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LOCAL SCHOOL ENTITY AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bruce R. Cutler

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to the Minimum School Program Act.

Highlighted Provisions:

This bill:

- ▶ amends certain references to education entities in Title 53A, Chapter 17a, Minimum School Program Act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 53A-1a-106**, as last amended by Laws of Utah 2012, Chapter 315
- 53A-2-214**, as last amended by Laws of Utah 2011, Chapter 371
- 53A-17a-103**, as last amended by Laws of Utah 2015, Chapter 287
- 53A-17a-105**, as last amended by Laws of Utah 2015, Chapter 449
- 53A-17a-105.5**, as last amended by Laws of Utah 2011, Chapter 7
- 53A-17a-106**, as last amended by Laws of Utah 2001, Chapter 73
- 53A-17a-107**, as last amended by Laws of Utah 2008, Chapter 382



- 28 **53A-17a-108**, as last amended by Laws of Utah 2010, Chapters 3 and 399
- 29 **53A-17a-109**, as last amended by Laws of Utah 2013, Chapter 106
- 30 **53A-17a-111**, as last amended by Laws of Utah 2011, Chapter 342
- 31 **53A-17a-111.5**, as last amended by Laws of Utah 2003, Chapter 221
- 32 **53A-17a-112**, as last amended by Laws of Utah 2011, Chapters 359 and 366
- 33 **53A-17a-113**, as last amended by Laws of Utah 2010, Chapter 3
- 34 **53A-17a-116**, as last amended by Laws of Utah 2010, Chapter 3
- 35 **53A-17a-119**, as last amended by Laws of Utah 2010, Chapter 3
- 36 **53A-17a-120.5**, as last amended by Laws of Utah 2010, Chapter 3
- 37 **53A-17a-124**, as last amended by Laws of Utah 2014, Chapter 346
- 38 **53A-17a-124.5**, as last amended by Laws of Utah 2013, Chapter 299
- 39 **53A-17a-125**, as last amended by Laws of Utah 2010, Chapter 3
- 40 **53A-17a-126**, as last amended by Laws of Utah 2012, Chapter 398
- 41 **53A-17a-127**, as last amended by Laws of Utah 2011, Chapters 366 and 371
- 42 **53A-17a-133**, as last amended by Laws of Utah 2015, Chapter 287
- 43 **53A-17a-134**, as last amended by Laws of Utah 2013, Chapter 178
- 44 **53A-17a-135**, as last amended by Laws of Utah 2015, Chapters 7, 287 and last
- 45 amended by Coordination Clause, Laws of Utah 2015, Chapter 287
- 46 **53A-17a-136**, as last amended by Laws of Utah 2011, Chapter 371
- 47 **53A-17a-139**, as enacted by Laws of Utah 1991, Chapter 72
- 48 **53A-17a-140**, as enacted by Laws of Utah 1991, Chapter 72
- 49 **53A-17a-141**, as enacted by Laws of Utah 1991, Chapter 72
- 50 **53A-17a-143**, as last amended by Laws of Utah 2011, Chapter 371
- 51 **53A-17a-144**, as last amended by Laws of Utah 2011, Chapter 342
- 52 **53A-17a-145**, as last amended by Laws of Utah 2011, Chapter 371
- 53 **53A-17a-146**, as last amended by Laws of Utah 2011, Chapters 371 and 381
- 54 **53A-17a-150**, as last amended by Laws of Utah 2013, Chapter 466
- 55 **53A-17a-151**, as last amended by Laws of Utah 2011, Chapter 371
- 56 **53A-17a-153**, as last amended by Laws of Utah 2010, Chapter 3
- 57 **53A-17a-154**, as last amended by Laws of Utah 2010, Chapter 3
- 58 **53A-17a-155**, as last amended by Laws of Utah 2010, Chapter 3

- 59 **53A-17a-156**, as last amended by Laws of Utah 2015, Chapter 122
- 60 **53A-17a-157**, as last amended by Laws of Utah 2015, Chapter 122
- 61 **53A-17a-158**, as enacted by Laws of Utah 2008, Chapter 397
- 62 **53A-17a-159**, as enacted by Laws of Utah 2008, Chapter 397
- 63 **53A-17a-162**, as last amended by Laws of Utah 2015, Chapter 12
- 64 **53A-17a-163**, as enacted by Laws of Utah 2009, Chapter 299
- 65 **53A-17a-164**, as last amended by Laws of Utah 2013, Chapters 178 and 313
- 66 **53A-17a-165**, as last amended by Laws of Utah 2015, Chapter 258
- 67 **53A-17a-166**, as enacted by Laws of Utah 2011, Chapter 359
- 68 **53A-17a-167**, as last amended by Laws of Utah 2015, Chapter 372
- 69 **53A-17a-170**, as enacted by Laws of Utah 2013, Chapter 381
- 70 **53A-17a-171**, as enacted by Laws of Utah 2014, Chapter 375
- 71 **53A-17a-172**, as enacted by Laws of Utah 2015, Chapter 472
- 72 **63J-1-220**, as enacted by Laws of Utah 2015, Chapter 407

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

75 Section 1. Section **53A-1a-106** is amended to read:

76 **53A-1a-106. School district and individual school powers -- Student**
 77 **education/occupation plan (SEOP) definition.**

78 (1) In order to acquire and develop the characteristics listed in Section **53A-1a-104**,
 79 each school district and each public school within its respective district shall implement a
 80 comprehensive system of accountability in which students advance through public schools by
 81 demonstrating competency in required skills and mastery of required knowledge through the
 82 use of diverse assessment instruments such as authentic and criterion referenced tests, projects,
 83 and portfolios.

84 (2) (a) Each school district and public school shall:

- 85 (i) develop and implement programs integrating technology into the curriculum,
 86 instruction, and student assessment;
- 87 (ii) provide for teacher and parent involvement in policymaking at the school site;
- 88 (iii) implement a public school choice program to give parents, students, and teachers
 89 greater flexibility in designing and choosing among programs with different focuses through

90 schools within the same district and other districts, subject to space availability, demographics,
91 and legal and performance criteria;

92 (iv) establish strategic planning at both the district and school level and site-based
93 decision making programs at the school level;

94 (v) provide opportunities for each student to acquire and develop academic and
95 occupational knowledge, skills, and abilities;

96 (vi) participate in ongoing research and development projects primarily at the school
97 level aimed at improving the quality of education within the system; and

98 (vii) involve business and industry in the education process through the establishment
99 of partnerships with the business community at the district and school level.

100 (b) (i) As used in this title, "student education/occupation plan" or "SEOP" means a
101 plan developed by a student and the student's parent or guardian, in consultation with school
102 counselors, teachers, and administrators that:

103 (A) is initiated at the beginning of grade 7;

104 (B) identifies a student's skills and objectives;

105 (C) maps out a strategy to guide a student's course selection; and

106 (D) links a student to post-secondary options, including higher education and careers.

107 (ii) Each local school board, in consultation with school personnel, parents, and school
108 community councils or similar entities shall establish policies to provide for the effective
109 implementation of a personalized student education plan (SEP) or student
110 education/occupation plan (SEOP) for each student at the school site.

111 (iii) The policies shall include guidelines and expectations for:

112 (A) recognizing the student's accomplishments, strengths, and progress towards
113 meeting student achievement standards as defined in U-PASS;

114 (B) planning, monitoring, and managing education and career development; and

115 (C) involving students, parents, and school personnel in preparing and implementing
116 SEPs and SEOPs.

117 (iv) A parent may request conferences with school personnel in addition to SEP or
118 SEOP conferences established by local school board policy.

119 (v) Time spent during the school day to implement SEPs and SEOPs is considered part
120 of the school term referred to in Subsection [53A-17a-103](#)~~(4)~~(7).

121 (3) A school district or public school may submit proposals to modify or waive rules or
122 policies of a supervisory authority within the public education system in order to acquire or
123 develop the characteristics listed in Section 53A-1a-104.

124 (4) (a) Each school district and public school shall make an annual report to its patrons
125 on its activities under this section.

126 (b) The reporting process shall involve participation from teachers, parents, and the
127 community at large in determining how well the district or school is performing.

128 Section 2. Section 53A-2-214 is amended to read:

129 **53A-2-214. Online students' participation in extracurricular activities.**

130 (1) As used in this section:

131 (a) "Online education" means the use of information and communication technologies
132 to deliver educational opportunities to a student in a location other than a school.

133 (b) "Online student" means a student who:

134 (i) participates in an online education program sponsored or supported by the State
135 Board of Education, a school district, or charter school; and

136 (ii) generates funding for the school district or school pursuant to Subsection
137 53A-17a-103~~(4)~~(7) and rules of the State Board of Education.

138 (2) An online student is eligible to participate in extracurricular activities at:

139 (a) the school within whose attendance boundaries the student's custodial parent or
140 legal guardian resides; or

141 (b) the public school from which the student withdrew for the purpose of participating
142 in an online education program.

143 (3) A school other than a school described in Subsection (2)(a) or (b) may allow an
144 online student to participate in extracurricular activities other than:

145 (a) interschool competitions of athletic teams sponsored and supported by a public
146 school; or

147 (b) interschool contests or competitions for music, drama, or forensic groups or teams
148 sponsored and supported by a public school.

149 (4) An online student is eligible for extracurricular activities at a public school
150 consistent with eligibility standards as applied to full-time students of the public school.

151 (5) A school district or public school may not impose additional requirements on an

152 online school student to participate in extracurricular activities that are not imposed on
153 full-time students of the public school.

154 (6) (a) The State Board of Education shall make rules establishing fees for an online
155 school student's participation in extracurricular activities at school district schools.

156 (b) The rules shall provide that:

157 (i) online school students pay the same fees as other students to participate in
158 extracurricular activities;

159 (ii) online school students are eligible for fee waivers pursuant to Section 53A-12-103;

160 (iii) for each online school student who participates in an extracurricular activity at a
161 school district school, the online school shall pay a share of the school district's costs for the
162 extracurricular activity; and

163 (iv) an online school's share of the costs of an extracurricular activity shall reflect state
164 and local tax revenues expended, except capital facilities expenditures, for an extracurricular
165 activity in a school district or school divided by total student enrollment of the school district
166 or school.

167 (c) In determining an online school's share of the costs of an extracurricular activity
168 under Subsections (6)(b)(iii) and (iv), the State Board of Education may establish uniform fees
169 statewide based on average costs statewide or average costs within a sample of school districts.

170 (7) When selection to participate in an extracurricular activity at a public school is
171 made on a competitive basis, an online student is eligible to try out for and participate in the
172 activity as provided in this section.

173 Section 3. Section 53A-17a-103 is amended to read:

174 **53A-17a-103. Definitions.**

175 As used in this chapter:

176 (1) "Basic state-supported school program" or "basic program" means public education
177 programs for kindergarten, elementary, and secondary school students that are operated and
178 maintained for the amount derived by multiplying the number of weighted pupil units for each
179 school district or charter school by the value established each year in statute, except as
180 otherwise provided in this chapter.

181 (2) (a) "Certified revenue levy" means a property tax levy that provides an amount of
182 ad valorem property tax revenue equal to the sum of:

183 (i) the amount of ad valorem property tax revenue to be generated statewide in the
184 previous year from imposing a minimum basic tax rate, as specified in Section 53A-17a-135;
185 and

186 (ii) the product of:

187 (A) new growth, as defined in:

188 (I) Section 59-2-924; and

189 (II) rules of the State Tax Commission; and

190 (B) the minimum basic tax rate certified by the State Tax Commission for the previous
191 year.

192 (b) For purposes of this Subsection (2), "ad valorem property tax revenue" does not
193 include property tax revenue received statewide from personal property that is:

194 (i) assessed by a county assessor in accordance with Title 59, Chapter 2, Part 3, County
195 Assessment; and

196 (ii) semiconductor manufacturing equipment.

197 (c) For purposes of calculating the certified revenue levy described in this Subsection
198 (2), the State Tax Commission shall use:

199 (i) the taxable value of real property assessed by a county assessor contained on the
200 assessment roll;

201 (ii) the taxable value of real and personal property assessed by the State Tax
202 Commission; and

203 (iii) the taxable year end value of personal property assessed by a county assessor
204 contained on the prior year's assessment roll.

205 (3) "Charter school governing board" means the board that operates a charter school.

206 (4) "Local education board" means a local school board or charter school governing
207 board.

208 (5) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,
209 Election of Members of Local Boards of Education.

210 [~~(3)~~] (6) "Pupil in average daily membership (ADM)" means a full-day equivalent
211 pupil.

212 [~~(4)~~] (7) (a) "State-supported minimum school program" or "Minimum School
213 Program" means public school programs for kindergarten, elementary, and secondary schools

214 as described in this Subsection [(4)] (7).

215 (b) The minimum school program established in school districts and charter schools
216 shall include the equivalent of a school term of nine months as determined by the State Board
217 of Education.

218 (c) (i) The board shall establish the number of days or equivalent instructional hours
219 that school is held for an academic school year.

220 (ii) Education, enhanced by utilization of technologically enriched delivery systems,
221 when approved by [~~local school boards or charter school governing boards~~] a local education
222 board, shall receive full support by the State Board of Education as it pertains to fulfilling the
223 attendance requirements, excluding time spent viewing commercial advertising.

224 (d) (i) A local [~~school board or charter school governing~~] education board may
225 reallocate up to 32 instructional hours or 4 school days established under Subsection [(4)]
226 (7)(c) for teacher preparation time or teacher professional development.

227 (ii) A reallocation of instructional hours or school days under Subsection [(4)] (7)(d)(i)
228 is subject to the approval of two-thirds of the members of a local [~~school board or charter~~
229 ~~school governing~~] education board voting in a regularly scheduled meeting:

230 (A) at which a quorum of the local [~~school board or charter school governing~~]
231 education board is present; and

232 (B) held in compliance with Title 52, Chapter 4, Open and Public Meetings Act.

233 (iii) If a local [~~school board or charter school governing~~] education board reallocates
234 instructional hours or school days as provided by this Subsection [(4)] (7)(d), the school district
235 or charter school shall notify students' parents and guardians of the school calendar at least 90
236 days before the beginning of the school year.

237 (iv) Instructional hours or school days reallocated for teacher preparation time or
238 teacher professional development pursuant to this Subsection [(4)] (7)(d) is considered part of a
239 school term referred to in Subsection [(4)] (7)(b).

240 (e) The Minimum School Program includes a program or allocation funded by a line
241 item appropriation or other appropriation designated as follows:

242 (i) Basic School Program;

243 (ii) Related to Basic Programs;

244 (iii) Voted and Board Levy Programs; or

245 (iv) Minimum School Program.

246 [~~(5)~~] (8) "Weighted pupil unit" or "units" or "WPU" or "WPU's" means the unit of
247 measure of factors that is computed in accordance with this chapter for the purpose of
248 determining the costs of a program on a uniform basis for each school district.

249 Section 4. Section 53A-17a-105 is amended to read:

250 **53A-17a-105. Powers and duties of State Board of Education to adjust Minimum**
251 **School Program allocations -- Use of remaining funds at the end of a fiscal year.**

252 (1) For purposes of this section:

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

254 (b) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C.
255 Sec. 6301 et seq.

256 [~~(c) "LEA" means:~~]

257 [~~(i) a school district; or~~]

258 [~~(ii) a charter school.~~]

259 [~~(d)~~] (c) "Program" means a program or allocation funded by a line item appropriation
260 or other appropriation designated as:

261 (i) Basic Program;

262 (ii) Related to Basic Programs;

263 (iii) Voted and Board Levy Programs; or

264 (iv) Minimum School Program.

265 (2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units
266 in a program is underestimated, the board shall reduce the value of the weighted pupil unit in
267 that program so that the total amount paid for the program does not exceed the amount
268 appropriated for the program.

269 (3) If the number of weighted pupil units in a program is overestimated, the board shall
270 spend excess money appropriated for the following purposes giving priority to the purpose
271 described in Subsection (3)(a):

272 (a) to support the value of the weighted pupil unit in a program within the basic
273 state-supported school program in which the number of weighted pupil units is underestimated;

274 (b) to support the state guarantee per weighted pupil unit provided under the voted
275 local levy program established in Section 53A-17a-133 or the board local levy program

276 established in Section 53A-17a-164, if:

277 (i) local contributions to the voted local levy program or board local levy program are
278 overestimated; or

279 (ii) the number of weighted pupil units within school districts qualifying for a
280 guarantee is underestimated;

281 (c) to support the state supplement to local property taxes allocated to charter schools,
282 if the state supplement is less than the amount prescribed by Subsection 53A-1a-513(4); or

283 (d) to support a school district with a loss in student enrollment as provided in Section
284 53A-17a-139.

