

2014 Legislature
Bills Considered by the Joint Legislative Committee
As of February 1, 2014
(Bills highlighted in yellow are newly added.)

House Bills

HB1 Public Education Base Budget Amendments (B. Last)

<http://le.utah.gov/~2014/bills/static/HB0001.html>

Sets the value of the WPU initially at the same WPU value set for FY14 and sets the estimated minimum basic tax rate at .001477 for FY15. Provides for other appropriations.

No position.

HB23 Suicide Prevention Revisions (S. Eliason) <http://le.utah.gov/~2014/bills/static/HB0023.html>

Requires a school district or charter school to develop a policy which, under certain circumstances, allows a school employee or agent to intervene and ask a student questions regarding the student's suicidal thoughts, self-harming behavior, or thoughts of harming others, for the purposes of referring the student to appropriate prevention services, and informing the parent. This is an Education Interim Committee bill and is meant to help educators avoid gray areas of decision with regard to talking with and/intervening in cases of potential suicide. No funding needed.

Support.

HB36 Charter School Enrollment Amendments (D. Lifferth)

<http://le.utah.gov/~2014/bills/static/HB0036.html>

Allows a charter school to give an enrollment preference to a child or grandchild of an individual who actively participated in the development of the charter school, or who is a member of the charter school governing board. No funding requested.

Unnecessary.

HB41 Clean Fuel School Buses and Infrastructure (S. Handy)

<http://le.utah.gov/~2014/bills/static/HB0041.html>

Provides grants through the USOE to replace school buses manufactured before 2002 with a new bus that uses CNG, propane, or clean diesel fuel; retrofit bus shops to service such vehicles; and creates infrastructure for alternative fuel vehicles. Requires local matching funds. Allocates one-time \$20 million from Education Fund.

Support with comments: This should be funded out of one-time General Funds or Transportation funds so as to preserve one-time Education Funds for instruction and learning. The requirement of a funding match may put a disproportionate burden on some districts that have large-scale or long distance transportation needs.

HB77 Tax Credit for Home Schooling Parent (D. Lifferth)

<http://le.utah.gov/~2014/bills/static/HB0077.html>

Provides a nonrefundable tax credit (from state income tax calculation) for a home schooling parent/guardian of up to \$500/home-schooled child. Bill is retroactive to January 1, 2014. A home-schooling parent may claim a tax credit under this section regardless of whether the home schooled child participates in an extracurricular activity in a public school. No funding requested.

Oppose. This is double dipping of tax credits; one for the child exemption, and one for educating the child at home. Thus, other taxpayers pay the home schooling parent/guardian's share of income taxes, as well as their own.

HB81 Parental Review of Statewide Summative Test Questions (M. Kennedy)

<http://le.utah.gov/~2014/bills/static/HB0077.html>

Allows the parent or guardian of a public school student to review test questions of any or all summative tests (CRT's or online computer adaptive tests) administered statewide. Requires the State Board to allow a parent/guardian access to summative test questions at least 90 days before the test is administered. Prohibits a parent or guardian from making a copy or distributing a test question. Allows a parent/guardian to make notes while reviewing test questions and discussing the content, but not the complete text, of a test question with any person. Requires a district or charter school to notify parents/guardians of their right to review questions via the school website, newsletter, or email. No funding requested.

Oppose with comments. We support the notion that parents should have a good understanding of what standards and objectives are being tested. But this approach would require a new test every year so as not to compromise test security. The cost of a new test each year would be approximately \$28 million, ongoing.

HB223 School Board Elections Provisions (J. Nielson)

<http://le.utah.gov/~2014/bills/static/HB0223.html>

Requires the direct, nonpartisan election of members to the State Board of Education and repeals the involvement of the Governor and the nominating and recruiting committee. No funding needed.

Support.

HB228 Utah State Board of Education Elections and Reporting Amendments (B. Greene)

<http://le.utah.gov/~2014/bills/static/HB0228.html>

Requires candidates for and members of the Utah State Board of Education to be subject to partisan elections and the reporting requirements of state office candidates and state office holders. No funding needed.

Oppose.

HB234 School District Division Amendments (J. Bird)

<http://le.utah.gov/~2014/bills/static/HB0234.html>

Changes the process of creating a new school district by requiring a majority vote of residents located within each affected school district. No funding needed.

