

**2016 Utah Legislature
Public Education Bills**

HOUSE BILLS

HB10 S3 Initiative and Referendum Amendments – B. Greene

Allows for referendum petitions regarding county, city or town laws, including ordinances, resolutions, a master plan, or a comprehensive zoning regulation adopted by ordinance or resolution or any other legislative action of a local legislative body. A local legislative body means the legislative body of a county, city, or town. Third substitute omits political subdivisions which omits school districts from effects of the bill.

Request: \$0

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

OPPOSE

HB25 S3 Property Tax Changes – D. McCay, D. Henderson

The intent of this bill is to disaggregate portions of the property tax base for purposes of calculating a taxing entity's Certified Tax Rate (CTR). Thus, not all portions of the base will be treated the same in calculating CTR. The portions that will be disaggregated include:

- Central Assessed Property -- will allow for new growth values only when the value is above the "high mark" value. So, taxing entities that have volatility in the value of centrally assessed property will no longer get to count as new growth every increase in those values but they will be able to count only the increase over and above the high mark value. Those entities with lower centrally assessed values or more stable values will not be as affected.
- RDA-related Property – as RDA's are retired, the value increase of the property will be guaranteed and reflect new growth. Taxing entities with retiring RDA's will benefit from this change.
- Personal Property – increases in personal property will not be counted as new growth, but could decrease the CTR. Decreases in personal property will not be counted as negative new growth but could increase the CTR if the value change is sufficiently significant.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0025.html>

NO ACTION

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

PASSED

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 WITH COMMENTS

We fully support the concepts in this bill. Our first funding priorities for FY17 are:

- 1. Fully fund enrollment growth for FY17 and the shortages from FY16**
- 2. Provide at least a 4.5% WPU increase to keep current operations steady (addressing expected increases in retirement, insurance, etc.) and to begin to address the quality teacher shortage which is affecting every district in the state.**
- 3. AFTER the first two priorities are funded, we support funding for (not necessarily in this order):**
 - Grants for Professional Development (HB28)**
 - Optional, Extended-Day Kindergarten (HB42)**
 - Digital Teaching and Learning (HB277)**

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. In testimony, Rep. Eliason indicated that the bill concept was brought to him by his home district.

Request: \$0

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

The Education Interim Committee recommended this bill.

SUPPORT

HB42 S1 Early Learning Amendments – L. Snow

Requires the State Board to administer an early intervention program to improve reading skills *primarily* of students in grades K-3. The Board shall 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 and reduced 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, *and student performance outcomes achieved by the LEA's OEK program*. 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 and *for students in grades 4, 5, and 6 for intervention if the student is reading below grade level and the school has served students in grades K-3 and has capacity for additional students*. If additional space is available at a particular school after admitting qualifying students, an LEA may charge a fee to admit additional kindergarten students.

Allows a public school to use an early interactive reading software license for a students in grade 4, 5, and 6

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. 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>

SUPPORT WITH COMMENTS

We fully support the concepts in this bill. Our first funding priorities for FY17 are:

- 4. Fully fund enrollment growth for FY17 and the shortages from FY16**
- 5. Provide at least a 4.5% WPU increase to keep current operations steady (addressing expected increases in retirement, insurance, etc.) and to begin to address the quality teacher shortage which is affecting every district in the state.**
- 6. AFTER the first two priorities are funded, we support funding for (not necessarily in this order):**
 - Grants for Professional Development (HB28)**
 - Optional, Extended-Day Kindergarten (HB42)**
 - Digital Teaching and Learning (HB277)**

HB45 STEM Program Amendments – V. Peterson

This bill revises various aspects of the STEM Action Center. The bill adds into membership of the Center's board, the Executive Director of the Dept of Workforce Services or designee and requires coordination with business and industry representatives. The chair of the Action Center board shall serve a two-year term. Requires the board to work cooperatively with stakeholders to support and promote activities that align STEM education and training activities with the employment needs of business and industry in Utah. Takes away the requirement of at least 80% of students performing at grade level as a measure of learning tool effectiveness and changes language to "innovations used in Utah that have resulted in a measurable improvement in student performance or outcomes in STEM areas." Requires the Center to collect data on Utah best practices in K-16 and UETN. Requires Center to develop and distribute STEM information to parents of students in the state. Adds Utah State University Eastern to the list of educational institutions that may partner with a school district or charter school to provide a STEM related certification program. The State Board shall make rules establishing the uses of STEM endorsements including incentives for taking courses leading to a STEM endorsement that may only be given for a course that carries higher-education credit. A school district or charter school may consider a STEM education endorsement as part of an educator's salary schedule.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0045.html>

NO ACTION PASSED

The Economic Development and Workforce Services Interim Committee recommended this bill.

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 S3 Election Law Amendments – D. McCay

Removes the requirement that a qualified political party is forced to permit unaffiliated voters to participate in a primary for the qualified political party. An individual may become a candidate for the State Board of Education or 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. Requires an election official to provide notice and a grace period when a candidate fails to file certain financial reports before disqualifying the candidate. 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>

NO ACTION

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

PASSED

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>

SUPPORT

HB86 Postretirement Employment Restrictions – 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. Does not contain location restrictions as does HB47. 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/HB0086.html>

SUPPORT

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

PASSED

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 S1 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. Block grant requests must include consultation with parents and teachers to develop a plan to implement the block grant. The LEA must also consider the impact of the proposal on the LEA's eligibility for federal funds. The State Board shall select by considering whether an LEA's application meets the education objectives related to funding received in prior years and any other factor as determined by the Board. As agreed upon with a pilot LEA, withhold

a portion of the block grant funding for administrative costs. The Board may also make decisions about the design and implementation of the program, including establishing limitations on which funding is included in a block grant. 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 Para educators; 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 and outcome measures 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 2018-19 or the 2019-20 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 (not a mandate) 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.

