

**UTAH STATE BOARD OF EDUCATION  
LEGISLATIVE MEETING MINUTES**

March 5, 2020

A legislative meeting of the Utah State Board of Education was held March 5, 2020 at the Utah State Capitol Complex, House Building, Room 30. Chair Mark Huntsman presided.

**Members Present:**

Chair Mark Huntsman  
Vice Chair Brittney Cummins  
Member Laura Belnap  
Member Michelle Boulter  
Member Janet A. Cannon  
Member Cindy Davis  
Member Jennie Earl  
Member Jennifer Graviet

Member Scott L. Hansen (by phone)  
Member Mike Haynes (by phone)  
Member Carol Barlow Lear  
Member Mark R. Marsh  
Member Scott B. Neilson  
Member Shawn E. Newell  
Member Laurieann Thorpe

**Executive Staff Present:**

Sydnee Dickson, State Superintendent  
Scott Jones, Deputy Superintendent  
Patty Norman, Deputy Superintendent  
Angie Stallings, Deputy Superintendent

**Minutes taken by:**

Lorraine Austin, Board Secretary

**Others Present:**

Elizabeth Garbe—United Way Salt Lake; Angela Doan; Jaclyn Knapp—Park City School District; Jesse Burrell—Utah Rural Schools Association; Alexa Roberts—Utah House of Representatives; Jason Strate—Central Utah Education Services; Linda Hanks, McKay Jensen—Utah School Boards Association; Mike Anderson—Jordan School District; Sheri Mattle, Alycia Spencer—Utah PTA; Chase Clyde, Jay Blain—Utah Education Association; Royce Van Tassel—Utah Association of Public Charter Schools; Cindy Phillips, Delaina Tonks, Marie Steffenson, Jennifer Lambert—State Charter School Board; Tami Pyfer—Governor’s Office; Anthony Sudweeks—Wallace Stegner Academy; Allyson Hicks—Legislative Research and General Counsel; Terry Shoemaker—Utah Schools Boards Association/School Superintendents Association; Todd Hauber—Utah Association of School Business Officials; Michelle Beus, Bryan Quesenberry—Assistant Attorneys General; Deborah Jacobsen, Dale Frost, Jeff Greene, Mark Peterson, Melissa Cano, Megan Russell, Jeff Van Hulten, Patrick Lee, Leah Voorhies, Jennifer Throndsen, Tiffany Stanley—USB E staff

## **Opening Business**

Vice Chair Brittney Cummins called the meeting to order at 12:07 p.m.

## **Approval of Meeting Minutes**

**MOTION** was made by Member Huntsman and seconded that the Board approve the minutes of the February 27, 2020 meeting.

Motion carried; Member Davis absent.

## **Review of Legislation**

Deputy Superintendent Scott Jones addressed 1<sup>st</sup> Substitute H.B. 357 Public Education Funding Stabilization.

Chair Huntsman reviewed the statement the Board made on tax reform in its November 2019 meeting. He reported that Board leadership and executive staff were approached by legislative leadership last week concerning a proposed bill on tax reform. He assured board members that in all the conversations with legislators, board leadership and staff considered the principles put forth in the Board's statement and made clear the Board had no position on the proposed bill.

Deputy Superintendent Jones provided a handout to the Board, *Proposal to Reinforce Funding Supporting Public Education, Children and Individuals with Disabilities*, and reviewed how the proposed bill aligns with the principles in the Board's tax reform statement.

McKay Jensen, Utah School Boards Association President, reported that USBA has not taken a position on the bill.

Deputy Superintendents Scott Jones and Angie Stallings reviewed 1<sup>st</sup> Substitute H. B. 357 and 1<sup>st</sup> Substitute S.J.R. 9 Proposal to Amend Utah Constitution—Use of Tax.

## **Action on Legislation/Budget**

**MOTION** was made by Member Huntsman and seconded that the Board take a favorable position on 1<sup>st</sup> Substitute H.B. 357 and 1<sup>st</sup> Substitute S.J.R. 9.

Chair Huntsman spoke to his motion, stating that the bills provide a line of defense with a guarantee to fund growth and inflation and provide stabilization. He expressed concern that by taking no action, the General Fund, including some services to children, will be at risk. He

also voiced that if the opportunity is not taken now it would be another two years before for the next opportunity.

It was also noted that this option would keep revenue in place without cutting taxes and is a beginning point to set base funding in a safe and secure place guaranteeing growth even in years of economic downturn.

Board members expressed concerns that there are no definitions of “children and individuals with disabilities,” that the Board wasn’t involved earlier, and that there hasn’t been enough time to study the legislation.

MOTION TO AMEND was made by Member Davis and seconded that the Board seek an amendment to H.B. 357 to include a priority of four percent above inflation on the WPU before looking at funding for non-K-12, and seek an amendment to S.J.R. 9 to add wording to show a commitment to funding inflation, growth and WPU increases.

MOTION TO AMEND THE AMENDMENT was made by Member Davis and seconded that the wording, “4%” be removed and “an increase” be added in its place.

Amendment to the amendment failed, with Members Davis and Hansen in favor, and all others opposed.

Amendment failed, with Members Cannon, Davis, Gravier and Lear in favor, and all others opposed.

Motion carried 11-4, with Members Belnap, Boulter, Cummins, Earl, Hansen, Haynes, Huntsman, Marsh, Neilson, Newell and Thorpe in favor, and Members Cannon, Davis, Gravier and Lear opposed.

### **State Charter School Board Satellite Approvals**

Michelle Beus, Assistant Attorney General, reported on an item submitted to the Board's February 6, 2020 meeting concerning the State Charter School Board's (SCSB) approval of three satellite schools. The Board of Education (USBE) took no action in that meeting. AAG Beus reviewed that the USBE has been given authority under 53G-5-205(5)(a) to "establish minimum standards that a charter school authorizer is required to apply when evaluating a charter school application." The USBE has satisfied this requirement in R277-552-6(2) which outlines the conditions under which a charter school may apply for a replication or satellite school.

AAG Beus indicated there have been concerns as to whether the satellite schools approved met the minimum standards for application. She acknowledged that the USBE doesn't approve charters but pointed out that 53G-5-205 gives the USBE the authority to give direction to the charter authorizer to reconsider the approval or correct deficiencies in the school application.

SCSB Vice Chair Delaina Tonks and Executive Director Jennifer Lambert were invited to address the Board. Vice Chair Tonks spoke to the need for the USBE to approve the SCSB's application process and requested the opportunity to work with USBE leadership to firm up that process. Vice Chair Cummins expressed that USBE leadership is also inviting that conversation and is planning to address the application process in a future meeting.

Executive Director Lambert shared that there may have been some misunderstanding on some of the information that was communicated and stated that the SCSB felt the schools do meet the minimum requirements.

**MOTION** was made by Member Hansen and seconded that the Board return the approved expansion requests of Freedom Preparatory Academy, Ascent Academies, and Wallace Stegner Academy to the State Charter School Board and direct the SCSB to reconsider whether these charter schools met the threshold requirements of R277-552-6 in order to apply for expansions and if they did, to provide evidence of that eligibility to the Board.

Motion carried unanimously.

### **Adjournment**

The meeting adjourned at 2:00 p.m.

[For additional information on items from the meeting, see General Exhibit No. 20-07.]

Lorraine Austin, Board Secretary  
Minutes approved March 19, 2020