Support.

HB236 State School Board Nomination Revisions (K. Powell)

<http://le.utah.gov/~2014/bills/static/HB0236.html>

Prohibits a lobbyist from serving as a member of the nominating and recruiting committee for the State Board of Education. No funding needed.

Support.

HB239 Front Line Teachers Data Program (J. Nielson)

<http://le.utah.gov/~2014/bills/static/HB0239.html>

Requires school districts and charter schools to report data to the State Board of Education on the allocation of resources for front-line teachers. Front line teacher means a licensed teacher who is assigned to kindergarten, elementary, secondary, or special education. No funding needed.

Local Issue: Local school boards take into account the variation of populations and make assignments as needed. Utah has a very high ratio of teacher to students and the lowest percentage of administrators to students in the nation. This bill has the potential to make small schools, remotely located, look disproportionately bad.

HB241 School Records Amendments (G. Froerer) <http://le.utah.gov/~2014/bills/static/HB0241.html>

Applies the requirements of Family Education Rights and Privacy Act (FERPA) to records related to notification of parents related to the threat of suicide or of acts of bullying. No funding needed.

Support.

HB242 Fees For Government Records Request (B. King)

<http://le.utah.gov/~2014/bills/static/HB0242.html>

A government entity shall fulfill a record request without charge if it determines that releasing the record primarily benefits the public rather than a person, or the individual requesting the record is the subject of the record, or the requester's legal rights are directly implicated by the information in the record and the requester is impecunious (having little or no money). No funding requested.

Oppose with comments. This could be costly to schools/districts.

HB249 Grants for Digital Textbooks (J. Anderegg) <http://le.utah.gov/~2014/bills/static/HB0249.html>

Provides for grants through the USOE for the purchase of digital textbooks, personal mobile devices, and desktop or laptop computers, which costs may not exceed \$500 per student and may not be used for peripherals and networking equipment or professional development for educators. Allocates \$500,000 from Education Fund.

Local Issue: Many districts are already using some digital learning materials/textbooks and the decision to afford new materials/textbooks can only be made well by local boards of education.

HB250 Local School Board Amendments (J. Draxler)

<http://le.utah.gov/~2014/bills/static/HB0250.html>

Defines the term "body corporate" (*a public corporation and legal subdivision of the state, vested with the powers and duties of a government entity*) and designates that a local school board is a body corporate under its official name and seal. Provides that an elected member of a local school board serves and represents the residents of the local school board member's district. No funding needed.

No position yet taken: Awaiting legal opinion. Joint Legislative Committee supports the notion that the most effective boards considered the entire school district in their decisions, not just their area from which they were elected.

HB260 Local School Board Candidate Reporting (K. Powell)

<http://le.utah.gov/~2014/bills/static/HB0260.html>

Removes provisions that require a local school board office candidate to comply with the financial reporting requirements applicable to a state school board office candidate and requires a local school board office candidate to comply with the financial reporting requirements applicable to a county office candidate in the county where the local school board office candidate resides. No funding requested.

Support.

HB286 Child Sexual Abuse Prevention (A. Romero) <http://le.utah.gov/~2014/bills/static/HB0292.html>

Requires a district or charter school to provide training and instruction on child sexual abuse prevention and awareness to elementary school personnel, parents/guardians of elementary school students, and

elementary students. Requires the State Board to adopt model materials for training and instruction. No funding requested.

Hold.

HB292 School Grading – Calculation of High School Graduation Rate (R. Menlove)

<http://le.utah.gov/~2014/bills/static/HB0292.html>

Modifies the calculation of a high school graduation rate for the purpose of school grading by excluding from the four-year adjusted cohort for the graduating class a student with a disability who has an IEP that includes a plan to complete high school graduation requirements in more than four years.

No funding requested.

Support.

HJR9 Joint Resolution on Utah Epilepsy Public Education, Outreach, and Awareness (M. Poulson)

<http://le.utah.gov/~2014/bills/static/HJR009.html>

Urges the USOE and other state agencies to provide education, outreach and awareness and deliver educational materials and messages to individuals, organizations, teachers, administrators, and other education personnel about epilepsy and seizure incidents. No funding requested.

