

**Representative Michael R. Styler** proposes to substitute the following bill:

**MINIMUM SCHOOL PROGRAM ACT**

**AMENDMENTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Marda Dillree**

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6 **This act modifies provisions relating to the State System of Public Education in the funding**  
7 **of the Minimum School Program. The act provides a ceiling for the state contribution of the**  
8 **maintenance and operations portion of the Minimum School Program Act not to exceed**  
9 **\$1,606,728,986. The act establishes the value of the weighted pupil unit at \$2,128, establishes**  
10 **block grants and distribution formulas, and provides a \$38,358,000 appropriation for school**  
11 **building aid. The act provides for ~~h~~ [~~\$39,785,000~~] \$24,785,000 ~~h~~ in one-time appropriations and**  
11a **has a July 1,**  
12 **2001 effective date.**

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

14 AMENDS:

- 15 **53A-1-702**, as last amended by Chapter 4, Laws of Utah 1998
- 16 **53A-17a-103**, as last amended by Chapter 264, Laws of Utah 2000
- 17 **53A-17a-104**, as last amended by Chapter 264, Laws of Utah 2000
- 18 **53A-17a-111**, as last amended by Chapter 264, Laws of Utah 2000
- 19 **53A-17a-112**, as last amended by Chapter 264, Laws of Utah 2000
- 20 **53A-17a-113**, as last amended by Chapter 264, Laws of Utah 2000
- 21 **53A-17a-116**, as last amended by Chapter 264, Laws of Utah 2000
- 22 **53A-17a-119**, as last amended by Chapter 264, Laws of Utah 2000
- 23 **53A-17a-120**, as last amended by Chapter 264, Laws of Utah 2000
- 24 **53A-17a-121**, as last amended by Chapter 264, Laws of Utah 2000
- 25 **53A-17a-124**, as last amended by Chapter 264, Laws of Utah 2000



- 26 **53A-17a-124.5**, as last amended by Chapter 264, Laws of Utah 2000
- 27 **53A-17a-125**, as last amended by Chapter 264, Laws of Utah 2000
- 28 **53A-17a-126**, as last amended by Chapter 264, Laws of Utah 2000
- 29 **53A-17a-131.2**, as last amended by Chapter 264, Laws of Utah 2000
- 30 **53A-17a-131.4**, as last amended by Chapter 264, Laws of Utah 2000
- 31 **53A-17a-131.9**, as last amended by Chapter 264, Laws of Utah 2000
- 32 **53A-17a-131.13**, as enacted by Chapter 264, Laws of Utah 2000
- 33 **53A-17a-131.17**, as enacted by Chapter 264, Laws of Utah 2000
- 34 **53A-17a-132**, as last amended by Chapters 224 and 264, Laws of Utah 2000
- 35 **53A-17a-133**, as last amended by Chapter 8, Laws of Utah 1996, Second Special Session
- 36 **53A-17a-134**, as last amended by Chapter 1, Laws of Utah 1994
- 37 **53A-17a-135**, as last amended by Chapter 264, Laws of Utah 2000
- 38 **53A-21-105**, as last amended by Chapter 264, Laws of Utah 2000

39 ENACTS:

40 **h [53A-3-701, Utah Code Annotated 1953] h**

41 REPEALS AND REENACTS:

- 42 **53A-17a-123**, as last amended by Chapter 264, Laws of Utah 2000
- 43 **53A-17a-131.15**, as enacted by Chapter 264, Laws of Utah 2000
- 44 **53A-17a-131.16**, as enacted by Chapter 264, Laws of Utah 2000
- 45 **53A-17a-131.19**, as enacted by Chapter 264, Laws of Utah 2000

46 REPEALS:

- 47 **53A-17a-124.1**, as last amended by Chapter 264, Laws of Utah 2000
- 48 **53A-17a-128**, as last amended by Chapter 264, Laws of Utah 2000
- 49 **53A-17a-129**, as last amended by Chapter 264, Laws of Utah 2000
- 50 **53A-17a-130**, as last amended by Chapter 264, Laws of Utah 2000
- 51 **53A-17a-131.1**, as last amended by Chapter 264, Laws of Utah 2000
- 52 **53A-17a-131.3**, as last amended by Chapter 264, Laws of Utah 2000
- 53 **53A-17a-131.6**, as last amended by Chapter 264, Laws of Utah 2000
- 54 **53A-17a-131.8**, as last amended by Chapter 264, Laws of Utah 2000
- 55 **53A-17a-131.11**, as last amended by Chapter 264, Laws of Utah 2000
- 56 **53A-17a-131.12**, as last amended by Chapter 264, Laws of Utah 2000

57           **53A-17a-131.14**, as enacted by Chapter 264, Laws of Utah 2000

58           **53A-17a-131.18**, as enacted by Chapter 264, Laws of Utah 2000

59 This act enacts uncodified material.

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

61           Section 1. Section **53A-1-702** is amended to read:

62           **53A-1-702. Appropriations -- Allocations -- Contributions from school districts, the**  
63 **business community, and technology vendors.**

64           (1) (a) The Legislature shall provide annual appropriations to help fund the technology  
65 programs authorized in this part.

66           (b) The appropriations are nonlapsing.

67           (2) The appropriations are allocated as follows:

68           ~~[(a) the State Board of Education shall receive the amount appropriated under Section~~  
69 ~~53A-17a-131.1 for allocation to the state's school districts and distribute it in two parts:]~~

70           ~~[(i) the board shall distribute the first part, 25% of the appropriation received under~~  
71 ~~Subsection (2)(a), equally among the state's school districts; and]~~

72           ~~[(ii) the board shall distribute the second part, 75% of the appropriation, based on the ratio~~  
73 ~~of a district's average daily membership to the state total average daily membership;]~~

74           (a) school districts shall receive monies under the local discretionary block grant program  
75 provided for in Section 53A-17a-123, which they may use to fund their technology programs;

76           (b) the State Board of Regents shall receive the amount appropriated to the state colleges  
77 of education as a line item in the general appropriations act and distribute it based on each state  
78 college's student teacher training enrollment FTE's as compared to the total student teacher training  
79 enrollment FTE's for all state colleges of education.

80           (3) (a) Neither the State Board of Education nor the State Board of Regents may establish  
81 rules that restrict school districts or colleges of education in their purchases of educational  
82 technology under this part or use any of the money appropriated for this part for administrative or  
83 overhead costs.

84           (b) The monies shall flow through the respective state boards directly to the school  
85 districts and colleges, subject to any qualifications established under this part.

86           (c) These monies are to supplement and not supplant other state appropriations to school  
87 districts and the colleges of education.

88 (4) (a) School districts may spend [~~as much of the~~] monies received under Subsection (2)  
89 [~~as they consider necessary and appropriate~~] for inservice training for the technology programs  
90 authorized under this part.

91 (b) Subsection ~~(4)~~(a) does not restrict school districts from spending or using additional  
92 resources obtained under Subsections (5), (6), and (7) for inservice training.

93 (5) School districts and colleges shall match state appropriations for the technology  
94 programs on a one to three basis, that is one dollar in local resources for every three state dollars,  
95 either through local funding efforts or through in-kind services, which may include providing an  
96 infrastructure, planning services, training services, maintenance, or the use of technical assistance  
97 specialists.

