

**MINUTES OF THE
EDUCATION INTERIM COMMITTEE**

November 30, 2000 - 9:00 a.m. - Room 303 State Capitol

Members Present:

Sen. David H. Steele, Senate Chair
Rep. Lloyd Frandsen, House Chair
Sen. Ron Allen
Sen. Dan Eastman
Sen. Karen Hale
Sen. Howard A. Stephenson
Rep. Ron Bigelow
Rep. Duane Bourdeaux
Rep. Judy Ann Buffmire
Rep. Fred J. Fife III
Rep. James R. Gowans
Rep. David L. Hogue
Rep. Bradley T. Johnson
Rep. Keele Johnson
Rep. Evan L. Olsen
Rep. Tammy J. Rowan
Rep. LaWanna "Lou" Shurtliff
Rep. Nora B. Stephens
Rep. Matt Throckmorton
Rep. Bill Wright

Members Absent:

Rep. Jeff Alexander

Staff Present:

Mr. J. Wayne Lewis,
Research Analyst
Mr. James L. Wilson,
Associate General Counsel
Ms. Wendy L. Bangerter,
Legislative Secretary

Note: A list of others present and copies of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order - Sen. Steele called the meeting to order at 9:10 a.m. The committee was informed that written reports from the State Board of Education and other educational entities had been delivered to the Education Interim Committee as required by law and were included in the agenda packet. He encouraged committee members to carefully read each report.

MOTION: Rep. Hogue moved to approve the minutes of the August 16, October 18, and November 15, 2000 meetings. The November 15 minutes were amended to note a comment made by Mr. Steve Peterson rather than Mr. Jerry Peterson. The minutes were approved unanimously as amended.

2. Learning Standards and Accountability Task Force Report and Proposed Legislation - Sen. Howard Stephenson, Chair for the Task Force on Learning Standards and

Accountability, reviewed proposed legislation on learning standards and accountability and explained the development of uniform reporting requirements of test results and the mandate to school districts to aggregate testing data. He explained that all test results and school assessments would be available electronically, but only selected data would be published in the required school report card. The State Office of Education agreed to developing a shorter review time for gathering and reporting test results and was given a two-year window to find a way to make test results available to teachers by the end of the school year. Sen Stephenson suggested that some districts may want to experiment with electronic testing administration for immediate access to test scores, but to do so is not a requirement in the proposed legislation.

MOTION: Rep. Rowan moved that the committee accept the proposed legislation, “Utah Performance Assessment for Students Amendments” and recommend it to the legislature as a committee bill. The motion passed unanimously with Rep. Throckmorton absent for the vote.

MOTION: Sen. Stephenson moved the committee to reconsider its previous action relating to Rep. Rowan’s motion since the committee did not have the current version of the bill in its possession at the time of the vote. The motion passed unanimously.

Mr. Wilson explained the additions to the latest version of the bill. On line 60, a requirement when scores are to be available was extended by two years, and was repeated for teachers on lines 63-64. Lines 72-74, require an annual report together with recommendations for necessary modifications to the time lines. Lines 141-143 requires aggregated scores for the previous two years for all students by grade level or course and an indication of sufficient gain in the scores between the two years.

MOTION: Sen. Stephenson moved to accept the corrected version of the “Utah Performance Assessment for Student Amendments” as a committee bill. The motion passed unanimously.

3. Teacher Quality Legislation - Sen. David Steele and Rep Frandsen summarized the proposed legislation on teacher quality. The bill states the legislature finds that quality teaching is the basic building block of successful schools and, outside of home and family circumstances, the essential component of student achievement; that the high quality of teachers is absolutely essential to enhance student achievement and to assure educational excellence in each classroom in the state’s public schools; and the implementation of a comprehensive continuum of data driven strategies regarding recruitment pre service, licensure, induction, professional development, and evaluation are essential if the state and its citizens expect every classroom to be staffed by a skilled, caring, and an effective teacher. They emphasized that time and resources are required to achieve quality teaching.

Rep. Olsen asked if the bill required enhancing compensation to develop quality teachers. Sen. Steele said some states compensate teachers for earning national board certification. The legislature would have to make a similar kind of decision. This bill emphasizes the recognition of quality teaching. Mr. Laing said indicators show increases in student achievement when teachers successfully have completed national board certification.

