

**2016 Utah Legislature
Public Education Bills**

HOUSE BILLS

HB10 Initiative and Referendum Amendments – B. Greene

Allows for referendum petitions regarding local city or town laws and/or property tax votes by political subdivisions of Utah. Political subdivision means a county, municipality, school district, community development and renewal agency, local district, special district, an entity created by an interlocal agreement, a local building authority, or any other governmental subdivision or public corporation.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0010.html>

OPPOSE

HB27 School District Participation in Risk Management Fund – J. Draxler, M. Dayton

Removes the repeal date and committee review requirement for Section 63A-4-204 which authorizes the Risk Management Fund to provide coverage to any public school district that chooses to participate.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0027.html>

The Government Operations Interim Committee recommended this bill.

SUPPORT

HB28 Grants for Educator Professional Learning – B. Last

Provides for qualifying grants to LEAs for comprehensive, sustained, and evidence-based professional learning programs to improve teachers' and principals; effectiveness in raising student achievement. The LEA shall prepare a professional learning plan that outlines their goals and demonstrates how the LEA will support the goals over time through professional learning communities, data, evaluation, and other methods, including educator feedback. Plans shall prioritize objectives of improved math instruction, particularly for grades 4-8, reading intervention for secondary students, improved data collection and analysis, quality feedback on educator instruction, multi-tiered systems of support for an ELL student, IEP accommodations, accelerated learning strategies and effective use of a professional learning community.

Request: \$30,000,000 from the Education Fund

<http://le.utah.gov/~2016/bills/static/HB0028.html>

The Education Interim Committee recommended this bill.

SUPPORT

HB41 Fees for Supplemental Hours – S. Eliason

Provides authority to local school boards and charter boards to offer supplemental hours of instruction to kindergarten students or classes that are not part of the regular school day. Boards may charge a fee for the supplemental hours that does not exceed the actual cost of providing the supplemental hours and such fees must be adopted on a fee schedule. Boards must ensure that no student is denied the opportunity to participate in the supplemental hours because of an inability to pay the fee.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0041.html>

The Education Interim Committee recommended this bill.

SUPPORT

HB42 Optional Enhanced Kindergarten Amendments – L. Snow

Requires the State Board to develop kindergarten entry and exit assessments for use by OEK improvement programs. Provides for an expansion of quality OEK programs through the State Board administration of a qualifying base amount grant program to fund a minimum OEK program taking into consideration the number of students who were eligible to receive free lunch in the prior school year, and the LEA's overall need for an OEK program, based on the results of the LEA's kindergarten entry and exit assessments. After distributing the base amount grants, the Board shall on a competitive basis, distribute remaining grant money to one or more LEAs that considers the extent to which an LEA's base amount grant does not meet the LEA's overall need. Requires annual reports by LEAs to the Board. If additional space is available at a particular school after admitting qualifying students, an LEA may charge a fee to admit additional kindergarten students.

The State Board shall contract with one or more technology providers for early interactive reading software for literacy instruction and assessments for student in grades K-3. By August 1 of each year, the State Board shall distribute licenses to school districts and charter schools that apply for the licenses on a competitive basis. First priority will be given to districts and schools that received a license during the prior year. Licenses shall be used in the lowest grade (K-3) wherein a student is reading below grade level and must be used in accordance with the technology provider's dosage recommendations. A third party evaluator shall evaluate the software for student learning gains as a result of using the software. The Board shall report annually to the Education Interim Committee and the Governor.

Request: \$17,500,000 from the Education Fund which includes \$7,500,000 from Early Intervention Program funds previously allocated.

<http://le.utah.gov/~2016/bills/static/HB0042.html>

The Education Interim Committee recommended this bill.

SUPPORT

HB47 Postretirement Employment Rural and Title I School Exceptions – R. Cunningham

Allows a retiree who is an educator to be reemployed as an educator (per Section 53A-6-103) with a Utah Retirement Systems (URS) participating employer after 60 days from the retiree's retirement date, but only by a different agency than the one from which the retiree retired. The principal place of reemployment must be in a county with a population of less than 45,000; a municipality or town with a population of less than 10,000 that is located within a county with a population of less than 45,000; or a school that receives funding under Title I of the ESEA Act. Reemployed retiree does not receive further retirement benefits, credits or contributions. Requires a participating employer to pay the contribution rate for a reemployed retiree as if the position were considered to be an eligible, full-time position within that system.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0047.html>

The Retirement and Independent Entities Interim Committee recommended this bill.

SUPPORT WITH

COMMENTS: We would like to see the addition of classified employees to this bill as classified positions are also experiencing a shortage of candidates.

HB48 Election Law Amendments – D. McCay

An individual may become a candidate for a local school board in the 2016 general election, by filing a declaration of candidacy with the county clerk in accordance with Section 20A-9-202 before 5 p.m. on March 17, 2016, or in a general election held after 2016, by filing a declaration of candidacy with the county clerk on or after the second Friday in March, and before 5 p.m. on the third Thursday in March, before the next regular general election. If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or in the case of a veto, the date of the veto override.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0048.html>

The Government Operations Interim Committee recommended this bill.

