

Summary of 2011 Legislative Session
USBA/USSA/UASBO Positions and Outcomes in Legislation
March 16, 2011
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Budget

The final budget for public education was increased by approximately 2.2% with full funding of programs associated with the 2010-11 school year (with one exception) with \$50 million of new revenues for new enrollment growth. Funding includes full funding for Optional Extended-Day Kindergarten and K-3 Reading. Both programs offer local boards of education optional use of technology resources, however, the State Board of Education is mandated to create Request for Proposals for technology options and the State Board may use no more than \$7.5 million for computer-assisted instructional learning and assessment programs.

See: HB2 S2 Minimum School Program and Public Education Budget Amendments [M. Newbold]
<http://le.utah.gov/~2011/bills/hbillint/hb0002s02.pdf>

The one exception to the same funding as 2010-11 was the loss of \$5 million to support the WPU funding for high school students attending Applied Technology Colleges.

Legislation

Bill	Position Taken	Outcome
HB33 Election Law Revisions (R. Webb)	O	Passed. Changes the process regarding arguments for or against a ballot proposition in the local voter information pamphlet and changes the date on which the nominating and recruiting committee may act related to State Board candidates.
HB50 School Termination Procedures Modifications (R. Menlove)	S	Passed. Clarifies that a school district or the Utah Schools for the Deaf and Blind is not required to provide a cause for not offering a contract to a provisional employee.
HB51 S1 School and Institutional Trust Lands (R. Barrus)	S	Passed. Modifies provisions of the School and Institutional Trust Lands Management Act, as requested by the Trust Lands Administration.
HB65 Public School Funding (W. Harper)	O	Failed. This bill had a similar effect as HB301, amending provisions of the Minimum School Program Act and the Property Tax Act.
HB69 Assault Amendments (J. Bird)	H	Failed. The bill would have increased the penalties related to assault on school employees, among other specific groups.
HB72 Taxes and Related School Funding Provisions Amendments (M. Noel)	O	Failed. This bill would have increased the sales tax on food, and provided some funding for public education through sales tax, through an equalization formula.

HB75 S1 Dangerous Weapon Amendments O
(C. Oda) **Passed.** This bill allows for the carrying of a dangerous weapon inside of the 1000 foot perimeter surrounding schools.

HB87 School Finance Amendments SC
(M. Newbold) **Passed.** Increases the voted leeway and board guarantees each year by .0005 times the value of the prior year's weighted pupil unit, subject to legislative appropriations. No appropriations were given for FY2012.

HB92 S1 Public Education Regional Service S
Centers (B. Last) **Passed.** Allows and encourages local school boards to enter into interlocal agreements and requires those agreements to be a regional service center in order to receive state funding. Requires the State Board of Education to make rules regarding regional service centers. A charter school may enter into a contract with a regional service center.

HB98 Capital Outlay Funding Modifications S
(C. Watkins) **Passed.** Allows a local school board of a school district with an enrollment of fewer than 2500 students, for FY12, FY13 and FY14 only, to use the proceeds of a capital outlay levy for purposes associated with classification 2600 Operation and Maintenance of Plant Services, excluding expenditures for mobile phone service and vehicle operation and maintenance.

HB110 S1 Teacher Salary Supplement S
Program Amendments (M. Poulson) **Passed.** Allows a petition to the Division of Human Resources (which is required to set up an appeal procedure) for an annual \$1000 teacher stipend for a secondary teacher of math or science who has a degree that is substantially equivalent to the course requirements for a bachelor's degree major, master's degree or doctoral degree in math or science.

HB111 Full-day Kindergarten (J. Anderson) O **Failed.** Would have only permitted attendance at double sessions of kindergarten for students qualifying for the Optional Extended-Day Kindergarten Program.

HB123 K-12 Education Amendments O
(K. Sumsion) **Failed.** Amended during Session to take out all references to a two-year maximum for local school board service. Amended version also failed. Would have moved toward a system of public education funding that would send funding out with each child for their choice and expenditure (weighted student unit funding or backpack funding). The idea, however, will be studied in Interim Study.

