



PCSD LEGISLATIVE UPDATE 2023

WEEK 6: FEBRUARY 20-24, 2023

| DATE: WEEK 6 | BILLS TO WATCH | UPCOMING CALENDARS |
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| February 20-24, 2023 | <p>The heat is on. With only five days left in the session, the Legislative pressure for the removal of the Constitutional guarantee for income tax to go to public education, there are still many behind and here are still a number of bills being introduced H.B. 101 Substitute -- Food Sales Tax Amendments (<i>Rep. Rohner, J.</i>)</p> <p>S.J.R. 10 -- Proposal to Amend Utah Constitution - Income Tax (<i>Sen. McCay, D.</i>)</p> <p>Proposal to remove sales tax on food in exchange for removal of the “earmark” or guarantee for public education funding would need $\frac{2}{3}$ of both House and Senate - and go to the ballot box.</p> | <p>Week 7 House</p> <p>Week 7 Senate</p> |

HIGHLIGHTS WEEK 5

Putting the FUN in funding:

Executive Appropriations Committee reveals draft budget:

- \$92 million for the Permanent State School Fund
- \$64 million for educator prep and collaboration time
- \$50 million for smaller schools with capital project needs
- \$30 million for flexible WPU for smaller schools in rural areas
- \$25.5 million for at-risk student programs
- \$34 million for other educator salaries
- \$75 million for school safety and capital projects
- \$25 million for an optional full-day kindergarten expansion
- \$15 million for teen centers for students experiencing homelessness
- \$7.1 million for teacher and counselor recruitment

S.J.R. 10 -- Proposal to Amend Utah Constitution - Income Tax (Sen. McCay, D.)

This Senate Joint Resolution would remove the guarantee that all income tax in Utah fund public education, children and those with disabilities. Passage would require a $\frac{2}{3}$ vote from both the House and Senate, as well as a vote of the people.

Joint Legislative Council: No position

2.22.23 - [Senate Rev and Tax Committee](#) - The Utah Taxpayers' Association (40:00) spoke in support, the Utah Education Association (39:00), Mark Clement VP of USBA (44:50) and Voices for Utah's Children (41:28) spoke in opposition, citing as "premature" until ensuring education funding. SJR10 passed out of committee [5-1-2](#).

In the news:

February 22, 2023 Deseret News ["Is this the end of Utah's income tax earmark for education?"](#)

[H.B. 101 Substitute](#) -- Food Sales Tax Amendments (*Rep. Rohner, J.*)

In the news:

February 21, 2023 ABC4 [“Bill to remove state sales tax on food passes first hurdle”](#)

BILLS TO WATCH: WEEK 5

Oh boy. New Bills

[S.B. 257](#) -- **State Board of Education Amendments** (*Sen. Grover, K.*)

2.21.23: This bill targets USBE, specifically as a “check and balance” for the staff of USBE by limiting powers under “general authority and control.” The bill would force LEAs to grant high school diplomas if students were to make certain progress. The bill also allows for districts with over 50% opting State Superintendent Sydnee Dickson spoke against the bill citing USBE’s requirements for audits, which have been more problematic in rural districts. She raised concerns about the unintended consequences of legislating/forcing graduation requirements. Does USBE foster a “culture of fear”? Or are the requirements overly burdensome? The bill passed the committee [4-1-4](#) in Senate Education in the morning of February 21, and then

[H.B. 451](#) -- **State Entity Restrictions** (*Rep. Hall, K.*) This bill would prohibit state entities (including schools) from having training, advice, analysis or any expenditure related to diversity, equity, inclusion, anti-racism, critical race theory, implicit bias or any other related topics.

[H.B. 464](#) -- **School Materials Amendments** (*Rep. Ivory, K.*) The long anticipated Sensitive Materials 2.0 bill would 1.) require immediate removal of any material noticed by student, parent or employee.

2.23.23 [House Education Committee](#) heard Representative Ivory’s presentation, which included a Park City parent citing concerns with PCSD implementation of Sensitive Materials (2022 HB374) Rep Ivory’s focus was on creating a uniformity of determination of the Bright Line rule in Utah Code [76-10-1227-](#) as a coordinating clause that would save time for LEA’s - but also override local determinations as established in HB374. Committee members questioned parental rights to oversee their own student’s reading materials as well as credibility of the rating systems. Public comment in support praised the rating

