

1                   **MINIMUM SCHOOL PROGRAM ACT AMENDMENTS**

2                                   1999 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Sponsor: Nora B. Stephens**

5 AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING FOR STATE AND LOCAL  
6 FUNDING OF THE MINIMUM SCHOOL PROGRAM ACT; PROVIDING A CEILING FOR  
7 THE STATE CONTRIBUTION OF THE MAINTENANCE AND OPERATION PORTION OF  
8 THE ACT NOT TO EXCEED \$1,439,215,683; ESTABLISHING THE VALUE OF THE  
9 WEIGHTED PUPIL UNIT AT \$1,901; ESTABLISHING DISTRIBUTION FORMULAS;  
10 PROVIDING A \$29,358,000 APPROPRIATION FOR SCHOOL BUILDING AID; PROVIDING  
11 \$2,200,000 IN ONE-TIME APPROPRIATIONS; AND PROVIDING AN EFFECTIVE DATE.

12 This act affects sections of Utah Code Annotated 1953 as follows:

13 AMENDS:

14           **53A-16-107**, as enacted by Chapter 2, Laws of Utah 1988

15           **53A-17a-103**, as last amended by Chapter 234, Laws of Utah 1998

16           **53A-17a-104**, as last amended by Chapter 234, Laws of Utah 1998

17           **53A-17a-111**, as last amended by Chapter 234, Laws of Utah 1998

18           **53A-17a-112**, as last amended by Chapter 234, Laws of Utah 1998

19           **53A-17a-113**, as last amended by Chapter 234, Laws of Utah 1998

20           **53A-17a-116**, as last amended by Chapter 234, Laws of Utah 1998

21           **53A-17a-119**, as last amended by Chapter 234, Laws of Utah 1998

22           **53A-17a-120**, as last amended by Chapter 234, Laws of Utah 1998

23           **53A-17a-121**, as last amended by Chapter 234, Laws of Utah 1998

24           **53A-17a-123**, as last amended by Chapter 234, Laws of Utah 1998

25           **53A-17a-124**, as last amended by Chapter 234, Laws of Utah 1998

26           **53A-17a-124.1**, as last amended by Chapter 234, Laws of Utah 1998

27           **53A-17a-124.5**, as last amended by Chapter 234, Laws of Utah 1998

- 28           **53A-17a-125**, as last amended by Chapter 274, Laws of Utah 1997
- 29           **53A-17a-126**, as last amended by Chapter 234, Laws of Utah 1998
- 30           **53A-17a-127**, as last amended by Chapter 3, Laws of Utah 1998
- 31           **53A-17a-128**, as last amended by Chapter 234, Laws of Utah 1998
- 32           **53A-17a-129**, as last amended by Chapter 234, Laws of Utah 1998
- 33           **53A-17a-130**, as last amended by Chapter 234, Laws of Utah 1998
- 34           **53A-17a-131.1**, as last amended by Chapter 234, Laws of Utah 1998
- 35           **53A-17a-131.2**, as last amended by Chapter 234, Laws of Utah 1998
- 36           **53A-17a-131.3**, as last amended by Chapter 234, Laws of Utah 1998
- 37           **53A-17a-131.4**, as last amended by Chapter 234, Laws of Utah 1998
- 38           **53A-17a-131.6**, as last amended by Chapter 234, Laws of Utah 1998
- 39           **53A-17a-131.8**, as last amended by Chapter 234, Laws of Utah 1998
- 40           **53A-17a-131.9**, as last amended by Chapter 234, Laws of Utah 1998
- 41           **53A-17a-132**, as last amended by Chapter 234, Laws of Utah 1998
- 42           **53A-17a-135**, as last amended by Chapters 234 and 322, Laws of Utah 1998
- 43           **53A-21-105**, as last amended by Chapter 234, Laws of Utah 1998

44 ENACTS:

- 45           **53A-17a-131.11**, Utah Code Annotated 1953
- 46           **53A-17a-131.12**, Utah Code Annotated 1953

47 This act enacts uncodified material.

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

49           Section 1. Section **53A-16-107** is amended to read:

50           **53A-16-107. Debt service and capital outlay -- Maintenance of school plants --**  
 51 **Authority to use proceeds of .0002 tax rate -- Restrictions and procedure.**

52           (1) (a) A local school board may levy a tax not to exceed .0024 per dollar of taxable value  
 53 for debt service and capital outlay.

54           (b) Each local school board may utilize the proceeds of a maximum of .0002 per dollar of  
 55 taxable value of its annual capital outlay levy for the maintenance of school plants in its school  
 56 district.

57           (2) A board that uses ~~this~~ the option provided under Subsection (1)(b) must do the  
 58 following:

59 (a) maintain the same level of expenditure for maintenance in the current year as it did in  
60 the preceding year, plus the annual average percentage increase applied to the maintenance and  
61 operation budget for the current year; and

62 (b) identify the expenditure of capital outlay funds for maintenance by a district project  
63 number to ensure that the funds were expended in the manner intended.

64 (3) The State Board of Education shall establish by rule the expenditure classification for  
65 maintenance under this program using a standard classification system.

66 Section 2. Section **53A-17a-103** is amended to read:

67 **53A-17a-103. Definitions.**

68 As used in this chapter:

69 (1) "Basic state-supported school program" or "basic program" means public education  
70 programs for kindergarten, elementary, and secondary school students that are operated and  
71 maintained for the amount derived by multiplying the number of weighted pupil units for each  
72 district by [~~\$1,854~~] \$1,901, except as otherwise provided in this chapter.

73 (2) "Certified revenue levy" means a property tax levy that provides the same amount of  
74 ad valorem property tax revenue as was collected for the prior year, plus new growth, but exclusive  
75 of revenue from collections from redemptions, interest, and penalties.

76 (3) "Leeway program" or "leeway" means a state-supported voted leeway program or board  
77 leeway program authorized under Section 53A-17a-133 or 53A-17a-134.

78 (4) "Pupil in average daily membership (ADM)" means a full-day equivalent pupil.

79 (5) "State-supported minimum school program" or "minimum school program" means  
80 public school programs for kindergarten, elementary, and secondary schools.

81 (a) The minimum school program established in the districts shall include the equivalent  
82 of a school term of nine months as determined by the State Board of Education.

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

85 (ii) Education, enhanced by utilization of technologically enriched delivery systems, when  
86 approved by local school boards, shall receive full support by the State Board of Education as it  
87 pertains to fulfilling the 990-hour attendance requirements, excluding time spent viewing  
88 commercial advertising.

89 (c) The program shall be operated and maintained for the total of the following annual

90 costs:

91 (i) the cost of a basic state-supported school program;

92 (ii) the amount appropriated in Section 53A-17a-123 for the local program;

93 (iii) the amount appropriated in Section 53A-17a-125 for retirement and social security;

94 (A) each school district shall receive its share of retirement and social security monies  
95 based on its total weighted pupil units compared to the total weighted pupil units for all districts  
96 in the state;

97 (B) the monies needed to support retirement and social security shall be determined by  
98 taking the district's prior year allocation and adjusting it for student growth, for the percentage  
99 increase in the value of the weighted pupil unit, and the effect of any change in the rates for  
100 retirement, social security, or both;

101 (iv) the amount of the employer contribution required or made in behalf of employees  
102 under Sections 49-2-301 and 49-3-301;

103 (v) the amount of the employer contribution under Section 1400 of the Federal Insurance  
104 Contribution Act in accordance with Section 67-11-5 for local school boards;

105 (vi) the amount appropriated in Chapter 17a:

106 (A) for an incentives for excellence program;

107 (B) as a contingency fund for the State Board of Education;

108 (C) for state-supported transportation;

109 (D) for a teacher inservice program;

110 (E) for regional service centers;

111 (F) for the educational technology initiative program;

112 (G) for a school nurse program;

113 [~~(H)~~ for the centennial schools program;]

114 [~~(I)~~ (H) for a comprehensive guidance program;

115 [~~(J)~~ (I) for families, agencies, and communities together for children and youth at risk  
116 programs;

117 [~~(K)~~ (J) for experimental and developmental programs;

118 [~~(L)~~ (K) for alternative language services programs;

119 [~~(M)~~ (L) for highly impacted schools; and

120 [~~(N)~~ (M) for character education programs; and

121 (vii) the cost of a leeway program.