98 (6) (a) School districts, individual public schools, and public institutions of higher  
99 education shall solicit contributions from and enter into partnerships with private business to  
100 obtain additional resources for the technology programs authorized under this part.

101 (b) The Technology Initiative Project Office established under this part within the State  
102 Office of Education shall solicit contributions for district technology programs from federal  
103 sources.

104 (c) The additional resources obtained under this section shall remain with the respective  
105 district, school, or institution as part of its technology program.

106 (d) Contributions made at the state level by private business or federal sources shall flow  
107 to selected districts, schools, or colleges of education based on specific technology projects as  
108 approved and selected by the Technology Initiative Project Office.

109 (7) Vendors who participate in the technology program shall make contributions to the  
110 program in terms of vendor discounts, inservice training, and continuing support services under  
111 standards established by the Technology Initiative Project Office.

112 (8) As used in this part, "school district" includes the School for the Deaf and the School  
113 for the Blind.

114 **h [Section 2. ~~Section 53A-3-701 is enacted to read:~~**

115 ~~Part 7. Comprehensive Staff Professional Development Plans~~

116 ~~53A-3-701. School and school district professional development plans.~~

117 ~~(1) (a) Each public school and school district shall develop and implement a systematic,~~  
118 ~~comprehensive, and long-term plan for staff professional development.] h~~

119 ~~h [(b) Each school shall use its community council, school directors, or a subcommittee of~~  
 120 ~~the community council as described in Subsection 53A-16-101.5(4) to help develop and implement~~  
 121 ~~the plan.~~  
 122 ~~—— (2) Each plan shall include the following components:~~  
 123 ~~—— (a) an alignment of professional development activities at the school and school district~~  
 124 ~~level with:~~  
 125 ~~—— (i) the School LAND Trust Program authorized under Section 53A-16-101.5;~~  
 126 ~~—— (ii) the Utah Performance Assessment System for Students under Title 53A, Chapter 1,~~  
 127 ~~Part 6, Achievement Tests;~~  
 128 ~~—— (iii) the Educational Technology Initiative under Title 53A, Chapter 1, Part 7, Educational~~  
 129 ~~Technology Programs;~~  
 130 ~~—— (iv) Sections 53A-6-101 and 53A-6-104 of the Educator Licensing and Professional~~  
 131 ~~Practices Act;~~  
 132 ~~—— (v) Title 53A, Chapter 9, Teacher Career Ladders; and~~  
 133 ~~—— (vi) Title 53A, Chapter 10, Educator Evaluation;~~  
 134 ~~—— (b) provision for the development of internal instructional leadership and support;~~  
 135 ~~—— (c) the periodic presence of all stakeholders at the same time in the professional~~  
 136 ~~development process, to include administrators, educators, support staff, parents, and students;~~  
 137 ~~—— (d) provisions for the use of consultants to enhance and evaluators to assess the~~  
 138 ~~effectiveness of the plan as implemented; and~~  
 139 ~~—— (e) the time required for and the anticipated costs of implementing and maintaining the~~  
 140 ~~plan.~~  
 141 ~~—— (3) (a) Each local school board shall review and either approve or recommend~~  
 142 ~~modifications for each school plan within its district so that each school's plan is compatible with~~  
 143 ~~the district plan.~~  
 144 ~~—— (b) The board shall:~~  
 145 ~~—— (i) provide positive and meaningful assistance to a school, if requested by its community~~  
 146 ~~council or school directors, in drafting and implementing its plan; and~~  
 147 ~~—— (ii) monitor the progress of each school plan and hold each school accountable for meeting~~  
 148 ~~the objectives of its plan.~~  
 149 ~~—— (4) (a) The State Board of Education, through the superintendent of public instruction,] h~~

150 ~~h [shall work with school districts to identify the resources required to implement and maintain each~~  
 151 ~~school's and school district's professional development plan required under this section.~~  
 152 ~~—— (b) (i) The state board shall make an annual budget recommendation to the Legislature for~~  
 153 ~~state funding of professional development plans under this section.~~  
 154 ~~—— (ii) The recommendation shall take into account:~~  
 155 ~~—— (A) monies that could be used for professional development from the programs listed in~~  
 156 ~~Subsection (2)(a); and~~  
 157 ~~—— (B) the professional development block grant program authorized under the Minimum~~  
 158 ~~School Program Act.~~  
 159 ~~—— (5) (a) For the fiscal year beginning July 1, 2001, school districts shall use \$15,000,000~~  
 160 ~~of the one-time school professional development appropriation made in Subsection (7) of Section~~  
 161 ~~30, One-time appropriations, in H.B. 3, Minimum School Program Act Amendments, for teacher~~  
 162 ~~professional development days beyond the regular school year as follows:~~  
 163 ~~—— (i) each school district shall use its allocation for teacher professional development related~~  
 164 ~~to implementing and maintaining the Utah Performance Assessment System for Students and may~~  
 165 ~~use such training models as Schools for All and Urban Learning Centers in its professional~~  
 166 ~~development program;~~  
 167 ~~—— (ii) monies for two additional days may be allocated to a school district without matching~~  
 168 ~~monies;~~  
 169 ~~—— (iii) monies to finance a third additional day must have a district match of an additional~~  
 170 ~~day financed from district sources;~~  
 171 ~~—— (iv) a school district may not use its allocation under Subsection (5)(a)(iii) if it fails to~~  
 172 ~~meet the matching requirements under that subsection; and~~  
 173 ~~—— (v) a school district shall pay each employee who receives professional development under~~  
 174 ~~this Subsection (5) on an equal basis for the professional development days.~~  
 175 ~~—— (b) Schools are urged to collaborate with one another in the implementation of the teacher~~  
 176 ~~development program under Subsection (5)(a) to maximize the effectiveness of the appropriation.~~  
 177 ~~—— (c) It is the intent of the Legislature that of the \$15,000,000 allocated to school districts~~  
 178 ~~for additional days \$42,305 shall be allocated to the Utah Schools for the Deaf and the Blind per~~  
 179 ~~day for each additional day funded.] h~~

180 Section ~~h [3.] 2. h~~ Section 53A-17a-103 is amended to read:

181 **53A-17a-103. Definitions.**

182 As used in this chapter:

183 (1) "Basic state-supported school program" or "basic program" means public education  
184 programs for kindergarten, elementary, and secondary school students that are operated and  
185 maintained for the amount derived by multiplying the number of weighted pupil units for each  
186 district by [~~\$2,006~~] \$2,128, except as otherwise provided in this chapter.