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| | <p>system, the time saving efforts for LEAs, also condemning the American Library Association's Bill of Rights. Additionally supporters stated that the law would make school libraries safer and is a "legislative response to local inaction".</p> <p>Public comment in opposition spoke to concerns about Line 82 that states that any parent can file a complaint about a district school, lines 88-93 require written justification of decisions to retain. The ACLU shared concerns about due process violations with removal of content prior to determination and remains in opposition despite progress made. A school librarian spoke about the process she experienced when considering the book "as a whole" changed the interpretation of the excerpts for the committee. Charter school advocate debated the clarity of the "bright line" and urged the committee give the LEAs more time to work through the processes required by HB374. Concerns were raised about metrics for rating systems, responsibilities to label and review, "Contrary to some parents, we do not peddle porn" calling the bill "unwise and imprudent" adding that local level decisions are not honored.</p> <p>Rep Dan Johnson: What about indemnity for local school boards, coordination of bills , and request for a third party contract to support LEAs. Rep Ivory stated that uniformity was the goal, so indemnity was complicated. He assured that a coordinating clause was in the works.</p> <p>Rep Walter noted similarities with HB138 including removal of material under review, concurrent enrollment exemption, USBE override. Rep Romero and Moss spoke against citing the need to honor local control and professional educators, as well as the important issues included in literature.</p> <p>Rep Ivory stated that there is no local control to violate the law, noting pornography is a public health crisis and the value of pooling resources to establish uniformity for LEAs.</p> <p>The House Education Committee voted 7-6 to send the bill to the House floor where it was circled on Friday February 24th.</p> |
| Bills on the move | <p>S.B. 227 -- School Board Ethics Complaint Investigation Requirements (<i>Sen. Bramble, C.</i>) This bill requires that ethics complaints against local school boards be investigated by a Political Subdivision Ethics Board. The Senate passed SB favorably 20-4-5 on February 21st.</p> <p>H.B. 82 Third Substitute -- School Assembly Notice Requirements (<i>Rep. Ballard, M.G.</i>)</p> <p>2/14: This bill requires three day notice of school assemblies on topics of prevention and educational equity. The House adopted 3rd Sub which removed</p> |

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| | <p>the requirement for schools to provide assembly related materials for parental reference. The bill passed the House on 3rd reading 40-30-5 sending it to the Senate for consideration. The Senate Education Committee gave the bill a favorable recommendation on February 22nd 3-1-5.</p> <p>H.B. 138 Sixth Substitute -- Sensitive Material Requirements (Rep. Ballard, M.G.)</p> <p>2/13: Initially called “Digital School Curriculum Requirements” this bill focused on vendor requirements to conform to Sensitive Materials laws in digital materials. Focusing more on Sensitive Materials in all materials, the House adopted a 5th Sub that</p> <ol style="list-style-type: none"> 1.) changed the title 2.) allows determination of Sensitive Materials to be immediately determined (instead of local committee process) if it includes a “description or depiction of illicit sex or immorality that has no serious value for minors” 3.) moves the final authority on determination of Sensitive Materials to the USBE 4.) allows LEA’s to terminate vendor contracts if there are violations. <p>The bill passed favorably with a vote of 50-18-7 and is sent to the Senate for consideration.</p> <p>2.23.23 The Senate Education Committee gave a favorable recommendation 3-1-5.</p> <p>H.B. 441 -- Neutrality in Public Schools (Rep. Strong, M.A.) This bill would require teachers to maintain neutrality in all aspects, including classroom decorations and discussions of controversial conversations defined here:</p> <p><u>(1) "Controversial issue" means a topic that is socially unresolved, generates highly</u></p> <p>82 <u>divergent and contentious opinions, or is not age appropriate.</u></p> <p>This bill has been HELD.</p> |
| <p>Fallen bills...(for now)</p> | <p>S.B. 166 Substitute -- Education Entity Amendments (Sen. Fillmore, L.)</p> <p>2.21.23 This bill was “uncircled” late afternoon on 2.17.23 on the Senate Floor, which would establish would allow for the establishment of “micro-schools” or pods, defining land use and public safety regulation, but without other oversight as other school entities on curriculum, achievement, standards etc. Concerns were raised about the ability for micro-schools to receive \$ under HB215. The Cities of Leagues and Towns helped craft language for the substitute, but had</p> |

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| | not yet taken official position While it passed the second reading, the third reading ended with a last minute change: Sponsor Lincoln Fillmore voted 'Nay' thus 1) leading to a tie vote of 13-13, which technically fails, and 2) Has Sen Fillmore voting on the prevailing side and therefore able to request reconsideration of the bill at any time. |
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Utah State Board of Education (USBE Youtube link to meetings)

[At Thursday's 2.23.23 USBE Legislative meeting](#), member Reale moved the following:

The Board recommends that the Legislature hold the following bills to allow the State Board to review implementation of related bills from the 2022 Session and to study the potential fiscal impact and administrative support needed to implement: HB138, HB464, HB465, HB344, HB348, HB427, HB441,, HB451, and HB550. The motion passed 9-6.

