

UTAH STATE BOARD OF EDUCATION(USBE)

LEGISLATIVE MEETING MINUTES

Date: February 16, 2023

Time: 12:00 PM

A Utah State Board of Education legislative meeting was held on February 16, 2023. Chair James Moss presided. As authorized by Utah Code 52-4, this meeting was held at the Utah State Capitol Complex Senate Committee Room 210 Salt Lake City, UT 84114. The public can hear the audio of the meeting through live YouTube streaming.

Members Present:

Chair James Moss

Second Vice Chair Jennie Earl

Member Christina Boggess

Member Joseph Kerry

Member LeAnn Wood

Member Matt Hymas

Member Carol Barlow Lear

Member Kristan Norton

Member Brent J. Strate

Member Sarah Reale

Member Cindy Davis

Members Present Online:

Member Emily Green

First Vice Chair Molly Hart

Member Randy Boothe

Member Natalie Cline

Executive Staff Present:

Sydnee Dickson, State Superintendent

Scott Jones, Deputy Superintendent

Angie Stallings, Deputy Superintendent

Patty Norman, Deputy Superintendent

Minutes were taken by:

Cybil Child, Executive Assistant

Others Present:

USBE staff Bryan Quesenberry, Ashley Biehl, Vanessa Barnes, Paula Plant, and Liz Bernfield. Todd Hauber, UASBO; Lexi Cunningham, USSA; Sara Jones, UEA; Lia Baez, UWSL; Rapunzel Stillskin, Union of Concerned Fairy Tale Creatures; Randy Shelley, Wayne School District; Jason Strate, CUES; Elizabeth Gavbe, UWSL; Brittney Cummins, Governor's Office; Ryan Anderson, Retired UEA; and Joe B. Wriugh, SEDC.

Opening Business

Chair Moss called the meeting to order at 12:05 p.m. He welcomed the public and board members to the forum.

Budget Priorities

Approve Small School District Capital Projects Panel Projects Over \$2 Million.

Scott Jones, Deputy Superintendent of Operations, Sam Urie, School Finance Director, and Dean Dykstra, School Construction Specialist, led the discussion about small school district capital projects.

HB475 from the 2022 General Session created the Small School District Capital Projects Fund. A panel consisting of USBE's Superintendent, Deputy Superintendent of Operations, two USBE staff members, and two appointees of the Governor has collected and reviewed applications from LEAs who qualify under the limitations of HB475. Board rule states that the Board approves projects over \$2 million. Staff recommends that the Board support the panel's recommendations.

MOTION was made by Member Norton and seconded by Member Hymas that the Board approves the panel's recommendations.

The motion passed unanimously.

Public Education Funding Constitutional Amendments and Statutory Framework

The final approved motion from the February 2, 2023, board meeting is as follows:

"That the Board recommends that the Legislature initiate the amendment process to amend the Utah State Constitution as follows:

The Legislature shall provide funding for K-12 public education as defined in Art X, Sec 2 and governed, without exception, by the Utah State Board of

Education, as provided in Art X, Sec 3, at no less than 50% of the overall state revenue."

The Final Passed Motion for the statutory language from February 2, 2023, USBE meeting is as follows:

"That the Board recommends that the Legislature:

1) provide a WPU value of \$6,000 or more per student by the fiscal year 2027;

2) fund at least a 6% increase to the value of the WPU during times of economic growth before increasing funding to any other subcommittee budget or line item education appropriation;

3) continue HB 357;

4) set aside sufficient funds per year to ensure sustainment of public education funding to prior year funding levels for up to five years when there are periods of recession, negative growth, and declines in personal income averages; and to reallocate any decrease in the number of WPU, to the value of the WPU;

5) restrict the number of public education bills in each session by setting an early deadline for public education bills or by limiting the number allowed to be reviewed and prioritizing WPU funding over grants and line item appropriations; and

6) tie a percent increase in personal income to increased public education funding and provide inflationary factors to certified tax rates.