285 (4) If local contributions from the minimum basic tax rate imposed under Section
286 53A-17a-135 are overestimated, the board shall reduce the value of the weighted pupil unit for
287 all programs within the basic state-supported school program so the total state contribution to
288 the basic state-supported school program does not exceed the amount of state funds
289 appropriated.

290 (5) If local contributions from the minimum basic tax rate imposed under Section
291 53A-17a-135 are underestimated, the board shall:

292 (a) spend the excess local contributions for the purposes specified in Subsection (3),
293 giving priority to supporting the value of the weighted pupil unit in programs within the basic
294 state-supported school program in which the number of weighted pupil units is underestimated;
295 and

296 (b) reduce the state contribution to the basic state-supported school program so the
297 total cost of the basic state-supported school program does not exceed the total state and local
298 funds appropriated to the basic state-supported school program plus the local contributions
299 necessary to support the value of the weighted pupil unit in programs within the basic
300 state-supported school program in which the number of weighted pupil units is underestimated.

301 (6) Except as provided in Subsection (3) or (5), the board shall reduce the guarantee
302 per weighted pupil unit provided under the voted local levy program established in Section
303 53A-17a-133 or board local levy program established in Section 53A-17a-164, if:

304 (a) local contributions to the voted local levy program or board local levy program are
305 overestimated; or

306 (b) the number of weighted pupil units within school districts qualifying for a

307 guarantee is underestimated.

308 (7) (a) The board may use program funds as described in Subsection (7)(b) if:

309 (i) the state loses flexibility due to the U.S. Department of Education's rejection of the
310 state's renewal application for flexibility under the ESEA; and

311 (ii) the state is required to fully implement the requirements of Title I of the ESEA, as
312 amended by the No Child Left Behind Act of 2001.

313 (b) Subject to the requirements of Subsections (7)(a) and (c), for fiscal year 2016, after
314 any transfers or adjustments described in Subsections (2) through (6) are made, the board may
315 use up to \$15,000,000 of excess money appropriated to a program, remaining at the end of
316 fiscal year 2015, to mitigate a budgetary impact to [~~an LEA~~] a school district or charter school
317 due to the [~~LEA's~~] school district or charter school's loss of flexibility related to implementing
318 the requirements of Title I of the ESEA, as amended by the No Child Left Behind Act of 2001.

319 (c) In addition to the reporting requirement described in Subsection (9), the board shall
320 report actions taken by the board under this Subsection (7) to the Executive Appropriations
321 Committee.

322 (8) Money appropriated to the board is nonlapsing.

323 (9) The board shall report actions taken by the board under this section to the Office of
324 the Legislative Fiscal Analyst and the Governor's Office of Management and Budget.

325 Section 5. Section **53A-17a-105.5** is amended to read:

326 **53A-17a-105.5. Flexibility in the use of program funds.**

327 (1) As used in this section, "qualifying program" means:

328 (a) the Enhancement for At-Risk Students Program created in Section [53A-17a-166](#);

329 (b) the Enhancement for Accelerated Students Program created in Section
330 [53A-17a-165](#); and

331 (c) the concurrent enrollment program created in Section [53A-15-101](#).

332 (2) If a [~~school district or charter school~~] local education board receives an allocation
333 of state funds for a qualifying program that is less than \$10,000, [~~the school district or charter~~
334 ~~school~~] a local education board may:

335 (a) (i) combine the funds with one or more qualifying program fund allocations each of
336 which is less than \$10,000; and

337 (ii) use the combined funds in accordance with the program requirements for any of the

338 qualifying programs that are combined; or

339 (b) (i) transfer the funds to a qualifying program for which the [~~school district or~~
340 ~~charter school~~] local education board received an allocation of funds that is greater than or
341 equal to \$10,000; and

342 (ii) use the combined funds in accordance with the program requirements for the
343 qualifying program to which the funds are transferred.

344 Section 6. Section **53A-17a-106** is amended to read:

345 **53A-17a-106. Determination of weighted pupil units.**

346 The number of weighted pupil units in the minimum school program for each year is
347 the total of the units for each school district determined as follows:

348 (1) The number of units is computed by adding the average daily membership of all
349 pupils of the district attending schools, other than kindergarten and self-contained classes for
350 children with a disability.

351 (2) The number of units is computed by adding the average daily membership of all
352 pupils of the school district enrolled in kindergarten and multiplying the total by .55.

353 (a) In those school districts that do not [~~elect to~~] hold kindergarten for a full
354 nine-month term, the local school board may approve a shorter term of nine weeks' duration.

355 (b) Upon local school board approval, the number of pupils in average daily
356 membership at the short-term kindergarten shall be counted for the purpose of determining the
357 number of units allowed in the same ratio as the number of days the short-term kindergarten is
358 held, not exceeding nine weeks, compared to the total number of days schools are held in that
359 school district in the regular school year.

360 (3) (a) The State Board of Education shall use prior year plus growth to determine
361 average daily membership in distributing money under the minimum school program where the
362 distribution is based on kindergarten through grade 12 ADMs or weighted pupil units.

363 (b) Under prior year plus growth, kindergarten through grade 12 average daily
364 membership for the current year is based on the actual kindergarten through grade 12 average
365 daily membership for the previous year plus an estimated percentage growth factor.

366 (c) The growth factor is the percentage increase in total average daily membership on
367 the first school day of October in the current year as compared to the total average daily
368 membership on the first school day of October of the previous year.

369 Section 7. Section 53A-17a-107 is amended to read:

370 **53A-17a-107. Professional staff weighted pupil units.**

371 (1) Professional staff weighted pupil units are computed and distributed in accordance
 372 with the following schedule:

373 (a) Professional Staff Cost Formula

	Years of Experience	Bachelor's Degree	Bachelor's +30 Qt. Hr.	Master's Degree	Master's Degree +45 Qt. Hr.	Doctorate
375	1	1.00	1.05	1.10	1.15	1.20
376	2	1.05	1.10	1.15	1.20	1.25
377	3	1.10	1.15	1.20	1.25	1.30
378	4	1.15	1.20	1.25	1.30	1.35
379	5	1.20	1.25	1.30	1.35	1.40
380	6	1.25	1.30	1.35	1.40	1.45
381	7	1.30	1.35	1.40	1.45	1.50
382	8	1.35	1.40	1.45	1.50	1.55
383	9			1.50	1.55	1.60
384	10				1.60	1.65
385	11					1.70

386 (b) Multiply the number of full-time or equivalent professional personnel in each
 387 applicable experience category in Subsection (1)(a) by the applicable weighting factor.

388 (c) Divide the total of Subsection (1)(b) by the number of professional personnel
 389 included in Subsection (1)(b) and reduce the quotient by 1.00.

390 (d) Multiply the result of Subsection (1)(c) by 1/4 of the weighted pupil units computed
 391 in accordance with Sections 53A-17a-106 and 53A-17a-109.

392 (2) The State Board of Education shall enact rules in accordance with Title 63G,
 393 Chapter 3, Utah Administrative Rulemaking Act, which require a certain percentage of a
 394 school district's professional staff to be certified in the area in which ~~[they teach]~~ the staff
 395 teaches in order for the school district to receive full funding under the schedule.

396 (3) If an individual's teaching experience is a factor in negotiating a contract of

397 employment to teach in the state's public schools, then the local school board is encouraged to
398 accept as credited experience all of the years the individual has taught in the state's public
399 schools.

400 Section 8. Section 53A-17a-108 is amended to read:

401 **53A-17a-108. Weighted pupil units for small school district administrative costs**
402 **-- Appropriation for charter school administrative costs.**

403 (1) Administrative costs weighted pupil units are computed [~~and distributed to small~~
404 ~~school districts~~] for a small school district and distributed to the small school district's local
405 school board in accordance with the following schedule:

406 Administrative Costs Schedule

School District Enrollment as of October 1	Weighted Pupil Units
1 - 500 students	95
501 - 1,000 students	80
1,001 - 2,000 students	70
2,001 - 5,000 students	60

412 (2) (a) Except as provided in Subsection (2)(b), money appropriated to the State Board
413 of Education for charter school administrative costs shall be distributed to charter [~~schools~~]
414 school governing boards in the amount of \$100 for each charter school student in enrollment.

415 (b) (i) If money appropriated for charter school administrative costs is insufficient to
416 provide the amount per student prescribed in Subsection (2)(a), the appropriation shall be
417 allocated among charter [~~schools~~] school governing boards in proportion to each charter
418 school's enrollment as a percentage of the total enrollment in charter schools.

419 (ii) If the State Board of Education makes adjustments to Minimum School Program
420 allocations under Section 53A-17a-105, the allocation provided in Subsection (2)(b)(i) shall be
421 determined after adjustments are made under Section 53A-17a-105.

422 (c) Charter [~~schools~~] school governing boards are encouraged to identify and use
423 cost-effective methods of performing administrative functions, including contracting for
424 administrative services with the State Charter School Board as provided in Section
425 53A-1a-501.6.

426 (3) Charter [~~schools~~] school governing boards are not eligible for funds for

427 administrative costs under Subsection (1).

428 Section 9. Section **53A-17a-109** is amended to read:

429 **53A-17a-109. Necessarily existent small schools -- Computing additional**
430 **weighted pupil units -- Consolidation of small schools.**

431 (1) As used in this section:

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

433 (b) "Necessarily existent small schools funding balance" means the difference between:

434 (i) the amount appropriated for the necessarily existent small schools program in a

435 fiscal year; and

436 (ii) the amount distributed to [~~school districts~~] local school boards for the necessarily
437 existent small schools program in the same fiscal year.

438 (2) (a) Upon application by a [~~school district~~] local school board, the board shall, in
439 consultation with the local school board, classify schools in the school district as necessarily
440 existent small schools, in accordance with this section and board rules adopted under this
441 section.

442 (b) An application must be submitted to the board before April 2, and the board must
443 report a decision to a [~~school district~~] local school board before June 2.

444 (3) The board shall adopt standards and make rules to:

445 (a) govern the approval of necessarily existent small schools consistent with principles
446 of efficiency and economy and which shall serve the purpose of eliminating schools where
447 consolidation is feasible by participation in special school units; and

448 (b) ensure that [~~districts~~] local school boards are not building secondary schools in
449 close proximity to one another where economy and efficiency would be better served by one
450 school meeting the needs of secondary students in a designated geographical area.

451 (4) A one or two-year secondary school that has received necessarily existent small
452 school money under this section prior to July 1, 2000, may continue to receive such money in
453 subsequent years under board rule.

454 (5) The board shall prepare and publish objective standards and guidelines for
455 determining which small schools are necessarily existent after consultation with local school
456 boards.

457 (6) (a) Additional weighted pupil units for schools classified as necessarily existent

458 small schools shall be computed using regression formulas adopted by the board.

459 (b) The regression formulas establish the following maximum sizes for funding under
460 the necessarily existent small school program:

- 461 (i) an elementary school 160
- 462 (ii) a one or two-year secondary school 300
- 463 (iii) a three-year secondary school 450
- 464 (iv) a four-year secondary school 500
- 465 (v) a six-year secondary school 600

466 (c) Schools with fewer than 10 students shall receive the same add-on weighted pupil
467 units as schools with 10 students.

468 (d) The board shall prepare and distribute an allocation table based on the regression
469 formula to each school district.

470 (7) (a) To avoid penalizing a school district financially for consolidating [~~its~~] the
471 school district's small schools, additional weighted pupil units may be allowed a school district
472 each year, not to exceed two years.

473 (b) The additional weighted pupil units may not exceed the difference between what
474 [~~the district~~] a local school board receives for a consolidated school and what [~~it~~] the local
475 school board would have received for the small schools had [~~they~~] the small schools not been
476 consolidated.

477 (8) (a) Subject to Subsection (8)(b), the board may distribute a portion of necessarily
478 existent small schools funding in accordance with a formula adopted by the board that
479 considers the tax effort of a local school board.

480 (b) The amount distributed in accordance with Subsection (8)(a) may not exceed the
481 necessarily existent small schools fund in balance of the prior fiscal year.

482 (9) A [~~district~~] local school board may use the money allocated under this section for
483 maintenance and operation of school programs or for other school purposes as approved by the
484 board.

485 Section 10. Section **53A-17a-111** is amended to read:

486 **53A-17a-111. Weighted pupil units for programs for students with disabilities --**
487 **Local school board allocation.**

488 (1) The number of weighted pupil units for students with disabilities shall reflect the

489 direct cost of programs for those students conducted in accordance with rules established by the
490 State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative
491 Rulemaking Act.

492 (2) Disability program money allocated to [~~districts~~] local school boards is restricted
493 and shall be spent for the education of students with disabilities but may include expenditures
494 for approved programs of services conducted for certified instructional personnel who have
495 students with disabilities in their classes.

496 (3) The State Board of Education shall establish and strictly interpret definitions and
497 provide standards for determining which students have disabilities and shall assist [~~districts~~]
498 local school boards in determining the services that should be provided to students with
499 disabilities.

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

503 (5) (a) Money appropriated to the State Board of Education for add-on WPUs for
504 students with disabilities enrolled in regular programs shall be allocated to [~~school districts~~]
505 local school boards as provided in this Subsection (5).

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

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

510 (ii) implement a hold harmless provision for up to three years as needed to accomplish
511 a phase-in period for [~~school districts~~] local school boards to accommodate the change in the
512 special education add-on WPUs foundation formula.

513 (c) A school district's special education add-on WPUs for the current year may not be
514 less than the foundation special education add-on WPUs.

515 (d) Growth WPUs shall be added to the prior year special education add-on WPUs, and
516 growth WPUs shall be determined as follows:

517 (i) The special education student growth factor is calculated by comparing S-3 total
518 special education ADM of two years previous to the current year to the S-3 total special
519 education ADM three years previous to the current year, not to exceed the official October total

520 school district growth factor from the prior year.

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

524 (iii) Growth ADMs are calculated by applying the growth factor to the S-3 total special
525 education ADM of two years previous to the current year.

526 (iv) Growth ADMs for each school district are multiplied by 1.53 weighted pupil units
527 and added to the prior year special education add-on WPU to determine each [~~district's~~] local
528 school board's total allocation.

529 (6) If money appropriated under this chapter for programs for students with disabilities
530 does not meet the costs of [~~districts~~] local school boards for those programs, each [~~district~~]
531 local school board shall first receive the amount generated for each student with a disability
532 under the basic program.

533 Section 11. Section **53A-17a-111.5** is amended to read:

534 **53A-17a-111.5. School districts to provide class space for deaf and blind**
535 **programs.**

536 (1) [~~School districts~~] A local school board of a school district with students who reside
537 within [~~their~~] the school district's boundaries and are served by the Schools for the Deaf and the
538 Blind shall:

- 539 (a) furnish the schools with space required for their programs; or
- 540 (b) help pay for the cost of leasing classroom space in other school districts.

541 (2) A [~~district's~~] school district's participation in the program under Subsection (1) is
542 based upon the number of students who are served by the Schools for the Deaf and the Blind
543 and who reside within the school district as compared to the state total of students who are
544 served by the schools.

545 Section 12. Section **53A-17a-112** is amended to read:

546 **53A-17a-112. Preschool special education appropriation -- Extended year**
547 **program appropriation -- Appropriation for special education programs in state**
548 **institutions -- Appropriations for stipends for special educators.**

549 (1) (a) Money appropriated to the State Board of Education for the preschool special
550 education program shall be allocated to [~~school districts~~] local education boards to provide a

551 free, appropriate public education to preschool students with a disability, ages three through
552 five.

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

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

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

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

565 (4) (a) The State Board of Education shall compute preschool funding by a factor of
566 1.47 times the current December 1 child count of eligible preschool aged three, four, and
567 five-year-olds times the WPU value, limited to 8% growth over the prior year December 1
568 count.

569 (b) The ~~[board]~~ State Board of Education shall develop guidelines to implement the
570 funding formula for preschool special education, and establish prevalence limits for
571 distribution of the money.

572 (5) Of the money appropriated for Special Education - State Programming, the State
573 Board of Education shall distribute the revenue generated from 909 WPUs to ~~[school districts;~~
574 ~~charter schools;]~~ local education boards and the Utah Schools for the Deaf and the Blind for
575 stipends to special educators for additional days of work pursuant to the requirements of
576 Section [53A-17a-158](#).

577 Section 13. Section **53A-17a-113** is amended to read:

578 **53A-17a-113. Weighted pupil units for career and technical education programs**
579 **-- Funding of approved programs -- Performance measures -- Qualifying criteria.**

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

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

584 (ii) may not be used to fund programs below the ninth grade level.

585 (b) Subsection (1)(a)(ii) does not apply to the following programs:

586 (i) comprehensive guidance;

587 (ii) Technology-Life-Careers; and

588 (iii) work-based learning programs.

