



PCSD LEGISLATIVE UPDATE 2023

WEEK 5: FEBRUARY 13-17, 2023

DATE: WEEK 5	BILLS TO WATCH	UPCOMING CALENDARS
February 13-17, 2023	<p>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 to $\frac{2}{3}$ of both House and Senate - and go to the ballot box.</p>	<p>Week 6 House</p> <p>Week 6 Senate</p>

HIGHLIGHTS WEEK 5

Putting the FUN in funding: The Executive Appropriations Committee has until February 24th to submit their final budget for full Legislative consideration.

This article captures much of what has been recommended: February 14, 2023 Salt Lake Tribune [“Utah lawmakers made \\$3.2B in funding requests this year. Here’s how they want to spend your money.”](#)

BILLS TO WATCH: WEEK 5

<p>Oh boy. New Bills</p>	<p>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.</p> <p>H.B. 464 -- School Materials Amendments (<i>Rep. Ivory, K.</i>) <i>It's a doozy.</i> The long anticipated Sensitive Materials 2.0 bill would 1.) require immediate removal of any material noticed by student, parent or employee</p> <p>H.B. 465 -- Public School Library Transparency Amendments (<i>Rep. Welton, D.</i>) This bill would require parental access to all materials checked out by students...and weighs in on Sensitive Materials.</p>
<p>Bills on the move</p>	<p>H.B. 82 Third Substitute -- School Assembly Notice Requirements (<i>Rep. Ballard, M.G.</i>) 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 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.</p> <p>H.B. 138 Fifth Substitute -- Sensitive Material Requirements (<i>Rep. Ballard, M.G.</i>) 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>H.B. 308 Substitute -- School Grading Modifications (<i>Rep. Welton, D.</i>) 2/14 The House unanimously supported the removal of single letter grades for schools 70-0-3.</p> <p>H.B. 344 Substitute -- Local Policies for Course Content Transparency (<i>Rep. Teuscher, J.</i>) 2/14 The bill would have required LEA's to establish a policy for access to all curricular content, An amendment was proposed to expand transparency requirements to all state entities was deemed a "gimmick" and failed. The bill failed on a vote of 26-46-3. (This was the 'Zombie' bill that initially failed in the House Education Committee, but was reconsidered.)</p>

	<p>H.B. 372 -- Local School District Referendum Amendments (<i>Rep. Cobb, J.</i>) 2/14 This bill that would have allowed for local referendums of school district was HELD in House. Stayed HELD all week.</p> <p>H.B. 441 -- Neutrality in Public Schools (<i>Rep. Strong, M.A.</i>) This bill would require teachers to maintain neutrality in all aspects, including classroom decorations and discussions of controversial conversations defined here: (1) "Controversial issue" means a topic that is socially unresolved, generates highly 82 <u>divergent and contentious opinions, or is not age appropriate.</u></p>

COMMITTEE HEARINGS - (Have to admit, I couldn't stay up with the hearings this week!)

2.13.23 (8 am) [House Education Committee](#)

Mark Clement Alpine School Board/ VP USBA cost/benefit analysis (10:05)

Rep Cheryl Acton introduces [HB248](#) which would waive student participation in class based on their Right of conscience or religious liberties.

Rep Welton on HB removal of school grading

At **Rep Karen Peterson's** request, the bill sponsor put forth an amendment to allow for local flexibility in what the curriculum transparency policy would include. (see lines 357-374) The amendment failed. (15:34)

Rep Tuecher recaps intention of bill - with Rep Kera Birkeland echoing intention (17:18)

Rep Jordan Tuescher brought [HB344](#) Curriculum Transparency to the Education Committee again, but with a clarifying sub and amendments. Requirements for transparency regarding teaching methods (pedagogy) were removed, with the bill now focusing on content only. Sub1 changes LEA's requirements to "report" to "give assurances", which would include a link to each district's policy. The bill passed favorably [10-4-2](#).



