

PUBLIC EDUCATION SUMMARY

2011 General Session of the Utah Legislature



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250 East 500 South P.O. Box 144200 Salt Lake City, UT 84114-4200 Larry K. Shumway, Ed.D., State Superintendent of Public Instruction

www.schools.utah.gov

2011 GENERAL SESSION SUMMARY OF LEGISLATION

House Bill 02 (S2) Minimum School Program and Public Education Budget Amendments (Newbold – Buttars)

This bill restores cut funding and provides changes to both budgetary and program administration for public education. Budgetary changes include: **increase in value of WPU to \$2,816, bifurcation of WPU value for Special Education and CTE Add-On programs;** restores funding for Administrative Costs and Charter School Administration; consolidates extended year for special educator funding into Special Education – State Programs line item; earmarks funding for technology RFPs, gang prevention program, and IB; provides additional funding to Carson Smith Scholarships, UPSTART; restores funding to Regional Service Centers, USOE, Imagine Learning, and Teacher Supply money; funds Utah Common Core, a sixth grade math assessment program, and a playground for Utah Schools for the Deaf and the Blind (USDB); and, sets enrollment growth for charter schools at 7,100 for 2013. Program changes include: **U-PASS testing grants, K-3 Reading Program to allow for computer-assisted instructional learning, and a redesign of Optional Extended-day Kindergarten (OEK) into an Early Intervention Program.**

USOE/State Board Action:

Amend rule for distribution of funds for youth in state custody; amend rule on distribution of U-PASS grants; update rule on educator additional days funding; amend rule on K-3 Reading fund distributions; amend rule on teacher supply money; create rule on online delivery of U-PASS for large districts; make recommendations to eliminate reports required in statute or board rule; prepare RFPS for computer-assisted instructional learning and assessment for K-3 Reading Program and adaptive learning technology and assessment for Early Interventions.

District/Charter School Action:

NONE

Funding:

Appropriates \$318,476,909 to public education.

Effective Date:

July 1, 2011 - State Board intends to amend R277-403 at their April 2011 Board Meeting. State Board intends to amend R277-459 at their April 2011 Board Meeting. State Board intends to amend R277-709, 710, 711, and 712 at their May 2011 Board Meeting.

USOE Contact:

Todd Hauber, 801-538-7514, todd.hauber@schools.utah.gov

**House Bill 40 (S1) Bonding Requirements for Government Officials
(Wilcox – Liljenquist)**

This bill eliminates the requirement for School Business Administrator (53A-3-302 – Business Administrator – Term – Oath) and other school board officers (53A-3-302 – Other board officers) to be bonded.

USOE/State Board Action:

NONE

District/Charter School Action:

If current Board policies reflect the need for these individuals to post bonds (be bonded), districts may wish to update such policies.

Funding:

No funding needed.

Effective Date:

May 10, 2011

USOE Contact:

Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**House Bill 50 School Termination Procedures Modifications
(Menlove – Stephenson)**

This bill amends the Utah Orderly School Terminations Procedures Act by clarifying that a school district and USDB do not have to provide cause for non-renewal of a provisional employee contract (53A-8-104 – Dismissal Procedures). This bill also revises other minor provisions of 53A-8-104.

USOE/State Board Action:

NONE

District/Charter School Action:

Districts will want to assure that local board policies are consistent with the changes in the Code.

Funding:

No funding needed with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Carol Lear, 801-538-7835, carol.lear@schools.utah.gov

**House Bill 54 (S3) Electronic Communications in Public Meetings
(Powell – Hillyard)**

Original versions of this bill outlined when electronic communications could be used in public meetings. The enrolled bill simply allows for a member of a public body to transmit an electronic message to other members of a public body at a time when the public body is not convened in an open meeting.

USOE/State Board Action:

NONE

District/Charter School Action:

NONE

Funding:

No funding needed.

Effective Date:

May 10, 2011

USOE Contact:

Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**House Bill 75 (S1) Dangerous Weapons Amendments
(Oda – Hinkins)**

This bill has two separate sections. First, the bill allows for an enhanced penalty if a weapon is used in a crime on school grounds or within 1,000' of any school. Second, the bill modifies the definition of "on or about school premises" to include private institutions of higher education, any portion of a building where a child care operation is being held, and deletes buildings, parks, stadiums, or grounds where a school activity is held. Criminal enhancements of weapons penalties will apply in more limited areas than previously.

USOE/State Board Action:

NONE

District/Charter School Action:

NONE

Funding:

No funding needed.

Effective Date:

May 10, 2011

USOE Contact:

Carol Lear, 801-538-7835, carol.lear@schools.utah.gov

**House Bill 83 Charter School Revolving Account
(Hughes – Niederhauser)**

This bill removes the sub-account currently under the School Building Revolving Account and creates a dedicated account titled the Charter School Revolving Account. All of the assets from the sub-account are moved into the new account.

USOE/State Board Actions:

The State Board of Education needs to modify the existing rule to conform the rule to the account title change in the bill. USOE needs to revise charter school revolving loan application to reflect the changes in statute specific to the permitted uses of funds and coordinating language with new language in UCA 53A-1a-522.

District/Charter School Action:

NONE

Funding:

Existing funding for this program continues.

Effective Date:

May 10, 2011

USOE Contact:

Sean B. Thomas, 801-538-7802, sean.thomas@schools.utah.gov

**House Bill 87 School Finance Amendments
(Newbold – Bramble)**

This bill increases the voted and board leeway state guarantee multiplication factor (0.010544) each year by 0.0005 times the value of the prior year's weighted pupil unit. For FY11, the state guarantee is \$25.25. Because statute states that the amount will be indexed each year to the value of the weighted pupil unit by making the value of the guarantee equal to 0.010544 times the value of the prior year's weighted pupil unit, the state guarantee for FY12 would be \$27.17. That would increase the state appropriation for the voted leeway from \$43,260,692 to \$63,068,960 and the board leeway from \$14,667,456 to \$18,223,888. The estimate for FY13, leaving everything constant (i.e., number of WPUs, prior year value of the WPU, and assessed valuations), the state guarantee would go to \$28.46 - increasing the state appropriation for voted leeway to \$73,999,955 and \$21,304,308 for the board leeway state guarantee. But those costs could very easily rise as the number of WPUs increase and the assessed valuations change.

USOE/State Board Action:

NONE

District/Charter School Action:

NONE

Funding:

This bill establishes the guarantee rates for the voted and board leeway programs. These rates may not be realized in any given year if full funding for the program is not appropriated by the Legislature.

Effective Date:

May 10, 2011

USOE Contact:

Cathy Dudley, 801-538-7667, cathy.dudley@schools.utah.gov

**House Bill 92 (S1) Public Education Regional Service Centers
(Last - Okerlund)**

This bill allows for and strongly encourages school districts to form Regional Service Centers in accordance with the Interlocal Cooperation Act. A regional service center formed by an interlocal agreement may receive legislatively appropriated funds and other funding in addition to legislative appropriations.

The State Board of Education shall make rules regarding regional service centers to include: (1) the distribution of appropriations, (2) designation of service centers as agents to distribute UEN services, and (3) designation of regional service centers as agents for coordination of public and higher education services.

A charter school may enter into a contract with a regional service center to receive education related services

USOE/State Board Action:

Make rules regarding eligible regional service centers.

District/Charter School Action:

Form regional service centers through interlocal agreements. (Technically, interlocal agreements need to be formed before funds may be distributed.)

Funding:

Funding for regional service centers is not part of this bill. Centers are funded in HB 02.

Effective Date:

May 10, 2011 - State Board intends to establish R277-706 (new) at their April 2011 Board Meeting.

USOE Contact:

Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**House Bill 98 Capital Outlay Funding Modifications
(Watkins – Okerlund)**

This bill does two things. First, it limits the spending of a maximum of 0.0002 per dollar of taxable value of the capital outlay levy for the maintenance of facilities in districts with an enrollment of 2,500 students or more. Second, it allows districts with less than 2,500 students to continue to use funds derived from the local school board’s capital outlay levy for certain maintenance and operation expenses in **fiscal years 2011-2012, 2012-2013, and 2013-2014**. As per legislation in 2010, all districts have this flexibility for the 2011-2012 school years and now this flexibility is extended for two additional years for those districts with less than 2,500 students.

USOE/State Board Action:

USOE may need to make adjustments to the Annual Financial Report (AFR) to collect accurate data on these transfers of expenditures.

District/Charter School Action:

Districts that choose to use this flexibility should assure that all associated requirements are met. These requirements include notification of the school board’s use of capital outlay levy funds for general purposes:

- a. Prior to the board’s budget hearing, **and**
- b. At the budget hearing.

Funding:

No funding needed with this legislation.

Effective Date:

May 10, 2011 – This bill also allows for certain transfers of funds for qualifying districts for the 2011-2012, 2012-2013, and 2013-2014 school years.