NO ACTION;

ADDITIONAL INFORMATION COMING

HB49 State Liability Protection for School Employees – C. Oda

Alters the dates of notification of Risk Management policies to school employees. By no later than July 1 of each year, the risk manager shall provide the information to be distributed. No later than the first day of the each school year, copies of the information shall be given to each school district employee. If a school district hires an employee after the first day of the school year, no later than 10 days after the day on which the employee is hired, the school district shall provide the information to the employee.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0049.html>

The Administrative Rules Review Committee recommended this bill.

SUPPORT

HB50 Postretirement Reemployment Amendments – R. Cunningham

Amends the annual earnings limitation from \$15,000 to \$20,000 (or one-half of the retiree's final average salary, whichever is less) for reemployed retirees who return to work after one year for the same participating employer from which the retiree retired. Allows the retiree to retain a retirement allowance upon reemployment with the agency and the earnings limitations. Upon such reemployment the retiree does not receive any employer paid benefits including retirement service credits, medical benefits, dental benefits or other insurance benefits.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0050.html>

The Retirement and Independent Entities Interim Committee recommended this bill.

SUPPORT

HB71 Weighted Pupil Unit Calculation Equalization – B. Cutler

Requires that the calculation of weighted pupil units for a charter school in grades 1 through 12 is based on average daily membership in the prior school year plus enrollment growth in the current year.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0071.html>

SUPPORT

HB75 Epilepsy Training in Public Schools – D. Sagers

Requires the Department of Health to develop an intranasal midazolam authorization for use in a public school and a training program and competency assessment for such administration. "Authorization" means a statement, signed by a physician and the student's parent, who certifies epilepsy and a prescription for intranasal midazolam. The student must have previously received the administration of the medication by the parent or legal guardian in a non-medically-supervised setting without a complication and has previously ceased to have full body convulsive seizure activity as a result of receiving intranasal midazolam. Requests the school to train at least three school employee volunteers who are employees of the school, at least 18 years of age, are certified in cardiopulmonary resuscitation, who volunteer for training and complete training, and who demonstrate competency on a competency assessment. A school employee volunteer who administers intranasal midazolam in accordance with this section in good faith is not liable in a civil or criminal action for an act taken or not taken under this section. Risk Management directors indicate that school district employees would be indemnified and defended by the Risk Policy for claims arising out of the administration of midazolam in the course and scope of their employment.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0075.html>

HB90 Education Background Check Amendments – S. Handy

Specifies that the State Board shall require a license applicant to submit to a nationwide, fingerprint-based background check by the FBI and the Bureau of Criminal Identification, housed within the Department of Public Safety. The requirement includes a qualifying private school if the school enrolls Carson Smith Scholarship recipients and is authorized to conduct fingerprint-based background checks of national crime information databases under the Adam Walsh Child Protection and Safety Act of 2006. Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0090.html>

SUPPORT

HB92 Local School Board Levy Rate Amendments – K. Powell

Provides that all school districts are subject to the same property tax rate cap for the board local levy. A tax rate imposed by a school district may not exceed .0025 per dollar of taxable value in any calendar year. The bill has retrospective operation to January 1, 2016.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0092.html>

SUPPORT

HB94 Local Funding Options for Public Education – N. Thurston

Creates a block grant funding program for public schools that requires the State Board to select qualifying LEAs to participate in the program. During the fiscal years that a school district or charter school receives state funding as a block grant, the school district or charter school may use the funding for **any public education purpose** that does not violate federal law or regulations, applicable to these programs: Critical Languages; Dual Immersion; WPU programs for Students With Disabilities, assuming compliance with the IDEA Act; Preschool Special Education and Stipends for Special Educators, assuming compliance with the IDEA Act; WPU programs for CTE with funds for some CTE programs to be available for student below the ninth grade; Concurrent Enrollment; Class Size Reduction; To and From Transportation and local taxation in support of state-supported transportation; K-3 Reading Program without submitting a plan or receiving board approval of a plan; School Nurses; Library Books and Electronic Resources; USTAR; Beverley Taylor Sorenson Elementary Arts Learning; Enhancement for Accelerated Students; Enhancement for At-Risk Students; Early Intervention/OEK; Title I Paraeducators; Grants for Field Trips to the State Capitol. The block grant funding also applies to allocations for Minimum School Program, Capital Outlay Foundation, and Critical Languages programs. Selected pilot districts will be exempt from program implementation and reporting requirements for each program for which funding is received as a block grant. At the request of a pilot LEA, the Board may exempt a pilot LEA from employee evaluations, educator evaluations, performance compensation, administrative evaluations and compensation, and the Peer Assistance and Review pilot program. The Board shall select two or more qualified pilot LEAs by November 1, 2016 on a competitive basis. The Board shall work with the pilot LEAs, including developing goals for using the block grant and assess progress toward those goals as well as minimizing reporting requirements, including financial reporting requirements. Block grants shall take effect beginning in the 2017-2018 school year. Block grants do not include funding associated with the School LAND Trust program, Educator Salary Adjustments, or Teacher Salary Supplements.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0094.html>

SUPPORT

Allowing the choice of block grant funding for school districts and charter schools is a good option. Current funding formulas create equity for rural school districts; we caution those who create the block grant program to ensure that district equity is preserved, especially as it pertains to rural school districts.

HB107 Early College High Schools – V. Peterson

Exempts an early college high school from rules governing other charter schools:

- Exempt from the 180 school day requirement
- Up to three subject-specific credit hours may be changed to elective credit if the modification is consistent with the student's IEP or SEOP and the elective credit is earned in a science, technology, engineering, mathematics, advanced placement, concurrent enrollment, or early college course.