HB102 Interpreter Services Amendments – R. Edwards

This bill amends the current statute on Interpreter Services for the Deaf and Hard of Hearing Act. A certified transliterator means an individual whose national certification is recognized by the Interpreter Certification Board (ICB). The State Board shall determine the required number of qualified continuing professional education hours based upon recommendations from the ICB and shall proportionately increase or decrease the number of qualified continuing professional education hours required for renewal. An individual who is providing interpreter or transliterator services in a training program (internship, residency, apprenticeship, or on-the-job training, must be supervised by an individual designated under the training program, but may engage in the practice of a certified interpreter or certified transliterator. Any individual who unlawfully engages in service (paid or unpaid) and represents himself or herself as a certified interpreter or certified transliterator, is subject to unlawful conduct charges.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0102.html>

NO ACTION

HB107 Early College High Schools – V. Peterson (amended)

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

- Exempt from the 180 school day requirement, but must meet the required number of instructional hours established under board rule.
- 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.

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

Request: \$0

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

SUPPORT

HB110 S2 Election Law Changes – C. Hall

Repeals provisions relating to the Nominating and Recruiting Committee for the State Board. Provides that candidates for the office of State Board member participate in a nonpartisan primary election to narrow the number of candidates to two candidates who participate in the general election.

(Otherwise, without a prescribed method, any candidate that signs up will appear on the ballot.)

Stipulates methods of declaration of candidacy, qualifications, filing, fees, and form requirements.

Permits a county clerk to list a voter as inactive if the county clerk receives a returned voter identification card, determines that there was no clerical error causing the card to be returned, and has no further information to contact the voter.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0110.html>

SUPPORT

HB117 Modifications to Postretirement Reemployment Restrictions – R. Cunningham

Allows a retiree to be reemployed with a participating employer (including school districts) after 60 days from the retiree's retirement date and is reemployed by a different agency in a school that receives ESEA Title I funding and the retiree is employed as an educator. The reemployed retiree cannot receive any employer paid retirement service credit or related retirement benefits. A participating employer who reemploys a retiree through the stipulations of this bill is not required to contribute to the amortization rate to the URS office.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0117.html>

HOLD FOR FURTHER INFO

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>

NO ACTION

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 the equalization bill, SB97 (2015 Session).) *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

INCORPORATED INTO HB1

HB158 S1 Campaign Funds Restrictions at County and Local School Board Offices – P. Arent

Prohibits a county office candidate, county officer, local school board candidate, or local school board member from making a personal use expenditure from a candidate's own campaign contributions. "Contributions" includes, when done for a political purpose, gifts, donations, loans, transfers of funds, compensation or in-kind contribution. "Contributions" does not include unpaid services of a volunteer, money lent to the filing entity by a financial institution in the ordinary course of business, or good or services provided for the benefit of the county office or local school board candidate at less than fair market value that are not authorized by or coordinated with the county office candidate or the local school board candidate. "Personal use expenditure" includes that which primarily furthers a personal interest of a candidate and also includes a mortgage, rent, utility or vehicle payment, a household food item or supply, clothing, except for clothing bearing the name or campaign slogan or logo of the candidate, admission to a sporting, artistic, or recreational event or other form of entertainment, dues, fees, or gratuities at a country club, health club, or recreational facility, vacation, vehicle expense, meal expense, payment of an administrative, civil, or criminal penalty, satisfaction of a personal debt, membership fee for professional or service organization, or a personal service such as an accountant, physician, or attorney. Appropriate uses are also listed extensively in the bill in lines 135-175.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0158.html>

NO ACTION

HB164 S1 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 and 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. High school graduation or promotion to another grade may not be based solely on a student's performance on any state or federally-mandated test.

Request: \$0

SUPPORT

HB175 S1 Public Education Employment Amendments – K. Powell

At the request of the State Board, an administrator of a public school or school district shall provide the board with a recommendation or other information possessed by the school or district that has

significance in evaluating license of an educator or education license holder; or potential licensure of a license applicant. If the board takes action on the license, the board shall give notice of the information to the educator or license applicant, and afford the educator or license applicant an opportunity to respond to the information. Before hiring an LEA applicant or giving an unsupervised volunteer assignment to a potential volunteer, an LEA shall require the LEA applicant or potential volunteer to sign a misconduct disclosure release. For an LEA applicant, request that the LEA applicant's most recent employer disclose misconduct by the LEA applicant, and include with the request a copy of the liability release. An LEA may not hire an LEA applicant who does not sign a misconduct disclosure release and may not give an unsupervised volunteer assignment to a potential volunteer who does not sign a misconduct disclosure release. Pending a response from an LEA applicant's most recent employer, an LEA may hire an LEA applicant who signs the misconduct disclosure release and may assign the volunteer under the same circumstances. An LEA that receives a request from the state board shall respond to the request within 20 business days after the day on which the LEA received the request. If an LEA or other employer, in good faith, discloses information in response to a request from the state board, the LEA or other employer is immune from civil and criminal liability for the disclosure. The state board shall create a misconduct disclosure release template.

Request: \$0

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

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 – M. 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>

NO ACTION

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 S1 Student Testing Amendments – M. Poulson

Omits and prohibits the use of the end-of-level scores in educator and school and district administrator evaluations. School employee compensation may not be based on end-of-level assessment scores.

Request: \$0

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

NO ACTION

HB205 Tier II Retirement Amendments – R. Cunningham

Increases the maximum contribution a participating employer pays toward retirement benefits for a Tier II public employee, public safety service employee, and firefighter from 10% to 11%. Authorizes an increase to the defined benefit provided to a Tier II Hybrid Retirement System public employee, public safety service employee, or firefighter to 1.5% of the retiree’s final average salary multiplied by the number of service credit accrued plus 1.72% of the retiree’s final average salary multiplied by the number of years of service credit accrued on and after July 1, 2017, up to a maximum of 35 years of service credit. For defined benefit service retirees, allows for 1.5% of the retiree’s final average salary multiplied by the number of years of service credit accrued on and after July 1, 2011 and before July 1,

2017, plus 2% of the retiree's final average salary multiplied by the number of years of service credit accrued on and after July 1, 2017, up to a maximum of 25 years of service credit accrued.

Request: \$0 (see fiscal note)

<http://le.utah.gov/~2016/bills/static/HB0205.html>

HOLD FOR FURTHER INFO

HB217 Small School Funding – K. McIff

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 but only following full funding of enrollment growth and at least 4.5% increase on Weighted Pupil Unit (WPU)

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 that specifies 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>

SUPPORT

The health and well-being of all children must be protected in our schools where children interact multiple times with each other daily, as they do with teachers and other school staff members. This bill will greatly strengthen that effort and help to ensure that schools are not places where diseases and infections are readily spread.