No position.

Senate Bills

SB1 Higher Education Base Budget Amendments (S. Urquhart)

<http://le.utah.gov/~2014/bills/static/SB0001.html>

Provides for appropriations for the use and support of higher education agencies with \$442 million from General Fund and \$339.8 million from Education Fund.

No position.

SB22 Workforce Services Job Listing Amendments (P. Knudson)

<http://le.utah.gov/~2014/bills/static/HB0077.html>

Requires all government entities to advertise job openings on the state website. No funding requested.

Oppose with comments. This is a time-consuming task with many districts reporting that it doesn't increase either the number or quality of candidates for school-based employment. There are no data to suggest its need. Teacher software programs are far more effective in expanding a quality pool of candidates.

SB23 School Construction Amendments (S. Jenkins)

<http://le.utah.gov/~2014/bills/static/SB0023.html>

Requires a local education agency to follow the Utah Procurement Code when constructing a school and to follow certain retention requirements if the local education agency chooses to withhold a portion of the contract price until the project is completed. Amends other definitions related to public schools. No funding needed.

Opposed with comments. Costs will rise significantly as DCFM requirements are applied in school construction.

SB34 Governance of the Utah Education and Workforce Alliance (H. Stephenson)

<http://le.utah.gov/~2014/bills/static/SB0034.html>

Establishes a Governing Board for an education and workforce alliance and requires certain data to be available to and transferred from the alliance to legislative research. An advisory committee to Utah

Futures shall be established, and shall study the efficacy of Utah Futures and potential outsourcing. No funding needed.

Opposed. A K-16 Alliance has been functioning since 2005 in Utah, one that includes public and higher education and the UCAT system. Workforce Services has received much information from their work. They have been sharing data (in protected form) for several years so as to provide information to each system and to Workforce Services. Data from the USOE is timely and accurate, and is shared with researchers according to a State Board approved plan for data collection and sharing, with protections for individual student identification. Utah Futures has been used successfully for many years and has helped to guide individuals into college, skill programs and employment. There has been great cooperation in this arena for years; this bill is at least unnecessary. This bill, however, takes power which constitutionally is vested in the Utah State Board of Education, and unconstitutionally delegates that power to another party/agency in violation of Article 10, Section 3, of the Utah Constitution.

SB37 Statewide Online Education Program Revisions (D. Thatcher)

<http://le.utah.gov/~2014/bills/static/SB0037.html>

Requires the state board to develop a notice about the program and requires a local education agency that enrolls eligible students to distribute the notice as a full page at the front of its registration materials and publish the notice in a prominent location on its website. No funding needed.

Opposed. Schools, both district and charter, should prominently distribute/display information about their online courses so that every student may access them. Online choices/courses are made available to students in every school. But every school/district should not be required to publish every other school's/district's online courses.

SB38 Rural Superintendent Concurrent Enrollment Program (R. Okerlund)

<http://le.utah.gov/~2014/bills/static/SB0038.html>

Requires Snow College to establish and administer the Rural Superintendent Concurrent Enrollment Program to provide concurrent enrollment courses. Allocates 1.5 million from the Education Fund.

Support the Concept. Access to concurrent enrollment courses sufficient to attain an associate's degree prior to high school graduation should apply to all schools in Utah, not just "Rural" schools.

SB38 S1 Snow College Concurrent Education Program (R. Okerlund)

<http://le.utah.gov/~2014/bills/sbillint/SB0038S01.pdf>

Requires Snow College to establish and administer the Concurrent Education Program to provide concurrent enrollment courses and advisory support to secondary school students across Utah. Allocates \$1.3 million from the Education Fund.

Support.

SB39 Home School Amendments (A. Osmond) <http://le.utah.gov/~2014/bills/static/SB0039.html>

Eliminates instructional requirements for a school-age minor who attends a home school. The parent assumes sole responsibility for the education of the school-age minor. Requires a district or charter school to academically assess a home school student who enrolls full-time in a public school and give primary consideration to such assessment in assigning the student's grade level. No funding requested.

Oppose. Entire communities are counting on all of its children to have basic understanding and fundamental instruction in reading, writing, mathematics, American History, civics, and science, to name a few. Instructional requirements must be upheld for all children, regardless of the source/location of their formal instruction.

