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GENERAL SESSION

February 27, 2008

Program Topic I: HB 278 Charter School Funding Amendments

Presented by: Education Committee

Co-chairs: Joyce Hansen and Judy Keller

Director: Jean Madsen

**Speakers: Rep. Ron Bigelow (R) – Dist. 32, Salt Lake County (West Valley);
Exec. Appropriations Co-Chair; sponsor, HB278
Bruce Williams – Assist. Superintendent of Schools;
Business Administrator, Davis School District**

Rep. Bigelow described the origin of **HB278**. It arose last summer from discussions between representatives of school districts, charter schools, the State Office of Education, and legislators. The issue is that charter schools are funded at the state level and funding continues to grow as the number of charter schools increases. The discussion addressed whether or not funding should continue at the state level.

What are the sources of funding? District public schools are administered by the districts. Charter public schools are administered by the state school board. Both receive the Weighted Pupil Unit (WPU) funding, obtained from income taxes, of about \$2,500 per student. That will continue.

A second source of funding is property tax levied by the school districts, which amounts to about \$1,400 per student and includes debt service of \$470. None of this money goes to charter schools. The state pays this portion of charter school funding, which is currently more than \$1,500 per student.

HB278 proposes to make the manner of funding of both district and charter schools

more uniform by taking a portion of the property taxes raised by the school districts to replace the state funding of charter schools. A challenge to this proposal has resulted in debt service being excluded. The state will continue to fund this portion. However, money will be taken from district schools and they will have to raise property taxes. This shift in funding will be phased in over four years so the districts will have time to adapt. The estimated impact on the districts is initially about \$8 million.

Bruce Williams, representing district school business officials, spoke in opposition to **HB278**. He began by stating the underlying assumption in **HB278** is that school districts have experienced a 'windfall' of money left behind by students who have transferred from district schools to charter schools. He says this assumption is false. In fact, many districts are either growing too fast or have a low tax base and are struggling to fund programs and maintain buildings.

An additional reason no windfall occurred is that funds provided by the state (under the Voted and Board Leeway Guarantee Programs and Capital Equalization Funding) are calculated

based on the number of students attending the district schools. Allocating some of this funding for charter schools would be an additional hardship for the districts.

Mr. Williams presented figures indicating the loss to the Alpine district would be almost \$3 million and to the Davis district, \$1.6 million. The state is undertaking a program to equalize capital funds across the state. He also disputed Mr. Bigelow's figure of \$8 million as the estimated impact on the districts, saying the State Office of Education estimates the figure to be \$15 million when fully implemented.

Property tax levies have been set based on the number of students attending districts schools and don't include students attending charter schools. The districts would have to raise property taxes and would have to face the voters on this issue. They would be accountable for spending the money, but have no control over the charter schools. Mr. Williams and others opposing **HB 278** would prefer the state levy a statewide property tax for this purpose.

Rep. Bigelow responded by stating the legislature does not feel the districts have

received a windfall. However, the districts do have a responsibility; districts are not "in the business of representing the taxpayers to build buildings or to educate a select portion of the students." The charter schools are public schools, not private schools. The taxes should go where the students are.

Because the public school system didn't want charter schools, the state took responsibility for them. We now have, in essence, two public school systems. Someday, when the systems are big enough, the discussion will focus on the question of which system will prevail. It isn't efficient for the state to have both systems. He acknowledged problems with the current proposal, saying they will be corrected during the phase-in time period.

Mr. Williams repeated his earlier statement that under this bill the districts would be responsible for charter schools, but without the necessary authority. No control or oversight is given. He noted some charter schools are indeed created by the school districts and have control over them, but most are not.

Reported by Stuart Gygi

Program Topic II: HB270 Utah Science Technology and Research Initiative Centers

**Speakers: Rep. Ron Bigelow, (R) – Dist. 32, Salt Lake County (West Valley);
Exec. Appropriations Co-Chair; sponsor, HB270
Sen. Ross I. Romero, (D) – Dist. 7, Salt Lake County (S.L. east bench)**

Rep. Bigelow explained **HB270**. It would provide grants to school districts to pay math and science teachers to work an eleven-month contract rather than the usual nine-month contract. Teachers already under contract who choose this option will be paid at their current monthly salary to work the extra months. The program is flexible in that neither a school nor a teacher would be required to accept an eleven-month contract.

The classes taught will be regular core classes as opposed to math or science 'camps', thus allowing students to accelerate their programs and graduate early or to repeat material they

haven't yet mastered. The program would also better utilize our school buildings.

Sen. Romero spoke against the bill. His concern is that the legislature is focusing on one discipline to the detriment of others. Focusing on math and science is not in itself a bad thing. However, the fiscal note of \$11 million is a concern. There are so many other needs overall. Spending this much money, along with the \$7 million proposed for differentiated teacher pay, is too much for just one area. He believes the money would be better spent on class size reduction or increasing the WPU. His objection is not philosophical; it is merely a matter of where to allocate the limited funds.