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

590 (b) (i) The ~~[board]~~ State Board of Education shall fund approved programs based upon
591 hours of membership of ~~[9th]~~ grade 9 through ~~[12th grade]~~ 12 students.

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

593 (A) comprehensive guidance;

594 (B) Technology-Life-Careers; and

595 (C) work-based learning programs.

596 (c) The ~~[board]~~ State Board of Education shall use an amount not to exceed 20% of the
597 total appropriation under this section to fund approved programs based on performance
598 measures such as placement and competency attainment defined in standards set by the ~~[board]~~
599 State Board of Education.

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

604 (e) The board shall make the necessary calculations for distribution of the
605 appropriation to ~~[school districts]~~ local school boards and may revise and recommend changes
606 necessary for achieving equity and ease of administration.

607 (3) (a) Twenty weighted pupil units shall be computed for career and technical
608 education administrative costs for each school district, except 25 weighted pupil units may be
609 computed for each school district that consolidates career and technical education
610 administrative services with one or more other school districts.

611 (b) Between 10 and 25 weighted pupil units shall be computed for each high school
612 conducting approved career and technical education programs in a school district according to

613 standards established by the [board] State Board of Education.

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

616 (d) Between five and seven weighted pupil units shall be computed for each summer
617 career and technical education agriculture program according to standards established by the
618 [board] State Board of Education.

619 (e) The [board] State Board of Education shall, by rule, establish qualifying criteria for
620 school districts to receive weighted pupil units under this Subsection (3).

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

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

626 (5) Of the money allocated to comprehensive guidance programs pursuant to [board
627 rules] State Board of Education rule, \$1,000,000 in grants shall be awarded to [~~school districts~~
628 ~~or charter schools~~] local education boards that:

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

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

631 (6) (a) The [board] State Board of Education shall establish rules for the upgrading of
632 high school career and technical education programs.

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

635 (c) The rules shall include procedures to assist school districts to convert existing
636 programs which are not preparing students for the job market into programs that will
637 accomplish that purpose.

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

639 Section 14. Section **53A-17a-116** is amended to read:

640 **53A-17a-116. Weighted pupil units for career and technical education set-aside**
641 **programs.**

642 (1) Each [~~district~~] local school board shall receive a guaranteed minimum allocation
643 from the money appropriated to the State Board of Education for a career and technical

644 education set-aside program.

645 (2) The set-aside funds remaining after the initial minimum payment allocation are
646 distributed by an RFP process to help pay for equipment costs necessary to initiate new
647 programs and for high priority programs as determined by labor market information.

648 Section 15. Section **53A-17a-119** is amended to read:

649 **53A-17a-119. Appropriation for adult education programs.**

650 (1) Money appropriated to the State Board of Education for adult education shall be
651 allocated to local school boards for adult high school completion and adult basic skills
652 programs.

653 (2) Each [~~district~~] local school board shall receive [~~its~~] a pro rata share of the
654 appropriation for adult high school completion programs based on the number of people in the
655 school district listed in the latest official census who are over 18 years of age and who do not
656 have a high school diploma and prior year participation or as approved by [~~board~~] State Board
657 of Education rule.

658 (3) On February 1 of each school year, the State Board of Education shall recapture
659 money not used for an adult high school completion program for reallocation to [~~districts~~] local
660 school boards that have implemented programs based on need and effort as determined by the
661 [~~board~~] State Board of Education.

662 (4) To the extent of money available, school districts shall provide [~~programs~~] program
663 services to adults who do not have a diploma and who intend to graduate from high school,
664 with particular emphasis on homeless individuals who are seeking literacy and life skills.

665 (5) Overruns in adult education in any school district may not reduce the value of the
666 weighted pupil unit for this program in another school district.

667 (6) [~~School districts~~] A local school board shall spend money on adult basic skills
668 programs according to standards established by the [~~board~~] State Board of Education.

669 Section 16. Section **53A-17a-120.5** is amended to read:

670 **53A-17a-120.5. Appropriation for concurrent enrollment.**

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

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

- 675 (i) taught by public school educators; and
676 (ii) taught by college or university faculty;
677 (b) from the money allocated under Subsection (1)(a)(i):
678 (i) 60% of the money shall be allocated to [~~local school boards and charter schools~~]
679 local education boards; and
680 (ii) 40% of the money shall be allocated to the State Board of Regents; and
681 (c) from the money allocated under Subsection (1)(a)(ii):
682 (i) 40% of the money shall be allocated to [~~local school boards and charter schools~~]
683 local education boards; and
684 (ii) 60% of the money shall be allocated to the State Board of Regents.
685 (2) The State Board of Education shall make rules providing that a school participating
686 in the concurrent enrollment programs offered under Section 53A-15-101 shall receive, from
687 the school's local education board, an allocation from the money described in Subsection (1) as
688 provided in Section 53A-15-101.
689 (3) The State Board of Regents shall make rules providing that an institution of higher
690 education participating in the concurrent enrollment programs offered under Section
691 53A-15-101 shall receive an allocation from the money described in Subsection (1) as provided
692 in the rules.
693 (4) Subject to budget constraints, the Legislature shall annually increase the money
694 appropriated to the State Board of Education for concurrent enrollment based on:
695 (a) enrollment growth in concurrent enrollment from additional students enrolled,
696 courses offered, and credit hours taken; and
697 (b) the percentage increase in the value of the weighted pupil unit.
698 (5) (a) The State Board of Education and the State Board of Regents shall annually
699 report to the Public Education Appropriations Subcommittee:
700 (i) an accounting of the money appropriated for concurrent enrollment; and
701 (ii) a justification of the split described in Subsections (1)(a) and (b).
702 (b) The State Board of Regents shall annually report to the Higher Education
703 Appropriations Subcommittee on concurrent enrollment participation and growth, including
704 data on what higher education tuition would have been charged for the hours of concurrent
705 enrollment credit granted.

706 (6) In order to qualify for funds under this section, a concurrent enrollment program
707 shall comply with the requirements described in Section 53A-15-101, including rules adopted
708 in accordance with Subsection 53A-15-101(3).

709 Section 17. Section 53A-17a-124 is amended to read:

710 **53A-17a-124. Quality Teaching Block Grant Program -- State contributions.**

711 (1) The State Board of Education shall distribute money appropriated for the Quality
712 Teaching Block Grant Program to [~~school districts and charter schools~~] local education boards
713 according to a formula adopted by the board, after consultation with [~~school districts and~~
714 ~~charter schools~~] local education boards, that allocates the funding in a fair and equitable
715 manner.

716 (2) [~~School districts and charter schools~~] Local education boards shall use Quality
717 Teaching Block Grant money to implement professional learning that meets the standards
718 specified in Section 53A-3-701.

719 Section 18. Section 53A-17a-124.5 is amended to read:

720 **53A-17a-124.5. Appropriation for class size reduction.**

721 (1) Money appropriated to the State Board of Education for class size reduction shall
722 be used to reduce the average class size in kindergarten through the eighth grade in the state's
723 public schools.

724 (2) Each [~~district or charter school~~] local education board shall receive [~~its~~] an
725 allocation based upon the school district or charter school's prior year average daily
726 membership in kindergarten through grade 8 plus growth as determined under Subsection
727 53A-17a-106(3) as compared to the total prior year average daily membership in kindergarten
728 through grade 8 plus growth of school districts and charter schools that qualify for an allocation
729 pursuant to Subsection (8).

730 (3) (a) A [~~district~~] local school board may use [~~its~~] an allocation to reduce class size in
731 any one or all of the grades referred to under this section, except as otherwise provided in
732 Subsection (3)(b).

733 (b) (i) Each [~~district or charter school~~] local education board shall use 50% of [~~its~~] an
734 allocation to reduce class size in any one or all of grades kindergarten through grade 2, with an
735 emphasis on improving student reading skills.

736 (ii) If a school district's or charter school's average class size is below 18 in grades

737 kindergarten through grade 2, ~~[it]~~ a local education board may petition the state board for, and
738 the state board may grant, a waiver to use ~~[its]~~ an allocation under Subsection (3)(b)(i) for class
739 size reduction in the other grades.

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

744 (5) (a) A ~~[school district or charter school]~~ local education board may use up to 20% of
745 ~~[its]~~ an allocation under Subsection (1) for capital facilities projects if such projects would help
746 to reduce class size.

747 (b) If a school district's or charter school's student population increases by 5% or 700
748 students from the previous school year, the ~~[school district or charter school]~~ local education
749 board may use up to 50% of any allocation ~~[it receives]~~ received under this section for
750 classroom construction.

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

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

756 (8) (a) To qualify for class size reduction money, a ~~[school district or charter school]~~
757 local education board shall submit:

758 (i) a plan for the use of the ~~[school district's or charter school's]~~ allocation of class size
759 reduction money to the State Board of Education; and

760 (ii) beginning with the 2014-15 school year, a report on the ~~[school district's or charter~~
761 ~~school's]~~ local education board's use of class size reduction money in the prior school year.

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

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

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

766 (C) if supplemental ~~[school district or charter school]~~ local education board funds are
767 expended to pay for teachers employed using class size reduction money, the amount of the

768 supplemental money;

769 (ii) (A) the number of paraprofessionals employed using class size reduction money;

770 (B) the amount of class size reduction money expended for paraprofessionals; and

771 (C) if supplemental [~~school district or charter school~~] local education board funds are

772 expended to pay for paraprofessionals employed using class size reduction money, the amount

773 of the supplemental money; and

774 (iii) the amount of class size reduction money expended for capital facilities.

775 (c) In addition to submitting a plan and report on the use of class size reduction money,

776 a [~~school district or charter school~~] local education board shall annually submit a report to the

777 State Board of Education that includes the following information:

778 (i) the number of teachers employed using K-3 Reading Improvement Program money

779 received pursuant to Sections [53A-17a-150](#) and [53A-17a-151](#);

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

781 (iii) the number of teachers employed in kindergarten through grade 8 using Title I

782 money;

783 (iv) the amount of Title I money expended for teachers in kindergarten through grade

784 8; and

785 (v) a comparison of actual average class size by grade in grades kindergarten through 8

786 in the school district or charter school with what the average class size would be without the

787 expenditure of class size reduction, K-3 Reading Improvement Program, and Title I money.

788 (d) The information required to be reported in Subsections (8)(b)(i)(A) through (C),

789 (8)(b)(ii)(A) through (C), and (8)(c) shall be categorized by a teacher's or paraprofessional's

790 teaching assignment, such as the grade level, course, or subject taught.

791 (e) The State Board of Education may make rules specifying procedures and standards

792 for the submission of:

793 (i) a plan and a report on the use of class size reduction money as required by this

794 section; and

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

796 (f) Based on the data contained in the class size reduction plans and reports submitted

797 by [~~school districts and charter schools~~] local education boards, and data on average class size,

798 the State Board of Education shall annually report to the Education Interim Committee on the

799 impact of class size reduction, K-3 Reading Improvement Program, and Title I money on class
800 size.

801 Section 19. Section **53A-17a-125** is amended to read:

802 **53A-17a-125. Appropriation for retirement and social security.**

803 (1) The employee's retirement contribution shall be 1% for employees who are under
804 the state's contributory retirement program.

805 (2) The employer's contribution under the state's contributory retirement program is
806 determined under Section [49-12-301](#), subject to the 1% contribution under Subsection (1).

807 (3) (a) The employer-employee contribution rate for employees who are under the
808 state's noncontributory retirement program is determined under Section [49-13-301](#).

809 (b) The same contribution rate used under Subsection (3)(a) shall be used to calculate
810 the appropriation for charter ~~[schools]~~ school governing boards described under Subsection (5).

811 (4) (a) Money appropriated to the State Board of Education for retirement and social
812 security money shall be allocated to ~~[school districts and charter schools]~~ a local education
813 board based on a ~~[district's]~~ school district or charter school's total weighted pupil units
814 compared to the total weighted pupil units for all school districts in the state.

815 (b) Subject to budget constraints, money needed to support retirement and social
816 security shall be determined by taking ~~[the]~~ a school district's prior year allocation and
817 adjusting it for:

818 (i) student growth;

819 (ii) the percentage increase in the value of the weighted pupil unit; and

820 (iii) the effect of any change in the rates for retirement, social security, or both.

821 (5) A charter school governing board that ~~[has made]~~ makes an election of
822 nonparticipation in the Utah State Retirement Systems in accordance with Section [53A-1a-512](#)
823 and Title 49, Utah State Retirement and Insurance Benefit Act, shall use the funds described
824 under this section for retirement to provide ~~[its]~~ the charter school's own compensation, benefit,
825 and retirement programs.

826 Section 20. Section **53A-17a-126** is amended to read:

827 **53A-17a-126. State support of pupil transportation.**

828 (1) Money appropriated to the State Board of Education for state-supported
829 transportation of public school students shall be apportioned and distributed in accordance with

830 Section 53A-17a-127, except as otherwise provided in this section.

831 (2) (a) The Utah Schools for the Deaf and the Blind shall use [its] an allocation of
832 pupil transportation money to pay for transportation of [their] students based on current valid
833 contractual arrangements and best transportation options and methods as determined by the
834 schools.

835 (b) All student transportation costs of the schools shall be paid from the allocation of
836 pupil transportation money specified in statute.

837 (3) (a) A [~~school district~~] local school board may only claim eligible transportation
838 costs as legally reported on the prior year's annual financial report submitted under Section
839 53A-3-404.

840 (b) The state shall contribute 85% of approved transportation costs, subject to budget
841 constraints.

842 (c) If in a fiscal year the total transportation allowance for all school districts exceeds
843 the amount appropriated for that purpose, all allowances shall be reduced pro rata to equal not
844 more than the amount appropriated.

845 Section 21. Section 53A-17a-127 is amended to read:

846 **53A-17a-127. Eligibility for state-supported transportation -- Approved bus**
847 **routes -- Additional local tax.**

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

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

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

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

857 (2) If a [~~school district~~] local school board implements double sessions as an
858 alternative to new building construction, with the approval of the State Board of Education,
859 those affected elementary school students residing less than 1-1/2 miles from school may be
860 transported one way to or from school because of safety factors relating to darkness or other

861 hazardous conditions as determined by the local school board.

862 (3) (a) The State Board of Education shall distribute transportation money to [~~school~~
863 ~~districts~~] local school boards based on:

864 (i) an allowance per mile for approved bus routes;

865 (ii) an allowance per hour for approved bus routes; and

866 (iii) a minimum allocation for each school district eligible for transportation funding.

867 (b) The State Board of Education shall distribute appropriated transportation funds
868 based on the prior year's eligible transportation costs as legally reported under Subsection
869 [53A-17a-126\(3\)](#).

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

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

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

876 (5) A Transportation Advisory Committee with representation from local school
877 superintendents, business officials, school district transportation supervisors, and [~~the state~~
878 ~~superintendent's staff~~] State Board of Education employees shall serve as a review committee
879 for addressing school transportation needs, including recommended approved bus routes.

880 (6) (a) Except as provided in Subsection (6)(e), a local school board may provide for
881 the transportation of students regardless of the distance from school, from:

882 (i) general funds of the district; and

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

884 (b) A local school board may use revenue from the tax described in Subsection
885 (6)(a)(ii) to pay for transporting students and for the replacement of school buses.

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

889 (ii) The [~~state superintendent's staff~~] State Board of Education's employees shall
890 distribute the state contribution according to rules enacted by the State Board of Education.

891 (d) (i) The amount of state guarantee money [~~which a school district~~] that a local

892 school board would otherwise be entitled to receive under Subsection (6)(c) may not be
893 reduced for the sole reason that the [~~district's~~] local school board's levy is reduced as a
894 consequence of changes in the certified tax rate under Section 59-2-924 due to changes in
895 property valuation.

896 (ii) Subsection (6)(d)(i) applies for a period of two years following the change in the
897 certified tax rate.

898 (e) Beginning January 1, 2012, a local school board may not impose a tax in
899 accordance with this Subsection (6).

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

905 (ii) The [~~state superintendent's staff~~] State Board of Education's employees shall
906 distribute the state contribution according to rules enacted by the State Board of Education.

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

911 (ii) Subsection (7)(b)(i) applies for a period of two years following the change in the
912 certified tax rate.

913 Section 22. Section 53A-17a-133 is amended to read:

914 **53A-17a-133. State-supported voted local levy authorized -- Election**
915 **requirements -- State guarantee -- Reconsideration of the program.**

916 (1) As used in this section, "voted and board local levy funding balance" means the
917 difference between:

918 (a) the amount appropriated for the voted and board local levy program in a fiscal year;
919 and

920 (b) the amount necessary to provide the state guarantee per weighted pupil unit as
921 determined under this section and Section 53A-17a-164 in the same fiscal year.

