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UTAH STATE BOARD OF EDUCATION
LEGISLATIVE MEETING MINUTES

March 19, 2015

A legislative meeting of the Utah State Board of Education was held March 19, 2015 at the Utah State Office of Education, 250 East 500 South, Salt Lake City, Utah. Chair David Crandall conducted. The meeting commenced at 12:00 p.m.

Board Members Present:

Chair David L. Crandall	Member Kristin Elinkowski (non-voting)
First Vice Chair David Thomas	Member Linda B. Hansen
Second Vice Chair Jennifer A. Johnson	Member Mark Huntsman
Member Dixie L. Allen	Member Jefferson Moss
Member Laura Belnap	Member C. Mark Openshaw
Member Leslie B. Castle	Member Nancy Tingey (non-voting)
Member Freddie Cooper (non-voting)	Member Terryl Warner
Member Brittney Cummins	

Board Members Participating Electronically

Member Barbara W. Corry
Member Teresa L. Theurer (non-voting)
Member Joel Wright

Board Members Excused:

Member Marlin K. Jensen (non-voting)	Member Spencer F. Stokes
Member Steven R. Moore (non-voting)	

Executive and Board Staff Present:

Brad Smith, State Superintendent	Emilie Wheeler, Board Communications Specialist
Sydnee Dickson, Deputy Supt.	
Bruce Williams, Associate Supt.	Debbie Davis, Board Internal Auditor
Lorraine Austin, Board Secretary	

Others Present:

Superintendent McKell Withers, Salt Lake City School District; David Jones, Attorney General's Office; Jay Blain, Utah Education Association; Allison Nicholson, UEPC; Erin Preston; Morgan Jacobsen, *Deseret News*; Ben Wood, *Salt Lake Tribune*; Keith Lawrence, USOE; Karen Peterson

Opening Business

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Chair David Crandall called the meeting to order at 12:00 p.m.

HB 360 1st Substitute *Utah Education Amendments*

Superintendent Brad Smith gave overview of HB 360S01 which involves a number of substantive amendments to the education code. The bill codifies what the Board has already started doing with respect to a ten-year plan and provides some specificity to that process. One of the prime concerns is regarding the requirement for the Board to obtain approval from the legislature for its ten-year plan.

The bill reorganizes the Board with respect to the non-voting members. Also, with respect to national education programs, the bill requires varying levels of either Board, gubernatorial or legislative approval. A concern is that the Governor has no normal constitutional authority over education. There is an extensive section defining the difference between education standards and education curriculum, and Superintendent Smith commented that this could be very useful for the Board in keeping faith with their constituents.

Superintendent Smith reported that he met yesterday with the bill's sponsor, Representative LaVar Christensen, to review the concerns. Representative Christensen has been gracious in being willing to sit down to explore those concerns and to commit to rerunning further legislation to correct the potential constitutional difficulties that have been identified.

Representative Christensen was welcomed to the meeting. He thanked the Board for the opportunity, and expressed that he didn't feel there were any constitutional issues in the bill. He stated the importance of elected representatives working together. He expressed that he is passionate about Article X of the Constitution and about upholding the authority of the State Board. The education Code hasn't been updated in 60 years, and there is no genesis in the beginning of that Code. The bill takes some guiding principles and moves them to the front of the Code and calls it a mission statement, or preamble.

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Representative Christensen addressed the various concerns regarding the bill. He noted that the phrase “core curriculum standards” is found throughout the education Code. This phrase is causing discomfort with the public. The bill makes it clear standards are at the state level and curriculum is at the local level.

The Representative pointed out that Section 53A-1-9 has existed for ten years. Initially federal programs were solely coming from the U.S. Department of Education. Now programs are coming from other entities. The changes in the legislation still defer to the Board.

He noted that the Board has until November 2016 to finalize its ten-year plan, and also to report a history going back 15 years. He felt this was a huge endorsement of the State Board. He explained that in line 110 the language regarding the report to the Education Interim Committee should have been changed from review and approval to review and recommendations. He indicated there is time to change the language in another legislative session prior to the due date of the plan, and stated a willingness to do so. He expressed his hope that this reassures the Board.

The Representative addressed the concern about requiring Governor approval for federal education agreements or national programs. The purpose of having Governor approval is to ensure that someone doesn't try to circumvent the process.

Vice Chair Thomas asked in terms of defining national programs how this would impact things such as the ACT test, where there is a requirement for all students to take the ACT test and the Board has received a specific appropriation to administer the test. He questioned whether the appropriation would suffice as compliance. Representative Christensen responded that if the Board would like a short list of things that might be identified as a national program he would consider that.

Representative Christensen stated that he feels the Board and legislature are more united than they have ever been. He sincerely believes that to not embrace this bill would be catastrophic and a step backwards. Every bill that gets added keeps being tacked to the end of the Code and a review is overdue.

Vice Chair Thomas indicated that the Board would welcome him working with Superintendent Smith and the Board's attorneys on changes to the bill.

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Member Allen reported that the Utah School Boards Association has a concern that there are some non-voting members on the Board that the legislation removes from the Board. Those representative inform the Board and help the Board do a better job. Representative Christensen responded that he formed an education committee in his district a year ago, and the committee has met twice a month leading up to the legislative session. In that group there was a strong consensus that there are benefits for the Board to meet with other education professionals. This is something that is not lost in the bill. He was considering the most pure implementation of Article X of the Constitution. If keeping those members is something the Board wants, it could be done during the next session. The legislation provides for the Board to meet frequently with those education groups to receive their input, and nothing is lost by removing those appointed members named in statute.

Member Allen also noted that there are appointed members of the Board—the Utah School Boards Association and the Coalition of Minorities Advisory Council—that are not mentioned in the bill. Representative Christensen responded that the Board can appoint those members on their own; only the ones designated in statute were included in the bill.

Member Hansen thanked Representative Christensen for coming. She commented that though she is glad to see him today, she wished he had spoken with the Board earlier. She encouraged more interaction with the Board in the future when he is sponsoring education bills. She hoped he feels welcome to discuss bills with the Board to avoid the situation of the Board considering a veto request. Representative Christensen thanked her for the invitation. He expressed appreciation for the extensive and thorough interaction with the Board Chair and State Superintendent throughout the session.

Member Castle voiced her appreciation for the Representative's responses. She voiced that she is not sure there is a bill that is going to protect the Board or system from the ravages of a legislature that won't protect public education from interest groups that are shrill or extreme. She hoped that the Governor and legislature will listen to the Board and the public that want education funded at a different level. She is hoping for a relationship with legislators that will protect the education system. She expressed that she is happy to support this bill because she believes the Representative is willing to work with the Board.

Representative Christensen responded that he loves public service, the people and the principles. He asked the Board to not get too discouraged. He reiterated that there is a generous window of time to make changes and a funded resource to give the Board the help it needs to accomplish the requirements of the bill.

Vice Chair Johnson asked if Board members could attend his community education meetings. He indicated he would be happy for them to attend.

Member Cooper pointed out that the Coalition of Minorities Advisory Council representative, an ex-officio member of the Board, is not included in the bill. The Representative responded that he could include it if the Board wishes. The Board doesn't need permission from statute to add ex-officio members or meet with anyone they want. Member Allen also noted that the Utah School Boards Association representative to the Board isn't included, and expressed the importance of the relationship between the state and local boards.

Adjournment

MOTION was made by Member Openshaw and seconded by Vice Chair Johnson that the meeting adjourn.

Motion carried. The meeting adjourned at 12:50 p.m.

Lorraine Austin, Board Secretary

Members pending approval