122 (d) The program includes school construction aid programs authorized under Title 53A,  
 123 Chapter 21, Public Education Capital Outlay Act.

124 (6) "Weighted pupil unit or units" means the unit of measure of factors that is computed  
 125 in accordance with this chapter for the purpose of determining the costs of a program on a uniform  
 126 basis for each district.

127 Section 3. Section **53A-17a-104** is amended to read:

128 **53A-17a-104. Amount of state's contribution toward minimum school program.**

129 (1) The total contribution of the state toward the cost of the operation and maintenance  
 130 portion of the minimum school program, as provided and defined in Section 53A-17a-103, may  
 131 not exceed the sum of [~~\$1,398,982,182~~] \$1,439,215,683 for the [~~1998-99~~] 1999-2000 school year,  
 132 except as otherwise provided by the Legislature through supplemental appropriations.

133 (2) It is intended that the funds provided are for the following purposes and in the  
 134 following amounts:

135	Estimated State and		
136	Estimated		Local Funds at
137			<del>[\$1,854]</del> <u>\$1,901</u>
138	Weighted	Purpose	Per Weighted
139	Pupil Units	State Contribution	Pupil Unit
140	<del>[19,443]</del> <u>19,604</u>	Basic program - kindergarten.	<del>[\$36,047,322]</del> <u>\$37,267,204</u>
141	<del>[430,531]</del> <u>427,276</u>	Basic program - grades 1-12.	<del>[\$798,204,474]</del> <u>\$812,251,676</u>
142	<del>[41,635]</del> <u>41,394</u>	Basic program - professional staff.	<del>[\$77,191,290]</del> <u>\$78,689,994</u>
143	1,655	Basic program - administrative costs.	<del>[\$3,068,370]</del> <u>\$3,146,155</u>
144	5,494	Basic program - necessarily existent small	<del>[\$10,185,876]</del> <u>\$10,444,094</u>
145		schools and units for consolidated schools.	
146	<del>[52,532]</del> <u>52,697</u>	Special education - regular program	<del>[\$97,394,328]</del> <u>\$100,176,997</u>
147		- add-on WPU's for students with disabilities.	
148	<del>[4,380]</del> <u>4,724</u>	Preschool Special Education Program.	<del>[\$8,120,520]</del> <u>\$8,980,324</u>
149	<del>[11,868]</del> <u>12,299</u>	Self-contained regular WPU's.	<del>[\$22,003,272]</del> <u>\$23,380,399</u>
150	<del>[238]</del> <u>237</u>	Extended year program for severely disabled.	<del>[\$441,252]</del> <u>\$450,537</u>
151	<del>[1,358]</del> <u>1,350</u>	Special education - state programs.	<del>[\$2,517,732]</del> <u>\$2,566,350</u>

152	[ <del>19,578</del> ]	<u>19,464</u>	Applied technology and technical education	[ <del>\$36,297,612</del> ]	<u>\$37,001,064</u>
153			district programs.		
154	[ <del>995</del> ]	<u>989</u>	Applied technology district set-aside.	[ <del>\$1,844,730</del> ]	<u>\$1,880,089</u>
155	[ <del>9,654</del> ]	<u>9,598</u>	Youth at risk programs.	[ <del>\$17,898,516</del> ]	<u>\$18,245,798</u>
156	[ <del>3,427</del> ]	<u>3,407</u>	Adult education.	[ <del>\$6,353,658</del> ]	<u>\$6,476,707</u>
157	[ <del>3,863</del> ]	<u>3,841</u>	Accelerated learning programs.	[ <del>\$7,162,002</del> ]	<u>\$7,301,741</u>
158	[ <del>11,616</del> ]	<u>11,549</u>	Local programs.	[ <del>\$21,536,064</del> ]	<u>\$21,954,649</u>
159	[ <del>24,394</del> ]	<u>24,253</u>	Career ladder.	[ <del>\$45,226,476</del> ]	<u>\$46,104,953</u>
160	[ <del>25,804</del> ]	<u>29,577</u>	Class size reduction.	[ <del>\$47,840,616</del> ]	<u>\$56,225,877</u>
161	[ <del>668,465</del> ]	<u>669,408</u>	TOTAL OF ALL ABOVE	[ <del>\$1,239,334,110</del> ]	<u>\$1,272,544,608</u>
162			PROGRAMS		
163			Social Security and retirement programs.	[ <del>\$238,069,744</del> ]	<u>\$244,458,871</u>
164			Pupil Transportation to and from school.	[ <del>\$49,297,947</del> ]	<u>\$50,237,319</u>
165			Contingency fund.	[ <del>\$421,692</del> ]	<u>\$419,246</u>
166			Incentives for excellence.	[ <del>\$618,498</del> ]	<u>\$614,911</u>
167			Regional service centers.	[ <del>\$1,084,495</del> ]	<u>\$1,111,595</u>
168			Staff Development.	[ <del>\$1,474,127</del> ]	<u>\$1,965,577</u>
169			Comprehensive Guidance.	[ <del>\$6,900,784</del> ]	<u>\$7,033,759</u>
170			Educational Technology Initiative.	[ <del>\$8,505,682</del> ]	<u>\$8,970,322</u>
171			[ <del>Centennial Schools.</del> ]	[ <del>\$1,143,437</del> ]	
172			Alternative Language Services.	[ <del>\$2,845,065</del> ]	<u>\$2,828,564</u>
173			Highly Impacted Schools.	[ <del>\$5,404,553</del> ]	<u>\$4,873,207</u>
174			Character Education Program.	[ <del>\$400,000</del> ]	<u>\$397,680</u>
175			Families, Agencies, and Communities Together.	[ <del>\$1,257,966</del> ]	<u>\$1,250,670</u>
176			School Nurses.	[ <del>\$399,265</del> ]	<u>\$496,949</u>
177			<u>Transportation Levy.</u>		<u>\$225,000</u>
178			<u>Technology, Life, Careers, and Work-Based</u>		<u>\$2,235,000</u>
179			<u>Learning Programs.</u>		
180			<u>Truancy Intervention.</u>		<u>\$150,000</u>
181			<u>Youth in Custody.</u>		<u>\$1,000,000</u>
182			Experimental and Developmental Program.	[ <del>\$6,045,756</del> ]	<u>\$5,933,056</u>

183	State-supported voted leeway.	<del>[\$93,726,459]</del> <u>\$109,075,315</u>
184	State-supported board leeway.	<del>[\$33,502,343]</del> <u>\$34,968,963</u>
185	Total estimated contributions to	<del>[\$1,690,431,923]</del> <u>\$1,750,790,612</u>
186	school districts for all programs.	
187	Less estimated proceeds from	<del>[\$291,449,741]</del> <u>\$311,574,929</u>
188	state-supported local levies.	
189	TOTAL STATE FUNDS	<del>[\$1,398,982,182]</del> <u>\$1,439,215,683</u>

190 Section 4. Section **53A-17a-111** is amended to read:

191 **53A-17a-111. Weighted pupil units for programs for students with disabilities --**

192 **District allocation.**

193 (1) There is appropriated to the State Board of Education [~~\$130,477,104~~ ~~(70,376)~~  
194 \$135,554,607 (71,307) weighted pupil units) for allocation to local school board programs for  
195 students with disabilities.

