

UTAH STATE BOARD OF EDUCATION  
[LEGISLATIVE MEETING](#) MINUTES  
February 16, 2023

A Utah State Board of Education legislative meeting was held on February 16, 2023. Chair 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, and Liz Bernfield.

**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**

The USBE staff who led the discussion were Scott Jones, Deputy Superintendent of Operations Sam Urie, School Finance Director, and Dean Dykstra, School Construction Specialist.

**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/or 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 the February 2, 2023 USBE meeting 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.

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 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.

**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 add “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” 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:** That 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 the February 2, 2023, USBE 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.

**MOTION** was made by Member Moss and seconded by Member Davis that the Board amend item #4, to add “for the fiscal years 2026-2035” to the end of the 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~~ten for the fiscal years 2026-2035 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 years 2026-2035;

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

**MOTION** was made by Member Davis and seconded by Member Strate that the Board amend #2 to strike 6% and increase to 10% and add "for FY24" and "at 6%"

2) fund at least a ~~6%~~ 10% increase to the value of the WPU for FY24 and at 6% 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 replace "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 and Members Boggess, Cline, Earl, Green, Hart, Hymas, Kerry, and Moss opposed.

### **Review of Legislation**

**MOTION** was made by Member Norton and seconded by Member Strate that the Board supports SB 183.

The **motion** passed unanimously.

**MOTION** was made by Member Earl and seconded by Member Norton that the Board supports HB 421 and HJR 18.

The **motion** passed unanimously.

**MOTION** was made by Member Boggess and seconded by Member Green that the Board opposes SB 167 and HB 295 and negotiate a repeal for HB 478 teacher evaluation code and put it in the hands of USBE.

**MOTION TO DIVIDE** was made by Member Strate and seconded by Member Kerry to divide SB 167 and HB 295 together and HB 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.

First divided motion that the Board opposes SB 167 and HB 295

**SUBSTITUTE MOTION** made by Member Reale and seconded that the Board recommends that the Legislature hold SB 167 and HB 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.

Second divided motion that the Board requests staff request the sponsor of HB 478 to amend HB 478 to repeal all teacher evaluation provisions 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.

The meeting adjourned at 2:00 p.m.

Cybil Prideaux, Board Executive Assistant  
Minutes pending approval.