

April 1, 2015

Carol Lear, Heidi Alder, and Erin Preston, the Education Law Group of Lear & Lear., spent our 2015 Legislative Session tracking all legislation relevant to Local Education Agencies (LEAs). We created a tracking sheet, attended committee meetings, and were involved with legislators on the development of several bills. From the policies to revisit to legislation Q&A, we hope this edition of our newsletter will be useful to you.

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Education Law Newsletter

2015 Legislative Update

Top Five Immediate Concerns for Charter Schools

The 2015 General Legislative Session, the most active in recent memory, passed many bills that will require charter school to make changes to their policies and practices.

Some of these bills will require immediate change for schools to remain legally compliant. Here are our top-5 you should be aware of:

1—Standardized testing “opt-out” changes. SB204 expands last year’s Parents Rights Bill to allow parents to opt student out of any testing to include any test that is not locally developed" or any test that is federally or state mandated (which would include everything from SAGE to DIBELS). Additionally the bill prohibits:

- LEAs from requiring a meeting to discuss the opt out options,
- LEAs requiring a certain "opt-out" form to be filled out,

- Once a student has opted out, the opt out remains in effect until the student opts back in or until he is no longer enrolled at the LEA.

2—Breastfeeding accommodations. HB242 requires public employer to provide the following to a public employee who is breastfeeding:

- Reasonable breaks,
- access to a room with privacy and a refrigerator for breastfeeding purposes, and
- policies to support breastfeeding.
- Prohibits a school from discriminating against an employee who is breastfeeding in the workplace.

3—Mandatory Reference Checks. HB345 requires every public school to obtain a reference and disciplinary history of potential employee.



4—Anti-discrimination and religious freedom amendments. SB 296

- Defines “sexual orientation” and “gender identity” and provides protection in employment settings (including schools)

5—Charter Funding

- Likely the last year of October 1 funding for charters.
- HB444 sets up task force to establish new charter funding beginning 2016.

Interim Task Forces Created

Charter Funding Task Force (HB 444)

College & Career Readiness (HB 198)

Educator Tax Credit Study (HB207)

CTE Board & Study Group (HB 337)

Digital Teaching and Learning Study (SB 222)

Data Security Management Council (SB 255)



Board of Education: Study of UT Education System (HB360)

Educator Abuse Policy (HB 345)

Methods to minimize excessive testing (HCR007)

Dyslexia Early Intervention Study— 5 school pilot program (SB 117)

Policies, Policies, and More Policies...

As with each legislative session, many bills will require LEA's to draft new policies or revise current policies, either explicitly or implicitly. Below are a list of bills relevant to charter that will likely necessitate changes to charter schools' policies:

Employment policies

- Hiring as it pertains to nepotism (HB73)
- Employee discrimination based on sexual orientation or gender identification. Freedom of expression (SB296)
- Employment termination (HB118, SB272)
- Background checks

Bullying policies

- Parent notification (HB128)
- Conduct and discipline policy to include information about the Crisis Line (SB175)

Miscellaneous policies

- Instruction on human sexuality policy (HB447)

- GRAMA policy (SB157)
- Testing opt-out policies (SB204)
- Attendance policy (SB204)
- Student data policy to include notice to parents in the event of a breach (HB163)
- Acceptable Use Policy, as it relates to filtering and student use (HB213)
- Any policy reference "behavior testing and tracking" (SB38)
- Administrative medication (epinephrine) to students (SB147)

Legislation by the Numbers

- 146 education related bills introduced.
- 81 education related bills passed
- 7 bills required an interim study or task force
- 28 bills requiring the State Board to write rules

The legislature introduced and passed more bills this year than in any other general legislative session.





The Downey Mansion
808 E. South Temple St.
Salt Lake City, Utah 84102

Carol.lear@learlaw.com
801-883-8003
Heidi.alder@learlaw.com
801-883-8001
Erin.preston@learlaw.com
801-883-8002



Carol Lear, Heidi Alder, and Erin Preston are pleased to announce their affiliation as of counsel with Lear & Lear, LLP to provide Education Law services to school districts, charter schools and other public education-related entities. Our services include:

- Prompt and cost effect responses to everyday legal questions and issues
LEA/school policy and contract review
- School facilities, construction and financing issues
- Hearing officer services
- Employee questions and issues
- Advice and support for GRAMA and records management requests



Legislative Q&A



Caption describing picture or graphic.

Q: How soon must superintendents initiate policy and practices changes and when does the money come?

A: Superintendents and LEAs can tell when programs become effective by checking the effective date on passed bills. Most new (or expanded) programs become effective for the 2015-16 school year. New programs require adequate LEA implementation policies. Many new programs require the State Board of Education

to write rules for programs. They also require funds, appropriated by the Legislature, to be distributed to LEAs by the State Board. Most often, the funds for new or expanded programs should follow the rules and come at the beginning of the fiscal year.

Q: What happens if the Governor vetoes an education bill?

A: The bill does not go into effect. The media will give

LEAs a good sense if the Legislature intends to override the Governor's veto. Usually that does not happen.

Q: If Board rules are required by a bill, when can LEAs expect to see them?

A: Many new legislative programs require Board rules—for the funds to flow to LEAs, for grants to be awarded, for LEAs to know about timelines and details of programs. LEAs can learn about rulemaking timelines from USOE staff.