

MINIMUM SCHOOL PROGRAM ACT

AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Marda Dillree

This act modifies provisions relating to the State System of Public Education in the funding of the Minimum School Program. The act provides a ceiling for the state contribution of the maintenance and operations portion of the Minimum School Program Act not to exceed \$1,606,881,384. The act establishes the value of the weighted pupil unit at \$2,110, establishes block grants and distribution formulas, and provides a \$38,358,000 appropriation for school building aid. The act provides for \$24,785,000 in one-time appropriations and has a July 1, 2001 effective date.

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

AMENDS:

53A-1-702, as last amended by Chapter 4, Laws of Utah 1998

53A-17a-103, as last amended by Chapter 264, Laws of Utah 2000

53A-17a-104, as last amended by Chapter 264, Laws of Utah 2000

53A-17a-111, as last amended by Chapter 264, Laws of Utah 2000

53A-17a-112, as last amended by Chapter 264, Laws of Utah 2000

53A-17a-113, as last amended by Chapter 264, Laws of Utah 2000

53A-17a-116, as last amended by Chapter 264, Laws of Utah 2000

53A-17a-119, as last amended by Chapter 264, Laws of Utah 2000

53A-17a-120, as last amended by Chapter 264, Laws of Utah 2000

53A-17a-121, as last amended by Chapter 264, Laws of Utah 2000

53A-17a-124, as last amended by Chapter 264, Laws of Utah 2000

53A-17a-124.5, as last amended by Chapter 264, Laws of Utah 2000

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 **53A-3-701**, Utah Code Annotated 1953

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 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.

119 (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,
150 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 school professional development appropriation made in Section 53A-17a-124, for teacher
161 professional development days beyond the regular school year as follows:

162 (i) each school district shall use its allocation for teacher professional development related
163 to implementing and maintaining the Utah Performance Assessment System for Students and may
164 use such training models as Schools for All and Urban Learning Centers in its professional
165 development program;

166 (ii) monies for two additional days may be allocated to a school district without matching
167 monies;

168 (iii) monies to finance a third additional day must have a district match of an additional
169 day financed from district sources;

170 (iv) a school district may not use its allocation under Subsection (5)(a)(iii) if it fails to
171 meet the matching requirements under that subsection; and

172 (v) a school district shall pay each employee who receives professional development under
173 this Subsection (5) on an equal basis for the professional development days.

174 (b) Schools are urged to collaborate with one another in the implementation of the teacher
175 development program under Subsection (5)(a) to maximize the effectiveness of the appropriation.

176 (c) It is the intent of the Legislature that of the \$15,000,000 allocated to school districts
177 for additional days \$42,305 shall be allocated to the Utah Schools for the Deaf and the Blind per
178 day for each additional day funded.

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

180 **53A-17a-103. Definitions.**

181 As used in this chapter:

182 (1) "Basic state-supported school program" or "basic program" means public education

183 programs for kindergarten, elementary, and secondary school students that are operated and
184 maintained for the amount derived by multiplying the number of weighted pupil units for each
185 district by [~~\$2,006~~] \$2,110, except as otherwise provided in this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

214 retirement, social security, or both;

215 (iv) the amount of the employer contribution required or made in behalf of employees

216 under Sections 49-2-301 and 49-3-301;

217 (v) the amount of the employer contribution under Section 1400 of the Federal Insurance

218 Contribution Act in accordance with Section 67-11-5 for local school boards;

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

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

221 program;

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

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

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

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

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

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

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

229 [~~(I)~~] (C) for families, agencies, and communities together for children and youth at risk

230 programs;

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

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

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

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

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

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

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

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

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

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

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

242 [~~(U) for an assessment and accountability program; and~~]

243 (I) for adult education programs;

244 (J) for At-risk programs;

- 245 (K) for accelerated learning programs;
- 246 (L) for a math and science beginning teacher recruitment program;
- 247 (M) for a block grant hold harmless program; and
- 248 (N) for an electronic high school program; and
- 249 (vii) the cost of a leeway program.