Mr. Gary Carlston said the bill provides for a professional continuum and addresses the issue of teacher supply and demand. The state will develop consistent data for providing quality teaching. Rep. Frandsen observed that creating a functional quality teaching strategy is an ongoing and data-driven process and the legislature must be willing to adjust to change.

MOTION: Sen. Hale moved that the committee accept Teacher Quality Amendments and recommend it to the legislature as a committee bill. The motion passed unanimously.

4. Charter Schools Proposed Legislation - Sen. Howard Stephenson explained that the proposed legislation allows for the creation of four additional charter schools each year and provides for full allocation of local funds to charter schools. Charter schools currently receive one-half of local funding and the bill proposes the state fund the other half. He contemplates that other amendments will be added, and encouraged committee members to provide input prior to the 2001 General Session. Rep. Frandsen requested staff compile data identifying funding sources from other states who have charter school programs.

Rep. Hogue said federal funds for charter schools are granted on a reimbursement basis. He felt it is important to gather more information through a charter school audit and then review program data after the third year of the pilot program is completed. Rep. Rowan expressed strong support of the charter school program as an option for both exceptional and struggling students. She supports the concept of placing charter schools on equal footing with other public schools, and increasing the number of schools which may be allowed by law.

Mr. Barry Newbold, Superintendent of Jordan School District, encouraged the legislature to make data-driven decisions as they consider the future of charter schools. He felt that final data from the pilot program should be gathered and studied to determine if creating charter schools is a wise investment of state dollars.

Ms. Debbie Besseleivre, parent working to increase the number of charter schools, testified that research in other states indicates that charter schools are successful. She reported that her own children have had successful experiences in charter schools. Her advocacy group feels that charter schools are important to all children. She encouraged the legislature to authorize the establishment of more charter schools.

Ms. Linda Ogden, State School Board's Association, said the legislature must give full consideration to all the children in the state. She acknowledged the request from parents, but emphasized the importance of representing all children. Ms. Bonnie Palmer, State School Board's Association, felt the overriding consideration should be what is best for all children and making good decisions through a data-driven process. She suggested that all charter schools should be governed by local school districts. Across the nation, local governance account for much of the success of charter schools.

5. FACT Reauthorization - Rep. Lloyd Frandsen said Families, Agencies and Communities Together for Children and Youth at Risk (FACT) is an initiative extending its services horizontally across state agencies in a way that joins education, the juvenile courts, workforce services and health and human services in youth issues of common concern. He explained that FACT considers preventive issues, coordination of services, and helps to avoid duplication of services. He said FACT will sunset July 1, 2001 and the proposed legislation will reauthorize FACT for a 10-year period.

MOTION: Sen. Allen moved to accept "Families, Agencies, and Communities Together for Children and Youth at Risk Amendments" and recommend the legislation be introduced as a committee bill. The motion passed unanimously with Senators Eastman and Stephenson and Representatives Bourdeaux and Throckmorton absent for the vote.

Rep. Rowan requested a personal privilege to express her appreciation to members of the committee and those whom she has work with in the education community. She expressed concern about public education and encouraged the education community to continue addressing important issues. She acknowledged Utah for doing more in education with less funding than any other state.

Sen. Steele recognized Representatives Keele Johnson, Nora Stephens, Lloyd Frandsen, Tammy Rowan, and Evan Olsen who are leaving the legislature and expressed gratitude for their service, specifically on the Education Interim Committee.

6. Funding of Education Task Force Report and Proposed Legislation - Rep. Kevin Garn, Chair of the Funding of Education Task Force, recognized task force members and legislative staff for their service over the past seven months. He expressed appreciation to the 22,000 teachers in the state and the impact they have on the lives of children. He said, however, that the education community must be realistic in its expectations about issues of compensation, textbooks, supplies, and facilities. Teachers should be regarded as professionals and compensated accordingly and should have an opportunity to work in a professional environment. He emphasized, however, that public policy will not be determined by how close the legislature can come to the national average of per pupil expenditure. There is not a strong relationship between per pupil expenditures and student performance. In order to match the national average in per pupil expenditure, one of the state's big three taxes would have to be doubled. Utah has the

nation's highest birth rate, yet it does more in education with fewer resources than any other state.

