



UEA Elections Open Through May 7 Page 6



Former Granite President Joins UEA Professional Staff Page 8

UEA Action

The Voice of the Unified Education Profession in Utah Volume 40 Number 3 April 2010

2010 Utah General Legislative Session

Public Ed Fares Better Than Expected

Please unbuckle your seatbelts and exit to the right. The 2010 Legislature roller coaster ride is over.

"Given the economic circumstances and issues we faced from day one of the legislative session, public education and educators fared remarkably well in the end," said UEA Executive Director Mark Mickelsen. "I am especially pleased that teachers in the Jordan School District received a

lifeline that may help them avert painful layoffs this spring." (See *UEA Favored Bills Pass*, page 5.)

Many legislators and others attributed the outcomes for public education on the hundreds of e-mails, letters and personal contacts received from teachers and parents. Especially helpful and successful were the personal contacts with legislators made during UEA's six Educator Day on the Hill activities. More than 120 educators participated this year.

The session was marked by tough battles over state employee retirement benefits, association leave rules, and a nearly \$1 billion budget shortfall that threatened to compound Utah's already tenuous public education funding situation. (See *Cuts Less Severe Than Anticipated*, page 4.)

"We understand that growing the economy is the No. 1 issue for all of us and...long-term sustained growth requires education," remarked Gov. Gary Herbert in concluding comments to legislators at the close of the session. "I hope you're hearing the accolades and the... appreciation from people in the education world. I've received handwritten notes from the UEA...and others that have said 'thank you' for making tough choices but doing it appropriately (for education)."

UEA President Kim Campbell said, "the goal expressed by the governor, legislative leadership, and the Democratic minority was to hold public education to last year's funding levels. In this tough economic climate, although there were cuts and growth wasn't funded, they came very close to reaching



UEA Director of Government Relations Kory Holdaway (left) and Executive Director Mark Mickelsen (right) are joined by Reps. Christine Watkins and Laura Black on the last day of the 2010 Utah Legislative Session.



Davis Education Association teachers Cappy Fehser (left), Joann Squires and Julie Sanders visit with Rep. Eric Hutchings during Educator Day on the Hill on Feb. 17.

their goal in the overall budget. The fact that public education received ongoing money will help avoid a disastrous funding cliff in next year's budget. We thank our legislators and Governor Herbert for their hard work and support of public education."

"If I could have changed one thing about this legislative session, it would be more focus on long-term, sustainable public education funding," noted Campbell.

Read more about the 2010 Utah Legislative Session on pages 4-5

Retirement Bills Improved Before Passing

Changes Impact Few Current Employees

Two major bills dealing with the Utah Retirement Systems passed during the 2010 General Legislative Session. SB43: Post-retirement Employment Amendments and SB63: New Public Employees' Tier II Contributory Retirement Act passed the Legislature on March 1 and are awaiting the Governor's signature. While the UEA still believes the state would have been better served by allowing a year to study these issues and develop alternative solutions, these bills are much improved from their original form.

The bills were improved, in large part, because of hundreds of letters, e-mails and personal contacts with legislators. The UEA Legislative team extends its thanks to everyone who helped in shar-

ing concerns with legislators, especially members of the newly-formed retirement coalition (UEA, Utah School Employees Association, Utah Public Employees' Association, and Fraternal Order of Police), 4,000 of whom gathered on the steps of the Capitol Feb. 6 to protest cuts to public employee retirement benefits.

Contacts with legislators also helped stop two additional bills that would negatively impact retirement benefits for current employees. SB42: Retirement Eligibility Modifications would have extended the years of service required for retirement and SB94: Supplemental Benefit Amendments for Noncontributory Public Employees would have eliminated the 1.5 percent employer 401(k) contribution state employees currently receive.

For those working in education, here's what SB43 and SB63 will do:

Current Employees: All retirement benefits, including years-of-service requirements, three-year final salary averaging and the 2 percent multiplier for each year of service, remain just as they are now for all employees hired prior to July 1, 2011.

Current Retirees: Neither bill affects pension payout, COLA increases or any other aspect of current retiree benefits. If you have retired from the URS and returned to work in an entity participating in the URS, the new law removes the requirement that an employer contribute to an employee 401(k). After July

1, 2010, employers may continue to contribute to the rehired employee's 401(k), but only up to the "normal cost," which will be 11.87 percent, about



More than 4,000 gathered on Utah's Capitol Hill Feb. 6 to support a "proceed with caution" approach to retirement system changes. Due in large part to input from teachers and other state employees, retirement measures passed by the 2010 Utah Legislature have minimal impact on current employees.

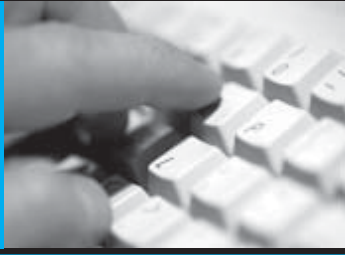
See RETIREMENT page 4

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Thoughts & Opinions



Speak for Tomorrow Today

By **Kim Campbell**
UEA President

Astronaut Christa McAuliffe's most famous quote is, "I touch the future...I teach." Utah's future, this very minute, is sitting in Utah's classrooms. Everything we hope for—the ability of our children and grandchildren to find good jobs here in Utah, our quality of life, our economic growth as a state—depends on how well this generation is prepared for the challenges of the future.

The preparation of the next generation depends on public education. The future of public education depends on what our generation is willing to do. And, what this generation is willing to do depends on what the professional association and its members are willing to do to lead the effort.

To those who have spent any time "on the Hill" working on legislative issues, it is clear that we must get beyond the discussion of "how to divide up the pie" and into a discussion of "how to create the public schools we need for the 21st Century and how to provide sustainable funding for those schools."

So right now, in the middle of a recession, the UEA is stepping up to the plate and taking a leadership role in advocating for a long-term view for public education and public education funding. After over a year of intense research, we are expanding our "Invest in Public Schools" campaign. Many of you have seen the "Speak for Tomorrow Today" signs. You may even have one in your yard. More than a slogan, these signs are a reminder of the long-term view we need for education. Simply put, the framework describes what we want, how to get there and why it is important to Utah.

