

**Representative Norman K Thurston** proposes the following substitute bill:

**LOCAL FUNDING OPTIONS FOR PUBLIC EDUCATION**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K Thurston**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill creates the Block Grant Funding Pilot Program.

**Highlighted Provisions:**

This bill:

- ▶ creates the Block Grant Funding Pilot Program (program);
- ▶ requires the State Board of Education to select qualifying local education agencies (LEAs) to participate in the program;
- ▶ provides for an LEA that participates in the program to receive certain state funding as a block grant for a certain period of time;
- ▶ provides an exception to certain program requirements for a certain period of time for an LEA that participates in the program;
- ▶ exempts an LEA that participates in the program from certain provisions related to human resources;
- ▶ requires the State Board of Education to report to the Education Interim Committee on the status of the program; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **53A-15-104**, as last amended by Laws of Utah 2014, Chapter 63
- 31 **53A-15-105**, as enacted by Laws of Utah 2008, Chapter 235
- 32 **53A-17a-111**, as last amended by Laws of Utah 2011, Chapter 342
- 33 **53A-17a-112**, as last amended by Laws of Utah 2011, Chapters 359 and 366
- 34 **53A-17a-113**, as last amended by Laws of Utah 2010, Chapter 3
- 35 **53A-17a-120.5**, as last amended by Laws of Utah 2010, Chapter 3
- 36 **53A-17a-124.5**, as last amended by Laws of Utah 2013, Chapter 299
- 37 **53A-17a-127**, as last amended by Laws of Utah 2011, Chapters 366 and 371
- 38 **53A-17a-150**, as last amended by Laws of Utah 2013, Chapter 466
- 39 **53A-17a-154**, as last amended by Laws of Utah 2010, Chapter 3
- 40 **53A-17a-155**, as last amended by Laws of Utah 2010, Chapter 3
- 41 **53A-17a-159**, as enacted by Laws of Utah 2008, Chapter 397
- 42 **53A-17a-162**, as last amended by Laws of Utah 2015, Chapter 12
- 43 **53A-17a-165**, as last amended by Laws of Utah 2015, Chapter 258
- 44 **53A-17a-166**, as enacted by Laws of Utah 2011, Chapter 359
- 45 **53A-17a-167**, as last amended by Laws of Utah 2015, Chapter 372
- 46 **53A-17a-168**, as enacted by Laws of Utah 2012, Chapter 188
- 47 **53A-17a-170**, as enacted by Laws of Utah 2013, Chapter 381
- 48 **53A-21-202**, as last amended by Laws of Utah 2010, Chapter 185
- 49 **63I-1-253**, as last amended by Laws of Utah 2015, Chapters 62, 431, and 442

50 ENACTS:

- 51 **53A-17a-301**, Utah Code Annotated 1953
- 52 **53A-17a-302**, Utah Code Annotated 1953



54 *Be it enacted by the Legislature of the state of Utah:*

55 Section 1. Section **53A-15-104** is amended to read:

56 **53A-15-104. Critical Languages Program -- Pilot.**

57 (1) (a) As used in this section, "critical languages" means those languages described in  
58 the federal National Security Language Initiative, including Chinese, Arabic, Russian, Farsi,  
59 Hindi, and Korean.

60 (b) The Legislature recognizes:

61 (i) the importance of students acquiring skills in foreign languages in order for them to  
62 successfully compete in a global society; and

63 (ii) the academic, societal, and economic development benefits of the acquisition of  
64 critical languages.

65 (2) (a) The State Board of Education, in consultation with the Utah Education and  
66 Telehealth Network, shall develop and implement courses of study in the critical languages.

67 (b) A course may be taught:

68 (i) over the state's two-way interactive video conferencing system for video and audio,  
69 to students in the state's public education system;

70 (ii) through the Electronic High School;

71 (iii) through traditional instruction; or

72 (iv) by visiting guest teachers.

73 (3) (a) The courses authorized in Subsection (2) may use paraprofessionals in the  
74 classroom who:

75 (i) are fluent in the critical language being taught; and

76 (ii) can provide reinforcement and tutoring to students on days and at times when they  
77 are not receiving instruction under Subsection (2)(b).

78 (b) The State Board of Education, through the state superintendent of public  
79 instruction, shall ensure that the paraprofessionals are fluent in the critical languages.

80 (4) The State Board of Education shall make rules on the critical languages courses  
81 authorized under this section in accordance with Title 63G, Chapter 3, Utah Administrative  
82 Rulemaking Act, to include:

83 (a) notification to school districts on the times and places of the course offerings; and

84 (b) instructional materials for the courses.

85 (5) The State Board of Education shall track and monitor the Critical Languages  
86 Program and may expand the program to include more course offerings and other critical  
87 languages, subject to student demand for the courses and available resources.

88 (6) (a) Subject to funding for the program, the State Board of Education shall establish  
89 a pilot program for school districts and schools to initially participate in the Critical Languages  
90 Program that provides:

91 (i) up to \$6,000 per language per school, for up to 60 schools, for courses offered in  
92 critical languages;

93 (ii) up to \$100 per student who completes a critical languages course; and

94 (iii) up to an additional \$400 per foreign exchange student who completes a critical  
95 languages course.

96 (b) If the available funding is insufficient to provide the amounts described under  
97 Subsection (6)(a), the amounts provided shall be reduced pro rata so that the total provided  
98 does not exceed the available funding.

99 (c) During the fiscal years that a school district or charter school receives state funding  
100 as a block grant under Chapter 17a, Part 3, Block Grant Funding Pilot Program, the school  
101 district or charter school may use the funding described in this Subsection (6) for any public  
102 education purpose.

103 Section 2. Section **53A-15-105** is amended to read:

104 **53A-15-105. Dual Language Immersion Program -- Pilot.**

105 (1) Subject to funding for the program, the State Board of Education shall establish a  
106 pilot program for school districts and schools to initially participate in the Dual Language  
107 Immersion Program.

108 (2) The program shall provide funds as an incentive to 15 qualifying schools for the  
109 following languages:

110 (a) six pilots for Chinese;

111 (b) six pilots for Spanish;

112 (c) two pilots for French; and

113 (d) one pilot for Navajo.

114 (3) Subject to funding for the program, a qualifying school shall:

115 (a) receive up to \$18,000 per year for up to six years;

116 (b) establish an instructional model that uses 50% of instruction in English and 50% of  
117 instruction in another language; and

118 (c) begin the instructional model described under Subsection (3)(b) in kindergarten or

119 grade 1 and add an additional grade each year.

120 (4) During the fiscal years that a school district or charter school receives state funding  
121 as a block grant under Chapter 17a, Part 3, Block Grant Funding Pilot Program, the school  
122 district or charter school may use the funding described in Subsection (3)(a) for any public  
123 education purpose.

124 Section 3. Section **53A-17a-111** is amended to read:

125 **53A-17a-111. Weighted pupil units for programs for students with disabilities --**  
126 **District allocation.**

127 (1) The number of weighted pupil units for students with disabilities shall reflect the  
128 direct cost of programs for those students conducted in accordance with rules established by the  
129 State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative  
130 Rulemaking Act.

131 (2) [~~Disability~~] (a) Except as provided in Subsection (2)(b), disability program money  
132 allocated to districts is restricted and shall be spent for the education of students with  
133 disabilities but may include expenditures for approved programs of services conducted for  
134 certified instructional personnel who have students with disabilities in their classes.

135 (b) During the fiscal years that a school district or charter school receives state funding  
136 as a block grant under Part 3, Block Grant Funding Pilot Program, the school district or charter  
137 school:

138 (i) except as provided in Subsection (2)(b)(ii), may use disability program money  
139 described in this section for any public education purpose; and

140 (ii) shall comply with the Individuals with Disabilities Education Act Amendments of  
141 1997, Pub. L. No. 105-17, and subsequent amendments.

142 (3) The State Board of Education shall establish and strictly interpret definitions and  
143 provide standards for determining which students have disabilities and shall assist districts in  
144 determining the services that should be provided to students with disabilities.

145 (4) Each year the board shall evaluate the standards and guidelines that establish the  
146 identifying criteria for disability classifications to assure strict compliance with those standards  
147 by the districts.

148 (5) (a) Money appropriated to the State Board of Education for add-on WPU for  
149 students with disabilities enrolled in regular programs shall be allocated to school districts as

150 provided in this Subsection (5).

151 (b) Beginning on July 1, 2003, the State Board of Education shall:

152 (i) use a district's average number of special education add-on weighted pupil units  
153 determined by the previous five year's average daily membership data as a foundation for the  
154 special education add-on appropriation; and

155 (ii) implement a hold harmless provision for up to three years as needed to accomplish  
156 a phase-in period for school districts to accommodate the change in the special education  
157 add-on WPU's foundation formula.