196 (2) Included in the appropriation is [~~\$97,394,328]~~ \$100,176,997 for add-on WPU for  
197 students with disabilities enrolled in regular programs.

198 (3) The number of weighted pupil units for students with disabilities shall reflect the direct  
199 cost of programs for those students conducted in accordance with definitions, guidelines, rules, and  
200 standards established by the State Board of Education in accordance with Title 63, Chapter 46a,  
201 Utah Administrative Rulemaking Act.

202 (4) Disability program monies allocated to districts are restricted and shall be spent for the  
203 education of students with disabilities but may include expenditures for approved programs of  
204 services conducted for certified instructional personnel who have students with disabilities in their  
205 classes.

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

209 (6) Each year the board shall evaluate the standards and guidelines that establish the  
210 identifying criteria for disability classifications to assure strict compliance with those standards by  
211 the districts.

212 (7) Each district shall receive its allocation of monies appropriated in Subsection  
213 53A-17a-111(2) for add-on WPU for students with disabilities enrolled in regular programs as

214 provided in this subsection.

215 (a) The State Board of Education shall use the total number of special education add-on  
216 weighted pupil units used to fund fiscal year 1989-90 as a foundation for the special education  
217 add-on appropriation.

218 (b) A district's special education add-on WPUs for the current year may not be less than  
219 the foundation special education add-on WPUs.

220 (8) When monies appropriated under this chapter fund the foundation weighted pupil units,  
221 as outlined in Subsection (7)(a), growth WPUs shall be added to the prior year special education  
222 add-on WPUs, and growth WPUs shall be determined as follows:

223 (a) The special education student growth factor is calculated by comparing S-3 total special  
224 education ADM of two years previous to the current year to the S-3 total special education ADM  
225 three years previous to the current year, not to exceed the official October total district growth  
226 factor from the prior year.

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

230 (c) Growth ADMs are calculated by applying the growth factor in Subsection (8)(a) to the  
231 S-3 total special education ADM of two years previous to the current year.

232 (d) Growth ADMs for each district in Subsection (8)(c) are multiplied by 1.53 weighted  
233 pupil units and added to the prior year special education add-on WPU to determine each district's  
234 total allocation.

235 (9) If monies appropriated under this chapter for programs for students with disabilities  
236 do not meet the costs of districts for those programs, each district shall first receive the amount  
237 generated for each student with a disability under the basic program.

238 Section 5. Section **53A-17a-112** is amended to read:

239 **53A-17a-112. Preschool special education appropriation -- Extended year program**  
240 **appropriation -- Appropriation for special education programs in state institutions.**

241 (1) Included in the [~~\$130,477,104~~] \$135,554,607 appropriation under Section  
242 53A-17a-111 is:

243 (a) an amount of [~~\$8,120,520~~] \$8,980,324 for preschool special education programs;

244 (b) an amount of [~~\$22,003,272~~] \$23,380,399 for self-contained regular WPU special

245 education programs;

246 (c) an amount of [~~\$441,252~~] \$450,537 for extended year programs for the severely  
247 disabled; and

248 (d) an amount of [~~\$2,517,732~~] \$2,566,350 for special education programs in state  
249 institutions and for district impact aid.

250 (2) (a) The [~~\$8,120,520 (4,380 weighted pupil units) appropriated~~] amount designated for  
251 the preschool special education program under Subsection (1)(a) is allocated to school districts to  
252 provide a free, appropriate public education to preschool students with a disability, ages three  
253 through five.

254 (b) The monies are distributed on the basis of a school district's previous year December  
255 1 disabled preschool child count as mandated by federal law.

256 (3) The extended school year program for the severely disabled is limited to students with  
257 severe disabilities with education program goals identifying significant regression and recoupment  
258 disability as approved by the State Board of Education.

259 (4) (a) The monies appropriated for self-contained regular special education programs may  
260 not be used to supplement other school programs.

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

264 (5) (a) The State Board of Education shall compute preschool funding by a factor of 1.205  
265 times the current December 1 child count of eligible preschool aged three, four, and five-year-olds  
266 times the WPU value, limited to 8% growth over the prior year December 1 count.

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

269 Section 6. Section **53A-17a-113** is amended to read:

270 **53A-17a-113. Weighted pupil units for applied technology education programs --**  
271 **Funding of approved programs -- Performance measures -- Qualifying criteria.**

272 (1) There is appropriated to the State Board for Applied Technology Education, hereafter  
273 referred to in this section as the board, [~~\$36,297,612 (19,578)~~] \$37,001,064 (19,464 weighted pupil  
274 units) to pay the added instructional costs of approved applied technology education programs.

275 (a) Included in the [~~\$36,297,612~~] appropriation is [~~\$780,534~~] \$800,321 (421 weighted

276 pupil units) for summer applied technology agriculture programs.

277 (b) These monies are allocated to eligible recipients as provided in Subsections (2), (3),  
278 and (4).

279 (c) Money appropriated under Subsection 53A-17a-113(1) and any money appropriated  
280 for work-based education may not be used to fund programs below the ninth grade level.

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

282 (a) The board shall fund approved programs based upon hours of membership of 9th  
283 through 12th grade students.

284 (b) The board shall use an amount not to exceed 20% of the total appropriation under this  
285 section to fund approved programs based on performance measures such as placement and  
286 competency attainment defined in standards set by the board for districts to qualify for applied  
287 technology funding.

288 (c) Leadership organization funds shall constitute an amount not to exceed 1% of the total  
289 appropriation under this section, and shall be distributed to each local educational agency  
290 sponsoring applied technology student leadership organizations in a ratio representing the agency's  
291 share of the state's total membership in those organizations.

292 (d) The board shall make the necessary calculations for distribution of the appropriation  
293 to school districts and may revise and recommend changes necessary for achieving equity and ease  
294 of administration.

295 (3) (a) Twenty weighted pupil units shall be computed for each district, or 25 weighted  
296 pupil units may be computed for each district that consolidates applied technology administrative  
297 services with one or more other districts.

298 (b) Between 10 and 25 weighted pupil units shall be computed for each high school  
299 conducting approved applied technology education programs in a district according to standards  
300 established by the board.

301 (c) Forty weighted pupil units shall be computed for each district that operates an approved  
302 district applied technology center.

303 (d) Between five and seven weighted pupil units shall be computed for each summer  
304 applied technology agriculture program according to standards established by the board.

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

307 (4) (a) All monies allocated under Subsection (1) are computed by using average daily  
308 membership in approved programs for the previous year.

309 (b) A district that has experienced student growth in grades 9 through 12 for the previous  
310 year shall have the growth factor applied to the previous year's weighted pupil units when  
311 calculating the allocation of monies under this subsection.

312 (5) (a) The board shall establish rules for the upgrading of high school applied technology  
313 education programs.

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

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

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

319 Section 7. Section **53A-17a-116** is amended to read:

320 **53A-17a-116. Weighted pupil units for applied technology set-aside programs.**

321 (1) There is appropriated to the State Board for Applied Technology Education  
322 [~~\$1,844,730 (995)~~ \$1,880,089 (989 weighted pupil units) for an applied technology set-aside  
323 program.