What we do want for Utah's public schools? We want a system of excellence, capable of preparing every child for the challenges of the 21st Century. We want classrooms with quality teachers, small class sizes to provide for individualized attention and up-to-date resources and technology. We want a system able to adapt to our changing world. We want reform/change efforts based on good research. Changes implemented by educators

able to use their professional judgment and with the involvement of parents and the local school community. Among other efforts, the UEA will be leading an on-going conversation on excellence in public schools with the intention of having a positive influence on educational policy in the state by promoting a long-term view.



UEA President
Kim Campbell

How do we provide the investment necessary to support this effort? In the past couple of years, governors and many legislators have made an effort to invest in our public schools and those efforts are appreciated. But like the snow melting in the spring, the recession has uncovered some ugly things. The growth in Utah's economy over the past decade has masked the erosion of public education funding sources. The cumulative effect of changes to Utah tax

policies over the past few decades have eroded funding by over a billion dollars a year—that's billion with a "B". Utah's funding effort for public schools, as defined by public education revenues per \$1000 in personal income, has fallen from a high of 12th place in the nation to 34th place by 2005. This decline has kept us last in the nation in per-pupil funding by an ever-increasing margin.

In order to provide long-term sustainable funding for public education, we must repair

See KIM CAMPBELL page 3



Jesse DeHay



Ryan Anderson

Thoughts from NEA Directors
Jesse DeHay & Ryan Anderson

"I and mine do not convince by arguments, similes, rhymes; We convince by our presence..."
 ("Song of the Open Road," Lines 139-140)

Walt Whitman reminds us of the power of our presence, when at times we hear our members and others decry Association involvement in political decision making. However, from our experiences with our elected representatives in Congress, we have found respect for our professional perspective and the anecdotal stories we bring from our nation's public schools.

When we first went back to Washington, D.C., we were surprised by the youth of the "staffers" in the offices and halls of Congress. Yet, because of the sheer volume of information exchanged in the process of legislation, our elected leaders depend

Thank You for Being Involved



Thoughts from
UEA Vice President
Ellen Thompson

Each and every contact with a legislator makes a difference. Thank you to all of you who wrote and called and e-mailed this session. You are terrific! I also want to express a big thank you to all those who participated in Educator Day on the Hill this year. We had more than 120 educators participate from all over the state. We had nine UniServs represented. It was an amazing year and we can't thank you enough.

For some of those coming to Educator Day on the Hill, it was their first time in the Capitol Building. Climbing up the worn marble stairs, looking at the rotunda, sitting in a committee room and the gallery of the House or the Senate, watching all the lobbyists gather around the doors of both chambers waiting for that one to five minutes of time to speak to a legislator is an interesting experience. Even if you are not a history or political science buff it is captivating and maybe a little intimidating.

Speaking of intimidating, for others it was the first time contacting a legislator face to face. For the most part educators found the legislators to be gracious and willing to listen. It is just facing a brand new experience that made some uncomfortable at first...but it didn't last long. Give any teacher a chance to talk about their classrooms and their profession and their passion overcomes any wariness.

Whether it was talking about retirement, the education budget or association leave, all the visiting educators were eloquent and effective. The legislators love to say, "I would like to talk to a real teacher." This year we gave them ALL that opportunity. Thank you for being there. We even had 5 of the educators get interviewed by news stations. Not only did they speak for our profession to the legislators, but also to the cameras.

During each Educator Day on the Hill, we met at lunch time to talk about the experience and report back pertinent information to the UEA Legislative Team. Over and over it was expressed that participants had no idea how grueling the work was. Many expressed a desire to come again next year and an interest to stay more involved. I wish we could give each of you two or three days to see the legislature in action. There is no way to express what it is like without experiencing it. If you haven't yet had the chance, I hope we see you next year.

Thank you for being members and advocating for our profession.

on their enthusiastic energetic staff people for research and focus. By forming respected working relationships in each office and providing authoritative research-based information, we are able to effectively discuss and debate the issues facing us.

Organizational consultant and systems researcher Meg Wheatley suggests, "We must be brave enough to start a conversation that matters and trust that meaningful conversation can change our world." In a recent AARP Bulletin Opinion (March 2010 p.38), Jim Wallis opines, "Change begins when people make different choices, and it grows when people make them together. And when the critical mass of those who are making different choices gets large enough, change becomes a social movement that can change a status quo that makes us feel angry or helpless."

Furthermore, author/lecturer Marianne Williamson claims "As we let our light shine, we unconsciously give other people permission to do the same. As we are liberated from our own fear, our presence actually liberates others."

Because political decisions daily affect our students' and our professional lives, we believe our presence is essential in the legislative decision-making process.

The UEA **Action** is published four times each year by the Utah Education Association. A portion of UEA members' dues are designated for the UEA **Action**.

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Issues & Action



KIM CAMPBELL . . .
(continued from previous page)

Utah's tax structure and recommit ourselves as a state to public education. A recent Utahns for Public Schools report (*utahnsforpublicschools.org*) details the flaws in Utah's tax structure and suggests possible remedies. (Interestingly enough, most suggested remedies would not raise taxes for the majority of Utah's families.) If you care about public education funding, I hope you read them and pass them along to others. We will be looking for candidates and current policymakers to carry legislation to repair the tax structure and who are willing to promote recommitting Utah to providing quality public schools.

Why is it important to all Utahns? Utah's economic future depends on it. Businesses are attracted to states with educated workforces and a good quality of life. Investing in education creates and/or saves jobs in every part of the state and at the same time it provides education to students. Public education is also a stabilizing factor

for communities...especially small businesses in rural communities. The UEA will continue to share statistics on why investing in education is a good economic investment for Utah's future with the public and with the business community. We will also host economic summits, promote community conversations and provide information to locals and districts.

The "Speak for Tomorrow Today" signs are a simple call to action—a call to action for all of us. It is a call to think long-term and do our part to build a public education system worthy of this great state. In our research over the past year, we heard many of you ask for our association to be more proactive on the issues that affect your career and your classroom. We believe this framework has the potential to build our desired future for public education, but we need your involvement to make it a reality. Please stay informed, get involved and begin the conversation in your neighborhood. We must all "Speak for Tomorrow Today." Find out more about what you can do at *utea.org* or *UtahsFuture.org*.

