

## GENERAL SESSION

March 2, 2016

### Program Topics:

Schools: Funding, Free Speech, State Board Elections

### Presented By: Education & Judiciary Committees

Erin Preston, Seraya Amirthalingam  
Taylor Rosecrans, Catherine Stokes

### Speakers:

#### Senator Lincoln Fillmore -

(R) Utah Senate District 10, Salt Lake

**Elizabeth Weight** - President, Granite Local Chapter,  
American Federation of Teachers

#### Representative Kim Coleman -

(R) Utah House District 42, Salt Lake

#### Representative Craig Hall -

(R) Utah House District 33, Salt Lake



Sen. Fillmore

Sen. Fillmore spoke about the inequities that ensue from basing school funding on property taxes. He recently introduced [SB 244 School Funding Provisions](#), a bill that is intended to remedy this problem by redistributing some school funds.

Currently, the ratio of funding for schools by local property taxes varies by a factor of 7 between the highest funded district and the lowest.

Last year the legislature took some steps towards evening out the per pupil funding through [S.B. 97 Property Tax Equalization Amendments](#). With that bill, Utah was able to project that 50% of school districts would meet the state average for per pupil funding within a few years. SB 244 accelerates that by providing a greater portion of the growth in education funding to districts below the state average. Sen. Fillmore estimates that the measure would bring 84% of the districts up to par within 8 years.

Responding to a question, the Senator said that the bill did not affect charter school funding.

Fillmore argues that Utah teacher salaries are artificially low because it has proven difficult to get districts to raise salaries. The lowest funded districts cannot afford to raises, and the better funded districts realize that they are in buyer's market for teacher skills. Instead of raising salaries, they spend more on capital expenditures and buildings.

He pleaded for support for the bill, and expressed frustration that the school districts that would benefit most have not come forward.



Elizabeth Weight

Speaking in opposition to the charter schools provisions in SB 244 was Elizabeth Weight. She, and some of the WSLC audience members, were confused by Sen. Fillmore's assertion that the bill did not affect charter schools funding,

because there were numerous references to charter schools in the text of the bill.

Erin Preston, a WSLC board member, said that the controversies surrounding SB 38 had led to a split into two or more bills, one of them being SB 244. In that bill, "local replacement funding" is moved from local districts to the state. The state would use money from the education fund (i.e., income taxes) to increase the per pupil funding for lower funded districts. Apparently, the WSLC members were witnessing the very fluid and dynamic process that characterizes the late stages of a legislative session.

Ms. Weight went on to explain that as a longtime teacher in a traditional public school, she had definite concerns about

the role of charter schools in Utah. Charter schools, in her understanding, had started as a way to explore different educational pathways. If successful, the tested and proven methods would be adopted by public schools. Instead, Utah charter schools do not test or report on their alternative methods.



Rep. Coleman

We tend to think of college campuses as places where students can discuss a full spectrum of ideas in a safe setting, but Rep. Coleman thinks that this rosy picture does not reflect the reality of today's higher institutions. By introducing [HB](#)

[365 Campus Free Expression Act](#), she hopes to guarantee speech to students in outdoor campus areas.

HB 365 is a response to free speech restrictions at Dixie State University which last year prevented students from distributing flyers with negative portrayals of President Obama, former President George W. Bush and Marxist leader Che Guevara. The university has since then changed its policies to allow such activities.

The Supreme Court ruled in 1999 that under Title IX, schools can be liable for harassment that occurs on campus if it prevents a student from getting an education. Rep. Coleman feels that this has had a dampening effect on free speech, an effect that she would like to reverse. Her bill would require that state institutions of higher learning guarantee students the right to free expression when outdoors. Further, if the institution unreasonably restricts such expression, the institution can be fined, and the

aggrieved parties can be sue the institution for damages and court costs.

Some affected institutions have indicated that the possibility of being sued was an undesirable aspect of the bill. Rep. Coleman said that there was already a Federal right to sue, but that was expensive both for the students and for the state defense attorneys. A state right to sue would give the free speech assurance more weight.

She has chosen outdoor areas as the only guaranteed free speech areas because indoor areas are likely to subject to reasonable limitations on noise, crowding, and other difficulties.

Her bill would make it clear that state law supersedes any guidance from the Federal government, for example, the Office of Civil Rights.



Rep. Hall

Representative Hall spoke to his bill [HB 110 Election Law Changes](#) which would establish new election procedures for the State Board of Education. The former method of nominating was deemed

unconstitutional, thus necessitating a change in the process. Currently, there is a nonpartisan election with no primary election, and anyone can run in the general election. The foreseeable problem is that so many candidates might be on the ballot that the top vote getters would have far less than a majority of the votes. For the past two legislative sessions, the Utah Senate and the House have been unable to agree on a better

election process. In the event there is again lack of agreement between the houses, this bill would require a primary election to narrow the field for the general election of the school board.

Regarding a different piece of legislation, Rep. Hall spoke of events that motivated its drafting. In 2012 a school teacher had an inappropriate relationship with a minor student. When interviewed by school officials, the student “poured her heart out”, and her story was recorded. The media made a public records request for everything relating to the investigation of the teacher. Although names were redacted from the student's statement, the parties were generally known, and the whole community learned the details of the relationship.

Representative Hall's bill [HB 288 Educational Records Protection Amendment](#) protects certain education records from GRAMA requests if the disclosure may further traumatize a victim. There is a precedent for this in a federal statute which defines “limited education records. “

Rep. Hall said the bill does not impede law enforcement activity or parents' access to a minor student's education records. He responded to a question about whether or not other parents should have the right to know about what kinds of inappropriate relationships occurred at their child's school saying that if criminal charges were filed against the adult, the parents would then learn about the relationships.

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Note: The WSLC members approved a [resolution](#) supporting SB 43 “Firearm Safety and Violence Prevention in Public Schools.”

This Bulletin is a publication of  
The Women's State Legislative Council of Utah, Inc.  
<http://www.wslcofutah.org>

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*Printed by AlphaGraphics  
117 West 900 South  
Salt Lake City, UT 84101*