158 (c) A district's special education add-on WPU's for the current year may not be less than  
159 the foundation special education add-on WPU's.

160 (d) Growth WPU's shall be added to the prior year special education add-on WPU's, and  
161 growth WPU's shall be determined as follows:

162 (i) The special education student growth factor is calculated by comparing S-3 total  
163 special education ADM of two years previous to the current year to the S-3 total special  
164 education ADM three years previous to the current year, not to exceed the official October total  
165 district growth factor from the prior year.

166 (ii) When calculating and applying the growth factor, a district's S-3 total special  
167 education ADM for a given year is limited to 12.18% of the district's S-3 total student ADM  
168 for the same year.

169 (iii) Growth ADM's are calculated by applying the growth factor to the S-3 total special  
170 education ADM of two years previous to the current year.

171 (iv) Growth ADM's for each district are multiplied by 1.53 weighted pupil units and  
172 added to the prior year special education add-on WPU to determine each district's total  
173 allocation.

174 (6) If money appropriated under this chapter for programs for students with disabilities  
175 does not meet the costs of districts for those programs, each district shall first receive the  
176 amount generated for each student with a disability under the basic program.

177 Section 4. Section 53A-17a-112 is amended to read:

178 **53A-17a-112. Preschool special education appropriation -- Extended year**  
179 **program appropriation -- Appropriation for special education programs in state**  
180 **institutions -- Appropriations for stipends for special educators.**

181 (1) (a) Money appropriated to the State Board of Education for the preschool special  
182 education program shall be allocated to school districts to provide a free, appropriate public  
183 education to preschool students with a disability, ages three through five, except as provided in  
184 Subsection (6).

185 (b) The money shall be distributed on the basis of the school district's count of  
186 preschool children with a disability for December 1 of the previous year, as mandated by  
187 federal law.

188 (2) Money appropriated for the extended school year program for children with a  
189 severe disability shall be limited to students with severe disabilities with education program  
190 goals identifying significant regression and recoupment disability as approved by the State  
191 Board of Education.

192 (3) (a) Money appropriated for self-contained regular special education programs may  
193 not be used to supplement other school programs.

194 (b) Money in any of the other restricted line item appropriations may not be reduced  
195 more than 2% to be used for purposes other than those specified by the appropriation, unless  
196 otherwise provided by law.

197 (4) (a) The State Board of Education shall compute preschool funding by a factor of  
198 1.47 times the current December 1 child count of eligible preschool aged three, four, and  
199 five-year-olds times the WPU value, limited to 8% growth over the prior year December 1  
200 count.

201 (b) The board shall develop guidelines to implement the funding formula for preschool  
202 special education, and establish prevalence limits for distribution of the money.

203 (5) Of the money appropriated for Special Education - State Programming, the State  
204 Board of Education shall distribute the revenue generated from 909 WPUs to school districts,  
205 charter schools, and the Utah Schools for the Deaf and the Blind for stipends to special  
206 educators for additional days of work pursuant to the requirements of Section [53A-17a-158](#).

207 (6) During the fiscal years that a school district or charter school receives state funding  
208 as a block grant under Part 3, Block Grant Funding Pilot Program, the school district or charter  
209 school:

210 (a) except as provided in Subsection (6)(b), may use money appropriated under this  
211 section for any public education purpose; and

212 (b) shall comply with the Individuals with Disabilities Education Act Amendments of  
213 1997, Pub. L. No. 105-17, and subsequent amendments.

214 Section 5. Section **53A-17a-113** is amended to read:

215 **53A-17a-113. Weighted pupil units for career and technical education programs**  
216 **-- Funding of approved programs -- Performance measures -- Qualifying criteria.**

217 (1) (a) Money appropriated to the State Board of Education for approved career and  
218 technical education programs and the comprehensive guidance program:

219 (i) shall be allocated to eligible recipients as provided in Subsections (2), (3), (4), and  
220 (5); and

221 (ii) except as provided in Subsections (1)(b) and (8), may not be used to fund programs  
222 below the [~~ninth~~] grade 9 level.

223 [~~(b) Subsection (1)(a)(ii) does not apply to the following programs:~~]

224 (b) Funds appropriated to the State Board of Education for the following programs may  
225 be used to fund programs below the grade 9 level:

226 (i) comprehensive guidance;

227 (ii) Technology-Life-Careers; and

228 (iii) work-based learning programs.

229 (2) (a) Weighted pupil units are computed for pupils in approved programs.

230 (b) (i) The board shall fund approved programs based upon hours of membership of  
231 [~~9th through 12th grade~~] students in grades 9 through 12.

232 (ii) Subsection (2)(b)(i) does not apply to the following programs:

233 (A) comprehensive guidance;

234 (B) Technology-Life-Careers; and

235 (C) work-based learning programs.

236 (c) The board shall use an amount not to exceed 20% of the total appropriation under  
237 this section to fund approved programs based on performance measures such as placement and  
238 competency attainment defined in standards set by the board.

239 (d) Leadership organization funds shall constitute an amount not to exceed 1% of the  
240 total appropriation under this section, and shall be distributed to each local educational agency  
241 sponsoring career and technical education student leadership organizations based on the  
242 agency's share of the state's total membership in those organizations.



243 (e) The board shall make the necessary calculations for distribution of the  
244 appropriation to school districts and may revise and recommend changes necessary for  
245 achieving equity and ease of administration.

246 (3) (a) Twenty weighted pupil units shall be computed for career and technical  
247 education administrative costs for each district, except 25 weighted pupil units may be  
248 computed for each district that consolidates career and technical education administrative  
249 services with one or more other districts.

250 (b) Between 10 and 25 weighted pupil units shall be computed for each high school  
251 conducting approved career and technical education programs in a district according to  
252 standards established by the board.

253 (c) Forty weighted pupil units shall be computed for each district that operates an  
254 approved career and technical education center.

255 (d) Between five and seven weighted pupil units shall be computed for each summer  
256 career and technical education agriculture program according to standards established by the  
257 board.

258 (e) The board shall, by rule, establish qualifying criteria for districts to receive  
259 weighted pupil units under this Subsection (3).

260 (4) (a) Money remaining after the allocations made under Subsections (2) and (3) shall  
261 be allocated using average daily membership in approved programs for the previous year.

262 (b) A district that has experienced student growth in grades 9 through 12 for the  
263 previous year shall have the growth factor applied to the previous year's weighted pupil units  
264 when calculating the allocation of money under this Subsection (4).

265 (5) Of the money allocated to comprehensive guidance programs pursuant to board  
266 rules, \$1,000,000 in grants shall be awarded to school districts or charter schools that:

267 (a) provide an equal amount of matching funds; and

268 (b) do not supplant other funds used for comprehensive guidance programs.

269 (6) (a) The board shall establish rules for the upgrading of high school career and  
270 technical education programs.

271 (b) The rules shall reflect career and technical training and actual marketable job skills  
272 in society.

273 (c) The rules shall include procedures to assist school districts to convert existing

274 programs which are not preparing students for the job market into programs that will  
275 accomplish that purpose.

276 (7) Programs that do not meet board standards may not be funded under this section.

277 (8) During the fiscal years that a school district or charter school receives state funding  
278 as a block grant under Part 3, Block Grant Funding Pilot Program, the school district or charter  
279 school:

280 (a) may use funds appropriated under this section for any public education purpose;

281 and

282 (b) is not subject to the requirements described in Subsection (1), (3), (5), or (7).

283 Section 6. Section **53A-17a-120.5** is amended to read:

284 **53A-17a-120.5. Appropriation for concurrent enrollment.**

285 (1) Money appropriated to the State Board of Education for concurrent enrollment shall  
286 be allocated as follows:

287 (a) the money shall first be allocated proportionally, based upon student credit hour  
288 delivered, between courses that are:

289 (i) taught by public school educators; and

290 (ii) taught by college or university faculty;

291 (b) from the money allocated under Subsection (1)(a)(i):

292 (i) 60% of the money shall be allocated to local school boards and charter schools; and

293 (ii) 40% of the money shall be allocated to the State Board of Regents; and

294 (c) from the money allocated under Subsection (1)(a)(ii):

295 (i) 40% of the money shall be allocated to local school boards and charter schools; and

296 (ii) 60% of the money shall be allocated to the State Board of Regents.

297 (2) The State Board of Education shall make rules providing that a school participating  
298 in the concurrent enrollment programs offered under Section **53A-15-101** shall receive an  
299 allocation from the money described in Subsection (1) as provided in Section **53A-15-101**.

300 (3) The State Board of Regents shall make rules providing that an institution of higher  
301 education participating in the concurrent enrollment programs offered under Section  
302 **53A-15-101** shall receive an allocation from the money described in Subsection (1) as provided  
303 in the rules.