HB134 Focus on Primary Classroom O w/C
Teachers Program (J. Nielson) **Substituted.** Would have granted additional WPU's to districts/charter schools that had a greater percentage of K-12 teachers than other districts/charter schools.

- HB134 S1 Collection of Front-line Teachers Data (J. Nielson)** **Ow/C** **Failed.** Would have gathered data for a future program that will provide additional WPU's to districts/charter schools that have a greater percentage of K-12 teachers than other districts/charter schools.
- HB138 S1 Federal Receipts Reporting Requirements (K. Ivory)** **S** **Passed.** Requires reporting of aggregate value and aggregate amount of federal receipts received by the Utah State Office of Education (and other state agencies) in the event federal receipts are reduced by certain amounts. The amounts in the bill are at 5% and 25% loss of federal receipts.
- HB145 Public School Privacy Amendments (S. Eliason)** **U** **Passed.** Requires the State Board of Education to establish public school student confidentiality standards and develop and provide resource materials for school districts/charter schools. Allows local school districts/charter schools to adopt policies related to confidentiality standards.
- HB151 Compulsory Education Amendments (J. Briscoe)** **U** **Failed.** Would have mandated attendance in public schools for five-year-old minors.
- HB152 S1 School Community Councils Amendments (B. Wright)** **O** **Passed.** Denies a teacher in a district from serving on a school community council wherein his/her children attend school. Requires a three-day election period and earlier notification of school community council elections. Allows a school community council to discuss any school issues and offer advice or recommendations regarding the school and its programs, school district programs, the curriculum, or the community environment for students. Allows a parent whose child is enrolled in the school at any time during the parent's initial term of office to continue to serve up to three successive terms even though the parent's child is no longer enrolled in the school. Each council shall elect two co-chairs from its parents or one co-chair from its parents and one from its elected employee members. A quorum of the school community council is defined as the majority. School must give to each council member a copy of the statutes governing school community councils (53A-1a-108, 53A-1a-108.5, and 53A-16-101.5). Funds may flow to school districts/charter schools only upon meeting these requirements. Audits are requested in the bill at the direction of the Legislative Audit Subcommittee.
- HB166 School District Property Tax Amendments (J. Briscoe)** **S** **Failed.** Would have allowed a school district to increase its voted leeway property tax rate from a maximum rate of .002 per dollar of taxable value to a rate of .003 per dollar of taxable value.
- HB170 S1 Tobacco and Nicotine Product Amendments (P. Ray)** **S** **Failed.** Would have added flavored tobacco products, electronic cigarettes, and non-tobacco nicotine products and accompanying penalties for their use, possession or distribution to the Utah Driver License Act, the Utah Criminal Code and the Utah Code of Criminal Procedure.

HB181 Child Care Amendments (B. Galvez) O **Failed.** Would have narrowed exemptions from child care licensing requirements for child care provided at or by a public school or school district.

HB183 S1 School District Leave Policies (K. Grover) LI **Passed.** Prohibits a school district from granting paid association leave for political activities, including soliciting signatures for or against ballot initiatives. For school districts that allow association leave, may only allow up to 10 days of association leave before requiring a reimbursement to the district. Reimbursement may be provided by an employee, association, or union.

HB191 S1 Nonresident Tuition Waiver Amendments (C. Wimmer) O **Failed.** Would have required a student to prove that the student, or the student's parent or legal guardian paid Utah income taxes during the prior three years to qualify for an exemption from the nonresident portion of total college tuition.

HB195 Debt Service Obligations of a Divided School District (K. Sumsion) S **Passed.** Provides that if a new district is created on or after May 10, 2011, a tax shall be imposed on property within the new district and the remaining district at a rate that generates the amount of revenue required each year to meet the outstanding bonded debt obligations of the divided school district; and is uniform within the new district and remaining district.

HB199 Advertisements on School Buses (J. Bird) Sw/C **Passed.** Allows a local school district/charter school to sell advertising space on the exterior of a school bus, following the adoption of guidelines for the type of advertising permitted on a school bus and the rules governing the placement and size of an advertisement on a school bus by the Department of Transportation. Ads may not be on the front or back of the bus and are limited in size to no more than 35% of the area of the side of a school bus. Requires the revenue from the sale of advertising to be used for pupil transportation. Prohibits ads from promoting illegal substances, political parties, candidates or issues, or sexual material. Ads may not resemble a traffic-control device.