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

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

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

256 **53A-17a-104. Amount of state's contribution toward minimum school program.**

257 (1) The total contribution of the state toward the cost of the operation and maintenance
 258 portion of the minimum school program, as provided and defined in Section 53A-17a-103, may
 259 not exceed the sum of [~~\$1,535,110,246~~] \$1,606,881,384 for the [~~2000-01~~] 2001-02 school year,
 260 except as otherwise provided by the Legislature through supplemental appropriations.

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

263			Estimated State and
264	Estimated		Local Funds at
265			[\$2,006] <u>\$2,110</u>
266	Weighted	Purpose	Per Weighted
267	Pupil Units	State Contribution	Pupil Unit
268	[20,222] <u>20,616</u>	Basic program - kindergarten.	[\$40,565,332] <u>\$43,499,760</u>
269	[426,422] <u>427,244</u>	Basic program - grades 1-12.	[\$855,402,532] <u>\$901,484,840</u>
270	41,394	Basic program - professional staff.	[\$83,036,364] <u>\$87,341,340</u>
271	1,655	Basic program - administrative costs.	[\$3,319,930] <u>\$3,492,050</u>
272	[7,080] <u>7,336</u>	Basic program - necessarily existent small	[\$14,202,480] <u>\$15,478,960</u>
273		schools and units for consolidated schools.	
274	[52,697] <u>53,153</u>	Special education - regular program	[\$105,710,182] <u>\$112,152,830</u>
275		- add-on WPU for students with disabilities.	

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276	[5,038] <u>6,109</u>	Preschool Special Education Program.	[\$10,106,228] <u>\$12,889,990</u>
277	[12,299] <u>12,466</u>	Self-contained regular WPU.	[\$24,671,794] <u>\$26,303,260</u>
278	237	Extended year program for severely disabled.	[\$475,422] <u>\$500,070</u>
279	1,350	Special education - state programs.	[\$2,708,100] <u>\$2,848,500</u>
280	[19,464] <u>23,423</u>	Applied technology and technical education	[\$39,044,784] <u>\$49,422,530</u>
281		district programs.	
282	989	Applied technology district set-aside.	[\$1,983,934] <u>\$2,086,790</u>
283	[10,039]	Youth at risk programs.	\$20,138,234]
284	[3,407]	Adult education.	\$6,834,442]
285	[3,841]	Accelerated learning programs.	\$7,705,046]
286	[11,549]	Local programs.	\$23,167,294]
287	[24,253]	Career ladder.	\$48,651,518]
288	29,577	Class size reduction.	[\$59,331,462] <u>\$62,407,470</u>
289	[671,513] <u>625,549</u>	TOTAL OF ALL ABOVE PROGRAMS	[\$1,347,055,078] <u>\$1,319,908,390</u>
290		<u>Professional Development Block Grant.</u>	<u>\$73,553,836</u>
291		Social Security and retirement programs.	[\$253,325,728] <u>\$214,077,244</u>
292		Pupil Transportation to and from school.	[\$53,236,772] <u>\$55,517,261</u>
293		[Contingency fund.	\$419,246]
294		[Incentives for excellence.	\$614,911]
295		[Regional service centers.	\$1,172,733]
296		[Staff Development.	\$1,965,577]
297		[Comprehensive Guidance.	\$7,420,659]
298		[Educational Technology Initiative	\$8,970,322]
299		[=Maintenance.]	
300		<u>Guarantee Transportation Levy.</u>	<u>\$500,000</u>
301		<u>Local Discretionary Block Grant Program.</u>	<u>\$49,821,560</u>
302		<u>Math and Science - Beginning Teacher Recruitment.</u>	<u>\$2,400,000</u>
303		<u>Families, Agencies, and Communities Together.</u>	<u>\$1,250,670</u>
304		Alternative Language Services.	[\$3,328,564] <u>\$3,528,564</u>
305		Highly Impacted Schools.	[\$4,873,207] <u>\$5,123,207</u>
306		[Character Education Program.	\$397,680]