SPEAK FOR TOMORROW TODAY



UtahsFuture.org

2010 UEA Convention

Presenters Wanted for the 2010 UEA Convention & Education Exposition

The 2010 Utah Education Association Convention & Education Exposition will take place Thursday and Friday, Oct. 14-15 at the South Towne Exposition Center in Sandy. This year's convention theme is "Speak for Tomorrow Today."

The UEA Convention is the largest professional conference for educators in Utah, providing nearly 50 curriculum and professional development workshops for K-12 educators over the two-day period. Educators, parents, legislators and community leaders participate in this annual event.

The UEA is currently seeking proposals from those interested in offering professional development workshops on a variety of topics. Proposals will be selected based on the relevance and value of the presentation to educators. Presentation proposals must be received by the UEA no later than May 14 in order to be considered. For more information, visit *utea.org*.

The UEA Board of Directors has approved the following dates for future conventions:

- 2011: Thursday and Friday, October 20-21
- 2012: Thursday and Friday, October 18-19

Each of these Conventions will be held at the South Towne Exposition Center in Sandy. The UEA has tried to select a location where future dates are available in October and support effective calendar for school districts. Watch the UEA website, *utea.org*, for additional information about the 2010 UEA Convention & Education Exposition.

Transformation Team Presents Recommendations

By Mark Mickelsen, UEA Executive Director

Before adjourning in December 2009, the Utah Education Association's Transformation Team – representing all of the Association's stakeholders, including members, leaders, and staff – presented a set of recommendations to help the UEA reach its four strategic goals. These goals include: 1) Advance the well-being of members; 2) Strengthen the teaching profession; 3) Engage in meaningful partnerships that promote quality public schools; and 4) Build organizational capacity.

In order to develop effective member-driven recommendations, the Team was involved in continuous data collection and analysis during the 18-month transformation project. Data was collected during group interviews with Association leaders and staff; during facilitated discussions at the UEA Summer Leadership Academy sessions (2008 and 2009); through a UEA Convention survey (2008); during the 2009 UEA House of Delegates; and through an online all-member survey conducted in August and September 2009.

Data collected and analyzed by the Team resulted in the creation of four theme areas – or stakeholder priorities – including communication, advocacy, leadership, and member engagement.

In the spring of 2009, the Team separated into two work groups. Their charge was to assess the Association on two levels – products and service delivery and policy and structure. All of the recommendations they prepared deal with one of the four theme areas.

In early November 2009, the first 12 recommendations of the Team were presented to leaders and staff throughout the state. They include the following:

- Recommendation #1:** The Utah Education Association should advocate for its members' needs through a strong public relations/image/member engagement campaign.
- Recommendation #2:** The UEA should involve veteran members in a new teacher coaching program. (This program is not called "mentoring," because the intent is not to replace what school

districts already have in place.)

- Recommendation #3:** The UEA should proactively work together with other education stakeholders to accomplish our shared vision of great public schools and pursue educational excellence.
- Recommendation #4:** The UEA should enhance its communication structure.
- Recommendation #5:** The UEA should develop an intentional system of collaboration between staff and governance.
- Recommendation #6:** In an effort to build capacity within the organization and increase the number of internal member advocates, the UEA should develop new and enhance existing training tools to serve the Association's general membership population.
- Recommendation #7:** In an effort to build capacity within the organization and increase member involvement, the UEA should develop new and enhance existing bargaining training tools to serve the Association's general membership population.
- Recommendation #8:** The Association Representatives (ARs) are the face of the UEA within the schools. The UEA should create a structure that will enhance the training for and effectiveness of ARs.
- Recommendation #9:** The UEA should increase organizational capacity by building a coordinated system for identifying and training emerging leaders and staff, as well as developing current leaders and staff.
- Recommendation #10:** In an effort to build capacity within the organization, the UEA should develop new and enhance existing training tools for leaders.
- Recommendation #11:** In an effort to build capacity within the organization and increase member involvement, the UEA should develop new and enhance existing training tools to serve the Association's general membership population.
- Recommendation #12:** The UEA should increase its visibility and presence throughout the state.

At their final meeting in December 2009, the Team added two additional formal recommendations and seven "study" recommendations. They include the following:

- Recommendation #13:** The UEA should improve processes in order to increase member engagement for the annual House of Delegates.
- Recommendation #14:** The UEA should use the UEA annual convention, and other regional events, as vehicles to advance and implement the UEA Strategic Goals and Transformation recommendations.
- Study Recommendation A:** The UEA should study whether or not to implement a legal hotline, through which members could receive immediate assistance with job-related concerns such as grievances, remediation, and terminations.
- Study Recommendation B:** The UEA should study whether or not to include in the yearly UEA Convention an annual meeting for UEA retirees. The meeting could be used for organizing purposes, for data collection, and to provide retired members with updates on important retirement issues.
- Study Recommendation C:** The UEA should study whether or not to integrate social networking programs – of particular interest to new educators – as a part of the day-to-day communications structure of the Association.
- Study Recommendation D:** The UEA should study effective methods to ensure the election of pro-public education candidates and strategies that will enhance our ability to have a positive impact on education policy and funding.
- Study Recommendation E:** The UEA should study effective methods to increase and retain membership.

See **TRANSFORMATION** page 6

For more information about the UEA Transformation, visit *utea.org*.

Legislative Summary



Review of the 2010 Utah General Legislative Session

FY2011 Public Education Budget

Cuts Less Severe Than Anticipated

As the end of the 2010 General Legislative Session neared, the Governor and majority party legislative leaders worked to trim a proposed \$21 million cut to public education to about a \$9 million reduction from last year's budget. In the end, however, there was no new funding to educate an estimated 11,000 new students expected next year. The net result is a cut of about 3 percent, far less than reductions faced by many other departments and agencies.

