

2016 UEA Legislative Summary



The 2016 Legislative Session ended March 10 with full funding of new student growth, a minor bump in overall funding, a move to partisan state school board elections and restrictions on the use of SAGE test scores.

The final budget provided \$90 million to fund new student growth and added 3 percent to the Weighted Pupil Unit (WPU). It also provided \$20 million for charter schools, \$15 million for technology grants, \$6 million in teacher supply money and \$5.7 million for arts programs. Pre-school programs received \$11 million in new money, primarily from federal sources.

“We were disappointed that the Legislature was able to provide only 3 percent on the WPU,” said UEA President Sharon Gallagher-Fishbaugh. “With 2.5 percent needed just to cover current costs, this leaves very little funding for addressing the teacher shortage or reducing class sizes. We cannot just address the issue of equality between charters and our neighborhood public schools. We must also have the conversation about what is an equitable and adequate level of funding for all schools to be successful.”



Weber teachers meet with Rep. Dixon Pitcher during UEA Educator Day on the Hill.

Positive bills on their way to the Governor include a restriction on using SAGE test scores in teacher evaluations, reimbursements and stipends for teachers who earn National Board Certification, and updated management of State Institutional Trust Lands funds.

Once again, some of the biggest wins for educators happened behind the scenes, with legislation that would have been detrimental to students and educators either

dropped, voted down or significantly improved prior to passing. For example, a bill to curtail rights to payroll deduction of union dues was never heard. A bill that would have eroded teacher rights and a proposal to eliminate criminal penalties for the parents of truant children failed.

“I couldn't be prouder of the efforts of your UEA Legislative Team who worked long hours in a stressful environment to represent the interests of teachers and students,” said Gallagher-Fishbaugh. “They labored diligently behind the scenes, gaining unprecedented access to legislators and building relationships. But the real difference-makers were the thousands of teachers who let their voice be heard.”

Educators played a significant role in influencing legislation in 2016:

- A record number of educators, almost 400, participated in our Educator Day on the Hill events. The stories members shared with legislators built great support for our issues, including funding.
- Thousands of UEA members made direct contact with their legislators.
- More than 3,100 teachers responded to the UEA legislative survey, providing data and teacher comments that were shared with legislators.
- Many local associations held meetings with legislators in their districts, including one in Granite that was attended by more than 100 members.

Here are a few key issues and how they fared:

2016-17 Public Ed Budget—

The Utah Legislature passed a 2016-17 budget that includes \$90 million to address enrollment growth, and a 3 percent increase, about \$80 million, in the Weighted Pupil Unit (WPU). Other budget items include \$20 million for charter schools and a \$15 million grant program for classroom technology.

The budget process began before the session with Gov. Gary Herbert unveiling his proposed budget in December. His proposal was highlighted by a 4.75 percent increase on the WPU. He indicated that this would give local districts the most flexibility to address their needs. This theme was echoed by UEA and other education entities as they presented their budgetary requests to the Legislature.

“We believe Utah public school students are best served by allocating as much funding as possible directly to the WPU,” said UEA President Sharon Gallagher-Fishbaugh in a letter to legislators. “Specifically, we are requesting that rather than designate line items for technology, professional development or other earmarked uses, those funds be rolled into the WPU.”

The Utah School Board Association, the Utah School Superintendents Association and UEA all requested between 4.5-5 percent on the WPU. One key message was the crisis level in the teacher shortage statewide and the need to address it. “Today we face arguably the most critical teacher shortage of our lifetime,” Gallagher-Fishbaugh’s letter continued. “A student today faces a greater chance of sitting in a classroom with an unqualified teacher than perhaps ever in modern history.”

As the session progressed, the message was delivered that the WPU was primary and as bills were introduced with large fiscal impacts, the focus needed to be on increasing the WPU first before addressing other needs. Some of these bills included very worthy causes such as:

- *HB28: Grants for Educator Professional Learning* would have created grants to districts and charters for professional learning for educators. The original funding request was \$30 million. The request from Public Education Appropriations was \$10 million and in the end it received no funding.
- *HB42: Early Learning Amendments* would have provided for \$10 million in grant programs to extend the opportunities for optional extended day kindergarten. This bill was also not funded.

One project that did receive funding, although on a much reduced level than the \$96 million originally proposed, is *HB277: Personalized Learning and Teaching Amendments*. In the end, this school technology proposal was funded at \$15 million, with about \$10 million of it being ongoing money.