922 (2) An election to consider adoption or modification of a voted local levy is required if

923 initiative petitions signed by 10% of the number of electors who voted at the last preceding
924 general election are presented to the local school board or by action of the local school board.

925 (3) (a) (i) To impose a voted local levy, a majority of the electors of a school district
926 voting at an election in the manner set forth in Subsections (9) and (10) must vote in favor of a
927 special tax.

928 (ii) The tax rate may not exceed .002 per dollar of taxable value.

929 (b) Except as provided in Subsection (3)(c), in order to receive state support the first
930 year, a school district must receive voter approval no later than December 1 of the year prior to
931 implementation.

932 (c) Beginning on or after January 1, 2012, a [~~school district~~] local school board may
933 receive state support in accordance with Subsection (4) without complying with the
934 requirements of Subsection (3)(b) if the local school board imposed a tax in accordance with
935 this section during the taxable year beginning on January 1, 2011 and ending on December 31,
936 2011.

937 (4) (a) In addition to the revenue [~~a school district collects~~] collected from the
938 imposition of a levy pursuant to this section, the state shall contribute an amount sufficient to
939 guarantee \$33.27 per weighted pupil unit for each .0001 of the first .0016 per dollar of taxable
940 value.

941 (b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar
942 of taxable value under Subsection (4)(a) shall apply to the portion of the board local levy
943 authorized in Section 53A-17a-164, so that the guarantee shall apply up to a total of .002 per
944 dollar of taxable value if a [~~school district~~] local school board levies a tax rate under both
945 programs.

946 (c) (i) Beginning July 1, 2015, the \$33.27 guarantee under Subsections (4)(a) and (b)
947 shall be indexed each year to the value of the weighted pupil unit for the grades 1 through 12
948 program by making the value of the guarantee equal to .011194 times the value of the prior
949 year's weighted pupil unit for the grades 1 through 12 program.

950 (ii) The guarantee shall increase by .0005 times the value of the prior year's weighted
951 pupil unit for the grades 1 through 12 program for each succeeding year subject to the
952 Legislature appropriating funds for an increase in the guarantee.

953 (d) (i) The amount of state guarantee money to which a [~~school district~~] local school

954 board would otherwise be entitled to receive under this Subsection (4) may not be reduced for
955 the sole reason that the [~~district's~~] local school board's levy is reduced as a consequence of
956 changes in the certified tax rate under Section 59-2-924 pursuant to changes in property
957 valuation.

958 (ii) Subsection (4)(d)(i) applies for a period of five years following any such change in
959 the certified tax rate.

960 (e) The guarantee provided under this section does not apply to the portion of a voted
961 local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal
962 year, unless an increase in the voted local levy rate was authorized in an election conducted on
963 or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

964 (f) (i) If a voted and board local levy funding balance exists for the prior fiscal year, the
965 State Board of Education shall:

966 (A) use the voted and board local levy funding balance to increase the value of the state
967 guarantee per weighted pupil unit described in Subsection (4)(c) in the current fiscal year; and

968 (B) distribute the state contribution to the voted and board local levy programs to
969 [~~school districts~~] local school boards based on the increased value of the state guarantee per
970 weighted pupil unit described in Subsection (4)(f)(i)(A).

971 (ii) The State Board of Education shall report action taken under this Subsection (4)(f)
972 to the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and
973 Budget.

974 (5) (a) An election to modify an existing voted local levy is not a reconsideration of the
975 existing authority unless the proposition submitted to the electors expressly so states.

976 (b) A majority vote opposing a modification does not deprive [~~the district~~] a local
977 school board of authority to continue the levy.

978 (c) If adoption of a voted local levy is contingent upon an offset reducing other local
979 school board levies, the board must allow the electors, in an election, to consider modifying or
980 discontinuing the imposition of the levy prior to a subsequent increase in other levies that
981 would increase the total local school board levy.

982 (d) Nothing contained in this section terminates, without an election, the authority of a
983 [~~school district~~] local school board to continue imposing an existing voted local levy
984 previously authorized by the voters as a voted leeway program.

985 (6) Notwithstanding Section 59-2-919, a [~~school district~~] local school board may
986 budget an increased amount of ad valorem property tax revenue derived from a voted local levy
987 imposed under this section in addition to revenue from new growth as defined in Subsection
988 59-2-924(4), without having to comply with the notice requirements of Section 59-2-919, if:

989 (a) the voted local levy is approved:

990 (i) in accordance with Subsections (9) and (10) on or after January 1, 2003; and

991 (ii) within the four-year period immediately preceding the year in which the [~~school~~
992 ~~district~~] local school board seeks to budget an increased amount of ad valorem property tax
993 revenue derived from the voted local levy; and

994 (b) for a voted local levy approved or modified in accordance with this section on or
995 after January 1, 2009, the [~~school district~~] local school board complies with the requirements of
996 Subsection (8).

997 (7) Notwithstanding Section 59-2-919, a [~~school district~~] local school board may levy a
998 tax rate under this section that exceeds the certified tax rate without having to comply with the
999 notice requirements of Section 59-2-919 if:

1000 (a) the levy exceeds the certified tax rate as the result of a [~~school district~~] local school
1001 board budgeting an increased amount of ad valorem property tax revenue derived from a voted
1002 local levy imposed under this section;

1003 (b) the voted local levy was approved:

1004 (i) in accordance with Subsections (9) and (10) on or after January 1, 2003; and

1005 (ii) within the four-year period immediately preceding the year in which the [~~school~~
1006 ~~district~~] local school board seeks to budget an increased amount of ad valorem property tax
1007 revenue derived from the voted local levy; and

1008 (c) for a voted local levy approved or modified in accordance with this section on or
1009 after January 1, 2009, the [~~school district~~] local school board complies with requirements of
1010 Subsection (8).

1011 (8) For purposes of Subsection (6)(b) or (7)(c), the proposition submitted to the
1012 electors regarding the adoption or modification of a voted local levy shall contain the following
1013 statement:

1014 "A vote in favor of this tax means that the local school board of (name of the school
1015 district) may increase revenue from this property tax without advertising the increase for the

1016 next five years."

1017 (9) (a) Before imposing a property tax levy pursuant to this section, a [~~school district~~]
1018 local school board shall submit an opinion question to the school district's registered voters
1019 voting on the imposition of the tax rate so that each registered voter has the opportunity to
1020 express the registered voter's opinion on whether the tax rate should be imposed.

1021 (b) The election required by this Subsection (9) shall be held:

1022 (i) at a regular general election conducted in accordance with the procedures and
1023 requirements of Title 20A, Election Code, governing regular elections;

1024 (ii) at a municipal general election conducted in accordance with the procedures and
1025 requirements of Section 20A-1-202; or

1026 (iii) at a local special election conducted in accordance with the procedures and
1027 requirements of Section 20A-1-203.

1028 (c) Notwithstanding the requirements of Subsections (9)(a) and (b), beginning on or
1029 after January 1, 2012, a [~~school district~~] local school board may levy a tax rate in accordance
1030 with this section without complying with the requirements of Subsections (9)(a) and (b) if the
1031 [~~school district~~] local school board imposed a tax in accordance with this section at any time
1032 during the taxable year beginning on January 1, 2011, and ending on December 31, 2011.

1033 (10) If a [~~school district~~] local school board determines that a majority of the school
1034 district's registered voters voting on the imposition of the tax rate have voted in favor of the
1035 imposition of the tax rate in accordance with Subsection (9), the [~~school district~~] local school
1036 board may impose the tax rate.

1037 Section 23. Section 53A-17a-134 is amended to read:

1038 **53A-17a-134. Board-approved leeway -- Purpose -- State support -- Disapproval.**

1039 (1) Except as provided in Subsection (9), a local school board may levy a tax rate of up
1040 to .0004 per dollar of taxable value to maintain a school program above the cost of the basic
1041 school program as follows:

1042 (a) a local school board shall use the money generated by the tax for class size
1043 reduction within the school district;

1044 (b) if a local school board determines that the average class size in the school district is
1045 not excessive, [~~it~~] the local school board may use the money for other school purposes but only
1046 if the local school board has declared the use for other school purposes in a public meeting

1047 prior to levying the tax rate; and

1048 (c) a [~~district~~] local school board may not use the money for other school purposes
1049 under Subsection (1)(b) until [~~it~~] the local school board has certified in writing that [~~its~~] the
1050 local school board's class size needs are already being met and the local school board has
1051 identified the other school purposes for which the money will be used to the State Board of
1052 Education and the state board has approved [~~their~~] the local school board's use for other school
1053 purposes.

1054 (2) (a) The state shall contribute an amount sufficient to guarantee \$27.36 per weighted
1055 pupil unit for each .0001 per dollar of taxable value.

1056 (b) The guarantee shall increase in the same manner as provided for the voted local
1057 levy guarantee in Subsection [53A-17a-133\(4\)\(c\)](#).

1058 (c) (i) The amount of state guarantee money to which a [~~school district~~] local school
1059 board would otherwise be entitled to under this Subsection (2) may not be reduced for the sole
1060 reason that the [~~district's~~] local school board's levy is reduced as a consequence of changes in
1061 the certified tax rate under Section [59-2-924](#) pursuant to changes in property valuation.

1062 (ii) Subsection (2)(c)(i) applies for a period of five years following any such change in
1063 the certified tax rate.

1064 (d) The guarantee provided under this section does not apply to:

1065 (i) a board-authorized leeway in the first fiscal year the leeway is in effect, unless the
1066 leeway was approved by voters pursuant to Subsections (4) through (6); or

1067 (ii) the portion of a board-authorized leeway rate that is in excess of the
1068 board-authorized leeway rate that was in effect for the previous fiscal year.

1069 (3) The levy authorized under this section is not in addition to the maximum rate of
1070 .002 authorized in Section [53A-17a-133](#), but is a board-authorized component of the total tax
1071 rate under that section.

1072 (4) As an exception to Section [53A-17a-133](#), the board-authorized levy does not
1073 require voter approval, but the local school board may require voter approval if requested by a
1074 majority of the local school board.

1075 (5) An election to consider disapproval of the board-authorized levy is required, if
1076 within 60 days after the levy is established by the local school board, referendum petitions
1077 signed by the number of legal voters required in Section [20A-7-301](#), who reside within the

1078 school district, are filed with the ~~[school district]~~ local school board.

1079 (6) (a) A local school board shall establish its board-approved levy by April 1 to have
1080 the levy apply to the fiscal year beginning July 1 in that same calendar year except that if an
1081 election is required under this section, the levy applies to the fiscal year beginning July 1 of the
1082 next calendar year.

1083 (b) The approval and disapproval votes authorized in Subsections (4) and (5) shall
1084 occur at a general election in even-numbered years, except that a vote required under this
1085 section in odd-numbered years shall occur at a special election held on a day in odd-numbered
1086 years that corresponds to the general election date. The ~~[school district]~~ local school board
1087 shall pay for the cost of a special election.

1088 (7) (a) Modification or termination of a voter-approved leeway rate authorized under
1089 this section is governed by Section [53A-17a-133](#).

1090 (b) A board-authorized leeway rate may be modified or terminated by a majority vote
1091 of the local school board subject to disapproval procedures specified in this section.

1092 (8) A board levy election does not require publication of a voter information pamphlet.

1093 (9) Beginning January 1, 2012, a local school board may not levy a tax in accordance
1094 with this section.

1095 Section 24. Section [53A-17a-135](#) is amended to read:

1096 **[53A-17a-135. Minimum basic tax rate -- Certified revenue levy.](#)**

1097 (1) As used in this section, "basic levy increment rate" means a tax rate that will
1098 generate an amount of revenue equal to \$75,000,000.

1099 (2) (a) In order to qualify for receipt of the state contribution toward the basic program
1100 and as ~~[its]~~ a school district's contribution toward ~~[its]~~ the school district's costs of the basic
1101 program, each ~~[school district]~~ local school board shall impose a minimum basic tax rate per
1102 dollar of taxable value that generates \$380,172,300 in revenues statewide.

1103 (b) The preliminary estimate for the 2015-16 minimum basic tax rate is .001764.

1104 (c) The State Tax Commission shall certify on or before June 22 the rate that generates
1105 \$380,172,300 in revenues statewide.

1106 (d) For the calendar year beginning on January 1, 2016, if the minimum basic tax rate
1107 exceeds the certified revenue levy as defined in Section [53A-17a-103](#), the state is subject to the
1108 notice requirements of Section [59-2-926](#).

1109 (3) (a) The state shall contribute to each [~~district~~] local school board toward the cost of
1110 the basic program in the school district that portion which exceeds the proceeds of the
1111 difference between:

1112 (i) the minimum basic tax rate to be imposed under Subsection (2); and

1113 (ii) the basic levy increment rate.

1114 (b) In accordance with the state strategic plan for public education and to fulfill [its]
1115 the Legislature's responsibility for the development and implementation of that plan, the
1116 Legislature instructs the State Board of Education, the governor, and the Office of Legislative
1117 Fiscal Analyst in each of the coming five years to develop budgets that will fully fund student
1118 enrollment growth.

1119 (4) (a) If the difference described in Subsection (3)(a) equals or exceeds the cost of the
1120 basic program in a school district, no state contribution shall be made to the basic program.

1121 (b) The proceeds of the difference described in Subsection (3)(a) that exceed the cost
1122 of the basic program shall be paid into the Uniform School Fund as provided by law.

1123 (5) The State Board of Education shall:

1124 (a) deduct from state funds that a [~~school district~~] local school board is authorized to
1125 receive under this chapter an amount equal to the proceeds generated within the school district
1126 by the basic levy increment rate; and

1127 (b) deposit the money described in Subsection (5)(a) into the Minimum Basic Growth
1128 Account created in Section [53A-17a-135.1](#).

1129 Section 25. Section [53A-17a-136](#) is amended to read:

1130 **[53A-17a-136. Cost of operation and maintenance of minimum school program --](#)**
1131 **[Division between local school boards and the state.](#)**

1132 (1) The total cost of operation and maintenance of the minimum school program in the
1133 state is divided between the [~~state and school districts~~] local school boards and the state as
1134 follows:

1135 (a) Each [~~school district~~] local school board shall impose a minimum basic tax rate on
1136 all taxable, tangible property in the school district and shall contribute the tax proceeds toward
1137 the cost of the basic program as provided in this chapter.

1138 (b) Each [~~school district~~] local school board may also impose a levy for the purpose of
1139 participating in the levy programs provided in Section [53A-17a-133](#) or [53A-17a-164](#).

1140 (c) The state shall contribute the balance of the total costs.

1141 (2) The contributions by the [~~school districts~~] local school board and by the state are
1142 computed separately for the purpose of determining [~~their~~] respective contributions to the basic
1143 program and to the levy programs provided in Section [53A-17a-133](#) or [53A-17a-164](#).

1144 Section 26. Section **53A-17a-139** is amended to read:

1145 **53A-17a-139. Loss in student enrollment -- Board action.**

1146 To avoid penalizing a school district financially for an excessive loss in student
1147 enrollment due to factors beyond its control, the State Board of Education may allow a
1148 percentage increase in units otherwise allowable during any year when a school district's
1149 average daily membership drops more than 4% below the average for the highest two of the
1150 preceding three years in the school district.

1151 Section 27. Section **53A-17a-140** is amended to read:

1152 **53A-17a-140. Contracts with teachers.**

1153 A school district may not enter into contracts with teachers that would prevent the
1154 school district from paying differential salaries or putting limitations on an individual salary
1155 paid in order to fill a shortage in specific teaching areas.

1156 Section 28. Section **53A-17a-141** is amended to read:

1157 **53A-17a-141. Alternative programs.**

1158 (1) Since the State Board of Education has adopted a policy that requires school
1159 districts to grant credit for proficiency through alternative programs, school districts are
1160 encouraged to continue and expand [~~their~~] school district cooperation with accredited
1161 institutions through performance contracts for educational services, particularly where it is
1162 beneficial to students whose progress could be better served through alternative programs.

1163 (2) School districts are encouraged to participate in programs that focus on increasing
1164 the number of ethnic minority and female students in the secondary schools who will go on to
1165 study mathematics, engineering, or related sciences at an institution of higher education.

1166 Section 29. Section **53A-17a-143** is amended to read:

1167 **53A-17a-143. Federal Impact Aid Program -- Offset for underestimated**
1168 **allocations from the Federal Impact Aid Program.**

1169 (1) In addition to the revenues received from the levy imposed by each [~~school district~~]
1170 local school board and authorized by the Legislature under Section [53A-17a-135](#), the

1171 Legislature shall provide an amount equal to the difference between the school district's
 1172 anticipated receipts under the entitlement for the fiscal year from the Federal Impact Aid
 1173 Program and the amount the school district actually received from this source for the next
 1174 preceding fiscal year.