The public education cuts will come largely from funds for new school buildings, cuts at the State Office of Education and a 50 percent reduction in teacher-directed supply money, with additional reductions to be determined by local school boards. In the session's closing hours, lawmakers found money to help pay for new school library books. A last-minute attempt to insert charter school funding changes and eliminate association leave pay failed.

The WPU will remain at \$2,577 despite no

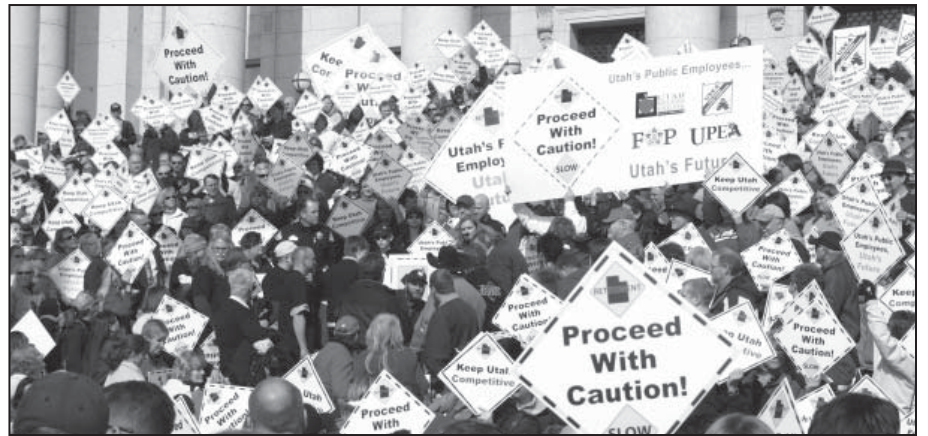
funding for the additional 11,000 students. School districts must absorb those costs in other areas.

A major change in the education budget proposal is a shift from one-time to ongoing money. During the downturn in the economy, one-time rainy day and federal stimulus money was used to fill budget shortfalls. In the new FY2011 budget, lawmakers and the governor agreed to replace most of the one-time money with ongoing funds.

"The change from one-time to ongoing funding is a huge win for public education," said UEA Government Relations Director Kory Holdaway. "Without this change we would have faced a major funding cliff in future years."



Alison Williams (left) and Laura McKee, teachers at Box Elder High, meet with Rep. Rhonda Menlove during Educator Day on the Hill Feb. 17. Educators visited with legislators and participated in the legislative process during six Educator Day on the Hill activities in 2010.



The UEA joined with the Utah Public Employees' Association, the Utah School Employees Association and the Fraternal Order of Police to sponsor a rally on the steps of Utah's Capitol Feb. 6 opposing cuts to state retirement benefits.

FY2011 Public Education Budget Summary (prepared by the Office of the Legislative Fiscal Analyst)

UTAH LEGISLATURE

MARCH 17, 2010

2010
GENERAL
SESSION

Public Education

APPROPRIATION SUMMARY & BUDGET HIGHLIGHTS

BUDGET SUMMARY

The public education budget is the largest expenditure category in the state budget. School districts and charter schools receive operating funds through the budget. Public school enrollment is estimated to reach 574,317 this fall, an increase of 11,044 over fall 2009. The majority of new growth, 8,045 students, will likely occur in Utah's charter schools. In addition to the Minimum School Program and School Building Program, the budget includes funding for state-wide education support agencies.

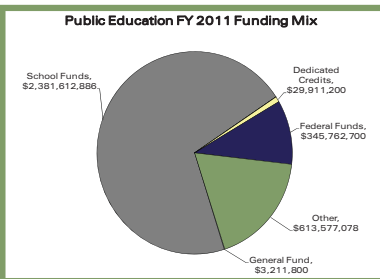
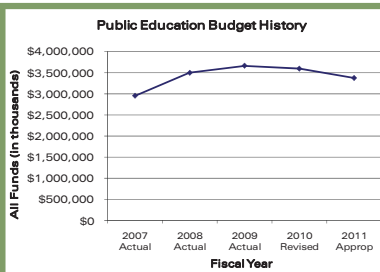
MAJOR FUNDING CHANGES - FY 2011

- **Maintain WPU Value at \$2,577 - \$35 million**, provides the FY 2010 WPU Value for the 13,581 additional WPUs expected from student enrollment growth. Funding for Basic School Programs will increase/decrease based on changes in the number of Weighted Pupil Units for each program.
- **Ongoing Budget Reductions - (\$21.1) million**, includes (\$6.3m) in Pupil Transportation, (\$8m) School Building Program, (\$2.1m) Public Education Job Enhancement Program, (\$.5m) Library Books & Electronic Resources, (\$2.5m) Social Security & Retirement Program, and (\$1.6m) for a 2% reduction in several programs in Education Agencies & the Minimum School Program.
- **Ongoing Add-Backs - \$247.3 million**, \$19.9m maintains Voted & Board Leeway State Guarantee at \$25.25/WPU, \$13.6m for Charter School Local Replacement, \$2.1m for Educator Salary Adjustments, \$2.7m for ELL Software Licenses, \$.9m for Carson Smith Special Needs Scholarships, \$.75m for Critical Languages & Dual Immersion, \$.5m for Charter School Administrative Costs. \$217.5m in ongoing funding to provide a Flexible Allocation to school districts & charter schools. Funding is distributed on a WPU basis. \$81,500 to maintain FY 2010 ongoing funding levels in the Fine Arts (POPS) and Science (ISEE) outreach programs.
- **One-time Add-Backs - \$12.7 million**, \$6.3m for Pupil Transportation (offsets the ongoing reduction), \$5m for Teacher Supplies & Materials, \$400,000 for Library Books & Electronic Resources, \$350,000 for the Public Education Job Enhancement Program, and \$658,800 for the Beverley Taylor Sorenson Arts Learning Program (maintains FY 2010 funding level in FY 2011).
- **Budget Reallocations**
 1. Electronic High School - from Minimum School Program to USOE - Initiative Programs - \$2m
 2. Performance Based Compensation Pilot Program - from USOE - Initiative Programs to the Minimum School Program - \$300,000
 3. Social Security & Retirement - remaining funding reallocated to the new Flexible Distribution program in the Minimum School Program - \$10.9m
 4. Sound Beginnings & ASSERT Autism Support Service - from USOE Initiative Programs to Utah State University - \$415,800

MAJOR FUNDING CHANGES - FY 2010

- **Minimum School Program** - Legislators did not reduce total funding levels in FY 2010. Reallocations moved (\$15.6m) from one-time back-fill funding to support \$2.1m for Educator Salary Adjustments and \$13.5m for the Voted & Board Leeway State Guarantee.
- **Education Agencies** - Reduced a total of \$1.3m in the Utah State Office of Education, Utah Schools for the Deaf and the Blind, Education Contracts, Fine Arts Outreach (POPS), and Science Outreach (ISEE).