HB204 S1 Protection of Athletes with Head Injuries (P. Ray) S **Passed.** Requires the adoption and enforcement of a concussion and injury policy by an amateur sports organization. Parents must be informed and their signature obtained before permitting a child to participate in a sporting event. Requires the removal of a child from a sporting event when the child is suspected of sustaining a concussion or traumatic head injury and prohibits the child from participating in a sporting event sponsored by an amateur sports organization until the child receives medical clearance from a qualified health care provider trained in the evaluation and management of a concussion.

HB218 Clubs in Public Schools (S. Sandstrom) LI **Passed.** Allows noncurricular clubs to access a school building, premises, or playing fields or a limited public forum to host their activities. Allows a school to set the number of hours per month that noncurricular clubs may have school facilities use, provided all noncurricular clubs are treated equally.

HB220 Civics Education Amendments U
(M. Morley)

Passed. Requires public school instruction in forms of government, including the United States' form of government, a compound, constitutional republic, and instruction in political philosophies and economic systems. Requires school curricula to include a thorough study of American historical documents.

HB262 Divided School District Assets and Liabilities S
(K. Sumsion)

Passed. Specifies how the assets and liabilities of a divided school district shall be allocated between the new district and the remaining district when a school district is created and eliminates provisions requiring disagreements about the allocation of assets and liabilities to be resolved by binding arbitration.

HB264 State Board of Education Member Election Process Amendments Sw/C
(C.S. Moss)

Failed. Would have provided for direct, nonpartisan elections of candidates for the Utah State Board of Education.

HB267 S1 Public Body Rules of Procedure SCw/C
(M. Brown)

Passed. Provides that a local school board, among other municipal and county bodies, adopt and abide by rules of parliamentary order and procedure, ethical behavior, and civil discourse.

HB269 Commission on Civic and Character Education Ow/C
(L. Christensen)

Failed. Would have annually allocated 1% of the School LAND Trust funds to the Commission on Civic and Character Education.

HB269 S1 Commission on Civic and Character Education U
(L. Christensen)

Passed. Requires school districts to submit a summary report to the Lt. Governor and Commission on Civic and Character Education on how civic and character education is integrated in school curriculum.

HB275 School District Division Amendments S
(K. Sumsion)

Passed. Requires a new district and remaining district to continue to impose for five years certain property tax levies that were imposed by the divided school district if the property tax base per student of the new district is greater than the property tax base per student of the remaining district; provides for the distribution of the property tax revenues; repeals a requirement to impose a .0006 capital outlay levy on a school district that splits in a county of the second through sixth class.

HB288 Concurrent Enrollment Transcripts S
(R. Menlove)

Passed. Requires the State Board of Regents and the State Board of Education to coordinate advising to prospective and current high school students participating in concurrent enrollment and to encourage enrollment in General Education courses.

HB290 Public School Transportation Amendments Ow/C
(C. Wimmer)

Failed. Would have decreased the mileage requirement for busing elementary students to 1.0 mile and directed districts to fully fund elementary transportation first, and then use any remaining money for secondary transportation.

HB299 Lobbying Activities by State and Local Government Agencies (C. Herrod)

Failed. Would have required disclosure of compensation paid by a governmental principal to a lobbyist and the amount paid by a governmental entity to be a member of an association.

HB301 School District Property Tax Revisions (M. Newbold)

Passed. Pools local property taxes (including voted levy, board levy, 10% of basic program levy, and tort liability levy) into a board local levy (excepting recreation, transportation, and K-3 reading levies) and a capital local levy (including capital outlay levy and voted capital outlay levy). A school district that imposes a capital local levy in the calendar year beginning on January 1, 2012, is exempt from the public notice and certain hearing requirements if the school district budgets an amount of ad valorem property tax revenue equal to or less than the sum of certain amounts. Sets caps and local contribution minimums for certain levies and guarantees. Before imposing a property tax levy, a school district shall submit an opinion question to the school district's registered voters voting on the imposition of the tax rate so that each registered voter has the opportunity to express the registered voter's opinion on whether the tax rate should be imposed, allowing for exceptions. Sets certain requirements for an election related to property tax increases.

