

MINUTES

January 28, 2010

Minutes of the legislative meeting of the State Board of Education held January 28, 2010, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 12:00 p.m. Janet A. Cannon, Chairman of the Law and Policy Committee chaired the meeting.

Members present were:

Chair Debra G. Roberts
Member Laurel O. Brown
Member Kim R. Burningham
Member Janet A. Cannon
Member David L. Crandall
Member Greg W. Haws
Member Meghan Holbrook
Member Carol A. Murphy
Member C. Mark Openshaw
Member David L. Thomas

Member Craig Coleman participated by Telephone.

Members Dixie L. Allen, Leslie Castle, Rosanita Cespedes, Robert DePoe, Douglas Holmes, and Michael Jensen, were excused.

Also present were:

Superintendent Larry K. Shumway
Deputy Superintendent Martell Menlove
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
Senator Howard Stephenson
Representative Merlynn Newbold

State Office of Education Staff:

Carol Lear, Law, Legislation and Educational Services
LesLee Snelson, Law, Legislation and Educational Services

Chairman Janet A. Cannon welcomed everyone and called the meeting to order.

Deputy Superintendent Martell Menlove reported that both Chairs of the Education Appropriations Committee Howard Stephenson and Merlyn Newbold will be joining the meeting today. He noted the cuts given to the sub committee to make were a 4% for fiscal year 2010, and a 5% cut for 2011.

Board Legislative Meetings

Deputy Superintendent Martell Menlove reported that the Board had decided to meet on Thursdays from 11:30 a.m. to 2:00 p.m. He noted that legislative caucus meetings have been scheduled for Tuesdays and Thursdays at noon so it may be difficult to get legislators to come to the Board meetings to discuss their proposed legislation. After some discussion of changing the meeting to Fridays, Wednesdays, or at an earlier hour, there was no action taken so it was determined that the meetings will continue as planned on Thursdays from 11:30 a.m. to 2:00 p.m.

Legislative Tracking Sheet

Deputy Superintendent Menlove indicated that the tracking sheet keeps track of other education organizations' positions as well as the Boards. However, it is a USOE Tracking Sheet, and as such if this isn't meeting the needs of the Board we need to make changes.

Budget Discussion

Representative Newbold and Senator Stephenson, co-chairs of the Education Appropriations Subcommittee shared with the Board the proposed cuts the committee was asked to make relative to public education. Representative Newbold commented that public education may not have to make the 4% cut if we are required to take less of a cut, it will be added back in proportionately.

Deputy Superintendent Martell Menlove clarified that the 4% cut for schools and school districts would be a further reduction in the social security and retirement line. He expressed appreciation to the Committee for their recommendation that the cut this year comes with maximum flexibility at the local level; although the cut would come from the social security and retirement line item, there would be flexibility in allowing local boards and school districts make those cuts and make adjustments within the minimum school program.

Superintendent Shumway clarified that the Committee itself wasn't recommending a 4% cut, but passed a motion unanimously not to make those cuts, but they were fulfilling an assignment given to them.

Senator Stephenson commented that in working with the Senate side he has been pushing for getting this year's reduction at least cut in half from the \$84 million and his sense is we may get somewhere in between the \$42 million and \$84 million, hopefully closer to the \$42 million. He commented that it is a significant thing to cut this time of year when school budgets have already been largely expended and most of it has been expended in contracts. We know

January 28, 2010

that districts have accessed their own reserves to different levels and some of them are pretty near the end of those reserves so some will have to take some pretty severe measures to get through the rest of the year.

Representative Newbold noted that there were two line items that they recommended adding back in additional dollars, for the additional salary supplemental teachers were given, and for the voted and board leeway.

Representative Newbold commented that the Legislature really values public education. However, it is going to take a lot more convincing as education leaders stare down the barrel of budget cuts.

Senator Stephenson commented that Representative Newbold has been showing some great leadership in trying to get local property taxes equal which he was very much in support of.

Chair Debra Roberts thanked the Representative and Senator for their support of SB 16 which has now passed out of the Senate. She noted however, that the Board has never taken an official position on this bill.

Motion was made by Chair Debra G. Roberts and seconded by Member Kim R. Burningham to support of SB 16, Performance Assessment System for Students (U-PASS) Amendments. Motion carried with Members Brown, Burningham, Cannon, Coleman, Crandall, Haws, Morrill, Murphy and Thomas voting in favor; Member Openshaw absent.

Senator Stephenson commented that the way the 5% \$101 million in the 2011 budget has been given to the committee, it appears if that were actually carried forward we would not just be getting a 5% cut in public education because we are required to fund the 10,000 new students within that amount and that adds another 3% so we would be getting an 8% cut. He has been retelling this to the executive appropriations members in the Senate, because they need to understand that is not acceptable. He indicated he has been assured by Senate Co-Chair Lyle Hillyard that they will make sure that does not occur, and hopefully it will be significantly less than the 5% itself.

Senator Stephenson commented he felt they should be 10% FTE reductions in a lot of state agencies, because he is familiar with some state agencies where people at this very hour are sitting at their desks with nothing to do. Some people haven't gotten the memo during the last few months that were are \$875 million in the red. We are still receiving holiday greeting cards, annual reports with three-color printing, as well as calendars. The way the reductions are going

January 28, 2010

to effect public education is in increased class size reductions. There is a lot of fat in state government still. Education should be protected.

Member Greg Haws reported that we do a lot of pilot programs in government and education, and the Board has a pilot program going on now which is significant and he recommend that someone come to the committee and describe what is going on in Grand County. We are seeing in a small way, because of some tragic events that have occurred, they are in a problem and have very few options. They have even sold their district offices to get some money. The promises we made to our people of having a quality education, we will not be able to keep.

