

MINIMUM SCHOOL PROGRAM ACT

AMENDMENTS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Howard A. Stephenson

This act modifies provisions relating to the State System of Public Education in the funding of the Minimum School Program. This act provides a ceiling for the state contribution of the operation and maintenance portion of the Minimum School Program Act not to exceed \$1,586,482,794. This act establishes the value of the weighted pupil unit at \$2,132, establishes block grants and distribution formulas, and provides a \$28,358,000 appropriation for school building aid. This act takes effect on July 1, 2002.

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

AMENDS:

- 53A-3-701, as enacted by Chapter 335, Laws of Utah 2001
- 53A-13-107, as last amended by Chapter 224, Laws of Utah 2000
- 53A-17a-103, as last amended by Chapter 335, Laws of Utah 2001
- 53A-17a-104, as last amended by Chapter 335, Laws of Utah 2001
- 53A-17a-111, as last amended by Chapter 335, Laws of Utah 2001
- 53A-17a-112, as last amended by Chapter 335, Laws of Utah 2001
- 53A-17a-113, as last amended by Chapter 5, Laws of Utah 2001, First Special Session
- 53A-17a-114, as last amended by Chapter 306, Laws of Utah 1993
- 53A-17a-116, as last amended by Chapter 5, Laws of Utah 2001, First Special Session
- 53A-17a-119, as last amended by Chapter 335, Laws of Utah 2001
- 53A-17a-120, as last amended by Chapter 335, Laws of Utah 2001
- 53A-17a-121, as last amended by Chapter 335, Laws of Utah 2001
- 53A-17a-123, as repealed and reenacted by Chapter 335, Laws of Utah 2001
- 53A-17a-124, as last amended by Chapter 335, Laws of Utah 2001
- 53A-17a-124.5, as last amended by Chapter 335, Laws of Utah 2001
- 53A-17a-125, as last amended by Chapter 335, Laws of Utah 2001

53A-17a-126, as last amended by Chapter 335, Laws of Utah 2001
53A-17a-131.2, as last amended by Chapter 335, Laws of Utah 2001
53A-17a-131.9, as last amended by Chapter 335, Laws of Utah 2001
53A-17a-131.13, as last amended by Chapter 335, Laws of Utah 2001
53A-17a-131.15, as repealed and reenacted by Chapter 335, Laws of Utah 2001
53A-17a-131.17, as last amended by Chapter 335, Laws of Utah 2001
53A-17a-131.19, as repealed and reenacted by Chapter 335, Laws of Utah 2001
53A-17a-132, as last amended by Chapter 335, Laws of Utah 2001
53A-17a-133, as last amended by Chapters 335 and 336, Laws of Utah 2001
53A-17a-135, as last amended by Chapter 335, Laws of Utah 2001
53A-17a-146, as renumbered and amended by Chapter 72, Laws of Utah 1991
53A-21-105, as last amended by Chapters 234 and 335, Laws of Utah 2001

ENACTS:

53A-17a-123.5, Utah Code Annotated 1953
53A-17a-148, Utah Code Annotated 1953

REPEALS:

53A-17a-113.5, as enacted by Chapter 11, Laws of Utah 1996
53A-17a-117, as last amended by Chapter 53, Laws of Utah 1992
53A-17a-131.4, as last amended by Chapter 335, Laws of Utah 2001

This act enacts uncodified material.

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

Section 1. Section **53A-3-701** is amended to read:

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

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

(b) Each school shall use its community council, school directors, or a subcommittee of the community council as described in Subsection 53A-16-101.5(4) to help develop and implement the plan.

