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Lawmakers may yet defy No Child law

Still talking: Leaders want to delay a challenge until spring, but senators might force a vote today

By Ronnie Lynn
The Salt Lake Tribune

Utah's challenge to President Bush's No Child Left Behind program could wait until spring. Honoring a request by Gov. Jon Huntsman Jr., legislative leaders agreed Tuesday to postpone the final vote on a bill challenging the federal education policy. That would give state leaders more negotiating time with the U.S. Department of Education. Trouble is, a couple of renegade senators may have their own ideas about how to proceed today, the last day of the general session. Senate President John Valentine acknowledged that some senators feel strongly enough about passing House Bill 135 that they could ignore the governor's request and send it to his desk for a signature instead. "There's a possibility people will still want to debate the bill," Valentine said. "[But] a tour of the [Republican] caucus agreed to abide by the governor's wishes." Despite that agreement, the measure's Senate sponsor left himself an opening to bring the bill out for a vote today. "There's a chance we may not be able to live up to our commitment to the governor," said Sen. Tom Hatch, R-Panguitch. Hatch was in on the closed-door meeting - along with Valentine, Huntsman, House Speaker Greg Curtis and state schools Superintendent Patti Harrington - that produced the decision to hold HB135 until a special session in April or May. A special session could be avoided if the U.S. Department of Education meets Utah's demands for flexibility, Valentine said. That said, Valentine believes he has enough votes to get the measure passed today in its present form. Huntsman's education deputy, Tim Bridgewater, said the bill's fate depends on Washington's cooperation.

"If we don't get some sort of accommodation, we anticipate the bill going forward and the governor signing it," Bridgewater said.

HB135 directs Utah education leaders to put state standards for school and teacher quality ahead of NCLB's standards - even if it means defying Washington. This is the second year the Legislature has challenged the law as an expensive intrusion on the state's right to run its own education system.

Utah's defiance is attracting attention from national media and other states angling for flexibility under the law. Plus, the state GOP's support of the bill is seen by many as an uncharacteristic rebuff of President Bush, who made NCLB his first major domestic priority when he took office in 2001.

Key state and federal players have spent the past several weeks negotiating wiggle room to address Utah's concerns with the law, particularly its standards for measuring school and teacher quality.

Huntsman was in Washington over the weekend for a conference and reportedly met with Secretary of Education Margaret Spellings for last-minute talks on NCLB.

HB135 was up for a final vote when Huntsman asked for a delay Tuesday - one day after the Senate gave unanimous preliminary approval and two weeks after the House passed it unanimously.

Federal officials declined comment on the bill, but said they were eager to continue discussions.

"We look forward to continuing to work with Utah's leaders to resolve any differences and reach the ultimate goal of no child being left behind in Utah," said U.S. Department of Education spokeswoman Susan Aspey.

Not everyone was happy with the potential delay. HB135 sponsoring Rep. Margaret Dayton said she wants resolution.

"My preference is to finish the work that was started a year ago," the Orem Republican said.

Harrington wants closure as well. "I would prefer to resolve this with the department than be continually combative," Harrington said.

"But I stand strongly in support of the bill, whether it passes now or in a special session." **rlynn@sltrib.com**

What Utah and the feds have negotiated:

A letter faxed Tuesday from Deputy Assistant Secretary of Education Darla Marburger to Superintendent Patti Harrington summarizes the "common understanding" between the state and feds:

- * The department recognizes Utah's standards for veteran elementary teacher quality.
 - * The department acknowledges Utah's concerns over federal standards for special education teacher quality but won't budge.
 - * Utah can develop its own standards for measuring the quality of rural teachers who teach several core subjects.
 - * Utah's school accountability system must measure the academic progress of all student groups, including ethnic minorities, English learners, students with disabilities, and low-income students.
- The letter also invites Utah representatives to Washington for further discussions. A trip is planned for later this month.

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