Charter schools may still contract with higher education to provide early college education through the charter school or become identified as an early college high school if the charter school as an early college high school is consistent with trademark laws.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0107.html>

HOLD FOR ADDITIONAL INFORMATION

HB142 Agency Auditing Procedures for Education – B. Cutler, S. Adams

Requires the State Board of Education to establish an internal audit program for each program administered by the Board. Requires an audit committee to approve internal auditing policies proposed by an agency internal audit director.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0142.html>

HB147 State Board of Education Revisions – B. Cutler

Deletes references to the Utah State Office of Education and requires the Utah State Board of Education to assume responsibilities formerly assigned to the USOE. Allows the State Board to delegate duties and responsibilities to employees of the USOE.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0147.html>

NO ACTION; USBE MATTER

HB152 S1 Voted and Board Local Levy Modifications – F. Cox, L. Hillyard

Amends the state contribution guarantee amount for the voted and board local levy from \$33.27 to \$35.55. Beginning July 1, 2015, the \$35.555 guarantee shall be indexed each year to the value of the WPU for grades 1-12 by making the value of the guarantee equal to .011962 (up from .011194) times the value of the prior year's WPU for the grades 1-12 program. (This bill corrects the financial issues remaining from 2015 SB97.) Substitute provides an effective date: If approved by two-thirds of members in each house, the bill takes effect upon approval by the governor or, in the case of veto, the date of the veto override.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0152.html>

SUPPORT

HB164 Educational Testing Amendments – K. Powell, A. Millner

Requires the State Board to establish conditions under which incentives or rewards may be offered to a student for taking an assessment that is federally or state-mandated or is an end of grade level assessment that is part of the state assessment system. An LEA may not penalize a student who is exempted from taking an assessment but may require the student to complete an alternate assignment

if the alternate assignment is not more rigorous than the state's content or end of grade level assessment. Scores on the tests and assessments that are federally or state-mandated or end of grade level assessment, or the alternate assignments given in their place, may be considered in determining a student's academic grade for the course or whether the student may advance to the next grade level.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0164.html>

SUPPORT

HB175 Public Education Employment Amendments – K. Powell

Limits the information a public school may provide to the state board about a public employee to that which has significance in evaluating the license of an educator or education license holder or potential license holder. Any action taken by the State Board shall require notice of the information to the educator or license applicant, and the State Board shall afford the educator or license applicant an opportunity to respond to the information.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0175.html>

SUPPORT

HB181 Physical Control in Schools Amendments – C. Moss

Prohibits the use of physical restraint or force by a school employee to protect property from being damaged but continues to allow such restraint in self-defense, to obtain possession of a weapon, to protect a child or another individual from physical injury, or to remove a child who is violent or disruptive.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0181.html>

NO ACTION

HB182 Concurrent Enrollment Education Amendments – V. Peterson, A. Millner

Defines terms, and amends and reenacts concurrent enrollment provisions. The State Board and Regents shall coordinate to establish a concurrent enrollment course approval process that ensures credit awarded for concurrent enrollment is consistent and transferable to all institutions of higher education, and learning outcomes for concurrent enrollment courses align with K-12 core standards and lower division courses numbered at or above the 1000 level at institutions of higher education. An institution of higher education shall accept credits earned by a student who completes a concurrent enrollment course on the same basis as credits earned by a full-time or part-time student enrolled at the institution of higher education. Concurrent enrollment courses shall be for students in grades 11 and 12 with exception available for students who qualify in grades 9 and 10. Eligible instructors for CE shall have the same background check and ongoing monitoring requirements, whether they teach at an LEA or an institution of higher education. An LEA may contract with an institution of higher education that is not the LEA's designated institution of higher education to provide a CE course if the LEA's designated institution of higher education chooses not to offer the CE course proposed by the LEA or fails to respond to the LEA's request within 30 days after the LEA contacts the designated institution of higher education. The State Board of Regents shall create a higher education concurrent enrollment application for individual participants that must be signed by parents or legal guardians.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0182.html>

SUPPORT

HB193 Charter School Property Tax Amendments – K. Powell

Repeals provisions that require a school district to allocate a certain portion of school district property tax revenues for charter schools. Creates a restricted Charter School Tax Account within the Education

Fund. The charter school tax shall be imposed by the state beginning with the taxable year beginning on January 1, 2017. For each school district, on or before June 22, the State Tax Commission shall certify a rate for the charter school tax to generate an amount of revenue within a school district equal to 25% of the charter school tax per district revenues. The State Board shall distribute the "charter school per pupil tax" revenues from the charter school tax account to the student's charter school. The charter school tax account shall earn interest and shall be nonlapsing.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0193.html#53a-1a-513.1>

SUPPORT

HB197 Lobbying by State Agencies Amendments – Marc Roberts

A state employee may not engage in lobbying. A state entity may not take a public stance on a legislative action. A "state employee" means an individual employed by the executive branch of state government, when acting in the scope of the individual's employment. A "state employee" does not include an employee of the state legislative branch, the governor, Lt. governor, attorney general, state auditor, or state treasurer of a member of the executive staff of those not included. A "state entity" means an administrative subunit of the state that employs a state employee. "Lobbying" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, a legislator to refrain from voting on, or to vote for or against a legislative action. Lobbying does not include requesting a legislator to sponsor legislation, testifying before a legislative body, including a legislative committee or task force, or answering questions asked by a legislator.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0197.html>