- (2) Each plan shall include the following components:
- (a) an alignment of professional development activities at the school and school district level with:
- (i) the School LAND Trust Program authorized under Section 53A-16-101.5;
 - (ii) the Utah Performance Assessment System for Students under Title 53A, Chapter 1, Part 6, Achievement Tests;
 - (iii) the Educational Technology Initiative under Title 53A, Chapter 1, Part 7, Educational Technology Programs;
 - (iv) Sections 53A-6-101 and 53A-6-104 of the Educator Licensing and Professional Practices Act;
 - (v) Title 53A, Chapter 9, Teacher Career Ladders; and
 - (vi) Title 53A, Chapter 10, Educator Evaluation;
- (b) provision for the development of internal instructional leadership and support;
- (c) the periodic presence of all stakeholders at the same time in the professional development process, to include administrators, educators, support staff, parents, and students;
- (d) provisions for the use of consultants to enhance and evaluators to assess the effectiveness of the plan as implemented; and
- (e) the time required for and the anticipated costs of implementing and maintaining the plan.
- (3) (a) Each local school board shall review and either approve or recommend modifications for each school plan within its district so that each school's plan is compatible with the district plan.
- (b) The board shall:
- (i) provide positive and meaningful assistance to a school, if requested by its community council or school directors, in drafting and implementing its plan; and
 - (ii) monitor the progress of each school plan and hold each school accountable for meeting the objectives of its plan.
- (4) (a) The State Board of Education, through the superintendent of public instruction, shall work with school districts to identify the resources required to implement and maintain each school's and school district's professional development plan required under this section.

(b) (i) The state board shall make an annual budget recommendation to the Legislature for state funding of professional development plans under this section.

(ii) The recommendation shall take into account:

(A) monies that could be used for professional development from the programs listed in Subsection (2)(a); and

(B) the ~~[professional development block grant program]~~ Quality Teaching Block Grant Program authorized under the Minimum School Program Act.

~~[(5)(a) For the fiscal year beginning July 1, 2001, school districts shall use \$10,000,000 of the school professional development appropriation made in Section 53A-17a-124, for teacher professional development days beyond the regular school year as follows:]~~

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

~~[(ii) monies for these two additional days shall be allocated to a school district without requiring matching monies.]~~

~~[(b) For the fiscal year beginning July 1, 2002, the Legislature shall increase the funding for teacher professional development under Section 53A-17a-124 and Subsection (5)(a) to provide for a total of three days of teacher professional development related to implementing and maintaining the Utah Performance Assessment System for Students.]~~

~~[(c) Schools are urged to collaborate with one another in the implementation of the teacher development program under Subsection (5)(a) to maximize the effectiveness of the appropriation.]~~

~~[(d) It is the intent of the Legislature that of the \$10,000,000 allocated to school districts for additional days \$42,305 shall be allocated to the Utah Schools for the Deaf and the Blind per day for each additional day funded.]~~

Section 2. Section **53A-13-107** is amended to read:

53A-13-107. Adoption information.

(1) Each local school board shall ensure that an annual presentation on adoption is given to

its secondary school students in grades 7-12, so that each student receives the presentation at least once during grades 7-9 and at least once during grades 10-12.

(2) The presentation shall be made by a licensed teacher as part of the health education core [~~and may be included as part of a district's teenage pregnancy prevention program authorized under Section 53A-17a-121~~].

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

53A-17a-103. Definitions.

As used in this chapter:

(1) "Basic state-supported school program" or "basic program" means public education programs for kindergarten, elementary, and secondary school students that are operated and maintained for the amount derived by multiplying the number of weighted pupil units for each district by [~~\$2,116~~] \$2,132, except as otherwise provided in this chapter.

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

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

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

(5) (a) "State-supported minimum school program" or "minimum school program" means public school programs for kindergarten, elementary, and secondary schools as described in this Subsection (5).

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

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

(ii) Education, enhanced by utilization of technologically enriched delivery systems, when approved by local school boards, shall receive full support by the State Board of Education as it pertains to fulfilling the [~~990-hour~~] attendance requirements, excluding time spent viewing

commercial advertising.