USOE Contact:

Cathy Dudley, 801-538-7667, cathy.dudley@schools.utah.gov

**House Bill 106 (S1) Electronic Meetings Revisions
(Daw – Urquhart)**

This bill allows for charter schools to establish a pilot program to conduct electronic meetings. Charters wishing to participate should closely follow the guidelines for the Electronic Meetings for Charter Schools Pilot Program found in this legislation and in Utah Code Section 52-4-209 including notice and posting of notice.

USOE/State Board Action:

NONE

District/Charter School Action:

Charter schools only may participate in the pilot program and must be prepared to report to the Public Utilities and Technology Interim Committee by October 1, 2011.

Funding:

No funding needed with this legislation.

Effective Date:

May 10, 2011 – Report is due by October 1, 2011.

USOE Contact:

Marlies Burns, 801-538-7817, marlies.burns@schools.utah.gov

**House Bill 110 (S1) Teacher Salary Supplement Program Amendments
(Poulson – Morgan)**

This bill requires the Department of Human Resource Management (DHRM) to establish and administer an appeal process for a teacher who applies to the program whereby their course credits can be evaluated against the program guidelines to determine if they are substantially equivalent courses.

USOE/State Board Action:

Provide to DHRM course descriptions, degree requirements, and other information that will allow DHRM to determine, through an appeals process, if a non-major degree and a degree major are substantially equivalent.

District/Charter School Action:

Additional employees may qualify as the result of the appeals process.

Funding:

Additional funding was appropriated to DHRM for the Teacher Salary Supplement Program.

Effective Date:

May 10, 2011

USOE Contact:

Todd Hauber, 801-538-7514, todd.hauber@schools.utah.gov

**House Bill 116 (S3) Utah Immigration Accountability and Enforcement Amendments
(Wright – Reid)**

This bill, often referred to as the “guest worker” legislation, establishes provisions concerning immigration and the employment of undocumented workers.

USOE/State Board Action:

Identify an English language proficiency assessment and a score equivalent to the intermediate level for secondary school students. The undocumented worker must pay to

take the assessment. The assessment currently being used, World-Class Instructional Design and Assessment (WIDA), is not normed for adults.

District/Charter School Action:

NONE

Funding:

No funding appropriated to USOE with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**House Bill 138 (S1) Federal Receipt Reporting Requirements
(Ivory – Niederhauser)**

This bill requires the reporting of federal receipts by the Utah State Office of Education, school districts, and charter schools. It also requires the State Office of Education to develop plans as to how the agency would operate if there were certain reductions (5% and 25%) in federal funding.

USOE/State Board Action:

Prepare a report that includes federal funds received by each district and charter, federal funds appropriated to each district and charter by the Legislature, and percentage of each district and charter's budget that constitutes federal receipts.

Prepare a plan and submit it to the Division of Finance on how the Utah State Office of Education would operate if there is a reduction of 5% and a reduction of 25% or more in federal receipts designated for USOE.

District/Charter School Action:

If all federal receipts are not accounted for in reports currently submitted to USOE, submit such information.

Funding:

No funding associated with this legislation.

Effective Date:

May 10, 2011 – USOE report is due by October 1 of each year.

USOE Contact:

Todd Hauber, 801-538-7514, todd.hauber@schools.utah.gov

**House Bill 145 Public School Privacy Amendments
(Eliason – Liljenquist)**

This bill requires the State Board of Education to establish public school student confidentiality standards, then develop and make available to districts and charters resource materials that may be used in training employees, volunteers, and students on established confidentiality standards

USOE/State Board Action:

Set confidentiality standards in rule, develop resource materials, and provide resource materials to districts and charters.

District/Charter School Action:

Local districts and charters **may** adopt policies related to confidentiality of student information and **may** provide training using the State Board developed materials.

Funding:

No funding associated with this legislation.

Effective Date:

May 10, 2011 – USOE will have training materials prepared prior to September 1, 2011. State Board intends to establish a new rule on confidentiality at their June 2011 Board Meeting.

USOE Contacts:

Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**House Bill 152 (S1) School Community Councils Amendments
(Wright – Dayton)**

This bill makes several changes to School Community Councils and gives the State Board of Education authority to withhold School LAND Trust Program funds if schools do not comply with certain requirements.

USOE/State Board Action:

Upon receipt of findings of an audit conducted by the Legislative Auditor General, the State Board of Education may recommend that School LAND Trust Program monies be reduced or eliminated if a school has failed to comply with requirements in Section 53A-1a-108 – School community councils authorized – Duties – Composition - Election procedures and selection of members.

District/Charter School Action:

Schools should carefully review Utah Code Section 53A-1a-108 to assure that they are in compliance with this Section. Amended (new) items to be noted concerning school community councils include:

1. Parent or guardian member includes a parent who has a student:
 - a. Attending the school;

- b. Will attend the school during the parent/guardian's term of office; or
 - c. Was enrolled at the school during the parent/guardian's initial term of office. If the student was enrolled during the initial term of office, the parent may serve up to three successive terms even though the student is no longer enrolled in the school.
2. Parent or guardian members may not include an educator (Section 53A-6-103 – holds a license) if the educator is employed by the district in which the school is located unless the employment does not exceed an average of 6 hours per week (basically more than 1 hour per day).
 3. School or district administrators may not prohibit or discourage a school community council from discussing almost any issue or offering advice or recommendations regarding the school or its programs.
 4. Elections for parent/guardian members shall (in addition to previous requirements):
 - a. Have a voting period open for three consecutive school days; and
 - b. Commence no later than 30 days after the first day of the school year.
 5. At least one co-chair or the chair if there is a chair and vice chair, must be elected from the parent or guardian members.
 6. The school board shall give (not make available) each community council member a copy of:
 - a. Utah Code Section 53A-1a-108 – School community councils authorized – Duties – Composition – Election procedures and selection of members;
 - b. Utah Code Section 53A-1a-108.5 – School improvement plans; and
 - c. Utah Code Section 53A-16-101.5 – School LAND Trust Program – Purpose – Distribution of funds – School plans for use of the funds.
 7. Each school's principal shall provide (as part of the School LAND Trust application) a signed, written assurance that (a) membership is consistent with 53A-1a-108; and (b) members were elected consistent with 53A-1a-108.
 8. As noted above in USOE action, compliance with membership and election is subject to a Legislative audit and audit findings may result in reduction or elimination of School LAND Trust Program money to the district or charter.

Funding:

No funding is appropriated with this legislation.

Effective Date:

May 10, 2011 – School Community Council elections that are scheduled to be held after May 10, 2011, will need to be held after the beginning of the new school year and in accordance with the provisions of this bill. State Board intends to amend R277-491 at their April 2011 Board Meeting.

USOE Contact:

Margaret Bird, 801-538-7533, margaret.bird@schools.utah.gov
Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**House Bill 172 Service Animal Amendments
(Grover – Dayton)**

This bill aligns the definition of “service animal” with federal code and regulation definitions. A “service animal” is a dog only, that is trained or in training to perform specific tasks for an individual with a disability.

USOE/State Board Action:

NONE

District/Charter School Action:

NONE

Funding:

No funding is needed with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**House Bill 183 (S1) School District Leave Policies
(Grover – Dayton)**

This bill impacts only those districts that currently allow paid leave for certain association activities or that may choose to allow such leave in the future.

USOE/State Board Action:

NONE

District/Charter School Action:

Districts should assure that district policy is consistent with Section 53A-3-425 and that procedures are consistent with district policy. Districts with current policies that allow for association leave may continue to allow for up to 10 days of association leave before requiring reimbursement. Beyond the 10 days allowed for those with current policies permitting association leave, any paid leave must be consistent with permissible and non-permissible activities outlined in Section 53A-3-425.

Funding:

No funding is needed with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Carol Lear, 801-538-7835, carol.lear@schools.utah.gov

**House Bill 195 Debt Services Obligations of a Divided School District
(Sumsion – Dayton)**

This bill changes the way debt service obligations are treated in a divided school district. For “New Districts” created after March 10, 2011, there are three possible outcomes: 1) if the “Remaining District’s” total assessed valuation grows at a faster rate over time than the “New District’s” total assessed valuation, HB 195 shifts debt service property tax burden from the “New District” to the “Remaining District” over time; 2) if the “New District’s” total assessed valuation increases at a faster rate over time than the “Remaining District’s” total assessed valuation, HB 195 shifts debt service property tax burden from the “Remaining District” to the “New District” over time; 3) if the “Remaining District” and the “New District” grow at the same rate over time, there is no fiscal impact from HB 195.

Note: A separate explanation will be prepared that will address HB 195, HB 262, and HB275.