307	[Families, Agencies, and Communities Together. -----	\$1,250,670]
308	[School Nurses. -----	\$496,949]
309	[Transportation Levy. -----	\$225,000]
310	[Technology, Life, Careers, and Work-Based -----	\$2,235,000]
311	[Learning Programs.]	
312	[Truancy Intervention and Prevention. -----	\$150,000]
313	[Reading Performance Improvement]	
314	[Scholarship Program. -----	\$9,000]
315	[Reading Initiative. -----	\$5,000,000]
316	<u>At-risk Programs.</u>	<u>\$24,909,715</u>
317	<u>Adult Education.</u>	<u>\$8,330,167</u>
318	<u>Accelerated Learning Programs.</u>	<u>\$9,507,610</u>
319	<u>Block Grant Hold Harmless.</u>	<u>\$3,897,110</u>
320	Experimental and Developmental Program. [\$5,933,056]
321	[Alternative Middle Schools Program. -----	\$2,000,000]
322	<u>Electronic High School.</u>	<u>\$200,000</u>
323	School Land Trust Program. [\$4,775,000]
324	[Assessment and Accountability Program. -----	\$3,500,000]
325	[State Contribution to School Districts. -----	\$1,113,100]
326	State-supported voted leeway. [\$121,242,797]
327	State-supported board leeway. [\$36,111,863]
328	Total estimated contributions to [\$1,866,822,912]
329	school districts for all programs.	
330	Less estimated proceeds from [\$331,712,666]
331	state-supported local levies.	
332	TOTAL STATE FUNDS [\$1,535,110,246]

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

334 **53A-17a-111. Weighted pupil units for programs for students with disabilities --**

335 **District allocation.**

336 (1) There is appropriated to the State Board of Education [~~\$143,671,726 (71,621]~~

337 \$154,694,650 (73,315 weighted pupil units) for allocation to local school board programs for

338 students with disabilities.

339 (2) Included in the appropriation is [~~\$105,710,182~~] \$112,152,830 for add-on WPUs for
340 students with disabilities enrolled in regular programs.

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

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

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

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

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

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

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

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

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

369 factor from the prior year.

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

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

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

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

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

382 **53A-17a-112. Preschool special education appropriation -- Extended year program**
383 **appropriation -- Appropriation for special education programs in state institutions.**

384 (1) Included in the [~~\$143,671,726~~] \$154,694,650 appropriation under Section
385 53A-17a-111 is:

386 (a) an amount of [~~\$10,106,228~~] \$12,889,990 for preschool special education programs;

387 (b) an amount of [~~\$24,671,794~~] \$26,303,260 for self-contained regular WPU special
388 education programs;

389 (c) an amount of [~~\$475,422~~] \$500,070 for extended year programs for the severely
390 disabled; and

391 (d) an amount of [~~\$2,708,100~~] \$2,848,500 for special education programs in state
392 institutions and for district impact aid.

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

396 (b) The monies are distributed on the basis of a school district's previous year December
397 1 disabled preschool child count as mandated by federal law.

398 (3) The extended school year program for the severely disabled is limited to students with
399 severe disabilities with education program goals identifying significant regression and recoupment

400 disability as approved by the State Board of Education.

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

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

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

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

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

412 **53A-17a-113. Weighted pupil units for applied technology education programs --**
413 **Funding of approved programs -- Performance measures -- Qualifying criteria.**

414 (1) There is appropriated to the State Board for Applied Technology Education, hereafter
415 referred to in this section as the board, [~~\$39,044,784 (19,464)~~] \$49,422,530 (23,423 weighted pupil
416 units) to pay the added instructional costs of approved applied technology education programs.

417 (a) Included in the appropriation is [~~\$844,526~~] \$888,310 (421 weighted pupil units) for
418 summer applied technology agriculture programs.

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

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

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

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

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

430 (c) Leadership organization funds shall constitute an amount not to exceed 1% of the total

431 appropriation under this section, and shall be distributed to each local educational agency
432 sponsoring applied technology student leadership organizations in a ratio representing the agency's
433 share of the state's total membership in those organizations.