~~[(e)]~~ (d) The program shall be operated and maintained for the total of the following annual costs:

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

(ii) ~~[the amount]~~ other amounts appropriated in ~~[Section 53A-17a-123 for the local discretionary block grant]~~ Chapter 17a in addition to the basic program; and

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

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

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

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

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

~~[(vi) the amount appropriated in Chapter 17a;]~~

~~[(A) for a professional development block grant program;]~~

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

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

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

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

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

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

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

- ~~[(I) for adult education programs;]~~
- ~~[(J) for At-risk programs;]~~
- ~~[(K) for accelerated learning programs;]~~
- ~~[(L) for a math and science beginning teacher recruitment program;]~~
- ~~[(M) for a block grant hold harmless program; and]~~
- ~~[(N) for an electronic high school program; and]~~
- ~~[(vii) the cost of a leeway program.]~~

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

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

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

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

(1) The total contribution of the state toward the cost of the operation and maintenance portion of the minimum school program~~[, as provided and defined in Section 53A-17a-103;]~~ may not exceed the sum of ~~[\$1,607,061,760]~~ \$1,586,482,794 for the ~~[2001-02 school year]~~ fiscal year beginning July 1, 2002, except as otherwise provided by the Legislature through supplemental appropriations.

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

Estimated Weighted Pupil Units	Purpose State Contribution	Estimated State and Local Funds at Per Weighted Pupil Unit
[20,616] <u>20,097</u>	Basic program - kindergarten.	[\$2,116] <u>\$2,132</u>
[427,244] <u>429,871</u>	Basic program - grades 1-12.	[-\$43,623,456] <u>\$42,846,804</u>
		[\$904,048,304] <u>\$916,484,972</u>

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[41,394] <u>41,187</u>	Basic program - professional staff.	[-\$87,589,704] <u>\$87,810,684</u>
1,655	Basic program - administrative costs.	[\$3,501,980] <u>\$3,528,460</u>
[7,336] <u>7,386</u>	Basic program - necessarily existent small schools and units for consolidated schools.	[\$15,522,976] <u>\$15,746,952</u>
[53,153] <u>52,997</u>	Special education - regular program - add-on WPU for students with disabilities.	[\$112,471,748] <u>\$112,989,604</u>
[6,109] <u>6,146</u>	Preschool Special Education Program.	[\$12,926,644] <u>\$13,103,272</u>
[12,466] <u>12,542</u>	Self-contained regular WPUs.	[\$26,378,056] <u>\$26,739,544</u>
[237] <u>238</u>	Extended year program for severely disabled.	[\$501,492] <u>\$507,416</u>
[1,350] <u>1,358</u>	Special education - state programs.	[\$2,856,600] <u>\$2,895,256</u>
[23,423] <u>23,566</u>	Applied technology and technical education district programs.	[\$49,563,068] <u>\$50,242,712</u>
[989] <u>995</u>	Applied technology district set-aside.	[\$2,092,724] <u>\$2,121,340</u>
[29,577] <u>29,757</u>	Class size reduction.	[\$62,584,932] <u>\$63,441,924</u>
[625,549] <u>627,795</u>	TOTAL OF ALL ABOVE PROGRAMS	[\$1,323,661,684] <u>\$1,338,458,940</u>
	Professional Development Block Grant.	\$68,821,511
	Social Security and retirement programs.	[\$214,685,479] <u>\$217,072,218</u>
	Pupil Transportation to and from school.	[\$55,745,940] <u>\$56,164,040</u>
	Guarantee Transportation Levy.	\$500,000
	Local Discretionary Block Grant Program.	[\$49,948,636] <u>\$21,824,448</u>
	<u>Interventions for Student Success Block Grant Program</u>	<u>\$15,553,062</u>
	<u>Quality Teaching Block Grant Program</u>	<u>\$69,178,111</u>
	Math and Science - Beginning Teacher Recruitment.	[\$2,400,000] <u>\$500,000</u>
	Families, Agencies, and Communities Together.	\$1,250,670
	Alternative Language Services.	\$3,528,564
	Highly Impacted Schools.	\$5,123,207
	At-risk Programs.	[\$25,023,588] <u>\$24,324,161</u>
	Adult Education.	[\$8,368,247] <u>\$8,431,047</u>