1175 (2) If at the end of a fiscal year the sum of the receipts of a [~~school district~~] local school
 1176 board from a distribution from the Legislature pursuant to Subsection (1) plus the school
 1177 district's allocations from the Federal Impact Aid Program for that fiscal year exceeds the
 1178 amount allocated to the school district from the Federal Impact Aid Program for the next
 1179 preceding fiscal year, the excess funds are carried into the next succeeding fiscal year and
 1180 become in that year a part of the school district's contribution to [~~its~~] the school district's basic
 1181 program for operation and maintenance under the state minimum school finance law.

1182 (3) During that year [~~the~~] a local school board reduces the school district's required tax
 1183 rate for the basic program shall be reduced so that the yield from the reduced tax rate plus the
 1184 carryover funds equal the school district's required contribution to [~~its~~] the school district's
 1185 basic program.

1186 (4) A [~~district~~] local school board that reduces [~~its~~] a school district's basic tax rate
 1187 under this section shall receive state minimum school program funds as though the reduction in
 1188 the tax rate had not been made.

1189 Section 30. Section **53A-17a-144** is amended to read:

1190 **53A-17a-144. Contribution of state to cost of minimum school program --**

1191 **Determination of amounts -- Levy on taxable property -- Disbursal -- Deficiency.**

1192 The state's contribution to the total cost of the minimum school program is determined
 1193 and distributed as follows:

1194 (1) The State Tax Commission shall levy an amount determined by the Legislature on
 1195 all taxable property of the state.

1196 (a) This amount, together with other funds provided by law, is the state's contribution
 1197 to the minimum school program.

1198 (b) The statewide levy is set at zero until changed by the Legislature.

1199 (2) During the first week in November, the State Tax Commission shall certify to the
 1200 State Board of Education the amounts designated as state aid for each school district under
 1201 Section [59-2-902](#).

1202 (3) (a) The actual amounts computed under Section 59-2-902 are the state's
1203 contribution to the minimum school program of each school district.

1204 (b) The state board shall provide each [~~district~~] local school board with a statement of
1205 the amount of state aid.

1206 (4) Prior to the first day of each month, the state treasurer and the Division of Finance,
1207 with the approval of the State Board of Education, shall disburse 1/12 of the state's contribution
1208 to the cost of the minimum school program to each [~~school-district~~] local school board.

1209 (a) A disbursement may not be made to a [~~district~~] local school board whose payments
1210 have been interrupted under Subsection (4)(d).

1211 (b) Discrepancies between the monthly disbursements and the actual cost of the
1212 program shall be adjusted in the final settlement under Subsection (5).

1213 (c) If the monthly distributions overdraw the money in the Uniform School Fund, the
1214 Division of Finance is authorized to run this fund in a deficit position.

1215 (d) The state board may interrupt disbursements to a [~~district~~] local school board if, in
1216 the judgment of the school board, the district is failing to comply with the minimum school
1217 program, is operating programs that are not approved by the state board, or has not submitted
1218 reports required by law or the state board.

1219 (i) Disbursements shall be resumed upon request of the state board.

1220 (ii) Back disbursements shall be included in the next regular disbursement, and the
1221 amount disbursed certified to the State Division of Finance and state treasurer by the state
1222 board.

1223 (e) The State Board of Education may authorize exceptions to the 1/12 per month
1224 disbursement formula for grant funds if the board determines that a different disbursement
1225 formula would better serve the purposes of the grant.

1226 (5) (a) If money in the Uniform School Fund is insufficient to meet the state's
1227 contribution to the minimum school program as appropriated, the amount of the deficiency thus
1228 created shall be carried as a deficiency in the Uniform School Fund until the next session of the
1229 Legislature, at which time the Legislature shall appropriate funds to cover the deficiency.

1230 (b) If there is an operating deficit in public education Uniform School Fund
1231 appropriations, the Legislature shall eliminate the deficit by:

1232 (i) budget transfers or other legal means;

- 1233 (ii) appropriating money from the Education Budget Reserve Account;
1234 (iii) appropriating up to 25% of the balance in the General Fund Budget Reserve
1235 Account; or
1236 (iv) some combination of Subsections (5)(b)(i), (ii), and (iii).
1237 (c) Nothing in Subsection (5)(b) precludes the Legislature from appropriating more
1238 than 25% of the balance in the General Fund Budget Reserve Account to fund operating
1239 deficits in public education appropriations.

1240 Section 31. Section **53A-17a-145** is amended to read:

1241 **53A-17a-145. Additional levy by local school board for debt service, school sites,**
1242 **buildings, buses, textbooks, and supplies.**

1243 (1) Except as provided in Subsection (5), a [~~school district~~] local school board may
1244 elect to increase [its] the school district's tax rate by up to 10% of the cost of the basic program.

1245 (2) The proceeds from the increase may only be used for debt service, the construction
1246 or remodeling of school buildings, or the purchase of school sites, buses, equipment, textbooks,
1247 and supplies.

1248 (3) This section does not prohibit a [~~district~~] local school board from exercising the
1249 authority granted by other laws relating to tax rates.

1250 (4) This increase in the tax rate is not included in determining the apportionment of the
1251 State School Fund, and is in addition to other tax rates authorized by law.

1252 (5) Beginning January 1, 2012, a [~~school district~~] local school board may not:

- 1253 (a) levy a tax rate in accordance with this section; or
1254 (b) increase its tax rate as described in Subsection (1).

1255 Section 32. Section **53A-17a-146** is amended to read:

1256 **53A-17a-146. Reduction of local school board allocation based on insufficient**
1257 **revenues.**

1258 (1) As used in this section, "Minimum School Program funds" means the total of state
1259 and local funds appropriated for the minimum school program, excluding:

- 1260 (a) the state-supported voted local levy program pursuant to Section [53A-17a-133](#);
1261 (b) the state-supported board local levy program pursuant to Section [53A-17a-164](#); and
1262 (c) the appropriation to charter schools to replace local property tax revenues pursuant
1263 to Section [53A-1a-513](#).

1264 (2) If the Legislature reduces appropriations made to support public schools under this
1265 chapter because an Education Fund budget deficit, as defined in Section 63J-1-312, exists, the
1266 State Board of Education, after consultation with each [~~school district and charter school~~] local
1267 education board, shall allocate the reduction among [~~school districts and charter schools~~] local
1268 education boards in proportion to each school district's or charter school's percentage share of
1269 Minimum School Program funds.

1270 (3) Except as provided in Subsection (5) and subject to the requirements of Subsection
1271 (7), a [~~school district or charter school~~] local education board shall determine which programs
1272 are affected by a reduction pursuant to Subsection (2) and the amount each program is reduced.

1273 (4) Except as provided in Subsections (5) and (6), the requirement to spend a specified
1274 amount in any particular program is waived if reductions are made pursuant to Subsection (2).

1275 (5) A [~~school district or charter school~~] local education board may not reduce or
1276 reallocate spending of funds distributed to the [~~school district or charter school~~] local education
1277 board for the following programs:

- 1278 (a) educator salary adjustments provided in Section 53A-17a-153;
- 1279 (b) the Teacher Salary Supplement Program provided in Section 53A-17a-156;
- 1280 (c) the extended year for special educators provided in Section 53A-17a-158;
- 1281 (d) USTAR centers provided in Section 53A-17a-159;
- 1282 (e) the School LAND Trust Program created in Section 53A-16-101.5; or
- 1283 (f) a special education program within the Basic School Program.

1284 (6) A [~~school district or charter school~~] local education board may not reallocate
1285 spending of funds distributed to the [~~school district or charter school~~] local education board to
1286 a reserve account.

1287 (7) A [~~school district or charter school~~] local education board that reduces or
1288 reallocates funds in accordance with this section shall report all transfers into, or out of,
1289 Minimum School Program programs to the State Board of Education as part of the school
1290 district or charter school's Annual Financial and Program report.

1291 Section 33. Section 53A-17a-150 is amended to read:

1292 **53A-17a-150. K-3 Reading Improvement Program.**

1293 (1) As used in this section:

1294 (a) "Board" means the State Board of Education.

- 1295 (b) "Five domains of reading" include phonological awareness, phonics, fluency,
1296 comprehension, and vocabulary.
- 1297 (c) "Program" means the K-3 Reading Improvement Program.
- 1298 (d) "Program money" means:
- 1299 (i) school district revenue allocated to the program from other money available to the
1300 ~~[school district]~~ local school board, except money provided by the state, for the purpose of
1301 receiving state funds under this section; and
- 1302 (ii) money appropriated by the Legislature to the program.
- 1303 (2) The K-3 Reading Improvement Program consists of program money and is created
1304 to supplement other school resources to achieve the state's goal of having third graders reading
1305 at or above grade level.
- 1306 (3) Subject to future budget constraints, the Legislature may annually appropriate
1307 money to the K-3 Reading Improvement Program.
- 1308 (4) (a) To receive program money, a ~~[school district or charter school]~~ local education
1309 board must submit a plan to the board for reading proficiency improvement that incorporates
1310 the following components:
- 1311 (i) assessment;
- 1312 (ii) intervention strategies;
- 1313 (iii) professional development for classroom teachers in kindergarten through grade
1314 three;
- 1315 (iv) reading performance standards; and
- 1316 (v) specific measurable goals that include the following:
- 1317 (A) a growth goal for each school within a school district and each charter school
1318 based upon student learning gains as measured by benchmark assessments administered
1319 pursuant to Section 53A-1-606.6; and
- 1320 (B) a growth goal for each school district and charter school to increase the percentage
1321 of third grade students who read on grade level from year to year as measured by the third
1322 grade reading test administered pursuant to Section 53A-1-603.
- 1323 (b) The board shall provide model plans which a ~~[school district or charter school]~~
1324 local education board may use, or the ~~[school district or charter school]~~ local education board
1325 may develop ~~[its]~~ the local education board's own plan.

1326 (c) Plans developed by a [~~school district or charter school~~] local education board shall
1327 be approved by the board.

1328 (d) The board shall develop uniform standards for acceptable growth goals that a
1329 [~~school district or charter school~~] local education board adopts for a school district or charter
1330 school as described in this Subsection (4).

1331 (5) (a) There is created within the K-3 Reading Achievement Program three funding
1332 programs:

- 1333 (i) the Base Level Program;
- 1334 (ii) the Guarantee Program; and
- 1335 (iii) the Low Income Students Program.

1336 (b) The board may use no more than \$7,500,000 from an appropriation described in
1337 Subsection (3) for computer-assisted instructional learning and assessment programs.

1338 (6) Money appropriated to the board for the K-3 Reading Improvement Program and
1339 not used by the board for computer-assisted instructional learning and assessments as described
1340 in Subsection (5)(b), shall be allocated to the three funding programs as follows:

- 1341 (a) 8% to the Base Level Program;
- 1342 (b) 46% to the Guarantee Program; and
- 1343 (c) 46% to the Low Income Students Program.

1344 (7) (a) [~~To~~] For a school district or charter school to participate in the Base Level
1345 Program, [a school district or charter school] the local education board shall submit a reading
1346 proficiency improvement plan to the board as provided in Subsection (4) and must receive
1347 approval of the plan from the board.

1348 (b) (i) [~~Each~~] The local school board of a school district qualifying for Base Level
1349 Program funds and the governing boards of qualifying elementary charter schools combined
1350 shall receive a base amount.

1351 (ii) The base amount for the qualifying elementary charter schools combined shall be
1352 allocated among each [~~school~~] elementary charter school's governing board in an amount
1353 proportionate to:

1354 (A) each existing charter school's prior year fall enrollment in grades kindergarten
1355 through grade three; and

1356 (B) each new charter school's estimated fall enrollment in grades kindergarten through

1357 grade three.

1358 (8) (a) A ~~[school district]~~ local school board that applies for program money in excess
1359 of the Base Level Program funds shall choose to first participate in either the Guarantee
1360 Program or the Low Income Students Program.

1361 (b) A school district must fully participate in either the Guarantee Program or the Low
1362 Income Students Program before ~~[it]~~ the local school board may elect for the school district to
1363 either fully or partially participate in the other program.

1364 (c) ~~[To]~~ For a school district to fully participate in the Guarantee Program, ~~[a school~~
1365 ~~district]~~ the local school board shall allocate to the program money available to the school
1366 district, except money provided by the state, equal to the amount of revenue that would be
1367 generated by a tax rate of .000056.

1368 (d) ~~[To]~~ For a school district to fully participate in the Low Income Students Program,
1369 ~~[a school district]~~ the local school board shall allocate to the program money available to the
1370 school district, except money provided by the state, equal to the amount of revenue that would
1371 be generated by a tax rate of .000065.

1372 (e) (i) The board shall verify that a ~~[school district]~~ local school board allocates the
1373 money required in accordance with Subsections (8)(c) and (d) before ~~[it]~~ the local school board
1374 distributes funds in accordance with this section.

1375 (ii) The State Tax Commission shall provide the board the information the board needs
1376 in order to comply with Subsection (8)(e)(i).

1377 (9) (a) Except as provided in Subsection (9)(c), the local school board of a school
1378 district that fully participates in the Guarantee Program shall receive state funds in an amount
1379 that is:

1380 (i) equal to the difference between \$21 times the school district's total WPUs and the
1381 revenue the ~~[school district]~~ local school board is required to allocate under Subsection (8)(c)
1382 for the school district to fully participate in the Guarantee Program; and

1383 (ii) not less than \$0.

1384 (b) Except as provided in Subsection (9)(c), the governing board of an elementary
1385 charter school shall receive under the Guarantee Program an amount equal to \$21 times the
1386 elementary charter school's total WPUs.

1387 (c) The board may adjust the \$21 guarantee amount described in Subsections (9)(a) and

1388 (b) to account for actual appropriations and money used by the board for computer-assisted
1389 instructional learning and assessments.

1390 (10) The board shall distribute Low Income Students Program funds in an amount
1391 proportionate to the number of students in each school district or charter school who qualify for
1392 free or reduced price school lunch multiplied by two.

1393 (11) [A] The local school board of a school district that partially participates in the
1394 Guarantee Program or Low Income Students Program shall receive program funds based on the
1395 amount of school district revenue allocated to the program as a percentage of the amount of
1396 revenue that could have been allocated if the school district had fully participated in the
1397 program.

1398 (12) (a) A [~~school district or charter school~~] local education board shall use program
1399 money for reading proficiency improvement interventions in grades kindergarten through grade
1400 3 that have proven to significantly increase the percentage of students reading at grade level,
1401 including:

1402 (i) reading assessments; and

1403 (ii) focused reading remediations that may include:

1404 (A) the use of reading specialists;

1405 (B) tutoring;

1406 (C) before or after school programs;

1407 (D) summer school programs; or

1408 (E) the use of reading software; or

1409 (F) the use of interactive computer software programs for literacy instruction and
1410 assessments for students.

1411 (b) A [~~school district or charter school~~] local education board may use program money
1412 for portable technology devices used to administer reading assessments.

1413 (c) Program money may not be used to supplant funds for existing programs, but may
1414 be used to augment existing programs.

1415 (13) (a) Each [~~school district and charter school~~] local education board shall annually
1416 submit a report to the board accounting for the expenditure of program money in accordance
1417 with its plan for reading proficiency improvement.

1418 (b) On or before the November meeting of the Education Interim Committee of each

1419 year, the board shall report a summary of the reading improvement program expenditures ~~[of]~~
1420 for each school district and charter school.

1421 (c) If a ~~[school district or charter school]~~ local education board uses program money in
1422 a manner that is inconsistent with Subsection (12), the ~~[school district or charter school]~~ local
1423 education board is liable for reimbursing the board for the amount of program money
1424 improperly used, up to the amount of program money received from the board.

1425 (14) (a) The board shall make rules to implement the program.

1426 (b) (i) The rules under Subsection (14)(a) shall require each ~~[school district or charter~~
1427 ~~school]~~ local education board to annually report progress in meeting ~~[school and school~~
1428 ~~district]~~ goals stated in the school ~~[district's]~~ district or charter school's plan for student reading
1429 proficiency.

1430 (ii) If a school does not meet or exceed the school's goals, the ~~[school district or charter~~
1431 ~~school]~~ local education board shall prepare a new plan which corrects deficiencies. The new
1432 plan must be approved by the board before the ~~[school district or charter school]~~ local
1433 education board receives an allocation for the next year.