HB302 Reading Program Amendments (M. Newbold)

Failed. Restates current expectations of the K-3 Reading program and requires one diagnostic assessment type that utilizes learning gains of students and provides electronic reports, for mandated use statewide in grades K-3, administered at the beginning, middle and end of each year. Formative assessment types also must be used every two to four weeks for students who are at high risk of not attaining proficiency in reading. Requires the State Board of Education to contract with an educational technology provider for diagnostic assessment (with specific criteria that appeared vendor-specific).

HB302 S1 Reading Program Amendments (M. Newbold)

No position taken
Passed. Same as HB302 except the language related to the diagnostic assessment type is less vendor-specific, requiring that the assessments shall be available to be downloaded to a portable technology device that may be a desktop computer, a portable reading device, a laptop, an iPad, etc.

HB306 School Building Construction Impact Fees (K. Powell)

S
Failed. Would have allowed a school board to impose a school impact fee on residential construction with public hearing requirements.

HB313 Charter School Funding Amendments (M. Newbold)

O
Failed. Would have phased in over 13 years, charter school "local replacement funding" from a school district's property tax revenue. Funding would have come from the school district wherein the charter school is located.

HB315 Accepting Federal Funds Amendments (K. Sumsion)

O
Failed. Would have moved the threshold for federal funding review by legislative bodies from \$1 million to \$50,000.

HB322 Restoration of American Heritage Curriculum (S. Sandstrom) **Ow/C** **Failed.** Required an advisory board under the State Board of Education to design a constitutional studies curriculum for students K-12, to include very specific topics and people, as outlined by the sponsor.

HB421 S3 Use of Public Buildings for Political Caucus Meetings (D. Brown) **U, LI** **Failed.** Would have required school districts to make meeting facilities for political activities available if requested at least 30 days in advance and the facility is not already scheduled for use, with charges imposed only for custodial services. The bill was silent on the requirement of proof of liability. Exempted a convention center, sports arena and other facilities at which conventions or conferences are held.

HB423 Public Seismic Safety Committee (L. Wiley) **LI** **Failed.** Would have created an advisory committee on seismic safety issues in public schools.

HB426 Taxes for Education Funding Amendments (D. Pitcher) **S** **Failed.** Would have created a sales tax on nonalcoholic beverages with revenue collected from the tax to go into the Education Fund.

HB447 Kindergarten Literacy Improvement Program (J. Anderson) **O** **Failed.** Would have required the State Board of Education to contract with an educational technology provider for computer-based kindergarten literacy program.

HCR13 Secure Rural Schools Concurrent Resolution (M. Noel) **S** **Passed.** Expresses support for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 and urges Utah's congressional delegation to support efforts to reauthorize the Act.

HJR3 S1 Joint Resolution Promoting Healthy And Energy Efficient Schools (M. Wheatley) **LI** **Failed.** Would have encouraged the Utah Board of Education to consider the broader application of the design and construction practices for more healthy and energy efficient schools, and encouraged school districts to consider seeking application for certification of energy efficient schools under the Leadership in Energy and Environmental Design rating system (LEED).

HJR8 Joint Resolution Regarding School Supplies (K. Powell) **U** **Failed.** This would have sought an amendment to the Utah Constitution to allow for a public school or teacher to invite students to furnish, on a voluntary basis, school supplies for the student's own use.

HJR15 Joint Resolution Amending State Board of Education Provisions (C. Herrod) **O** **Failed.** This would have sought an amendment to the Utah Constitution to provide that members of the State Board and the State Superintendent shall be appointed by the Governor.

SB21 S2 Tax Revisions (W. Niederhauser) **No position taken** **Passed.** Requires a property owner to provide certain notice to the county board of equalization and make a declaration on the property owner's individual income tax return if the property owner is no longer eligible to receive a property tax residential exemption for the property owner's primary residence.

SB38 K-3 Reading Amendments (K. Morgan) **S** **Passed.** Requires a midyear reading assessment of students in grades 1-3 and parental notification of mid-year reading assessment by February 15, 2011.