Total Budget	
FY 2009 Actual	\$3,663,970,560
General/Education Funds	\$2,435,789,286
FY 2010 Revised	\$3,594,571,056
General/Education Funds	\$2,293,037,886
FY 2011 Appropriated	\$3,374,075,664
General/Education Funds	\$2,384,824,666
Percent Change FY09/FY10 Rev	-1.9%
GF/EF Percent Change	-5.9%
Percent Change FY10 Rev/FY11	-6.1%
GF/EF Percent Change	4.0%



FY 2011 Budget Detail	
• Minimum School Program	\$2,912,216,064
• School Building Program	\$14,499,700
• Education Agencies	
USOE	-\$256,379,400
USOE Initiative Programs	-\$10,331,200
USDB	-\$29,985,400
Child Nutrition	-\$136,081,900
Educator Licensing	-\$1,266,100
Charter School Board	-\$5,681,900
Fine Arts Outreach	-\$2,786,800
Science Outreach	-\$1,709,400
Education Contracts	-\$3,137,800

RETIREMENT . . . (continued from page 1)

2 percent less than the current contribution rate. **Retirees Who Return to Employment:** SB43 applies to anyone who retires from the Utah Retirement Systems after July 1, 2010, and returns to work with any entity participating in the URS. It requires a retired employee to wait one full year before returning to employment with a state agency. A teacher who retired would have two options upon being rehired:

1. Stop receiving a pension payment and earn another 2 percent towards retirement per year upon ultimate retirement.
2. Receive a monthly pension payment after sitting out a full year before returning to work. There would be no replacement contribution to the employee's 401(k) as is currently the practice.

New Employees: SB63 applies to public employees hired after July 1, 2011. Upon hiring, new employees will elect one of two retirement benefit options:

1. **Defined Contribution:** 10 percent of the employee's salary will be placed in a 401(k)-type defined contribution plan for the employee.
2. **Hybrid Defined Contribution/Defined Benefit:** About 7.75 percent of the employee's salary will fund a defined benefit plan paying 1.5 percent of salary for each year of service based on a 5-year final average salary. Employees would be required to have 35 years in the system or reach age 65 to qualify. An additional 2.25 percent of salary (for a maximum total of 10 percent) would be contributed to a 401(k) plan. Under the hybrid option, if the required defined benefit funding rate exceeds 7.75 percent, additional funding first comes off the 2.25 percent 401(k) contribution. If the amount exceeds 10 percent of salary, the employee pays the difference.

Both plans would have a four-year vesting period, meaning the employee must work four years to get any benefit at all.

For more information about the 2010 Utah Legislature, visit utea.org/Politics.

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A comprehensive list is available upon request and will be included in the 2010-2011 Appropriations Report.



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NOTE: All figures represented in this summary are preliminary. Final appropriation figures, including gubernatorial vetoes, will be reflected in the 2010-2011 Appropriations Report. 3/17/2010 3:45:08 PM

Legislative Summary



UEA President Kim Campbell briefs Educator Day on the Hill participants Feb. 5. More than 120 educators from nine UniSerts participated in this year's Educator Day on the Hill Activities

UEA-Favored Bills Pass, Opposed Fail

Budget shortfalls meant few new education initiatives were proposed in 2010. In the end, the 2010 Legislature passed several bills supported by the UEA and few we opposed:

- 👉 **HB4: Current School Year Supplemental Minimum School Program Budget** (Supported by UEA, Passed). This bill, passed early in the session, appropriated supplemental funds to hold public education harmless for the current fiscal year (FY2010). This bill was significant in that it spared public education from significant cuts like those required of other state agencies and departments.
- 👉 **HB246: Retirement Benefits for Charter School Employees** (Supported by UEA, Passed). This bill, sponsored by Rep. Christine Watkins, allows a charter school employee, a charter school, or an employee and a school jointly to purchase service credit within the Utah Retirement Systems equal to the period of the employee's employment in a charter school located within the state.
- 👉 **HB268: Public School Innovations** (Opposed by UEA, Failed). This bill would have allowed a school or group of schools within a school district to create an innovation plan and adopt the plan with approval of the district school board and the State Board of Education. UEA opposed this bill because it would have allowed schools to exempt themselves from certain laws, including orderly termination, and to unilaterally remove themselves from negotiated employment agreements.

- 👉 **HB295: Expanded Use of School District Property Tax Revenue and SB175: School District Capital Outlay Equalization Amendments** (Supported by UEA, Passed). These bills give school districts, for a two-year period, the flexibility to shift local capital fund revenues to fund general operations. SB175 phases out the property tax funding equalization for Salt Lake County over a five-year period. The bills are expected to give school districts, especially those in extreme financial difficulty such as Jordan and Grand County, added flexibility in dealing with the current economic conditions.
- 👉 **SB16: Utah Performance Assessment System for Students Amendments** (Supported by UEA, Passed). This bill expands the use of adaptive online testing in place of CRTs for districts that choose to participate.
- 👉 **SB77: School District Leave Policies** (Opposed by UEA, Failed). This bill, sponsored by Sen. Margaret Dayton, would have prohibited all paid association or union leave and required reimbursement for costs for certain unpaid leave including benefits. Parents for Choice, the Utah Taxpayers Association and Utah Citizens for Tax Fairness supported the bill. The UEA and Utah School Boards Association testified against it. The bill ultimately failed in the House on a vote of 25-43 with 7 absent. Several Representatives spoke against the bill including Reps. Black, Gowans, Powell, Mascaro, Moss, McIff and Watkins. Those against the bill primarily argued association leave was an issue of local control, better left to

elected school boards. Sen. Dayton attempted to amend the school funding bill to include the SB77 provisions, but her efforts were defeated in the Senate.