1434 (15) (a) If for two consecutive school years, a school district fails to meet ~~[its]~~ the
1435 school district's goal to increase the percentage of third grade students who read on grade level
1436 as measured by the third grade reading test administered pursuant to Section 53A-1-603, the
1437 ~~[school district]~~ school district's local school board shall terminate any levy imposed under
1438 Section 53A-17a-151 and may not receive money appropriated by the Legislature for the K-3
1439 Reading Improvement Program.

1440 (b) If for two consecutive school years, a charter school fails to meet ~~[its]~~ the charter
1441 school's goal to increase the percentage of third grade students who read on grade level as
1442 measured by the third grade reading test administered pursuant to Section 53A-1-603, the
1443 charter ~~[school]~~ school's governing board may not receive money appropriated by the
1444 Legislature for the K-3 Reading Improvement Program.

1445 (16) The board shall make an annual report to the Public Education Appropriations
1446 Subcommittee that:

1447 (a) includes information on:

1448 (i) student learning gains in reading for the past school year and the five-year trend;

1449 (ii) the percentage of third grade students reading on grade level in the past school year

1450 and the five-year trend;

1451 (iii) the progress of schools and school districts in meeting goals stated in a school
1452 district's or charter school's plan for student reading proficiency; and

1453 (iv) the correlation between third grade students reading on grade level and results of
1454 third grade language arts scores on a criterion-referenced test or computer adaptive test; and

1455 (b) may include recommendations on how to increase the percentage of third grade
1456 students who read on grade level.

1457 Section 34. Section **53A-17a-151** is amended to read:

1458 **53A-17a-151. Board leeway for reading improvement.**

1459 (1) Except as provided in Subsection (4), a local school board may levy a tax rate of up
1460 to .000121 per dollar of taxable value for funding the school district's K-3 Reading
1461 Improvement Program created under Section **53A-17a-150**.

1462 (2) The levy authorized under this section:

1463 (a) is in addition to any other levy or maximum rate;

1464 (b) does not require voter approval; and

1465 (c) may be modified or terminated by a majority vote of the local school board.

1466 (3) A local school board shall establish [~~its~~] a board-approved levy under this section
1467 by June 1 to have the levy apply to the fiscal year beginning July 1 in that same calendar year.

1468 (4) Beginning January 1, 2012, a local school board may not levy a tax in accordance
1469 with this section.

1470 Section 35. Section **53A-17a-153** is amended to read:

1471 **53A-17a-153. Educator salary adjustments.**

1472 (1) As used in this section, "educator" means a person employed by a school district,
1473 charter school, or the Utah Schools for the Deaf and the Blind who holds:

1474 (a) a license issued under Title 53A, Chapter 6, Educator Licensing and Professional
1475 Practices Act; and

1476 (b) a position as a:

1477 (i) classroom teacher;

1478 (ii) speech pathologist;

1479 (iii) librarian or media specialist;

1480 (iv) preschool teacher;

- 1481 (v) mentor teacher;
1482 (vi) teacher specialist or teacher leader;
1483 (vii) guidance counselor;
1484 (viii) audiologist;
1485 (ix) psychologist; or
1486 (x) social worker.

1487 (2) In recognition of the need to attract and retain highly skilled and dedicated
1488 educators, the Legislature shall annually appropriate money for educator salary adjustments,
1489 subject to future budget constraints.

1490 (3) Money appropriated to the State Board of Education for educator salary
1491 adjustments shall be distributed to ~~[school districts, charter schools,]~~ local education boards
1492 and the Utah Schools for the Deaf and the Blind in proportion to the number of
1493 full-time-equivalent educator positions in a school district, a charter school, or the Utah
1494 Schools for the Deaf and the Blind as compared to the total number of full-time-equivalent
1495 educator positions in school districts, charter schools, and the Utah Schools for the Deaf and
1496 the Blind.

1497 (4) ~~[School districts, charter schools,]~~ Local education boards and the Utah Schools for
1498 the Deaf and the Blind shall award bonuses to educators as follows:

1499 (a) the amount of the salary adjustment shall be the same for each full-time-equivalent
1500 educator position in the school district, charter school, or the Utah Schools for the Deaf and the
1501 Blind;

1502 (b) a person who is not a full-time educator shall receive a partial salary adjustment
1503 based on the number of hours the person works as an educator; and

1504 (c) salary adjustments may be awarded only to educators who have received a
1505 satisfactory rating or above on their most recent evaluation.

1506 (5) (a) Each ~~[school district and charter school]~~ local education board and the Utah
1507 Schools for the Deaf and the Blind shall submit a report to the State Board of Education on
1508 how the money for salary adjustments was spent, including the amount of the salary adjustment
1509 and the number of full and partial salary adjustments awarded.

1510 (b) The State Board of Education shall compile the information reported under
1511 Subsection (5) and submit it to the Public Education Appropriations Subcommittee by

1512 November 30 each year.

1513 (6) The State Board of Education may make rules as necessary to administer this
1514 section, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1515 (7) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient
1516 money each year to:

1517 (i) maintain educator salary adjustments provided in prior years; and

1518 (ii) provide educator salary adjustments to new employees.

1519 (b) Money appropriated for educator salary adjustments shall include money for the
1520 following employer-paid benefits:

1521 (i) retirement;

1522 (ii) worker's compensation;

1523 (iii) Social Security; and

1524 (iv) Medicare.

1525 (8) (a) Subject to future budget constraints, the Legislature shall:

1526 (i) maintain the salary adjustments provided to school administrators in the 2007-08
1527 school year; and

1528 (ii) provide salary adjustments for new school administrators in the same amount as
1529 provided for existing school administrators.

1530 (b) The appropriation provided for educator salary adjustments shall include salary
1531 adjustments for school administrators as specified in Subsection (8)(a).

1532 (c) In distributing and awarding salary adjustments for school administrators, the State
1533 Board of Education, [~~school districts, charter schools~~] local education boards, and the Utah
1534 Schools for the Deaf and the Blind shall comply with the requirements for the distribution and
1535 award of educator salary adjustments as provided in Subsections (3) and (4).

1536 Section 36. Section **53A-17a-154** is amended to read:

1537 **53A-17a-154. Appropriation for school nurses.**

1538 The State Board of Education shall distribute money appropriated for school nurses to
1539 award grants to [~~school districts and charter schools~~] local education boards that:

1540 (1) provide an equal amount of matching funds; and

1541 (2) do not supplant other money used for school nurses.

1542 Section 37. Section **53A-17a-155** is amended to read:

1543 **53A-17a-155. Appropriation for library books and electronic resources.**

1544 (1) The State Board of Education shall distribute money appropriated for library books
1545 and electronic resources as follows:

1546 (a) 25% shall be divided equally among all public schools; and

1547 (b) 75% shall be divided among public schools based on each school's average daily
1548 membership as compared to the total average daily membership.

1549 (2) A [~~school district or charter school~~] local education board may not use money
1550 distributed under Subsection (1) to supplant other money used to purchase library books or
1551 electronic resources.

1552 Section 38. Section **53A-17a-156** is amended to read:

1553 **53A-17a-156. Teacher Salary Supplement Program -- Appeal process.**

1554 (1) As used in this section:

1555 (a) "Board" means the State Board of Education.

1556 (b) "Eligible teacher" means a teacher who:

1557 (i) has an assignment to teach:

1558 (A) a secondary school level mathematics course;

1559 (B) integrated science in grade seven or eight;

1560 (C) chemistry;

1561 (D) physics; or

1562 (E) computer science;

1563 (ii) holds the appropriate endorsement for the assigned course;

1564 (iii) has qualifying educational background; and

1565 (iv) (A) is a new employee; or

1566 (B) received a satisfactory rating or above on the teacher's most recent evaluation.

1567 (c) "Qualifying educational background" means:

1568 (i) for a teacher who is assigned a secondary school level mathematics course:

1569 (A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or

1570 (B) a bachelor's degree major, master's degree, or doctoral degree that has course

1571 requirements that are substantially equivalent to the course requirements for a bachelor's degree
1572 major, master's degree, or doctoral degree in mathematics;

1573 (ii) for a teacher who is assigned a grade seven or eight integrated science course,

1574 chemistry course, or physics course, a bachelor's degree major, master's degree, or doctoral
1575 degree in:

1576 (A) integrated science;

1577 (B) chemistry;

1578 (C) physics;

1579 (D) physical science;

1580 (E) general science; or

1581 (F) a bachelor's degree major, master's degree, or doctoral degree that has course

1582 requirements that are substantially equivalent to the course requirements of those required for a
1583 degree listed in Subsections (1)(c)(ii)(A) through (E);

1584 (iii) for a teacher who is assigned a computer science course, a bachelor's degree major,
1585 master's degree, or doctoral degree in:

1586 (A) computer science;

1587 (B) computer information technology; or

1588 (C) a bachelor's degree major, master's degree, or doctoral degree that has course

1589 requirements that are substantially equivalent to the course requirements of those required for a
1590 degree listed in Subsections (1)(c)(iii)(A) and (B).

1591 (2) (a) Subject to future budget constraints, the Legislature shall annually appropriate
1592 money to the Teacher Salary Supplement Restricted Account established in Section
1593 [53A-17a-157](#) to fund the Teacher Salary Supplement Program.

1594 (b) Money appropriated for the Teacher Salary Supplement Program shall include
1595 money for the following employer-paid benefits:

1596 (i) retirement;

1597 (ii) workers' compensation;

1598 (iii) social security; and

1599 (iv) Medicare.

1600 (3) (a) The annual salary supplement for an eligible teacher who is assigned full time to
1601 teach one or more courses listed in Subsections (1)(b)(i)(A) through (E) is \$4,100.

1602 (b) An eligible teacher who has a part-time assignment to teach one or more courses
1603 listed in Subsections (1)(b)(i)(A) through (E) shall receive a partial salary supplement based on
1604 the number of hours worked in a course assignment that meets the requirements of Subsections

1605 (1)(b)(ii) and (iii).

1606 (4) The board shall:

1607 (a) create an online application system for a teacher to apply to receive a salary
1608 supplement through the Teacher Salary Supplement Program;

1609 (b) determine if a teacher:

1610 (i) is an eligible teacher; and

1611 (ii) has a course assignment as listed in Subsections (1)(b)(i)(A) through (E); and

1612 (c) verify, as needed, the determinations made under Subsection (4)(b) with school
1613 district and school administrators.

1614 (5) (a) An eligible teacher shall apply with the board before the conclusion of a school
1615 year to receive the salary supplement authorized in this section.

1616 (b) An eligible teacher may apply with the board, after verification that the
1617 requirements under this section have been satisfied, to receive a salary supplement after the
1618 completion of:

1619 (i) the school year as an annual award; or

1620 (ii) a semester or trimester as a partial award based on the portion of the school year
1621 that has been completed.

1622 (6) (a) The board shall establish and administer an appeal process for a teacher to
1623 follow if the teacher applies for the salary supplement and is not certified under Subsection (4).

1624 (b) (i) The appeal process established in Subsection (6)(a) shall allow a teacher to
1625 appeal on the basis that the teacher has a degree or degree major with course requirements that
1626 are substantially equivalent to the course requirements for a degree listed in:

1627 (A) Subsection (1)(c)(i)(A);

1628 (B) Subsections (1)(c)(ii)(A) through (E); or

1629 (C) Subsections (1)(c)(iii)(A) and (B).

1630 (ii) A teacher shall provide transcripts and other documentation to the board in order
1631 for the board to determine if the teacher has a degree or degree major with course requirements
1632 that are substantially equivalent to the course requirements for a degree listed in:

1633 (A) Subsection (1)(c)(i)(A);

1634 (B) Subsections (1)(c)(ii)(A) through (E); or

1635 (C) Subsections (1)(c)(iii)(A) and (B).

1636 (7) (a) The board shall distribute money from the Teacher Salary Supplement
1637 Restricted Account to [~~school districts and charter schools~~] local education boards for the
1638 Teacher Salary Supplement Program in accordance with the provisions of this section.

1639 (b) The board shall include the employer-paid benefits described under Subsection
1640 (2)(b) in the amount of each salary supplement.

1641 (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the
1642 salary supplement limits described under Subsection (3).

1643 (8) (a) Money received from the Teacher Salary Supplement Restricted Account shall
1644 be used by a [~~school district or charter school~~] local education board to provide a salary
1645 supplement equal to the amount specified in Subsection (3) for each eligible teacher.

1646 (b) The salary supplement is part of the teacher's base pay, subject to the teacher's
1647 qualification as an eligible teacher every year, semester, or trimester.

1648 (9) Notwithstanding the provisions of this section, if the appropriation for the program
1649 is insufficient to cover the costs associated with salary supplements, the board may limit or
1650 reduce the salary supplements.

1651 Section 39. Section **53A-17a-157** is amended to read:

1652 **53A-17a-157. Teacher Salary Supplement Restricted Account.**

1653 (1) There is created within the Uniform School Fund a restricted account known as the
1654 "Teacher Salary Supplement Restricted Account."

1655 (2) The account shall be funded from appropriations made to the account by the
1656 Legislature.

1657 (3) The account shall be used to fund teacher salary supplements for school districts
1658 and charter schools as provided in Section **53A-17a-156**.

1659 (4) The State Board of Education shall distribute account money to [~~school districts~~
1660 ~~and charter schools~~] local education boards for the Teacher Salary Supplement Program as
1661 provided in Section **53A-17a-156**.

1662 Section 40. Section **53A-17a-158** is amended to read:

1663 **53A-17a-158. Stipends for special educators for additional days of work.**

1664 (1) As used in this section:

1665 (a) "IEP" means an individualized education program developed pursuant to the
1666 Individuals with Disabilities Education Improvement Act of 2004, as amended.

1667 (b) "Special education teacher" means a teacher whose primary assignment is the
1668 instruction of students with disabilities who are eligible for special education services.

1669 (c) "Special educator" means a person employed by a school district, charter school, or
1670 the Utah Schools for the Deaf and the Blind who holds:

1671 (i) a license issued under Title 53A, Chapter 6, Educator Licensing and Professional
1672 Practices Act; and

1673 (ii) a position as a:

1674 (A) special education teacher; or

1675 (B) speech-language pathologist.

1676 (2) The Legislature shall annually appropriate money for stipends to special educators
1677 for additional days of work:

1678 (a) in recognition of the added duties and responsibilities assumed by special educators
1679 to comply with federal law regulating the education of students with disabilities and the need to
1680 attract and retain qualified special educators; and

1681 (b) subject to future budget constraints.

1682 (3) (a) The State Board of Education shall distribute money appropriated under this
1683 section to [~~school districts, charter schools,~~] local education boards and the Utah Schools for
1684 the Deaf and the Blind for stipends for special educators in the amount of \$200 per day for up
1685 to 10 additional working days.

1686 (b) Money distributed under this section shall include, in addition to the \$200 per day
1687 stipend, money for the following employer-paid benefits:

1688 (i) retirement;

1689 (ii) workers' compensation;

1690 (iii) Social Security; and

1691 (iv) Medicare.

1692 (4) A special educator receiving a stipend shall:

1693 (a) work an additional day beyond the number of days contracted with the special
1694 educator's school district or charter school for each daily stipend;

1695 (b) schedule the additional days of work before or after the school year; and

1696 (c) use the additional days of work to perform duties related to the IEP process,
1697 including:

- 1698 (i) administering student assessments;
- 1699 (ii) conducting IEP meetings;
- 1700 (iii) writing IEPs;
- 1701 (iv) conferring with parents; and
- 1702 (v) maintaining records and preparing reports.
- 1703 (5) A special educator may:
- 1704 (a) elect to receive a stipend for one to 10 days of additional work; or
- 1705 (b) elect to not receive a stipend.
- 1706 (6) A person who does not hold a full-time position as a special educator is eligible for
- 1707 a partial stipend equal to the percentage of a full-time special educator position the person
- 1708 assumes.

1709 Section 41. Section **53A-17a-159** is amended to read:

1710 **53A-17a-159. Utah Science Technology and Research Initiative Centers**

1711 **Program.**

1712 (1) (a) The Utah Science Technology and Research Initiative (USTAR) Centers
1713 Program is created to provide a financial incentive for [~~charter schools and school districts~~]
1714 local education boards to adopt programs in charter schools and school districts that result in a
1715 more efficient use of human resources and capital facilities.

1716 (b) The potential benefits of the program include:

1717 (i) increased compensation for math and science teachers by providing opportunities
1718 for an expanded contract year which will enhance school districts' and charter schools' ability to
1719 attract and retain talented and highly qualified math and science teachers;

1720 (ii) increased capacity of school buildings by using buildings more hours of the day or
1721 more days of the year, resulting in reduced capital facilities costs;

1722 (iii) decreased class sizes created by expanding the number of instructional
1723 opportunities in a year;

1724 (iv) opportunities for earlier high school graduation;

1725 (v) improved student college preparation;

1726 (vi) increased opportunities to offer additional remedial and advanced courses in math
1727 and science;

1728 (vii) opportunities to coordinate high school and post-secondary math and science

1729 education; and

1730 (viii) the creation or improvement of science, technology, engineering, and math
1731 centers (STEM Centers).