USOE/State Board Action:

NONE

District/Charter School Action:

NONE

Funding:

No funding needed with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Sean Thomas, 801-538-7802, sean.thomas@schools.utah.gov

**House Bill 199 Advertisements on School Buses
(Bird – Waddoups)**

This bill authorizes the sale of advertising space on a school bus and enacts Section 41-6a-1309 – Advertising on a school bus – in the Utah Code.

USOE/State Board Action:

School Finance will need to determine how to track this new source of revenue within accounting function 2700.

The bill requires the Department of Transportation to make and enforce rules pursuant to advertisements on school buses.

District/Charter School Action:

The bill allows that a district or charter may sell advertisement space on the exterior of a school bus. The bill: (1) requires that a district or charter that chooses to sell advertising

shall adopt guidelines; (2) lists items to be contained in those guidelines; (3) lists DOT rules (not on the back of a bus); (4) outlines who is responsible for payment; and (5) requires that revenue generated go into the general fund of the district or charter.

Funding:

No funding needed for this legislation. Additional revenue generated must be used in function 2700 – Transportation.

Effective Date:

May 10, 2011

USOE Contact:

Murrell Martin, 801-538-7666, murrell.martin@schools.utah.gov

**House Bill 204 (S1) Protection of Athletes with Head Injuries
(Ray – Valentine)**

This bill amends the Utah Health Code and enacts Section 26-53-101 – Protection of Athletes with Head Injuries. The bill identifies public or private schools as “amateur sports organizations” and lists the following as “sporting events”:

- a game;
- a practice;
- a sport camp;
- a physical education class;
- a competition; or
- a tryout.

The bill requires that any “child” under age 18 be immediately removed from a sporting event if the child is suspected of sustaining a concussion or a traumatic head injury and prohibited from participating in a sporting event until cleared (in writing) by a qualified health care provider.

USOE/State Board Action:

Possible rule changes.

District/Charter School Action:

Each amateur sports organization (school) shall:

1. Adopt and enforce a concussion and head injury policy.
2. Ensure that each school is familiar with and has a copy of the policy.
3. Before permitting a child to participate:
 - a. Provide a copy of the policy to the parent/guardian;
 - b. Obtain the signature of the parent/guardian acknowledging that the parent read, understands, and agrees to abide by the policy.
4. Immediately remove a child from a sporting event if the child “is suspected of sustaining a concussion or head injury.”

5. Prohibit the child from participating in a sporting event until the child:
 - a. Is evaluated by a qualified health care provider; and
 - b. The health care provider provides the school with a written statement that:
 - i. The health care provider is qualified (continuing education course); and
 - ii. The child is cleared to participate.

Funding:

No funding associated with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Frank Wojtech, 801-538-7732, frank.wojtech@schools.utah.gov

**House Bill 218 Clubs in Public Schools
(Sandstrom – Valentine)**

This bill modifies the Section 53A-11-1201-1214 and changes the language from “building” to “facility.”

USOE/State Board Action:

NONE

District/Charter School Action:

Board-approved clubs, both curricular and non-curricular clubs, may now be authorized to use school facilities. The Board may set the number of hours that non-curricular clubs may use facilities but must assure that all clubs are treated equally. This bill does not address the use of facilities by other than approved clubs.

Districts may wish to consult Risk Management before approving non-curricular club use of certain facilities.

Funding:

No funding associated with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Carol Lear, 801-538-7835, carol.lear@schools.utah.gov

**House Bill 220 Civics Education Amendments
(Morley – Madsen)**

This bill modifies requirements for instruction in history and government.

USOE/State Board Action:

This bill will require changes in both Board Rule and in the Core Curriculum. Changes will implement the requirements of this bill.

District/Charter School Action:

Districts and charters must be aware that both Rule R277-475 and the Social Studies Core will be changed. Teachers are required to continue to teach the State Curriculum.

Funding:

No funding associated with this legislation.

Effective Date:

May 10, 2011 - State Board intends to amend R277-475 at their April 2011 Board Meeting.

USOE Contact:

Sydnee Dickson, 801-538-7739, sydnee.dickson@schools.utah.gov

**House Bill 262 Divided School Districts Assets and Liabilities
(Sumsion – Dayton)**

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

Note: A single explanation will be prepared that will address HB 195, HB 262, and HB 275.

USOE/State Board Action:

NONE

District/Charter School Action:

NONE

Funding:

No funding needed with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Sean Thomas, 801-538-7802, sean.thomas@schools.utah.gov

**House Bill 267 (S1) Public Body Rules of Procedure
(Brown – Hillyard)**

This bill requires that a local school district board adopt rules of order and procedures.

USOE/State Board Action:

NONE

District/Charter School Action:

This bill requires local school boards to:

1. Adopt rules of order and procedures to govern their public meetings.
 - a. Parliamentary order and procedures.
 - b. Ethical behaviors.
 - c. Civil discourse.
2. Conduct public meetings in accordance with adopted rules and procedures.
3. Make rules available to the public:
 - a. At each public meeting.
 - b. On the board's public website, if available.
4. Otherwise comply with the Open Public Meetings Act.

Funding:

No funding associated with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**House Bill 269 (S1) Commission on Civic and Character Education
(Christensen – Dayton)**

This bill requires that each school district and the State Charter School Board submit to the Lieutenant Governor and the Commission on Civic and Character Education a report summarizing how civic and character education are achieved at the school level in the regular course of school work.

USOE/State Board Action:

Although the State Board and USOE are not mentioned in HB 269, HB 327 requires a similar report from the State Board to the Education Interim Committee.

District/Charter School Action:

Submit by December 30 of each year to the Lieutenant Governor and the Commission on Civic and Character Education a report summarizing (testimony in committee hearing indicated this is a one-page summary) how civic and character education are achieved at the school level through an integrated curriculum and in the regular course of school work.

Funding:

No funding associated with this legislation.

The Commission was funded at \$200,000, but not from education funds.

Effective Date:

May 10, 2011 – Reports are due from each school by December 30th of each year. - State Board intends to amend R277-475 at their April 2011 Board Meeting.

USOE Contact:

Sydnee Dickson, 801-538-7739, sydnee.dickson@schools.utah.gov

**House Bill 275 School District Division Amendments
(Sumsion – Dayton)**

When an existing school district splits, if the property tax base per student of a new district is greater than the property tax base per student of the remaining district, for five consecutive years, the new district and remaining school district will continue to impose property tax levies that were imposed by the existing school district in the taxable year prior to the qualifying taxable year. This means that both districts will levy the same property tax levies (with the exception of the basic rate, debt service levy, judgment levy, and the voted capital levy). The rate would be set at a rate that is uniform in both districts and generates the same amount of revenue that was generated by the property tax levy with the school district prior to the qualifying taxable year. The county treasurer would then distribute this revenue in proportion to the percentage of the divided school district's enrollment to the new school district.

Note: A single explanation will be prepared that will address HB 195, HB 262, and HB 275.

USOE/State Board Action:

NONE

District/Charter School Action:

NONE

Funding:

No funding is needed for this bill.

Effective Date:

May 30, 2011

USOE Contact:

Cathy Dudley, 801-538-7667, cathy.dudley@schools.utah.gov

**House Bill 288 Concurrent Enrollment Transcripts
(Menlove – Dayton)**

Creates a process whereby concurrent enrollment students have a single college transcript that is accessible for use in advising prospective students concerning college/concurrent course selection.

USOE/State Board Action:

The bill requires the State Board and the State Board of Regents to work together to assure effective advisement of high school students registering for concurrent enrollment courses.

District/Charter School Action:

Academic advising of concurrent enrollment students is the responsibility of colleges and universities. However, the expectation is that districts and charters will coordinate these efforts with higher ed.

Funding:

No funding associated with this legislation.

Effective Date:

May 10, 2011 - State Board intends to amend R277-713 at their April 2011 Board Meeting.

USOE Contact:

Brenda Hales, 801-538-7515, brenda.hales@schools.utah.gov

**House Bill 301 School District Property Tax Revisions
(Newbold – Bramble)**

Beginning January 1, 2012, of the thirteen tax rates currently levied, there are nine levies that will be repealed and two new ones will be implemented: Board Local Levy and the Capital Local Levy. If the school districts implement the full 0.001800 and the 0.003000, their tax levies would be above the rate currently levied. The school district would then have to go through truth in taxation if they wanted to levy that full rate. There would be a fiscal impact in the Board Local Levy as the bill states there will be a guarantee sufficient to guarantee that each 0.000100 of the first 0.000400 per dollar of taxable value generates an amount equal to 0.10544 times the value of the prior year's weighted pupil unit.

The following tax rates will be repealed beginning January 1, 2012:

- Recreation levy - 11-2-7.
- Capital Outlay levy - 53A-16-107.
- Voted Capital Outlay levy - 53A-16-110.
- Transportation levy - 53A-17a-127.
- Board Approved leeway - 53A-17a-134.
- Public Law 874 (Federal Impact Aid-title VII) - 53A-17a-143.
- Ten Percent of Basic Tax rate - 53A-17a-145.
- Board leeway for Reading Improvement - 53A-17a-151.
- Tort Liability levy - 63G-1-704.