HB200 Student Assessment Modifications – M. Poulson

Beginning with the 2016-17 school year, for all students in grade 11, a school district or charter school may waive the obligation to administer a statewide criterion-referenced test or online computer adaptive test in basic academic subjects.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0200.html>

NO ACTION

HB201 Student Testing Amendments – M. Poulson

Omits and prohibits the use of student achievement and student learning growth as a required component of a reliable and valid evaluation program for educator and administrator evaluations. School employee compensation may not be based on student achievement data.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0201.html>

HOLD FOR FURTHER INFORMATION

HB217 Small School Funding – K. McIlff

Appropriates \$2,000,000 from the Education Fund to Necessarily Existent Small Schools, the equivalent of 646 Weighted Pupil Units (WPU).

Request: \$2,000,000

<http://le.utah.gov/~2016/bills/static/HB0217.html>

SUPPORT FOLLOWING FUNDING OF ENROLLMENT GROWTH 4.5% WEIGHTED PUPIL UNIT (WPU) INCREASE

HB221 Immunization of Students Amendments – C.S. Moss

Amends requirements for a student seeking an immunization exemption. Requires the Department of Health to develop an immunization form to specify if an exemption is for a personal or religious belief.

The Dept shall also develop an online education module that must be completed by parent or guardians before exemption forms may be signed. The bill stipulates in the module the rules related to student health exemptions and the requirements for school attendance for a student who has not received required immunizations in the event of an outbreak of a vaccine preventable illness. Exemptions must be renewed each year following an annual review of the online education module. Schools shall maintain a confidential list of students who do not have an official certificate of immunization. A student who has not received the required immunizations may attend school on a conditional enrollment if the student has received a dose of each required vaccine but is not due for additional dosages for up to 21 calendar days after the student enrolls. After the conditional enrollment period, a school shall prohibit further attendance of a student who does not comply with required immunizations and shall suspend the student until such time as compliance is ensured. The bill takes effect on July 1, 2017.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0221.html>

HB226 Early Intervention Amendments – S. Eliason

Requires a medical provider to report results of newborn tests for hearing loss to the Utah Schools for the Deaf and the Blind (USDB). Requires that the Newborn Hearing Screening Committee include a representative from USDB. Requires USDB to provide early intervention educational services for an individual who has been tested for hearing loss as a newborn and whose results suggest that additional diagnostic procedures or medical interventions are necessary. Such services shall be provided by USDB until the individual reaches age three.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0226.html>

SENATE BILLS

SB14 American Indian and Alaskan Native Amendments – K. Van Tassell

Creates a five-year pilot program to fund stipend, recruitment and retention of teachers who teach in American Indian and Alaskan Native concentrated school. A concentrated school is one where at least 29% of its students are American Indian or Alaskan Native. Funds will be through competitive grants and may be used for supplementing current efforts in recruitment, retention, and professional development of teachers in concentrated schools. Applicants must have at least one concentrated school. The Board shall evaluate the effectiveness of the results and appropriate use of the money. Creates a pilot program for regional service centers to fund individuals facilitating Title VII and ESEA.

Request: \$20,000 from Education fund to USOE to support the liaison committee between Utah Native American tribes and the Legislature
\$2,000,000 from Education fund with 1,500,000 for teacher retention and 500,000 for Regional Service Center Title VII program.

<http://le.utah.gov/~2016/bills/static/SB0014.html>

The Native American Legislative Liaison Committee recommended this bill.

NO ACTION

SB18 Workforce Services Job Listings Amendments – P. Knudson

Requires local education agencies to advertise a list of job openings on the state website in the Utah Department of Workforce Services.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0018.html>

The Veterans' and Military Affairs Commission recommended this bill.

NO ACTION

SB19 Phased Retirement – T. Weiler, K. Powell

Allows, but does not require, a participating employer (including LEAs) to participate in phased retirement for a retiree who has not completed the one-year employment separation requirement and who has been employed full time for not less than four years immediately before the retiree's retirement date. The employer must provide specific written policies for phased retirement and enter into a specific written agreement with the retiree. Defines phased retirement as continuing employment on a half-time basis with the same employer after the retiree's retirement date while the retiree receives 50% of the retiree's monthly retirement allowance. Half-time means 20 hours per week for hourly employees, or half-time for teachers. The employer shall contribute to URS the amortization rate. The employee on phased retirement cannot receive any employer-provided retirement benefits, service credits, or retirement-related contributions. The termination date of the phased retirement, as confirmed in writing, is considered the retiree's retirement date for the purpose of calculating the separation requirement under Section 49-11-505(3)(a).

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0019.html>

The Retirement and Independent Entities Interim Committee recommended this bill.

SUPPORT

SB36 Postretirement Employment Exceptions – K. Mayne

Allows public safety service employees, firefighter service employees, and school district employees that are educators to be reemployed by a different agency after 60 days following retirement while retaining retirement stipend. Service credits are not allowed but the participating employer pays the contribution rate to the URS as if the position were considered as an eligible full-time position within that system.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0036.html>

The Retirement and Independent Entities Interim Committee recommended this bill.