1732 (2) From money appropriated for the USTAR Centers Program, the State Board of
1733 Education shall award grants to [~~charter schools and school districts~~] local education boards to
1734 pay for costs related to the adoption and implementation of the program.

1735 (3) The State Board of Education shall:

1736 (a) solicit proposals from the State Charter School Board and [~~school districts~~] local
1737 school boards for the use of grant money to facilitate the adoption and implementation of the
1738 program; and

1739 (b) award grants on a competitive basis.

1740 (4) The State Charter School Board shall:

1741 (a) solicit proposals from charter [~~schools~~] school governing boards that may be
1742 interested in participating in the USTAR Centers Program;

1743 (b) prioritize [~~the charter school proposals and consolidate them~~] and consolidate the
1744 proposals into the equivalent of a single school district request; and

1745 (c) submit the consolidated request to the State Board of Education.

1746 (5) In selecting a grant recipient, the State Board of Education shall consider:

1747 (a) the degree to which a [~~charter school or school district's~~] local education board's
1748 proposed adoption and implementation of an extended year for math and science teachers
1749 achieves the benefits described in Subsection (1);

1750 (b) the unique circumstances of different urban, rural, large, small, growing, and
1751 declining charter schools and school districts; and

1752 (c) providing pilot programs in as many different school districts and charter schools as
1753 possible.

1754 (6) (a) Except as provided in Subsection (6)(b), a [~~school district or charter school~~]
1755 local education board may only use grant money to provide full year teacher contracts,
1756 part-time teacher contract extensions, or combinations of both, for math and science teachers.

1757 (b) Up to 5% of the grant money may be used to fund math and science field trips,
1758 textbooks, and supplies.

1759 (7) Participation in the USTAR Centers Program shall be:

- 1760 (a) voluntary for an individual teacher; and
- 1761 (b) voluntary for a charter school or school district.
- 1762 (8) The State Board of Education shall make an annual report during the 2009, 2010,
- 1763 and 2011 interims to the Public Education Appropriations Subcommittee describing the
- 1764 program's impact on students and its effectiveness at achieving the benefits described in
- 1765 Subsection (1).

1766 Section 42. Section **53A-17a-162** is amended to read:

1767 **53A-17a-162. Beverley Taylor Sorenson Elementary Arts Learning Program.**

1768 (1) As used in this section:

1769 (a) "Endowed chair" means a person who holds an endowed position or administrator
1770 of an endowed program for the purpose of arts and integrated arts instruction at an endowed
1771 university.

1772 (b) "Endowed university" means an institution of higher education in the state that:

1773 (i) awards elementary education degrees in arts instruction;

1774 (ii) has received a major philanthropic donation for the purpose of arts and integrated
1775 arts instruction; and

1776 (iii) has created an endowed position as a result of a donation described in Subsection
1777 (1)(b)(ii).

1778 (c) "Integrated arts advocate" means a person who:

1779 (i) advocates for arts and integrated arts instruction in the state; and

1780 (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed
1781 chair.

1782 [~~(d) "Local education agency" or "LEA" means:~~]

1783 [~~(i) a school district;~~]

1784 [~~(ii) a charter school; or~~]

1785 [~~(iii) the Utah Schools for the Deaf and the Blind.~~]

1786 (d) "Local education board" includes the Utah Schools for the Deaf and the Blind.

1787 (2) The Legislature finds that a strategic placement of arts in elementary education can
1788 impact the critical thinking of students in other core subject areas, including mathematics,
1789 reading, and science.

1790 (3) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to

1791 enhance the social, emotional, academic, and arts learning of students in kindergarten through
1792 grade six by integrating arts teaching and learning into core subject areas and providing
1793 professional development for positions that support elementary arts and integrated arts
1794 education.

1795 (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
1796 Learning Program, and subject to Subsection (5), the State Board of Education shall, after
1797 consulting with endowed chairs and the integrated arts advocate and receiving their
1798 recommendations, administer a grant program to enable [~~LEAs~~] a local education board to:

1799 (a) hire highly qualified arts specialists, art coordinators, and other positions that
1800 support arts education and arts integration;

1801 (b) provide up to \$10,000 in one-time funds for each new school arts specialist
1802 described under Subsection (4)(a) to purchase supplies and equipment; and

1803 (c) engage in other activities that improve the quantity and quality of integrated arts
1804 education.

1805 (5) (a) [~~An LEA~~] A local education board that receives a grant under Subsection (4)
1806 shall provide matching funds of no less than 20% of the grant amount, including no less than
1807 20% of the grant amount for actual salary and benefit costs per full-time equivalent position
1808 funded under Subsection (4)(a).

1809 (b) [~~An LEA~~] A local education board may not:

1810 (i) include administrative, facility, or capital costs to provide the matching funds
1811 required under Subsection (5)(a); or

1812 (ii) use funds from the Beverley Taylor Sorenson Elementary Arts Learning Program to
1813 supplant funds for existing programs.

1814 (6) [~~An LEA~~] A local education board that receives a grant under this section shall
1815 partner with an endowed chair to provide professional development in integrated elementary
1816 arts education.

1817 (7) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
1818 Learning Program, the State Board of Education shall administer a grant program to fund
1819 activities within arts and the integrated arts programs at an endowed university in the college
1820 where the endowed chair resides to:

1821 (a) provide high quality professional development in elementary integrated arts

1822 education in accordance with the professional learning standards in Section 53A-3-701 to
1823 [~~LEAs that receive~~] the beneficiary of a local education board that receives a grant under
1824 Subsection (4);

1825 (b) design and conduct research on:

1826 (i) elementary integrated arts education and instruction;

1827 (ii) implementation and evaluation of the Beverley Taylor Sorenson Elementary Arts
1828 Learning Program; and

1829 (iii) effectiveness of the professional development under Subsection (7)(a); and

1830 (c) provide the public with integrated elementary arts education resources.

1831 (8) The State Board of Education shall:

1832 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1833 Rulemaking Act, to administer the Beverley Taylor Sorenson Elementary Arts Learning
1834 Program; and

1835 (b) after consultation with endowed chairs and the integrated arts advocate, submit an
1836 annual written report to the Education Interim Committee describing the program's impact on
1837 students in kindergarten through grade six.

1838 Section 43. Section 53A-17a-163 is amended to read:

1839 **53A-17a-163. Performance-based Compensation Pilot Program.**

1840 (1) The Performance-based Compensation Pilot Program is created to pilot the
1841 development and implementation of performance-based compensation plans for elementary
1842 school classroom-related staff.

1843 (2) From money appropriated by the Legislature for the Performance-based
1844 Compensation Pilot Program, the State Board of Education shall award grants to [~~school~~
1845 ~~districts and charter schools~~] local education boards to develop and implement
1846 performance-based compensation plans for elementary school classroom-related staff.

1847 (3) The State Board of Education shall:

1848 (a) solicit proposals from [~~school districts and charter schools~~] local education boards
1849 for the use of grant money to develop and implement performance-based compensation plans
1850 for elementary school classroom-related staff; and

1851 (b) award grants on a competitive basis.

1852 (4) To receive a grant, a [~~school district or charter school~~] local education board shall

1853 submit a proposal to the State Board of Education for a school district or charter school to
1854 develop and implement a performance-based compensation plan over a two-year period as
1855 follows:

1856 (a) In the first year, the school district or charter school shall develop, administer, and
1857 evaluate performance measures.

1858 (b) In the second year, the school district or charter school shall administer
1859 performance measures and compensate classroom-related staff based on performance.

1860 (c) A performance-based compensation plan shall provide that:

1861 (i) student learning gains shall account for 40% of the maximum amount of
1862 performance-based compensation that may be awarded to an employee;

1863 (ii) an employee's instructional quality or performance as measured by classroom
1864 observations or other instruments shall account for 40% of the maximum amount of
1865 performance-based compensation that may be awarded to an employee; and

1866 (iii) the remaining 20% of the maximum amount that may be awarded to an employee
1867 shall include a measure of parent, student, or community satisfaction.

1868 (d) A proposal shall include a budget and specify the amount of grant money requested.

1869 (e) A [~~school district's proposal~~] local school board's proposal for the school district
1870 may apply to one or more elementary schools within the district.

1871 Section 44. Section **53A-17a-164** is amended to read:

1872 **53A-17a-164. Board local levy -- State guarantee.**

1873 (1) Subject to the other requirements of this section, for a calendar year beginning on
1874 or after January 1, 2012, a local school board may levy a tax to fund the school district's
1875 general fund.

1876 (2) (a) Except as provided in Subsection (2)(b), a tax rate imposed by a [~~school district~~]
1877 local school board pursuant to this section may not exceed .0018 per dollar of taxable value in
1878 any calendar year.

1879 (b) A tax rate imposed by a [~~school district~~] local school board pursuant to this section
1880 may not exceed .0025 per dollar of taxable value in any calendar year if, during the calendar
1881 year beginning on January 1, 2011, the school district's combined tax rate for the following
1882 levies was greater than .0018 per dollar of taxable value:

1883 (i) a recreation levy imposed under Section [11-2-7](#);

- 1884 (ii) a transportation levy imposed under Section 53A-17a-127;
- 1885 (iii) a board-authorized levy imposed under Section 53A-17a-134;
- 1886 (iv) an impact aid levy imposed under Section 53A-17a-143;
- 1887 (v) the portion of a 10% of basic levy imposed under Section 53A-17a-145 that is
- 1888 budgeted for purposes other than capital outlay or debt service;
- 1889 (vi) a reading levy imposed under Section 53A-17a-151; and
- 1890 (vii) a tort liability levy imposed under Section 63G-7-704.
- 1891 (3) (a) In addition to the revenue a school district collects from the imposition of a levy
- 1892 pursuant to this section, the state shall contribute an amount sufficient to guarantee that each
- 1893 .0001 of the first .0004 per dollar of taxable value generates an amount equal to the state
- 1894 guarantee per weighted pupil unit described in Subsection 53A-17a-133(4).
- 1895 (b) (i) The amount of state guarantee money to which a [~~school district~~] local school
- 1896 board would otherwise be entitled to under this Subsection (3) may not be reduced for the sole
- 1897 reason that the [~~district's~~] local school board's levy is reduced as a consequence of changes in
- 1898 the certified tax rate under Section 59-2-924 pursuant to changes in property valuation.
- 1899 (ii) Subsection (3)(b)(i) applies for a period of five years following any changes in the
- 1900 certified tax rate.
- 1901 (4) A [~~school district~~] local school board that imposes a board local levy in the
- 1902 calendar year beginning on January 1, 2012, is exempt from the public notice and hearing
- 1903 requirements of Section 59-2-919 if the [~~school district~~] local school board budgets an amount
- 1904 of ad valorem property tax revenue equal to or less than the sum of the following amounts:
- 1905 (a) the amount of revenue generated during the calendar year beginning on January 1,
- 1906 2011, from the sum of the following levies [~~of a school district~~] imposed by a local school
- 1907 board:
- 1908 (i) a recreation levy imposed under Section 11-2-7;
- 1909 (ii) a transportation levy imposed under Section 53A-17a-127;
- 1910 (iii) a board-authorized levy imposed under Section 53A-17a-134;
- 1911 (iv) an impact aid levy imposed under Section 53A-17a-143;
- 1912 (v) the portion of a 10% of basic levy imposed under Section 53A-17a-145 that is
- 1913 budgeted for purposes other than capital outlay or debt service;
- 1914 (vi) a reading levy imposed under Section 53A-17a-151; and

1915 (vii) a tort liability levy imposed under Section 63G-7-704; and
1916 (b) revenue from new growth as defined in Subsection 59-2-924(4)(c).
1917 Section 45. Section 53A-17a-165 is amended to read:
1918 **53A-17a-165. Enhancement for Accelerated Students Program.**
1919 (1) As used in this section, "eligible low-income student" means a student who:
1920 (a) takes an Advanced Placement test;
1921 (b) has applied for an Advanced Placement test fee reduction; and
1922 (c) qualifies for a free lunch or a lunch provided at reduced cost.
1923 (2) The State Board of Education shall distribute money appropriated for the
1924 Enhancement for Accelerated Students Program to ~~[school districts and charter schools]~~ local
1925 education boards according to a formula adopted by the State Board of Education, after
1926 consultation with ~~[school districts and charter schools]~~ local education boards.
1927 (3) A distribution formula adopted under Subsection (2) may include an allocation of
1928 money for:
1929 (a) Advanced Placement courses;
1930 (b) Advanced Placement test fees of eligible low-income students;
1931 (c) gifted and talented programs, including professional development for teachers of
1932 high ability students; and
1933 (d) International Baccalaureate programs.
1934 (4) The greater of 1.5% or \$100,000 of the appropriation for the Enhancement for
1935 Accelerated Students Program may be allowed for International Baccalaureate programs.
1936 (5) A ~~[school district or charter school]~~ local education board shall use money
1937 distributed under this section to enhance the academic growth of students whose academic
1938 achievement is accelerated.
1939 (6) (a) The State Board of Education shall develop performance criteria to measure the
1940 effectiveness of the Enhancement for Accelerated Students Program and make an annual report
1941 to the Public Education Appropriations Subcommittee on the effectiveness of the program.
1942 (b) In the report required by Subsection (6)(a), the State Board of Education shall
1943 include data showing the use and impact of money allocated for Advanced Placement test fees
1944 of eligible low-income students.
1945 Section 46. Section 53A-17a-166 is amended to read:

1946 **53A-17a-166. Enhancement for At-Risk Students Program.**

1947 (1) (a) Subject to the requirements of Subsection (1)(b), the State Board of Education
1948 shall distribute money appropriated for the Enhancement for At-Risk Students Program to
1949 ~~[school districts and charter schools]~~ local education boards according to a formula adopted by
1950 the State Board of Education, after consultation with ~~[school districts and charter schools]~~ local
1951 education boards.

1952 (b) (i) The State Board of Education shall appropriate \$1,200,000 from the
1953 appropriation for Enhancement for At-Risk Students for a gang prevention and intervention
1954 program designed to help students at-risk for gang involvement stay in school.

1955 (ii) Money for the gang prevention and intervention program shall be distributed to
1956 ~~[school districts and charter schools]~~ local education boards through a request for proposals
1957 process.

1958 (2) In establishing a distribution formula under Subsection (1)(a), the State Board of
1959 Education shall use the following criteria:

- 1960 (a) low performance on U-PASS tests;
- 1961 (b) poverty;
- 1962 (c) mobility; and
- 1963 (d) limited English proficiency.

1964 (3) A ~~[school district or charter school]~~ local education board shall use money
1965 distributed under this section to improve the academic achievement of students who are at risk
1966 of academic failure.

1967 (4) The State Board of Education shall develop performance criteria to measure the
1968 effectiveness of the Enhancement for At-Risk Students Program and make an annual report to
1969 the Public Education Appropriations Subcommittee on the effectiveness of the program.

1970 Section 47. Section **53A-17a-167** is amended to read:

1971 **53A-17a-167. Early intervention program -- Enhanced kindergarten program --**
1972 **Educational technology.**

1973 (1) The State Board of Education shall, as described in Subsection (4), distribute funds
1974 appropriated under this section for an enhanced kindergarten program described in Subsection
1975 (2), to ~~[school districts and charter schools]~~ local education boards that apply for the funds.

1976 (2) A ~~[school district or charter school]~~ local education board shall use funds

1977 appropriated in this section for a school district or charter school to offer an early intervention
1978 program, delivered through an enhanced kindergarten program that:

1979 (a) is an academic program focused on building age-appropriate literacy and numeracy
1980 skills;

1981 (b) uses an evidence-based early intervention model;

1982 (c) is targeted to at-risk students; and

1983 (d) is delivered through additional hours or other means.

1984 (3) A school district or charter school may not require a student to participate in an
1985 enhanced kindergarten program described in Subsection (2).

1986 (4) The State Board of Education shall distribute funds appropriated under this section
1987 for an enhanced kindergarten program described in Subsection (2) as follows:

1988 (a) (i) the total allocation for charter [~~schools~~] school governing boards shall be
1989 calculated by:

1990 (A) dividing the number of charter school students by the total number of students in
1991 the public education system in the prior school year; and

1992 (B) multiplying the resulting percentage by the total amount of available funds; and

1993 (ii) the amount calculated under Subsection (4)(a) shall be distributed to charter school
1994 governing boards of charter schools with the greatest need for an enhanced kindergarten
1995 program, as determined by the State Board of Education in consultation with the State Charter
1996 School Board;

1997 (b) each [~~school district~~] local school board shall receive the amount calculated by:

1998 (i) multiplying the value of the weighted pupil unit by 0.45; and

1999 (ii) multiplying the result by 20; and

2000 (c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b)
2001 are made, shall be distributed to applicant [~~school districts~~] local school boards by:

2002 (i) determining the number of students eligible to receive free lunch in the prior school
2003 year for each school district; and

2004 (ii) prorating the remaining funds based on the number of students eligible to receive
2005 free lunch in each school district.