February 13 board meeting action:

The final Motion, as Amended, reads as follows:

The Legislature shall establish a statutory framework for funding the minimum school program and public education system support that includes public education funding stabilization, enrollment growth, and an inflationary index from overall state revenues to protect public education funding levels and

prioritizes public education funding increases during periods of economic growth.

MOTION TO POSTPONE was made by Member Lear and seconded by Member Boothe that the Board postpones today's action until Thursday, February 16, and asks the AAGs to provide advice on language and definitions, including stabilization and an inflationary index, establish and maintain, and general support and supervision.

MOTION was made by Member Cline and seconded by Member Boggess that the Board recommends to the legislature to leave Article X as is and amend Article XIII, Sec. 5, Subsection (5) as follows:

The state and its municipalities, retaining sole responsibility for the funding of public education, shall fund K-12 schools and programs solely from revenues generated by the state and its municipalities, and the State shall establish statutes that include public education funding stabilization, enrollment growth, and an inflation index. State entities may not accept public education funding not secured as revenue directly through the state and its municipalities.

The motion failed with Members Boggess, Cline, and Green in favor and Members Boothe, Davis, Earl, Hart, Hymas, Kerry, Lear, Norton, Reale, Strate, Wood, and Moss opposed.

MOTION TO AMEND made by Member Boggess and seconded by Member Davis that the Board adds "that the Legislature maintain Article X of the constitution as is" before the language amending Article XIII.

The Legislature shall establish a statutory framework for funding the minimum school program and public education system support that includes public education funding stabilization, enrollment growth, and an inflationary index from overall state revenues to protect public education funding levels and

prioritizes public education funding increases during periods of economic growth.

The motion to amend carried with Members Boggess, Cline, Davis, Earl, Green, Hymas, Kerry, Lear, Norton, Reale, Strate, Wood, and Moss in favor and with Members Boothe and Hart opposed.

MOTION TO AMEND was made by Member Davis and seconded by Member Boggess that the Board strike “shall establish a statutory framework for funding” and replace with “fund.”

The motion to amend passed unanimously.

MOTION TO AMEND was made by Member Hymas and seconded by Member Kerry that the Board strike “the minimum school program and” “support.”

The motion to amend failed with Members Earl, Hart, Hymas, Kerry, and Moss in favor and Members Boggess, Boothe, Cline, Davis, Green, Lear, Norton, Real, Strate, and Wood opposed.

Final Motion, as amended: The Board recommends that the Legislature maintain Article X of the constitution as is and amend the Constitution in Article XIII as follows:

“The Legislature shall fund the minimum school program and the public education system support that includes public education funding stabilization, enrollment growth, and an inflationary index from overall state revenues to protect public education funding levels, and prioritizes public education funding increases during periods of economic growth.”

The **final motion** passed unanimously.

The Final Passed Motion for the statutory language from February 2, 2023, USB E meeting is as follows:

"That the Board recommends that the Legislature:

1) provide a WPU value of \$6,000 or more per student by the fiscal year 2027;

2) fund at least a 6% increase to the value of the WPU during times of economic growth before increasing funding to any other subcommittee budget or line item education appropriation;

3) continue HB 357;

4) set aside sufficient funds per year to ensure sustainment of public education funding to prior year funding levels for up to five years when there are periods of recession, negative growth, and declines in personal income averages; and to reallocate any decline in the number of WPU, to the value of the WPU;

5) restrict the number of public education bills in each session by setting an early deadline for public education bills or by limiting the number allowed to be reviewed and prioritizing WPU funding over grants and line item appropriations; and

6) tie a percent increase in personal income to increased public education funding and provide inflationary factors to certified tax rates.

MOTION was made by Member Moss and seconded by Member Davis that the Board amends item #4 to add "for the fiscal years 2026-2035" to the end of item #4.

4) set aside sufficient funds per year to ensure sustainment of public education funding to prior year funding levels for up to five years when there are periods of recession, negative growth, and/or declines in personal income averages; and to reallocate any decline in the number of WPU, to the value of the WPU for the fiscal year 2026-2035;

The motion carried with Members Boothe, Davis, Earl, Hart, Hymas, Lear, Norton, Reale, Strate, Wood, and Moss in favor and Members Boggess, Cline, Green, and Kerry opposed.