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

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

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

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

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

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

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

203 (c) The program shall be operated and maintained for the total of the following annual  
204 costs:

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

206 (ii) the amount appropriated in Section 53A-17a-123 for the local discretionary block grant  
207 program;

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

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

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

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

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

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

221 (A) for [~~an incentives for excellence program~~] a professional development block grant  
222 program;

223 [~~(B) as a contingency fund for the State Board of Education;~~]

224 [~~(C)~~] (B) for state-supported transportation;

225 [~~(D)~~] for a staff development program;

226 [~~(E)~~] for regional service centers;

227 [~~(F)~~] for the educational technology initiative program;

228 [~~(G)~~] for a school nurse program;

229 [~~(H)~~] for a comprehensive guidance program;

230 [~~(I)~~] (C) for families, agencies, and communities together for children and youth at risk  
231 programs;

232 [~~(J)~~] (D) for experimental and developmental programs;

233 [~~(K)~~] (E) for alternative language services programs;

234 [~~(L)~~] (F) for highly impacted schools;

235 [~~(M)~~] for character education programs;

236 [~~(N)~~] for technology, life, careers, and work-based programs;

237 [~~(O)~~] for truancy intervention and prevention programs;

238 [~~(P)~~] (G) for a guarantee transportation levy program;

239 [~~(Q)~~] for a reading initiative program;

240 [~~(R)~~] for a reading performance improvement scholarship program;

241 [~~(S)~~] for an alternative middle schools program;

242 [~~(T)~~] (H) for a school land trust program; [~~and~~]

- 243 ~~[(U) for an assessment and accountability program; and]~~
- 244 (I) for adult education programs;
- 245 (J) for At-risk programs;
- 246 (K) for accelerated learning programs;
- 247 (L) for a math and science beginning teacher recruitment program;
- 248 (M) for a block grant hold harmless program; and
- 249 (N) for an electronic high school program; and
- 250 (vii) the cost of a leeway program.

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

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

256 Section 4. Section **53A-17a-104** is amended to read:

257 **53A-17a-104. Amount of state's contribution toward minimum school program.**

258 (1) The total contribution of the state toward the cost of the operation and maintenance  
 259 portion of the minimum school program, as provided and defined in Section 53A-17a-103, may  
 260 not exceed the sum of [~~\$1,535,110,246~~] \$1,606,728,986 for the [~~2000-01~~] 2001-02 school year,  
 261 except as otherwise provided by the Legislature through supplemental appropriations.

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

264	Estimated State and		
265	Local Funds at		
266	[ <del>\$2,006</del> ] <u>\$2,128</u>		
267	Purpose	Per Weighted	
268	State Contribution	Pupil Unit	
269	[ <del>20,222</del> ] <u>20,616</u>	Basic program - kindergarten.	[ <del>\$40,565,332</del> ] <u>\$43,870,848</u>
270	[ <del>426,422</del> ] <u>427,244</u>	Basic program - grades 1-12.	[ <del>\$855,402,532</del> ] <u>\$909,175,232</u>
271	41,394	Basic program - professional staff.	[ <del>\$83,036,364</del> ] <u>\$88,086,432</u>
272	1,655	Basic program - administrative costs.	[ <del>\$3,319,930</del> ] <u>\$3,521,840</u>
273	[ <del>7,080</del> ] <u>7,336</u>	Basic program - necessarily existent small	[ <del>\$14,202,480</del> ] <u>\$15,611,008</u>

274		schools and units for consolidated schools.		
275	[52,697]	<u>53,153</u>	Special education - regular program	[\$105,710,182] <u>\$113,109,584</u>
276			- add-on WPUs for students with disabilities.	
277	[5,038]	<u>6,109</u>	Preschool Special Education Program.	[\$10,106,228] <u>\$12,999,952</u>
278	[12,299]	<u>12,466</u>	Self-contained regular WPUs.	[\$24,671,794] <u>\$26,527,648</u>
279	237		Extended year program for severely disabled.	[\$475,422] <u>\$504,336</u>
280	1,350		Special education - state programs.	[\$2,708,100] <u>\$2,872,800</u>
281	[19,464]	<u>23,423</u>	Applied technology and technical education	[\$39,044,784] <u>\$49,844,144</u>
282			district programs.	
283	989		Applied technology district set-aside.	[\$1,983,934] <u>\$2,104,592</u>
284	[10,039]		<del>Youth at risk programs.</del>	<del>\$20,138,234]</del>
285	[3,407]		<del>Adult education.</del>	<del>\$6,834,442]</del>
286	[3,841]		<del>Accelerated learning programs.</del>	<del>\$7,705,046]</del>
287	[11,549]		<del>Local programs.</del>	<del>\$23,167,294]</del>
288	[24,253]		<del>Career ladder.</del>	<del>\$48,651,518]</del>
289	29,577		Class size reduction.	[\$59,331,462] <u>\$62,939,856</u>
290	[671,513]	<u>625,549</u>	TOTAL OF ALL ABOVE PROGRAMS	[\$1,347,055,078] <u>\$1,331,168,272</u>
291			<u>Professional Development Block Grant.</u>	<u>\$59,111,491</u>
292			Social Security and retirement programs.	[\$253,325,728] <u>\$215,901,951</u>
293			Pupil Transportation to and from school.	[\$53,236,772] <u>\$56,050,758</u>
294			<del>[Contingency fund.</del>	<del>\$419,246]</del>
295			<del>[Incentives for excellence.</del>	<del>\$614,911]</del>
296			<del>[Regional service centers.</del>	<del>\$1,172,733]</del>
297			<del>[Staff Development.</del>	<del>\$1,965,577]</del>
298			<del>[Comprehensive Guidance.</del>	<del>\$7,420,659]</del>
299			<del>[Educational Technology Initiative</del>	<del>\$8,970,322]</del>
300			<del>[=Maintenance.]</del>	
301			<u>Guarantee Transportation Levy.</u>	<u>\$500,000</u>
302			<u>Local Discretionary Block Grant Program.</u>	<u>\$50,086,302</u>
303			<u>Math and Science - Beginning Teacher Recruitment.</u>	<u>\$2,400,000</u>
304			<u>Families, Agencies, and Communities Together.</u>	<u>\$1,250,670</u>

305	Alternative Language Services.	[\$3,328,564]	<u>\$3,528,564</u>
306	Highly Impacted Schools.	[\$4,873,207]	<u>\$5,123,207</u>
307	<del>[Character Education Program.</del>	<del>_____</del>	<del>\$397,680]</del>
308	<del>[Families, Agencies, and Communities Together.</del>	<del>_____</del>	<del>\$1,250,670]</del>
309	<del>[School Nurses.</del>	<del>_____</del>	<del>\$496,949]</del>
310	<del>[Transportation Levy.</del>	<del>_____</del>	<del>\$225,000]</del>
311	<del>[Technology, Life, Careers, and Work-Based</del>	<del>_____</del>	<del>\$2,235,000]</del>
312	<del>[Learning Programs.]</del>		
313	<del>[Truancy Intervention and Prevention.</del>	<del>_____</del>	<del>\$150,000]</del>
314	<del>[Reading Performance Improvement]</del>		
315	<del>[Scholarship Program.</del>	<del>_____</del>	<del>\$9,000]</del>
316	<del>[Reading Initiative.</del>	<del>_____</del>	<del>\$5,000,000]</del>
317	<u>At-risk Programs.</u>		<u>\$25,146,950</u>
318	<u>Adult Education.</u>		<u>\$8,409,502</u>
319	<u>Accelerated Learning Programs.</u>		<u>\$9,598,159</u>
320	<u>Block Grant Hold Harmless.</u>		<u>\$3,897,110</u>
321	Experimental and Developmental Program.	[\$5,933,056]	<u>\$3,102,369</u>
322	<del>[Alternative Middle Schools Program.</del>	<del>_____</del>	<del>\$2,000,000]</del>
323	<u>Electronic High School.</u>		<u>\$200,000</u>
324	School Land Trust Program.	[\$4,775,000]	<u>\$5,200,000</u>
325	<del>[Assessment and Accountability Program.</del>	<del>_____</del>	<del>\$3,500,000]</del>
326	<del>[State Contribution to School Districts.</del>	<del>_____</del>	<del>\$1,113,100]</del>
327	State-supported voted leeway.	[\$121,242,797]	<u>\$141,362,359</u>
328	State-supported board leeway.	[\$36,111,863]	<u>\$41,149,682</u>
329	Total estimated contributions to	[\$1,866,822,912]	<u>\$1,963,187,346</u>
330	school districts for all programs.		
331	Less estimated proceeds from	[\$331,712,666]	<u>\$356,458,360</u>
332	state-supported local levies.		
333	TOTAL STATE FUNDS	[\$1,535,110,246]	<u>\$1,606,728,986</u>