Accelerated Learning Programs.	[\$9,551,074]	<u>\$8,622,674</u>
[Block Grant Hold Harmless.	_____	\$3,897,110]
Experimental and Developmental Program.	[\$3,102,369]	<u>\$602,369</u>
Electronic High School.	[\$200,000]	<u>\$400,000</u>
School LAND Trust Program.	[\$5,200,000]	<u>\$6,000,000</u>
State-supported voted leeway.	[\$141,362,359]	<u>\$141,682,087</u>
State-supported board leeway.	[\$41,149,682]	<u>\$41,465,445</u>
Total estimated contributions to school districts for all programs.	[\$1,963,520,120]	<u>\$1,955,901,809</u>
Less estimated proceeds from state-supported local levies.	[\$356,458,360]	<u>\$369,419,015</u>
TOTAL STATE FUNDS	[\$1,607,061,760]	<u>\$1,586,482,794</u>

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

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

(1) There is appropriated to the State Board of Education [~~\$155,134,540 (73,315)~~] for the fiscal year beginning July 1, 2002, \$156,235,092 (73,281 weighted pupil units) for allocation to local school board programs for students with disabilities.

(2) Included in the appropriation is [~~\$112,471,748~~] \$112,989,604 for add-on WPUs for students with disabilities enrolled in regular programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Included in the [~~\$155,134,540~~] \$156,235,092 appropriation under Section 53A-17a-111 is:

(a) an amount of [~~\$12,926,644~~] \$13,103,272 for preschool special education programs;

(b) an amount of [~~\$26,378,056~~] \$26,739,544 for self-contained regular WPU special education programs;

(c) an amount of [~~\$501,492~~] \$507,416 for extended year programs for the severely disabled; and

(d) an amount of [~~\$2,856,600~~] \$2,895,256 for special education programs in state institutions and for district impact aid.

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

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

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

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

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

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

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

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

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

(1) ~~(a)~~ (a) There is appropriated to the State Board of Education ~~[, hereafter referred to in this section as the board, \$49,563,068 (23,423)]~~ for the fiscal year beginning July 1, 2002, \$50,242,712 (23,566 weighted pupil units) to pay ~~[the added instructional costs of]~~ for approved applied technology education programs and the comprehensive guidance program.

~~[(a)]~~ (b) Included in the appropriation is ~~[\$890,836]~~ \$908,232 ~~[(421)]~~ 426 weighted pupil units) for summer applied technology agriculture programs.

(c) The money appropriated in this Subsection (1):

~~[(b) These monies are]~~ (i) shall be allocated to eligible recipients as provided in Subsections (2), (3), and (4); and

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

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

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

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

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

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

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

(3) (a) Twenty weighted pupil units shall be computed for applied technology education administrative costs for each district, [~~or~~] except 25 weighted pupil units may be computed for each district that consolidates applied technology administrative services with one or more other districts.

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

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

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

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

(4) (a) [~~All monies allocated under Subsection (1) are computed by~~] Monies remaining after the allocations made under Subsections (2) and (3) shall be allocated using average daily membership in approved programs for the previous year.

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

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

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

(c) The rules shall include procedures to assist school districts to convert existing programs

which are not preparing students for the job market into programs that will accomplish that purpose.

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

Section 8. Section **53A-17a-114** is amended to read:

53A-17a-114. Applied technology program alternatives.

(1) If a school district determines that a secondary student's applied technology education goals are better achieved at a [~~district applied technology center, an applied technology center, area applied technology school, or skills center~~] regional applied technology college created under Title 53B, Chapter 2a, Utah College of Applied Technology, the student may attend that institution.

~~[(2)(a) Funds allocated under Subsection (1) are for approved programs designed to meet performance criteria and guidelines established by the state board.]~~

~~[(b) Efforts shall focus upon placement of students into jobs or into further training in a directly related program.]~~

~~[(3)]~~ (2) Students served under this section in [~~an applied technology center, area applied technology school, skills center, or district applied technology center~~] a regional applied technology college shall continue to be counted in the regular school program average daily membership of the sending school district.

Section 9. Section **53A-17a-116** is amended to read:

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

(1) There is appropriated to the State Board of Education [~~\$2,092,724 (989)~~] for the fiscal year beginning July 1, 2002, \$2,121,340 (995 weighted pupil units) for an applied technology set-aside program.

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

~~[(3)]~~ (2) Each district shall receive a guaranteed minimum allocation from the monies appropriated in Subsection (1).