HB226 Early Intervention Amendments – D. Owens

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>

SUPPORT

HB246 Reproductive Health Amendments – B. King

Directs the Division of Health Care Financing to seek a waiver for family planning services. Requires the State Instructional Materials Commission to consult with parents, teachers, school nurses, and community members in evaluating instructional materials for comprehensive human sexuality

curriculum. A school district or charter school shall provide comprehensive human sexuality education unless the school has been awarded a direct or indirect federal funding for the provision of abstinence education pursuant to 42 U.S.C. Sec. 710. The curriculum may not be taught in kindergarten through grade 3. "Comprehensive human sexuality curriculum" means evidence-based information about human reproduction, reproductive anatomy, and reproductive physiology; all methods to prevent unintended pregnancy and sexually transmitted diseases and infections, including HIV and AIDS, and the link between human papillomavirus and cancer, and other types of cancer involving the human reproductive systems, including prostate, testicular, ovarian, and uterine cancer. "Comprehensive human sexuality" includes information about the correct and consistent use of sexual abstinence, contraception, condoms, and other birth control barrier methods. The curriculum shall encourage parental or guardian involvement and family communication, healthy decision-making about sexuality, personal power, boundary setting, resisting peer pressure including not making unwanted verbal, physical and sexual advances; and not making assumptions about a person's supposed sexual intentions based on that person's appearance. Teach human sexuality as a normal and healthy aspect of human development. Include discussions of how alcohol and drug use impair responsible and healthy decision-making. Provide instruction about the health benefits and potential side effects of using contraceptives and barrier methods to prevent pregnancy, including emergency contraception and the availability of contraceptive methods.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0246.html>

NO ACTION

HB271 Charter School Authorizer Amendments – M. Roberts

Allows any institution of higher education (not only those that have a board of trustees) that has a physical presence in the state and is accredited by a regional or national accrediting body recognized by the U.S. Department of Education to authorize a charter school. This expands beyond those institutions of higher education already named in statute. Authorizers that are higher education institutions shall conduct a hearing for termination of a charter school in accordance with the Administrative Procedures Act, as any other authorizer.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0271.html#53a-1a-501.3>

OPPOSE

Charter schools are state facilities and all of a charter school assets are state assets. Charter schools should be accountable to the Utah taxpayer as state dollars, primarily, drive their operations. Charter schools must remain under state control if Utah wishes to ensure quality and accountability to state government and taxpayers. This bill would allow any institution inside or outside of Utah to authorize a charter school. We OPPOSE:

- **What control and accountability would Utah have over an authorizer in another state?**
- **What control and accountability would Utah have over a private institution in Utah? (BYU, LDS Business College, Western Governors University, Westminster College)**
- **What control and accountability would Utah have over other private, commercial higher education institutions like Broadview University, Eagle Gate College, Provo College, Webster University, College America, Everest College, Stevens-Henager College, Columbia College, Neumont University, and University of Phoenix?**

This bill is being promoted as providing more innovation in charter schools by using different authorizers. It is not the authorizer of a charter school that brings innovation to a classroom or school; it is an outstanding administrator, quality teachers, and supportive parents/local boards that embrace worthy innovation in any public school, traditional or charter.

HB272 Voted and Board Leeway Modifications – J. Briscoe

Increases the amount of state guarantee money that a school district may receive from the voted local levy guarantee program by increasing the maximum rate the state will guarantee in increments of .0001 starting at .0017 per dollar of taxable value for FY2017 to .002 per dollar of taxable value for FY2020 and any succeeding fiscal year. For the board local levy the guarantee shall also increase by .0001, starting at .0021 per dollar of taxable value for fiscal year 2017 to .0024 per dollar of taxable value for fiscal year 2020 and any succeeding fiscal year. The bill takes effect on July 1, 2016.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0272.html>

HOLD FOR FURTHER INFO

HB277 S1 Personalized Learning and Teaching Amendments – J. Knotwell

Creates the Digital Teaching and Learning Grant Program to improve educational outcomes in public schools by effectively incorporating comprehensive digital teaching and learning technology. The bill is patterned after *Utah's Master Plan: Essential Elements for Technology Powered Learning*, a plan created by some technology business leaders, state board leaders, school superintendents, and some legislative technology leaders. The bill stipulates an advisory committee, digital readiness assessments, high quality professional learning standards, and LEA plan requirements. LEA plan requirements include measures to ensure the LEA monitors and implements technology with best practices, robust goals for learning outcomes and measurement for those outcomes, and financial statements to demonstrate that the plan can be fully funded through grant and local funds. The State Board shall establish an interactive dashboard available to each LEA that is awarded a grant for the LEA to track and report the LEA's long-term, intermediate, and direct outcomes in real time for customized reports. Each school shall submit a report to the LEA and each LEA shall submit a report to the Board. The Board shall establish interventions for an LEA that does not make progress on implementation of the plan. The Board shall contract for an annual evaluator of the entire program and work closely with the Utah Education Technology Network (UETN).

Request: \$750,000 one-time from Education Fund to the State Board
\$47,500,000 ongoing from Education Fund to State Board
\$24,250,000 one-time from Education Fund to State Board
\$23,000,000 one-time to UETN and \$500,000 ongoing from Education Fund

Coordinates with HB28, Grants for Professional Learning and also adds language related to economic opportunity from GOED.