[At Friday's 2.24.23 USBE Legislative meeting](#), the Board discussed Legislative interest in the removal of the Constitutional guarantee that all income tax be used for public education, children, and individuals with disabilities. Board member Carol Lear moved Opposition to SJR 10, no position on any other bills related to Article XIII of the Constitution and proposed support for a 10% increase in the WPU (begins approximately 16 minutes into Friday's meeting). Board member LeAnn Wood moved to divide the motion, which passed.

Divided motions:

1. Motion to **Oppose** SJR 10 as of 2.24.23. Motion passed unanimously.
 2. Motion to **Support** the constitutional draft language in the February 24, 2023 version of the ["Income Tax Earmark Modification proposal"](#). Motion passed 11-4. (Basically, establish a framework for funding in the Utah Constitution that gives the Legislature the flexibility they want, but funds growth, inflation, increases - and freezes dips coming from anticipated enrollment drops. Also includes an additional 2% WPU increase immediately after the election if passed by voters.)
 3. Motion for the Board to **request an additional 4%** increase on the WPU for FY23 for a total of 10% increase. (Board Member Lear begins at approximately 38 minutes) Motion passed. (Also recognition that this was the one unifying request from educator stakeholders.)
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LET YOUR VOICE BE HEARD

| ISSUE | CONTACT | HELPFUL HINTS |
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| <p>Schools and “Sensitive Materials”</p> <p><i>Are lawmakers striking the right balance?</i> Should the “bright line” be interpreted as stated in HB464 to deem materials obscene/pornographic based on excerpts? Are parental rights being honored? Local control? Or do you support the streamlining of determinations as ‘sensitive material’ on a state-wide basis? What are the pros and cons of a book rating resource? How does this proposed bill impact educators? Students? Parents?</p> <p>Make your voice heard!</p> | <p><u>Find my Legislator</u> (link here to search by address/zip)</p> <p>HD4. Rep. Kera Birkeland: kbirkeland@le.utah.gov</p> <p>HD23: Rep. Brian King: briansking@le.utah.gov</p> <p>HD59: Rep. Mike Kohler mkohler@le.utah.gov</p> <p>SD3: Sen. John Johnson john@johnforutah.com</p> <p>SD 20: Sen. Ron Winterton rwinterton@le.utah.gov</p> | <p><u>Subject line should include:</u></p> <ol style="list-style-type: none">1. You are a constituent2. Bill number3. Position <p><u>Comments:</u></p> <ol style="list-style-type: none">1. Bill number and name2. Get to it – be brief and concise3. Personalize: how would this impact you, your values, our voting district/community – and especially OUR STUDENTS!4. Be polite5. Include your contact info, including cell phone number, if possible.6. Build a relationship, offer continued communication, and thank them for their service. |

LOOKING FORWARD TO WEEK 7

Talking about our Constitution: Discussions are ongoing and pressure-filled! Legislators are working feverishly to get education stakeholders on board for the removal of the guarantee of public ed funding from income tax. Proposals exchanged include a funding 'framework' that includes funding for growth, inflation, additional WPU investments, "freezing" of enrollment (with anticipated reduction) etc.

BUDGET: Sine Die (it ain't over until it's over) by midnight March 3, 2023.

POLICY: While many of the controversial bills regarding curriculum transparency, DEI, "Sensitive Materials", Local School Board Ethics etc. are slowing down or being held for interim study, it is likely that some will pass in the last week of the session. Stay tuned!

Summit County S.B. 84 Second Substitute -- Housing and Transit Reinvestment Zone Amendments (*Sen. Harper, W.*) Many are watching how this unfolds for the Dakota Pacific Development at Kimball Junction - keeping an eye on the Governor's signature. Of particular interest to PCSD would be the impact on enrollment.

JOINT LEGISLATIVE COUNCIL Highlighted Positions 2.24.23

Governor Cox visited JLC on Friday February 24th.

H.B. 393 Second Substitute -- Primary Ballot Requirements (*Rep. Teuscher, J.*) - **OPPOSE**

H.B. 398 Substitute -- **Special Needs Opportunity Scholarship Program Amendments** (*Rep. Abbott, N.*) (Trying to make this program successful, only 15% of the funds have been used so far. Concerns about waiver of IDEA. Currently the Scholarship Granting Authority (SGO) can keep 40% of the donated funds (currently approximately \$3m)- this bill would allow 60% to be kept by the SGO. The financial records of the scholarship program will be reviewed in June, 2023. Questions are about the 990s availability.) - **OPPOSE**

SB227

S.B. 227 -- **School Board Ethics Complaint Investigation Requirements** (*Sen. Bramble, C.*) - **OPPOSE** (in HOUSE GOV OPs on Monday 2.27)

H.B. 427 Second Substitute -- Individual Freedom in Public Education (*Rep. Jimenez, T.*) -
SUPPORT

Need a refresher on how a bill becomes a law? [School House Rock: "I'm just a bill"](#) [How ideas become bills, then law](#)