~~[(4)]~~ (3) The set-aside funds remaining after the initial minimum payment allocation are distributed by an RFP process to help pay for equipment costs necessary to initiate new programs and for high priority programs as determined by labor market information.

Section 10. Section **53A-17a-119** is amended to read:

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

(1) There is appropriated to the State Board of Education [~~\$8,368,247~~] for the fiscal year beginning July 1, 2002, \$8,431,047 for allocation to local school boards for adult education programs, consisting of adult high school completion and adult basic skills programs.

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

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

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

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

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

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

Section 11. Section **53A-17a-120** is amended to read:

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

(1) There is appropriated to the State Board of Education [~~\$9,551,074~~] for the fiscal year beginning July 1, 2002, \$8,622,674 for allocation to local school boards for accelerated learning programs in grades one through 12, which include programs for the gifted and talented, concurrent enrollment, and advanced placement.

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

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

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

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

Section 12. Section **53A-17a-121** is amended to read:

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

(1) There is appropriated to the State Board of Education ~~[\$25,023,588]~~ for the fiscal year beginning July 1, 2002, \$24,324,161 for allocation to local school boards for at-risk programs, including the following:

(a) youth in custody;

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

~~[(c)]~~ (b) homeless and disadvantaged minority students;

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

~~[(e)]~~ (d) gang prevention and intervention; and

~~[(f)]~~ (e) at-risk flow through.

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

~~[(3) (a) From the amount appropriated for at-risk programs, the board shall allocate moneys for adolescent pregnancy prevention programs to school districts on the basis of a district's total number of students enrolled in classes as of October 1 that teach a curriculum of adolescent~~

~~pregnancy prevention as compared to the total number of students enrolled in such programs in school districts throughout the state.]~~

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

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

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

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

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

~~[(4)]~~ (3) (a) From the amount appropriated for youth at risk programs, the board shall allocate moneys to school districts for homeless and disadvantaged minority students.

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

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

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

(iii) multiplying the total of Subsections ~~[(4)]~~ (3)(b)(i) and (ii) by the value of the weighted pupil unit; and

(iv) prorating the amount under Subsection ~~[(4)]~~ (3)(b)(iii) to the amount in Subsection ~~[(4)]~~ (3)(a).

~~[(5)]~~ (4) (a) From the amount appropriated for at-risk programs, the board shall allocate monies for mathematics, engineering, and science achievement programs, MESA programs, in the districts.

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

~~[(6)]~~ (5) (a) From the amount appropriated for at-risk programs, the board shall distribute moneys for gang prevention and intervention programs at the district or school level.

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

~~[(7)]~~ (6) (a) From the amount appropriated for at-risk programs, the board shall distribute moneys for programs for youth in custody.

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

~~[(8)]~~ (7) From the amount appropriated for at-risk programs, the board shall allocate monies based on:

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

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

Section 13. Section **53A-17a-123** is amended to read:

53A-17a-123. Local Discretionary Block Grant Program -- State contribution.

(1) There is appropriated to the State Board of Education for the fiscal year beginning July 1, ~~[2001, \$49,948,636 for a local discretionary block grant program comprised of the following components:]~~ 2002, \$21,824,448 for the Local Discretionary Block Grant Program.

~~[(a) truancy intervention and prevention;]~~

~~[(b) an unrestricted local program;]~~

~~[(c) incentives for excellence;]~~

~~[(d) the Educational Technology Initiative;]~~

~~[(e) character education;]~~

~~[(f) school nurses;]~~

~~[(g) alternative middle schools;]~~

~~[(h) reading initiative;]~~

~~[(i) experimental-developmental programs; and]~~

~~[(j) a local discretionary program.]~~

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

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

(2) The State Board of Education shall distribute the money appropriated in Subsection (1) to school districts and charter schools according to a formula adopted by the board, after consultation with school districts and charter schools, that allocates the funding in a fair and equitable manner.

(3) Schools districts and charter schools shall use Local Discretionary Block Grant monies for:

(a) maintenance and operation costs;

(b) capital outlay; and

(c) debt service.