2006 (5) In addition to an enhanced kindergarten program described in Subsection (2), the
2007 early intervention program includes a component to address early reading through the use of

2008 early interactive reading software.

2009 (6) (a) Subject to legislative appropriations, the State Board of Education shall select
2010 and contract with one or more technology providers, through a request for proposals process, to
2011 provide early interactive reading software for literacy instruction and assessments for students
2012 in kindergarten through grade 3.

2013 (b) By August 1 of each year, the State Board of Education shall distribute licenses for
2014 early interactive reading software described in Subsection (6)(a) to the school districts and
2015 charter schools of local education boards that apply for the licenses.

2016 (c) Except as provided in Subsection (7)(c), a school district or charter school that
2017 received a license described in Subsection (6)(b) during the prior year shall be given first
2018 priority to receive an equivalent license during the current year.

2019 (d) Licenses distributed to school districts and charter schools in addition to the
2020 licenses described in Subsection (6)(c) shall be distributed through a competitive process.

2021 (7) (a) As used in this Subsection (7), "dosage" means amount of instructional time.

2022 (b) A public school that receives a license described in Subsection (6)(b) shall use the
2023 license:

2024 (i) for a student in kindergarten or grade 1:

2025 (A) for intervention for the student if the student is reading below grade level; or

2026 (B) for advancement beyond grade level for the student if the student is reading at or
2027 above grade level;

2028 (ii) for a student in grade 2 or 3, for intervention for the student if the student is reading
2029 below grade level; and

2030 (iii) in accordance with the technology provider's dosage recommendations.

2031 (c) A public school that does not use the early interactive reading software in
2032 accordance with the technology provider's dosage recommendations for two consecutive years
2033 may not continue to receive a license.

2034 (8) (a) On or before August 1 of each year, the State Board of Education shall select
2035 and contract with an independent evaluator, through a request for proposals process, to act as
2036 an independent contractor to evaluate early interactive reading software provided under this
2037 section.

2038 (b) The State Board of Education shall ensure that a contract with an independent

2039 evaluator requires the independent evaluator to:

2040 (i) evaluate a student's learning gains as a result of using early interactive reading
2041 software provided under Subsection (6);

2042 (ii) for the evaluation under Subsection (8)(b)(i), use an assessment that is not
2043 developed by a provider of early interactive reading software; and

2044 (iii) determine the extent to which a public school uses the early interactive reading
2045 software in accordance with a technology provider's dosage recommendations under
2046 Subsection (7).

2047 (c) The State Board of Education and the independent evaluator selected under
2048 Subsection (8)(a) shall report annually on the results of the evaluation to the Education Interim
2049 Committee and the governor.

2050 (d) The State Board of Education may use up to 4% of the appropriation provided
2051 under Subsection (6)(a) to contract with an independent evaluator selected under Subsection
2052 (8)(a).

2053 Section 48. Section **53A-17a-170** is amended to read:

2054 **53A-17a-170. Grants for field trips to the State Capitol.**

2055 (1) The State Board of Education may award grants to local education boards for
2056 school districts and charter schools to take students on field trips to the State Capitol.

2057 (2) Grant money may be used to pay for transportation expenses related to a field trip
2058 to the State Capitol.

2059 (3) The State Board of Education shall make rules:

2060 (a) establishing procedures for applying for and awarding grants; and

2061 (b) specifying how grant money shall be allocated among [~~school districts and charter~~
2062 ~~schools~~] local education boards.

2063 Section 49. Section **53A-17a-171** is amended to read:

2064 **53A-17a-171. Intergenerational Poverty Interventions Grant Program --**
2065 **Definitions -- Grant requirements -- Reporting requirements.**

2066 (1) As used in this section:

2067 (a) "Board" means the State Board of Education.

2068 (b) "Eligible student" means a student who is classified as a child affected by
2069 intergenerational poverty.

2070 (c) "Intergenerational poverty" has the same meaning as in Section 35A-9-102.

2071 (d) [~~"Local Education Agency" or "LEA"~~] "Local School Entity" or "LSE" means a
2072 school district or charter school.

2073 (e) "Program" means the Intergenerational Poverty Interventions Grant Program
2074 created in Subsection (2).

2075 (2) The Intergenerational Poverty Interventions Grant Program is created to provide
2076 grants to [~~eligible LEAs~~] local education boards to fund additional educational opportunities at
2077 eligible LSEs, for eligible students, outside of the regular school day offerings.

2078 (3) Subject to future budget constraints, the board shall distribute to [~~LEAs~~] local
2079 education boards money appropriated for the program in accordance with this section.

2080 (4) The board shall:

2081 (a) solicit proposals from [~~LEAs~~] local education boards to receive money under the
2082 program; and

2083 (b) award grants to [~~LEAs~~] local education boards based on criteria described in
2084 Subsection (5).

2085 (5) In awarding a grant under Subsection (4), the board shall consider:

2086 (a) the percentage of an [~~LEA's~~] LSE's students that are classified as children affected
2087 by intergenerational poverty;

2088 (b) the level of administrative support and leadership at an eligible [~~LEA~~] LSE to
2089 effectively implement, monitor, and evaluate the program; and

2090 (c) an [~~LEA's~~] LSE's commitment and ability to work with the Department of
2091 Workforce Services, the Department of Health, the Department of Human Services, and the
2092 juvenile courts to provide services to the [~~LEA's~~] LSE's eligible students.

2093 (6) To receive a grant under the program, [~~an LEA~~] a local education board shall
2094 submit a proposal to the board detailing:

2095 (a) the [~~LEA's~~] LSE's strategy to implement the program, including the [~~LEA's~~] LSE's
2096 strategy to improve the academic achievement of children affected by intergenerational
2097 poverty;

2098 (b) the [~~LEA's~~] LSE's strategy for coordinating with and engaging the Department of
2099 Workforce Services to provide services for the [~~LEA's~~] LSE's eligible students;

2100 (c) the number of students the [~~LEA~~] LSE plans to serve, categorized by age and

2101 intergenerational poverty status;

2102 (d) the number of students, eligible students, and schools the [~~LEA~~] LSE plans to fund
2103 with the grant money; and

2104 (e) the estimated cost per student.

2105 (7) (a) The board shall annually report to the Legislature's Education Interim
2106 Committee and the Utah Intergenerational Welfare Reform Commission, created in Section
2107 [35A-9-301](#), by November 30 of each year:

2108 (i) the progress of [~~LEA~~] LSE programs using grant money;

2109 (ii) the progress of [~~LEA~~] LSE programs in improving the academic achievement of
2110 children affected by intergenerational poverty; and

2111 (iii) the [~~LEA's~~] LSE's coordination efforts with the Department of Workforce
2112 Services, the Department of Health, the Department of Human Services, and the juvenile
2113 courts.

2114 (b) [~~LEAs that receive~~] A local education board that receives grant money pursuant to
2115 this section shall provide to the board information that is necessary for the board's report to the
2116 Legislature's Education Interim Committee and the Utah Intergenerational Welfare Reform
2117 Commission as required in Subsection (7)(a).

2118 Section 50. Section ~~53A-17a-172~~ is amended to read:

2119 **53A-17a-172. Use of minimum school program funds for dropout recovery**
2120 **services.**

2121 (1) As used in this section:

2122 (a) "Adequate monthly progress" means:

2123 (i) an amount of progress that is measurable on a monthly basis and that, if continued
2124 for a full school year, would result in the same amount of academic credit being awarded to an
2125 eligible student as would be awarded to a regularly enrolled full-time student during a school
2126 year; or

2127 (ii) completion of one-quarter credit of college and career readiness course work.

2128 (b) "Attainment goal" means:

2129 (i) for an eligible student up to 18 years of age:

2130 (A) earning a high school diploma;

2131 (B) earning a Utah High School Completion Diploma, as defined in State Board of

2132 Education rule; or

2133 (C) earning an industry-based certificate that is likely to result in job placement; or

2134 (ii) for an eligible student over 18 years of age, earning a high school diploma as

2135 required under Section 53A-12-101.

2136 (c) "Average daily membership" means the same as that term is defined in Section

2137 53A-17a-103.

2138 (d) "Cohort" means a group of students, defined by the year the group enters ninth

2139 grade.

2140 (e) "College and career readiness course work" means course work that prepares a

2141 student to succeed in a:

2142 (i) post-secondary environment, such as course work designed to teach time

2143 management skills and study skills; and

2144 (ii) work environment, such as:

2145 (A) career and technical education courses;

2146 (B) career exploration and planning courses;

2147 (C) course work designed to teach the soft skills that are necessary to succeed in a

2148 work environment; and

2149 (D) course work designed to prepare a student to pass an industry based certification

2150 exam.

2151 (f) "Eligible student" means a student:

2152 (i) who has withdrawn from a secondary school prior to earning a diploma with no

2153 legitimate reason for departure or absence from school;

2154 (ii) who has been dropped from average daily membership for having a certain number

2155 of unexcused absences as described in rules established by the State Board of Education; and

2156 (iii) (A) whose cohort has not yet graduated; or

2157 (B) whose cohort graduated in the previous school year.

2158 (g) (i) [~~"Local education agency" or "LEA"~~] "Local school entity" or "LSE" means a

2159 school district or charter school.

2160 (ii) [~~"Local education agency" or "LEA"~~] "Local school entity" or "LSE" does not

2161 include:

2162 (A) an alternative school as defined in Section 53A-1-1102; or

- 2163 (B) a statewide virtual school.
- 2164 (2) (a) [~~LEA~~] A local education board shall provide a dropout recovery program for
2165 eligible students that includes the following dropout recovery services:
- 2166 (i) recruiting eligible students;
- 2167 (ii) working with an eligible student to identify and mitigate social barriers to regular
2168 school attendance;
- 2169 (iii) developing a learning plan, in consultation with the eligible student to:
- 2170 (A) identify an attainment goal; and
- 2171 (B) specify adequate monthly progress toward the attainment goal;
- 2172 (iv) monitoring an eligible student's progress against the eligible student's learning
2173 plan;
- 2174 (v) providing tiered interventions for an eligible student who is not making adequate
2175 monthly progress; and
- 2176 (vi) providing dropout recovery services to eligible students throughout the calendar
2177 year.
- 2178 (b) An [~~LEA~~] LSE shall allow an eligible student to enroll in a dropout recovery
2179 program under Subsection (2)(a) at any point during the calendar year.
- 2180 (3) An [~~LEA~~] LSE that does not meet the criteria described in Subsections (4)(a) and
2181 (b) may contract with a provider to provide one or more of the dropout recovery services
2182 described in Subsection (2)(a).
- 2183 (4) An [~~LEA~~] LSE shall contract with a provider to provide the dropout recovery
2184 services described in Subsection (2)(a) if:
- 2185 (a) the [~~LEA~~] LSE has a graduation rate that is lower than the statewide graduation
2186 rate, as annually calculated by the State Board of Education; and
- 2187 (b) (i) on average over the previous calendar year, at least 10% of the eligible students
2188 in the [~~LEA~~] LSE have not made adequate monthly progress toward an attainment goal; or
- 2189 (ii) the [~~LEA's~~] LSE's graduation rate, as calculated annually by the State Board of
2190 Education, has not increased by at least 1% as compared to the previous school year.
- 2191 (5) An [~~LEA~~] LSE described in Subsection (4) shall ensure that:
- 2192 (a) a provider that is contracted with under Subsection (4) has a demonstrated record of
2193 effectiveness engaging with and recovering eligible students; and

2194 (b) a contract with a provider requires the provider to:
2195 (i) provide the services described in Subsection (2)(a); and
2196 (ii) regularly report an eligible student's progress to the ~~[LEA]~~ LSE.
2197 (6) (a) Subject to Subsection (6)(b), an ~~[LEA]~~ LSE may count a student who was
2198 classified as an eligible student during a previous school year in average daily membership for
2199 the current school year if the eligible student is enrolled in a dropout recovery services program
2200 under Subsection (2)(a) during the current school year.
2201 (b) An ~~[LEA]~~ LSE may count a student in average daily membership under Subsection
2202 (6)(a):
2203 (i) for a month during which the student makes adequate monthly progress, calculated
2204 in accordance with rules established by the State Board of Education under Subsection (7)(a);
2205 and
2206 (ii) if a student re-enrolls in an ~~[LEA]~~ LSE or statewide course or program, in
2207 accordance with the pupil accounting provisions under Section [53A-17a-106](#) and State Board
2208 of Education rule.
2209 (7) The State Board of Education shall:
2210 (a) make rules specifying procedures for calculating average daily membership under
2211 Subsection (6)(b)(i); and
2212 (b) ensure that the amount accounted for under Subsection (6):
2213 (i) does not exceed one pupil in average daily membership per student;
2214 (ii) includes only the value of the kindergarten through grade 12 weighted pupil unit;
2215 and
2216 (iii) excludes add-on weighted pupil units.
2217 (8) ~~[An LEA]~~ A local education board shall annually submit a report to the State Board
2218 of Education on dropout recovery services provided under this section, including:
2219 (a) the number of eligible students:
2220 (i) in the ~~[LEA]~~ LSE;
2221 (ii) enrolled in a dropout recovery program under Subsection (2)(a);
2222 (iii) making adequate monthly progress toward an attainment goal; and
2223 (iv) counted in average daily membership under Subsections (6)(b)(i) and (ii); and
2224 (b) funding allocated to provide for a dropout recovery program as described in

2225 Subsection (2).

2226 (9) The State Board of Education shall:

2227 (a) review reports submitted under Subsection (8);

2228 (b) ensure that an [~~LEA~~] LSE described in Subsection (4) contracts with a provider to
2229 provide dropout recovery services in accordance with Subsections (4) and (5); and

2230 (c) annually report to the Education Interim Committee on the provisions of this
2231 section.

2232 Section 51. Section **63J-1-220** is amended to read:

2233 **63J-1-220. Reporting related to pass through money distributed by state**
2234 **agencies.**

2235 (1) As used in this section:

2236 (a) "Local government entity" means a county, municipality, school district, local
2237 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special
2238 service district under Title 17D, Chapter 1, Special Service District Act, or any other political
2239 subdivision of the state.

2240 (b) (i) "Pass through funding" means money appropriated by the Legislature to a state
2241 agency that is intended to be passed through the state agency to one or more:

2242 (A) local government entities;

2243 (B) private organizations, including not-for-profit organizations; or

2244 (C) persons in the form of a loan or grant.

2245 (ii) "Pass through funding" may be:

2246 (A) general funds, dedicated credits, or any combination of state funding sources; and

2247 (B) ongoing or one-time.

2248 (c) "Recipient entity" means a local government entity or private entity, including a
2249 nonprofit entity, that receives money by way of pass through funding from a state agency.

2250 (d) "State agency" means a department, commission, board, council, agency,
2251 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
2252 unit, bureau, panel, or other administrative unit of the executive branch of the state.

2253 (e) (i) "State money" means money that is owned, held, or administered by a state
2254 agency and derived from state fees or tax revenues.

2255 (ii) "State money" does not include contributions or donations received by a state

2256 agency.

2257 (2) A state agency may not provide a recipient entity state money through pass through

2258 funding unless:

2259 (a) the state agency enters into a written agreement with the recipient entity; and

2260 (b) the written agreement described in Subsection (2)(a) requires the recipient entity to

2261 provide the state agency:

2262 (i) a written description and an itemized report at least annually detailing the

2263 expenditure of the state money, or the intended expenditure of any state money that has not

2264 been spent; and

2265 (ii) a final written itemized report when all the state money is spent.

2266 (3) A state agency shall provide to the Governor's Office of Management and Budget a

2267 copy of a written description or itemized report received by the state agency under Subsection

2268 (2).

2269 (4) Notwithstanding Subsection (2), a state agency is not required to comply with this

2270 section to the extent that the pass through funding is issued:

2271 (a) under a competitive award process;

2272 (b) in accordance with a formula enacted in statute;

2273 (c) in accordance with a state program under parameters in statute or rule that guides

2274 the distribution of the pass through funding; or

2275 (d) under the authority of the minimum school program, as defined in Subsection

2276 [53A-17a-103](#)~~(4)~~(7)(e).

Legislative Review Note
Office of Legislative Research and General Counsel