324 (2) Applied technology set-aside funds appropriated to the board are allocated by Request  
325 for Proposal (RFP) to provide a district minimum payment for applied technology education.

326 (3) Each district shall receive a guaranteed minimum allocation.

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

330 Section 8. Section **53A-17a-119** is amended to read:

331 **53A-17a-119. Weighted pupil units for adult education programs.**

332 (1) There is appropriated to the State Board of Education [~~\$6,353,658 (3,427)~~ \$6,476,707  
333 (3,407 weighted pupil units) for allocation to local school boards for adult education programs,  
334 consisting of adult high school completion and adult basic skills programs.

335 (2) Each district shall receive its pro rata share of the appropriation for adult high school  
336 completion programs based on the number of people listed in the latest official census who are  
337 over 18 years of age and who do not have a high school diploma and prior year participation.

338 (3) On February 1 of each school year, the State Board of Education shall recapture monies  
339 not used for an adult high school completion program for reallocation to districts that have  
340 implemented programs based on need and effort as determined by the ~~[State Board of Education]~~  
341 board.

342 (4) To the extent of monies available, school districts shall provide programs to adults who  
343 do not have a diploma and who intend to graduate from high school, with particular emphasis on  
344 homeless individuals who are seeking literacy and life skills.

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

347 (6) The board shall provide the Legislature with a recommendation as to if and when any  
348 fees should be charged for participation in the adult high school completion programs funded  
349 under this section.

350 (7) School districts shall spend money on adult basic skills programs according to  
351 standards established by the ~~[State Board of Education]~~ board.

352 Section 9. Section **53A-17a-120** is amended to read:

353 **53A-17a-120. Weighted pupil units for accelerated learning programs.**

354 (1) There is appropriated to the State Board of Education [~~\$7,162,002 (3,863)~~ \$7,301,741  
355 (3,841 weighted pupil units) for allocation to local school boards for accelerated learning programs  
356 in grades one through 12, which include programs for the gifted and talented, concurrent  
357 enrollment, and advanced placement.

358 (2) (a) A school participating in the concurrent enrollment programs offered under Section  
359 53A-15-101 shall receive on a per student basis up to \$33.33 per quarter hour or \$50 per semester  
360 hour for each hour of higher education course work undertaken at the school.

361 ~~[(b) The concurrent enrollment component of the appropriation under Subsection (1) and~~  
362 ~~the appropriation under Subsection (4) are the revenue source for the Subsection (2)(a) payments.]~~

363 ~~[(c)]~~ (b) Each year the amounts specified in Subsection (2)(a) shall be adjusted in  
364 proportion to the increase in the value of the weighted pupil unit from the prior year established  
365 in Subsection 53A-17a-103(1).

366 (3) (a) Districts shall spend monies for these programs according to standards established  
367 by the State Board of Education in accordance with Title 63, Chapter 46a, Utah Administrative  
368 Rulemaking Act.

369 (b) The State Board of Education shall develop uniform and consistent policies for school  
370 districts to follow in utilizing advanced placement and concurrent enrollment monies.

371 Section 10. Section **53A-17a-121** is amended to read:

372 **53A-17a-121. Weighted pupil units for youth at risk programs.**

373 (1) There is appropriated to the State Board of Education [~~\$17,898,516 (9,654)~~  
374 \$18,245,798 (9,598 weighted pupil units) for allocation to local school boards for youth at risk  
375 programs, including the following:

376 (a) youth in custody;

377 (b) [~~teenage~~] adolescent pregnancy prevention;

378 (c) homeless and disadvantaged minority students;

379 (d) mathematics, engineering, and science achievement programs; [~~and~~]

380 (e) gang prevention and intervention; and

381 at-risk flow through.

382 (2) Districts shall spend monies for these programs according to standards established by  
383 the State Board of Education in accordance with Title 63, Chapter 46a, Utah Administrative  
384 Rulemaking Act.

385 (3) (a) From the amount appropriated for youth at risk programs, the board shall allocate  
386 moneys for [~~teenage~~] adolescent pregnancy prevention programs to school districts on the basis  
387 of a district's total number of students enrolled in classes as of October 1 that teach a curriculum  
388 of [~~teenage~~] adolescent pregnancy prevention as compared to the total number of students enrolled  
389 in such programs in school districts throughout the state.

390 (b) The [~~teenage~~] adolescent pregnancy prevention programs funded under this subsection  
391 shall require written consent from parents or guardians for student participation, involve parents  
392 or guardians of participating students in a substantial and consistent manner, and comply with the  
393 requirements of Sections 76-7-321 through 76-7-325.

394 (c) To qualify for participation in the program, a district shall demonstrate to the state  
395 board through prior research and pilot studies with similar student populations that those students  
396 attained and retained knowledge, values, attitudes, and behaviors that promote abstinence from  
397 sexual activity before marriage, and that the students had a lower pregnancy rate than comparison  
398 groups that did not participate in the program.

399 (d) Further qualification requires approval by the local board and state board of all

400 teaching materials, handouts, media materials, audiovisual materials, textbooks, curriculum  
401 materials, and course outlines to be used in the program.

402 (e) The state board may not use a district's participation in the [~~teenage~~] adolescent  
403 pregnancy prevention program as an offset against the district's historical proportionate share of  
404 the remaining fund balance.

405 (f) A school district may spend any additional moneys allocated for [~~teenage~~] adolescent  
406 pregnancy prevention programs as long as the programs comply with the guidelines established  
407 in Subsections (3)(b), (c), and (d), if the need for such a program is greater than the allocation  
408 received under Subsection (a).

409 (4) (a) From the amount appropriated for youth at risk programs, the board shall allocate  
410 moneys to school districts for homeless and disadvantaged minority students.

411 (b) Each district shall receive its allocation on the basis of:

412 (i) the total number of homeless students in the district;

413 (ii) added to 50% of the number of disadvantaged minority students in the district;

414 (iii) multiplying the total of Subsections (i) and (ii) by the value of the weighted pupil unit;

415 and

416 (iv) prorating the amount under Subsection (iii) to the amount in Subsection (4)(a).

417 (5) (a) From the amount appropriated for youth at risk programs, the board shall allocate  
418 moneys for mathematics, engineering, and science achievement programs, MESA programs, in the  
419 districts.

420 (b) The board shall make the distribution to school districts on a competitive basis by  
421 application under guidelines established by the board.

422 (6) (a) From the amount appropriated for youth at risk programs, the board shall distribute  
423 moneys for gang prevention and intervention programs at the district or school level.

424 (b) The board shall make the distribution to school districts under guidelines established  
425 by the board consistent with Section 53A-15-601.

426 (7) (a) From the amount appropriated for youth at risk programs, the board shall distribute  
427 moneys for programs for youth in custody.

428 (b) The board shall allocate these moneys to school districts which operate programs for  
429 youth in custody in accordance with standards established by the board.

430 (c) In addition to the appropriation under Subsection (1), there is appropriated for the fiscal

431 year beginning July 1, 1999, \$1,000,000 for youth in custody programs operated by school  
432 districts.

433 (8) From the amount appropriated for youth at-risk programs, the board shall allocate  
434 monies based on:

435 (a) a formula which takes into account prior year WPU's per district and a district's low  
436 income population; and

437 (b) a minimum base of no less than \$18,600 for small school districts.

438 Section 11. Section **53A-17a-123** is amended to read:

439 **53A-17a-123. State contribution for the local program.**

440 (1) There is appropriated to the State Board of Education [~~\$21,536,064 (11,616)~~  
441 \$21,954,649 (11,549 weighted pupil units) for allocation to school districts for the local program  
442 on the basis of each district's prior year weighted pupil units for grades K-12 and necessarily  
443 existent small schools.