SUPPORT

SB38 School Funding Amendments – H. Stephenson

Amends the definition of "district local property tax revenues" to include current year estimates and revenues received from state guarantees for local and board levies as well as the capital outlay foundation program. This expands the amount that can be used to calculate the local replacement funding diverted from school districts and sent to charter schools. The amendment took out any reference to including a recreational levy.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0038.html>

The Charter School Funding Task Force, comprised of six non-legislators and eight legislators, recommended this bill on a 6-2 vote.

OPPOSE

Background

The Utah Legislature created charter schools in the late 1990's. Today, about 90% of students attend district schools and 10% attend charter schools. It has been the intent of the Legislature to ensure that all students, district and charter, rural and urban, receive an equitable education and funding that provides for that equity. We certainly agree with that goal. But the studies of equity for charter and district schools always depends on the formula being examined. However, the Utah Taxpayer Association in August 2015 published **total per-student funding** that showed district schools were receiving \$7,688 per student while charter schools were receiving more at \$7,887 per student. More transparency is required and SB38 does not provide for that transparency. (See The Utah Taxpayer Newsletter, August 2015, "Complete 2015 School Spending Report Released" at: <http://www.utahtaxpayers.org/?p=3096>)

The intent of SB38 is to take away money from current services to students in district schools through the revenues from the recreation levy that local boards utilize for high school facilities and activities, and divert it to charter schools. Several committees led by legislators have wrestled over district and charter school equity over many years. The resulting formulas currently in place are convoluted and frequently cause tensions between the systems. **Utah ought not to let this tension fester.** The Utah Legislature can resolve this problem in a fair and transparent way, by allowing for a statewide levy or by granting taxing authority to the Utah State Board, the authorizer of most of the charter schools in the state.

Our Concerns:

Equal distribution of diverted local property tax revenues in SB38 gives an unwarranted bounty to elementary charter schools and draws funds away from district high schools where most students, district and charter, access extracurricular activities.

Districts use their local recreation property tax revenue to support high school activities and facility use as well as to create partnerships with cities and towns for recreational opportunities for all their citizens. If SB38 is successful, the new charter school revenue will be worked through a Local Replacement Formula (LRF) that provides for a distribution of an equal amount, per charter school student. That means, the money would be taken away from district high schools that are providing services to students and citizens in recreation programs and be distributed equally to all charter schools, providing an unwarranted bounty of recreation funding to elementary charter schools. **Additionally, many charter school high schools do not offer extracurricular activities and charter students, instead, come to district schools high school extracurricular activities, per 53A-1a-519.** But SB38 will drain funding for district high school activities.

Diversion of local property tax revenues is bad public policy

The practice of diverting local property taxes is bad public policy as it dismantles current effective district practices that support student excellence, exacerbates the tension between district and charter schools, is not transparent in that the diversion is not noticed on the county tax notices, and avoids the appropriately-placed accountability for charter schools, which belongs to the authorizer of those schools, the Utah State Board of Education.

SB38 will lead to tax increases

The action to divert property tax revenues will undoubtedly **lead to local tax increases in districts** just to keep current services that support student achievement. As two examples of the estimated loss, Alpine estimates a loss of \$800,000 and North Sanpete, estimates a loss of \$130,000, a large sum for such a small district. Both will be inclined to raise property taxes to make up for the loss of opportunities for students. **Too much governmental responsibility is being quietly shifted to other entities so that elected representatives, who are ultimately responsible, will not have to deal with the issue.** This should not happen in Utah. Please resolve this issue in a fair and transparent manner.

Additionally:

- Taxpayer dollars diverted to charter schools are **not overseen by generally-elected officials and are not transparent or reported to citizens through county tax notices.**
- Local property taxes are generated by the rate set by the Legislature and the valuation of properties within school district boundaries and are **not generated per pupil. No charter students are included in the formulation of property tax revenues for districts. There are no “phantom” students in the count for property tax revenues.**
- **The Charter School Funding Task Force, wherein SB38 was discussed, was comprised of some who have a financial interest in charter schools.** Their recommended legislation, SB38, should be seen in that light.

Responsible Remedy:

Continuing to divert property tax revenues from districts to charter schools is **bad public policy** as it further confounds education accounting, obscures transparency to the public, and needlessly exacerbates the tension between charter and district schools who should be working closely together. **The state created charter schools; the state should pay for charter schools either through a statewide basic levy or by granting taxing authority to the Utah State Board of Education which, as the charter school authorizer, can account for each charter school as do local boards of education for the schools in their districts.**

SB45 Compulsory Education Revisions – A. Jackson

Eliminates criminal penalties for a parent of a truant school-age child. Changes wording from the school “shall direct the parent... meet with school authorities to discuss... school attendance” to “shall request that the parent ... meet with school authorities to discuss... school attendance.” Deletes “failure to comply with compulsory education requirements in violation of Section 53A-11-101.5” from the list of required reporting for child abuse and neglect.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0045.html>

OPPOSE

State rules define truants, in part, as those who “fail to cooperate with efforts on the part of school authorities to resolve the minor’s attendance problem...” (R277-607.1) Schools experience trancies each year. Utah compulsory attendance law is in conflict with this bill. Parents are responsible for their children’s on-time attendance at school. Without the force of law to ensure that parents see that students attend school, schools cannot be held accountable for compulsory student attendance. Efforts to encourage and ensure student attendance by school officials will be weakened by this bill.