<http://le.utah.gov/~2016/bills/static/HB0277.html>

SUPPORT WITH COMMENTS

We fully support the concepts in this bill. Our first funding priorities for FY17 are:

- 7. Fully fund enrollment growth for FY17 and the shortages from FY16**
- 8. Provide at least a 4.5% WPU increase to keep current operations steady (addressing expected increases in retirement, insurance, etc.) and to begin to address the quality teacher shortage which is affecting every district in the state.**
- 9. AFTER the first two priorities are funded, we support funding for (not necessarily in this order):**
 - Grants for Professional Development (HB28)**
 - Optional, Extended-Day Kindergarten (HB42)**
 - Digital Teaching and Learning (HB277)**

HB288 Educational Records Protection Amendments – C. Hall

Exempts from GRAMA requests, an education record as defined in the Family Educational Rights and Privacy Act (FERPA) if the record is controlled or maintained by a governmental entity and governed by FERPA.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0288.html>

SUPPORT

HB289 S1 Charter School Closure Amendments – S. DiCaro

On or before January 1, 2017, the State Board shall, after consultation with charter authorizers, make rules establishing requirements, procedures, and deadlines for an expansion of a charter school and procedures for establishing a charter school closure process. These rules shall include an expansion of a charter school when another charter school issues a notice of closure, and the establishment of a satellite campus. A decision to close a charter school is made when a charter school authorizer approves a motion to terminate, when the state board takes final action on the closure, and when a charter school provides notice to the charter school's authorizer that the charter school is relinquishing the charter school's charter. No later than 10 days after the day on which a decision to close a charter school is made, the charter school shall provide notice in writing of the decision to certain stakeholders, and post notice of the decision on the Utah Public Notice Website. The closing charter school's authorizer shall ensure that the closing charter school ensures audits, and protection of all assets in the closure. The closing school's authorizer shall oversee designation of student files and shall maintain a base of operations for questions and public help to those affected by the decision. The closing school's authorizer shall oversee liquidation of assets and payment of debt, complying with board, state, and federal reporting requirements.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0289.html>

SUPPORT

HB301 School Bus Route Grant Program- J. Stanard

The Board shall solicit proposals from school districts to receive a grant to provide transportation funding for routes that are unsafe/dangerous for a student to walk due to a health or safety concern. Proposals shall describe an unsafe route and include a written statement from the district, local law enforcement, and the municipality or county in which the route is located describing why the route is unsafe, as well as other information as required by the Board. The Board's Transportation Advisory Committee shall evaluate a proposal and make recommendations to the Board for possible granting of an award. In awarding the grant, the Board may not contribute an amount exceeding 85% of the cost of an unsafe route or more than 15% of the appropriation under this section to a particular school district. The Advisory Committee shall review grants each year for possible renewal.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0301.html>

SUPPORT WITH COMMENTS

Districts are only reimbursed for 67-68% of transportation costs now; this may add to that deficit in state reimbursement commitments.

HB312 Peer Assistance and Review Program Amendments – J. Briscoe

Requires the Board to select at least two school districts to participate in the Peer Assistance and Review Program (PAR Program). Removes the repeal date for the PAR Program.

Request: \$500,000 from Education Fund

<http://le.utah.gov/~2016/bills/static/HB0312.html>

HOLD TO CLARIFY LANGUAGE

HB331 Education Provisions – S. Eliason

All LEAs shall submit and the State Board shall publish each LEA's total expenditures annually on the board's website including total teacher salary expenditures, capital expenditures, overhead and other expenditures not reported as teacher or capital expenditures, the average per pupil funding and the percent of teacher turnover from the prior school year.

The Board shall reimburse an eligible educator for the cost to attain or renew a National Board certification, on a first come, first served basis, subject to legislative appropriations.

The annual salary supplement for a certificate teacher is \$2,500. "Certificate teacher" means a teacher who holds a National Board certification and is assigned to teach at a Title I school.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0331.html>

OPPOSE

HB335 Public Education Curriculum Amendments – K. Stratton

Adds the expectation already specified for local school boards, that compliance by charter governing boards for choices of Health curriculum and materials shall be based upon recommendations of the school district's or charter school's curriculum materials review committee and shall comply with state law and State Board rules emphasizing abstinence before marriage and fidelity after marriage and other current requirements in 53A-13-101. Sets the same expectation for parental consent. Adds the expectation already specified for local school boards, that charter school governing boards shall ensure that except as provided in Section 53A-13-101.1 (Maintaining constitutional freedom in the public schools), political, atheistic, sectarian, religious, or denominational doctrine may not be taught in the public schools. Sets the same expectation for charter schools with regard to character education. Additionally, charter schools, like school districts, shall provide appropriate inservice training for teachers, counselors, and school administrators on these matters and enforce rules or take action on employees or volunteers whose qualifications or behavior evidences unfitness for duty. The State Board shall submit an annual report to the Education Interim Committee on revised training or instructional materials used in training on child sexual abuse prevention and human sexuality education.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0335.html>

HB343 School Administration Amendments – K. Stratton

Provides that a reading achievement plan is a component of a general school improvement plan and is not a specific duty of the School Community Council unless the school educates student in kindergarten, grade 1, grade 2, or grade 3. Requires that education technology purchases are consistent with local school board and charter governing board policies that ensure adequate on and off campus internet filtering to prevent viewing of harmful content by student and school personnel. Deletes the participation of a School Community Council is assisting in the creation and implementation of a professional development plan. If an election for a School Community Council is held in the spring, a parent or guardian of a student who will be attending the school the following school year may vote in, and run as a candidate in the election. At least 10 days before the date that voting commences for the SCC elections, the principal or designee shall provide notice to each school employee, parent or guardian of the opportunity to vote in, and run as a candidate in, an election for SCC seats.

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0343.html>

HB354 Driver Education Funding Amendments – S. Eliason

Authorizes the state superintendent to allocate money in the driver's education account. If the amount of money in the account at the end of any school year is more than the total of the reimbursement costs, the superintendent may allocate the excess funds to school districts for driver's education fee waivers, to aid in the procurement of equipment and facilities which reduce the cost of behind-the-wheel instruction, or, (new language) *for any other purpose as determined by a majority vote of the State Board of Education.*

Request: \$0

<http://le.utah.gov/~2016/bills/static/HB0354.html>

HOLD FOR AMENDMENT REQUEST

HB358 Student Privacy Amendments – J. Anderegg

Provides for student data protection and maintenance by state and local education entities and third-party contractors, ensuring that student identifiable data is not released to any person. Requires notice given to a parent or guardian before a student is required to take survey. Aggregate data means data that are totaled and reported at a group level with at least 10 individuals in that level. Biometric identifier means a retina or iris scan, fingerprint, human biological sample used for valid scientific testing or screening, or scan of hand or face geometry. Biometric identifier does not include writing samples or signatures, voiceprint, photograph, demographic data or a physical description such as height, weight, hair color, or eye color. Data governance plan means an education entity's comprehensive plan for managing education data that incorporates industry best practices to maintain and protect student data; provides for necessary technical assistance, training, support, and auditing; describes the process for sharing student data between an education entity and another person; describes the process for an adult student or parent to request that data can be expunged, and; is published annually and available on the education entity's website. Stipulates definition of "necessary student data," "optional student data," and "personally identifiable student data," among other definitions.