Section 14. Section **53A-17a-123.5** is enacted to read:

53A-17a-123.5. Interventions for Student Success Block Grant Program -- State contribution.

(1) There is appropriated to the State Board of Education for the fiscal year beginning July 1, 2002, \$15,553,062 for the Interventions for Student Success Block Grant Program.

(2) The State Board of Education shall distribute the money appropriated in Subsection (1) to school districts and charter schools according to a formula adopted by the board, after consultation with school districts and charter schools, that allocates the funding in a fair and equitable manner.

(3) Schools districts and charter schools shall use Interventions for Student Success Block Grant monies to improve student academic success, with priority given to interventions on behalf of students not performing to standards as determined by U-PASS test results.

(4) (a) Each school district shall develop a plan for the expenditure of Interventions for Student Success Block Grant monies.

(b) The plan:

(i) shall specify anticipated results; and

(ii) may include continuing existing programs to improve students' academic success for which funds were appropriated before the establishment of the block grant.

(c) The local school board shall approve the plan for the expenditure of the block grant monies in an open public meeting before the monies are spent.

Section 15. Section **53A-17a-124** is amended to read:

53A-17a-124. Quality Teaching Block Grant Program -- State contributions.

(1) There is appropriated to the State Board of Education for the fiscal year beginning July 1, ~~[2001, \$68,821,511]~~ 2002, \$69,178,111 for ~~[teacher professional development programs and teacher career ladders for distribution to school districts on the basis of each district's total weighted pupil units in kindergarten, grades one through 12, and the necessarily existent small schools portions of the Minimum School Program as compared to the state total]~~ the Quality Teaching Block Grant Program.

~~[(2) Each school district may spend career ladder monies:]~~

~~[(a) to pay a performance bonus to teachers judged by the district as being outstanding in regular classroom performance;]~~

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

~~[(ii) a local board of education may specifically use from the career ladder appropriation an~~

amount equivalent to \$300 per eligible teacher per year for approved inservice costs, for daily stipends, for per diem expenses, and for eligible teacher trainers; and]

~~[(c) for negotiated additional teacher compensation for extending the length of the instructional day or the number of instructional days.]~~

~~[(3) Of the amount appropriated, \$10,000,000 shall be distributed by the State Board of Education for teacher professional development days beyond the regular school year under Section 53A-3-701 and standards established by the board in accordance with Title 63, Chapter 46a, Utah Administrative Procedures Act.]~~

(2) The State Board of Education shall distribute the money appropriated in Subsection (1) to school districts and charter schools according to a formula adopted by the board, after consultation with school districts and charter schools, that allocates the funding in a fair and equitable manner.

(3) Schools districts and charter schools shall use Quality Teaching Block Grant monies to implement school and school district comprehensive, long-term professional development plans required by Section 53A-3-701.

(4) Each local school board shall:

(a) as provided by Section 53A-3-701, review and either approve or recommend modifications for each school's comprehensive, long-term professional development plan within the district so that each school's plan is compatible with the district's comprehensive, long-term professional development plan; and

(b) in an open public meeting, approve a plan to spend Quality Teaching Block Grant monies to implement the school district's comprehensive, long-term professional development plan.

Section 16. Section **53A-17a-124.5** is amended to read:

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

(1) There is appropriated to the State Board of Education for the fiscal year beginning July 1, [2001, \$62,584,932 (29,577)] 2002, \$63,441,924 (29,757 weighted pupil units) to reduce the average class size in kindergarten through the eighth grade in the state's public schools.

(2) Each district shall receive its allocation based upon prior year average daily membership in kindergarten through grade eight plus growth as determined under Subsection 53A-17a-106(3)

as compared to the state total.

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

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

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

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

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

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

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

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

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

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

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

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

- (i) the use of the funds complies with legislative intent; and
- (ii) the use of the funds supplements the district's class size reduction plan.

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

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

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

(1) There is appropriated to the State Board of Education for the fiscal year beginning July 1, [~~2001, \$214,685,479~~] 2002, \$217,072,218 for retirement and social security costs.

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

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

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

(5) (a) Each school district shall receive its share of retirement and social security monies based on its total weighted pupil units compared to the total weighted pupil units for all districts in the state.