Another key theme for 2016 was “equity” of funding—whether it was the discussion surrounding charter schools or equality of property tax funding for all districts. *SB38: Education Funding Amendments*, which originated in the Charter School Funding Task Force but changed substantially along the way, was a significant piece of legislation. It adds elements to the formula for Charter School Local Replacement Funding, creates a District Property Tax Levy for charter schools, and provides for that levy to be placed on the county property tax notices. The result is \$20 million additional ongoing funding to charter schools.

No new revenues were implemented this session, despite efforts by Sen. Jim Dabakis and members of the business community. Sen. Dabakis sponsored a bill (*SB104*) that would have provided for marginal income tax increases at the \$250,000 and \$1 million income levels. Education First Utah urged legislators to place a referendum on the ballot asking voters to approve a 7/8 of one percent income tax increase for education. Neither proposal was successful.



Educators are among those waiting to speak to their legislators outside the House of Representatives.

Assessment and Evaluation—

A number of bills addressed concerns with end-of-level (SAGE) testing:

- The use of SAGE scores as a measure of student performance for a teacher’s evaluation is now prohibited by *HB201: Student Testing Amendments*. While student performance data is still required, more authentic measures, such as student learning objectives, must be used.
- *HB200: Student Assessment Modifications* allows a district or charter school to choose to offer only the ACT test for 11th grade students, rather than being required to administer both the ACT and SAGE.
- The School Grading program, based on statewide standardized assessments, was modified yet again. According to *SB149: School Grading Amendments*, when 65 percent of schools receive either an A or B grade the range for determining a grade must increase by 5 percentage points.
- *HB164: Educational Testing Amendments*, an effort to restore a teacher’s ability to use SAGE results in calculating a student’s course grade, failed in committee.

Teacher Preparation and Leadership—

Teacher preparation and leadership were the focus of several bills:

- A program to provide reimbursement to teachers achieving National Board certification, *HB331: Education Provisions*, was successful. National Board certified teachers will receive reimbursement for certification and renewal costs, as well as a \$750 annual stipend or a \$1,500 stipend for NBC teachers in a Title I school.
- However, *HB312: Peer Assistance and Review Program Amendments* failed. This bill would have expanded the successful Peer Assistance and Review program to a second school district. The PAR program began several years ago in the Salt Lake City school district when the district received money from a legislative pilot program.
- To strengthen teacher preparation in the state, *SB139: Board of Education Approval Amendments* requires the State School Board to designate an employee to coordinate with and monitor teacher preparation programs and make recommendations to the Board for the improvement of teacher preparation programs.
- *SB51: Teacher Leader Role* requires the State School Board to define the role of teacher-leader and to consider creating a teacher-leader endorsement.

State School Board Elections—

On the final day of the session, a last-minute bill substitution allowed for non-partisan elections for state school board members, including a primary, in 2016. However, starting in 2018 these elections will become partisan. This means candidates will need to go through their political party's nominating convention or gather signatures to get on the ballot.

In 2014, a judge ruled the method currently in statute, which included a nominating committee to select the final candidates, was unconstitutional. In 2015, the Legislature debated a handful of bills, including direct non-partisan, partisan, and governor-appointed methods to select state school board members, but none passed. The UEA has consistently supported direct, non-partisan elections.

Going into 2016, the Lt. Governor's office issued rules for the upcoming election. Given the current language in statute, the office determined that anyone who filed to run for state school board would be placed on the general election ballot.

Rep. Craig Hall filed a bill (*HB110*) to create a non-partisan primary. This bill passed the House but was not heard in the Senate.



Cat in the Hat visited the House and Senate to celebrate NEA's Read Across America Day.

Sen. Ann Millner ran legislation (*SB78*) to tweak the parameters of the nominating committee. Her intent was to change the nominating committee criteria and create a vetting method that is constitutional. The bill passed the Senate, but received significant pushback from various stakeholders, including the Governor's office. It was substituted on the session's final day to allow the primary elections for this year and partisan future elections. This final substitute bill passed the House 50-23 and the Senate 24-4.

