

## MINUTES

January 28, 2005

Minutes of the special legislative meeting of the State Board of Education held January 28, 2005, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:15 a.m. At the request of Chairman Kim R. Burningham, Debra Roberts, Chairman of the Law and Policy Committee presided.

Members present were:

Chairman Kim R. Burningham (via PolyCom)  
Vice Chairman Janet A. Cannon  
Member Tim Beagley  
Member Laurel Brown  
Member Mark Cluff  
Member Bill Colbert  
Member Edward A. Dalton  
Member Thomas Gregory  
Member John C. Pingree  
Member Debra G. Roberts  
Member Gary C. Swensen  
Member Teresa L. Theurer (via PolyCom)

Members Dixie L. Allen, Bonnie Jean Beesley, Greg Haws, Richard Sadler and Sara Sinclair were excused.

Also present were:

Associate Superintendent Christine Kearl  
Associate Superintendent Patrick Ogden  
Associate Superintendent Raymond Timothy  
Public Affairs Director Mark Peterson  
Coordinator, Government and Legislative Relations, Carol B. Lear  
Board Secretary Twila B. Affleck

Superintendent Patti Harrington was excused.

### Legislation Review

Member Debra G. Roberts, Chairman of the Law and Policy Committee noted that Superintendent Harrington and the State Office of Education staff had prioritized legislative items to be discussed first and that the Board would consider other items as time permitted. (For complete details of the Tracking Sheet, see General Exhibit No. 9518.)

The Board reviewed and discussed legislative bills and took the following actions:

#### **HB 7 Individual Income Tax - Contributions for Education -**

Motion was made by Member Laurel O. Brown and seconded by Member John C. Pingree to support.

Motion carried.

### **1SHB36 Charter School Construction Amendments**

Motion was made by Member Bill Colbert and seconded by Member Tim Beagley to oppose the legislation as currently written. Motion carried with Members Beagley, Brown, Burningham, Cannon, Colbert, Dalton, Pingree, Roberts, Swensen and Theurer voting in favor; Members Cluff and Gregory opposed.

### **HB 42 Medical Recommendations for Children**

Motion was made by Member Laurel O. Brown and seconded by Member Thomas Gregory to take the position of Unnecessary. Motion carried with Members Beagley, Brown, Burningham, Cannon, Cluff, Dalton, Gregory, Pingree, Roberts, Swensen and Theurer voting in favor; Member Colbert opposed.

### **HB 46 Public Education Capital Outlay Act Amendments**

Motion was made by Member Laurel O. Brown and seconded by Member Gary C. Swensen to support. Motion carried with Members Beagley, Brown, Burningham, Cannon, Colbert, Dalton, Gregory, Pingree, Roberts, Swensen and Theurer voting in favor; Member Cluff opposed.

### **HB 53 Tax Treatment of Personal Property**

Motion was made by Member Mark Cluff and seconded by Member Bill Colbert to take no action. Motion carried.

### **HB 61 State School Board Elections and Filing of Vacancies**

Motion was made by Member Thomas Gregory and seconded by Member Tim Beagley to oppose with comment that we disagree with the partisan concept.

Amendment to the motion was made by Member John C. Pingree and seconded by Vice Chairman Janet A. Cannon to oppose this and support Senator Karen Hales' bill.

Member Mark Cluff requested that the motion be divided.

It was clarified that this is a substitute motion and needs to be acted upon as such.

Chairman Burningham noted that he has spoken with the Senate President regarding this issue and he is dubious that the Senator Hale bill will get out of the senate.

Comments vote against the amendment - like concept

Amendment to oppose HB 61 with comment and support Senator Hales' bill failed with Members Cannon, Pingree and Theurer voting in favor; Members Beagley, Brown, Burningham, Cluff, Colbert, Dalton, Gregory, Roberts and Swensen voting against.

Amendment was made to the original motion by Member Laurel O. Brown and seconded by Member John C. Pingree to add as part of the comment that the Board does not like partisan issue but would like to see a screening process by a local committee. Motion failed with Members Brown and Cannon in favor; Members Beagley,

Burningham, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, Swensen and Theurer voting against.

Original Motion oppose HB 61 with comment against partisan elections. Motion carried with Members Beagley, Brown, Burningham, Cannon, Cluff, Colbert, Dalton, Gregory, Roberts, Swensen and Theurer voting in favor; Member Pingree voting against.

#### **SB 155 State School Board Candidate Selection Committee**

Motion was made by Member John C. Pingree and seconded Kim R. Burningham to support. Motion carried.