304 (4) Subject to budget constraints, the Legislature shall annually increase the money

305 appropriated to the State Board of Education for concurrent enrollment based on:

306 (a) enrollment growth in concurrent enrollment from additional students enrolled,  
307 courses offered, and credit hours taken; and

308 (b) the percentage increase in the value of the weighted pupil unit.

309 (5) (a) The State Board of Education and the State Board of Regents shall annually  
310 report to the Public Education Appropriations Subcommittee:

311 (i) an accounting of the money appropriated for concurrent enrollment; and

312 (ii) a justification of the split described in Subsections (1)(a) and (b).

313 (b) The State Board of Regents shall annually report to the Higher Education  
314 Appropriations Subcommittee on concurrent enrollment participation and growth, including  
315 data on what higher education tuition would have been charged for the hours of concurrent  
316 enrollment credit granted.

317 (6) ~~[It]~~ (a) Except as provided in Subsection (6)(b), in order to qualify for funds under  
318 this section, a concurrent enrollment program shall comply with the requirements described in  
319 Section 53A-15-101, including rules adopted in accordance with ~~[Subsection]~~ Section  
320 53A-15-101~~(3)~~.

321 (b) During the fiscal years that a school district or charter school receives state funding  
322 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use  
323 funds appropriated under this section for any public education purpose.

324 Section 7. Section **53A-17a-124.5** is amended to read:

325 **53A-17a-124.5. Appropriation for class size reduction.**

326 (1) ~~[Money]~~ Except as provided in Subsection (9), funds appropriated to the State  
327 Board of Education for class size reduction shall be used to reduce the average class size in  
328 kindergarten through ~~[the eighth]~~ grade 8 in the state's public schools.

329 (2) Each school district or charter school shall receive its allocation based upon prior  
330 year average daily membership in kindergarten through grade 8 plus growth as determined  
331 under Subsection 53A-17a-106(3) as compared to the total prior year average daily  
332 membership in kindergarten through grade 8 plus growth of school districts and charter schools  
333 that qualify for an allocation pursuant to Subsection (8).

334 (3) (a) A school district may use its allocation to reduce class size in any one or all of  
335 the grades referred to under this section, except as otherwise provided in Subsection (3)(b).

336 (b) (i) Each school district or charter school shall use 50% of its allocation to reduce  
337 class size in any one or all of grades kindergarten through grade 2, with an emphasis on  
338 improving student reading skills.

339 (ii) If a school district's or charter school's average class size is below 18 in grades  
340 kindergarten through grade 2, it may petition the state board for, and the state board may grant,  
341 a waiver to use its allocation under Subsection (3)(b)(i) for class size reduction in the other  
342 grades.

343 (4) [~~Schools~~] A school may use nontraditional innovative and creative methods to  
344 reduce class sizes with this appropriation and may use part of their allocation to focus on class  
345 size reduction for specific groups, such as at risk students, or for specific blocks of time during  
346 the school day.

347 (5) (a) A school district or charter school may use up to 20% of its allocation under  
348 Subsection (1) for capital facilities projects if such projects would help to reduce class size.

349 (b) If a school district's or charter school's student population increases by 5% or 700  
350 students from the previous school year, the school district or charter school may use up to 50%  
351 of any allocation it receives under this section for classroom construction.

352 (6) This appropriation is to supplement any other appropriation made for class size  
353 reduction.

354 (7) The Legislature shall provide for an annual adjustment in the appropriation  
355 authorized under this section in proportion to the increase in the number of students in the state  
356 in kindergarten through grade eight.

357 (8) (a) To qualify for class size reduction money, a school district or charter school  
358 shall submit:

359 (i) a plan for the use of the school district's or charter school's allocation of class size  
360 reduction money to the State Board of Education; and

361 (ii) beginning with the 2014-15 school year, a report on the school district's or charter  
362 school's use of class size reduction money in the prior school year.

363 (b) The plan and report required pursuant to Subsection (8)(a) shall include the  
364 following information:

365 (i) (A) the number of teachers employed using class size reduction money;

366 (B) the amount of class size reduction money expended for teachers; and

367 (C) if supplemental school district or charter school funds are expended to pay for  
368 teachers employed using class size reduction money, the amount of the supplemental money;  
369 (ii) (A) the number of paraprofessionals employed using class size reduction money;  
370 (B) the amount of class size reduction money expended for paraprofessionals; and  
371 (C) if supplemental school district or charter school funds are expended to pay for  
372 paraprofessionals employed using class size reduction money, the amount of the supplemental  
373 money; and  
374 (iii) the amount of class size reduction money expended for capital facilities.

375 (c) In addition to submitting a plan and report on the use of class size reduction money,  
376 a school district or charter school shall annually submit a report to the State Board of Education  
377 that includes the following information:

378 (i) the number of teachers employed using K-3 Reading Improvement Program money  
379 received pursuant to Sections [53A-17a-150](#) and [53A-17a-151](#);

380 (ii) the amount of K-3 Reading Improvement Program money expended for teachers;

381 (iii) the number of teachers employed in kindergarten through grade 8 using Title I  
382 money;

383 (iv) the amount of Title I money expended for teachers in kindergarten through grade  
384 8; and

385 (v) a comparison of actual average class size by grade in grades kindergarten through 8  
386 in the school district or charter school with what the average class size would be without the  
387 expenditure of class size reduction, K-3 Reading Improvement Program, and Title I money.

388 (d) The information required to be reported in Subsections (8)(b)(i)(A) through (C),  
389 (8)(b)(ii)(A) through (C), and (8)(c) shall be categorized by a teacher's or paraprofessional's  
390 teaching assignment, such as the grade level, course, or subject taught.

391 (e) The State Board of Education may make rules specifying procedures and standards  
392 for the submission of:

393 (i) a plan and a report on the use of class size reduction money as required by this  
394 section; and

395 (ii) a report required under Subsection (8)(c).

396 (f) Based on the data contained in the class size reduction plans and reports submitted  
397 by school districts and charter schools, and data on average class size, the State Board of

398 Education shall annually report to the Education Interim Committee on the impact of class size  
399 reduction, K-3 Reading Improvement Program, and Title I money on class size.

400 (9) During the fiscal years that a school district or charter school receives state funding  
401 under Part 3, Block Grant Funding Pilot Program, the school district or charter school:

- 402 (a) may use funds received under this section for any public education purpose; and
- 403 (b) is not subject to the requirements in Subsection (3), (5), or (8).

404 Section 8. Section **53A-17a-127** is amended to read:

405 **53A-17a-127. Eligibility for state-supported transportation -- Approved bus**  
406 **routes -- Additional local tax.**

407 (1) A student eligible for state-supported transportation means:

408 (a) a student enrolled in kindergarten through grade six who lives at least 1-1/2 miles  
409 from school;

410 (b) a student enrolled in grades seven through 12 who lives at least two miles from  
411 school; and

412 (c) a student enrolled in a special program offered by a school district and approved by  
413 the State Board of Education for trainable, motor, multiple-disability, or other students with  
414 severe disabilities who are incapable of walking to school or where it is unsafe for students to  
415 walk because of their disabling condition, without reference to distance from school.

416 (2) If a school district implements double sessions as an alternative to new building  
417 construction, with the approval of the State Board of Education, those affected elementary  
418 school students residing less than 1-1/2 miles from school may be transported one way to or  
419 from school because of safety factors relating to darkness or other hazardous conditions as  
420 determined by the local school board.

421 (3) (a) The State Board of Education shall distribute transportation money to school  
422 districts based on:

- 423 (i) an allowance per mile for approved bus routes;
- 424 (ii) an allowance per hour for approved bus routes; and
- 425 (iii) a minimum allocation for each school district eligible for transportation funding.

426 (b) The State Board of Education shall distribute appropriated transportation funds  
427 based on the prior year's eligible transportation costs as legally reported under Subsection  
428 **53A-17a-126(3)**.

429 (c) The State Board of Education shall annually review the allowance per mile and the  
430 allowance per hour and adjust the allowances to reflect current economic conditions.

431 (4) (a) Approved bus routes for funding purposes shall be determined on fall data  
432 collected by October 1.

433 (b) Approved route funding shall be determined on the basis of the most efficient and  
434 economic routes.

435 (5) A transportation advisory committee with representation from local school  
436 superintendents, business officials, school district transportation supervisors, and the state  
437 superintendent's staff shall serve as a review committee for addressing school transportation  
438 needs, including recommended approved bus routes.

439 (6) During the fiscal years that a school district or charter school receives state funding  
440 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use  
441 funding provided under this section for any public education purpose.

442 [~~6~~] (7) (a) Except as provided in Subsection [~~6~~] (7)(e), a local school board may  
443 provide for the transportation of students regardless of the distance from school, from:

444 (i) general funds of the district; and

445 (ii) a tax rate not to exceed .0003 per dollar of taxable value imposed on the district.