334 Section 5. Section **53A-17a-111** is amended to read:

335 **53A-17a-111. Weighted pupil units for programs for students with disabilities --**

336 **District allocation.**

337 (1) There is appropriated to the State Board of Education [~~\$143,671,726 (71,621)~~  
338 \$156,014,320 (73,315 weighted pupil units) for allocation to local school board programs for  
339 students with disabilities.

340 (2) Included in the appropriation is [~~\$105,710,182~~] \$113,109,584 for add-on WPU for  
341 students with disabilities enrolled in regular programs.

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

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

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

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

356 (7) Each district shall receive its allocation of monies appropriated in Subsection  
357 53A-17a-111(2) for add-on WPU for students with disabilities enrolled in regular programs as  
358 provided in this subsection.

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

362 (b) A district's special education add-on WPU for the current year may not be less than  
363 the foundation special education add-on WPU.

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

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

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

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

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

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

382 Section 6. Section **53A-17a-112** is amended to read:

383 **53A-17a-112. Preschool special education appropriation -- Extended year program**  
 384 **appropriation -- Appropriation for special education programs in state institutions.**

385 (1) Included in the [~~\$143,671,726~~] \$156,014,320 appropriation under Section  
 386 53A-17a-111 is:

387 (a) an amount of [~~\$10,106,228~~] \$12,999,952 for preschool special education programs;

388 (b) an amount of [~~\$24,671,794~~] \$26,527,648 for self-contained regular WPU special  
 389 education programs;

390 (c) an amount of [~~\$475,422~~] \$504,336 for extended year programs for the severely  
 391 disabled; and

392 (d) an amount of [~~\$2,708,100~~] \$2,872,800 for special education programs in state  
 393 institutions and for district impact aid.

394 (2) (a) The amount designated for the preschool special education program under  
 395 Subsection (1)(a) is allocated to school districts to provide a free, appropriate public education to  
 396 preschool students with a disability, ages three through five.

397 (b) The monies are distributed on the basis of a school district's previous year December

398 1 disabled preschool child count as mandated by federal law.

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

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

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

407 (5) (a) The State Board of Education shall compute preschool funding by a factor of  
408 [~~1.205~~] 1.47 times the current December 1 child count of eligible preschool aged three, four, and  
409 five-year-olds times the WPU value, limited to 8% growth over the prior year December 1 count.

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

412 Section 7. Section **53A-17a-113** is amended to read:

413 **53A-17a-113. Weighted pupil units for applied technology education programs --**  
414 **Funding of approved programs -- Performance measures -- Qualifying criteria.**

415 (1) There is appropriated to the State Board for Applied Technology Education, hereafter  
416 referred to in this section as the board, [~~\$39,044,784 (19,464)~~] \$49,844,144 (23,423 weighted pupil  
417 units) to pay the added instructional costs of approved applied technology education programs.

418 (a) Included in the appropriation is [~~\$844,526~~] \$895,198 (421 weighted pupil units) for  
419 summer applied technology agriculture programs.

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

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

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

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

427 (b) The board shall use an amount not to exceed 20% of the total appropriation under this  
428 section to fund approved programs based on performance measures such as placement and

429 competency attainment defined in standards set by the board for districts to qualify for applied  
430 technology funding.

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

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

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

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

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

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

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

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

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

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

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

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

460 that purpose.

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

462 Section 8. Section **53A-17a-116** is amended to read:

463 **53A-17a-116. Weighted pupil units for applied technology set-aside programs.**

464 (1) There is appropriated to the State Board for Applied Technology Education  
465 [~~\$1,983,934~~] \$2,104,592 (989 weighted pupil units) for an applied technology set-aside program.

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

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

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

472 Section 9. Section **53A-17a-119** is amended to read:

473 **53A-17a-119. Appropriation for adult education programs.**

474 (1) There is appropriated to the State Board of Education [~~\$6,834,442 (3,407 weighted~~  
475 ~~pupil units)~~] \$8,409,502 for allocation to local school boards for adult education programs,  
476 consisting of adult high school completion and adult basic skills programs.

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

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

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

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

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

491 (7) School districts shall spend money on adult basic skills programs according to  
492 standards established by the board.

493 Section 10. Section **53A-17a-120** is amended to read:

494 **53A-17a-120. Appropriation for accelerated learning programs.**

495 (1) There is appropriated to the State Board of Education [~~\$7,705,046 (3,841 weighted~~  
496 ~~pupil units)~~] \$9,598,159 for allocation to local school boards for accelerated learning programs in  
497 grades one through 12, which include programs for the gifted and talented, concurrent enrollment,  
498 and advanced placement.

499 (2) (a) A school participating in the concurrent enrollment programs offered under Section  
500 53A-15-101 shall receive on a per student basis up to \$33.33 per quarter hour or \$50 per semester  
501 hour for each hour of higher education course work undertaken at the school.

502 (b) Each year the amounts specified in Subsection (2)(a) shall be adjusted in proportion to  
503 the increase in the value of the weighted pupil unit from the prior year established in Subsection  
504 53A-17a-103(1).

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

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

510 Section 11. Section **53A-17a-121** is amended to read:

511 **53A-17a-121. Appropriation for At-risk programs.**

512 (1) There is appropriated to the State Board of Education [~~\$20,138,234 (10,039 weighted~~  
513 ~~pupil units)~~] \$25,146,950 for allocation to local school boards for [~~youth at risk~~] at-risk programs,  
514 including the following:

515 (a) youth in custody;

516 (b) adolescent pregnancy prevention;

517 (c) homeless and disadvantaged minority students;

518 (d) mathematics, engineering, and science achievement programs;

519 (e) gang prevention and intervention; and

520 (f) at-risk flow through.

521 (2) Districts shall spend monies for these programs according to standards established by

522 the State Board of Education in accordance with Title 63, Chapter 46a, Utah Administrative  
523 Rulemaking Act.