Member Carol Murphy commented that the budget will end up where it does. However, we can agree on one thing, that we do not want to see quotes indicating that we can cut programs that don't affect kids, or we think we can eliminate this won't affect kids. We know that every district is down to a "meat and potatoes" budget for delivering services to kids and cuts in the budget will hurt kids. hope we are beyond the point where be disappointed well we can cut programs that won't affect kids. To hear those kinds quotes takes away some of the credibility of both the board and the legislature.

Member Dave Thomas noted that Senator Stephenson is not only running SB 16 for us, but there is another bill which is in process having to do with flexibility for school districts to use some their capital funds in years in which the revenue projections are lower and they are looking at cuts mid-stream. He questioned Senator Stephenson as to when will this bill come out and what can the Board do to help move that along? Senator Stephenson responded that he hoped to include it in the appropriations bill itself so it does not have to stand on its own. The one area he is concerned about is including capital in that. If capital is planned at the beginning of the budget cycle, it is not desirable to do it that way. He suggested that the Board offer language that would help their staff in putting this together. It was noted that the Board has provided some language.

Representative Newbold commented that her preference would be that it not be in statute.

Representative Newbold expressed appreciation to the Board for their budget recommendations sent to the legislature, they were very reasonable and thought out. It is a doable budget recognizing the circumstances. She also expressed appreciation for the level of cooperation between the board and the legislature. The feeling toward the Board and the State

January 28, 2010

Office evolution has been tremendous. She complimented Superintendent Shumway, Deputy Superintendent Menlove and Associate Superintendent Hauber. The legislature has more confidence in the Boards role today than ever before, and has respect for the Boards constitutional role.

Senator Stephenson commented that the board has a place on the front row of the committee meetings. He indicated that they should not wait until they request public comment, but provide input during the discussion.

Member Kim Burningham commented that there are some who are talking about some “enhancements” to the budget, i.e. cigaret tax, gasoline tax, bonding adjustments, etc. He requested a response to those possibilities.

Representative Newbold commented that she did not have a real feel for how the House was going to react to those. At the moment it seems split. If there was one she though might go through it would probably be the tobacco tax.

Senator Stephenson commented that the one tax most likely come out would be the cigaret tax. However, it will probably not be anywhere near what is being proposed. It will be something closer to our neighboring states. He indicated this is not a budget balancer by any means, but it would help some.

Senator Stephenson indicated he is not supporting any tax hike this year - this is a fragile economic recovery. However, he is in full support of bonding for road projects, it stimulates the economy, but more than that, it is appropriate and preferable to bond for capital projects that especially affect the economic viability of our state.

Member Burningham strongly encouraged support for bonding of capital projects. Martell reviewed the bills listed.

Proposed Public Education Legislation

Deputy Superintendent Martell Menlove presented information on proposed legislation and actions were taken as noted below.

HB 29 - School District Division Amendments

Motion was made by Member Kim R. Burningham and seconded by Member Greg W. Haws to support. Motion carried with Members Brown, Burningham, Cannon, Coleman, Crandall, Haws, Morrill, and Roberts voting in favor; Members Murphy, Openshaw and Thomas absent.

HB 42 - Career Status Requirements

Motion was made by Member Laurel O. Brown and seconded by Member David L. Crandall to support. Motion carried with Members Brown, Burningham, Cannon, Coleman, Crandall, Haws, Morrill, Roberts and Thomas voting in favor; Member Murphy and Openshaw absent.

The Board requested a report from school district relative to the number of teachers who do not make it in the first three years of teaching.

HB 72 - School Seismic Hazard Inventory

It was noted that Representative Wiley is amending this legislation.

Member Kim Burningham voice concern that he is hesitant to oppose the bill, but at the time if we don't make these adjustments kids are at risk.

Motion was made by Member Laurel O. Brown and seconded by Member Kim R. Burningham to hold for further study. Motion carried with Members Brown, Burningham, Cannon, Coleman, Crandall, Haws, Morrill, Openshaw, Roberts and Thomas voting in favor; Member Murphy absent.

HB 78 - Weapons Revisions

No action taken.

HB 81 - School Employee Background Checks

Motion was made by Member Kim R. Burningham and seconded by Member Denis R. Morrill to support. Motion carried with Members Brown, Burningham, Cannon, Coleman, Crandall, Haws, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Murphy absent.

HB 99 - Background Checks for Sports Officials

Motion was made by Chair Debra Roberts and seconded by Member David L. Thomas to take the position of unnecessary. Motion carried with Members Brown, Burningham, Cannon, Coleman, Crandall, Haws, Morrill, Murphy, Openshaw, Roberts and Thomas voting in favor; Member Murphy absent.

HB 194 - Grants for Math Teacher Training

Motion was made by Member Denis R. Morrill and seconded by Member Laurel O. Brown to oppose with comment that the bill, because of the funding source, is not just public education institutions and concerns with other sources. Further that there is no guarantee those getting the grant will be Utah teachers. Motion carried with Members Brown, Burningham,

January 28, 2010

Cannon, Coleman, Crandall, Haws, Morrill, Openshaw, Roberts and Thomas voting in favor;
Member Murphy absent.

SB 42, SB 43 and SB 94 All deal with retirement and sponsored by Senator
Liljenquist.

Deputy Superintendent Menlove indicated that he would like the Senator to identify a
priority order in which each of these solutions might be implement until we see how the economy
recovers. He noted that Senator Liljenquist has indicated he will not run SB 42 if SB 43 passes.

Member Meghan Holbrook asked that Senator Liljenquist be invited to the Board
meeting for a discussion on these bills.

(For details of materials presented see General Exhibit No. 11103.)

Motion was made by Member Denis R. Morrill and seconded by Member Laurel O.
Brown to adjourn.

Meeting adjourned at 2:00 p.m.