Sen. Romero has supported a bill that would extend use of school buildings, but would include all disciplines. He is concerned we don't provided enough incentives overall to keep our new teachers and should consider raising all

starting salaries. Concentrating money in isolated disciplines will only make it harder to do this.

Reported by Stuart Gygi

General Session II

Program Topic: Sex Offender Legislation:

HB0034 – Email Information Required of Registered Sex Offenders

HB0492 – Sex Offender Notification and Registration

HB0109S01 – Sex Offender Law Amendments

HB0161 – Sex Offenders' Contact with Children

HB0256 – Criminal Penalties Amendments - Including Jessica's Law

HB0327 – Enticing a Minor by Electronic Means

HB 0386 – Sex Offenders - Social Contact with Children

**Presented by: Judiciary/Law Enforcement & Criminal Justice/
Political Subdivisions/ Revenue & Taxation/
Transportation/ Government Operations**

Co-chairs: Isabel Cannon & Junko Schimizo

Director: Tibby Milne

**Speakers: Scott Carver – Director, Sentencing Commission on Criminal and Juvenile Justice; formerly, Dept. of Corrections
Jaycee Skinner – Statewide Association of Prosecutors**

Tibby Milne introduced the speakers, adding that inasmuch as there are no opponents to the proposed legislation, the program would be informational only. Questions were taken informally during the discussion of each bill.

Scott Carver first clarified the responsibility of the Sentencing Commission as an advisory board to several other committees. It does not set or carry out sentencing.

HB0034: Mr. Carver explained sex offenders are required to provide personal information for a statewide online registry. This bill would require those on the registry to also include current e-mail addresses. **HB0034** will

eventually be absorbed by **HB0492**.

The registry was originally intended for official use only. However, much of this information is now available to the public on the website of the Utah Department of Corrections – Sex Offender Registry (www.corrections.utah.gov). To access specific information, a user may search by either zip code or name of the offender. Mr. Carver said the Offender Registry probably does not 'save' anyone from being victimized, as the majority of sex crimes are perpetrated by individuals known to the victim or the victim's family. Its usefulness is mainly to disseminate information to the public.

Responding to questions, Mr. Carver said it is up to the sex offenders themselves to be truthful in the information they submit to the registry. There is also a time frame within which they must report all changes. If an offender does not provide correct information an agent will be sent to follow up and penalties can be imposed. Interestingly, the public has proven to be a great help in this area, as they will often inform the Department of Corrections when they find inaccuracies. Offenders may provide erroneous information, it's true. But if there is no law requiring it, no penalties may be imposed when violations are found.

HB109S01: This bill does not have wide support by law enforcement. Risk assessment (for the likelihood of future offenses) would be regularly required, but no with specifics on what to do with that data.

HB0161: This bill requires a registered sex offender to obtain permission from a child's parent or guardian to allow a child younger than age 14 to accompany the offender. Responding to a question, Mr. Carver explained if the offender lives in a household with other family members, he is not required by law to be isolated from the children of that household

HB0256: Jessica's Law is national legislation. Utah's sentencing laws are unique in sentencing structure, but will adjust to the national legislation. Jessica's law increases prison time

NOTE: A Letter of Support was drafted and sent to Utah Legislators in support of **SB93 – Licensed Direct Entry Midwife Amendments**. It stated, in part, "We are concerned with the overall health and welfare of women and children and believe this bill will address safety issues [so] as to clarify the interpretation of normal births and amend standards of practice."

It was signed by Kitty Kaplan - WSLC President, Donna Murphy RN,MSN,CPN - Dir., Health & Human Services Study Committee, Dianne Yancey – Co-Chair, Health & Human Services Study Committee, and Suzanne Merrill – Immediate Past President, WSLC.

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President: Kitty Kaplan
Advisor: Sylvia Rickard
Editor: Pam Grange
Assistant Editor: Amy Jensen
Assistant Editor: Eileen Hallet Stone

from 15 years to life to 25 years to life, if an offender is convicted of sex offences such as sodomy or rape of a child. The law also stiffens sentencing (up to 15 years) for the attempted sexual abuse of a child. It is often difficult to get a conviction on child sexual abuse because children typically do not make good witnesses. However, by stipulating 'attempted', this law will make it easier to convict.

HB0327: This bill adds enticing a minor by text messaging to the current law.

HB0386: No discussion.

Jaycee Skinner addressed **HB0492**, a bill which has resulted from national legislation: The Adam Walsh Act. It provides for uniform legislation across states. This legislation will serve to conform Utah's Sex Offender Registry to the National Sex Offender Public Registry (www.nsopr.gov). It also changes length of prison time and terms of parole.

One provision of the bill deals with convicted sex offenders who move from one state to another. They will be required to abide by whichever state's regulation is more stringent; thereby, preventing offenders from 'shopping' for more hospitable states. In addition, **HB0492** reduces the time limit required for an offender to report information changes from five days to three.

Reported by Darlene Hutchison

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