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

529 (b) The adolescent pregnancy prevention programs funded under this subsection shall  
530 require written consent from parents or guardians for student participation, involve parents or  
531 guardians of participating students in a substantial and consistent manner, and comply with the  
532 requirements of Sections 76-7-321 through 76-7-325.

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

538 (d) Further qualification requires approval by the local board and state board of all  
539 teaching materials, handouts, media materials, audiovisual materials, textbooks, curriculum  
540 materials, and course outlines to be used in the program.

541 (e) The state board may not use a district's participation in the adolescent pregnancy  
542 prevention program as an offset against the district's historical proportionate share of the remaining  
543 fund balance.

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

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

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

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

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

553 (iii) multiplying the total of Subsections (4)(b)(i) and (ii) by the value of the weighted  
554 pupil unit; and

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

556 (5) (a) From the amount appropriated for [~~youth at risk~~] at-risk programs, the board shall  
557 allocate [~~moneys~~] monies for mathematics, engineering, and science achievement programs,  
558 MESA programs, in the districts.

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

561 (6) (a) From the amount appropriated for [~~youth at risk~~] at-risk programs, the board shall  
562 distribute moneys for gang prevention and intervention programs at the district or school level.

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

565 (7) (a) From the amount appropriated for [~~youth at risk~~] at-risk programs, the board shall  
566 distribute moneys for programs for youth in custody.

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

569 (8) From the amount appropriated for [~~youth~~] at-risk programs, the board shall allocate  
570 monies based on:

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

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

574 Section 12. Section **53A-17a-123** is repealed and reenacted to read:

575 **53A-17a-123. State contribution for local discretionary block grant program.**

576 (1) There is appropriated to the State Board of Education for the fiscal year beginning July  
577 1, 2001, \$50,086,302 for a local discretionary block grant program comprised of the following  
578 components:

579 (a) truancy intervention and prevention;

580 (b) an unrestricted local program;

581 (c) incentives for excellence;

582 (d) the Educational Technology Initiative;

583 (e) character education;

584 (f) school nurses;

585 (g) alternative middle schools;

586 (h) reading initiative;

587 (i) experimental-developmental programs; and

588 (j) a local discretionary program.

589 (2) The board shall distribute the appropriation on the basis of the intent language provided  
 590 under Subsection (3) of the Intent Language provision of this act.

591 (3) Notwithstanding current statutory provisions for programs in the local discretionary  
 592 block grant and the special population programs, which are Families, Agencies, and Communities  
 593 Together, Alternative Language Services, Highly Impacted Schools, At-risk Programs, Adult  
 594 Education and Accelerated Learning, and with the exception of those programs for which funds  
 595 are awarded based on successful completion through a request of proposal, a school district may  
 596 spend the allocation for any or all programs within the appropriated block.

597 Section 13. Section **53A-17a-124** is amended to read:

598 **53A-17a-124. State contributions to professional development.**

599 (1) There is appropriated to the State Board of Education [~~\$48,651,518 (24,253 weighted~~  
 600 ~~pupil units)] for the fiscal year beginning July 1, 2001, \$59,111,491 for teacher professional  
 601 development programs and teacher career ladders for distribution to school districts [in accordance  
 602 with career ladder guidelines provided by the state board and Title 53A, Chapter 9] on the basis  
 603 of each district's total weighted pupil units in kindergarten, grades one through 12, and the  
 604 necessarily existent small schools portions of the Minimum School Program as compared to the  
 605 state total.~~

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

608 [~~(i) a district's prior year average daily membership;~~]

609 [~~(ii) the total number of teachers employed by a district during the prior year; and]~~

610 [~~(iii) weighted pupil units allocated to the district.]~~

611 [~~(b) The Legislature shall provide for an annual adjustment in the career ladder~~  
 612 ~~appropriation in proportion to:]~~

613 [~~(i) the increase in the value of the weighted pupil unit established in this chapter; and]~~

614 [~~(ii) the increase in the number of students in the state over the prior year.]~~

615 (2) Each school district [~~participating in the career ladder program~~] may spend career  
616 ladder monies:

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

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

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

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

626 Section 14. Section ~~53A-17a-124.5~~ is amended to read:

627 **53A-17a-124.5. Appropriation for class size reduction.**

628 (1) There is appropriated to the State Board of Education for the fiscal year beginning July  
629 1, [~~2000, \$59,331,462~~] 2001, \$62,939,856 (29,577 weighted pupil units) to reduce the average  
630 class size in kindergarten through the eighth grade in the state's public schools.

631 (2) Each district shall receive its allocation based upon prior year average daily  
632 membership in kindergarten through grade eight plus growth as determined under Subsection  
633 53A-17a-106(3) as compared to the state total.

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

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

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

641 (4) Schools may use nontraditional innovative and creative methods to reduce class sizes  
642 with this appropriation and may use part of their allocation to focus on class size reduction for  
643 specific groups, such as at risk students, or for specific blocks of time during the school day.

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

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

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

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

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

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

658 (8) (a) Each school district shall provide annually to the state superintendent of public  
659 instruction a summary report on the overall district plan for utilizing class size reduction funds  
660 provided by the Legislature.

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

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

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

665 (9) The Legislature shall provide for an annual adjustment in the appropriation authorized  
666 under this section in proportion to the increase in the number of students in the state in  
667 kindergarten through grade eight.

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

669 **53A-17a-125. Appropriation for retirement and social security.**

670 (1) There is appropriated to the State Board of Education [~~\$253,325,728~~] for the fiscal year  
671 beginning July 1, 2001, \$215,901,951 for retirement and social security costs.

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

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

676 (4) The employer-employee contribution rate for employees who are under the state's

677 noncontributory retirement program is determined under Section 49-3-301.

678 Section 16. Section **53A-17a-126** is amended to read:

679 **53A-17a-126. State support of pupil transportation -- Incentives to increase economy**  
680 **and productivity in student transportation.**

681 (1) The state's contribution of [~~\$53,236,772~~] \$56,050,758 for state-supported  
682 transportation of public school students is apportioned and distributed in accordance with Section  
683 53A-17a-127, except as otherwise provided in this section.

684 (2) (a) Included in the appropriation under Subsection (1) is an amount not less than  
685 [~~\$1,710,235~~] \$1,932,630 to be deducted prior to any other distribution under this section to school  
686 districts, and allocated to the Utah Schools for the Deaf and the Blind to pay transportation costs  
687 of the schools' students.

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

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

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

696 (4) Included in the appropriation under Subsection (1) is an amount of \$187,000 for  
697 transportation of students, as approved by the state board, for school districts that consolidate  
698 schools, implement double session programs at the elementary level, or utilize other alternatives  
699 to building construction that require additional student transportation.

700 (5) (a) Part of the state's contribution for transportation, not to exceed \$200,000, may be  
701 used as an incentive for districts to increase economy and productivity in student transportation.

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

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

706 (6) (a) Local school boards shall provide salary adjustments to employee groups that work  
707 with the transportation of students comparable to those of classified employees authorized under

708 Section 53A-17a-137, when dividing the weighted pupil unit for salary adjustment purposes.

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

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

713 **53A-17a-131.2. State contribution to highly impacted schools program.**

714 The state's contribution of [~~\$4,873,207~~] \$5,123,207 for the Highly Impacted Schools  
715 Program for the fiscal year beginning July 1, [~~2000~~] 2001, is appropriated to the State Board of  
716 Education for distribution according to the formula adopted by the board under Section  
717 53A-15-701, which authorizes the Highly Impacted Schools Program.