SB53 Eligibility for Interscholastic Activities **O**
In Secondary Schools (M. Madsen) **Failed.** Would have allowed charter and home school students to participate in interscholastic activities in traditional high schools through an annual school transfer.

SB59 School Grading System **S** **Substituted.**
(W. Niederhauser) Would have graded schools on a curve and focused heavily on status proficiency instead of learning gains.

SB59 School Grading System **No position taken.**
(W. Niederhauser) **Passed.** Establishes a school grading system based on the performance of students on statewide assessments, and for high schools, the graduation rate and measures that indicate college and career readiness. Applies to both traditional and charter schools. Will be in pilot form for 2011-12 per work of the USOE; thereafter applied to schools statewide in 2012-13, fully replacing the U-PASS Accountability system. The bill was amended in such a way that grading will be based upon standards, not a grading curve and will measure language arts, mathematics, science and writing. It will emphasize learning gains, not just status scores. An annual report card for each school must be sent to parents.

SB63 K-3 Reading Improvement Program **S**
Accountability (K. Morgan) **Passed.** Specifies the allowable use of K-3 Reading Program funds, to include reading assessments and remediation types, to include the use of reading specialists, tutoring, before and after school programs, summer school programs, or the use of reading software. The State Board of Education shall report reading improvement annually for each district and charter school.

SB65 Statewide Online Education Program **O**
(H. Stephenson) **Substituted.** Would have initiated an online education voucher using public funds to pay for private online providers even from outside of the state of Utah. Would have paid per pupil costs to online providers at a rate of 1.2 WPU.

SB65 S1 Statewide Online Education **No position taken**
Program (B. Last) **Passed.** Establishes a statewide online education program that offers online courses through Utah's public schools (traditional, Electronic High School and charter). Delineates the adjusted per pupil cost of online education at .77 WPU. Specifies the number of credits an eligible student may take (caps the online credit available), beginning with two credits in 2011-12 and six credits by 2016-17. More credits may be taken upon an LEA decision to allow more credits and/or by decision of the State Board of Education, if the online courses better meet the academic goals of the student. Each eligible student's primary LEA is responsible for preparing and implementing an SEOP for the student. LEA's may not impose restriction on a student's selection of

- SB127 Post Retirement Employment Amendments (D. Liljenquist)** **S** **Passed.** Allows a retiree who begins reemployment on or after July 1, 2010 to be reemployed within one year if the retiree does not receive any employer paid benefits and the retiree does not earn in any calendar year of reemployment an amount in excess of the lesser of \$15,000 or one-half of the retiree's final average salary (with future adjustments specified by the retirement board). This bill generally allows districts and charter schools to hire substitutes from among their local retirees.
- SB140 State Charter School Board Amendments (H. Stephenson)** **O** **Passed.** Modifies procedures for the selection of members of the State Charter School Board by increasing the number appointed by the Governor to three members that are nominated by an organization that represents Utah's charter schools and have expertise or experience in developing or administering charter schools. Allows the Governor to remove a member of the SCSB at any time for official misconduct, neglect of duty, or other good and sufficient cause.
- SB146 Impact Fee Amendments (J. Stevenson)** **H** **Passed.** Recodifies the Impact Fees Act, regulating the work of entities that can assess impact fees. Requires a written request from a school district or charter school to include their public facilities to be included in the impact fee facilities plan.
- SB172 Political Subdivisions Administration Amendments (H. Stephenson)** **BG** **Passed.** Prohibits a local school board from appointing or hiring a superintendent or similar position during the time between November elections and January board appointments. Makes similar prohibitions for other political subdivisions.
- SB179 Math Education Initiative (H. Stephenson)** **O** **Substituted.** Would have implemented Singapore Math in pilot fashion and required evaluation processes.
- SB179 S1 Math Education Initiative (M. Newbold)** **No position taken** **Failed.** Would have directed the State Board to annually award grants to schools for the teaching of honors mathematics courses.
- SB206 Labor Organization Provisions In Teacher Contracts (H. Stephenson)** **N** **Passed.** Requires the immediate cessation or commencement of a union dues wage deduction upon notification of a member or candidate for membership.
- SB216 Oversight of Public Funds (M. Madsen)** **O** **Failed.** Would have required a nonprofit corporation (like the Utah High School Activities Association) to comply with existing reporting requirements if it receives at least 50% of its funds from federal, state, and local government entities through fees, dues, gate receipts, broadcast rights and penalties.