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

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

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

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

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

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

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

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

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

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

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

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

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

462 **53A-17a-116. Weighted pupil units for applied technology set-aside programs.**

463 (1) There is appropriated to the State Board for Applied Technology Education
464 [~~\$1,983,934~~] \$2,086,790 (989 weighted pupil units) for an applied technology set-aside program.

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

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

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

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

472 **53A-17a-119. Appropriation for adult education programs.**

473 (1) There is appropriated to the State Board of Education [~~\$6,834,442 (3,407 weighted~~
474 ~~pupil units)~~] \$8,330,167 for allocation to local school boards for adult education programs,
475 consisting of adult high school completion and adult basic skills programs.

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

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

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

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

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

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

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

493 **53A-17a-120. Appropriation for accelerated learning programs.**

494 (1) There is appropriated to the State Board of Education [~~\$7,705,046 (3,841 weighted~~
495 ~~pupil units)~~ \$9,507,610 for allocation to local school boards for accelerated learning programs in
496 grades one through 12, which include programs for the gifted and talented, concurrent enrollment,
497 and advanced placement.

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

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

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

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

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

510 **53A-17a-121. Appropriation for At-risk programs.**

511 (1) There is appropriated to the State Board of Education [~~\$20,138,234 (10,039 weighted~~
512 ~~pupil units)~~ \$24,909,715 for allocation to local school boards for [~~youth at risk~~] at-risk programs,
513 including the following:

514 (a) youth in custody;

515 (b) adolescent pregnancy prevention;

516 (c) homeless and disadvantaged minority students;

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

518 (e) gang prevention and intervention; and

519 (f) at-risk flow through.

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

523 (3) (a) From the amount appropriated for [~~youth at risk~~] At-risk programs, the board shall

524 allocate moneys for adolescent pregnancy prevention programs to school districts on the basis of
525 a district's total number of students enrolled in classes as of October 1 that teach a curriculum of
526 adolescent pregnancy prevention as compared to the total number of students enrolled in such
527 programs in school districts throughout the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

574 **53A-17a-123. State contribution for local discretionary block grant program.**

575 (1) There is appropriated to the State Board of Education for the fiscal year beginning July
576 1, 2001, \$49,821,560 for a local discretionary block grant program comprised of the following
577 components:

578 (a) truancy intervention and prevention;

579 (b) an unrestricted local program;

580 (c) incentives for excellence;

581 (d) the Educational Technology Initiative;

582 (e) character education;

583 (f) school nurses;

584 (g) alternative middle schools;

585 (h) reading initiative;

586 (i) experimental-developmental programs; and

587 (j) a local discretionary program.

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

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

591 **53A-17a-124. State contributions to professional development.**

592 (1) There is appropriated to the State Board of Education [~~\$48,651,518 (24,253 weighted~~
 593 ~~pupil units)~~] for the fiscal year beginning July 1, 2001, \$73,553,836 for teacher professional
 594 development programs and teacher career ladders for distribution to school districts in accordance
 595 with professional development policies and procedures under Section 53A-3-701 and career ladder
 596 guidelines provided by the state board and Title 53A, Chapter 9.

597 [~~(a)~~] (2) The state board shall distribute the career ladder portion of the appropriation,
 598 [upon application, to each local school board by a formula based on the average of equal weighting
 599 considerations for:] \$58,553,836, under the provisions of Subsection (3)(a) of the Intent Language
 600 section of this act.

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

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

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

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

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

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

608 [~~(2)~~] (3) Each school district [participating in the career ladder program] may spend career
 609 ladder monies:

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

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

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

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

619 (4) Of the amount appropriated, \$15,000,000 shall be distributed by the State Board of
620 Education for teacher professional development days beyond the regular school year under Section
621 53A-3-701 and standards established by the board in accordance with Title 63, Chapter 46a, Utah
622 Administrative Procedures Act.

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

624 **53A-17a-124.5. Appropriation for class size reduction.**

625 (1) There is appropriated to the State Board of Education for the fiscal year beginning July
626 1, [~~2000, \$59,331,462~~] 2001, \$62,407,470 (29,577 weighted pupil units) to reduce the average
627 class size in kindergarten through the eighth grade in the state's public schools.

