

**UTAH CHARTER NETWORK
2014 GENERAL LEGISLATIVE SESSION
LEGISLATIVE SCORECARD
March 22, 2014**

HB001 PUBLIC EDUCATION BASE BUDGET AMENDMENTS (B. Last)

UCN Position: Support

This bill is the annual general appropriations allocation for the SY2014-2015. This bill provides appropriations for the general use and support for school districts and charter schools (136 LEAs). The WPU (Weighted Pupil Unit) was set at \$2,899. The WPU for Special Ed and CTE programs was set at \$2,659. This bill adopts the prior year's budget numbers as the base budget for the upcoming fiscal year with adjustments for the upcoming fiscal year found in SB002 PUBLIC EDUCATION BUDGET AMENDMENTS (L. Hillyard).

UCN believes the proper funding of public education is the role and responsibility of the state legislature and supports the principle that passing a base education budget within the first few days of the General Session is fiscally responsible and prudent.

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**HB004 CURRENT SCHOOL YEAR SUPPLEMENTAL PUBLIC EDUCATION BUDGET
AMENDMENTS (M. Brown)**

UCN Position: Support

This bill is the annual supplemental (retroactive) appropriations allocation for the public education budget. An amount of \$21,000 is appropriated to the State Charter School Board (SCSB) for internal programs from the Education Fund (one-time money).

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HB036 CHARTER SCHOOL ENROLLMENT AMENDMENTS (D. Lifferth)

UCN Position: Support

Allows for the grandchildren of individuals who were actively involved in the establishment of a charter school or the grandchild of a member of a charter school's governing board to receive enrollment preference. Also, this bill allows for children within certain educationally challenged circumstances to receive weighting in the case of a lottery for enrollment consideration.

More grandparents are taking an active role in the raising and educational decisions of their grandchildren. Multi-generational families find themselves sharing housing and child rearing responsibilities. Shifts in societal norms regarding the structure of the traditional family have led to Utah lawmakers expanding the pool for enrollment preference. UCN agrees with this shift in enrollment policy.

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HB104 SCHOOL PLANNING AND ZONING COMPLIANCE (R. Cunningham)

UCN Position: Support (the House Committee's Motion to HOLD)

This bill amends certain city and county land use requirements related to the building of a local district school or a charter school. Requires additional, potentially redundant and onerous, siting and coordination processes before, during, and following the building of a school facility.

This bill would stop properly authorized charter schools from building in any city or county jurisdiction without the approval and consent of the political subdivision (city or county). Furthermore, charter school could not be built in political subdivision boundaries unless that school has been included in the subdivision's "master plan." A charter board may seek siting of its school through its authorizer and in compliance with national and state building codes. Passage of this bill could have produced significant barriers for the proper locating of charter school facilities.

UCN vigorously opposed the consideration and passage of this bill proposal.

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HB111 SCHOOL BUILDING COSTS REPORTING (J. Knotwell)

UCN Position: Support

HB111 requires a local district or a charter school (LEA) to report costs associated with the acquisition of capital facilities (buildings) and other capital outlay. Certain cost information associated with the building of a school will be itemized and reported on the Utah Public Finance Website.

The legislature is continually refining the state's reporting requirements to provide greater transparency to Utah's taxpayers. This law will require certain pertinent financial information to be made available on the "transparency" website for costs associated with school building (primarily). Taxpayers foot the bill for facilities, they should have access to cost information in conjunction with where their money is spent.

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HB116 SCHOOL CONSTRUCTION MODIFICATIONS (R. Cunningham)

UCN Position: Support (with comment)

This bill, under its amended form, requires that the Utah State Board of Education (USBE) draft and adopt suggested school construction guidelines. Also, this statute requires any Local Education Agency (LEA) to review and consider these guidelines when planning construction projects.

Currently, this review process usually exists within LEA controls. Most licensed contractors and/or construction management companies associated with the building of charter schools require a rigorous review of educational facilities. Each charter school governing board is required to provide/hire an individual/entity with competency in building and construction while

engaged in the building or expansion of a school facility. It is UCN's believe that this bill is redundant and technically unnecessary. However, because the USOE and the USBE believe they can handle the implementation of the provisions of this bill within the confines of their current budget, UCN does not oppose this trivial policy.

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HB131 PUBLIC EDUCATION MODERNIZATION ACT (F. Gibson)

UCN Position: Support

Although this bill did not pass during the legislative session (fiscal impact of \$200 million FY2015, and thereafter \$150 million/year), it would have required the overhaul and continued investment in public education technology statewide.

Even though Utah is known for its cutting edge technology development in the private sector, many of Utah's classrooms have not kept pace with national and global standards. This bill would have provided a steady stream of funding to modernize Utah's technology in its classrooms.

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HB283 NONPROFIT ENTITY RECEIPT OF GOVERNMENT MONEY (R. Menlove)

UCN Position: Support (with comment)

This bill establishes a more rigid process and procedure for not-for-profit entities that receive state monies associated with grants. A written agreement is required when state money is granted. The new "Act" establishes requirements for reporting, auditing, and the repayment of state monies when the not-for-profit organization fails to comply with the written agreement.

UCN supports granting programs with rigid requirements for accountability, when taxpayer money is given in whole or in part to support the development of worthwhile services and products. Every charter school is organized by state law as a 501(c)(3) (also a Utah Not-for-Profit entity); therefore, any charter school receiving state money under a grant agreement will be subject to the details of the new Nonprofit Entity Receipt of State Money Act. Some charters may require amending of their bylaws to comply with the new provision requiring adequate financial oversight of state money [UCA § 63J-9-201(3)].