444 (2) As an exception to Section 53A-17a-136 these monies may be used for the following  
445 purposes:

446 (a) maintenance and operation costs;

447 (b) capital outlay and debt service; or

448 (c) a combination of maintenance and operation costs and capital outlay and debt service.

449 Section 12. Section **53A-17a-124** is amended to read:

450 **53A-17a-124. State contributions to career ladders -- Distribution of appropriation**  
451 **-- Performance bonus.**

452 (1) There is appropriated to the State Board of Education [~~\$45,226,476 (24,394)~~  
453 \$46,104,953 (24,253 weighted pupil units) for career ladders for distribution to school districts in  
454 accordance with career ladder guidelines provided by the state board and Title 53A, Chapter 9.

455 (a) The state board shall distribute the appropriation, upon application, to each local school  
456 board by a formula based on the average of equal weighting considerations for:

457 (i) a district's prior year average daily membership;

458 (ii) the total number of teachers employed by a district during the prior year; and

459 (iii) weighted pupil units allocated to the district.

460 (b) The Legislature shall provide for an annual adjustment in the career ladder  
461 appropriation in proportion to:

- 462 (i) the increase in the value of the weighted pupil unit established in this chapter; and
- 463 (ii) the increase in the number of students in the state over the prior year.

464 (2) Each school district participating in the career ladder program may spend career ladder  
 465 monies:

466 (a) to pay a performance bonus to teachers judged by the district as being outstanding in  
 467 regular classroom performance;

468 (b) (i) for additional nonteaching days for teachers to devote to curriculum development,  
 469 inservice training, preparation, and related activities;

470 (ii) a local board of education may specifically use from the career ladder appropriation  
 471 an amount equivalent to \$300 per eligible teacher per year for approved inservice costs, for daily  
 472 stipends, for per diem expenses, and for eligible teacher trainers; and

473 (c) for negotiated additional teacher compensation for extending the length of the  
 474 instructional day or the number of instructional days.

475 Section 13. Section **53A-17a-124.1** is amended to read:

476 **53A-17a-124.1. State contribution for staff development -- Training on personalized**  
 477 **education plans.**

478 (1) There is appropriated to the State Board of Education [~~\$1,474,127~~] \$1,965,577 for staff  
 479 development for school teachers, including instruction in methods which incorporate the revised  
 480 mathematics and science core curriculum, the use of technology as an instructional tool, and the  
 481 development of teacher skills in the use of new assessment tools that demonstrate student  
 482 competency.

483 (2) The board shall use the appropriation to improve access to schooling for all students  
 484 by training teachers to provide a personalized education plan to meet the needs of each child.

485 (3) Included in the appropriation is \$500,000 specifically designated for training teachers  
 486 in implementing reading and literacy initiatives.

487 Section 14. Section **53A-17a-124.5** is amended to read:

488 **53A-17a-124.5. Appropriation for class size reduction.**

489 (1) There is appropriated to the State Board of Education [~~\$47,840,616 (25,804)~~  
 490 \$56,225,877 (29,577 weighted pupil units) to reduce the average class size in kindergarten through  
 491 the [~~sixth~~] eighth grade in the state's public schools.

492 (2) (a) Except as provided in Subsection (b), each district shall receive its allocation based

493 upon prior year average daily membership in kindergarten through grade ~~[six]~~ eight plus growth  
494 as determined under Subsection 53A-17a-106(3) as compared to the state total.

495 (b) The State Board of Education shall distribute ~~[+2%]~~ 5% of the appropriation to school  
496 districts based upon a formula developed by the board that takes into account:

497 (i) a school district's ability to raise money for growth and accompanying capital facility  
498 needs;

499 (ii) need as reflected by:

500 (A) the current number of students in the affected grades in the district who are in  
501 alternative housing; and

502 (B) growth in the affected grades both within the district and compared to the state as a  
503 whole; and

504 (iii) the school district's past and present effort to raise money and to construct new or to  
505 better utilize existing facilities through scheduling or delivery systems in order to deal with class  
506 size reduction.

507 (c) The formula used to distribute moneys under Subsection (2)(b) shall be phased out as  
508 follows:

509 ~~[(i) 12% of the moneys shall be distributed by the formula for the fiscal year beginning July~~  
510 ~~1, 1998;]~~

511 ~~[(ii) (i) [the formula percentage shall decrease to] 5% of the moneys shall be distributed~~  
512 ~~by the formula for the fiscal year beginning July 1, 1999; and~~

513 ~~[(iii) (ii) the formula distribution shall be totally eliminated for the fiscal year beginning~~  
514 ~~July 1, 2000.~~

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

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

519 (ii) If a district's average class size is below 18 in grades kindergarten through two, it may  
520 petition the state board for, and the state board may grant, a waiver to use its allocation under  
521 Subsection (3)(b)(i) for class size reduction in the other grades.

522 (4) Schools may use nontraditional innovative and creative methods to reduce class sizes  
523 with this appropriation and may use part of their allocation to focus on class size reduction for

524 specific groups, such as at risk students, or for specific blocks of time during the school day.

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

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

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

532 (7) (a) The State Board of Education shall compile information on class size, both in  
533 average student-teacher ratios and in actual number of students enrolled in each classroom by  
534 grade level for elementary grades and by subject matter for secondary grades.

535 (b) The State Board of Education shall establish uniform class size reporting rules among  
536 districts.

537 (c) Provisions may be made for explaining special circumstances where class size exceeds  
538 or is below normal distributions.

539 (8) (a) Each school district shall provide ~~[the State Board of Education with an annual~~  
540 ~~accounting of how its allocation was used for class size reduction during the school year]~~ annually  
541 to the state superintendent of public instruction a summary report on the overall district plan for  
542 utilizing class size reduction funds provided by the Legislature.

543 ~~[(b) The state superintendent of public instruction shall provide the Legislature and the~~  
544 ~~governor with an annual report on the program's progress and success, including the information~~  
545 ~~received under Subsection (8)(a).]~~

546 (b) If the district has received new additional class size reduction funds during the previous  
547 year, the district shall report data identifying how:

548 (i) the use of the funds complies with legislative intent; and

549 (ii) the use of the funds supplements the district's class size reduction plan.

550 (9) The Legislature shall provide for an annual adjustment in the appropriation authorized  
551 under this section in proportion to the increase in the number of students in the state in  
552 kindergarten through grade ~~[six]~~ eight.

553 Section 15. Section **53A-17a-125** is amended to read:

554 **53A-17a-125. Appropriation for retirement and social security.**

555 (1) There is appropriated to the State Board of Education [~~\$229,443,217~~] \$244,458,871  
556 for retirement and social security costs.

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

559 (3) The employer's contribution under the state's contributory retirement program is  
560 determined under Section 49-2-301, subject to the 1% contribution under Subsection (2).

561 (4) The employer-employee contribution rate for employees who are under the state's  
562 noncontributory retirement program is determined under Section 49-3-301.

563 Section 16. Section ~~53A-17a-126~~ is amended to read:

564 **53A-17a-126. State support of pupil transportation -- Incentives to increase economy**  
565 **and productivity in student transportation.**

566 (1) The state's contribution of [~~\$49,297,947~~] \$50,237,319 for state-supported  
567 transportation of public school students is apportioned and distributed in accordance with Section  
568 53A-17a-127, except as otherwise provided in this section.