MOTION was made by Member Davis and seconded by Member Strate that the Board amends #2, changing the "6%" to "10%" and adding "for FY24" and "inflationary growth plus a minimum of 4%" as follows:

2) fund at least a ~~6%~~ 10% increase to the value of the WPU for FY24 and inflationary growth plus a minimum of 4% during times of economic growth before increasing funding to any other subcommittee budget or line item education appropriation;

MOTION TO AMEND was made by Member Strate and seconded by Member Lear that the Board replaces "6%" with "with a minimum of the amount of inflationary growth plus 4%" in item #2.

2) fund at least a ~~6%~~ 10% increase to the value of the WPU for FY24 and inflationary growth plus a minimum of 4% during times of economic growth before increasing funding to any other subcommittee budget or line item education appropriation;

The motion to amend carried with Members Boggess, Boothe, Davis, Earl, Green, Hart, Hymas, Lear, Norton, Reale, Strate, Wood, and Moss in favor and Members Cline and Kerry opposed.

MOTION was made by Member Strate and seconded by Member Lear that the Board requests the Legislature require amendments to the statutory provisions related to HB 357 and any statutory language enacted related to the motion above be approved by 2/3rds votes or more of the Legislature.

The motion failed with Members Boothe, Davis, Lear, Norton, Reale, Strate, and Wood in favor and Members Boggess, Cline, Earl, Green, Hart, Hymas, Kerry,

and Moss opposed.

Review of Legislation

Deputy Superintendent Angie Stallings and Policy Analyst Greg Connell reviewed the list of policy requests.

MOTION was made by Member Norton and seconded by Member Strate that the Board supports S.B. 183 -- Educator Salary Amendments.

The motion passed unanimously.

MOTION was made by Member Earl and seconded by Member Norton that the Board supports H.B. 421 -- School Land Trust Program Amendments and H.J.R. 18 -- Proposal to Amend Utah Constitution - State School Fund.

The motion passed unanimously.

MOTION was made by Member Boggess and seconded by Member Green that the Board opposes S.B. 167 -- Statewide Online Education Program Modifications and H.B. 295 -- Educator License Amendments and negotiate a repeal for H.B. 478 -- Educator Evaluation Pilot Program and put it in the hands of USBE.

MOTION TO DIVIDE was made by Member Strate and seconded by Member Kerry to divide S.B. 167 and H.B. 295 together and H.B. 478 separately.

The motion carried with Members Boothe, Earl, Green, Hart, Kerry, Lear, Norton, Reale, Strate, and Moss in favor and Members Boggess, Cline, Davis, Hymas, and Wood opposed.

The first divided motion that the Board opposes S.B. 167 -- Statewide Online Education Program Modifications and H.B. 295 -- Educator License

Amendments.

SUBSTITUTE MOTION made by Member Reale and seconded that the Board recommends that the Legislature hold S.B. 167 and H.B. 295 and requests the Education Interim Committee and Public Education Appropriations Subcommittee study the Statewide Online Education Program over the interim.

The substitute motion carried with Members Boothe, Earl, Hart, Kerry, Lear, Norton, Reale, Strate, and Moss in favor and Members Boggess, Cline, Davis, Hymas, and Wood opposed.

The second divided motion that the Board requests staff requests repeal H.B. 478 -- Educator Evaluation Pilot Program from Utah Code and to direct the Board to establish a teacher evaluation system in Board rule.

The motion carried with Members Boggess, Boothe, Cline, Davis, Earl, Green, Hart, Hymas, Wood, and Moss in favor and with Members Kerry, Lear, Norton, Reale, and Strate opposed.

ADJOURNMENT

The meeting adjourned at 2:00 p.m.

Cybil Prideaux, Board Executive Assistant
The minutes were approved on April 6, 2023.