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HB419 CHARTER SCHOOL REVISIONS (S. Eliason)

UCN Position: Support

Charter School Revisions effectively re-codified and upgraded sections of charter law associated with the authorization of charter agreements by the Utah State Board of Education, a board of a higher-education entity (defined by law), or a local school board. The language regarding the process for assuming the governance of a "terminated" charter was upgraded and expanded. Also, opting in or out of state retirement programs was amended.

UCN considers this bill a clean-up of existing law. The ability for a charter school to “weight” its lottery for the educationally disadvantaged was proposed and passed in HB036, previously passed.

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SB002 PUBLIC EDUCATION BUDGET AMENDMENTS (L. Hillyard)

UCN Position: Support

SB002 provides for adjustments to the public education budget for the fiscal year beginning July 1, 2014, and ending June 30, 2015. This bill increased the Weighted Pupil Unit (WPU) from last year’s \$2,899 to \$2,972 (+ \$73). Also, an increase of the “add-on” WPU from last year’s \$2,659 to \$2,726 (+ \$67). These figures represent an increase in the value of the WPU of \$62.5 million (or 2.5%). Enrollment growth was also funded with an increase of \$61.2 million (including Local Replacement of \$13.5 million and Admin. Cost Funding of \$1.0 million).

In addition:

Charter Schools - Senate Bill 2 includes intent language authorizing funding and enrollment capacity in charter schools approved by the State Board of Education under provisions found in UCA 53A-1a-501.9. Authority for these schools was created in House Bill 344 "Establishment of Charter School Amendments" (2013 General Session). Intent language also authorizes an increase of up to 8,450 charter school students in FY 2016 over the projected total of 66,578 students in fall 2014. [Source: Public Education Appropriations, Appropriations Summary, Legislative Fiscal Analyst Office, March 2014, Leishman, B.]

Whereas HB001 provided for the establishment of the base educational budget, the content of SB002 provides for the adjustments to the base budget during the 2014 General Legislative Session. Increases to the WPU are noted above. The State Charter School Board received an appropriation of \$354,000 to hire additional staff and/or contracted outsourced services to help run its office.

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SB074 CAREER AND TECHNICAL EDUCATION FUNDING FOR CHARTER SCHOOLS (S. Adams)

UCN Position: Oppose (was not considered in the House)

SB074 did not pass in the 2014 General Session. This bill allowed for the allocation of existing CTE funds to “certain charter schools” for “approved” career and technical education programs.

UCN took an aggressive position against this bill because of its perceived benefit to only one charter high school in the entire state. Normally, charter schools would fund programs through general WPU distributions. If one charter high school receives CTE funding, then all qualifying charter high schools should receive CTE funding. (The bill was so narrow in its definition that only those charter high schools that contained the term “early college high school” in their mission statement could qualify for extra funding through CTE—disqualifying all existing charter

high schools with CTE programs. UCN's research revealed the existence of only one qualifying charter school in the entire state.)

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SB122 PARENTAL RIGHTS IN PUBLIC EDUCATION (A. Osmond)

UCN Position: Support

This bill provides additional clarification on roles and responsibilities of parents/guardians of children enrolled in the public school system. Local Education Agencies (LEAs) must annually inform parents/guardians of certain rights.

This bill was significantly "retooled" during the General Legislative Session. SB122 statutorily reinforces the rights of parents/guardians related to their children's educational experience in the public education system. This line in the bill text creates the intent of this statutory message: "A student's parent or guardian is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent or guardian." UCN supports the rights of parents' in their primary role and responsibility in the education of their children. LEAs are responsible to inform parents of their rights.

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SB150 EDUCATION TASK FORCE REAUTHORIZATION (S. Reid)

UCN Position: Support

This bill "re-creates" the Education Task Force and defines its membership, duties, and responsibilities. The task force will perform its work until December 31, 2014.

For two years, the Education Task Force has been conducting detailed studies and hearings on numerous aspects of Utah's education system. UCN supports the continued efforts of this task force to advise the legislature on education funding and policy.

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SB209 SCHOOL GRADING REVISIONS (S. Adams)

UCN Position: Support

SB209 modified a number of the significant components contained in the school grading formula. The bill modifies definitions, establishes a growth target, scales scores, exempts certain schools, establishes graduation standards, determines college readiness, makes adjustments for the 2013-2014 school year requirements.

During the 2011 General Legislative Session, SB059 (W. Niederhauser) created the SCHOOL GRADING SYSTEM. Since the inception of the school grading program, a number of unintended consequences have surfaced pertaining to a few of the factors used to calculate the grading "formula." Over the past two years, UCN Executive Director, Kim Frank, has been intimately involved in the group tasked to re-calculate several factors to correct the outcomes of

this statewide comprehensive evaluation program. New factors take into consideration principles of fundamental fairness, grading history, and rational computation.

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SB218 CHARTER SCHOOL AMENDMENTS (H. Stephenson)

UCN Position: Support

This bill requires that the Utah State Board of Education consider in its ranking of charter applicants a higher priority to school applicants who's schools are located in a higher population growth area, and, a lower priority to school applicants who's schools are located in stable or declining enrollment areas. Students who live within a two-mile radius will have a higher enrollment preference.

This year there are 95 charter schools throughout Utah—total charter population estimated at 66,578 (fall 2014). Total public education estimate for this coming fall is 622,813. Total percentage of charter school students in the public school system is 10.7%. Although the population estimates reflect growing charter demand, there are those economists who believe that providing additional restrictions for applicant entry is appropriate to “check” this growth in the future. Providing artificial barriers to enrollment within statute help to bring charters to areas of demand and draw from local/neighborhood populations.

* Senator Ralph Okerland suffered a medical emergency at the end of the session. Many of the votes related to this scorecard reflect his absence (“A”). Absences do not adversely effect the outcome of overall percentages.