SB40 Financial and Economic Literacy Amendments (P. Jones)

<http://le.utah.gov/~2014/bills/static/SB0040.html>

Requires the State Board to contract with a provider to develop an online, end-of-course assessment for General Financial Literacy (GFL) and requires districts and schools to administer such assessment.

Requires professional development for GFL teachers, adoption of course standards that address the costs of going to college, student loans, scholarships, federal student aid applications, and technology that relates to banking, savings, and financial products. From the Education Fund (one-time) \$200,000 and ongoing 300,000.

Support.

SB42 Early Childhood Education (A. Osmond) <http://le.utah.gov/~2014/bills/static/HB0242.html>

Establishes an eight-year High Quality Preschool Pilot Program for up to seven eligible LEAs, to serve at-risk students who qualify through free and reduced priced lunch and who are classified as a child affected by intergenerational poverty or ELL student, and who score below average on an age-appropriate pre-assessment selected by the LEA. Requires the State Board to solicit proposals and award grants, monitor and evaluate, develop policies and enact rules and report to the Education Interim Committee. Qualifying providers have longitudinal data systems with unique student identifiers among other requirements. From the Education Fund \$6,000,000.

No position taken.

SB43 Intergenerational Poverty Interventions in Public Schools (S. Reid)

<http://le.utah.gov/~2014/bills/static/SB0043.html>

Creates the Intergenerational Poverty Interventions Grant Program, administered by the State Board of Education, to fund additional educational opportunities, outside of the regular school day, for students affected by intergenerational poverty, per Section 35A-9-102. Grant awards shall consider the learning strategies to be employed, the numbers of students affected and costs involved, the percentage of an LEA's students that are classified as children affected by intergenerational poverty, the level of leadership support for grant activities, and the ability to work with Departments of Workforce Services, Health, Human Services and juvenile courts. Requires State Board reporting to the Education Interim Committee. From the Education Fund, ongoing: \$5,000,000.

Support with comments. Writing and winning grants takes talented writers and time, which may give an advantage to large districts, as small districts have neither the staff or the time to devote to such an effort when there are 1-2 people in the district office. Yet, students affected by intergenerational poverty may easily be found in some of Utah's most rural areas and small districts.

SB98 Paraeducator Funding (K. Mayne) <http://le.utah.gov/~2014/bills/static/SB0098.html>

Amends language allocating paraeducator funding to conform with federal accountability standards related to low-performing Title I schools. Allocates \$100,000 from the Education Fund to the Related to Basic Program fund.

Hold.

SB101 Public Education Human Resource Management (A. Osmond)

<http://le.utah.gov/~2014/bills/static/SB0101.html>

Modifies the date when a school district is required to adopt an education evaluation (from 2014-15 to 2015-16) and modifies the date when a public education employee's advancement on a wage or salary scale is primarily based on an evaluation (from 2015-16 to 2016-17). No funding needed.

Support. This will provide sufficient time to learn from the field test and to implement best practices.

SB103 Local Control of Classroom Time Requirements (A. Osmond)

<http://le.utah.gov/~2014/bills/static/SB0103.html>

Allows a local school board or charter school governing board to establish the number of days or equivalent instructional hours that school is held for an academic school year, and provides that funding through the Minimum School Program is based on the average daily membership (ADM). No funding needed.

Hold. How will the state resolve funding issues per the Weighted Pupil Unit?

SB104 Improvement of Reading Instruction (A. Osmond)

<http://le.utah.gov/~2014/bills/static/SB0104.html>

Provides for the expansion of a reading clinic based at the University of Utah and requires instruction to teachers in the use of technology and blended learning in reading remediation and instruction. Allocates ongoing \$975,000 from Education Fund.

Oppose. Why should certain funding only go to certain institutions? Every college should be emphasizing and providing research on early reading. Let local districts determine where they can best obtain reading help, research and instructional support.

SB107 Math Literacy, Science, Technology, Engineering, and Mathematics Initiative (S. Urquhart)

<http://le.utah.gov/~2014/bills/static/SB0107.html>

Requires the Utah State Board of Education to select one or more technology providers to provide an interactive, web-based program for math literacy and frequent assessment for grades K-6. School districts and charter schools may apply for the program based on the number of students in K-6 grade. Allocates ongoing \$5 million from Education Fund.