The state board shall create a statewide data governance plan and shall establish advisory groups to oversee student data protection in the state, including a policy advisory group, a governance advisory group, and a student data users advisory group. An LEA shall adopt policies to protect student data and shall designate an individual to act as a student data manager. An LEA shall create and maintain a data governance plan and a security plan. A student owns the student's personally identifiable student data. If there is a release of a student's personally identifiable student data due to a security breach, a LEA shall notify the adult student, or the student's parents, if the student is not an adult student. An education entity shall comply with this law beginning with the 2017-18 school year. Stipulates the use and destruction of student data, securing and cataloguing student data, sharing student data, use and protection of student data with third-party contractors, and penalties for violations of this section.

Request: \$1,055,000 ongoing from Education Fund; \$930,000 one-time from Education Fund

<http://le.utah.gov/~2016/bills/static/HB0358.html>

HOLD TO CHECK FOR FERPA

COMPLIANCE AND TECHNOLOGY ADEQUACY IN THE BILL AND FOR LOCAL DISTRICTS TO IMPLEMENT

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 PASSED**

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 Ignores the Public

When local boards of education vote to create/increase a property tax for recreation, they do so with specific uses in mind and they disclose those uses to the public. The public supports a tax (or not) according to the information shared by the local school board. **By diverting some of the recreation**

levy, if SB38 succeeds, the Legislature is overriding the declared use of the tax and defaulting on the public promise made to each community by local school boards.

County Tax Notices Do Not Inform the Public and Lack Transparency

It is very important to note that the Legislature has had a request, and has considered, but thus far has refused, to officially notice any diversion of district property tax revenues to charter schools on the county tax notices, so **the public is kept in the dark with no official notice on county tax notices. SB38 provides no remedy to that problem.**

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 as they are by local school district boards.**
- 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.**

SB43 Firearm Safety and Violence Prevention in Public Schools – T. Weiler, D. McCay

Creates a pilot program to provide instruction by certified firearms instructors, to public school students in grade 8 on firearm safety and violence prevention. Directs the Board to work with the Attorney General’s office to select a provider to supply materials and curriculum for the instruction through a standard procurement process. Instruction shall include firearm safety, what to do if the student becomes aware of a threat against the school, and active shooter preparedness. A student may not be

given the instruction unless the student's parent or legal guardian has given prior written consent. The Attorney General's office, in collaboration with the Board, shall evaluate the pilot program and report to the Law Enforcement and Criminal Justice Interim Committee on or before December 1, 2018. Sunsets the pilot on July 1, 2019.

Request: \$75,000 from General Fund, one-time to Attorney General

<http://le.utah.gov/~2016/bills/static/SB0043.html>

NO ACTION

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

Background

When a student is absent from school, school teachers and administrators work with the student and his/her parent to help the student catch up on learning concepts and to help the student improve toward on-time, regular attendance. This is a time-consuming but worthwhile effort to help every child succeed.

When a student is absent for 10 consecutive days or more due to illness, or is homebound due to illness or other incapacity, districts assign a homebound teacher to that child so their school studies do not suffer. When parents ask to have their children excused from school for an extended activity/travel/vacation, school districts accommodate that need as well. **All of these accommodations occur even as Utah has a compulsory attendance law in place. That law presumes that a parent is the one in control of their children and can best see to their on-time, regular attendance.**

A truant is a different matter. State Board rule 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) No school takes truancy action with any student unless and until they are unable to resolve attendance problems in reasonable ways by meeting with parents and students to help them with their needs. Indeed, Utah law requires school personnel to observe that the parent is "recklessly" or "intentionally" failing to meet with them and failing to prevent further absences from school and documentation to this effect is required by the courts if court action is deemed necessary.

(See <http://le.utah.gov/xcode/Title53A/Chapter11/53A-11-S101.5.html?v=C53A-11-S101.5> 1800010118000101)

When multiple reasonable efforts by school personnel are exhausted or ignored, and the student continues to miss school, the student is considered truant and it becomes necessary to use the weight of law to help parents and students focus on school attendance, per Utah law.

Our Concern

This bill is in conflict with the Utah compulsory attendance law as it negates the ultimate parental responsibility for regular school attendance by their children. In the 2014-15 school year, there were 171 truancy cases that resulted in a fine and 20 truancy cases wherein the parents were incarcerated for not ensuring their children attended school. None of these truancy cases occurred until long after

school personnel had tried to work closely with parents and their children to attend school regularly. **The state will need to decide, through this bill, whether school attendance should be compulsory or whether it is recommended only, leaving parents free of the ultimate responsibility.**

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

PASSED

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>

SUPPORT

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>

SUPPORT

SB68 Property Tax Changes – W. Harper, K. Ivory

Provides for a property tax exemption for property that is leased to government entities. “Eligible personal property” means machinery and equipment with an economic life of three or more years.

“Long-term lease” means a lease with a term of one year or more. Eligible personal property is exempt from taxation when it is leased to the state, a school district or charter school, a public library, a county, a town, a local district, a special service district, or any other political subdivision of the state. A claimant shall apply annually for the exemption. This bill requires a Constitutional amendment (SJR 3) and if passed, takes effect on January 1, 2017.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0068.html>

OPPOSE

School districts and other schools that own their property are already exempt from the payment of property taxes as are government buildings owned by the state or local political subdivision. This bill seems to be targeted for allowing a property tax exemption for for-profit charter school management companies who own land and buildings of charter schools but lease them to charter school operators. This bill would allow for that leasing arrangement to be property-tax exempt. This bill will increase the profit margin of private for-profit charter management companies.

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

School districts already work well with local community services/agencies as a matter of effective coordination. But local school boards have now, and must maintain statutory 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. No other controls should be legislated over school site alterations and construction. The public holds their local school board members accountable for this good communication and oversight through elections. If this bill is primarily focused on charter schools, then please narrow the bill to address the charter school concerns.