The following two levies will be implemented beginning January 1, 2012:

- Capital Local levy - 53A-16-113.
- Board Local levy - 53A-17a-164.

USOE/State Board Action:

The transportation levy will be eliminated beginning January 1, 2012. UCA 53A-17a-127(7)(a)(i) states that if a local school board expends an amount of revenue equal to at least 0.0002 per dollar of taxable value of the school district's board local levy for the uses described in Subsection (7)(b), the state may contribute an amount not to exceed 85% of the state average cost per mile. Subsection (7)(a)(ii) states that the state superintendent's staff shall distribute the state contribution according to rules enacted by the State Board of Education. Administrative Rule R277-600 "Student Transportation Standards and Procedures" may need to be revised for compliance with this new wording in statute.

53A-17a-150(8)(e)(i) states that the State Board of Education shall verify that a school district allocates the money required in accordance with Subsection (8)(c) and (d) before it distributes funds in accordance with that section. Administrative Rule R277-422 "State Supported Voted Leeway, Local Board-Approved Leeway and Local Board Leeway for Reading Improvement Programs" may also need to be revised for compliance.

District/Charter School Action:

Be aware of the above noted changes and make the appropriate changes as budgets are set in June 2011 and tax rates are adopted in August 2011.

Funding:

This bill is intended to be revenue neutral for school districts. However, districts that are at or approaching existing caps may need to make adjustments to assure that new caps do not result in a loss of revenue.

Effective Date:

New rates apply beginning in January 2012 and therefore must be considered as budgets are adopted and tax rates are set for the 2012-2013 school year (June-August 2012).

USOE Contact:

Cathy Dudley, 801-538-7667, cathy.dudley@schools.utah.gov

**House Bill 302 (S1) Reading Program Amendments
(Newbold - Bramble)**

This bill imposes requirements for reading assessment in kindergarten through grade three, requires LEAs to administer a reading benchmark assessment in grades one, two, and three at the beginning, middle, and end of year. It allocates money to provide LEAs a diagnostic assessment system for reading. This bill amends 53A-1-606.5, 53A-1-606.6, and 53A-17a-150 and enacts 53A-1-606.7.

USOE/State Board Action:

- Amend R277-403.
- Approve a benchmark assessment for use statewide by districts and charter schools to assess reading proficiency of students in 1st, 2nd, and 3rd grade.
- Issue an RFP and then contract with an educational technology provider for a diagnostic reading assessment system.
- Develop an LEA application to use the diagnostic reading assessment system and make awards up to \$1,750,000 annually.
- Evaluate the effects of the system by comparing learning gains of students that use the system and students that do not and submit the report to the Public Education Appropriations Subcommittee by November 2013.

District/Charter School Action:

- Administer benchmark assessments using the USBE approved benchmark assessment for 1st, 2nd, and 3rd grade students at the beginning, middle, and end of year.
- Report to parents the benchmark assessment results for the beginning, middle, and end of 1st, 2nd, and 3rd grade.
- If a student lacks proficiency in a reading skill, provide focused intervention, administer formative assessments, inform parents of activities they can engage in, and provide information to parents regarding interventions available outside the regular school day.
- Submit a reading improvement plan to USBE to include a goal for each school based upon student learning gains as measured by the benchmark assessments and to increase the percentage of 3rd grade students who read on grade level as measured by the 3rd grade reading test.
- School district and charter school governing board shall monitor the student learning gains and require a reading achievement plan to be revised if a school's students are not making adequate learning gains.
- If for three consecutive years a district or charter school fails to meet its goal to increase the percentage of 3rd grade students who read on grade level, they may not receive the K-3 Reading Improvement Program money.

Funding:

\$1,750,000 ongoing for a statewide diagnostic reading assessment system to be used by LEAs.

Effective Date:

May10, 2011 - State Board intends to amend R277-403 at their April 2011 Board Meeting.

USOE Contact:

Judy Park, 801-538-7550, judy.park@schools.utah.gov

**House Bill 327 Annual Reports Amendments
(Christensen –Dayton)**

House Bill 269 requires that districts and charter schools report on civic and character education at the school level. This bill, HB 327, requires that the State Board of Education report to the Education Interim Committee on the methods used and the results achieved to prepare students to become responsible citizens.

USOE/State Board Action:

Each year, on or before the October Education Interim committee Meeting, report to the Education Interim Committee on the methods used and the results being achieved to instruct and prepare students to become informed and responsible citizens through an integrated curriculum.

District/Charter School Action:

Although the bill does not directly reference schools, the report required will necessitate the collection of data from schools. A concern is that the requirement for schools and charters to report (HB 269) has a December 30th deadline and HB 327 has an October deadline.

Funding:

No funding associated with this legislation.

Effective Date:

May 10, 2011 – USOE report is due before the October Interim Education Committee Meeting. - State Board intends to amend R277-475 at their April 2011 Board Meeting.

USOE Contact:

Brenda Hales, 801-538-7515, brenda.hales@schools.utah.gov

**House Bill 388 Operation and Management of Charter Schools
(Herrod – Adams)**

This bill: (1) provides that a chartering entity may use certain data to measure the performance of the charter school; (2) prohibits a chartering entity from imposing performance standards that would limit a charter school from accomplishing the purposes of the charter school; and (3) requires a charter to include an acknowledgment that neither the chartering entity nor the state is liable for the debts or financial obligations of the charter school.

USOE/State Board Action:

Revise R277-470, Charter Schools, to include only performance measures found in the charter school's annual financial audit report, reports submitted as required by statute, and reports submitted as required by its charter. Requires the State Board to define generally accepted fiscal management standards and place definition in Board Rule. Requires a revision of the charter school application to include fiscal procedures that are consistent with generally accepted fiscal management standards, as well as an acknowledgement that

neither the chartering entity nor the state is liable for the debts or financial obligations of the charter school.

District/Charter School Action:

All charter schools must amend their charter agreements to include an acknowledgement that neither the chartering entity nor the state is liable for the debts or financial obligations of the charter school.

Funding:

No funding associated with this legislation.

Effective Date:

July 1, 2011

USOE Contact:

Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

Marlies Burns, 801-538-7817, marlies.burns@schools.utah.gov

**House Bill 415 Schools for the Deaf and Blind Foundation
(Handy - Adams)**

This bill only impacts the Utah Schools for the Deaf and the Blind (USDB). It now lists USDB in Section 53A-4-205 as an entity that may establish a foundation.

USOE/State Board Action:

NONE

District/Charter School Action:

NONE

Funding:

No funding needed with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**House Bill 421 (S3) Use of Public Buildings for Political Caucus Meetings
(Brown -Niederhauser)**

This bill requires counties, municipalities, and school districts to make facilities available for use by political parties.

USOE/State Board Action:
NONE

District/Charter School Action:

The bill requires that school districts shall make all meeting facilities in buildings under their control available to registered political parties, without discrimination, to be used for political party activities if:

1. The request is made at least 30 calendar days before the day of the event and the facility is not already scheduled for another purpose.
2. District may establish terms and conditions for use of facilities.
Charges imposed may not exceed the actual costs of:
 - a. Custodial services for cleaning the facility after use; and
 - b. Any services requested by the political party and provided by the district.
3. Districts/schools shall, to the extent possible, avoid scheduling an event in a facility for the same evening as an announced party caucus meeting.

Funding:

No funding associated with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

House Concurrent Resolution 7

**Concurrent Resolution Supporting Public Policies That Promote
Outdoor Activities for Children
(Draxler – Jones)**

The Concurrent Resolution supporting increased participation by children in outdoor activities and supporting policies that promote outdoor activities for children lists the Utah State Office of Education as one of the entities to receive a copy of the Resolution.

USOE/State Board Action:

NONE (As a recipient, some assumptions could be made.)

District/Charter School Action:

NONE

Funding:

No funding is associated with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Sydnee Dickson, 801-538-7739, sydnee.dickson@schools.utah.gov

House Concurrent Resolution 13

**Secure Rural Schools Concurrent Resolution
(Noel – Hinkins)**

This resolution expresses support for the reauthorization of the Secure Rural School and Community Self-Determination Act of 2000. This Act provides funds to areas, including school districts, impacted negatively by restriction on the timber industry. The State Board of Education and the State Office of Education are listed as recipients of this Resolution.

USOE/State Board Action:

NONE

District/Charter School Action:

If the federal Act is reauthorized and funds are appropriated, some rural districts will receive some additional federal funds.

Funding:

Potential funding will be federal funds.