Rep. Garn was concerned that the state's commitment to public education is constantly questioned. He said 100 percent of the state's income and corporate franchise taxes are spent on education. Expenditures were doubled in the 1990's, even though the state population growth was relatively flat. Even with class size reductions and increases in teacher salary, no one is happy. Rep. Garn said the task force was charged to consider long-term funding for education, but realized that funding was only part of the solution and a financial plan is incomplete without addressing and resolving funding adequacy and accountability issues.

Rep. Garn reviewed the recommendations of the task force as follows:

Recommendation #1: Continue the Capital Outlay Foundation Program with a \$10 million increase. With 140,000 new students entering the school system in the next 10 years, 170 new schools will need to be built.

Mr. Wilson explained that the previous Emergency School Building Needs Program within the Capital Outlay Program will be phased out on June 30, 2001. The proposed legislation deals with ongoing funding, and increases state funding by \$10,000. He explained that the appropriation is a relatively small portion of capital outlay in each district. Mr. Wilson said this program is created for districts with lower assessed valuation and high growth. The appropriation will increase the number of districts receiving state money under this program.

MOTION: Sen. Stephenson moved to accept "Public Education Capital Outlay Act Amendments" as a committee bill. The motion passed unanimously with Representatives Bourdeaux and Throckmorton absent for the vote.

Recommendation #2: Increase the Guarantee for Board and Voted Leeways. The legislation proposes to raise the guaranteed amount for board and voted leeways at the local level. The bill provides greater incentive to individual districts to solve their own problems.

MOTION: Rep. Buffmire moved to accept "School District Voted Leeway Amendments" as a committee bill. The motion passed unanimously with Representatives Bourdeaux and Throckmorton absent for the vote.

Recommendation #3: Use of New Waste Fees for Education. Any fees generated from radioactive wastes, which is not high-level nuclear waste, would be used for educational purposes. Rep. Garn said this proposal could generate revenue from outside the state.

Rep. Keele Johnson felt income from waste is a dangerous recommendation. If Utah accepts radioactive waste, it should require a \$200 million bond from federal government. He

expressed concern over tying radioactive waste to the education of children. Sen. Allen felt that waste revenue would not create a long-term revenue stream.

Sen. Stephenson suggested that all unstable revenue sources should be placed in a trust fund and the interest should be used for public education.

MOTION: Rep. Frandsen moved to consider the next task force recommendation. The motion passed with Rep. Throckmorton voting in opposition.

Recommendation #4: Appropriate \$30.6 million in one-time monies to provide adequate numbers of textbooks in public schools. Rep. Garn emphasized that a long-term plan is needed to solve the on-going textbook problem of textbooks and requested the State Office of Education to design that plan. He said local districts should be given the tools to solve this problem.

Rep. Stephens emphasized that these funds should supplement textbooks and supplies and not be supplanted for other needs. Rep. Garn agreed and said some districts are currently supplanting appropriations which have been allocated to purchase textbooks.

MOTION: Rep. Frandsen moved to have legislation drafted incorporating the task force's recommendation to appropriate \$30.6 million to meet textbook needs and endorse it as a committee bill. The motion passed unanimously with Rep. Bourdeaux absent for the vote.

Recommendation #5: Consider a Statewide Levy to Compensate for Inflation. - Rep. Garn explained that the proposed bill will require the legislature to discuss the impact of inflation from the previous year before imposing a certified revenue levy on real property. He said the proposed legislation, "Certified Revenue Tax Levy," requires the legislature to discuss the impact of inflation. He noted the tax rate has decreased over the past five years and there has been no consideration of an adjustment for inflation.

MOTION: Rep. Stephens moved to adopt "Certified Revenue Tax Levy for Public Education" as a committee bill. The motion passed with a vote of 12-7. Those voting in opposition were: Sen. Stephenson, Rep. Bigelow, Rep. Hogue, Rep. Bradley Johnson, Rep. Olsen, Rep. Throckmorton, and Rep. Wright.

7. Applied Technology Education Task Force Report and Proposed Legislation - Rep. Martin Stephens, Chair of the Applied Technology Education Task Force, gave an overview of proposed legislation to restructure the governance of Applied Technology Education (ATE) programs. The legislation establishes a statewide Joint Applied Technology Education Council (JTECH) to provide oversight over all regional Applied Technology Education Boards (ATE). He explained that regional governing boards would be composed of a representative from each school district and institution of higher education in the region, and three to four representatives from the regional business community.