SB87 Administrative Rulemaking Act Modifications – H. Stephenson

With the exception of the State Board of Education, an agency shall hold a public hearing on a proposed rule if the public hearing is required by state or federal mandate or a public hearing is requested by another state agency that has at least 10 members. Stipulates some hearing requirements. The exception of this section is applicable if before filing a proposed rule with the division, the State Board discussed the proposed rule at a meeting that is open to the public (Open and Public Meetings Act), accepts public comment on the proposed rule at the meeting and makes the proposed rule available to the public on the State Board's website at least seven days before the day on which the State Board holds the meeting.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0087.html>

OPPOSE

The process of administrative rule-making is challenging to ensure rules comply with law and are judicious and ready for implementation in an efficient and effective manner. All administrative agencies in the state provide a process by which this occurs; but the process may not be perfect and may have overlooked important details for implementation. Public education overseen by the State Board is the most legislated area of the state, with over 150 bills presented every year that affect public education. Rule-making for those laws is an arduous and oftentimes rushed effort, given the constraints of implementation deadlines written into law. Rules created by the State Board affect over 600,000 students and must be carefully construed and reviewed by those who must implement the laws. To this end, no part of due process for hearing and amending such rules by the State Board ought to be given a short cut. Careful deliberation demands careful due process. This bill would only enhance the rush of the rule-making process by the State Board.

SB91 S2 Board of Education Amendments – L. Hillyard

The State Board may enforce Title 53A, State System of Public Education. An "education entity" is an entity that receives a distribution of state funds through a grant program managed by the board, an entity that enters into a contract with the board to provide an educational good or service, a school district, or a charter school. The board may make rules to execute the board's duties and responsibilities under the Utah Constitution and state law. In executing its authority, the board may require corrective action agreements, withhold funds, require penalty of payment, or require reimbursement, as needed. The board shall make rules that require notice and an opportunity to be heard for an education entity affected by board action. The board shall report criminal conduct to the district attorney. The board may audit the use of state funds by an education entity that receives those state funds. If an LEA contracts with a third party contractor for an educational good or service, the LEA shall require in the contract that the third party contractor shall provide, upon request of the LEA, information necessary for the LEA to verify that the educational good or service complies with 53A and board rule. The board may appoint an attorney to provide legal advice to the board and coordinate legal affairs for the board and the board's employees but may not conduct litigation or settle claims covered by Risk Management.

Request: \$0

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

NO ACTION

SB93 S1 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. Provides incentives for an educator to earn a computer science endorsement. Provides for competitive grants to LEAs for face-to-face mentoring, coaching, or training, creating a stackable sequence of credentials, or conducting student outreach, recruitment, and retention efforts. LEAs may enter into an agreement with one or more school district, charter school, employer, and institution of higher education or a non-profit organization. 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: \$770,000 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>

NO ACTION

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>

NO ACTION

SB99 Financial Transparency for Political Subdivisions – D. Henderson, C. Hall

Removes the size and budget threshold for local government participation in the Utah Public Finance Website, thus, it includes participation by all school districts and charter schools. A participating local entity that makes public financial information accessible via the Utah Public Finance Website in 2016 and that was not previously required to make financial information accessible via the website shall permit information that is generated on or after the first day of the participating local entity's fiscal year that includes May 10, 2016, to be accessible via the website.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0099.html>

SUPPORT

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 an 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 a 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>

SUPPORT WITH COMMENTS

- **Given that the home-based program is utilizing state dollars, we would expect that the standards for home-based programs are the same as those required of state-based programs.**
- **Using the Education Fund that funds K-12 programs is inappropriate for this preschool program. This bill should be funded only through the General Fund.**
- **We fully support the concepts in this bill, however, our first funding priorities for FY17 are:**
 1. **Fully fund enrollment growth for FY17 and the shortages from FY16**
 2. **Provide at least a 4.5% WPU increase to keep current operations steady (addressing expected increases in retirement, insurance, etc.) and to begin to address the quality teacher shortage which is affecting every district in the state.**
 3. **AFTER the first two priorities are funded, we support funding for (not necessarily in this order):**
 - **Grants for Professional Development (HB28)**
 - **Optional, Extended-Day Kindergarten (HB42)**
 - **Digital Teaching and Learning (HB277)**

After all of the above priorities are funded for the K-12 program, we would support the funding of SB101 for preschool, but only out of the General Fund.

SB103 S1 Strategic Workforce Investments – A. Millner, V. Peterson

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: \$5,000,000 from the Education Fund for eligible partnerships that submit a proposal to the Department of Administrative Services and \$50,000 from the General Fund to the Governor's Office of Economic Development.

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

NO ACTION

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>

SUPPORT

SB120 Property Tax Notice Amendments – H. Stephenson, D. McCay

For purposes of the advertisement used to provide notice of a proposed property tax increase, "ad valorem tax revenue" means ad valorem property tax revenue not including revenue from new growth. "Last year's property tax budgeted revenue" does not include revenue received by a taxing entity from a debt service levy voted on by the public. The bill has retrospective operation to January 1, 2016.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0120.html>

SUPPORT

SB125 After-School Programs Amendments – L. Escamilla

Requires the State Board, in consultation with Workforce Services, to make rules that describe high quality standards for programs for elementary and secondary students that operate outside of the regular school day and offered by a school district, charter school, private provider, including a non-profit, or municipality. Specifies what standards should be required. Creates a grant program, subject to legislative appropriations, that provides for after school programs. Stipulates grant application required elements.

Request: \$500,000 from Education Fund

<http://le.utah.gov/~2016/bills/static/SB0125.html>

HOLD FOR FURTHER INFO

SB131 S1 Utah College of Applied Technology Governance – S. Urquhart

Renames the president of UCAT to director. The director shall have a master's degree or more advanced degree. Amends the duties of the director who serves as the board of trustees' chief executive officer. Amends the board of trustees' duties to include:

- Select and set the salary of the UCAT director in cooperation with a college campus board of directors
- Prescribe the duties of the director

The director is responsible to the board of trustees to ensure that policies and program of the board of trustees are properly executed, including specifically, to ensure that a secondary student has access to career and technical education through a college campus in the student's service region, and develop strategies for providing career and technical education in rural areas, considering distances between rural career and technical education providers.