SB46 State Education Governance Revisions – A. Jackson

Subject to public vote to alter the Utah Constitution, provides for 13 members on the State Board, with four members elected in a partisan election, four members elected in a nonpartisan election, and five nonpartisan members appointed at-large by the governor with the consent of the Senate. Provides that one partisan and one nonpartisan member will be elected from each congressional district. Ensures that rural Utah is represented on the Board through the governor's appointments if not through the electoral process. Midterm vacancies for nonpartisan members shall be appointed by the governor until the next regular general election. Midterm vacancies for partisan members shall be appointed by the governor from among three appointees by the state central committee of the same political party as the prior officeholder.

Aligns State Board Districts with congressional districts for a total of four State Board Districts. Only two nonpartisan candidates will be placed on the final ballot, requiring a primary ballot, if needed, for more than two candidates. Eliminates the current process of State Board elections and ends all current board member terms in 2018. Staggers new terms following 2018.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0046.html>

OPPOSE

Parents serving as local school board members, their superintendents and business administrators support direct, nonpartisan elections, per the Utah Constitution, and, as an assurance that the public has a right to vote for their school representatives.

SB51 Teacher Leader Role – A. Millner

Creates the role of teacher leader who works with, supervises, and assists in the training of student teachers. Requires the State Board to make rules that define the role of a teacher leader, establish minimum criteria for a teacher to qualify as a teacher leader, and may make rules that create an endorsement for a teacher leader. The Board shall solicit recommendations from school districts regarding appropriate resources to provide a teacher leader and appropriate ways to compensate a teacher leader. The Board shall report to the Education Interim Committee. The amendment now allows a teacher leader to perform an evaluation on a teacher whom the teacher leader is currently assisting in training.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0051.html>

NO ACTION

SB62 JROTC Instructor Amendments – M. Dayton

A school district, charter school, or the state board may not require that a JROTC instructor hold a license to teach a course that is part of a JROTC program. A JROTC instructor shall submit to a background check as a condition for employment in a school district or charter school.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0062.html>

SB67 Partnerships for Student Success – A. Millner

Creates the Partnerships for Student Success Grant Program to improve educational outcomes for low income students through the formation of cross sector partnerships that use data to align and improve efforts focused on student success. Subject to legislative appropriations, the state board shall award grants to eligible partnerships that commit to providing matching funds in cash or in-kind that equal at least two times the amount of the grant. Partnerships shall establish shared goals, outcomes, and measurement practices based on unique community needs and interests that are aligned with statewide intergenerational poverty recommendations and that address:

- Kindergarten readiness
- Grade 3 mathematics and reading proficiency
- Grade 8 mathematics and reading proficiency
- High school graduation
- Postsecondary education attainment
- Physical and mental health
- Development of career skills and readiness

Grant funds may only be used to contract with a technical assistance provider identified by the state board and to plan or implement a partnership with project management, planning or adaptation of services and strategies, coordination of services, establishing and implementing shared measurement practices among other partnership agreements. The state board shall identify two or more technical assistance providers that a partnership may select from to assist, and shall also select a third party evaluator. Partnerships shall coordinate with school turnaround committee efforts and the School Leadership Development Program shall include instruction on forming and sustaining community partnerships.

“Eligible schools” or “eligible school feeder pattern” means a district or charter school or succession of schools that have at least 50% of the school’s students with a family income at or below 185% of the federal poverty level. An “eligible partnership” includes at least an eligible LEA, local nonprofit organization, private business, municipality or county in which the LEA is located, an institution of higher education in the state, a state or local government agency that provides services to students attending the LEA, a local philanthropic organization, and a local health care organization.

Request: \$5,000,000 ongoing from the General Fund

<http://le.utah.gov/~2016/bills/static/SB0067.html#53a-4-304>

SB72 School and Institutional Trust Lands Management Act Amendments – M. Dayton

Amends the circumstances in which the director of the School and Institutional Trust Lands Administration may withdraw land to include continued occupancy would cause interference with the activities of the administration’s authorized lessees or permittees, or a threat to public safety or a need to withdraw lands from public target shooting, after consultation with the sheriff or county wherein the land is located and with representatives from leading sports shooting organizations. The bill clarifies that mineral lease applications may be submitted and processed online and also states that the School and Institutional Trust Lands Administration and School and Institutional Trust Fund Office shall enter into a memorandum of understanding regarding the sources of money received from administration of the lands. (SITLA supports this bill.)

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0072.html>

SUPPORT

SB78 State Board of Education Candidate Selection – A. Millner

Persons interested in becoming a candidate for the State Board shall file a declaration of candidacy. This bill utilizes the nominating and recruiting committee, appointed by the governor, but alters the day of appointment to March 1 of the general election year. In appointing members of the committee, the governor shall appoint from lists containing at least two individuals submitted by organizations, (as represented as in the past) and ensure that at least one member of the nominating and recruiting committee resides within each state board district in which a member’s term is due to expire. The governor may not consider, nor make an appointment based on the political or educational philosophies, viewpoints, or affiliations of an individual whose name is submitted for the committee.

The committee shall meet and submit a list of at least three candidates for each state board position to the governor by April 1st. The committee shall select the most qualified candidate, taking into account a candidate's level of education and experience in education, administration or management, finance, knowledge and understanding of skill sets needed by Utah's citizens, and past service on a local school board or charter school governing board or in a state education agency and other boards of public, private, for-profit or nonprofit entities. The committee may not consider, nor make a selection based on the political or educational philosophies, viewpoints, or affiliations of an individual who files a declaration of candidacy. The governor shall select two candidates for the ballot, who are the most qualified, taking into account the same criteria expected of committee selection. The governor may not make a selection based on the political or educational philosophies, viewpoints, or affiliations of a candidate, and shall provide a written statement to the lieutenant governor describing the qualifications of the candidates selected for the ballot.

