

USEA LEGISLATIVE UPDATE
March 5, 2009

YOUR VOICES HEARD!

In our last Update, we talked about **SB 195, “Public Employee Defined Contribution Amendments,”** which would suspend the present 1.5% contribution into employees’ 401(k) for FY 2010(July 2009 through June 2010).

This bill was again heard in committee this morning and was amended so that only one half of the contribution, or 0.75%, would be suspended. Senators cited the number of e-mails and messages they had received opposing the original bill as a reason for considering the compromise.

Although USEA’s position on this bill remains unchanged-we believe that all other funding sources should be exhausted before public employee compensation is further reduced and that, in any event, this should be a decision left to individual districts-we appreciate the committee’s efforts to soften the impact of budget cuts.

Thanks for your efforts on this bill-they made a difference!

ALERT!

SB 241 “Instructional Expenses Requirements” Sen. M. Madsen: This is the return of the “65% solution” that was last proposed two years ago. The bill would require every school district with enrollment over 5,000 to spend at least 65% of its general fund expenditures on “instructional expenditures.” The bill further narrowly defines instructional expenditures as only those directly related to student-teacher or student-staff interaction in a classroom or classroom-like setting. Everything else, including libraries, media, computer lab, and all other support functions are excluded.

USEA opposes this bill and spoke against it in the Senate Education Committee on Monday. However, the bill passed out of committee and will go to the full Senate for consideration. We urge you to contact your senators and let them know you oppose this legislation.

We oppose this bill because:

- The bill prohibits local school boards from allocating resources in a way that is best for their students, parents, and community;
- The bill replaces the local school board’s judgment and knowledge of its community’s needs with an artificial “one size fits all” rule;
- The bill wrongly assumes that programs or activities outside of the classroom do not contribute to student achievement;
- The bill does not provide more resources for public education, but requires districts to “rob Peter to pay Paul.” Unless overall funding is increased, increasing instructional expenditures simply reduces funding for other critical programs; and
- In a year where districts are already cutting programs and costs to the bone, another wholly artificial budgetary requirement is, at best, an unnecessary distraction.

Budget/funding issues:

In the Republican caucus on Tuesday, leadership indicated that cuts to the FY 2010 budget for public education will be six percent, less than previously thought necessary, and that growth in enrollment will be funded from ongoing money.

The reduction to the proposed cuts will be made possible by bonding for construction projects, use of federal stimulus funds to backfill cuts, and moving other one-time funding to minimize cuts.

The present intent is to not use the rainy day fund or education set aside funds, but to preserve those funds for possible shortfalls in the next fiscal year.

Pending bills of interest

HB 381 “Public Education Law Revisions - Association Leave” Rep. C. Herrod: This bill would prohibit any paid association leave, even if the individual district determined that the leave would benefit education and the district. If passed, the bill would require USEA local officers to use their own paid or unpaid leave for such things as negotiations, district committee work, and other activities. USEA opposed this bill.

The bill failed to pass out of committee on February 27.

HB 328 “Teacher Quality Amendments” Rep. Greg Hughes (R Draper): This bill authorizes districts to propose pilot programs to distribute performance pay. Forty percent of the assessment of performance must be based on “student achievement.” The pilot programs would be paid for with \$300,000 per year from the Uniform School Fund.

The original bill was limited to teachers only. After USEA contacted Rep. Hughes to discuss the contributions of classified employees, he agreed to amend his bill to include all classroom-related staff, both licensed and classified, and he did amend the bill when he presented the bill on the floor of the House. He has since stated that he believes the bill is better for the inclusion of classified employees.

We appreciate Rep. Hughes’ willingness to work with classified employees.

This bill passed out of the Senate Education Committee and now will go to the Senate floor.

HJR 13 “Joint Resolution: Teacher Performance Pay” Rep. Marie Poulson (D Salt Lake): This resolution, if passed, would express the Legislature’s support for performance pay for teachers. Even though the bill encourages performance pay to reward student achievement, it excludes ESPs.

We think that ESPs should be included in any performance pay plan based on student achievement because:

- When districts developed performance pay plans last year in response to SB 281, the overwhelming majority included at least some of their ESPs;

- Including all employees encourages better schools, not just better teachers;
- Education support professionals are substantial stakeholders in any performance pay plan. They will have to work alongside those teachers who are awarded performance pay. The money for that performance pay will reduce the funds available for other purposes in a district.
- Excellent support helps all teachers and students do better;
- Student achievement is the result of parental support and involvement and of all education employees' efforts: teachers don't do it by themselves;

USEA contacted Rep. Poulson and asked her to amend her bill to allow participation by all school employees: she declined to make any changes.

USEA testified in opposition to HJR 13.

This bill was on the Senate Education Committee on March 2 but was not heard, and is presently in the Senate Rules Committee.

If you think that classified employees should be included in performance pay plans that reward student achievement, contact Rep. Poulson, the resolution's Senate sponsor, Senator Karen Morgan, or your legislator.

1st Sub. HB 260 "School Employee Termination Amendments" (Rep. Carl Wimmer (R. Herriman): The first version of this bill would have repealed the Orderly School Termination Procedures Act, which gives school employees, including ESPs, career status and protection from arbitrary terminations. The major provisions of the substitute bill would increase the probationary period for school employees from three years to five years, and allow probationary employees to be terminated for any reason.

USEA opposes this bill.

Rep. Wimmer has stated that he intends to send this issue to interim for further study. USEA will continue to monitor the status of the Act and work with legislators to make sure the protections of the Act remain for ESPs.

1st Sub. HB 73, "Vehicle Operator Turn off Requirements" (Rep. Fred Hunsaker): This bill would require operators of slow moving vehicles (defined as a vehicle that is "proceeding at a rate of speed less than the normal flow of traffic") must pull over and allow following vehicles to pass. Although commercial vehicles and maintenance equipment are exempted, school busses are not.

This bill did not pass out of committee but has not yet been filed, so it may come back later in the session.

1st Sub. HB 210, "Posting of Collective Bargaining Agreements by School Districts and Charter Schools." (Rep. K. Sumison): this bill would require that school districts post copies of any collective bargaining agreements between it and its employees to its website.

USEA takes the position that this bill is unnecessary, as these agreements are already public documents and are available to the public, but did not actively oppose the bill.

This bill has passed the House and the Senate.

1st Sub. HJR 8, “Joint Resolution Regarding Secret Ballot” (Rep. Carl Wimmer (R. Herriman): This bill proposes an amendment to the Utah state Constitution adding language (underlined) to the provision guaranteeing a secret ballot:

All elections, including elections under state or federal law for public office, on an initiative or referendum, or to designate or authorize employee representation, shall be by secret ballot.

The bill is presently “circled” on the House third reading calendar, meaning that it can be “uncircled” at any time for immediate action by the House.

Legislative Contact Information

You can contact your State Representatives and Senators by phone, email or letter. The important thing is that legislators hear from you, their constituent. Be respectful but let them know what you think.

If you need assistance in contacting your legislators, call USEA at 801-269-9320 or 1-800-662-6544; go to the USEA website at www.useautah.org or the legislative website at www.le.state.ut.us

House of Representatives

<http://www.le.state.ut.us/house/members/membertable1add.asp>

Senate

<http://www.utahsenate.org/perl/roster2009.pl>