The board of trustees is composed of 15 members appointed by the governor with the consent of the Senate, with one member representing each college campus, selected from at least two nominees presented to the governor by the board of directors of each college campus, and seven members appointed at large considering geographical representation, and current and emerging business and industry. To transition to the new board of trustees requirement, the governor shall appoint a replacement for a member who was appointed to the board of trustees on or before May 10, 2015 and when the member's current term expires.

Appointments shall be staggered and shall be made by soliciting the college campus's board of directors to nominate at least two individuals for the position and selecting from among nominees. A newly appointed member shall serve until June 30, 2019. Appointments shall be made on a nonpartisan basis and may not be reappointments. A member of the board of trustees may not hold office for more than two consecutive full terms. Upon a vacancy, the governor shall appoint a replacement. The board of trustees shall establish policy for appointing a campus president that requires a search committee that shall include an equal number of board of trustee members and members from the campus board of directors, and may include college campus faculty, students, or other individuals. Makes other selection requirements and requires that the vote to appoint be held in a meeting that complies with the Open and Public Meetings Act. If the board of trustees intends to appoint an interim or acting director during a leave of absence of the director, the board of trustees shall appoint the interim or acting director with the consent of the Senate. An individual may not serve on the board of trustees and a college campus board of directors at the same time.

Request: \$0

NO ACTION

SB139 Board of Education Approval Amendments – H. Stephenson

Directs the State Board to designate an employee to engage in on-site monitoring, monitoring courses for teacher preparation programs, working with course instructors on their programs, interviewing students admitted to teacher preparation programs, and acting as a liaison between the Board, local school boards or charter governing boards and representatives of teacher preparation programs. Report to the Board the employee's findings and recommendations for the improvement of teacher preparation programs. The Board shall consider recommendations and create standards/rules related to those programs.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0139.html>

NO ACTION

SB143 Competency-based Learning Amendments – H. Stephenson

Establishes the Competency-Based Education Grants Program. The grant program shall incentivize an LEA to establish a competency-based education through the use of personalized learning, blended learning, extended learning, and educator professional learning in competency-based education. The Board shall establish a grant application process to include a review committee that adopts metrics to analyze the quality of a grant application. The review committee shall consist of STEM and blended learning experts, current and former school administrators, teachers, and at least one former school district superintendent. The Board shall establish outcome-based measures appropriate to the type of grant that is awarded to an LEA. Applying LEA's must attend a board-supportive technical assistance training. Lists several requirements for successful grant applications. Provides for expansion grants. An

LEA may apply to the Board for waivers of board rule that inhibit the accomplishment of its goals. An institution of higher education shall recognize and accept on equal footing a high school diploma awarded to a student who successfully completes an educational program that uses competency-based education. If a student transfers from a competency-based school to one without such a program, the student may not be penalized by being required to repeat a course that has already been completed.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0143.html>

HOLD FOR FURTHER INFORMATION

SB145 Property Taxes on Former Prison Property – L. Fillmore

Requires a county collecting property taxes on former prison property that is transferred into private property to transmit those taxes to the state treasurer no later than Feb. 1st of each year, for the immediately preceding tax year on developing property, if that tax year is a collection year. The treasurer shall deposit the funds into the General Fund to pay for infrastructure required as a result of the development of the property. "Collection year" means a tax year any part of which falls within the period of 20 years immediately following the date on which any part of the former prison property is transferred into private property.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0145.html>

NO ACTION

SB149 S1 School Grading Modifications – A. Millner

For the 2015-16 school year, changes the percentages of the range of points a school may earn for a designated grade to:

For a school that is not a high school:

A = 66-100%

B = 53-65%

C = 41-52%

D = 32-40%

F = 31% or less

For a high school:

A = 66-100%

B = 53-65%

C = 45-52%

D = 42-44%

F = 41% or less

For each school year after the 2015-16 school year, the endpoints of the ranges shall increase by at least two percentage points over the previous school year, until the lower endpoint of the A range equals 90%. Leaves in place the requirement of student participation at 95% or, if not, a penalty affixed.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0149.html>

NO ACTION

SB151 S1 Community Development and Renewal Agencies – W. Harper, S. Handy

Creates a financial tool through the private sector in the form of tax credits through a community reinvestment agency. Provides for the agency to fund a community reinvestment project area with tax increment or sales and use tax revenue that is subject to an interlocal agreement. Requires the agency to conduct a blight study and determination. According to Tom Christopulos, CED Director of Ogden City who helped co-write the bill, "the primary purpose of the bill is to facilitate development in highly blighted areas while reducing the need for long term tax increment districts. While districts will still be needed in housing areas the term of investment can be significantly lowered through private sector

investment. Without some equity offset to heavily blighted areas it would require very long term TIF districts. The bill brings more resources to bear for the tax entity members and induces the private sector to cover the heavy front end costs of residential redevelopment.”

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0151.html>

NO ACTION

SB152 Accelerated Foreign Language Course Amendments – H. Stephenson

Requires the University of Utah to partner with all state universities to develop age-appropriate upper division concurrent enrollment courses for accelerated foreign language students who have passed a world language advanced placement exam and is in grade 10, grade 11, or grade 12. Courses shall be delivered through a blended learning delivery model.

Request: \$300,000 to the University of Utah

<http://le.utah.gov/~2016/bills/static/SB0152.html>

SUPPORT WITH COMMENTS

Like all concurrent enrollment courses, would like faculty members from higher education and high schools to be able to provide instruction.

SB163 Kindergarten Age Exception Amendments – H. Stephenson

Requires the state board to make rules that provide for a school district or charter school to enroll in kindergarten a student who is younger than five years old on September 2 or the year the child seeks to enroll if, 1) the child turns five on or before December 31 of that year, 2) the child’s parent or guardian requests to enroll the child, and 3) the LEA determines that the child is ready for kindergarten based on the child’s score on a kindergarten entry assessment, and other factors related to kindergarten readiness, as determined by the LEA in accordance with state board rules. An LEA may charge a parent or guardian a fee to administer the assessment. If both SB163 and HB42 pass and become law, the intent shall read as follows: “A school district or charter school shall use the kindergarten entry assessment developed by the State Board of Education for the assessment described (herein).”