If approved by two-thirds of all members of each house, the bill takes effect upon approval by the governor or per constitutional time limits, or, in case of a veto, the date of the veto override.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0078.html>

OPPOSE

Parents serving as local school board members, their superintendents and business administrators support direct, nonpartisan elections, as provided in the Utah Constitution, and, as an assurance that the public has a right to vote for their school representatives.

SB86 School Building Coordination – A. Jackson

Requires a school district or charter school, before acquiring a school site or constructing a school, to notify the affected local governmental entity, the Department of Transportation and electrical, gas, or telephone corporations that provide service or maintain infrastructure within the immediate area of the proposed site.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0086.html>

OPPOSE

Local school boards, as political subdivisions, have authority to purchase property and build or alter schools as needed, responding as they must, and sometimes very quickly, to the enrollment changes in their districts. Most districts already work well with local community services as a matter of effective coordination. No other controls should be legislated over school site alterations and construction. The public holds their local school board members accountable through elections.

SB91 Board of Education Amendments – L. Hillyard

The State Board may make rules to execute or delegate the board's duties and responsibilities under the Utah Constitution and state law. The Board may take action with an education entity (which includes school districts and charter schools) that violates laws or rules to include corrective action agreements, withholding of funds, payment of penalties, reimbursing of funds to the board (which shall be returned to the Minimum School Program). The board shall make rules that require notice and an opportunity to be heard for an education entity affected by a board action listed above. The Board shall report criminal conduct of an education entity to the district attorney of the county where the education entity is located. If an LEA enters into a contract with a private entity, the LEA shall require by contract that the private entity shall submit upon request of the Board, to an audit of the use of funds received by the private entity from the LEA. The Board may appoint an attorney, in cooperation with the Attorney General's office, to provide legal advice to the Board and coordinate legal affairs for the Board and the

Board's employees. The attorney so appointed may not conduct litigation or settle claims covered by Risk Management.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0091.html>

NO ACTION;

ADDITIONAL INFORMATION COMING

SB93 Computer Science Initiative for Public Schools – H. Stephenson

Creates a computer science initiative in public schools that shall be developed by the State Board in coordination with the STEM Action Center. Includes stipulations for an endorsement on an educator's license for computer science, an online repository that includes instructional resources, computational thinking skills, and computer coding skills. Provides for statewide or regional professional development institutes, and distributing grants to LEAs for professional development and incentives for earning a computer science endorsement. Through an RFP process, the Board shall select one or more providers for a comprehensive computer coding instructional software solution that includes licenses for LEAs, professional development, real-time technical support for educators, and real-time coding support for students. Stipulates how the RFP process shall weigh applicants. LEAs shall submit competitive grant proposals with stipulations for that proposal content. LEAs may submit grant proposals jointly through an interlocal agreement. The Board shall hire an independent evaluator and make annual reports. If approved by two-thirds of all members of each house, the bill takes effect upon the approval of the governor or in the case of veto, the date of the veto override.

Request: \$2,070,000 from the General Fund to the STEM Action Center with legislative intent language on how that money should be used.

<http://le.utah.gov/~2016/bills/static/SB0093.html>

SB98 Arts and Cultural Education Spending – J. Dabakis

Arts and cultural education means visual arts, film, performing arts, sculpture, literature, music, theater, dance, digital arts, video-game arts, cultural vitality, archaeology, anthropology, and history.

A school district shall spend 3% of the following funds on arts and cultural education:

- The state contribution to the school district for the basic program, and
- The state contribution to the school district for a guarantee program of the board and local levies

A charter school shall spend 3% of the following funds on arts and cultural education:

- The state contribution to the charter school for the basic program, and
- The state and local contributions to the charter school from the local replacement revenues, less expenditures for capital facilities

LEAs shall account for arts and cultural education expenditures in an accounting report submitted to the state auditor in accordance with current state law.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0098.html>

SB101 High Quality School Readiness Program Expansion – A. Millner

This bill adds \$11,500,000 to expand access to high quality school readiness programs for eligible students. An eligible child is one who is experiencing intergenerational poverty, will be four years old on or before September 2 of the school year for intended enrollment, and has not enrolled in a kindergarten. Creates a Intergenerational Poverty Scholarship (IGP) for students who have at least one of many risk factors as described in the bill and in 53A-1b-102. An eligible private provider or home-based technology provider may apply to receive a grant for a high quality school readiness program, as

can LEAs in the state. The Board shall solicit proposals from LEAs and private providers to fund increases in the number of eligible students. The Department of Workforce Services shall administer the IGP scholarship program and shall coordinate with the State Board for enrollment in a program of the recipient's parent's choice, space permitting. The Board and the Department may each use up to 2% of the funds in this bill for administrative costs. An LEA that receives a grant under this bill may charge a student fee to participate in an LEAs school readiness program if the local board or charter board approves the fee, the fee does not exceed actual costs and the fee is designed on a sliding scale based on household income. First priority for awarding grants shall be for respondents that have previously received a grant for this program. An independent evaluator shall be hired for ongoing review and evaluation as well as for reporting purposes. Stipulates content for grant applications, evaluation criteria, and how the funding shall be allocated per program (including \$2,000,000 directly to UPSTART). Request: \$2,500,000 ongoing from the General Fund and \$9,000,000 from the Education Fund
<http://le.utah.gov/~2016/bills/static/SB0101.html>