LET YOUR VOICE BE HEARD

ISSUE	CONTACT	HELPFUL HINTS
<p>Is a Constitutional change necessary??</p> <p><i>Is it a good idea?</i> Should we remove the guarantee for that income tax fund public education in exchange for the removal of the sales tax on food?</p> <p>Any change to the Utah Constitution is ultimately up to the voters. What do you think? What assurances would you want to have for public education?</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 constituent 2. Bill number 3. Position <p><u>Comments:</u></p> <ol style="list-style-type: none"> 1. Bill number and name 2. Get to it – be brief and concise 3. Personalize: how would this impact you, your values, our voting district/community – and especially OUR STUDENTS! 4. Be polite 5. 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 5

Talking about our Constitution: These discussions are definitely heating up, mostly behind closed doors. Legislators express frustrations with sales taxes going to the General Fund not growing at the same rate as the income tax going into the Education/Income Tax fund. There was thought that the Amendment G from 2020 would address the concerns by opening up the fund for “children and . . .” Senator Ann Milner stated that the Legislature would not be fiscally responsible in removing food tax if there wasn’t the removal of the “earmark” of income tax for public education. These dropped around lunchtime on Friday 2.17.23 and would require $\frac{2}{3}$ vote in both House and Senate AND a vote of the people. Many ideas are being floated in the education community about what assurances for public education could make this palatable.

[S.J.R. 10](#) -- **Proposal to Amend Utah Constitution** - Income Tax (*Sen. McCay, D.*)
(Sales tax off food subject to removal of guarantee of income tax going to public education)

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

JOINT LEGISLATIVE COUNCIL Positions 2.17.23

[HB0175S02](#) **School Fees Amendments** (*Rep. Strong, Mark A.*) - **OPPOSE** w/comments
(Needs ongoing funding)

[HB0209S03](#) **Participation in Extracurricular Activities Amendments** (*Rep. Teuscher, Jordan D.*) There have been multiple changes to this bill, especially related to concerns about requirements for a birth certificate to allow participation. There is an amendment in the works that would require only birth date and identification of sex. If amendment passes, the JLC voted to continue **SUPPORT**. If this amended bill passes, Representative Birkeland has committed to dropping [H.B. 463](#) -- High School Sports Amendments.

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- H.B. 304 [Substitute](#) -- **Juvenile Justice Revisions** (Rep. Lisonbee, K.) **SUPPORT**
- H.B. 305 -- **Child Abuser Education Restrictions** (Rep. Clancy, T.) **SUPPORT** w/comments
- H.B. 363 -- **Summer Education Grants** (Rep. Eliason, S.)- **SUPPORT**
- H.B. 427 -- **Public Education Curriculum Requirements** (Rep. Jimenez, T.) - **SUPPORT**
- H.B. 434 -- **Parent and Student Rights and School Safety Amendments** (Rep. Hollins, S.)
(Discussion about some definitions and conflicts) - **OPPOSE** w/comment (needs more clarity, especially on reporting requirements)
- H.B. 441 -- **Neutrality in Public Schools** (Rep. Strong, M.A.) -**OPPOSE** w/comments (local control)
- H.B. 451 -- **State Entity Restrictions** (Rep. Hall, K.) - **OPPOSE**
- H.B. 459 -- **Governmental Immunity Amendments** (Rep. Kotter, Q.) - **OPPOSE**
- H.B. 463 -- **High School Sports Amendments** (Rep. Birkeland, K.) - **OPPOSE**
- H.B. 464 -- **School Materials Amendments** (Rep. Ivory, K.) - **OPPOSE**
- H.B. 465 -- **Public School Library Transparency Amendments** (Rep. Welton, D.) **OPPOSE**
- H.B. 475 -- **Communication Credits Requirements** (Rep. Welton, D.) **OPPOSE**
- H.B. 477 -- **Full-day Kindergarten Amendments** (Rep. Spendlove, R.) **SUPPORT**
- H.B. 489 -- **Educator Paid Professional Hours** (Rep. Moss, J.) - **SUPPORT**

The JLC took a position of **NO POSITION** on HB101/SJR10 w/comments that they look to solutions that reflect the stated values of the Joint Legislative Committee.

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