569 (2) (a) Included in the [~~\$49,297,947~~] appropriation under Subsection (1) is an amount not  
570 less than \$1,397,000 to be deducted prior to any other distribution under this section to school  
571 districts, and allocated to the Utah Schools for the Deaf and the Blind to pay transportation costs  
572 of the schools' students.

573 (b) The Utah Schools for the Deaf and the Blind shall utilize these funds to pay for  
574 transportation of their students based on current valid contractual arrangements and best  
575 transportation options and methods as determined by the schools.

576 (c) All student transportation costs of the schools shall be paid from the allocation received  
577 under Subsection (2).

578 (3) Each district shall receive its approved transportation costs, except that if during the  
579 fiscal year the total transportation allowance for all districts exceeds the amount appropriated, all  
580 allowances shall be reduced pro rata to equal not more than that amount.

581 (4) Included in the [~~\$49,297,947~~] appropriation under Subsection (1) is an amount of  
582 \$187,000 for transportation of students, as approved by the state board, for school districts that  
583 consolidate schools, implement double session programs at the elementary level, or utilize other  
584 alternatives to building construction that require additional student transportation.

585 (5) (a) Part of the state's contribution for transportation, not to exceed \$200,000, may be

586 used as an incentive for districts to increase economy and productivity in student transportation.

587 (b) This amount is distributed on a pro rata basis among districts which have achieved the  
588 most efficiency according to the state formula.

589 (c) Districts receiving the incentive funding may expend the monies at the discretion of  
590 the local school board.

591 (6) (a) Local school boards shall provide salary adjustments to employee groups that work  
592 with the transportation of students comparable to those of classified employees authorized under  
593 Section 53A-17a-137, when dividing the weighted pupil unit for salary adjustment purposes.

594 (b) The State Board of Education shall conduct a study to evaluate the reimbursement  
595 system of funding for pupil transportation with emphasis on looking at methodologies that will  
596 provide incentives for districts that will encourage economical practices.

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

598 **53A-17a-127. Eligibility for state-supported transportation -- Approved bus routes**  
599 **-- Additional local tax.**

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

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

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

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

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

614 (3) (a) The State Office of Education shall distribute transportation monies to school  
615 districts based on three factors:

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

617 (ii) an allowance per hour for approved bus routes; and  
618 (iii) an annual allowance for equipment and overhead costs based on approved bus routes  
619 and the age of the equipment.

620 (b) In order for a bus to be considered for the equipment allowance, it must meet federal  
621 and state regulations and standards for school buses.

622 (c) The State Office of Education shall annually review the allowance per mile, the  
623 allowance per hour, and the annual equipment and overhead allowance and adjust the allowance  
624 to reflect current economic conditions.

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

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

629 (5) A Transportation Advisory Committee with representation from local school  
630 superintendents, business officials, school district transportation supervisors, and the State Office  
631 of Education shall serve as a review committee for addressing school transportation needs,  
632 including recommended approved bus routes.

633 (6) (a) A local school board may provide for the transportation of students who are not  
634 eligible under Subsection (1), regardless of the distance from school, from:

- 635 (i) general funds of the district; and
- 636 (ii) a tax rate not to exceed .0003 per dollar of taxable value imposed on the district.

637 (b) A local school board may use revenue from the tax to pay for transporting participating  
638 students to interscholastic activities, night activities, and educational field trips approved by the  
639 board and for the replacement of school buses.

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

643 (ii) The State Office of Education shall distribute the state contribution according to rules  
644 enacted by the State Board of Education.

645 (d) (i) The amount of state guarantee money to which a school district would otherwise  
646 be entitled to under Subsection (6)(c) may not be reduced for the sole reason that the district's levy  
647 is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant

648 to changes in property valuation.

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

651 (7) There is appropriated for the fiscal year beginning July 1, 1999, \$225,000 to the state  
652 board as the state's contribution under Subsection (6)(c)(i).

653 Section 18. Section **53A-17a-128** is amended to read:

654 **53A-17a-128. Contingency fund for State Board of Education -- Laboratory school**  
655 **at Utah State University.**

656 (1) There is appropriated to the State Board of Education from the total amount of state  
657 funds listed in Section 53A-17a-104 [~~\$421,692~~] \$419,246 as a contingency fund to do the  
658 following:

659 (a) stabilize the value of the weighted pupil unit;

660 (b) maintain program levels in districts that may experience unanticipated and unforeseen  
661 losses of students;

662 (c) equalize programs in districts where a strict application of the law provides inequity;

663 (d) pay the added costs when Utah students attend school out of state; and

664 (e) assist in the operation of the laboratory school at Utah State University, [~~including~~]  
665 through the allocation of monies for a teacher career ladder program at the school.

666 (2) The State Board of Education shall make a strict accounting of these funds and return  
667 any unused part to the Uniform School Fund at the close of each fiscal year.

668 [~~(3) The state's contribution to the State Board of Education for the laboratory school at~~  
669 ~~Utah State University is a part of the contingency fund.]~~

670 [~~(4) The contribution shall be used to promote programs at the school.]~~

671 [~~(5)~~] (3) (a) There is established an advisory board for the laboratory school consisting of  
672 the following:

673 (i) the president of Utah State University or his designee;

674 (ii) the state superintendent of public instruction or his designee;

675 (iii) the dean of the College of Education at Utah State University or his designee;

676 (iv) a local superintendent of schools;

677 (v) a staff member from the office of the State Board of Education;

678 (vi) a staff member from a local school board;

679 (vii) a staff member from the College of Education at Utah State University; and  
680 (viii) two lay citizens noted for their contribution to the improvement of education.

681 (b) The advisory board members in Subsections (a)(iv) through (viii) are appointed by the  
682 State Board of Education for terms specified by that body.

683 Section 19. Section **53A-17a-129** is amended to read:

684 **53A-17a-129. State contribution for incentives for excellence.**

685 (1) The state's contribution of [~~\$618,498~~] \$614,911 for the incentives for excellence  
686 program for the fiscal year beginning July 1, [~~1998~~] 1999, is appropriated to the State Board of  
687 Education for distribution to school districts according to guidelines established by the board.

688 (2) A school district shall use its allocation to promote a strong partnership between public  
689 education and private enterprise, to seek additional financial support from the business community,  
690 and to enhance its educational excellence.

691 (3) School districts are encouraged under this program to develop projects that rely on  
692 matching private and public monies to promote educational excellence.

693 Section 20. Section **53A-17a-130** is amended to read:

694 **53A-17a-130. State contribution to regional service centers.**

695 The state's contribution of [~~\$1,084,495~~] \$1,111,595 for regional service centers is  
696 appropriated to the State Board of Education for distribution according to guidelines established  
697 by the board.

698 Section 21. Section **53A-17a-131.1** is amended to read:

699 **53A-17a-131.1. State contribution to the educational technology initiative.**

700 (1) The state's contribution of [~~\$8,505,682~~] \$8,970,322 for maintaining the educational  
701 technology initiative programs is appropriated to the State Board of Education for distribution  
702 according to rules adopted by the board consistent with Title 53A, Chapter 1, Part 7, Educational  
703 Technology Programs.

704 (2) Monies received under this section may be used to maintain existing programs and for  
705 inservice programs required to implement the technology.

706 (3) Each school district shall develop a comprehensive inservice plan and report  
707 expenditures for teacher training to the State Office of Education.

708 Section 22. Section **53A-17a-131.2** is amended to read:

709 **53A-17a-131.2. State contribution to highly impacted schools program.**

710 The state's contribution of [~~\$5,404,553~~] \$4,873,207 for the Highly Impacted Schools  
711 Program is appropriated to the State Board of Education for distribution according to the formula  
712 adopted by the board under Section 53A-15-701, which authorizes the Highly Impacted Schools  
713 Program.

