



PUBLIC EDUCATION SUMMARY OF INTENT LANGUAGE

PUBLIC EDUCATION APPROPRIATIONS SUBCOMMITTEE
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ISSUE BRIEF

SUMMARY

Each year, the Legislature may include intent language in one of the many appropriations acts. This brief provides a summary of proposed intent language for inclusion in the final education budget bill. All proposed intent language will be reviewed by legislative counsel prior to inclusion in a bill.

PROPOSED INTENT LANGUAGE

Minimum School Program

USDB Transportation Costs

The Legislature intends that the State Board of Education allocate \$3,200,000 from the appropriation for "To and From School – Pupil Transportation" to support transportation costs at the Utah Schools for the Deaf and the Blind.

Note: The subcommittee must determine the funding amount to include in this intent statement. This issue is discussed in the Budget Brief titled "Minimum School Program – Related to Basic School Program" behind Tab 4.

FY 2015 Charter School Enrollment

The Legislature intends that the enrollment in charter schools in the 2014-15 school year may increase up to 7,650 students over the projected enrollment of 56,927 in the 2013-14 school year.

Note: This is the same language included in Senate Bill 2, "Public Education Budget Amendments" (2012 GS). The numbers have been updated to reflect current estimates.

Prior-Year Plus Growth – Charter Schools

The Legislature intends that the State Board of Education develop a plan to transition charter schools to the same "prior-year plus growth" method used for school districts or recommend statutory changes to the Legislature if an alternate funding formula is necessary or desired. The State Board of Education shall report the details of this plan to the Public Education Appropriations Subcommittee by October 1, 2013.

Distribution of Flexible Allocation Funding

The Legislature intends that the appropriation for the Flexible Allocation – WPU Distribution program be distributed to school districts and charter schools on the basis of the number of weighted pupil units in a school district or charter school compared to the total number of weighted pupil units and that the State Board of Education provide for the reporting of school districts' and charter schools' expenditures of the program money.

Note: This is the same language passed in House Bill 2, "Minimum School Program and Public Education Budget Amendments" (2011 GS). Intent language governing the distribution of funding in the Flexible Allocation program was not included in a 2012 General Session bill.

Education AgenciesStatewide Online Education Program – 3rd Year Expansion

The Legislature intends that \$200,000 of the appropriation provided under this section to USOE – Business Services be used for the payment of online courses taken by a private school or home school student pursuant to Title 53A, Chapter 15, Part 12, Statewide Online Education Program Act, except for the online courses taken by a private schools or home school student who is participating in the Statewide Online Education Program as a dual enrolled student and is counted in average daily membership.

Note: This intent statement is tied to and item on the document titled “Public Education Appropriations Subcommittee: 2013 General Session Budget Priorities - Ongoing Requests for New Funding – Unranked” and dated Thursday, February 21, 2013. If this funding item is not approved by the Legislature, this intent language will not be included in the appropriations act.

Education Contracts

The Legislature intends that the USOE address the notional cost differentials per inmate at the state prisons in comparison with county jails and assess whether any potential savings exit.

USOE Initiatives – Contracts and Grants

The Legislature intends that the USOE develop quantifiable performance measures associated with the programs contained in the USOE – Initiatives line item. The performance measures should directly tie the achievements of the various programs to the incurred costs.

Child Nutrition

The Legislature intends that the USOE develop quantifiable performance measures associated with the activities of the Child Nutrition line item. The performance measures should directly tie the achievements of the various programs to the incurred costs.

Utah Schools for the Deaf and Blind

The Legislature intends that the USDB develop quantifiable performance measures associated with the programs within the USDB line item. The performance measures should directly tie the achievements of the various programs to the incurred costs.

The Legislature intends that the USDB, in working with the public education fiscal analyst, study its pupil transportation contract and report to the Public Education Appropriations Subcommittee before the November 2012 Interim on whether the most cost effective method of transportation is being used.

Intent Language Guidelines

The use of intent language in appropriations acts must observe to the following rules.

- Appropriations intent statements must relate to a specific appropriation line-item or program. They cannot be general statements of legislative intent or direction.
- Appropriations intent statements cannot amend existing laws, enact new laws, repeal laws, or modify existing laws.
- Appropriations intent statements generally do one of the following:
 - Specify the use of a specific appropriation

Example: “The Legislature intends that up to \$250,000 of the appropriation to the State Office of Education – Teaching and Learning division be spent on statewide teacher professional development activities.”
 - Specify that certain appropriated funds are nonlapsing

Example: “The Legislature intends that funds provided for teacher professional development shall not lapse.” Nonlapsing intent language is used less frequently in the public education budget because nonlapsing language is already included in statute. Utah Code states that “money appropriated to the State Board of Education is nonlapsing” (53A-17a-105(6)) and (63J-1-602.3(7)).
 - Restrict or dictate the use of nonlapsing funds

Example: “The Legislature intends that funds for the State Charter School Board not lapse and those funds shall be used to develop an online financial reporting tool.”
 - Authorize or direct the expenditure of contingent revenues

Example: “The Legislature intends that the State Board of Education may increase teacher professional development opportunities if funding is provided through increased federal aid.”
 - Direct and agency or department of state government to conduct a study

Example: “The Legislature intends that the State Board of Education develop a comprehensive performance measurement plan for the Minimum School Program.”
 - Direct the Office of the Legislative Fiscal Analyst to perform a study

Example: “The Legislature intends that the Fiscal Analyst conduct an in-depth budget review of the Utah State Office of Education – Educator Licensing Division.”
 - Approve the number of full-time employees of an internal service fund agency

Example: “The Legislature intends that the USOE – Indirect Cost Pool be allowed to add 2 FTEs beyond the 8 FTE previously authorized.”