SB217 Education Policy Amendments SCw/C
(C. Bramble) **Passed.** Requires schools that receive grants from the Beverley Taylor Sorenson Elementary Arts Learning Program to provide matching funds of 10% for 2011-12 and increasing its match by an additional 10% each subsequent year until the school district or charter school provides matching funds in an amount equal to the grant amount. Beginning in 2011-12, the State Board shall provide funds for all grants in this program.

SB224 Partisan School Board Elections O
(H. Stephenson) **Failed.** Would have required members of the State Board of Education to be elected in a partisan election and repeals the involvement of the Governor and the nominating and recruiting committee for a State Board of Education candidate selection process.

SB235 S1 Charter School Students' Participation In Extracurricular Activities S
(K. Mayne) **Passed.** Allows charter school students who attend a charter school located on a traditional high school campus to participate in interscholastic activities associated with the traditional high school.

SB238 Verification of Employment Status U
(D. Hinkins) **Failed.** Would have mandated the E-verify program for contractors serving public and government employers.

SB256 Teacher Effectiveness Evaluation Process Ow/C
(J. S. Adams) **Substituted.** Would have required an evaluation plan to be developed by every Utah school and stipulated precisely how the evaluation should be weighted for observation, student achievement results, and parent/community satisfaction.

SB256 S2 Teacher Effectiveness Evaluation No position taken.
Process (J. S. Adams) **Passed.** Requires the creation of an LEA educator evaluation plan, developed by a joint committee of educators and parents. Requires evaluation of provisional and probationary teachers at least twice each school year and an annual evaluation of all career employees. Educators must have an orientation of the evaluation program and multiple lines of evidence must be used. The LEA is no longer required to provide an educator whose performance is inadequate or in need of improvement with reasonable assistance to improve performance but must identify deficiencies, available resources for improvement and a recommended course of action that will improve the educator's performance. The Education Interim Committee will study how the performance of teachers may be evaluated through student learning gains, instructional quality as measured by classroom observation, and parent/student/community satisfaction.

SB304 Preventing Bullying and Hazing In Elementary and Secondary Schools S
(R. Okerlund) **Passed.** Requires a State Board of Education and local board policies that stipulate definitions and penalties for bullying, cyber bullying, harassment, hazing, retaliation, or making false claims regarding these actions during school and school activities.

**SB305 Economic Development Through
Education/Career Alignment
(H. Stephenson)** **O**

Substituted. Would have required statewide implementation of a product similar to LifeApp, a commercial product that hasn't yet been used by any state or LEA in the U.S.

**SB305 S2 Economic Development
Through Education/Career
Alignment (H. Stephenson)** **No position taken**

Passed. Creates a Utah Futures Steering Committee to more dynamically present and push the Utah Futures database and information to portfolio users and strategically engage industry and business entities more fully within the Utah Futures system among other actions to advance the use and suitability of Utah Futures.

**SJR1 Joint Resolution on State Board
Of Education Authority (D. Buttars)** **O**

Failed. Would have specified that the State Board of Education's general control and supervision of the public education system is "as provided by statute." Would have required a change in the Utah Constitution.

**SJR9 Joint Resolution – Governance
Of Public and Higher Education
(S. Reid)** **O**

Failed. Would have moved the general control and supervision of the public education system from the State Board of Education and the higher education system to the Governor, as provided by statute.

**SJR13 Joint Resolution – Request for
Proposals (H. Stephenson)** **O**

Passed. Enacts provisions relating to the internal processes of the Utah Legislature for their internal use of materials and services. Includes processes of issuing a request for proposals, analyzing responses, awarding a contract, and evaluating results.

**SJR27 Bullying and Cyber Bullying
Standards for School Districts
Joint Resolution (R. Okerlund)** **Sw/C**

Failed. Expresses support for schools districts and charter schools to implement protections against bullying, cyber bullying, and other physical or emotional harm.