446 (b) A local school board may use revenue from the tax described in Subsection [~~6~~]  
447 (7)(a)(ii) to pay for transporting students and for the replacement of school buses.

448 (c) (i) If a local school board levies a tax under Subsection [~~6~~] (7)(a)(ii) of at least  
449 .0002, the state may contribute an amount not to exceed 85% of the state average cost per mile,  
450 contingent upon the Legislature appropriating funds for a state contribution.

451 (ii) The state superintendent's staff shall distribute the state contribution according to  
452 rules enacted by the State Board of Education.

453 (d) (i) The amount of state guarantee money which a school district would otherwise be  
454 entitled to receive under Subsection [~~6~~] (7)(c) may not be reduced for the sole reason that the  
455 district's levy is reduced as a consequence of changes in the certified tax rate under Section  
456 59-2-924 due to changes in property valuation.

457 (ii) Subsection [~~6~~] (7)(d)(i) applies for a period of two years following the change in  
458 the certified tax rate.

459 (e) Beginning January 1, 2012, a local school board may not impose a tax in

460 accordance with this Subsection [~~(6)~~] (7).

461 [~~(7)~~] (8) (a) (i) If a local school board expends an amount of revenue equal to at least  
462 .0002 per dollar of taxable value of the school district's board local levy imposed under Section  
463 53A-17a-164 for the uses described in Subsection [~~(6)~~] (7)(b), the state may contribute an  
464 amount not to exceed 85% of the state average cost per mile, contingent upon the Legislature  
465 appropriating funds for a state contribution.

466 (ii) The state superintendent's staff shall distribute the state contribution according to  
467 rules enacted by the State Board of Education.

468 (b) (i) The amount of state guarantee money that a school district would otherwise be  
469 entitled to receive under Subsection [~~(7)~~] (8)(a) may not be reduced for the sole reason that the  
470 district's levy is reduced as a consequence of changes in the certified tax rate under Section  
471 59-2-924 due to changes in property valuation.

472 (ii) Subsection [~~(7)~~] (8)(b)(i) applies for a period of two years following the change in  
473 the certified tax rate.

474 Section 9. Section 53A-17a-150 is amended to read:

475 **53A-17a-150. K-3 Reading Improvement Program.**

476 (1) As used in this section:

477 (a) "Board" means the State Board of Education.

478 (b) "Five domains of reading" include phonological awareness, phonics, fluency,  
479 comprehension, and vocabulary.

480 (c) "Program" means the K-3 Reading Improvement Program.

481 (d) "Program money" means:

482 (i) school district revenue allocated to the program from other money available to the  
483 school district, except money provided by the state, for the purpose of receiving state funds  
484 under this section; and

485 (ii) money appropriated by the Legislature to the program.

486 (2) The K-3 Reading Improvement Program consists of program money and is created  
487 to supplement other school resources to achieve the state's goal of having third graders reading  
488 at or above grade level.

489 (3) Subject to future budget constraints, the Legislature may annually appropriate  
490 money to the K-3 Reading Improvement Program.



491 (4) (a) [Fø] Except as provided in Subsection (4)(e), to receive program money, a  
492 school district or charter school [must] shall submit a plan to the board for reading proficiency  
493 improvement that incorporates the following components:

494 (i) assessment;  
495 (ii) intervention strategies;  
496 (iii) professional development for classroom teachers in kindergarten through grade  
497 three;

498 (iv) reading performance standards; and  
499 (v) specific measurable goals that include the following:

500 (A) a growth goal for each school within a school district and each charter school  
501 based upon student learning gains as measured by benchmark assessments administered  
502 pursuant to Section 53A-1-606.6; and

503 (B) a growth goal for each school district and charter school to increase the percentage  
504 of third grade students who read on grade level from year to year as measured by the third  
505 grade reading test administered pursuant to Section 53A-1-603.

506 (b) The board shall provide model plans which a school district or charter school may  
507 use, or the school district or charter school may develop its own plan.

508 (c) Plans developed by a school district or charter school shall be approved by the  
509 board.

510 (d) The board shall develop uniform standards for acceptable growth goals that a  
511 school district or charter school adopts as described in this Subsection (4).

512 (e) During the fiscal years that a school district or charter school receives state funding  
513 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may  
514 receive funding under this section without:

515 (i) submitting a plan under Subsection (4)(a); or  
516 (ii) receiving board approval of a plan.

517 (5) (a) There is created within the K-3 Reading Achievement Program three funding  
518 programs:

519 (i) the Base Level Program;  
520 (ii) the Guarantee Program; and  
521 (iii) the Low Income Students Program.

522 (b) The board may use no more than \$7,500,000 from an appropriation described in  
523 Subsection (3) for computer-assisted instructional learning and assessment programs.

524 (6) Money appropriated to the board for the K-3 Reading Improvement Program and  
525 not used by the board for computer-assisted instructional learning and assessments as described  
526 in Subsection (5)(b), shall be allocated to the three funding programs as follows:

527 (a) 8% to the Base Level Program;

528 (b) 46% to the Guarantee Program; and

529 (c) 46% to the Low Income Students Program.

530 (7) (a) ~~[(7)]~~ Except as provided in Subsection (7)(c), to participate in the Base Level  
531 Program, a school district or charter school shall submit a reading proficiency improvement  
532 plan to the board as provided in Subsection (4) and must receive approval of the plan from the  
533 board.

534 (b) (i) Each school district qualifying for Base Level Program funds and the qualifying  
535 elementary charter schools combined shall receive a base amount.

536 (ii) The base amount for the qualifying elementary charter schools combined shall be  
537 allocated among each school in an amount proportionate to:

538 (A) each existing charter school's prior year fall enrollment in grades kindergarten  
539 through grade three; and

540 (B) each new charter school's estimated fall enrollment in grades kindergarten through  
541 grade three.

542 (c) During the fiscal years that a school district or charter school receives state funding  
543 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may  
544 participate in the Base Level Program without:

545 (i) submitting a reading improvement plan to the board; or

546 (ii) receiving board approval of a reading improvement plan.

547 (8) (a) A school district that applies for program money in excess of the Base Level  
548 Program funds shall choose to first participate in either the Guarantee Program or the Low  
549 Income Students Program.

550 (b) A school district must fully participate in either the Guarantee Program or the Low  
551 Income Students Program before it may elect to either fully or partially participate in the other  
552 program.

553 (c) To fully participate in the Guarantee Program, a school district shall allocate to the  
554 program money available to the school district, except money provided by the state, equal to  
555 the amount of revenue that would be generated by a tax rate of .000056.

556 (d) To fully participate in the Low Income Students Program, a school district shall  
557 allocate to the program money available to the school district, except money provided by the  
558 state, equal to the amount of revenue that would be generated by a tax rate of .000065.

559 (e) (i) The board shall verify that a school district allocates the money required in  
560 accordance with Subsections (8)(c) and (d) before it distributes funds in accordance with this  
561 section.

562 (ii) The State Tax Commission shall provide the board the information the board needs  
563 in order to comply with Subsection (8)(e)(i).

564 (9) (a) Except as provided in Subsection (9)(c), a school district that fully participates in  
565 the Guarantee Program shall receive state funds in an amount that is:

566 (i) equal to the difference between \$21 times the district's total WPU's and the revenue  
567 the school district is required to allocate under Subsection (8)(c) to fully participate in the  
568 Guarantee Program; and

569 (ii) not less than \$0.

570 (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive  
571 under the Guarantee Program an amount equal to \$21 times the school's total WPU's.

572 (c) The board may adjust the \$21 guarantee amount described in Subsections (9)(a) and  
573 (b) to account for actual appropriations and money used by the board for computer-assisted  
574 instructional learning and assessments.

575 (10) The board shall distribute Low Income Students Program funds in an amount  
576 proportionate to the number of students in each school district or charter school who qualify for  
577 free or reduced price school lunch multiplied by two.

578 (11) A school district that partially participates in the Guarantee Program or Low  
579 Income Students Program shall receive program funds based on the amount of school district  
580 revenue allocated to the program as a percentage of the amount of revenue that could have been  
581 allocated if the school district had fully participated in the program.

582 (12) (a) [A] Except as provided in Subsection (12)(d), a school district or charter  
583 school shall use program money for reading proficiency improvement interventions in grades

584 kindergarten through grade 3 that have proven to significantly increase the percentage of  
585 students reading at grade level, including:

- 586 (i) reading assessments; and
- 587 (ii) focused reading remediations that may include:
  - 588 (A) the use of reading specialists;
  - 589 (B) tutoring;
  - 590 (C) before or after school programs;
  - 591 (D) summer school programs; or
  - 592 (E) the use of reading software; or
  - 593 (F) the use of interactive computer software programs for literacy instruction and  
594 assessments for students.