Unnecessary. This is redundant to STEM legislation from 2013 and takes additional funding away from classrooms. Some districts already use math technology software.

SB111 Education Funding Equalization (A. Osmond)

<http://le.utah.gov/~2014/bills/static/SB0111.html>

Works to equalize property taxes and funding, retroactive to January 1, 2014, by creating a Minimum Basic Growth Account within the Uniform School Fund to fund the School LAND Trust Program. Amends the calculation of the school minimum basic tax rate and requires specified revenue to be deposited into the Minimum Basic Growth Account. No funding needed.

Hold – many questions to be answered. The bill favors areas of school-aged growth and may harm areas of stagnant or decreasing growth. The bill will divert local property tax funds to charter schools through a School Trust Lands distribution pattern. The Legislature is not constrained to ensure that local valuation caps will remain fixed, generating more dollars. Is this a bill to fund charter schools from property taxes and once accomplished, the cap will begin to float again, restricting dollars? What will happen with the charter school local replacement fund as this allocation grows? Funds from this bill are designated to be in a restricted account but the bill does not specify restricted expenditures except as per regulations of School Land Trust funds. There are no accountants at local schools who can track large amounts of funding. The ability of districts to target funding to

schools/programs of greatest need is significantly decreased. Will local boards withdraw other funding as funding from SB111 moves into each school? The bill will have a disproportionate effect from district to district. Taxpayers without children in school have no elected representatives over their taxed amounts and no electoral power. Districts have rising costs that cannot be addressed by funds going directly to schools, such as utilities, buses, etc.

SB111 S1 Education Funding Equalization (A. Osmond)

<http://le.utah.gov/~2014/bills/sbillint/SB0111S01.pdf>

Creates the Minimum Basic Growth Account within the Uniform School Fund to fund the School LAND Trust Program. Caps the basic rate and requires revenue accrued from that action to be deposited into the Minimum Basic Growth Account. Allocates the revenue from the State Board to each district. Allocations are to be further allocated with 10% to every district; and, of the remainder, 25% will go directly to each school and 75% will be allocated to schools based upon local board priorities and targeted decision-making. Two percent can be held back by the district for auditing and financial reasons. The bill affects only the new money received through the capped rate. Specifies certain additional requirements for school improvement plans.

Support the concept. Concerns remain about large amounts of money going to School Community Councils who are not elected by the full populace and which may restrict district wide strategies for academic improvement. But these have been somewhat ameliorated by the substitute bill. An additional concern is about personnel costs and that large amounts of money could, perhaps, be otherwise used to support salary and benefit increases.

SB118 School Funding Through Income Tax Revisions (P. Jones)

<http://le.utah.gov/~2014/bills/static/SB0118.html>

Phases out personal exemptions from the taxpayer tax credit calculation over a five-year period. Creates the "School-level Funding Program" in which money is allocated to School Community Councils/charter school governing boards for the implementation of school improvement plans. Authorizes the State Board to make rules regarding the School-level Funding Program and requires reporting as well as an independent evaluator, hired through an RFP process. Specifies additional expectations in each school's improvement plan. Requires State Board reporting to the Education Interim Committee. From the Education Fund: \$159,466,000, of which \$160,000 shall be distributed to districts, charter schools, and the Utah Schools for the Deaf and Blind for training school community councils. **Hold to see what other bills related to revenue are proposed.**

SB122 Parental Rights and Accountability in Public Education (A. Osmond)

<http://le.utah.gov/~2014/bills/static/SB0131.html>

A child's parent/guardian is the primary person responsible for the education of the child. Classroom discipline is critical to academic success and a parent/guardian shall support a teacher and administrator when imposing appropriate classroom discipline. The parent/guardian of an elementary student performing below proficiency or of a secondary student earning a "C" or lower grade, shall attend all scheduled parent teacher conferences during a school year or meet with the student's teacher at another time.