714 Section 23. Section **53A-17a-131.3** is amended to read:

715 **53A-17a-131.3. State contributions to the school nurses program.**

716 The state's contribution of [~~\$399,265~~] \$496,949 for the school nurses program is  
717 appropriated to the State Board of Education for distribution according to guidelines established  
718 by the board.

719 Section 24. Section **53A-17a-131.4** is amended to read:

720 **53A-17a-131.4. State contribution to Alternative Language Services Program.**

721 (1) The state's contribution of [~~\$2,845,065~~] \$2,828,564 for an Alternative Language  
722 Services Program is appropriated to the State Board of Education as a funding base for school  
723 districts to meet the limited-English-proficient and second language acquisition needs of Utah's  
724 language minority student population.

725 (2) The board shall allocate the appropriation to school districts based on submission of  
726 [~~competitive~~] grant applications and assurances of and compliance with qualifying criteria  
727 established by the state board pursuant to its rulemaking authority.

728 Section 25. Section **53A-17a-131.6** is amended to read:

729 **53A-17a-131.6. State contribution to Character Education Program.**

730 (1) The state's contribution of [~~\$400,000~~] \$397,680 for a Character Education Program for  
731 the fiscal year beginning July 1, [~~1998~~] 1999, is appropriated to the State Board of Education for  
732 distribution to school districts according to rules adopted by the state board.

733 (2) School districts shall use the appropriation primarily for implementing curriculum  
734 within the classroom that provides for the direct instruction of students.

735 (3) Character education monies shall also be used to provide inservice training to teachers  
736 on the use and teaching of character education materials and to acquaint teachers with the  
737 requirements in the Utah Constitution and state statutes to teach qualities of character.

738 (4) Character education programs are to be systematic and comprehensive in their  
739 approach and include student materials, parental involvement, and teacher training.

740 (5) The principles taught, such as integrity, social responsibility, and the importance of the

741 work ethic should be designed to help students avoid high risk behaviors and learn to function as  
742 caring, productive citizens in society.

743 (6) The State Office of Education shall assist districts and teachers in providing and  
744 recommending character education curriculum to students that meets the guidelines referred to in  
745 this section.

746 (7) Proposals in which parents are involved with educators in all phases of the design,  
747 implementation, and evaluation of school and district programs shall be given highest priority.

748 Section 26. Section **53A-17a-131.8** is amended to read:

749 **53A-17a-131.8. State contribution to the Comprehensive Guidance Program.**

750 (1) The state's contribution of [~~\$6,900,784~~] \$7,033,759 for a Comprehensive Guidance  
751 Program is appropriated to the State Board of Education for distribution to school districts as  
752 follows:

753 (a) the board shall distribute the appropriation to districts to be used at their secondary  
754 schools in grades 7-12, with the following priority:

755 (i) grades 9-12; and

756 (ii) grades 7-8 for those schools which meet program standards, to provide a guidance  
757 curriculum and individual educational/occupational program for each student at the school;

758 (b) each school shall meet qualification criteria established by rules made by the State  
759 Board of Education in order to receive moneys under this program; and

760 (c) the appropriation shall also be used to provide responsive services and eliminate  
761 nonguidance activities currently being performed by counselors.

762 (2) (a) It is anticipated that under this program counselors will increase direct services to  
763 students to involve at least 80% of the counselors' time and that districts shall document this with  
764 onsite review teams.

765 (b) Districts shall provide training to their secondary teachers on their role in assisting in  
766 the development and implementation of SEOPs.

767 (3) The state superintendent of public instruction shall:

768 (a) prepare an inventory of working SEOPs for networking with schools throughout the  
769 state; and

770 (b) monitor the program and provide an annual report on its progress and success.

771 Section 27. Section **53A-17a-131.9** is amended to read:

772 **53A-17a-131.9. State contribution to agencies coming together for children and**  
773 **youth at risk.**

774 (1) There is appropriated [~~\$1,257,966~~] \$1,250,670 to the State Board of Education to  
775 implement Title 63, Chapter 75, Families, Agencies, and Communities Together for Children and  
776 Youth At Risk Act.

777 (2) Participation in the at risk programs funded under this section shall require consent  
778 from a parent or legal guardian for the participant to receive initial or continuing services under  
779 the program.

780 (3) A participant's parent or legal guardian shall be actively involved in the program and  
781 all applicable state and federal laws and regulations shall be observed by the entities and  
782 individuals providing the services.

783 (4) The board shall use the appropriation to experiment on a community full-service  
784 delivery system level to provide data on the merits of moving the concept to a fully implemented  
785 statewide system.

786 Section 28. Section **53A-17a-131.11** is enacted to read:

787 **53A-17a-131.11. State contribution to truancy intervention.**

788 The state's contribution of \$150,000 for the Truancy Intervention Program is appropriated  
789 to the State Board of Education for distribution to school districts according to guidelines  
790 established by the board in accordance with Title 63, Chapter 46a, Utah Administrative  
791 Rulemaking Act.

792 Section 29. Section **53A-17a-131.12** is enacted to read:

793 **53A-17a-131.12. State contribution to Technology, Life, Careers, and Work-based**  
794 **Learning Programs.**

795 The state's contribution of \$2,235,000 for the Technology, Life, Careers, and Work-based  
796 Learning Programs is appropriated to the State Board of Education for distribution to school  
797 districts according to guidelines established by the board in accordance with Title 63, Chapter 46a,  
798 Utah Administrative Rulemaking Act.

799 Section 30. Section **53A-17a-132** is amended to read:

800 **53A-17a-132. Experimental and developmental programs.**

801 (1) The state's contribution of [~~\$6,045,756~~] \$5,933,056 for experimental and  
802 developmental programs is appropriated to the State Board of Education for distribution to school

803 districts as follows:

804 (a) the board shall distribute the first part, 34% of the appropriation, equally among the  
805 state's 40 school districts;

806 (b) the board shall distribute the second part, 41% of the appropriation, to each district on  
807 the basis of its kindergarten through grade 12 average daily membership for the prior year as  
808 compared to the prior year state total kindergarten through grade 12 average daily membership;  
809 and

810 (c) the board shall distribute 25% of the appropriation pursuant to standards established  
811 by the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

812 (2) (a) A school district may fund a new experimental or developmental program with  
813 monies appropriated under Subsection (1) for a maximum of three consecutive years.

814 (b) After the third year, the district shall either fund the program with regular ongoing  
815 program monies or terminate the program.

816 (3) (a) The State Board of Education shall allocate \$100,000 of the  
817 experimental-developmental appropriation for programs to improve the efficiency of classified  
818 employees in the public schools.

819 (b) The programs should include training components, classified staffing formulas, and  
820 preventative maintenance formulas.

821 (4) (a) The State Board of Education shall allocate \$584,900 of the appropriation for the  
822 planning, development, and implementation of alternative experimental pilot programs, using  
823 certificated teachers, which are cooperative ventures that have demonstrated support of parents,  
824 the recognized teachers' organization, administrators, and students.

825 (b) The State Board of Education shall select schools for the pilot programs by a grant  
826 process using selection criteria developed by the state board.

827 (5) Models for experimental activities similar to the nine district consortium activities are  
828 permissible under the experimental and developmental appropriation.