595 (b) A school district or charter school may use program money for portable technology  
596 devices used to administer reading assessments.

597 (c) Program money may not be used to supplant funds for existing programs, but may  
598 be used to augment existing programs.

599 (d) During the fiscal years that a school district or charter school receives state funding  
600 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use  
601 funds appropriated under this section for any public education purpose.

602 (13) (a) Each school district and charter school shall annually submit a report to the  
603 board accounting for the expenditure of program money in accordance with its plan for reading  
604 proficiency improvement.

605 (b) On or before the November meeting of the Education Interim Committee of each  
606 year, the board shall report a summary of the reading improvement program expenditures of  
607 each school district and charter school.

608 (c) [H] Except as provided in Subsection (13)(d), if a school district or charter school  
609 uses program money in a manner that is inconsistent with Subsection (12), the school district or  
610 charter school is liable for reimbursing the board for the amount of program money improperly  
611 used, up to the amount of program money received from the board.

612 (d) During the fiscal years that a school district or charter school receives state funding  
613 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use  
614 funds appropriated under this section for any public education purpose.

615 (14) (a) The board shall make rules to implement the program.

616 (b) (i) The rules under Subsection (14)(a) shall require each school district or charter  
617 school to annually report progress in meeting school and school district goals stated in the  
618 school district's or charter school's plan for student reading proficiency.

619 (ii) If a school does not meet or exceed the school's goals, the school district or charter  
620 school shall prepare a new plan ~~[which]~~ that corrects deficiencies. ~~[The]~~

621 (iii) Except as provided in Subsection (14)(b)(iv), the new plan must be approved by  
622 the board before the school district or charter school receives an allocation for the next year.

623 (iv) During the fiscal years that a school district or charter school receives state funding  
624 under Part 3, Block Grant Funding Pilot Program, the school district or charter school shall  
625 receive an allocation for the next year without approval of a new plan.

626 (15) (a) ~~[H]~~ Except as provided in Subsection (15)(b), if for two consecutive school  
627 years, a school district fails to meet its goal to increase the percentage of third grade students  
628 who read on grade level as measured by the third grade reading test administered pursuant to  
629 Section 53A-1-603, the school district shall terminate any levy imposed under Section  
630 53A-17a-151 and may not receive money appropriated by the Legislature for the K-3 Reading  
631 Improvement Program.

632 (b) During the fiscal years that a school district or charter school receives state funding  
633 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may  
634 receive funds appropriated under this section if the school district or charter school fails to  
635 meet the school district's or charter school's goal under Subsection (15)(a).

636 ~~[(b)]~~ (c) If for two consecutive school years, a charter school fails to meet its goal to  
637 increase the percentage of third grade students who read on grade level as measured by the  
638 third grade reading test administered pursuant to Section 53A-1-603, the charter school may  
639 not receive money appropriated by the Legislature for the K-3 Reading Improvement Program.

640 (16) The board shall make an annual report to the Public Education Appropriations  
641 Subcommittee that:

642 (a) includes information on:

643 (i) student learning gains in reading for the past school year and the five-year trend;

644 (ii) the percentage of third grade students reading on grade level in the past school year  
645 and the five-year trend;

646 (iii) the progress of schools and school districts in meeting goals stated in a school  
647 district's or charter school's plan for student reading proficiency; and  
648 (iv) the correlation between third grade students reading on grade level and results of  
649 third grade language arts scores on a criterion-referenced test or computer adaptive test; and  
650 (b) may include recommendations on how to increase the percentage of third grade  
651 students who read on grade level.

652 Section 10. Section **53A-17a-154** is amended to read:

653 **53A-17a-154. Appropriation for school nurses.**

654 (1) The State Board of Education shall distribute money appropriated for school nurses  
655 to award grants to school districts and charter schools that:

- 656 [~~(1)~~] (a) provide an equal amount of matching funds; and
- 657 [~~(2)~~] (b) do not supplant other money used for school nurses.

658 (2) During the fiscal years that a school district or charter school receives state funding  
659 as a block grant under Part 3, Block Grant Funding Pilot Program, the school district or charter  
660 school may use the funding described in this section for any public education purpose.

661 Section 11. Section **53A-17a-155** is amended to read:

662 **53A-17a-155. Appropriation for library books and electronic resources.**

663 (1) The State Board of Education shall distribute money appropriated for library books  
664 and electronic resources as follows:

- 665 (a) 25% shall be divided equally among all public schools; and
- 666 (b) 75% shall be divided among public schools based on each school's average daily  
667 membership as compared to the total average daily membership.

668 (2) A school district or charter school may not use money distributed under Subsection  
669 (1) to supplant other money used to purchase library books or electronic resources.

670 (3) During the fiscal years that a school district or charter school receives state funding  
671 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use  
672 funds appropriated under this section for any public education purpose.

673 Section 12. Section **53A-17a-159** is amended to read:

674 **53A-17a-159. Utah Science Technology and Research Initiative Centers**  
675 **Program.**

676 (1) (a) The Utah Science Technology and Research Initiative (USTAR) Centers

677 Program is created to provide a financial incentive for charter schools and school districts to  
678 adopt programs that result in a more efficient use of human resources and capital facilities.

679 (b) The potential benefits of the USTAR Centers Program include:

680 (i) increased compensation for math and science teachers by providing opportunities  
681 for an expanded contract year which will enhance school districts' and charter schools' ability to  
682 attract and retain talented and highly qualified math and science teachers;

683 (ii) increased capacity of school buildings by using buildings more hours of the day or  
684 more days of the year, resulting in reduced capital facilities costs;

685 (iii) decreased class sizes created by expanding the number of instructional  
686 opportunities in a year;

687 (iv) opportunities for earlier high school graduation;

688 (v) improved student college preparation;

689 (vi) increased opportunities to offer additional remedial and advanced courses in math  
690 and science;

691 (vii) opportunities to coordinate high school and post-secondary math and science  
692 education; and

693 (viii) the creation or improvement of science, technology, engineering, and math  
694 centers (STEM Centers).

695 (2) [~~From~~] (a) Except as provided in Subsection (2)(b), from money appropriated for  
696 the USTAR Centers Program, the State Board of Education shall award grants to charter  
697 schools and school districts to pay for costs related to the adoption and implementation of the  
698 program.

699 (b) During the fiscal years that a school district or charter school receives state funding  
700 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use  
701 funds appropriated under this section for any public education purpose.

702 (3) The State Board of Education shall:

703 (a) solicit proposals from the State Charter School Board and school districts for the  
704 use of grant money to facilitate the adoption and implementation of the program; and

705 (b) award grants on a competitive basis.

706 (4) The State Charter School Board shall:

707 (a) solicit proposals from charter schools that may be interested in participating in the

708 USTAR Centers Program;

709 (b) prioritize the charter school proposals and consolidate them into the equivalent of a  
710 single school district request; and

711 (c) submit the consolidated request to the State Board of Education.

712 (5) In selecting a grant recipient, the State Board of Education shall consider:

713 (a) the degree to which a charter school or school district's proposed adoption and  
714 implementation of an extended year for math and science teachers achieves the benefits  
715 described in Subsection (1);

716 (b) the unique circumstances of different urban, rural, large, small, growing, and  
717 declining charter schools and school districts; and

718 (c) providing pilot programs in as many different school districts and charter schools as  
719 possible.

720 (6) (a) Except as provided in ~~[Subsection]~~ Subsections (6)(b) and (c), a school district  
721 or charter school may only use grant money to provide full year teacher contracts, part-time  
722 teacher contract extensions, or combinations of both, for math and science teachers.

723 (b) Up to 5% of the grant money may be used to fund math and science field trips,  
724 textbooks, and supplies.

725 (c) During the fiscal years that a school district or charter school receives state funding  
726 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use  
727 USTAR grant money appropriated under this section for any public education purpose.

728 (7) Participation in the USTAR Centers Program shall be:

729 (a) voluntary for an individual teacher; and

730 (b) voluntary for a charter school or school district.

731 (8) The State Board of Education shall make an annual report during the 2009, 2010,  
732 and 2011 interims to the Public Education Appropriations Subcommittee describing the  
733 program's impact on students and its effectiveness at achieving the benefits described in  
734 Subsection (1).

735 Section 13. Section **53A-17a-162** is amended to read:

736 **53A-17a-162. Beverley Taylor Sorenson Elementary Arts Learning Program.**

737 (1) As used in this section:

738 (a) "Endowed chair" means a person who holds an endowed position or administrator



739 of an endowed program for the purpose of arts and integrated arts instruction at an endowed  
740 university.