Effective Date:

May 10, 2011

USOE Contact:

Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**Senate Bill 01 (S1) Public Education Base Budget
(Buttars – Newbold)**

This bill establishes a base budget at 93% of FY11 base budget level and withholds an additional \$91 million in funding per intent of the Public Education Appropriation Subcommittee co-chairs; provides funding for enrollment growth of 14,754 students; increases Voted and Board Leeway State Guarantee Program to \$27.17 per WPU; eliminates 1,939 WPU for funding students who attend UCAT classes; consolidates student at-risk programs into a new block – Enhancement for At-Risk Students Program; consolidates gifted and talented programs into a new block grant – Enhancement for Accelerated Students Program; and, eliminates funding for Administrative Cost and Charter School Administrative Cost programs.

USOE/State Board Action:

Develop rule for two new block grant programs; amend student accounting rule to eliminate ADM of students attending UCAT.

District/Charter School Action:

Consult with State Board on distribution formulas for new block grants and adjust student accounting policies for students attending UCAT.

Funding:

Appropriates \$3,050,720,085 to public education.

Effective Date:

July 1, 2011

USOE Contact:

Todd Hauber, 801-538-7514, todd.hauber@schools.utah.gov

**Senate Bill 02 New Fiscal Year Supplemental Appropriations Act
(Hillyard – Brown)**

This bill increases the fee schedule for teacher licensing.

USOE/State Board Action:

Publish new fee schedule.

District/Charter School Action:

NONE

Funding:

Appropriates \$703,200 for public education.

Effective Date:

July 1, 2011

USOE Contact:

Todd Hauber, 801-538-7514, todd.hauber@schools.utah.gov

**Senate Bill 03 Appropriations Adjustments
(Hillyard – Brown)**

Provides current year funding for S.B. 115, *School Performance Reporting*; establishes intent language for additional current year funding of Science Outreach programs; provides funding for S.B. 59, *School Grading System*; and, provides funding for S.B. 305, *Economic Development Through Education/Career Alignment*.

USOE/State Board Action:

See individual bills funded under this legislation.

District/Charter School Action:

See individual bills funded under this legislation.

Funding:

Appropriates \$446,000 to public education.

Effective Date:

Upon Governor Signature

USOE Contact:

Todd Hauber, 801-538-7514, todd.hauber@schools.utah.gov

**Senate Bill 04 Current School Year Supplemental Public Education Budget
Adjustments
(Buttars – Newbold)**

This bill requires school districts and charter schools to report section 146 transfers to State Board of Education; transfers funding between Voted and Board Leeway State Guarantee program and the Basic program to balance forecasted overage and shortages in program funding; reduces Education Funds and replaces them with federal Education Jobs funds; and, provides additional funding for library books and electronic resources.

USOE/State Board Action:

Develop accounting procedures for reporting of section 146 fund transfers.

District/Charter School Action:

Report section 146 transfers; develop expenditure plans for Education Jobs funds.

Funding:

Appropriates \$61,735,700 to public education.

Effective Date:

Upon Governor Signature

USOE Contact:

Todd Hauber, 801-538-7514, todd.hauber@schools.utah.gov

**Senate Bill 06 State Agency and Higher Education Compensation
Appropriations
(Hillyard – Brown)**

This bill provides funding adjustments for cost increases in retirement plans; reduces health insurance rates by 2%; and, adjusts employer/employee health insurance premium share to a 90/10 split.

USOE/State Board Action:

NONE

District/Charter School Action:
NONE

Funding:
No funding needed.

Effective Date:
July 1, 2011

USOE Contact:
Todd Hauber, 801-538-7514, todd.hauber@schools.utah.gov

**Senate Bill 38 K-3 Reading Amendments
(Morgan – Edwards)**

This bill imposes requirements for LEAs to determine if students are reading on grade level in grades 1-3 at the midpoint of a school year using multiple assessments; requires LEAs to notify parents if a student is not reading on grade level on or before February 15 of the school year; and requires USBE to report on or before November to the Education Interim Committee the number of students reading below grade level at the midpoint of the prior school year and number of students reading below grade level receiving interventions. This bill amends 53A-1-606.6.

USOE/State Board Action:

- Amend Rule R277-403 regarding K-3 Reading Requirements.
- Collect data from LEAs on students reading below grade level and those receiving interventions.
- Report data on or before November to the Education Interim Committee.

District/Charter School Action:

- Assess reading level of 1-3 grade students at midpoint of year using multiple assessments.
- On or before February 15, notify parent if student is reading below grade level.
- Provide information to parents regarding reading remediation interventions.
- Provide reading remediation interventions that may include tutoring, before and after school programs, or summer school.

Funding:
No funding is associated with this legislation.

Effective Date:
May 10, 2011 – February 15th date for notifying parents is now in Utah Code. State Board intends to amend R277-403 at their April 2011 Board Meeting.

USOE Contact:
Judy Park, 801-538-7550, judy.park@schools.utah.gov

**Senate Bill 59 (S1) School Grading System
(Niederhauser – Hughes)**

This bill establishes a school grading system based on the performance of a school's students on statewide assessments, and for high schools, the graduation rate and measures that indicate college and career readiness. This bill amends 53A-3-602.5

USOE/State Board Action:

- Make new rules to implement a school grading system.
- On or before August 15, beginning in 2011/12, publish on the USOE website a report card grading schools.

District/Charter School Action:

- On or before August 15, beginning in 2011/12, a school district shall publish on the district and school websites a school report card together with the current school improvement plan.
- On or before August 15, beginning in 2011/12, a charter school shall publish on the charter school's websites a school report card.

Funding:

\$418,300 to USOE for creating school grading system
(\$377,500 one time; \$40,800 ongoing)

Effective Date:

May 10, 2011 – As the school grading procedure moves forward, dates for the submission of data may be adjusted.

USOE Contact:

Judy Park, 801-538-7550, judy.park@schools.utah.gov

**Senate Bill 63 K-3 Reading Improvement Program Accountability
(Morgan – Poulson)**

This bill provides allowable uses for K-3 Reading Improvement money and requires the USBE to report school district and charter school expenditures. This bill amends Utah Code Section 53A-17a-150.

USOE/State Board Action:

- Amend Rule R277-403 regarding K-3 Reading Requirements.
- On or before the November Education Interim Committee meeting, USBE shall report a summary of the reading improvement program expenditures of each district and charter.

District/Charter School Action:

Use program money for reading assessments and focused reading remediation that may include the use of reading specialists, tutoring, before or after school programs, summer school programs, or the use of reading software.

Funding:

No funding is associated with this legislation.

Effective Date:

May 10, 2011 - State Board intends to amend R277-403 at their April 2011 Board Meeting.

USOE Contact:

Brenda Hales, 801-538-7515, brenda.hales@schools.utah.gov

**Senate Bill 65 (S1) Statewide Online Education Program
(Stephenson – Daw)**

This bill creates the Statewide Online Education Program to enable a student to earn high school graduation credit through the completion of online courses. This bill amends Utah Code Sections 53A-15-1002, 53A-15-1006, 63I-2-253. Enacts Sections 53A-15-1201 through 1215.

USOE/State Board Action:

- Required to make rules to implement and maintain this system that includes a course credit acknowledgement form and procedures for completing and submitting to USBE.
- Make rules providing for the administration of a statewide assessment to students enrolled in an online course.
- Deduct funds allocated to the LEA.
- Make payments to the online course provider.
- Develop a website for the Statewide Online Education Program.
- Develop a report on the performance of online course providers and post on the Statewide Online Education Program's website.
- Electronic High School may offer online courses through this program.

District/Charter School Action:

- Prepare and implement the SEOP for the eligible student.
- Assist student in scheduling courses.
- May not impose restrictions on a student's selection of an online course, or give preference to an online course provider.
- Enter into a course credit acknowledgement with the online course provider.
- Submit a copy of a course credit acknowledgement to the USBE.
- Include online course credit hours in calculating daily membership.
- Provide information both written and online on the Statewide Online Education Program and include the written information in high school course registration materials.
- An LEA program, charter school, or district school created exclusively for the purpose of serving students online may offer courses through this program.

Funding:
\$250,000 to USBE

Effective Date:
July 1, 2011 - State Board intends to amend R277-725, 437, and 438 at their May 2011 Board Meeting.

USOE Contact:
Judy Park, 801-538-7550, judy.park@schools.utah.gov

**Senate Bill 67 (S1) Annual Eye Examination for Children in Grades Kindergarten Through Three
(Robles - Edwards)**

This bill basically expands the current vision screen protocol and process for children aged 3½ to eight. Prior to this bill, the age was 3½ to seven. The bill also states that volunteer screeners are not liable for civil damages unless their acts are grossly negligent.

USOE/State Board Action:
NONE

District/Charter School Action:

Vision screenings are required of a child under eight years of age who is entering school for the first time. Current vision screening practices will now include children ages 3½ to eight. The title of the bill indicates grade K-3 but the body of the bill consistently states ages 3½ to eight. The bill also requires notice to parents using a specific form.

