

Effective 5/12/2015

Superseded 7/1/2016

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

- (1) For purposes of this section:
 - (a) "Board" means the State Board of Education.
 - (b) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C. Sec. 6301 et seq.
 - (c) "LEA" means:
 - (i) a school district; or
 - (ii) a charter school.
 - (d) "Program" means a program or allocation funded by a line item appropriation or other appropriation designated as:
 - (i) Basic Program;
 - (ii) Related to Basic Programs;
 - (iii) Voted and Board Levy Programs; or
 - (iv) Minimum School Program.
- (2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units in a program is underestimated, the board shall reduce the value of the weighted pupil unit in that program so that the total amount paid for the program does not exceed the amount appropriated for the program.
- (3) If the number of weighted pupil units in a program is overestimated, the board shall spend excess money appropriated for the following purposes giving priority to the purpose described in Subsection (3)(a):
 - (a) to support the value of the weighted pupil unit in a program within the basic state-supported school program in which the number of weighted pupil units is underestimated;
 - (b) to support the state guarantee per weighted pupil unit provided under the voted local levy program established in Section 53A-17a-133 or the board local levy program established in Section 53A-17a-164, if:
 - (i) local contributions to the voted local levy program or board local levy program are overestimated; or
 - (ii) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated;
 - (c) to support the state supplement to local property taxes allocated to charter schools, if the state supplement is less than the amount prescribed by Subsection 53A-1a-513(4); or
 - (d) to support a school district with a loss in student enrollment as provided in Section 53A-17a-139.
- (4) If local contributions from the minimum basic tax rate imposed under Section 53A-17a-135 are overestimated, the board shall reduce the value of the weighted pupil unit for all programs within the basic state-supported school program so the total state contribution to the basic state-supported school program does not exceed the amount of state funds appropriated.
- (5) If local contributions from the minimum basic tax rate imposed under Section 53A-17a-135 are underestimated, the board shall:
 - (a) spend the excess local contributions for the purposes specified in Subsection (3), giving priority to supporting the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated; and
 - (b) reduce the state contribution to the basic state-supported school program so the total cost of the basic state-supported school program does not exceed the total state and local

funds appropriated to the basic state-supported school program plus the local contributions necessary to support the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated.

- (6) Except as provided in Subsection (3) or (5), the board shall reduce the guarantee per weighted pupil unit provided under the voted local levy program established in Section 53A-17a-133 or board local levy program established in Section 53A-17a-164, if:
 - (a) local contributions to the voted local levy program or board local levy program are overestimated; or
 - (b) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated.
- (7)
 - (a) The board may use program funds as described in Subsection (7)(b) if:
 - (i) the state loses flexibility due to the U.S. Department of Education's rejection of the state's renewal application for flexibility under the ESEA; and
 - (ii) the state is required to fully implement the requirements of Title I of the ESEA, as amended by the No Child Left Behind Act of 2001.
 - (b) Subject to the requirements of Subsections (7)(a) and (c), for fiscal year 2016, after any transfers or adjustments described in Subsections (2) through (6) are made, the board may use up to \$15,000,000 of excess money appropriated to a program, remaining at the end of fiscal year 2015, to mitigate a budgetary impact to an LEA due to the LEA's loss of flexibility related to implementing the requirements of Title I of the ESEA, as amended by the No Child Left Behind Act of 2001.
 - (c) In addition to the reporting requirement described in Subsection (9), the board shall report actions taken by the board under this Subsection (7) to the Executive Appropriations Committee.
- (8) Money appropriated to the board is nonlapsing.
- (9) The board shall report actions taken by the board under this section to the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and Budget.