- 👉 **SB147: Education Related Parent Organizations** (Opposed by UEA, Failed). This bill would have barred the PTA from appointing a representative to the investment advisory committee for the investment of Land Grant Trust Fund money. The irony is that Utah may not have had school trust land money without the efforts of the PTA.
- 👉 **SB150: Reading Requirements for Student Advancement** (Supported by UEA, Passed). This bill requires a school district or charter school to provide notice to a parent of a student in the first, second, or third grade if the student is reading below grade level and of available reading interventions available through the school district or charter school. It also requires a school district or charter school to provide appropriate reading remediation. A provision to retain students in grades 1-3 reading below grade level was eliminated.
- 👉 **SB275: Removing Signature from Initiative and Referendum Petition** (Opposed by UEA, Passed). This bill repeals the requirement that a voter must submit a notarized statement in order to have their name removed from an initiative or referendum petition. It also allows extra time from the date a petition is submitted until it is certified. The bill will, in effect, make it much easier for opponents to nullify a successful initiative or referendum.



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Issues & Action

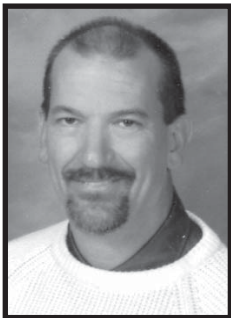


[UEA Elections - Vote through May 7](#)

Monson, Nedreberg Move to General Election

Three contenders for UEA vice president were whittled down to two during the UEA 2010 Primary Elections that concluded March 2. Thomas Nedreberg and Jerry Monson will be on the UEA General Election ballot. The UEA Elections Committee would like to thank all of the candidates for their willingness to run.

Voting for the UEA General Election will be open April 9 through May 7. Voting information packets will be sent to the Association Representative (AR) at each school. The ARs will then distribute a voting card to each member that will contain online voting instructions, including a login ID and password. If you do not receive a voting card, please contact your AR or call the UEA office, (801) 266-4461 or 1-800-594-8996.



Tom Nedreberg (top) and Jerry Monson were selected as candidates for UEA Vice President during the primary election.

2010 UEA candidates include (in alphabetical order):

Statewide—

- President (*two-year term*)
 - Sharon Gallagher-Fishbaugh, Salt Lake
- Vice President (*two-year term*)
 - Jerry Monson, Alpine
 - Thomas E. Nedreberg, Tintic
- NEA-RA Delegate-At-Large (*two-year term*)
 - Brian Ferguson, Davis
 - Delora Wight, Rich
- NEA-RA Successor Delegate (*two-year term*)
 - Brian Ferguson, Davis
 - Delora Wight, Rich

UniServ—

- Davis Director (*three-year term*)
 - Trudy Henderson
 - Jennifer Tanner
- Davis NEA-RA Successor Delegate (*three-year term*)
 - Brian Ferguson

Candidate profiles, in addition to election and voting information, is available on the UEA website at utea.org.

House of Delegates

The UEA House of Delegates will be held Saturday, April 24, at Copper Hills High School, 5445 W. New Bingham Highway (7800 So.), West Jordan. Registration of delegates begins at 8 a.m., and the House will convene at 9 a.m.

Business of the House includes adoption of the Association's legislative platform and priorities for 2011, approval of the UEA's 2010-11 budget and discussion of new business items and bills affecting UEA governing documents, standing rules and resolutions. The Open Hearing will be held at 6 p.m. on Friday, April 16, in the UEA Auditorium. House action items will be filed and reviewed at this meeting.

TRANSFORMATION . . . (continued from page 3)

Study Recommendation F: The UEA should further study regional outreach to UEA members and their communities.

Study Recommendation G: The UEA should identify current practices that are no longer relevant to the needs of our members and make appropriate recommendations and decisions.

Progress To Date

The UEA Board of Directors has prioritized formal Recommendations 1-5 for implementation. Three Transformation Task Forces—comprised of members, leaders, and staff—are currently working on Recommendations 1, 4 and 5. Their task is to present considerations to the UEA executive director for the implementation of these recommendations. In the spring of 2010, two additional task forces will be assigned to deal with Recommendations 2 and 3. Reports on study recommendations will be made to the UEA Board between July 1 and December 1, 2010.

I Just Wanted to Be There for Him (or Her)

by Michael T. McCoy, UEA General Counsel

Recently, the news has been full of stories about teachers who engage in inappropriate relations with students (generally of a sexual nature). Whenever a teacher is accused of, or investigated for, inappropriate relationships with students, it's news. The Utah State Office of Education (USOE) released a report in March 2010 of its investigation into inappropriate teacher relationships with students, concluding the incidence is very low. That's the good news. The bad news is, whenever a teacher engages in inappropriate relationships with a student, there is a high price to pay for the teacher, for the school and for the student(s) involved.

The psychological damage to the student is beyond my training so I won't address it here. For the school, it's a black eye for every teacher. Parents think and hope schools are a safe place for their kids. We tell them school is the safest place their kids can be—and it's true. But, one bad apple casts a shadow on all apples in the barrel and one bad teacher casts a pall of doubt on all teachers.

The price the teacher pays is inestimable: the loss of respect, the loss of family, the loss of job, the loss of license—even, the loss of freedom.

It seems the process begins when the teacher decides s/he just "wants to be there for him." The moment a teacher decides s/he wants to be more than just a teacher is the moment the teacher begins the "slippery slope" into an inappropriate relationship. The teacher is the adult and the teacher...not the parent or the school counselor. If a student has personal problems, talk to the school counselor or talk to the parents, but do not become the confessor or confidant of the student...that's not your job. Almost every teacher accused of having an inappropriate relationship defends himself (or herself) justifying the conduct by saying, "I just wanted to be there for her." The second an accused teacher tells me, "I just wanted to be there for her," I strongly suspect there's a problem. It's a red flag!