(b) The monies needed to support retirement and social security shall be determined by taking the district's prior year allocation and adjusting it for:

- (i) student growth;
- (ii) the percentage increase in the value of the weighted pupil unit; and
- (iii) the effect of any change in the rates for retirement, social security, or both.

Section 18. Section **53A-17a-126** is amended to read:

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

(1) The state's contribution of [~~\$55,745,940~~] \$56,164,040 for state-supported transportation of public school students for the fiscal year beginning on July 1, 2002, is apportioned and distributed in accordance with Section 53A-17a-127, except as otherwise provided in this section.

(2) (a) Included in the appropriation under Subsection (1) is an amount not less than [~~\$1,923,148~~] \$1,936,610 to be deducted prior to any other distribution under this section to school districts, and allocated to the Utah Schools for the Deaf and the Blind to pay transportation costs of the schools' students.

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

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

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

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

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

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

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

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

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

Section 19. Section **53A-17a-131.2** is amended to read:

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

The state's contribution of \$5,123,207 for the Highly Impacted Schools Program for the fiscal year beginning July 1, [2001] 2002, is appropriated to the State Board of Education for distribution according to the formula adopted by the board under Section 53A-15-701, which authorizes the Highly Impacted Schools Program.

Section 20. Section **53A-17a-131.9** is amended to read:

53A-17a-131.9. Agencies coming together for children and youth at risk.

(1) [~~There is~~] Monies appropriated [~~\$1,250,670~~] to or received by the State Board of Education [~~for the fiscal year beginning July 1, 2001,~~] to maintain Title 63, Chapter 75, Families, Agencies, and Communities Together for Children and Youth At Risk Act, shall be subject to the provisions of this section.

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

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

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

Section 21. Section **53A-17a-131.13** is amended to read:

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

The state's contribution of \$500,000 to the guarantee transportation levy program for the fiscal year beginning July 1, [2001] 2002, is appropriated to the State Board of Education for

distribution to school districts according to ~~[guidelines]~~ rules established by the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

Section 22. Section **53A-17a-131.15** is amended to read:

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

The state's contribution of ~~[\$200,000]~~ \$400,000 for the Electronic High School for the fiscal year beginning July 1, ~~[2001]~~ 2002, is appropriated to the State Board of Education for distribution to the school according to ~~[guidelines]~~ rules established by the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

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

53A-17a-131.17. State contribution for a School LAND Trust Program.

(1) (a) [The state's contribution of \$5,200,000 or the amount as determined by Subsections 53A-16-101.5(1), (2), and (3) for a] Except as provided in Subsection (1)(b), there is appropriated \$6,000,000 to the State Board of Education as the state's contribution for the School LAND Trust Program for the fiscal year beginning July 1, [2001, is appropriated to the State Board of Education for distribution to school districts according to guidelines] 2002.

(b) If the amount of money in the Uniform School Fund described in Subsection 53A-16-101.5(2) is less than or greater than \$6,000,000, the appropriation shall be equal to the amount of money in the Uniform School Fund described in Subsection 53A-16-101.5(2).

(2) The State Board of Education shall distribute the money appropriated in Subsection (1) in accordance with Section 53A-16-101.5 and rules established by the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

Section 24. Section **53A-17a-131.19** is amended to read:

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

The state's contribution of ~~[\$2,400,000]~~ \$500,000 for a math and science beginning teacher recruitment program, for the fiscal year beginning July 1, ~~[2001]~~ 2002, is appropriated to the State Board of Education for distribution according to Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program.

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

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

(1) The state's contribution of [~~\$3,102,369~~] \$602,369 for experimental and developmental programs for the fiscal year beginning July 1, [~~2001~~] 2002, is appropriated to the State Board of Education for distribution to school districts pursuant to [~~standards~~] rules established by the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

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

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

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

~~[(b) The programs should include training components, classified staffing formulas, and preventative maintenance formulas.]~~

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

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

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

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

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

(1) An election to consider adoption or modification of a voted leeway program is required if initiative petitions signed by 10% of the number of electors who voted at the last preceding general

election are presented to the local school board or by action of the board.