Funding:
No funding is associated with this legislation.

Effective Date:
May 10, 2011

USOE Contact:
Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**Senate Bill 70 (S1) Community Development and Renewal Agencies Amendments
(Bramble - Dee)**

This bill amends multiple sections of the Community Development (CDA) and Renewal Agencies (RDA) Act. Those districts with CDA or RDA projects within their boundaries may want to further understand this bill and its impact.

USOE/State Board Action:
No action is required by the bill. However, it should be noted that action can be taken by the affirmative vote of a majority of members present at a taxing entity committee (TEC) considering approval of a project area budget or a finding of blight within or a project area that contains: (1) an inactive industrial site; (2) an inactive airport; or (3) a closed military

base. All other actions of a TEC continue to require a two-thirds vote of those present. The bill also states that TEC decisions are final.

District/Charter School Action:

No action is required by the bill. However, it should be noted that action can be taken by the affirmative vote of a majority of members present at a taxing entity committee (TEC) considering approval of a project area budget or a finding of blight within or a project area that contains: (1) an inactive industrial site; (2) an inactive airport; or (3) a closed military base. All other actions of a TEC continue to require a two-thirds vote of those present.

This bill also: (1) changes the requirement for a TEC to meet annually [17C-1-401 – Subsection (9)(a)] (enrolled bill lines 508-535); (2) amends 17C-1-603 – Agency report; and (3) amends 17C-2-207 – Extending collection of tax increment in an urban renewal project area budget. Districts may wish to more closely review these sections of the Code.

Funding:

No funding is needed with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Larry Newton, 801-538-7668, larry.newton@schools.utah.gov

**Senate Bill 73 (S1) Public School Teacher Tenure Modifications
(Stephenson – Last)**

This bill prohibits a school from utilizing a last-hired, first-fired policy when terminating school district employees.

USOE/State Board Action:

During the 2011 Interim, the Education Interim Committee, in consultation with the State Board shall study how the performance of teachers may be evaluated for the purpose of awarding or eliminating teacher career employee status.

District/Charter School Action:

Although removal of a last-hired, first-fired policy from district policies is not mandated by the bill, districts are directed to not utilize such a policy when terminating school employees. Although the interim study section refers directly to teachers, this bill amends Section 53A-8-102 that applies to all school district employees. The bill specifically states that districts may consider the results of performance evaluations and a school's personnel needs.

Funding:

No funding is associated with this legislation.

Effective Date:
May 10, 2011

USOE Contact:
Carol Lear, 801-538-7835, carol.lear@schools.utah.gov

**Senate Bill 86 Sunset Reauthorizations
(Jenkins – Dee)**

This bill impacts multiple education related programs:

1. PEJEP is now repealed July 1, 2020; however, no funding is currently in PEJEP.
2. Voluntary Extended-day Kindergarten is repealed July 1, 2011. However a new Early Intervention Program is enacted with \$7,500,000.
3. The State Instructional Materials Commission's repeal date is extended from July 1, 2011, to July 1, 2016.
4. The Performance-based Compensation Pilot Program's repeal date is extended from July 1, 2011, to July, 2016. However, no funds are now allocated for this program.

USOE/State Board Action:

Repeal rules addressing Voluntary Extended-day Kindergarten (R277-489) and enact new rule for Early Intervention Program.

If the desire is to keep/expand the Performance-based Compensation Pilot, a source of funding will need to be identified.

District/Charter School Action:

Monitor new rules and apply as desired for funding under Early Intervention Program.

Funding:

PEJEP – No Funding

Early Intervention Program - \$7,500,000

Performance-based Pilot Program – No Funding

Effective Date:
May 10, 2011

USOE Contact:
Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**Senate Bill 115 School Performance Reporting
(Stephenson – Hughes)**

The 2010 Legislature eliminated certain requirements for testing and reporting for the 2010-2011 and 2011-2012 school years at the district and state levels. Therefore, the State Office did not publish school level U-PASS reports on the USOE website. This bill clarifies that this shall be done for the 2010-2011 and 2011-2012 school years.

USOE/State Board Action:

The current year mandate of this bill has already been met and the 2011-12 U-PASS reports will be published by August 30, 2011.

District/Charter School Action:

NONE

Funding:

No funding is associated with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Judy Park, 801-538-7550, judy.park@schools.utah.gov

**Senate Bill 119 (S1) School District Superintendents Amendments
(Stephenson - Newbold)**

This bill codifies that, at the request of a local school board, the State Board of Education shall grant a letter of authorization permitting a person with outstanding professional qualifications to serve as superintendent without holding an administrative/supervisory license.

USOE/State Board Action:

NONE

District/Charter School Action:

A local superintendent continues to be licensed by the State Board and is subject to all licensing requirements – professional development, renewal, UPPAC, fingerprint background checks, etc.

Funding:

No funding is needed with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Sydnee Dickson, 801-538-7739, sydnee.dickson@schools.utah.gov

**Senate Bill 123 Restrictions on Lobbying Expenditures – Public Education
(Jenkins – Dee)**

The bill clarifies that schools, school districts, and charter schools, along with other agencies to which money is appropriated by the Legislature, may not expend money for a contract lobbyist.

USOE/State Board Action:

NONE

District/Charter School Action:

Districts and charters may not expend money to hire a contract lobbyist. A contract lobbyist is a person who is not an employee of the district/charter who is hired as an independent contractor to communicate with legislators or the governor for the purpose of influencing legislative or executive action.

Funding:

No funding is needed with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Carol Lear, 801-538-7835, carol.lear@schools.utah.gov

**Senate Bill 125 (S3) Property Tax Exemption Amendments
(Bramble – Painter)**

**Senate Bill 278 Charter School Property Tax Amendments
(Bramble – Painter)**

Both of these bills (S.B. 125 in Section 59 of the Code and S.B. 278 in Section 53A of the Code) clarify that for property tax exemption status, property owned by a charter schools is treated the same as property owned by a school district. The property must be owned by the charter school to qualify for the exempt status.

USOE/State Board Action:

NONE

District/Charter School Action:

NONE

Funding:

No funding is needed with this legislation. However the retrospective operation date for a taxable year beginning on or after January 1, 2008, may impact property taxes previously collected by school districts and property taxes previously paid by a charter school.

Effective Date:

Upon signature by the Governor. These bills have retrospective operation dates that may have retrospective impact.

USOE Contact:

Todd Hauber – 801-538-7514, todd.hauber@schools.utah.gov

Larry Newton – 801-538-7668, larry.newton@schools.utah.gov

**Senate Bill 127 Post Retirement Employment Amendments
(Liljenquist – Ipson)**

This bill allows a school employee who retires to return within one year if certain conditions are met. Conditions include:

1. Not reemployed for a period of at least 60 days;
2. Not to receive any employer provided benefits:
 - a. Medical;
 - b. Dental;
 - c. Other insurance; or
 - d. Paid time off or any other type of leave.
3. The reemployed person does not earn, in any calendar year, an amount in excess of the lesser of:
 - a. \$15,000; or
 - b. One-half of the salary upon which the retiree's retirement allowance is based.
4. There is a significant monetary penalty if the retiree does not notify Utah Retirement Systems (URS) upon returning to work.

USOE/State Board Action:

NONE

District/Charter School Action:

If policies do not reflect change and districts/charters wish to reemploy retirees, policy may need to be updated. Assure that returning retirees notify URS.

Funding:

No funding is needed with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Carol Lear, 801-538-7835, carol.lear@schools.utah.gov

**Senate Bill 140 State Charter School Board Amendments
(Stephenson – Butterfield)**

This bill modifies procedures for the selection of members of the State Charter School Board. This bill: (1) provides that of the seven members appointed by the governor to the State Charter School Board, three members shall be nominated by an organization that represents Utah's charter schools; and have expertise or experience in developing or administering a charter school; (2) allows the governor to seek nominations from more than one organization that represents Utah's charter schools; and (3) allows the governor to remove a member of the State Charter School Board at any time for official misconduct, habitual or willful neglect of duty, or for other good and sufficient cause.

USOE/State Board Action:

NONE

District/Charter School Action:

NONE

Funding:

No funding is needed with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Marlies Burns, 801-538-7817, marlies.burns@schools.utah.gov

Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**Senate Bill 142 Public Official Contact Information
(Stephenson – Wimmer)**

This bill requires the elected officials (school board members) and school community council members to have contact information (telephone number and email address) available.

USOE/State Board Action:

NONE - This bill does not apply to officials who are elected "statewide."

District/Charter School Action:

This bill has two implications for schools and school districts.