Retirement—

Legislators introduced several retirement bills this session in an attempt to address the recruitment and retention of educators. These were quickly narrowed down to four bills, only one of which passed:

- *HB86: Postretirement Employment Amendments* would have reduced from one year to 60 days the time a state employee must wait before being rehired without penalty. The bill passed the House but was not heard in the full Senate.
- *SB36: Postretirement Employment Exceptions* would also have changed the postretirement reemployment window from one year to 60 days, but only for teachers, public safety and firefighters. The bill passed a Senate committee, but failed in the Senate 10-17.
- *HB205: Tier 2 Retirement Amendments* would have increased the Tier 2 retirement multiplier to yield a 60 percent benefit at 35 years of employment, similar to the 60 percent benefit for Tier 1 employees at 30 years. This bill passed a House committee but was never heard by the full House.
- *SB19: Phased Retirement* was the only retirement bill to pass both houses. It allows, at the employer's discretion, an employee to receive half retirement benefits while continuing to work half-time. The retirement board can write rules to implement this bill and employers can negotiate policies around this as well. It takes effect January 2017.

Other Good Bills Passed—

Several bills clarified issues with charter school governance. *HB289: Charter School Closure Amendments* develops procedures for closing a charter school and *SB239: School Governance Amendments* establishes budgetary requirements for charter schools.



Teachers from Washington County, joined here by their superintendent and business administrator, traveled many miles to participate in Educator Day on the Hill.

Other Bad Bills Stopped—

Success at the legislature is measured not just by good laws passed, but also by helping lawmakers to recognize that some proposals, however well intended, may cause more problems than they fix. Several 2016 bills fit that category:

- Following a request from the UEA, Gov. Gary Herbert vetoed *SB87: Administrative Rulemaking Act Modifications*. This bill would have exempted the State Board of Education from some public hearing requirements in rulemaking.
- Having your UEA member dues deducted from your paycheck would be illegal if *HB173: Payroll Deductions for Union Dues* had passed. The UEA Legislative Team and coalition partners met with the bill's sponsor to educate him about some of the bill's potential unintended consequences. As a result, the bill was never heard.
- Touted as a "parent rights" bill, *SB45: Compulsory Education Provisions* would have eliminated criminal penalties for the parent of a truant student. Many teachers expressed concern that attendance is a critical factor in a student's academic success and that eliminating penalties would hurt some of the state's most vulnerable children. Substitute bills

removed a truant student's performance from a teacher's evaluation and moved to simply reduce rather than eliminate criminal penalties. *SB45* passed the Senate on a vote of 22-5 but was defeated in the House 32-39.

- *SB165: Public Education Appointment and Hiring* would have given the principal final authority on who is hired in his or her building. The UEA joined the Utah School Boards Association, the Utah School Superintendents Association, the Utah Association of Secondary School Principals and the Utah Association of Elementary School Principals in opposing this bill. These organizations believe that concerns about employee hiring and placement are local issues, best handled by local school boards. It passed the Senate on a vote of 21-4, but was held in the House Education Committee.
- The UEA opposed *HB419: Educator Licensing Amendments* because it attempted to put into code harsh minimum standards for suspending or revoking an educator's license. The proposal was similar to administrative rules unilaterally implemented by the Utah State Board of Education (USBE) in January, and over which the UEA has brought suit. The UEA first tried to work with the bill sponsor to amend and make improvements to the bill. When those efforts failed, UEA's Legislative Team worked diligently to educate House members. The UEA's efforts were successful and the bill failed in the House on a vote of 30-44.



Jordan teacher Janet Reed was able to meet with her representative, Rich Cunningham.

Legislation of Note in the 2016 Legislative Session

With more than 120 bills dealing directly or indirectly with education, the UEA Legislative Team had its hands full. Here are a few education bills of note and their final status:

☺ = Outcome favorable to the UEA position ☹ = Outcome neutral ☹ = Outcome unfavorable