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

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

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

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

(3) (a) Under the voted leeway program, the state shall contribute an amount sufficient to guarantee \$17.14 per weighted pupil unit for each .0001 of the first .0016 per dollar of taxable value.

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

(c) (i) Beginning July 1, [~~2002~~] 2003, the \$17.14 guarantee under Subsections (3)(a) and (b) shall be indexed each year to the value of the weighted pupil unit by making the value of the guarantee equal to [~~.009044~~] .008544 times the value of the prior year's weighted pupil unit.

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

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

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

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

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

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

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

Section 27. Section **53A-17a-135** is amended to read:

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

(1) (a) In order to qualify for receipt of the state contribution toward the basic program and as its contribution toward its costs of the basic program, each school district shall impose a minimum basic tax rate per dollar of taxable value that generates [~~\$196,908,771~~] \$206,690,578 in revenues statewide.

(b) The preliminary estimate for the [~~2001-02~~] 2002-03 tax rate is [~~.001768~~] .001813.

(c) The State Tax Commission shall certify on or before June 22 the rate that generates [~~\$196,908,771~~] \$206,690,578 in revenues statewide.

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

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

~~[(f) For the calendar year beginning on January 1, 1999, and ending on December 31, 1999, the certified revenue levy shall be adjusted by the amount necessary to offset the adjustment in revenues from uniform fees on tangible personal property under Section 59-2-405.1 as a result of the adjustment in uniform fees on tangible personal property under Section 59-2-405.1 enacted by the~~

~~Legislature during the 1998 Annual General Session.]~~

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

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

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

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

Section 28. Section ~~53A-17a-146~~ is amended to read:

53A-17a-146. Reduction of district allocation based on insufficient revenues.

(1) (a) If it is necessary because of insufficient revenues in the Uniform School Fund [~~and the Mineral Lease Account of the General Fund~~] for the Legislature to reduce appropriations made to support schools under Title 53A, Chapter 17a, Minimum School Program Act, [~~and Title 53A, Chapters 21, Public Education Capital Outlay Act, and 22, Construction of Schools in Districts with New Industrial Plants,~~] the State Board of Education, after consultation with each school district[; ~~shall reduce that district's allocation by an amount equal to the legislatively imposed percentage reduction in the total state contribution to the support of the public schools.~~] and charter school, shall reduce each school district's and charter school's allocation of monies appropriated to support school districts and charter schools.

(b) Each school district's or charter school's share of the total reduction of appropriations to support school districts and charter schools shall be in the same proportion of the school district's or charter school's allocation of appropriated monies is to the total appropriations to support school districts and charter schools.

(2) Each district and charter school shall determine which programs are affected by, and the amount of, the reductions.

(3) The requirement to spend a specified amount in any particular program is waived if reductions are required under this section.

Section 29. Section **53A-17a-148** is enacted to read:

53A-17a-148. Use of nonlapsing balances.

For the fiscal year beginning on July 1, 2002, the State Board of Education may use up to \$300,000 of nonlapsing balances for the following:

(1) to stabilize the value of the weighted pupil unit;

(2) to maintain program levels in school districts that may experience unanticipated and unforeseen losses of students;

(3) to equalize programs in school districts where a strict application of the law provides inequity;

(4) to pay the added cost when students attend school out of state;

(5) to assist in the operation of the laboratory school at Utah State University, through the allocation of monies for a career ladder program at the school; and

(6) other uses approved by the board.

Section 30. Section **53A-21-105** is amended to read:

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

The state contribution toward the cost of the programs established under Section 53A-21-102 for the fiscal year beginning July 1, [~~2001~~] 2002, shall consist of an appropriation totaling [~~\$38,358,000~~] \$28,358,000 to the State Board of Education from the Uniform School Fund.

Section 31. **Intent language.**

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

Section 32. **Repealer.**

This act repeals:

Section **53A-17a-113.5, Appropriations subcommittees' joint annual meetings.**

Section **53A-17a-117, Approval of expenditures.**

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

Section 33. **Effective date.**

This act takes effect on July 1, 2002.