#### **HB 63 School District Amendments**

Motion was made by Member Laurel O. Brown and seconded by Member Tim Beagley to hold for further study.

Vice Chairman Janet Cannon spoke in favor of the legislation because she felt it would support and strengthen the process. She would like to see Utah to have more school districts with more local control. As a parent like more local control.

Motion carried with Members Beagley, Brown, Burningham, Dalton, Gregory, Pingree, Roberts, Swensen and Theurer voting in favor; Members Cannon, Cluff and Colbert opposed.

#### **HB 231 School District Boundaries**

Motion was made by Member Mark Cluff and seconded by Vice Chairman Janet A. Cannon to support. Motion carried with Members Brown, Burningham, Cannon, Cluff, Colbert, Dalton, Gregory, Pingree, Roberts, and Theurer voting in favor; Members Beagley and Swensen opposed.

#### **HB 72 School Curriculum Requirements for Health Instruction Amendments**

Motion was made by Member Gary C. Swensen and seconded by Member John C. Pingree to support.

Associate Superintendent Christine Kearl noted that this is already being done by Board rule.

Motion was withdrawn.

Motion was made by Member Laurel O. Brown and seconded by Member Tim Beagley to take the position of unnecessary. Motion carried.

#### **HB 84 Reading Requirements for Student Achievement**

Motion was made by Member Mark Cluff and seconded by Member Tim Beagley to oppose.

Chairman Burningham commented that this is an issue we should not take a position on. He suggested the position should be Hold for Further Study. Member Teresa Theurer agreed stated that Representative Morgan has been a proponent of education, and she would like to see what she has to say.

Substitute motion was made by Vice Chairman Janet A. Cannon seconded by Member Edward A. Dalton to take position to hold for further study.

Substitute motion carried with Members Beagley, Brown, Burningham, Cannon, Cluff, Colbert, Dalton, Gregory, Roberts, Swensen and Theurer voting in favor; Member Pingree absent.

### **HB 189 Applied Technology Program Amendments**

Motion was made by Chairman Kim R. Burningham seconded by Member Tim Beagley to oppose.

Substitute motion was made by Member Thomas Gregory and seconded by Member Mark Cluff to oppose with comment that this is the responsibility of the State Board of Education. Motion carried with Members Beagley, Brown, Burningham, Cannon, Cluff, Colbert, Dalton, Gregory, Roberts, Swensen and Theurer voting in favor; Member Pingree absent.

### **HB 232 Utah Basic Skills Competency Test Alternatives**

Motion was made by Member Teresa L. Theurer and seconded by Member Bill Colbert to support.

Associate Superintendent Ray Timothy reported that there is some concern being expressed relative to the cost of developing such a test and that UBSCT would be hampered by such development of a new test. He suggested that instead of saying test it say there is some type of alternative to demonstrate competency that may not be a test. He indicated that staff would recommend it be held for further study.

Substitute Motion was made by Member Laurel O. Brown seconded by Member Edward A. Dalton to hold with support concept. Motion carried with Members Beagley, Brown, Burningham, Cannon, Cluff, Colbert, Dalton, Gregory, Roberts, Swensen and Theurer voting in favor; Member Pingree absent.

### **HB 78 Corporate Franchise and Income Tax Amendments**

Motion was made by Member Laurel O. Brown to oppose. Motion died for lack of second.

Motion was made by Member Laurel O. Brown and seconded by Member Mark Cluff to watch. Motion carried with Members Beagley, Brown, Burningham, Cannon, Cluff, Dalton, Gregory, Roberts, Swensen and Theurer voting in favor; Member Colbert opposed; Member Pingree absent.

### **HB 86 Utah College of Applied Technology Amendments**

Motion was made by Member Laurel O. Brown and seconded by Vice Chairman Janet A. Cannon to support. Motion carried with Members Beagley, Brown, Burningham, Cannon, Cluff, Dalton, Gregory, Roberts, Swensen and Theurer voting in favor; Member Colbert opposed; Member Pingree absent.

Associate Superintendent Patrick Ogden distributed a summary sheet from Representative Jim Ferrin on his tuition tax credit bill, H.B. 39. (For complete details, see General Exhibit No. 9519.)

Associate Superintendent Patrick Ogden reviewed the State Board of Education Unfunded Budget Requests. (For complete details, see General Exhibit No. 9520.)

A letter from Representative Carol Spackman Moss regarding H.B. 72, School Curriculum Amendments was distributed. (For complete details, see General Exhibit No. 9521.)

Motion was made by Member Tim Beagley and seconded by Vice Chairman Janet A. Cannon to adjourn.

Meeting adjourned at 11:48 a.m.