628 (2) Each district shall receive its allocation based upon prior year average daily
629 membership in kindergarten through grade eight plus growth as determined under Subsection
630 53A-17a-106(3) as compared to the state total.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

666 **53A-17a-125. Appropriation for retirement and social security.**

667 (1) There is appropriated to the State Board of Education [~~\$253,325,728~~] for the fiscal year
668 beginning July 1, 2001, \$214,077,244 for retirement and social security costs.

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

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

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

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

676 **53A-17a-126. State support of pupil transportation -- Incentives to increase economy**
677 **and productivity in student transportation.**

678 (1) The state's contribution of [~~\$53,236,772~~] \$55,517,261 for state-supported

679 transportation of public school students is apportioned and distributed in accordance with Section
680 53A-17a-127, except as otherwise provided in this section.

681 (2) (a) Included in the appropriation under Subsection (1) is an amount not less than
682 [~~\$1,710,235~~] \$1,914,400 to be deducted prior to any other distribution under this section to school
683 districts, and allocated to the Utah Schools for the Deaf and the Blind to pay transportation costs
684 of the schools' students.

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

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

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

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

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

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

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

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

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

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

710 **53A-17a-131.2. State contribution to highly impacted schools program.**

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

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

716 **53A-17a-131.4. State contribution to Alternative Language Services Program.**

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

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

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

725 **53A-17a-131.9. State contribution to agencies coming together for children and**
726 **youth at risk.**

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

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

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

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

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

740 **53A-17a-131.13. State contribution to guarantee transportation levy.**

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

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

746 **53A-17a-131.15. State contribution for the Electronic High School.**

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

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

752 **53A-17a-131.16. State contribution for school district hold harmless program.**

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

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

759	<u>Beaver</u>	<u>\$67,019</u>
760	<u>Cache</u>	<u>\$31,416</u>
761	<u>Carbon</u>	<u>\$151,415</u>
762	<u>Daggett</u>	<u>\$86,354</u>
763	<u>Davis</u>	<u>\$6,368</u>
764	<u>Duchesne</u>	<u>\$83,141</u>
765	<u>Emery</u>	<u>\$78,769</u>
766	<u>Garfield</u>	<u>\$51,188</u>
767	<u>Grand</u>	<u>\$146,213</u>
768	<u>Granite</u>	<u>\$379,456</u>
769	<u>Iron</u>	<u>\$268,325</u>
770	<u>Juab</u>	<u>\$81,005</u>
771	<u>Kane</u>	<u>\$55,085</u>

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

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

797 **53A-17a-131.17. State contribution for a School Land Trust Program.**

798 The state's contribution of [~~\$4,775,000~~] \$5,200,000 for a School Land Trust Program for
 799 the fiscal year beginning July 1, [~~2000~~] 2001, is appropriated to the State Board of Education for
 800 distribution to school districts according to guidelines established by the board in accordance with
 801 Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

802 Section 24. Section **53A-17a-131.19** is repealed and reenacted to read:

803 **53A-17a-131.19. State contribution to math and science beginning teacher**
804 **recruitment program.**

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

809 Section 25. Section **53A-17a-132** is amended to read:

810 **53A-17a-132. Experimental and developmental programs.**

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

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

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

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

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

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

833 (b) The State Board of Education shall select schools for the pilot programs by a grant

834 process using selection criteria developed by the state board.

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

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

838 **53A-17a-133. State-supported voted leeway program authorized -- Election**
839 **requirements -- State guarantee -- Reconsideration of the program.**

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

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

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

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

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

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

853 ~~[(ii) The guarantee shall apply to the first .0006 per dollar of taxable value beginning July~~
854 ~~1, 1996, and shall apply to an additional .0002 per dollar of taxable value each year thereafter so~~
855 ~~that the guarantee shall apply to the first .0016 of taxable value beginning July 1, 2001, and for~~
856 ~~each year thereafter.]~~

857 (b) ~~(†)~~ The same dollar amount guarantee per weighted pupil unit for the ~~[-.0004]~~ .0016
858 per dollar of taxable value under Subsection (3)(a) shall apply to the board-approved leeway
859 authorized in Section 53A-17a-134, so that the guarantee shall apply up to a total of ~~[-.0008]~~ .002
860 per dollar of taxable value if a school district levies a tax rate ~~[of up to .0004 in]~~ under both
861 programs.