741 (b) "Endowed university" means an institution of higher education in the state that:

742 (i) awards elementary education degrees in arts instruction;

743 (ii) has received a major philanthropic donation for the purpose of arts and integrated  
744 arts instruction; and

745 (iii) has created an endowed position as a result of a donation described in Subsection  
746 (1)(b)(ii).

747 (c) "Integrated arts advocate" means a person who:

748 (i) advocates for arts and integrated arts instruction in the state; and

749 (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed  
750 chair.

751 (d) "Local education agency" or "LEA" means:

752 (i) a school district;

753 (ii) a charter school; or

754 (iii) the Utah Schools for the Deaf and the Blind.

755 (2) The Legislature finds that a strategic placement of arts in elementary education can  
756 impact the critical thinking of students in other core subject areas, including mathematics,  
757 reading, and science.

758 (3) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to  
759 enhance the social, emotional, academic, and arts learning of students in kindergarten through  
760 grade six by integrating arts teaching and learning into core subject areas and providing  
761 professional development for positions that support elementary arts and integrated arts  
762 education.

763 (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts  
764 Learning Program, and subject to Subsection (5), the State Board of Education shall, after  
765 consulting with endowed chairs and the integrated arts advocate and receiving their  
766 recommendations, administer a grant program to enable LEAs to:

767 (a) hire highly qualified arts specialists, art coordinators, and other positions that  
768 support arts education and arts integration;

769 (b) provide up to \$10,000 in one-time funds for each new school arts specialist

770 described under Subsection (4)(a) to purchase supplies and equipment; and

771 (c) engage in other activities that improve the quantity and quality of integrated arts  
772 education.

773 (5) (a) ~~An~~ Except as provided in Subsection (7), an LEA that receives a grant under  
774 Subsection (4) shall provide matching funds of no less than 20% of the grant amount, including  
775 no less than 20% of the grant amount for actual salary and benefit costs per full-time equivalent  
776 position funded under Subsection (4)(a).

777 (b) An LEA may not:

778 (i) include administrative, facility, or capital costs to provide the matching funds  
779 required under Subsection (5)(a); or

780 (ii) use funds from the Beverley Taylor Sorenson Elementary Arts Learning Program to  
781 supplant funds for existing programs.

782 (6) An LEA that receives a grant under this section shall partner with an endowed chair  
783 to provide professional development in integrated elementary arts education.

784 (7) During the fiscal years that an LEA receives state funding under Part 3, Block  
785 Grant Funding Pilot Program, the LEA:

786 (a) may use funds awarded under this section for any arts-related public education  
787 purpose; and

788 (b) is not required to partner with an endowed chair as provided in Subsection (6).

789 ~~(7)~~ (8) From money appropriated for the Beverley Taylor Sorenson Elementary Arts  
790 Learning Program, the State Board of Education shall administer a grant program to fund  
791 activities within arts and the integrated arts programs at an endowed university in the college  
792 where the endowed chair resides to:

793 (a) provide high quality professional development in elementary integrated arts  
794 education in accordance with the professional learning standards in Section 53A-3-701 to  
795 LEAs that receive a grant under Subsection (4);

796 (b) design and conduct research on:

797 (i) elementary integrated arts education and instruction;

798 (ii) implementation and evaluation of the Beverley Taylor Sorenson Elementary Arts  
799 Learning Program; and

800 (iii) effectiveness of the professional development under Subsection ~~(7)~~ (8)(a); and

801 (c) provide the public with integrated elementary arts education resources.

802 [~~8~~] (9) The State Board of Education shall:

803 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
804 Rulemaking Act, to administer the Beverley Taylor Sorenson Elementary Arts Learning  
805 Program; and

806 (b) after consultation with endowed chairs and the integrated arts advocate, submit an  
807 annual written report to the Education Interim Committee describing the program's impact on  
808 students in kindergarten through grade six.

809 Section 14. Section **53A-17a-165** is amended to read:

810 **53A-17a-165. Enhancement for Accelerated Students Program.**

811 (1) As used in this section, "eligible low-income student" means a student who:

812 (a) takes an Advanced Placement test;

813 (b) has applied for an Advanced Placement test fee reduction; and

814 (c) qualifies for a free lunch or a lunch provided at reduced cost.

815 (2) The State Board of Education shall distribute money appropriated for the  
816 Enhancement for Accelerated Students Program to school districts and charter schools  
817 according to a formula adopted by the State Board of Education, after consultation with school  
818 districts and charter schools.

819 (3) A distribution formula adopted under Subsection (2) may include an allocation of  
820 money for:

821 (a) Advanced Placement courses;

822 (b) Advanced Placement test fees of eligible low-income students;

823 (c) gifted and talented programs, including professional development for teachers of  
824 high ability students; and

825 (d) International Baccalaureate programs.

826 (4) The greater of 1.5% or \$100,000 of the appropriation for the Enhancement for  
827 Accelerated Students Program may be allowed for International Baccalaureate programs.

828 (5) (a) ~~[A]~~ Except as provided in Subsection (5)(b), a school district or charter school  
829 shall use money distributed under this section to enhance the academic growth of students  
830 whose academic achievement is accelerated.

831 (b) During the fiscal years that a school district or charter school receives state funding

832 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use  
833 funds appropriated under this section for any public education purpose.

834 (6) (a) The State Board of Education shall develop performance criteria to measure the  
835 effectiveness of the Enhancement for Accelerated Students Program and make an annual report  
836 to the Public Education Appropriations Subcommittee on the effectiveness of the program.

837 (b) In the report required by Subsection (6)(a), the State Board of Education shall  
838 include data showing the use and impact of money allocated for Advanced Placement test fees  
839 of eligible low-income students.

840 Section 15. Section **53A-17a-166** is amended to read:

841 **53A-17a-166. Enhancement for At-Risk Students Program.**

842 (1) (a) Subject to the requirements of Subsection (1)(b), the State Board of Education  
843 shall distribute money appropriated for the Enhancement for At-Risk Students Program to  
844 school districts and charter schools according to a formula adopted by the State Board of  
845 Education, after consultation with school districts and charter schools.

846 (b) (i) The State Board of Education shall appropriate \$1,200,000 from the  
847 appropriation for Enhancement for At-Risk Students for a gang prevention and intervention  
848 program designed to help students at-risk for gang involvement stay in school.

849 (ii) Money for the gang prevention and intervention program shall be distributed to  
850 school districts and charter schools through a request for proposals process.

851 (2) In establishing a distribution formula under Subsection (1)(a), the State Board of  
852 Education shall use the following criteria:

853 (a) low performance on U-PASS tests;

854 (b) poverty;

855 (c) mobility; and

856 (d) limited English proficiency.

857 (3) [~~A~~] Except as provided in Subsection (4), a school district or charter school shall  
858 use money distributed under this section to improve the academic achievement of students who  
859 are at risk of academic failure.

860 (4) During the fiscal years that a school district or charter school receives state funding  
861 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use  
862 funds appropriated under this section for any public education purpose.

863            [~~(4)~~] (5) The State Board of Education shall develop performance criteria to measure  
864 the effectiveness of the Enhancement for At-Risk Students Program and make an annual report  
865 to the Public Education Appropriations Subcommittee on the effectiveness of the program.

866            Section 16. Section **53A-17a-167** is amended to read:

867            **53A-17a-167. Early intervention program -- Enhanced kindergarten program --**  
868 **Educational technology.**

869            (1) The State Board of Education shall, as described in Subsection [~~(4)~~] (5), distribute  
870 funds appropriated under this section for an enhanced kindergarten program described in  
871 Subsection (2), to school districts and charter schools that apply for the funds.

872            (2) A school district or charter school shall use funds appropriated in this section to  
873 offer an early intervention program, delivered through an enhanced kindergarten program that:

874            (a) is an academic program focused on building age-appropriate literacy and numeracy  
875 skills;

876            (b) uses an evidence-based early intervention model;

877            (c) is targeted to at-risk students; and

878            (d) is delivered through additional hours or other means.

879            (3) During the fiscal years that a school district or charter school receives state funding  
880 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use  
881 funds appropriated under this section for any public education purpose.

882            [~~(3)~~] (4) A school district or charter school may not require a student to participate in  
883 an enhanced kindergarten program described in Subsection (2).