718 Section 18. Section **53A-17a-131.4** is amended to read:

719 **53A-17a-131.4. State contribution to Alternative Language Services Program.**

720 (1) The state's contribution of [~~\$3,328,564~~] \$3,528,564 for an Alternative Language  
721 Services Program for the fiscal year beginning July 1, [~~2000~~] 2001, is appropriated to the State  
722 Board of Education as a funding base for school districts to meet the limited-English-proficient  
723 and second language acquisition needs of Utah's language minority student population.

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

727 Section 19. Section **53A-17a-131.9** is amended to read:

728 **53A-17a-131.9. State contribution to agencies coming together for children and**  
729 **youth at risk.**

730 (1) There is appropriated \$1,250,670 to the State Board of Education for the fiscal year  
731 beginning July 1, [~~2000~~] 2001, to [~~implement~~] maintain Title 63, Chapter 75, Families, Agencies,  
732 and Communities Together for Children and Youth At Risk Act.

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

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

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

742 Section 20. Section **53A-17a-131.13** is amended to read:

743 **53A-17a-131.13. State contribution to guarantee transportation levy.**

744 The state's contribution of [~~\$225,000~~] \$500,000 to the guarantee transportation levy  
 745 program for the fiscal year beginning July 1, [~~2000~~] 2001, is appropriated to the State Board of  
 746 Education for distribution to school districts according to guidelines established by the board in  
 747 accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

748 Section 21. Section **53A-17a-131.15** is repealed and reenacted to read:

749 **53A-17a-131.15. State contribution for the Electronic High School.**

750 The state's contribution of \$200,000 for the Electronic High School for the fiscal year  
 751 beginning July 1, 2001, is appropriated to the State Board of Education for distribution to the  
 752 school according to guidelines established by the board in accordance with Title 63, Chapter 46a,  
 753 Utah Administrative Rulemaking Act.

754 Section 22. Section **53A-17a-131.16** is repealed and reenacted to read:

755 **53A-17a-131.16. State contribution for school district hold harmless program.**

756 (1) The state's contribution of \$3,897,110 for a school district hold harmless program for  
 757 the fiscal year beginning July 1, 2001, is appropriated to the State Board of Education for  
 758 distribution to school districts impacted by the block grant programs established under this chapter  
 759 for the fiscal year beginning July 1, 2001.

760 (2) The board shall allocate the appropriation to the following school districts and the Utah  
 761 Schools for the Deaf and the Blind as provided in this Subsection (2):

762	<u>Beaver</u>	<u>\$67,019</u>
763	<u>Cache</u>	<u>\$31,416</u>
764	<u>Carbon</u>	<u>\$151,415</u>
765	<u>Daggett</u>	<u>\$86,354</u>
766	<u>Davis</u>	<u>\$6,368</u>
767	<u>Duchesne</u>	<u>\$83,141</u>
768	<u>Emery</u>	<u>\$78,769</u>
769	<u>Garfield</u>	<u>\$51,188</u>

770	<u>Grand</u>	<u>\$146,213</u>
771	<u>Granite</u>	<u>\$379,456</u>
772	<u>Iron</u>	<u>\$268,325</u>
773	<u>Juab</u>	<u>\$81,005</u>
774	<u>Kane</u>	<u>\$55,085</u>
775	<u>Millard</u>	<u>\$176,251</u>
776	<u>Morgan</u>	<u>\$75,443</u>
777	<u>Nebo</u>	<u>\$15,333</u>
778	<u>North Sanpete</u>	<u>\$222,804</u>
779	<u>North Summit</u>	<u>\$84,095</u>
780	<u>Park City</u>	<u>\$62,226</u>
781	<u>Piute</u>	<u>\$80,627</u>
782	<u>Rich</u>	<u>\$78,542</u>
783	<u>San Juan</u>	<u>\$82,539</u>
784	<u>Sevier</u>	<u>\$42,898</u>
785	<u>South Sanpete</u>	<u>\$74,388</u>
786	<u>South Summit</u>	<u>\$73,910</u>
787	<u>Tintic</u>	<u>\$80,932</u>
788	<u>Uintah</u>	<u>\$113,827</u>
789	<u>Wasatch</u>	<u>\$102,531</u>
790	<u>Wayne</u>	<u>\$81,079</u>
791	<u>Weber</u>	<u>\$8,670</u>
792	<u>Salt Lake City</u>	<u>\$170,919</u>
793	<u>Ogden</u>	<u>\$412,576</u>
794	<u>Provo</u>	<u>\$132,060</u>
795	<u>Logan</u>	<u>\$123,326</u>
796	<u>Murray</u>	<u>\$54,156</u>
797	<u>Utah Schools for the</u>	
798	<u>Deaf and the Blind</u>	<u>\$62,224</u>

799 Section 23. Section **53A-17a-131.17** is amended to read:

800 **53A-17a-131.17. State contribution for a School Land Trust Program.**

801 The state's contribution of [~~\$4,775,000~~] \$5,200,000 **h** OR THE AMOUNT AS DETERMINED BY  
 801a 53A-16-101.5(1),(2), AND (3) h for a School Land Trust Program for  
 802 the fiscal year beginning July 1, [~~2000~~] 2001, is appropriated to the State Board of Education for  
 803 distribution to school districts according to guidelines established by the board in accordance with  
 804 Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

805 Section **h** [~~24.~~] **23. h** Section **53A-17a-131.19** is repealed and reenacted to read:  
 806 **53A-17a-131.19. State contribution to math and science beginning teacher**  
 807 **recruitment program.**

808 The state's contribution of \$2,400,000 for a math and science beginning teacher recruitment  
 809 program, for the fiscal year beginning July 1, 2001, is appropriated to the State Board of Education  
 810 for distribution according to Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement  
 811 Program.

812 Section **h** [~~25.~~] **24. h** Section **53A-17a-132** is amended to read:  
 813 **53A-17a-132. Experimental and developmental programs.**

814 (1) The state's contribution of [~~\$5,933,056~~] \$3,102,369 for experimental and  
 815 developmental programs for the fiscal year beginning July 1, [~~2000~~] 2001, is appropriated to the  
 816 State Board of Education for distribution to school districts [~~as follows: (a) the board shall~~  
 817 ~~distribute the first part, 34% of the appropriation, equally among the state's 40 school districts; (b)~~  
 818 ~~the board shall distribute the second part, 41% of the appropriation, to each district on the basis~~  
 819 ~~of its kindergarten through grade 12 average daily membership for the prior year as compared to~~  
 820 ~~the prior year state total kindergarten through grade 12 average daily membership; and (c) the~~  
 821 ~~board shall distribute 25% of the appropriation] pursuant to standards established by the board in  
 822 accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.~~

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

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

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

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

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

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

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

840 Section 26. Section **53A-17a-133** is amended to read:

841 **53A-17a-133. State-supported voted leeway program authorized -- Election**  
842 **requirements -- State guarantee -- Reconsideration of the program.**

843 (1) An election to consider adoption or modification of a voted leeway program is required  
844 if initiative petitions signed by 10% of the number of electors who voted at the last preceding  
845 general election are presented to the local school board or by action of the board.