1. The bill enacts Chapter 46 of Section 11 of the Utah Code. This Section requires that elected officials (statewide elected officials are not included) have a telephone number, **if available**, and an email address, **if available**, where the elected official may be reached directly. The bill is silent on where this information is posted or made available.
2. The bill also amends 53A-1a-108 on School Community Councils requiring that School community Council members have a telephone number, **if available**, and an

email address, **if available**, where they can be reached directly. This information is now made available in the same manner that other School Community Council information (meeting schedule, actions, activities, etc.) is made available.

Funding:

No funding is associated with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**Senate Bill 146 Impact Fee Amendments
(Stevenson – Galvez)**

The bill language provides criteria for the following construction impact fees for the following items: prohibitions of eliminating options for other names of impact fees, environmental mitigation impact fees, impact fee facilities plan, requirements and limitations related to school districts and charter schools, impact fee analysis requirements, calculating impact fees, certification of impact fee analysis, impact fee enactments and other provisions of impact fee enactment; notice of intent to prepare, adopt, or amend an impact fee facilities plan; notice of intent to adopt impact fee enactment hearing protections; impact fee proceeds, expenditures, challenges, time limitations, procedures for challenging, mediation, arbitration, and advisory opinions. Notification process of impact fee intent is only required to be public and not sent directly to those affected and may allow impact fee assessment without public notice. Language in the bill closes loopholes by local political subdivision or private entities from using other names for impact fees and the ability to impose them in situations not intended. The bill allows certain situations in which land or a structure for school districts and charter schools - including that used for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use - to be subject to an impact fee which was previously exempt from these fees.

USOE/State Board Action:

NONE

District/Charter School Action:

Policies of school districts/charters may need to be modified to reflect change to the bill. School districts/charters should obtain information regarding applicable impact fees for construction early in the planning process to allow time for possible negotiations with local jurisdictions and to budget for the cost of impact fees. School districts/charter schools may need to develop a policy and process of regularly checking local jurisdiction public notice information to be informed and able to provide input for any proposed changes and/or additions to current impact fees.

Funding:

This may impact the funds needed for construction projects.

Effective Date:

May 11, 2011

USOE Contact:

Jenefer Youngfield, 801-538-7669, jenefer.youngfield@schools.utah.gov

**Senate Bill 172 Political Subdivisions Administration Amendments
(Stephenson – Morley)**

This bill addresses the appointment of a superintendent or an interim superintendent in the “interim vacancy period between” when new school board members are elected (first Tuesday following the first Monday in November) and when newly elected members begin their term of office.

USOE/State Board Action:

NONE

District/Charter School Action:

A district may not appoint a superintendent during an “interim vacancy period” unless all board members who held office prior to the election are reelected.

A District may appoint an interim superintendent during an “interim vacancy period.” Such an appointment ends when a new superintendent is appointed by the new board.

Funding:

No funding needed for this legislation.

Effective Date:

May 10, 2011 – This bill establishes certain dates, “interim vacancy period,” when school boards may only take certain actions with respect to the appointment of superintendents.

USOE Contact:

Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**Senate Bill 206 Labor Organization Provisions in Teacher Contracts
(Stephenson – Richardson)**

This bill requires that an employer promptly cease or commence a union dues wage deduction upon the written request of the employee; it states that: an employee's request to cease a union dues wage deduction may not be conditioned on the labor organization's advance notice or consent; that a labor organization is not liable to an employee for any claim, service, or benefit that is available only to a member of the organization if the

employee requests cessation of union dues wage deductions; and that he rights described in this bill cannot be waived.

USOE/State Board Action:

NONE

District/Charter School Action:

Districts and charters may need to modify local policies to reflect the language in this bill.

Funding:

No funding needed for this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Carol Lear, 801-538-7835, carol.lear@schools.utah.gov

**Senate Bill 217 Education Policy Amendments (Beverly Taylor Sorenson Arts)
(Bramble – Newbold)**

This bill modifies the Beverley Taylor Sorenson Elementary Arts Learning Program (BTSA) by adding the stipulation to the grant program that a local education agency (LEA) may receive the grant if the LEA provides matching funds for 10% of the grant amount. This match increases each year until the LEA provides 50% of funds needed for the program.

USOE/State Board Action:

The State Board of Education will amend Administrative Rule R277-490 "Beverley Taylor Sorenson Elementary Arts Learning Program" to be in compliance with the new section of Code 53A-17a-162(6)(a).

Beginning with the 2011-12 school year, the State Board of Education shall make funds available for additional schools to participate in the Beverley Taylor Sorenson Elementary Arts Learning Program, corresponding to the amount of the new funds available as the state support decreases and the district and charter match increases.

District/Charter School Action:

A qualifying school district or charter school shall maintain the existing program while receiving 90% (basically \$45,000 instead of \$50,000) of the previous funding and providing the 10% (\$5,000) from local funds. The amount provided at the local level shall increase every year until the local match equals the State funding.

Funding:

Funding for the BTSA Program is not changed by this legislation. How the funding is distributed to participating schools is altered.

Effective Date:

May 10, 2011 - State Board intends to amend R277-490 at their April 2011 Board Meeting.

USOE Contact:

Brenda Hales, 801-538-7515, brenda.hales@schools.utah.gov

**Senate Bill 235 (S1) Charter School Participation in Extracurricular Activities
(Mayne - Hughes)**

This bill allows students enrolled in a charter school located on the campus of another public school to participate in extracurricular activities offered by the "home" school and not offered by the charter school.

USOE/State Board Action:

Review of R277-438 - Dual Enrollment. The State Board may make rules specific to charter school students and extracurricular activities as provided in this bill.

District/Charter School Action:

Currently this only impacts Cottonwood High (AMES Charter School) and Highland High (School for Performing Arts). It could have additional impact as additional charter schools are located on existing school campuses.

Funding:

No funding is needed with this legislation.

Effective Date:

Upon signature of the Governor - This bill is intended to have an immediate effective date so that charter school students impacted may participate in spring 2011 Utah High School Activities Association (UHSAA) activities.

USOE Contact:

Martell Menlove, 801-538-7762, martell.menlove@schools.utah.gov

**Senate Bill 256 (S2) Teacher Effectiveness Evaluation Process
(Adams - Newbold)**

This bill modifies sections of the Code addressing career ladders and teacher evaluations. The bill requires at least annual evaluations of all educators.

USOE/State Board Action:

The bill directs that the State Board, in consultation with the Education Interim Committee, study how the performance of teachers may be evaluated in:

1. Student gains;
2. Instructional quality as measured by classroom observations; and
3. Parent, student, community satisfaction.

District/Charter School Action:

Each district must have an educator evaluation program that:

1. Is developed by a joint committee;
2. Measures teacher effectiveness;
3. Uses teacher effectiveness to determine whether provisional teachers have their contracts renewed;
4. Evaluates provisional and probationary teachers at least twice each year;
5. Evaluates all career teachers annually;
6. Requires that assessment of student progress is a significant part of the evaluation system; and
7. Provides an orientation for educators on the educator evaluation program.

Funding:

No funding is associated with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Sydnee Dickson, 801-538-7739, sydnee.dickson@schools.utah.gov

**Senate Bill 304 Preventing Bullying and Hazing in Elementary and Secondary Schools
(Okerlund - Wright)**

This bill adds the terms “cyber-bullying,” “harassment,” and “retaliation” to existing bullying statutes.

USOE/State Board Action:

Amend current Rules (R277-609, R277-613, and R277-495) to be consistent with new bill.

District/Charter School Action:

Amend local policies to be consistent with the new Code. Each local school board shall adopt a bullying, cyber-bullying, and hazing policy before October 1, 2012, consistent with the law.

Funding:

No funding is associated with this legislation.

Effective Date:

May 10, 2011 - State Board intends to amend R277-609, 613, and 495 at their April 2011 Board Meeting.

USOE Contact:

Carol Lear, 801-538-7835, carol.lear@schools.utah.gov

**Senate Bill 305 (S2) Economic Development Through Education/Career Alignment
(Stephenson – Morley)**

This bill requires Utah Futures to develop a detailed plan to make material changes to the program over time using existing resources. The bill creates a Utah Futures Steering Committee to more dynamically present and push the Utah Futures database and information to portfolio users and strategically engage industry and business entities more fully within the Utah Futures system. The Committee reports periodically to the Education Interim Committee and the Public Education Appropriations Committee.

USOE/State Board Action:

The State Superintendent or the Superintendent's designee will serve as one of nine members on the Utah Futures Steering Committee. If USOE is to maintain a significant presence with Utah Futures, this individual may need to assume a major role on this Committee.

District/Charter School Action:

NONE

Funding:

No funding is associated with this legislation.