884            [~~(4)~~] (5) The State Board of Education shall distribute funds appropriated under this  
885 section for an enhanced kindergarten program described in Subsection (2) as follows:

886            (a) (i) the total allocation for charter schools shall be calculated by:

887            (A) dividing the number of charter school students by the total number of students in  
888 the public education system in the prior school year; and

889            (B) multiplying the resulting percentage by the total amount of available funds; and

890            (ii) the amount calculated under Subsection [~~(4)~~] (5)(a) shall be distributed to charter  
891 schools with the greatest need for an enhanced kindergarten program, as determined by the  
892 State Board of Education in consultation with the State Charter School Board;

893            (b) each school district shall receive the amount calculated by:

894 (i) multiplying the value of the weighted pupil unit by 0.45; and

895 (ii) multiplying the result by 20; and

896 (c) the remaining funds, after the allocations described in Subsections ~~[(4)]~~ (5)(a) and  
897 ~~[(4)]~~ (5)(b) are made, shall be distributed to applicant school districts by:

898 (i) determining the number of students eligible to receive free lunch in the prior school  
899 year for each school district; and

900 (ii) prorating the remaining funds based on the number of students eligible to receive  
901 free lunch in each district.

902 ~~[(5)]~~ (6) In addition to an enhanced kindergarten program described in Subsection (2),  
903 the early intervention program includes a component to address early reading through the use  
904 of early interactive reading software.

905 ~~[(6)]~~ (7) (a) Subject to legislative appropriations, the State Board of Education shall  
906 select and contract with one or more technology providers, through a request for proposals  
907 process, to provide early interactive reading software for literacy instruction and assessments  
908 for students in kindergarten through grade 3.

909 (b) By August 1 of each year, the State Board of Education shall distribute licenses for  
910 early interactive reading software described in Subsection ~~[(6)]~~ (7)(a) to school districts and  
911 charter schools that apply for the licenses.

912 (c) Except as provided in Subsection ~~[(7)]~~ (8)(c), a school district or charter school that  
913 received a license described in Subsection ~~[(6)]~~ (7)(b) during the prior year shall be given first  
914 priority to receive an equivalent license during the current year.

915 (d) Licenses distributed to school districts and charter schools in addition to the  
916 licenses described in Subsection ~~[(6)]~~ (7)(c) shall be distributed through a competitive process.

917 ~~[(7)]~~ (8) (a) As used in this Subsection ~~[(7)]~~ (8), "dosage" means amount of  
918 instructional time.

919 (b) A public school that receives a license described in Subsection ~~[(6)]~~ (7)(b) shall use  
920 the license:

921 (i) for a student in kindergarten or grade 1:

922 (A) for intervention for the student if the student is reading below grade level; or

923 (B) for advancement beyond grade level for the student if the student is reading at or  
924 above grade level;

925 (ii) for a student in grade 2 or 3, for intervention for the student if the student is reading  
926 below grade level; and

927 (iii) in accordance with the technology provider's dosage recommendations.

928 (c) A public school that does not use the early interactive reading software in  
929 accordance with the technology provider's dosage recommendations for two consecutive years  
930 may not continue to receive a license.

931 ~~[(8)]~~ (9) (a) On or before August 1 of each year, the State Board of Education shall  
932 select and contract with an independent evaluator, through a request for proposals process, to  
933 act as an independent contractor to evaluate early interactive reading software provided under  
934 this section.

935 (b) The State Board of Education shall ensure that a contract with an independent  
936 evaluator requires the independent evaluator to:

937 (i) evaluate a student's learning gains as a result of using early interactive reading  
938 software provided under Subsection ~~[(6)]~~ (7);

939 (ii) for the evaluation under Subsection ~~[(8)]~~ (9)(b)(i), use an assessment that is not  
940 developed by a provider of early interactive reading software; and

941 (iii) determine the extent to which a public school uses the early interactive reading  
942 software in accordance with a technology provider's dosage recommendations under  
943 Subsection ~~[(7)]~~ (8).

944 (c) The State Board of Education and the independent evaluator selected under  
945 Subsection ~~[(8)]~~ (9)(a) shall report annually on the results of the evaluation to the Education  
946 Interim Committee and the governor.

947 (d) The State Board of Education may use up to 4% of the appropriation provided  
948 under Subsection ~~[(6)]~~ (7)(a) to contract with an independent evaluator selected under  
949 Subsection ~~[(8)]~~ (9)(a).

950 Section 17. Section **53A-17a-168** is amended to read:

951 **53A-17a-168. Appropriation for Title 1 Schools in Improvement Paraeducators**  
952 **Program.**

953 (1) As used in this section:

954 (a) "Eligible school" means a Title 1 school that has not achieved adequate yearly  
955 progress, as defined in the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq., in

956 the same subject area for two consecutive years.

957 (b) "Paraeducator" means a school employee who:

958 (i) delivers instruction under the direct supervision of a teacher; and

959 (ii) meets the requirements under Subsection (3).

960 (c) "Program" means the Title 1 Schools in Improvement Paraeducators Program  
961 created in this section.

962 (2) The program is created to provide funding for eligible schools to hire paraeducators  
963 to provide additional instructional aid in the classroom to assist students in achieving academic  
964 success and assist the school in exiting Title 1 school improvement status.

965 (3) A paraeducator who is funded under this section shall have:

966 (a) earned a secondary school diploma or a recognized equivalent;

967 (b) (i) completed at least two years with a minimum of 48 semester hours at an  
968 accredited higher education institution;

969 (ii) obtained an associates or higher degree from an accredited higher education  
970 institution; or

971 (iii) satisfied a rigorous state or local assessment about the individual's knowledge of,  
972 and ability to assist in instructing students in reading, writing, and mathematics; and

973 (c) received large group-, small group-, and individual-level professional development  
974 that is intensive and focused and covers curriculum, instruction, assessment, classroom and  
975 behavior management, and teaming.

976 (4) The State Board of Education shall distribute money appropriated for the program  
977 to eligible schools, in accordance with rules adopted by the board.

978 (5) During the fiscal years that a school district or charter school receives state funding  
979 as a block grant under Part 3, Block Grant Funding Pilot Program, the school district or charter  
980 school may use the funding described in Subsections (2) and (4) for any public education  
981 purpose.

982 [~~5~~] (6) Funds appropriated under the program may not be used to supplant other  
983 money used for paraeducators at eligible schools.

984 [~~6~~] (7) The State Board of Education shall submit an annual report to the  
985 Legislature's Public Education Appropriations Subcommittee that includes information on:

986 (a) the amount of money distributed to each eligible school under this section;



987 (b) how many paraeducators were hired at each eligible school with program money;

988 (c) additional funding eligible schools used to supplement program money in hiring  
989 paraeducators; and

990 (d) accountability measures, including test scores of students served by the program.

991 Section 18. Section **53A-17a-170** is amended to read:

992 **53A-17a-170. Grants for field trips to the State Capitol.**

993 (1) The State Board of Education may award grants to school districts and charter  
994 schools to take students on field trips to the State Capitol.

995 (2) Grant money may be used to pay for transportation expenses related to a field trip  
996 to the State Capitol.

997 (3) The State Board of Education shall make rules:

998 (a) establishing procedures for applying for and awarding grants; and

999 (b) specifying how grant money shall be allocated among school districts and charter  
1000 schools.

1001 (4) During the fiscal years that a school district or charter school receives state funding  
1002 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use  
1003 funds appropriated under this section for any public education purpose.

1004 Section 19. Section **53A-17a-301** is enacted to read:

1005 **Part 3. Block Grant Funding Pilot Program**

1006 **53A-17a-301. Definitions.**

1007 As used in this part:

1008 (1) "Board" means the State Board of Education.

1009 (2) "Local Education Agency" or "LEA" means:

1010 (a) a school district; or

1011 (b) a charter school.

1012 (3) "Pilot LEA" means an LEA chosen by the board to participate in the program.

1013 (4) "Program" means the Block Grant Funding Pilot Program.

