

## UTAH STATE BOARD OF EDUCATION LEGISLATIVE MEETING MINUTES

February 13, 2023

A regular Utah State Board of Education meeting was held on February 13, 2023. Chair Moss presided. As authorized by Utah Code 52-4, this meeting was held at the state board offices, 250 E. 500 S, Salt Lake City, Utah. The public can view the meeting through live YouTube streaming.

### Members Present:

Chair James Moss

First Vice Chair Molly Hart

Second Vice Chair Jennie Earl

Member Christina Boggess

Member LeAnn Wood

Member Natalie Cline

Member Matt Hymas

Member Carol Barlow Lear

Member Kristan Norton

Member Brent J. Strate

Member Sarah Reale

### Members Present Online:

Member Emily Green

Member Joseph Kerry

Member Randy Boothe

Member Cindy Davis

### 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, Liz Bernfield, and Adam Herd.

### Opening Business

Chair Moss called the meeting to order at 3:32 p.m. He welcomed the public and board members to the forum.

**Utah State Constitution****Proposed Public Education Funding Constitutional Amendment and/or Statutory Framework**

Since the Board approved their last language recommendation to the constitution during their February 2, 2023 meeting, the process with the legislature has developed more and the Board has been asked to review and/or modify their proposed language again during this Monday, February 13, 2023 meeting.

As a reminder, the Final Passed Motion for the constitutional amendment from the February 2, 2023 USB E 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."

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

"That the Board recommend 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/or 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 percent increase in personal income to increase in public education funding and provide inflationary factors to certified tax rates."

The legislative staff's proposed language from a subsequent meeting with them and select legislators on February 9, 2023 is found on page 3 of the presentation in the backup file. It reads:

**I. Utah Constitution:**

- Remove the existing constitutional earmark in Article XII, and replace it with:

**Article XIII, Section 5. [Use and amount of taxes and expenditures.]**

...

- (5) ~~[All] The Legislature shall ensure that~~ revenue ~~[from taxes on intangible property or from a tax on income shall be]~~ is used:
  - (a) to support the systems of public education and higher education as defined in Article X, Section 2; and
  - (b) to support children and to support individuals with a disability.

- Add stabilization and funding framework language to Article X

**Art. X, Sec. 10 [Public education budget stabilization and funding]**

Subject to revenue growth, the Legislature shall establish and maintain a statutory public education budgetary stabilization and funding framework.

**MOTION** was made by Member Norton and seconded by Member Moss that the Board recommends that the Legislature initiate the process to amend the Utah Constitution to include

the following language:

“The Legislature shall establish a statutory framework 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 AMEND** was made by Member Wood and seconded by Member Bogges that the Board add “for funding the minimum school program and public education system support” after the word “framework.”

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

**MOTION TO AMEND** was made by Member Davis and seconded by Member Bogges that the Board replaces “~~establish a statutory framework that includes~~” with “the legislature shall ensure funding for the minimum school program and public education system support by....”

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

**CALL THE QUESTION** was made by Member Norton and seconded by Member Lear. The motion passed unanimously.

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

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

The meeting adjourned at 5:28 p.m.

DRAFT

Cybil Child, Board Executive Assistant  
Minutes pending approval