862 ~~[(ii) Beginning July 1, 1996, if a district levies up to .0006 in the voted leeway program and~~
863 ~~up to .0004 in the board leeway program, the guarantee shall apply up to a total of .001 for both~~
864 ~~programs and shall apply to an additional .0002 per dollar of taxable value each year thereafter~~

865 through July 1, 2001, as described in Subsection (3)(a)(ii) so that the guarantee shall apply up to
866 a total of .002 per dollar of taxable value beginning July 1, 2001, and for each year thereafter.]

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

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

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

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

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

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

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

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

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

890 **53A-17a-134. Board-approved leeway -- Purpose -- State support -- Disapproval.**

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

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

895 (b) if a local school board determines that the average class size in the school district is

896 not excessive, it may use the monies for other school purposes but only if the board has declared
897 the use for other school purposes in a public meeting prior to levying the tax rate; and

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

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

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

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

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

911 (5) An election to consider disapproval of the board-authorized levy is required, if within
912 60 days after the levy is established by the board, referendum petitions signed by the number of
913 legal voters required in Section 20A-7-301, who reside within the school district, are filed with the
914 school district.

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

919 (b) The approval and disapproval votes authorized in Subsections (4) and (5) shall occur
920 at a general election in even-numbered years, except that a vote required under this section in
921 odd-numbered years shall occur at a special election held on a day in odd-numbered years that
922 corresponds to the general election date. The school district shall pay for the cost of a special
923 election.

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

926 (b) A board-authorized leeway rate may be modified or terminated by a majority vote of

927 the board subject to disapproval procedures specified in this section.

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

929 Section 28. Section **53A-17a-135** is amended to read:

930 **53A-17a-135. Certified revenue levy.**

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

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

936 (c) The State Tax Commission shall certify on or before June 22 the rate that generates
937 [~~\$189,329,826~~] \$196,908,771 in revenues statewide.

938 (d) If the minimum basic tax rate exceeds the certified revenue levy as defined in Section
939 59-2-102, the state is subject to the notice requirements of Section 59-2-926.

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

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

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

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

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

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

960 Section 29. Section **53A-21-105** is amended to read:

961 **53A-21-105. State contribution to capital outlay programs.**

962 The state contribution toward the cost of the programs established under Section
963 53A-21-102 for the fiscal year beginning July 1, [~~2000~~] 2001, shall consist of an appropriation
964 totaling [~~\$28,358,000~~] \$38,358,000 to the State Board of Education from the Uniform School
965 Fund.

966 Section 30. **One-time appropriations.**

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

971 (1) \$1,375,000 for applied technology-district equipment;

972 (2) \$1,060,000 to the Schools for the 21st Century Program;

973 (3) \$7,500,000 to the Math and Science Beginning Teacher Recruitment Program;

974 (4) \$8,250,000 for the Educational Technology Initiative;

975 (5) \$3,800,000 for Library Media Programs; and

976 (6) \$2,800,000 for Staff Development Programs.

977 Section 31. **Intent language.**

978 (1) It is the intent of the Legislature that pregnancy prevention programs in public schools
979 must stress the importance of abstinence from all sexual activity before marriage and fidelity after
980 marriage as methods for preventing certain communicable diseases.

981 (2) It is the intent of the Legislature that programs that have been block granted by the
982 2001 Legislature and are no longer calculated with weighted pupil units be given priority for
983 equivalent weighted pupil unit increases when considering compensation or weighted pupil unit
984 increases by the 2002 Legislature.

985 (3) (a) Notwithstanding current statutory provisions for programs in the local discretionary
986 block grant and the special population programs, which are Families, Agencies, and Communities
987 Together, Alternative Language Services, Highly Impacted Schools, At-risk Programs, Adult
988 Education and Accelerated Learning, and with the exception of those programs for which funds

989 are awarded based on successful completion through a request of proposal, a school district may
990 spend the allocation for any or all programs within the appropriated block.

