws, Morrill, Murphy, Openshaw, and Thomas voting in favor; Member Castle absent.

**SB 199, *Equal Recognition of School Parent Groups (Bramble)***

Motion was made by Member Greg W. Haws to watch this bill. Further, to express appreciation to him for sharing his views on the bill. In addition, to send a letter to each that attended today and if we haven't taken a stand on the issue to let them know of our appreciation. Further, if we are going to consider taking a position on this legislation next week that the PTA should present their point of view. No action was taken on the motion but this was the consensus of the Board.

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**SB 48 *Teacher Licensure Amendments* (Buttars)**

Member Kim Burningham requested more information on what this legislation entails.

Deputy Superintendent Larry Shumway responded that there is a competency based license currently in board rule and statute. The original bill struck from the statute that a local board could apply for a competency based license for an employee and replaced that language with a “person” may. There are 80 teachers currently licensed under competency based with requests from districts. The licensing people indicate that striking the language would be harmful. They could, however, live with the addition of a “person.” The action of the Board last week was to say that if Senator Buttars would replace that language that he had cut and add the words “or a person” that would be an amendment we would appreciate and we would not oppose the bill, but we would be neutral.

Member Burningham questioned what are the requirements for an individual to come and receive a license in this way? Are there adequate protections in place? Dr. Shumway responded that a person needs to have a background check, demonstrate competency through the Praxis Test, and have a bachelors degree. The addition here is we would issue an “individual competency based license” where currently we issue a district specific competency based license.

**HB 66 (S2) *Property Tax Amendments* (Newbold)**

Representative Newbold presented the basis of her legislation indicating that it 1) simplifies the taxation of school districts, it does not change the rules for state participation; and 2) raises the amount of the basic rate.

A letter from the Park City School District was received by the Board indicating there are winners and the losers with this proposed equalization legislation.

Chairman Roberts expressed appreciation to each of the legislators who attend to present their legislation.

It was agreed that next weeks meeting would begin at 10:00 a.m. and conclude at approximately 2:00 p.m.

Member Kim Burningham voiced concern that we are only hearing from one side on the issues, and suggested we hear from other sides of the isle.

(For complete details of the materials presented see General Exhibit No. 10835.)

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Motion was made by Member Carol A. Murphy and seconded by Member David L. Thomas to adjourn. Meeting adjourned at 2:00 p.m.