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0163.html>

OPPOSE

The current kindergarten entry age requirement in the state is at least five years of age before September 2nd of the year in which admission is sought. We have two strong objections:

- 1. Kindergarten assessments used in schools now and in past years require a one-on-one assessment by the kindergarten teacher. This is likely to be the case with a future kindergarten assessment used statewide. Such assessments are time-intensive and require at least one hour per child. The bill also requires “other factors” related to kindergarten readiness, which signals additional assessment, observation, artifacts, etc. This is all very time-intensive when the kindergarten teacher is already working with full classrooms of students, most for two sessions each day. And, in addition, reporting and discussing assessment results with requesting parents/guardians will take time if done well. This is far more than any one kindergarten teacher can handle, on-demand-by-request. A fee will not suffice for the time it will take to make this an effective entry model.**
- 2. If other states’ experience and our own state history are true predictors, this bill will not allow only for exceptions, but will become the new age rule of kindergarten entry. The USOE’s tally of kindergarten students from the latest available year, the 2014-15 school year, was 48,366 for both district and charter schools. (<http://www.schools.utah.gov/data/Superintendents-Annual-Report/2015.aspx>) Estimating the additional children born in September-December would another 24, 183 students, a new enrollment that is not anticipated in the capacity of current facilities, not to mention kindergarten teacher preparation, which teachers are already in short supply. If the**

state chooses to allow four-year-olds to enter kindergarten in September, Utah parents should be consulted well ahead of the policy shift, and it must be anticipated for capacity in buildings and teacher preparation long before a bill is enacted.

SB165 Public Education Appointment and Hiring – H. Stephenson

A local school board shall obtain approval from the principal of each school where a school district employee will perform work before the local school board may enter into a contract with an individual to become a school district employee, or before the local school board can transfer a school district employee to the school.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0165.html>

OPPOSE

This bill would grant authority to an employee of a local school district over that employee's own employing board. Concerns about employee hiring and placement are local issues, best handled by local school boards.

SB168 Property Tax Revisions – C. Bramble

Defines "real estate developer" as one who is licensed and is a developer as the person's primary business, and who owns five or more lots or commercial pads that are or will be developed for sale to the public in any calendar year. A real estate developer may seek a deferral of property taxes through an application with the county wherein the property is held. The application shall include a signed statement with a description of the real property, the value of the real property for the current year, the amount of delinquent taxes, interest, and penalties applicable to the real property, the amount proposed to be deferred, all the owners of the real property, and evidence that the applicant's primary business is the development of real property for sale to the public. If the county finds good cause exists to extend the deadline, the county shall defer any tax levied on real property that is owned by a real estate developer that complies with the application process. The deferral of taxes is from Jan. 1 immediately preceding the date on which the county defers the tax and ending the sooner of the date the developer sells the property or Dec. 31 of the year that is five years after the beginning date. Taxes deferred by the county accumulate with interest as a lien against the property until the period of deferral ends. Deferred taxes bear interest at an interest rate equal to the lesser of 6% or the federal funds target rate that exists on Jan. 1 immediately preceding the day on which taxes are deferred. The amount deferred together with the accrued interest shall be due and payable when the property is sold or otherwise conveyed. A county may grant only one deferral for each lot or pad for which the deferral is sought.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0168.html>

SB176 Office of the State Board of Education Employment Amendments – H. Stephenson

On or after May 10, 2016, the state board or the superintendent may not promote, transfer, or increase the pay of an employee of the board, unless the employee is or agrees to become an employee designated as schedule AE. Schedule AE removes employees of the board from career service status and exempts them from career service provisions. Career service status provides due process. Lack of career service status makes employees "at will."

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0176.html#67-19-15>

SB191 School Turnaround and Leadership Development Act Amendments – A. Millner

Final remedial year means the second school year following the initial remedial year. “Statewide assessment” means a test of student achievement in basic academic subjects (omitting English language arts, mathematics, or science). The board shall annually designate a school as a low performing school by September 1 rather than August 15. On or before September 15 (was October 1) of an initial remedial year, a local school board of a low performing school shall establish a school turnaround committee. On or before September 10 (was August 20) of an initial remedial year, a charter school authorizer of a low performing school shall initiate a review to determine whether the charter school is in compliance with its charter agreement. The remainder of pay due to an independent school turnaround expert shall follow their work for the low performing school if the independent school turnaround expert fulfills the terms of the contract, and the low performing school’s grade improves by at least one letter grade, as determined by the board. The board may use up to 4% of the funds appropriated by the legislature to carry out the provision of this program if the amount of the administration is approved by the board in an open meeting. A low performing school may petition the board for an extension to continue school improvement efforts for up to two years if the school’s grade does not improve by at least one letter grade. The board shall calculate measures of improvement. Rewards for eligible schools will be based on letter grades received.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SB0191.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**

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>

SUPPORT

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.

SJR3 Proposal to Amend Utah Constitution – Property Tax Exemptions – W. Harper, K. Ivory

Directs the Lt. Governor to submit the proposal to voters with a contingent effective date of January 1, 2017. The resolution proposes to amend the Utah Constitution to allow property leased by the state or by a political subdivision of the state to be exempt from property tax, as provided by statute.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SJR003.html>

OPPOSE

This resolution is the companion to SB68 Property Tax Changes.

School districts and other schools that own their property are already exempt from the payment of property taxes as are government buildings owned by the state or local political subdivision. This bill seems to be targeted for allowing a property tax exemption for for-profit charter school management companies who own land and buildings of charter schools but lease them to charter school operators. This bill would allow for that leasing arrangement to be property-tax exempt. This bill will increase the profit margin of private for-profit charter management companies.

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>

SUPPORT

SJR14 Joint Resolution on Teacher Licensure Standards for the Twenty-First Century – L. Fillmore

Urges the State Board to reevaluate teacher licensure standards to better prepare new teachers for classroom teaching in the twenty-first century. Urges the board to reevaluate standards and take other action related to student teaching experience and report to the Legislature on recommendations and actions taken in response to this resolution. Resolution emphasizes instructional technology, more direct classroom involvement during the student teaching experience, potential increase in number of required student teaching hours, and to formalize procedures for the student teaching experience by requiring written agreements between participating entities.

Request: \$0

<http://le.utah.gov/~2016/bills/static/SJR014.html>

NO ACTION