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

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

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

1001 (4) (a) It is the intent of the Legislature that the State Office of Education convene a
1002 representative committee to study the needs of English Language Learners (ELL students) in Utah
1003 and related issues.

1004 (b) It is the further intent of the Legislature that the committee report to the Education
1005 Interim Committee by November 2001.

1006 (5) It is the intent of the Legislature that \$72,000 of the one-time appropriation of
1007 \$8,250,000 for the Educational Technology Initiative be transferred to the Utah Schools for the
1008 Deaf and the Blind for fiscal year 2002.

1009 (6) It is the intent of the Legislature that no more than \$70,000 of the monies appropriated
1010 to fund the School LAND Trust program shall be expended for administration of the program each
1011 year.

1012 (7) It is the intent of the Legislature that with the fiscal year beginning July 1, 2001 and
1013 for subsequent years the State Office of Education may use carry forward funds from the Minimum
1014 School Program to pay school districts the amount necessary to make them whole for any support
1015 in subsidizing a charter school for students for whom the district does not receive appropriate state
1016 or federal funding.

1017 **Section 32. Repealer.**

1018 This act repeals:

1019 **Section 53A-17a-124.1, State contribution for staff development -- Training on**

1020 **personalized education plans.**

1021 Section **53A-17a-128, Contingency fund for State Board of Education -- Laboratory**
1022 **school at Utah State University.**

1023 Section **53A-17a-129, State contribution for incentives for excellence.**

1024 Section **53A-17a-130, State contribution to regional service centers.**

1025 Section **53A-17a-131.1, State contribution to the educational technology initiative.**

1026 Section **53A-17a-131.3, State contributions to the school nurses program.**

1027 Section **53A-17a-131.6, State contribution to Character Education Program.**

1028 Section **53A-17a-131.8, State contribution to the Comprehensive Guidance Program.**

1029 Section **53A-17a-131.11, State contribution to truancy intervention and prevention.**

1030 Section **53A-17a-131.12, State contribution to Technology, Life, Careers, and**
1031 **Work-based Learning Programs.**

1032 Section **53A-17a-131.14, State contribution for reading initiative program.**

1033 Section **53A-17a-131.18, State contribution for assessment and accountability**
1034 **program.**

1035 Section 33. **Effective date.**

1036 This act takes effect on July 1, 2001.

1037 Section 34. **Coordination clause.**

1038 (1) If this bill and S.B. 35, Public Education Capital Outlay Act Amendments, both pass,
1039 it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in
1040 preparing the Utah Code database for publication, insert the amendments to Section 53A-21-105
1041 in this bill as they supercede the amendments to that section in S.B. 35.

1042 (2) If this bill and H.B. 38, School District Voted Leeway Amendments, both pass, it is
1043 the intent of the Legislature that the Office of Legislative Research and General Counsel, in
1044 preparing the Utah Code database for publication, insert the amendments to Sections 53A-17a-133
1045 and 53A-17a-134 in this bill as they supercede the amendments to those sections in H.B. 38.

1046 (3) (a) If this bill and S.B. 61, Enhancements to the State Systems of Public and Higher
1047 Education, both pass, it the intent of the Legislature that the appropriations in Section
1048 53A-17a-131.19 and Section 30, Item (4), One-time appropriations, of this act shall supercede:

1049 (i) the appropriations in Subsections (2)(a) and (b) of the Appropriation Section 8 of S.B.
1050 61; and

1051 (ii) that part of the Effective date provision of Section 9 in S.B. 61 that would have Section
1052 (2)(b) of Appropriations Section 8 become effective May 1, 2001.

1053 (b) The net effect of Subsection (3)(a) is to remove the appropriations for the Public
1054 Education Job Enhancement Program from S.B. 61 and have the program funded under the
1055 appropriations provisions of H.B. 3 referred to in Subsection (3)(a).

Legislative Review Note
as of 2-24-01 3:20 PM

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

Office of Legislative Research and General Counsel