846 (2) (a) To establish a voted leeway program, a majority of the electors of a district voting  
847 at an election in the manner set forth in Section 53A-16-110 must vote in favor of a special tax.

848 (b) The district may maintain a school program which exceeds the cost of the program  
849 referred to in Section 53A-17a-145 with this voted leeway.

850 (c) In order to receive state support the first year, a district must receive voter approval no  
851 later than December 1 of the year prior to implementation.

852 (d) The additional program is the state-supported voted leeway program of the district.

853 (3) (a) [(†)] Under the voted leeway program, the state shall contribute an amount sufficient  
854 to guarantee [(\$12)] \$17.14 per weighted pupil unit for each .0001 of the first [(:0004)] .0016 per  
855 dollar of taxable value.

856 [~~(ii) The guarantee shall apply to the first .0006 per dollar of taxable value beginning July~~  
857 ~~1, 1996, and shall apply to an additional .0002 per dollar of taxable value each year thereafter so~~  
858 ~~that the guarantee shall apply to the first .0016 of taxable value beginning July 1, 2001, and for~~  
859 ~~each year thereafter.]~~

860 (b) [(†)] The same dollar amount guarantee per weighted pupil unit for the [(:0004)] .0016  
861 per dollar of taxable value under Subsection (3)(a) shall apply to the board-approved leeway  
862 authorized in Section 53A-17a-134, so that the guarantee shall apply up to a total of [(:0008)] .002

863 per dollar of taxable value if a school district levies a tax rate ~~[of up to .0004 in]~~ under both  
864 programs.

865 ~~[(ii) Beginning July 1, 1996, if a district levies up to .0006 in the voted leeway program and~~  
866 ~~up to .0004 in the board leeway program, the guarantee shall apply up to a total of .001 for both~~  
867 ~~programs and shall apply to an additional .0002 per dollar of taxable value each year thereafter~~  
868 ~~through July 1, 2001, as described in Subsection (3)(a)(ii) so that the guarantee shall apply up to~~  
869 ~~a total of .002 per dollar of taxable value beginning July 1, 2001, and for each year thereafter.]~~

870 (c) (i) Beginning July 1, ~~[1997]~~ 2002, the ~~[\$12]~~ \$17.14 guarantee under Subsections (3)(a)  
871 and (b) shall be indexed each year to the value of the weighted pupil unit by making the value of  
872 the guarantee equal to ~~[-.0075]~~ .009044 times the value of the prior year's weighted pupil unit.

873 (ii) The guarantee shall increase by .0005 times the value of the prior year's weighted pupil  
874 unit for each succeeding year until the guarantee is equal to .010544 times the value of the prior  
875 year's weighted pupil unit.

876 (d) (i) The amount of state guarantee money to which a school district would otherwise  
877 be entitled to under Subsection (3) may not be reduced for the sole reason that the district's levy  
878 is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant  
879 to changes in property valuation.

880 (ii) Subsection (3)(d)(i) applies for a period of two years following any such change in the  
881 certified tax rate.

882 (4) (a) An election to modify an existing voted leeway program is not a reconsideration  
883 of the existing program unless the proposition submitted to the electors expressly so states.

884 (b) A majority vote opposing a modification does not deprive the district of authority to  
885 continue an existing program.

886 (c) If adoption of a leeway program is contingent upon an offset reducing other local  
887 school board levies, the board must allow the electors, in an election, to consider modifying or  
888 discontinuing the program prior to a subsequent increase in other levies that would increase the  
889 total local school board levy.

890 (d) Nothing contained in this section terminates, without an election, the authority of a  
891 school district to continue an existing voted leeway program previously authorized by the voters.

892 Section 27. Section **53A-17a-134** is amended to read:

893 **53A-17a-134. Board-approved leeway -- Purpose -- State support -- Disapproval.**

894 (1) Each local school board may levy a tax rate of up to .0004 per dollar of taxable value  
895 to maintain a school program above the cost of the basic school program as follows:

896 (a) a local school board shall use the monies generated by the tax for class size reduction  
897 within the school district;

898 (b) if a local school board determines that the average class size in the school district is  
899 not excessive, it may use the monies for other school purposes but only if the board has declared  
900 the use for other school purposes in a public meeting prior to levying the tax rate; and

901 (c) a district may not use the monies for other school purposes under Subsection (1)(b)  
902 until it has certified in writing that its class size needs are already being met and has identified the  
903 other school purposes for which the monies will be used to the State Board of Education and the  
904 state board has approved their use for other school purposes.

905 (2) (a) The state shall contribute an amount sufficient to guarantee [~~\$21.50~~] \$17.14 per  
906 weighted pupil unit for each [~~.0002~~] .0001 per dollar of taxable value.

907 (b) The guarantee shall increase in the same [~~years and for the same amounts~~] manner as  
908 provided for the voted leeway guarantee in [~~Section~~] Subsections 53A-17a-133(3)(c)(i) and (ii).

909 (3) The levy authorized under this section is not in addition to the maximum rate of .002  
910 authorized in Section 53A-17a-133, but is a board-authorized component of the total tax rate under  
911 that section.

912 (4) As an exception to Section 53A-17a-133, the board-authorized levy does not require  
913 voter approval, but the board may require voter approval if requested by a majority of the board.

914 (5) An election to consider disapproval of the board-authorized levy is required, if within  
915 60 days after the levy is established by the board, referendum petitions signed by the number of  
916 legal voters required in Section 20A-7-301, who reside within the school district, are filed with the  
917 school district.

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

922 (b) The approval and disapproval votes authorized in Subsections (4) and (5) shall occur  
923 at a general election in even-numbered years, except that a vote required under this section in  
924 odd-numbered years shall occur at a special election held on a day in odd-numbered years that

925 corresponds to the general election date. The school district shall pay for the cost of a special  
926 election.

927 (7) (a) Modification or termination of a voter-approved leeway rate authorized under this  
928 section is governed by Section 53A-17a-133.

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

931 (8) A board levy election does not require publication of a voter information pamphlet.  
932 Section 28. Section **53A-17a-135** is amended to read:

933 **53A-17a-135. Certified revenue levy.**

934 (1) (a) In order to qualify for receipt of the state contribution toward the basic program and  
935 as its contribution toward its costs of the basic program, each school district shall impose a  
936 minimum basic tax rate per dollar of taxable value that generates [~~\$189,329,826~~] \$196,908,771  
937 in revenues statewide.

938 (b) The preliminary estimate for the [~~2000-01~~] 2001-02 tax rate is [~~.001845~~] .001768.

939 (c) The State Tax Commission shall certify on or before June 22 the rate that generates  
940 [~~\$189,329,826~~] \$196,908,771 in revenues statewide.

941 (d) If the minimum basic tax rate exceeds the certified revenue levy as defined in Section  
942 59-2-102, the state is subject to the notice requirements of Section 59-2-926.