829 Section 31. Section **53A-17a-135** is amended to read:

830 **53A-17a-135. Certified revenue levy.**

831 (1) (a) In order to qualify for receipt of the state contribution toward the basic program and  
832 as its contribution toward its costs of the basic program, each school district shall impose a  
833 minimum basic tax rate per dollar of taxable value that generates [~~\$175,959,630~~] \$182,893,646

834 in revenues statewide.

835 (b) The preliminary estimate for the [~~1998-99~~] 1999-2000 tax rate is [~~.001858~~] .001847.

836 (c) The State Tax Commission shall certify on or before June 22 the rate that generates  
837 [~~\$175,959,630~~] \$182,893,646 in revenues statewide.

838 (d) If the minimum basic tax rate exceeds the certified revenue levy as defined in Section  
839 59-2-102, the state is subject to the notice requirements of Section 59-2-926.

840 (e) For the calendar year beginning on January 1, 1998, and ending December 31, 1998,  
841 the certified revenue levy shall be increased by the amount necessary to offset the decrease in  
842 revenues from uniform fees on tangible personal property under Section 59-2-405 as a result of  
843 the decrease in uniform fees on tangible personal property under Section 59-2-405 enacted by the  
844 Legislature during the 1997 Annual General Session.

845 (f) For the calendar year beginning on January 1, 1999, and ending on December 31, 1999,  
846 the certified revenue levy shall be adjusted by the amount necessary to offset the adjustment in  
847 revenues from uniform fees on tangible personal property under Section 59-2-405.1 as a result of  
848 the adjustment in uniform fees on tangible personal property under Section 59-2-405.1 enacted by  
849 the Legislature during the 1998 Annual General Session.

850 (2) (a) The state shall contribute to each district toward the cost of the basic program in  
851 the district that portion which exceeds the proceeds of the levy authorized under Subsection (1).

852 (b) In accord with the state strategic plan for public education and to fulfill its  
853 responsibility for the development and implementation of that plan, the Legislature instructs the  
854 State Board of Education, the governor, and the Office of Legislative Fiscal Analyst in each of the  
855 coming five years to develop budgets that will fully fund student enrollment growth.

856 (3) (a) If the proceeds of the levy authorized under Subsection (1) equal or exceed the cost  
857 of the basic program in a school district, no state contribution shall be made to the basic program.

858 (b) The proceeds of the levy authorized under Subsection (1) which exceed the cost of the  
859 basic program shall be paid into the Uniform School Fund as provided by law.

860 Section 32. Section **53A-21-105** is amended to read:

861 **53A-21-105. State contribution to capital outlay programs.**

862 (1) The state contribution toward the cost of the programs established under Section  
863 53A-21-102 for the fiscal year beginning July 1, [~~1998~~] 1999, shall consist of an appropriation  
864 totaling [~~\$30,858,000~~] \$29,358,000 to the State Board of Education[~~-\$28,358,000~~] from the

865 Uniform School Fund [~~and a one-time transfer of \$2,500,000 from the remaining balance in the~~  
866 ~~Minimum School Program Act for the fiscal year ended June 30, 1997].~~

867 ~~[(2) Notwithstanding Subsection 53A-21-103(3)(a), it is the intent of the Legislature that~~  
868 ~~the \$2,500,000 appropriated from transfers shall be used only for the Capital Outlay Equalization~~  
869 ~~Program.]~~

870 (2) Of the amount appropriated under Subsection (1), \$1,000,000 is one-time money.

871 **Section 33. One-time appropriations.**

872 (1) In addition to the contributions and appropriations set out in Title 53A, Chapter 17a,  
873 Minimum School Program Act, for the fiscal year beginning July 1, 1999, there is appropriated  
874 from the Uniform School Fund to the State Board of Education for distribution to school districts  
875 for the fiscal year ending June 30, 1999, \$2,000,000 in one-time nonlapsing moneys as follows:

876 (a) \$355,305 for the Centennial Schools Program for distribution under Section  
877 53A-1a-303;

878 (b) \$1,567,060 for the Schools for the 21st Century Program for distribution under Section  
879 53A-1a-403; and

880 (c) \$77,635 for extended year experimental - developmental programs.

881 (2) There is appropriated from the Uniform School Fund to the State Board of Education  
882 for the fiscal year beginning July 1, 1999, \$200,000 in one-time moneys for staff development in  
883 school districts.

884 **Section 34. Intent language.**

885 (1) (a) It is the intent of the Legislature that an audit of the Youth in Custody Program be  
886 done and that funding be justified based on program goals, delivery, and success.

887 (b) The State Office of Education is required, prior to the next Legislative General Session,  
888 to provide adequate evaluation and program justification.

889 (c) Recommendations are to include alternative options for service delivery with emphasis  
890 on achieving greater funding efficiency.

891 (2) (a) It is the intent of the Legislature that the State Office of Education provide a report  
892 on its professional development programs to include the number of teachers participating and the  
893 type of training given.

894 (b) It is the further intent of the Legislature that continuation of future funding be based  
895 on selected criteria that achieve defined goals and that this information be provided to the 2000

896 Legislature.

897 (3) (a) It is the intent of the Legislature that the State Office of Education study and  
898 evaluate the Comprehensive Guidance Program and provide a report that outlines the goals of the  
899 program and assesses whether the program is achieving those goals.

900 (b) It is further intended that the office evaluate the program to determine if a  
901 recommendation to move it to a weighted pupil unit driven program is justified.

902 (4) (a) It is the intent of the Legislature that the State Office of Education provide a report  
903 on FACT to the Education Appropriations Subcommittee that details the amount funded for  
904 personnel, the number of FTEs in the program, and the amount for services and program  
905 effectiveness and the type of services.

906 (b) The office shall report data specific to kindergarten through grade three and Local  
907 Interagency Council services.

908 (5) It is the intent of the Legislature that each school district evaluate its outdoor athletic  
909 facilities and upgrade the facilities as funds permit.

910 (6) (a) It is the intent of the Legislature that if the average class size increases during the  
911 school year in a particular grade at a school, the school should use a portion of its class size  
912 reduction moneys to adjust the class size downward in that grade, if warranted by the increased  
913 number of students.

914 (b) The reduction may be done by hiring additional educators to go into existing  
915 classrooms or creating new teaching stations for the additional educators.

916 (7) It is the intent of the Legislature that no schools be dropped from the Highly Impacted  
917 Schools Program who meet the criteria for the program.

917a § [§] h (8)(a) IT IS THE INTENT OF THE LEGISLATURE THAT THE STATE OFFICE OF EDUCATION  
917b WORK WITH THE EDUCATION INTERIM COMMITTEE AND THE EDUCATION APPROPRIATIONS  
917c SUBCOMMITTEE DURING THE 1999 INTERIM TO STUDY THE CONSOLIDATION OR ELIMINATION OF  
917d LINE ITEMS IN THE MINIMUM SCHOOL PROGRAM ACT TO PROVIDE SCHOOL DISTRICTS WITH  
917e GREATER FLEXIBILITY IN USING PUBLIC FUNDS TO OPERATE THE STATE'S PUBLIC SCHOOLS.

917f (b) THE OFFICE SHALL MAKE A FINAL REPORT, INCLUDING RECOMMENDATIONS FOR  
917g MODIFYING THE MINIMUM SCHOOL PROGRAM ACT, TO THE COMMITTEE AND SUBCOMMITTEE  
NO

917h LATER THAN NOVEMBER 15, 1999. h [†§] §

918 Section 35. **Effective date.**

919 This act takes effect on July 1, 1999, except that Subsections (1)(a), (b), and (c) of Section  
920 33 takes effect on May 3, 1999.

**Legislative Review Note**  
**as of 3-1-99 6:26 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**