He reviewed board's duties and explained that prior to a regional board seeking new capital facilities, it would have to first consider using existing public or higher education facilities. The State Board will continue to govern applied technology offered in high schools. The State Board of Regents will govern applied technology programs offered within the system of higher education, and JTECH will govern all other ATE programs.

Rep. Stephens explained that JTECH would consist of nine members representing regional boards. The State Board of Education and the State Board of Regents would each have five members on the board, and the speaker of the House and president of the Senate each would recommend two business persons to the governor for appointment to the board. He explained that the business people could be the determining votes, in the case that the ten members representing public and higher education did not agree with actions of the regional boards. He explained the veto power held by the State Board of Regents and the State Board of Education would keep them actively involved. He said the Joint Liaison Committee will be replaced by JTECH.

Mr. Carl Holmes, Snow College South, said Snow College South supports the proposed legislation. He was concerned that there is no designation for managing applied technology in either the central, southwest, or southeast regions. Mr. Mike Bouwhuis, Superintendent, Davis Applied Technology Center, said Davis Applied Technology Center supports the proposed legislation because it creates an administrative advocate for the ATE system. He felt Applied Technology Center superintendents will support this organizational change. Rep. Martin Stephens said due to time constraints, the task force did not progress beyond governance issues to resolve funding solutions.

MOTION: Rep. Nora Stephens moved to accept "Applied Technology Education Governance" as a committee bill and recommend it to the legislature. The motion passed unanimously with Sen. Allen, Rep. Bourdeaux, Rep. Olsen, and Rep. Shurtliff absent for the vote.

8. Extended School Year - Support and Extension of Pilot Program - Mr. Carl Jensen, State Office of Education, and Mr. Mike Bennett, Superintendent, Iron County School District, reported on an extended school year pilot program. Mr. Bennett said concurrent enrollment, applied technology education, and extended school years all have had a significant impact on public education in Utah. He reviewed the benefits of an extended school year program and emphasized that extended year summer classes are not watered-down versions of the regular courses, but are market driven programs.

Mr. Bennett said most participating districts began with a five percent student enrollment and increased to 30 percent. Class completion rate increased from 50 to 90 percent and generally districts have realized a 400 percent increase in college credit earned by high school students and a 500 percent increase in early graduates. Participating districts designed a competency-based

curriculum that follows the state's core curriculum. Public support has changed from cautious to perceiving this program as an indispensable part of a student's education.

The program permits smaller classes without increases in per pupil expenditures, lower overhead costs, few discipline problems, and infrequent delinquency problems. Local achievements include high-school credits earned in middle-school, an increase in reading and math test scores, declassification of many special ed students, a 300 percent increase in skill certification in ATE courses, integration of home-schooled children into regular programs, and testimonials from college professors teaching concurrent enrollment that student achievement in summer courses is equal to regularly enrolled university students. All participating districts concluded that the program far exceeded all expectations for success and could be essential in helping students meet or exceed assessment and accountability standards.

Rep. Frandsen and Rep. Wright explained their efforts to implement this extended school year program and how it has increased choices for students and parents. They felt the program could do more for educational funding than a tax increase. The program will sunset in 2002 and participating districts and the state office hope to find funding to continue and expand the program statewide. Mr. Bennett felt that \$10 million would extend the program to all secondary students in grades 9-12.

Ms. Susan Kuziak, Utah Education Association, spoke in favor of the program. Mr. Gary Carlston, State Office of Education, felt there are several funding options that could be implemented if this program were to be expanded. He said it is preferable for pilot districts to have three full years of experience with a program. Rep. Rowan was concerned with waiting until 2002 to take further action.

MOTION: Sen. Stephenson moved to continue the extended-year school program using the experimental development funding, but begin expanding it with new funding and endorse the interpretation that this program's three-year pilot will end in 2002. The motion passed unanimously with Sen. Allen, Rep. Bigelow, Rep. Bourdeaux, Rep. Bradley Johnson, Rep. Olsen, and Rep. Shurtliff being absent for the vote.

9. Adjournment

MOTION: Rep. Keele Johnson moved to adjourn the meeting. The motion passed unanimously. The meeting was adjourned at 1:10 p.m.