Bill	Description	Result (Yea-Nay)
<i>HB28: Grants for Educator Professional Learning</i> (B. Last)	Provides \$30 million in grants for LEAs to implement professional learning programs.	☹ Passed the House and Senate but not funded
<i>HB42: Early Learning Amendments</i> (L. Snow)	Creates a grant program to expand the number of enhanced kindergarten programs.	☹ Passed the House and Senate but not funded
<i>HB86: Postretirement Employment Amendments</i> (R. Cunningham)	Allows a state retiree to be reemployed with a state employer if the retiree does not receive certain employer provided retirement benefits.	☹ Passed the House 45-28 but not heard in the Senate
<i>HB110: Election Law Changes</i> (C. Hall)	Creates a non-partisan primary for state school board elections.	☹ Passed the House 65-8 but not heard in the Senate
<i>HB164: Educational Testing Amendments</i> (K. Powell)	Allows an end-of-level test (SAGE) to be considered in determining a student's grade.	☹ Failed in the House Education Committee
<i>HB200: Student Assessment Modifications</i> (M. Poulson)	Allows a district or charter to offer the ACT in place of the 11th grade SAGE.	☺ Passed House 70-2 and the Senate 24-0
<i>HB201: Student Testing Amendments</i> (M. Poulson)	Eliminates the use of SAGE testing scores for teacher evaluations.	☺ Passed the House 60-4 and the Senate 27-0
<i>HB277: Personalized Learning and Teaching Amendments</i> (J. Knotwell)	Creates a technology grant program with an appropriation of \$10 million ongoing and \$5 million one-time.	☹ Passed the House 44-28 and the Senate 19-4
<i>HB289: Charter School Closure Amendments</i> (S. DiCaro)	Develops procedures for closing a charter school.	☺ Passed House 66-0 and the Senate 24-0
<i>HB312: Peer Assistance and Review Program Amendments</i> (J. Briscoe)	Expands the PAR program from one school district to at least two districts.	☹ Passed the House 64-0 but not heard in the Senate
<i>HB331: Education Provisions</i> (S. Eliason)	Provides reimbursement for certification and ongoing stipend for teachers who achieve National Board certification.	☺ Passed the House 41-23 and the Senate 26-1
<i>HB419: Educator Licensing Amendments</i> (K. Ivory)	Puts into code harsh minimum standards for suspending or revoking an educator's license.	☹ Failed in the House 30-44

Bill	Description	Result (Yea-Nay)
<i>SB2: Public Education Budget Amendments</i> (L. Hillyard)	Provides funding for new student growth, a 3 percent WPU increase, etc. (see "Budget" above)	☺ Passed the Senate 26-0 and the House 63-4
<i>SB19: Phased Retirement</i> (T. Weiler)	Allows state employees to work half time and take partial retirement without a one-year separation.	☺ Passed the Senate 26-0 and the House 72-0
<i>SB38: School Funding Amendments</i> (H. Stephenson)	Creates a state charter levy, providing an additional \$20 million in funding for charter schools.	☹ Passed the Senate 17-11 and the House 71-1
<i>SB45: Compulsory Education Revisions</i> (A. Jackson)	Eliminates criminal penalties for the parent of a truant school-age child.	☺ Passed Senate 22-5 but failed in the House 32-39
<i>SB51: Teacher Leader Role</i> (A. Millner)	Authorizes the State Board of Education to develop a pathway to Teacher Leadership.	☺ Passed the Senate 28-0 and the House 41-29
<i>SB78: State Board of Education Candidate Selection</i> (A. Millner)	Creates a non-partisan State Board of Education primary in 2016 and partisan elections thereafter.	☹ Passed the House 50-23 and the Senate 24-4
<i>SB87: Administrative Rulemaking Act Modifications</i> (H. Stephenson)	Exempts the State Board of Education from certain public hearing requirements described in the Utah Administrative Rulemaking Act.	☺ Passed Senate and House but vetoed by Governor
<i>SB139: Board of Education Approval Amendments</i> (H. Stephenson)	Directs the USOE to monitor teacher preparation programs and recommend rules.	☺ Passed the Senate 26-0 and the House 62-9
<i>SB143: Competency-based Learning Amendments</i> (H. Stephenson)	Creates a grant program for up to three districts or charter schools to participate in the development of competency-based learning.	☹ Passed the Senate 23-2 and the House 59-12
<i>SB149: School Grading Amendments</i> (A. Millner)	Changes the grade range for School Grading to increase annually until the lower point of the A range reaches 90 percent.	☹ Passed the Senate 19-6 and the House 68-6
<i>SB165: Public Education Appointment and Hiring</i> (H. Stephenson)	Gives the principal final authority on who will be hired in his or her building.	☺ Passed the Senate 21-4 but was held in committee
<i>SB239: School Governance Amendments</i> (H. Stephenson)	Tightens budgeting provisions related to the governance of school districts and charter schools.	☺ Passed the Senate 23-0 and the House 72-0
<i>SB244: School Funding Provisions</i> (L. Fillmore)	Attempts to equalize the property tax funding statewide over time by earmarking a portion of any new education funding.	☺ Passed the Senate 18-10 but not heard in the House