

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

March 3, 2016

A legislative meeting of the Utah State Board of Education was held in Room E210 in the Senate Building, Utah State Capitol Complex, 350 North State Street, Salt Lake City, Utah. Chair David Crandall presided.

Board Members Present:

Chair David L. Crandall	Member Barbara W. Corry (by phone)
1 st Vice Chair David L. Thomas	Member Brittney Cummins
2 nd Vice Chair Jennifer A. Johnson	Member Linda B. Hansen
Member Laura Belnap	Member Mark Huntsman
Member Leslie B. Castle (by phone)	Member Terryl Warner

Members Excused:

Member Dixie L. Allen	Member Spencer F. Stokes
Member Stan Lockhart	Member Joel Wright
Member Jefferson Moss	

Executive and Board Staff Present:

Sydnee Dickson, Interim Supt.	Joel Coleman, USDB Superintendent
Scott Jones, Deputy Supt.	Lorraine Austin, Board Secretary
Rich Nye, Acting Deputy Supt.	Emilie Wheeler, Board Communications Specialist
Angie Stallings, Associate Supt.	

Others Present:

Jill Curry, Office of the Legislative Fiscal Analyst; Tami Pyfer, Karen Peterson—Governor’s Office; Cheri Rieben, Natalie Gordon—Utah State Office of Education; Jay Blain, Tracey M. Watson—Utah Education Association; Allison Nicholson, Utah Education Policy Center; Shannon Delaney, Iron School District; Ray Terry, Beaver School District; Mary Nielson, Juab School District; Julie King; Chris Godfrey, Utah School Employees Association; Kristi Swett, Utah School Boards Association; Todd Hauber, Park City School District; Duke Mossman, Northern Utah Educational Services; Ben Wood, *Salt Lake Tribune*.

Call to Order

Chair David Crandall called the meeting to order at 12:10 p.m.

Review of Legislation

Associate Superintendent Angie Stallings, Utah State Office of Education (USOE), gave an overview of education bills. Natalie Grange, USOE Finance Director, reviewed S.B. 38 4th Substitute *School Funding Amendments* and H.B. 193 *Charter School Funding Amendments*. USOE Associate Superintendent Rich Nye reviewed S.B. 149 1st Substitute *School Grading Modifications*.

MOTION was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the Board support S.B. 91 2nd Substitute *Board of Education Amendments*.

Motion carried.

MOTION was made by Vice Chair Johnson and seconded by Member Cummins that the Board support H.B. 435 *Teacher Salary Supplement Amendments*.

Motion failed, with Members Cummins, Huntsman, Johnson, and Thomas in favor, and Members Belnap, Corry, Crandall, Hansen, and Warner opposed; Member Castle abstained.

MOTION was made by Vice Chair Thomas and seconded by Member Belnap that the Board support the concept of equitable WPU.

It was clarified that this is not taking a position on a bill.

MOTION TO POSTPONE INDEFINITELY was made by Member Cummins and seconded by Vice Chair Johnson.

Member Cummins explained that she would prefer the Board study the concept more before taking a vote.

Motion to postpone carried, with Vice Chair Thomas opposed.

MOTION was made by Vice Chair Johnson and seconded by Member Huntsman that the Board support H.B. 419 *Education Licensing Amendments*.

Motion carried.

Ben Leishman, Office of the Legislative Fiscal Analyst, was invited to provide information to the Board. Vice Chair Johnson asked him to share information with respect to the Board's financial requests for money for a contingency fund to be used in the case of mis-estimation of growth. Mr. Leishman reported that several contingencies are already in place within the Minimum School Program (MSP), including balances from the prior year. When

there is an over-estimation of the number of students coming into the system or under-estimation of the amount of property tax revenue that comes in to support the WPU cost, that creates a balance within the program. The use of those balances is authorized in statute under Utah Code 53A-17a-105 and directs the Board as to how it can transfer money within the program to support the value of the WPU. There is a second statute that has not had to be used, 53A-17a-144, which states: "If money in the Uniform School Fund is insufficient to meet the state's contribution to the Minimum School Program as appropriated, the amount of the deficiency thus created shall be carried as a deficiency in the Uniform School Fund until the next session of the legislature, at which time the legislature shall appropriate funds to cover the deficiency." The statute also provides some sources for that funding and directs that the Legislature can use the education budget reserve account or the General Fund budget reserve account in order to fix a deficiency should it occur.

Vice Chair Johnson pointed out that with two different provisions, one where there is deficit spending, and one where there is devaluation of the WPU, it would seem preferable to not decrease the WPU. She asked Mr. Leishman if he had a sense of whether one would be legislatively directed to be done first. He responded that he was not aware of any direction, and there is a slight conflict between the two statutes. He suggested that if a deficiency occurs the Board, Executive Appropriations Committee of the Legislature, and Governor would most likely meet and determine how to proceed. At that point, if funding is available, the problem could be fixed by providing a supplemental appropriation to prevent carrying a deficit.

Phil Dean, Governor's Office of Management and Budget, was also invited to comment. He felt that if there is an underestimation of enrollment growth in the WPU and other funds are available, a supplemental appropriation would be a high priority for the Governor. Such an appropriation could possibly be handled through the base budget process.

MOTION was made by Vice Chair Johnson and seconded by Member Hansen that in lieu of the request for a contingency fund, the Board seek clarifying language to coordinate between Utah Code 53A-17a-105 and 53A-171a-144.

Motion carried. Vice Chair Johnson thanked Mr. Leishman and Mr. Dean for their work on this issue.

MOTION was made by Member Hansen and seconded by Member Warner that the Board direct Associate Superintendent Stallings to work with Senator Stephenson on S.B. 176 2nd Substitute *Office of the State Board of Education Employment Amendments* to give flexibility to the Board regarding promoting or not promoting employees contingent on the employees converting to exempt status.

Motion carried; Vice Chair Johnson absent.

MOTION was made by Member Cummins and seconded by Vice Chair Johnson that the Board direct Associate Superintendent Stallings to work with Senator Stephenson on S.B. 93 2nd Substitute *Computer Science Initiative for Public Schools* to provide the funding necessary for administration of the program.

Motion carried.

Adjournment

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

Motion carried. The meeting adjourned at 2:25 p.m.

Lorraine Austin, Board Secretary
Minutes approved April 15, 2016