SB103 Strategic Workforce Investments – A. Millner

Establishes a process for investing strategically in workforce development through the development of stackable credentials. "Stackable sequence of credits" means a sequence of credentials that an individual can build upon to access an advanced job or higher wage; is part of a career pathway system; provides a pathway culminating in the equivalent of an associate's or bachelor's degree; facilitates multiple exit and entry points; and recognizes sub-goals or momentum points. The Governor's office of Economic Development shall publish a biannual report detailing the high demand technical jobs projected to support economic growth in high need strategic industry clusters. Industry clusters include aerospace and defense, energy and natural resources, financial services, life sciences, outdoor products, software development and information technology or any other strategic industry designated by the Governor's Office of Economic Development. Eligible partnerships shall submit proposals to receive funding to extend stackable sequence of credentials in high growth industry career pathways that culminate in the equivalent of an associate's or bachelor's degree. Eligible partnerships means a partnership between at least two of the following:

- A UCAT college
- a school district or charter school; or
- an institution of higher education;

and that provides educational services within the same CTE region.

Request: \$5,00,000 from the Education Fund and \$50,000 from the General Fund

<http://le.utah.gov/~2016/bills/static/SB0103.html>

SB109 School and Institutional Trust Lands Amendments – A. Millner

Enacts language related to distributions of School Community Councils from "interests and dividends" to a rolling average of the worth of the State School Fund of Trust Lands. Limits the distribution to 4% of the fund. The School and institutional Trust Fund Board of Trustees shall annually review the distribution and make recommendations to the Legislature for changes, if necessary. Creates within the Uniform School Fund a restricted account known as the invest More for Education Account which is funded by contributions from individual income tax returns and deposited into the restricted account. The account may earn interest. The Legislature may appropriate money from the account for the support of the public education system. The bill takes effect on January 1, 2017 if the amendment to the Utah Constitution proposed by SJR 12 Joint Resolution on Proposal to Amend Utah Constitution- Changes to School Funds, passes the Legislature and is approved by a majority of those voting on it at the next regular general election.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0109.html>

SCR 3 Concurrent Resolution Supporting American Indian and Alaskan Native Education State Plan – K. Van Tassell

Supports the creation of an American Indian and Alaskan Native Education State Plan that focuses on eliminating the achievement gap for American Indian and Alaskan Native students.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SCR003.html>

The Native American and Legislative Liaison Committee recommended this resolution. **SUPPORT**

SCR6 Concurrent Resolution Recognizing the 20th Anniversary of the Utah Educational Savings Plan – E. Vickers

Recognizes the importance of saving for college and the role the Utah Educational Savings Plan has played in helping people in Utah and around the country save for their family members and friends to go to college. Urges support for college savings and the Utah Educational Savings Plan.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SCR006.html>

SCR8 Concurrent Resolution Approving the Test and Training Range Land Exchange – J. Stevenson

Approves the proposed land exchange of school and institutional trust lands interests in Box Elder, Tooele, Juab, and Washington counties for U.S. government lands in Box Elder, Tooele, Juab, Millard, and Beaver counties, and recognizes that the land received by the state would provide greater economic development potential.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SCR008.html>

SJR 1 Proposal to Amend Utah Constitution – State Board of Education Changes – A. Jackson

Proposes to amend the Utah Constitution to modify how the State Board of Education is established, requiring some members to be elected, as provided by statute, and some appointed by the Governor, with consent of the Senate. Directs the lieutenant governor to submit the proposal to voters at the next regular general election, requiring a majority of votes for passage.

<http://le.utah.gov/~2016/bills/static/SJR001.html>

OPPOSE

The Utah Constitution is protective of the vote of all of its public in school board elections as well as in general elections. Any changes in this matter only weakens the right of all Utah's citizens to vote in direct, nonpartisan elections for all school board members, at the state and local levels.

SJR4 Proposal to Amend Utah Constitution – Education Funding – J. Dabakis

This joint resolution repeals the 1996 voter decision to include higher education as a recipient of income tax revenue. This bill proposes to amend the Utah Constitution to exclude the higher education system from a provision limiting how revenue from taxes on intangible property or income is to be used, so that the revenue may be used to support the public education system only. The bill must pass each house with at least a two-thirds vote as well as majority support in a public vote. Directs the lieutenant governor to submit this proposed amendment to the voters of the state in the next regular general election. If passed, the amendment shall take effect on January 1, 2018.

Requests: \$0

<http://le.utah.gov/~2016/bills/static/SJR004.html>

NO ACTION

SJR12 Proposal to Amend Utah Constitution – Changes to School Funds – A. Millner, M. Brown

Annual distributions from the permanent State School Fund may not exceed 4% of the fund, calculated as provided by statute. The distribution of revenues from the fund shall no longer be from the interest and dividends of the funds but rather from the earnings of the fund, on a rolling average of the fund. The bill emphasizes that the permanent State School Fund shall be prudently invested by the state and shall be held by the state in perpetuity. The change requires a Constitutional amendment, which the bill requests of the lieutenant governor, to occur in the next regular general election, to take effect on January 1, 2017.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SJR012.html>