Effective Date:

May 10, 2011

USOE Contact:

Mary Shumway, 801-538-7852, mary.shumway@schools.utah.gov

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2011 GENERAL SESSION BILLS NOT PASSED

Bills Passed by Committees – Not Passed by Bodies

Bill	Name	Sponsor	Status
1. HB 123	Education Amendments	Sumsion	House 2 nd
2. HB 134 1 st	Front-line Teacher Data	Nielsen	Senate 2 nd
3. HB 151	Compulsory Education	Briscoe	Held HC
4. HB 170 1 st	Tobacco and Nicotine Products	Ray	Failed HC
5. HB 191 1 st	Nonresident Tuition Waiver	Wimmer	Senate 2 nd
6. HB 200	Sale of Cannabinoids	Anderson	House Standing
7. HB 253 1 st	Employment of Unauthorized Aliens	Herrod	Senate Rules
8. HB 264 1 st	State Board Elections	Moss/Neilson	Failed House 28-45
9. HB 284	Guardianship Amendments	Powell	Failed HC
10. HB 290	Public School Transportation	Wimmer	House 3 rd
11. HB 313	Charter Funding Amendments	Newbold	House 2 nd
12. HB 315	Accepting federal Funds Amend	Sumsion	House Rules
13. HB 339	Charter School Enrollment	Hutchings	Senate 1 st
14. HB 398	USIMAC	Handy	Senate 1 st
15. HB 423	Seismic Safety committee	Wiley	Failed HC
16. HB 447	Kindergarten Literacy	Anderson	House 3 rd
17. HJR 1	State and Local Taxing Authority	Wimmer	Failed HC 7-7
18. HJR 3 1 st	Promoting Healthy and Energy	Wheatley	House Rules
19. HJR 8	Regarding School Supplies	Powell	House Rules
20. SB 53	Eligibility for Interscholastic	Madsen	Senate 3 rd
21. SB 60 2 nd	Pilot Accountability Permit	Robles	Senate Rules
22. SB 78	Accelerated Graduation	Buttars	House 1 st
23. SB 179 (1 st)	Math Initiative	Stephenson	Failed House 17-53
24. SB 224	Partisan School Board Elections	Stephenson	House 1 st
25. SB 238	Verification of Employment Status	Hinkins	House 1 st
26. SB 263	State Board of Education	Buttars	Senate 3 rd
27. SJR 1	SBE Authority	Buttars	Senate Rules
28. SJR 9	Governance of Public and Higher	Reid	House 1 st
29. SJR 27	Bullying and Cyber Bullying	Okerlund	Senate Rules

Bills Not Approved by a Committee

1. HB 65	Public School Funding	Harper	Not on an Agenda
2. HB 69	Assault Amendments	Bird	Not on an Agenda
3. HB 72	Taxes and Related School Funding	Noel	Held HC
4. HB 111	Full-Day Kindergarten	Anderson	Held HC
5. HB 133 1 st	Employee Compensation Amend	Dougall	Held HC
6. HB 166	District Property Tax (Voted LW)	Briscoe	Not on an
7. HB 181	Child Care Amendments	Galvez	Not on an Agenda
8. HB 270	Family Policy	Christensen	Not on an Agenda
9. HB 306	School Construction Impact Fees	Powell	Not on an Agenda
10. HB 322	Constitutional Studies Curr.	Sandstrom	Not on an Agenda
11. HB 341	Interview of a Child	Morley	HC Not Considered
12. HB 346	Provisional Teaching	Herrod	HC Not Considered
13. HB 367	Seismic Hazard Inventory	Wiley	Not on an Agenda
14. HB 426	Education Funding Amendments	Pitcher	Not on an Agenda
15. HB 459	Interpretation Services	Ipson	Returned to Rules
16. HJR 15	State Board	Herrod	HC Not Considered
17. SB 152	Sex Offender Restrictions	Hinkins	Returned to Rules
18. SB 216	Oversight of Public Funds (org.)	Madsen	SC Held

Bills - Numbered Without Substance

1. HB 136	School Board Elections	Nielsen
2. HB 147	Teacher's Student Loans	Fisher, Janice
3. HB 427	Education Modifications	Newbold
4. HB 443	School Business Administrator	Richardson
5. HB 455	Land Exchange Distribution	Noel
6. HB 464	Voted Leeway Programs	Briscoe
7. SB 163	School Restructuring	Stephenson
8. SB 227	Student Based Funding	Liljenquist
9. SB 265	State Charter School Board	Madsen
10. SB 316	SITLA Disclosure	Neiderhauser

EDUCATION RELATED INTERIM STUDY ITEMS

HJR 24 – Master Study Resolution

1. 23 Adult Education - to study and review the funding of adult education.
2. 24 Algebra and Geometry Pilot Program - to study whether to provide a pilot program for honors algebra and geometry (S.B. 179).
3. 25 Bullying in Elementary and Secondary Schools - to study the impact of bullying, cyber bullying, harassment, sexual battery, sexual exposure, and related behaviors in elementary and secondary schools, and its impact on education (H.J.R. 27, S.B. 304).
4. 26 Deaf and Blind Education - to study the education of Utah's deaf and blind children.
5. 27 Disparities in Per-FTE Student Funding - to study the disparity in the per-FTE student funding among the institutions in the Utah System of Higher Education and the retention rates, graduation rates, length of time to achieve graduation, and other factors that may impact the disparity.
6. 29 Education Funding Allocation - to study and review ways to change education funding allocation methodology (H.B. 123).
7. 30 Education on Federal Government Powers - to study whether instruction in American history and government should include a study of the limited powers of the federal government as provided in the United States Constitution and the Tenth Amendment to the Constitution.
8. 31 Education to Prepare for the Workforce - to study methods to correct the misalignment between postsecondary education and employer needs, and examine the development of online tools to assist.
9. 32 Financial Literacy - to study the teaching of financial literacy in public schools and the impact of financial and economic literacy legislation in recent years.
10. 33 High School Graduation Requirements - to study the effectiveness of core high school graduation requirements.
11. 34 Higher Education Remediation - to study whether to provide higher education remediation courses and requirements online prior to college enrollment.
12. 35 Independent Schools - to study how a public school may attain greater authority over the school's budget, staffing, and curriculum upon an election of the parents of the school's students.
13. 36 International Baccalaureate Program Values - to study and either confirm or dispel concerns regarding whether the curriculum of the International

Baccalaureate program teaches values or is not in keeping with or materially differs from Utah's and the nation's values and principles.

14. 37 Legislation Implementing Resolution on Education Governance - to study and prepare legislation addressing S.J.R. 9, Joint Resolution - Governance of Public and Higher Education, which would make the Governor responsible for the general control and supervision of public education.
15. 38 Math Instruction - to study a proposal to provide a pilot program for incentives for Singapore math instruction.
16. 39 Office of Education - to study the functions of the Utah State Office of Education.
17. 40 Options Regarding Lowest Performing Schools - to study whether to dissolve the lowest performing schools and provide their management through an RFP, where the top two bidders would then be selected by the parents of the children in that school.
18. 41 Preschools in Elementary and Junior High Schools - to study preschools in elementary and junior high schools and whether they compete with private enterprise.
19. 42 Professional Development Days - to study and review the cost effectiveness of public school professional development days and activities statewide.
20. 43 School Busing - to study whether to base school busing on the age of the student.
21. 44 School Districts Increasing Voted Leeway Property Tax Rate - to study whether to allow a school district to increase its voted leeway property tax rate.
22. 45 School Funding - to study public and charter school funding and the WPU.
23. 46 School Restructuring - to study whether to require the restructuring of a school that receives failing grades for two consecutive years.
24. 47 School Seismic Hazard Inventory - to study whether to create a Utah Schools Seismic Hazard Inventory (H.B. 367).
25. 48 School Supplies - to study ways to allow a school or teacher to invite students to furnish, on a voluntary basis, school supplies for the student's own use (H.J.R. 8).
26. 49 Secondary Math Requirements - to study high school math requirements versus college readiness.
27. 50 Small School Funding - to study public education funding for smaller schools.
28. 51 State Board of Education and Local School Board Election Process - to study and investigate whether to change the year in which the election takes place and investigate methods for nomination to the primary or general ballot, including direct election or nominating committees consisting of members of school community councils, for each district.
29. 52 Student ID - to study the consolidation of student identification numbers.
30. 53 Technology as an Educational Tool - to study technology as an education teaching tool, how and when it should be used, how many children it should serve

per dollar spent, at what age or grade it is best used, and how often it should be reviewed to make sure it is working.

31. 92 Voted Leeway Program - to study changes to the state supported voted leeway program.
32. 123 Serving Deaf and Blind Children - to study the best methods for serving deaf and blind children.
33. 145 Guardianship - to study issues related to guardianship (H.B. 284).
34. 159 Sexual Contact with a Student - to study criminal penalties for sexual contact with a student (2011FL0742).
35. 205 Driver Education Improvements - to study how to improve driver education statewide to heavily emphasize the dangers and consequences of driving under the influence.



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