An LEA shall annually notify parents/guardians of their rights and obligations "when using public education" and shall request a signature of acknowledgement of the same, filing such signature documents. An LEA shall comply with requests to retain, may assess the student with regard to retention, and "shall reasonably accommodate" the parent/guardian initial selection of a teacher or request of a change of teacher, a request of a student's parent/guardian to visit and observe any class

the student attends, the parent/guardian determination of the level of rigor a student is able to experience, and a request to attend a parent-teacher conference if unable to meet the regularly scheduled parent-teacher conferences. An LEA shall excuse a student from attendance for family vacation, emergency, or visit to physicians "if the student completes all assignments and takes all assessments." An LEA shall allow a student to earn course credit towards high school graduation without completing a course in school by testing out of the course or by demonstrating competency in course standards. An LEA shall provide for the distribution of a copy of the school's discipline and conduct policy and shall provide notice of violations of such, allowing the parent/guardian to respond to the notice. No funding requested.

Opposed. Bill's language leads to a varied interpretation of expectations. Some requirements in the bill are unnecessary as they are already in current practice.

SB131 Student Leadership Grant (A. Osmond) <http://le.utah.gov/~2014/bills/static/SB0131.html>

This bill concept was not requested by the School LAND Trust leaders in the state. Allows a school to use School LAND Trust Program money to implement a student leadership skills development program "to enhance a school's learning environment and improve academic achievement." For schools that access the pilot program through grants from the USOE, the matching funds cannot include in-kind contributions of goods or services. Such schools must also set school-wide goals for the leadership program and require each student to set personal goals. Schools shall report to the local board after the first year of implementation which report shall include: attendance, statewide academic assessments, student misconduct, and the achievement of goals. Boards may not award additional grant money to a school that fails to demonstrate improvement. From Education Fund, ongoing: \$500,000

Local Issue. (Also an apparent vendor bill.)

SB140 Advanced Placement Test Funding (K. Mayne) <http://le.utah.gov/~2014/bills/static/SB0148.html>

Allows the State Board to allocate money from the Enhancement for Accelerated Students Program for advanced placement test fees of low-income students. Appropriates money for the Enhancement for Accelerated Students Program. \$100,000 ongoing funds requested from the Education Fund.

Support.

SB148 Upstart Program Amendments (S. Adams) <http://le.utah.gov/~2014/bills/static/SB0148.html>

Establishes the UPSTART program as a permanent, nonpilot early childhood education program. No funding requested.

Hold. The program must prioritize service to students from poverty (amendment expected).

SB150 Task Force Reauthorization (S. Reid) <http://le.utah.gov/~2014/bills/static/SCR003.html>

Reauthorizes the Education Task Force through FY15 and provides for membership, duties and responsibilities and requires final report. Requests \$64,000 from the General Fund.

No position.

SB151 Religious Freedom Instruction Requirements (S. Reid)

<http://le.utah.gov/~2014/bills/static/SCR003.html>

Requires instruction in American History in public schools to include a study of religious freedom as granted by the Establishment Clause and the Free Exercise Clause of the First Amendment to the U.S. Constitution. Requires higher education students to demonstrate knowledge of the same prior to receiving a Bachelor's degree or teaching credential. No funding requested.

Unnecessary. The public education portion of this bill is already in practice.

SB157 School-Based Budgeting Amendments (H. Stephenson)

<http://le.utah.gov/~2014/bills/static/SCR003.html>

Requires a school district to distribute, by July 1, 2018, no less than 85% of Minimum School Program revenues to schools and directs the principal to prepare a school budget in consultation with an advisory committee and submit the budget to the local school board for approval. School budgets must be aligned with instructional, academic, and student achievement goals. Requires the district to publish on the district's website information on revenue available to a school and the school's budget. No funding requested. **Oppose. Money allocated directly to schools bypasses elected officials who are accountable to the public for the use of tax revenues. There are no accountants at the school level to handle large sums of money supporting 85% of instructional needs. Personnel matters require a great deal of central office support as do support services for schools. There are no generally-elected officials (that are accountable to the entire taxpaying populace) at each school.**

SJR2 Joint Resolution on Legislative Power (A. Osmond)

<http://le.utah.gov/~2014/bills/static/SJR002.html>

Proposal to amend the Utah Constitution to allow for the modification of the legislative power of the people to include a provision allowing the Legislature to require any law it passes relating to taxation to be approved by voters before taking effect. No funding requested.

Oppose. Taxation questions are for Legislative deliberation and decision.