A teacher accused of an inappropriate relationship with a student becomes suspect even if the accusation is false. The rumor gets around. Even acceptable conduct—such as a pat on the back—becomes suspect once the rumors fly. Married teachers who engage in inappropriate conduct with

a student usually end up divorced and sometimes lose custody of their children. Depending on the nature of the inappropriate conduct, visitation rights may be restricted or supervised visitation required.

Every school district in Utah will terminate an employee it reasonably believes has had an inappropriate relationship. The district is required to report its suspicion to the Utah Professional Practices Advisory Commission (UPPAC). UPPAC investigates all reports of inappropriate relationships with students. If evidence supports the report, the UPPAC will conduct a hearing and recommend the suspension or revocation of the teacher's license. The decision is recorded in a nationwide database accessible by other state offices of education. The teacher becomes unemployable in the public schools in almost every state.

For teachers to be safe from false accusations or from becoming involved in an inappropriate relationship, the teacher needs to maintain a proper social distance from his or her students. It's okay to be friendly, but it's unwise to be alone with a student, to give students rides to or from school (or other places), to engage in suggestive or sexual conversations, or show pictures some might consider pornographic (in Utah, Victoria's Secret's ads are considered pornographic by some). Teachers should regularly familiarize themselves with their district's policies governing student/teacher relationships—and comply with those policies.

The Perils of Teaching

The first part of this article should be enough to cause one to pause before becoming a teacher. But wait, there's more...

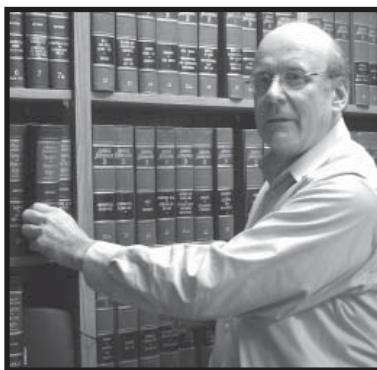
Due to the spate of reports of inappropriate

teacher conduct and a state statute requiring creation of a database of educator fingerprint results and arrest records, the Utah State Office of Education has established a database of teachers who have arrest records. Teachers whose arrest (yes, just an arrest) and/or conviction record is in the Utah Department of Public Safety's database is being cross-referenced with the USOE's database. As the USOE's database is "populated" with the names that appear on both lists, the USOE sends letters to many of those teachers whose arrests or convictions are of "interest" to the USOE. Two hundred and fifty letters have been sent to date. Teachers arrested or convicted of minor offenses more than five years old are not included in the mass mailings.

If you're one of those teachers who has been arrested and plead "no contest," took a "plea in abeyance," or had your record expunged, you may think you're safe. Not so. The USOE has the legal authority to obtain your arrest/conviction record whether or not the plea was changed to "dismissed" or the record "expunged."

If you receive a letter from the USOE you should contact your UniServ director for additional information. You should respond as directed in the letter. It's wise to consult your UniServ director about your response BEFORE you send it.

The good news is most teachers will not be subject to more than a letter from the USOE suggesting they be more careful in their future conduct. The teacher's school district will not be notified. For more serious violations, the teacher may be subject to disciplinary actions by the UPPAC and the district. Again, teachers who receive letters from the USOE or UPPAC inquiring about an arrest or conviction should contact their UniServ director before responding to the letter.



**UEA Attorney
Michael T. McCoy**

**For more information
about teacher rights, visit:**

[www.utea.org/educatorResources/
educatorRights/index.htm](http://www.utea.org/educatorResources/educatorRights/index.htm)

UEA/NEA Benefits



Spring Ahead with NEA Member Benefits

Stretch your budget further with savings from NEA Member Benefits. The following offers are available to NEA members at neamb.com:

- **Save at 1-800-FLOWERS.COM**

No matter what the occasion—birthdays, weddings, stork arrivals, holidays or celebrating friendship or love—1-800-FLOWERS.COM can provide just the right gift. Choose from the freshest flowers and plants, gourmet foods and gift baskets, confections, and plush stuffed animals. NEA members now save 20% on their purchases.

- **New NEA Auto Purchase Advantage**

Thinking of driving home a new car this spring? This program takes the hassle out of buying a new or used car with its low, no-haggle pricing from more than 2,400 carefully selected Certified Dealers. Compare vehicles and their low prices online before even setting foot in a showroom.

- **Save at Snap Fitness**

Now getting in shape for the summer is easier than ever with savings at more than 1,000 state-of-the-art fitness clubs, several located along the Wasatch Front with more coming soon. As an NEA member, there's no fee to join and each month you get 10 percent off the Snap Fitness membership rate. What's more, Snap Fitness is conveniently open 24/7.

- **Protect your family for less**

The new lower 2010 rates for NEA Life Insurance are our best rates ever. While rates are at their

lowest, take advantage of this opportunity to help ensure that your family is protected.

- **Freshen up your spring wardrobe**

New York & Company has the hottest spring trends. As an NEA member, you can save 15 percent anytime you shop, whether it's online or at any of their stores (with valid ID). Use your discount on sale items to get even more savings! Plus, stay on top of the latest fashion — and sales — by signing up for mobile alerts. Just text the word "NEA" to NYSTYL (697895).

- **Stay ahead of the class with NEA Academy**

Increase your professional knowledge with convenient online classes at the lowest, member-only rates. Before summer arrives, why not strategize on how best to use your time off. Check out the "Five Practices of Highly Effective Classrooms," which has been given high marks by The Review Board.

- **Financial tips from "Money Talk" blog**

Tax time isn't the only time to review your finances. This blog provides helpful information all year round. Do you know the key questions to ask a financial planner, how dollar cost averaging works, or the Rule of 72? Not only will you find this information online, you can also pose your own questions to the writer who is a Certified Financial Planner™. This is just one of the valuable online resources at TeachAde.com, the online community for teachers.



Vacation Rental Offer Ends April 30

Looking to get away? For a limited time, enjoy a 7-night stay for only \$199 with a Resort Vacation Certificate.