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

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

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

955 (b) In accord with the state strategic plan for public education and to fulfill its

956 responsibility for the development and implementation of that plan, the Legislature instructs the  
 957 State Board of Education, the governor, and the Office of Legislative Fiscal Analyst in each of the  
 958 coming five years to develop budgets that will fully fund student enrollment growth.

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

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

963 Section ~~h [29.]~~ **28. h** Section **53A-21-105** is amended to read:

964 **53A-21-105. State contribution to capital outlay programs.**

965 The state contribution toward the cost of the programs established under Section  
 966 53A-21-102 for the fiscal year beginning July 1, [2000] 2001, shall consist of an appropriation  
 967 totaling [~~\$28,358,000~~] \$38,358,000 to the State Board of Education from the Uniform School  
 968 Fund.

969 Section ~~h [30.]~~ **29. h One-time appropriations.**

970 In addition to the contributions and appropriations set out in Title 53A, Chapter 17a,  
 971 Minimum School Program Act, for the fiscal year beginning July 1, 2001, there is appropriated  
 972 from the Uniform School Fund to the State Board of Education for distribution to school districts  
 973 for the fiscal year ending June 30, 2002, \$24,785,000 in one-time nonlapsing monies as follows:

974 (1) \$1,375,000 for applied technology-district equipment;

975 (2) \$1,060,000 to the Schools for the 21st Century Program;

976 (3) \$7,500,000 to the Math and Science Beginning Teacher Recruitment Program;

977 (4) \$8,250,000 for the Educational Technology Initiative;

978 (5) \$3,800,000 for Library Media Programs;

979 (6) \$2,800,000 for Staff Development Programs; and

980 ~~**h [(7) \$15,000,000 for the teacher professional development programs portion of the**~~  
 981 ~~**professional development block grant. It is the intent of the Legislature that the revenue source**~~  
 982 ~~**for this appropriation shall be the restricted account established in H.B. 273, Education Protection**~~  
 983 ~~**Funding Program, enacted during the 2001 General Session.] h**~~

984 Section ~~h [31.]~~ **30. h Intent language.**

985 (1) It is the intent of the Legislature that pregnancy prevention programs in public schools  
 986 must stress the importance of abstinence from all sexual activity before marriage and fidelity after

987 marriage as methods for preventing certain communicable diseases.

988 (2) It is the intent of the Legislature that programs that have been block granted by the  
989 2001 Legislature and are no longer calculated with weighted pupil units be given priority for  
990 equivalent weighted pupil unit increases when considering compensation or weighted pupil unit  
991 increases by the 2002 Legislature.

992 (3) (a) It is the intent of the Legislature that school districts meet existing spending criteria  
993 and requirements specific to those programs included within block grant categories and for which  
994 the local board of education chooses to expend block grant funds.

995 (b) It is the further intent of the Legislature that school districts report the expenditure of  
996 block grant funds to the degree of specificity and detail established by the Utah State Board of  
997 Education and sufficient to meet the intent of the Legislature as articulated in this Section (3).

998 (c) It is the further intent of the Legislature that block grant funds shall be allocated to  
999 school districts proportionately based upon the district's total weighted pupil units in kindergarten,  
1000 grades one through 12, and the necessarily existent small schools portions of the Minimum School  
1001 Basic Program.

1002 (4) (a) It is the intent of the Legislature that the State Office of Education convene a  
1003 representative committee to study the needs of English Language Learners (ELL students) in Utah  
1004 and related issues.

1005 (b) It is the further intent of the Legislature that the committee report to the Education  
1006 Interim Committee by November 2001.

1007 (5) It is the intent of the Legislature that \$72,000 of the one-time appropriation of  
1008 \$8,250,000 for the Educational Technology Initiative be transferred to the Utah Schools for the  
1009 Deaf and the Blind for fiscal year 2002.

1010 (6) It is the intent of the Legislature that no more than \$70,000 of the monies appropriated  
1011 to fund the School LAND Trust program shall be expended for administration of the program each  
1012 year.

1013 (7) It is the intent of the Legislature that with the fiscal year beginning July 1, 2001 and  
1014 for subsequent years the State Office of Education may use carry forward funds from the Minimum  
1015 School Program to pay school districts the amount necessary to make them whole for any support  
1016 in subsidizing a charter school for students for whom the district does not receive appropriate state  
1017 or federal funding.

1018 Section 32. **Repealer.**

1019 This act repeals:

1020 Section **53A-17a-124.1, State contribution for staff development -- Training on**  
1021 **personalized education plans.**

1022 Section **53A-17a-128, Contingency fund for State Board of Education -- Laboratory**  
1023 **school at Utah State University.**

1024 Section **53A-17a-129, State contribution for incentives for excellence.**

1025 Section **53A-17a-130, State contribution to regional service centers.**

1026 Section **53A-17a-131.1, State contribution to the educational technology initiative.**

1027 Section **53A-17a-131.3, State contributions to the school nurses program.**

1028 Section **53A-17a-131.6, State contribution to Character Education Program.**

1029 Section **53A-17a-131.8, State contribution to the Comprehensive Guidance Program.**

1030 Section **53A-17a-131.11, State contribution to truancy intervention and prevention.**

1031 Section **53A-17a-131.12, State contribution to Technology, Life, Careers, and**  
1032 **Work-based Learning Programs.**

1033 Section **53A-17a-131.14, State contribution for reading initiative program.**

1034 Section **53A-17a-131.18, State contribution for assessment and accountability**  
1035 **program.**

1036 Section 33. **Effective date.**

1037 This act takes effect on July 1, 2001.

1038 Section 34. **Coordination clause.**

1039 (1) If this bill and S.B. 35, Public Education Capital Outlay Act Amendments, both pass,  
1040 it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in  
1041 preparing the Utah Code database for publication, insert the amendments to Section 53A-21-105  
1042 in this bill as they supercede the amendments to that section in S.B. 35.

1043 (2) If this bill and H.B. 38, School District Voted Leeway Amendments, both pass, it is  
1044 the intent of the Legislature that the Office of Legislative Research and General Counsel, in  
1045 preparing the Utah Code database for publication, insert the amendments to Sections 53A-17a-133  
1046 and 53A-17a-134 in this bill as they supercede the amendments to those sections in H.B. 38.

1047 (3) (a) If this bill and S.B. 61, Enhancements to the State Systems of Public and Higher  
1048 Education, both pass, it the intent of the Legislature that the appropriations in Section

1049 53A-17a-131.19 and Section 30, Item (4), One-time appropriations, of this act shall supercede:  
1050 (i) the appropriations in Subsections (2)(a) and (b) of the Appropriation Section 8 of S.B.  
1051 61; and  
1052 (ii) that part of the Effective date provision of Section 9 in S.B. 61 that would have Section  
1053 (2)(b) of Appropriations Section 8 become effective May 1, 2001.  
1054 (b) The net effect of Subsection (3)(a) is to remove the appropriations for the Public  
1055 Education Job Enhancement Program from S.B. 61 and have the program funded under the  
1056 appropriations provisions of H.B. 3 referred to in Subsection (3)(a).