1014 Section 20. Section **53A-17a-302** is enacted to read:

1015 **53A-17a-302. Block Grant Funding Pilot Program -- Creation -- Administration --**  
1016 **Evaluation.**

1017 (1) There is created the Block Grant Funding Pilot Program to give an LEA flexibility

1018 in administering programs by providing state funding to the LEA as a block grant.  
1019 (2) (a) Except as provided in Subsections (2)(b) and (c), and subject to Subsections (6)  
1020 and (7), a pilot LEA shall:  
1021 (i) receive, as a block grant to be used for public education purposes, funding  
1022 appropriated through:  
1023 (A) the state-supported Minimum School Program described in Part 1, Minimum  
1024 School Program;  
1025 (B) the Capital Outlay Foundation Program described in Chapter 21, Part 2, Capital  
1026 Outlay Foundation Program; and  
1027 (C) the Critical Languages Program described in Section [53A-15-104](#); and  
1028 (ii) be exempt from program implementation and reporting requirements for each  
1029 program for which funding is received as a block grant.  
1030 (b) The following funding sources are not included in a block grant described in  
1031 Subsection (2)(a):  
1032 (i) the School LAND Trust Program described in Section [53A-16-101.5](#);  
1033 (ii) Educator Salary Adjustments described in Section [53A-17a-153](#); and  
1034 (iii) the Teacher Salary Supplement Program described in Section [53A-17a-156](#).  
1035 (c) For funding that is eligible to be received as part of a block grant described in  
1036 Subsection (2)(a), a pilot LEA, may, with the approval of the board:  
1037 (i) restrict the use of the funding to the funding's original programmatic purpose; and  
1038 (ii) adhere to program requirements associated with the funding.  
1039 (3) At the request of a pilot LEA, the board may exempt a pilot LEA from:  
1040 (a) Chapter 8a, Part 3, Employee Evaluations;  
1041 (b) Chapter 8a, Part 4, Educator Evaluations;  
1042 (c) Chapter 8a, Part 6, Performance Compensation;  
1043 (d) Chapter 8a, Part 7, Evaluation and Compensation of Administrators; or  
1044 (e) Chapter 8a, Part 8, Peer Assistance and Review Pilot Program.  
1045 (4) On a competitive basis, an LEA may apply to the board to be selected as a pilot  
1046 LEA.  
1047 (5) The board shall:  
1048 (a) determine requirements for an LEA's application to participate in the program,

1049 including an acknowledgment that the LEA:

1050 (i) consulted with parents and teachers to develop a plan to implement block grant  
1051 funding; and

1052 (ii) considered the impact of the proposal on the LEA's eligibility for federal funds;

1053 (b) on or before November 1, 2017, select two or more qualified pilot LEAs to  
1054 participate in the program by considering:

1055 (i) whether an LEA's application meets the education objectives related to funding  
1056 received in prior years; and

1057 (ii) any other factor as determined by the board;

1058 (c) determine the total funding a pilot LEA would receive under the regular funding  
1059 formula for the programs described in Subsection (2)(a) for each year of the program;

1060 (d) except as provided in Subsections (5)(e) and (6), provide funding described in  
1061 Subsection (5)(c) to a pilot LEA as a block grant;

1062 (e) as agreed upon with a pilot LEA, withhold a portion of the block grant funding for  
1063 administrative costs;

1064 (f) work with a pilot LEA to develop goals and outcome measures for using the block  
1065 grant and assess progress toward those goals and outcome measures; and

1066 (g) determine reporting requirements for a pilot LEA, including on the outcome  
1067 measures described in Subsection (5)(f).

1068 (6) The board may, unless otherwise prohibited by statute, make decisions about the  
1069 design and implementation of the program, including establishing limitations on which funding  
1070 is included in a block grant.

1071 (7) The board shall begin distributing funding as a block grant to a pilot LEA  
1072 beginning in the 2018-19 or 2019-20 school year, and continue the block grant funding for a  
1073 minimum of three consecutive school years, except as provided in Subsection (11).

1074 (8) A pilot LEA may not spend funds provided through the block grant in a way that  
1075 violates federal law or regulations.

1076 (9) For each pilot LEA, the board shall determine:

1077 (a) a formula that determines the amount of funding a pilot LEA receives for each year  
1078 based on:

1079 (i) funding the LEA would have received through the funding sources described in

1080 Subsection (2)(a);

1081 (ii) anticipated growth in the pilot LEA in a program year; and

1082 (iii) any other factor the board determines is appropriate; and

1083 (b) performance information that the board requires a pilot LEA to report, including:

1084 (i) goals and outcome measures for the program;

1085 (ii) progress toward the goals and outcome measures; and

1086 (iii) the impacts of the program on students and teachers.

1087 (10) The board shall, as possible, exempt a pilot LEA from financial reporting

1088 requirements.

1089 (11) (a) The board may cancel a pilot LEA's participation in the program before the end  
1090 of the program for good cause.

1091 (b) The board shall cancel a pilot LEA's participation in the program before the end of  
1092 the program if the pilot LEA requests removal from the program.

1093 (12) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1094 the board shall make rules to administer the program.

1095 (13) (a) On or before November 1, 2016, and each year of the program, the board shall  
1096 report to the Education Interim Committee on the status of the program.

1097 (b) The annual report to the Education Interim Committee described in Subsection

1098 (13)(a) shall include a summary of accounting for each pilot LEA.

1099 Section 21. Section **53A-21-202** is amended to read:

1100 **53A-21-202. Capital Outlay Foundation Program -- Distribution formulas --**  
1101 **Allocations.**

1102 (1) (a) The State Board of Education shall determine the foundation guarantee level per  
1103 ADM that fully allocates the funds appropriated to the State Board of Education for  
1104 distribution under this section.

1105 (b) In determining the foundation guarantee level per ADM and a school district's  
1106 allocation of funds under this part, the State Board of Education shall use data from the fiscal  
1107 year that is two years prior to the fiscal year the school district receives the allocation,  
1108 including the:

1109 (i) number of pupils in average daily membership;

1110 (ii) tax rates; and

- 1111 (iii) derived net taxable value.
- 1112 (2) By June 1, a county treasurer shall report to the State Board of Education the actual
- 1113 collections of property taxes in the school districts located within the county treasurer's county
- 1114 for the period beginning April 1 through the following March 31 immediately preceding that
- 1115 June 1.
- 1116 (3) If a qualifying school district imposes a combined capital levy rate that is greater
- 1117 than or equal to the base tax effort rate, the State Board of Education shall allocate to the
- 1118 qualifying school district an amount equal to the product of the following:
- 1119 (a) the qualifying school district's ADM; and
- 1120 (b) an amount equal to the difference between the following:
- 1121 (i) the foundation guarantee level per ADM, as determined in accordance with
- 1122 Subsection (1); and
- 1123 (ii) the qualifying school district's property tax yield per ADM.
- 1124 (4) If a qualifying school district imposes a combined capital levy rate less than the
- 1125 base tax effort rate, the State Board of Education shall allocate to the qualifying school district
- 1126 an amount equal to the product of the following:
- 1127 (a) the qualifying school district's ADM;
- 1128 (b) an amount equal to the difference between the following:
- 1129 (i) the foundation guarantee level per ADM; and
- 1130 (ii) the qualifying school district's property tax yield per ADM; and
- 1131 (c) a percentage equal to:
- 1132 (i) the qualifying school district's combined capital levy rate; divided by
- 1133 (ii) the base tax effort rate.
- 1134 (5) (a) The State Board of Education shall allocate:
- 1135 (i) a minimum of \$200,000 to each small school district with a property tax base per
- 1136 ADM less than or equal to the statewide average property tax base per ADM;
- 1137 (ii) a minimum of \$100,000 to each small school district with a property tax base per
- 1138 ADM that is:
- 1139 (A) greater than the statewide average property tax base per ADM; and
- 1140 (B) less than or equal to two times the statewide average property tax base per ADM;
- 1141 and

1142 (iii) a minimum of \$50,000 to each small school district with a property tax base per  
1143 ADM that is:

1144 (A) greater than two times the statewide average property tax base per ADM; and

1145 (B) less than or equal to five times the statewide average property tax base per ADM.

1146 (b) The State Board of Education shall incorporate the minimum allocations described  
1147 in Subsection (5)(a) in its calculation of the foundation guarantee level per ADM determined in  
1148 accordance with Subsection (1).

1149 (6) During the fiscal years that a school district or charter school receives state funding  
1150 as a block grant under Chapter 17a, Part 3, Block Grant Funding Pilot Program, the school  
1151 district or charter school may use funding allocated under this section for any public education  
1152 purpose.

1153 Section 22. Section **63I-1-253** is amended to read:

1154 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

1155 The following provisions are repealed on the following dates:

1156 [~~1~~] ~~Section 53-3-232, Conditional license, is repealed July 1, 2015.~~

1157 [~~2~~] (1) Subsection 53-10-202(18) is repealed July 1, 2018.

1158 [~~3~~] (2) Section 53-10-202.1 is repealed July 1, 2018.

1159 [~~4~~] (3) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is  
1160 repealed July 1, 2020.

1161 [~~5~~] (4) The State Instructional Materials Commission, created in Section 53A-14-101,  
1162 is repealed July 1, 2016.

1163 [~~6~~] (5) Section 53A-15-106 is repealed July 1, 2019.

1164 [~~7~~] (6) Subsections 53A-16-113(3) and (4) are repealed December 31, 2016.

1165 [~~8~~] (7) Section 53A-16-114 is repealed December 31, 2016.

1166 [~~9~~] (8) Section 53A-17a-163, Performance-based Compensation Pilot Program is  
1167 repealed July 1, 2016.

1168 (9) Title 53A, Chapter 17a, Part 3, Block Grant Funding Pilot Program, is repealed July  
1169 1, 2023.

1170 (10) Section 53B-24-402, Rural residency training program, is repealed July 1, 2020.

1171 (11) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money  
1172 from the Land Exchange Distribution Account to the Geological Survey for test wells, other

1173 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.