With locations worldwide, getting away has never been easier or more affordable. From romantic getaways to family vacations, the perfect resort is waiting at a location in the U.S., Canada, Europe, the Caribbean or Mexico.

Accommodations for up to eight people range from studios to multi-bedroom units. Many units have large living rooms, dining rooms, fully-equipped kitchens and laundry facilities. Vacation rentals are the ideal way to spend a vacation, providing space and flexibility not available at a standard hotel.



To redeem this offer, visit utea.org, enter your membership number in the "Member's Only" box, then go to Travel Services > Condo > Resort Vacation Certificates and follow the reservation instructions on the website.

Hurry...this offer ends April 30.

Financial Literacy Summit

Educators can participate live in the fourth annual *Financial Literacy and Education Summit* webcast on Monday, April 19, 8 a.m.-10 a.m. (MDT), sponsored by the Federal Reserve Bank of Chicago and Visa. This year's theme, Advancing Financial Stability and Responsibility, will feature discussions about key issues in the fields of education and personal finance.

The program features leading financial literacy experts who will address key issues in the fields of education and personal finance.

Reserve space online at practicalmoneyskills.com/summit2010.

For NEA Member Benefits information, call 1-800-637-4636 or visit www.neamb.com.

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1. To qualify for the \$200 reward, you must close on any purchase or refinance loan, secured by a first mortgage or deed of trust with Wells Fargo Home Mortgage. The reward will be redeemable for gift card(s) of your choice from a list of over 150 participating merchants. This promotion and other benefits through The NEA Home Financing Program® cannot be combined with the benefits of The Relocation Mortgage Program® or any other program or promotion. The \$200 reward is not available for assumption or modification loans, loans originated through brokers, joint ventures or other third parties, home equity loans or home equity lines of credit. This promotion is valid for new purchase or refinance mortgage loan applications taken through The NEA Home Financing Program via toll-free number or website provided above, subject to whether the promotion is still available. Contact your mortgage consultant for additional details, including its current availability, terms and conditions. The \$200 reward is administered by Hallmark Insights, which is not affiliated with Wells Fargo Home Mortgage and is subject to change or may be withdrawn at any time without notice. A current merchant list can be obtained by calling 1-800-765-4438 or by going to <http://www.hallmarkinsights.com/redeem>. Merchants are subject to change without notice. Please examine the gift cards for terms and conditions regarding their use. Information in this material is accurate as of the date of printing and is subject to change without notice. Wells Fargo Home Mortgage is a division of Wells Fargo Bank, N.A.

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UEA People



Former Granite President Jay Blain Joins UEA Professional Staff

Math and computer science teacher and former Granite Education Association (GEA) President Jay Blain has joined the UEA Professional Staff as Director of Policy and Research. He replaces Courtney White who resigned in January to accept a position out of state.

A 21-year veteran teacher, Blain holds a bachelor's degree and a master's degree from the University of Utah. He has extensive experience in association leadership, including five years as president of the GEA, six years on the NEA Resolutions Committee and many years on negotiation teams and insurance committees. He has served on the Utah Retirement Systems (URS) Membership Council and URS Board of Directors in addition to various committees and task forces on the local, state and national levels.



Jay Blain

In his position at the UEA, Blain will develop and implement the UEA program in the areas of policy, research, legislative services and negotiations. He will also act as the UniServ Manager for the Association. His responsibilities include serving as the UEA point person on healthcare and retirement issues, coordinating public opinion polling, monitoring local bargaining activities, participating on the UEA Legislative Team and serving as a liaison to UEA retired members.

"I look forward to continued advocacy for members, public education and students in this position," said Blain. "I will draw upon my experiences and abilities to provide support to locals across the state, especially in the areas of negotiations, benefits and retirement."

KUDOS

Honoring Utah Educators & UEA Members

[UEA/Utah Jazz Great Public Schools Celebration](#)

Educators Honored at Jazz Game



UEA and the Utah Jazz honored two educators during halftime at a Jazz game March 17 as part of the Great Public Schools Celebration. Pictured (left to right) are UEA President Kim Campbell, Northridge High School teacher Vivian Avondet, Utah Jazz President Randy Rigby and Elk Ridge Middle School teacher Brenda Jeppson.

For many years, Vivian Avondet taught physical education and coached several different sports. Although the Northridge High School (Layton) math teacher no longer coaches, she maintains contact with those who turned to her for advice in athletics, as well as personal issues students find difficult to address.

"Students are finding success in (Avondet's) class and raising the profile of the school with their test scores," wrote fellow teacher Kim Child. "She treats students like people who are smart enough to know what they need and she helps them achieve their goals."

Avondet was selected as this year's winner of the Utah Jazz/UEA Great Public Schools Celebration award in the category of outstanding educator.

Also chosen was seventh grade language arts teacher Brenda Jeppson for her highly successful honors language arts autobiography program. This writing project challenges each participating student to create a book about themselves. Students must develop a theme (i.e.: a sport, hobby, activity or concept enjoyed by the student) that is developed throughout the book in an analogy of the student's life.

"Students are under more-than-usual pressure to do high quality, admirable work, and they rise to the expectations. Mrs. Jeppson believes expecting quality work, thus creating some stress, is important," wrote co-worker Elisabeth Bolduc. "Students are awed at the end of the school year at what they have accomplished."

"We congratulate these teachers on the excellent work they do," said UEA President Kim Campbell. "They are a shining example of the exceptional work happening in public schools all around Utah. We are also grateful to the Utah Jazz for their continued support of Utah schools and the Great Public Schools Celebration award program."

The Utah Jazz and the UEA established the Great Public Schools Celebration awards in 2007 to recognize the exceptional accomplishments in Utah public schools. From November 2009 through February 2010, educators were asked to nominate outstanding educators and educational programs

that help students, teachers and their schools. Winners were selected from these nominations.

On March 17, the winners were honored during halftime at a Utah Jazz game. In addition to Jazz tickets for themselves and a guest, each award recipient received a dinner certificate, a basketball signed by Jazz players, an award plaque and a visit from the Jazz Bear to their school.

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