

**FUNDING ENGLISH AS A SECOND
LANGUAGE**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Duane E. Bourdeaux

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Minimum School Program to provide funding for students with limited English proficiency.

Highlighted Provisions:

This bill:

- ▶ decreases the appropriation to the Interventions for Student Success Block Grant and appropriates the amount of the decrease to programs for students with limited English proficiency;
- ▶ specifies how monies appropriated for programs for students with limited English proficiency shall be distributed and used; and
- ▶ requires the State Board of Education to make rules.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2006.

This bill coordinates with S.B. 3 by providing that certain amendments in this bill supersede the amendments in S.B. 3.

This bill coordinates with S.B. 5 by providing that certain amendments in this bill supersede the amendments in S.B. 5.



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53A-17a-104**, as last amended by Chapters 9 and 184, Laws of Utah 2005

31 ENACTS:

32 **53A-17a-121.5**, Utah Code Annotated 1953



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

35 Section 1. Section **53A-17a-104** is amended to read:

36 **53A-17a-104. Amount of state's contribution toward minimum school program.**

37 (1) The total contribution of the state toward the cost of the minimum school program
38 may not exceed the sum of \$1,794,543,275 for the fiscal year beginning July 1, [~~2005~~] 2006,
39 except as otherwise provided by the Legislature through supplemental appropriations.

40 (2) There is appropriated from state and local funds for fiscal year [~~2005-06~~] 2006-07
41 for distribution to school districts and charter schools, in accordance with this chapter, monies
42 for the following purposes and in the following amounts:

- 43 (a) basic program - kindergarten, \$50,992,200 (22,365 WPU);
- 44 (b) basic program - grades 1-12, \$1,014,932,880 (445,146 WPU);
- 45 (c) basic program - professional staff, \$99,273,480 (43,541 WPU);
- 46 (d) basic program - administrative costs, \$3,789,360 (1,662 WPU);
- 47 (e) basic program - necessarily existent small schools and units for consolidated
48 schools, \$17,779,440 (7,798 WPU);
- 49 (f) special education - regular program - add-on WPU for students with disabilities,
50 \$125,076,240 (54,858 WPU);
- 51 (g) preschool special education program, \$16,509,480 (7,241 WPU);
- 52 (h) self-contained regular WPU, \$28,999,320 (12,719 WPU);
- 53 (i) extended year program for severely disabled, \$813,960 (357 WPU);
- 54 (j) special education programs in state institutions and district impact aid, \$3,196,560
55 (1,402 WPU);
- 56 (k) applied technology and technical education district programs, \$54,943,440 (24,098
57 WPU), including \$985,880 for summer applied technology agriculture programs;
- 58 (l) applied technology district set-aside, \$2,348,400 (1,030 WPU);

- 59 (m) class size reduction, \$70,162,440 (30,773 WPUs);
- 60 (n) Social Security and retirement programs, \$272,224,533;
- 61 (o) pupil transportation to and from school, \$59,058,267, of which not less than
- 62 \$2,050,537 shall be allocated to the Utah Schools for the Deaf and Blind to pay for
- 63 transportation costs of the schools' students;
- 64 (p) guarantee transportation levy, \$500,000;
- 65 (q) Local Discretionary Block Grant Program, \$21,820,748;
- 66 (r) Interventions for Student Success Block Grant Program, [~~\$15,842,347~~]
- 67 \$12,198,607;
- 68 (s) Quality Teaching Block Grant Program, \$59,428,023;
- 69 (t) programs for students with limited English proficiency, \$3,643,740;
- 70 ~~(+)~~ (u) highly impacted schools, \$5,123,207;
- 71 ~~(+)~~ (v) at-risk programs, \$26,557,600;
- 72 ~~(+)~~ (w) adult education, \$7,630,805;
- 73 ~~(+)~~ (x) accelerated learning programs, \$8,999,293;
- 74 ~~(+)~~ (y) electronic high school, \$1,000,000;
- 75 ~~(+)~~ (z) School LAND Trust Program, \$9,920,000;
- 76 ~~(+)~~ (aa) state-supported voted leeway, \$175,975,385;
- 77 ~~(+)~~ (bb) state-supported board leeway, \$48,387,919;
- 78 ~~(+)~~ (cc) charter schools, pursuant to Section 53A-1a-513, \$12,559,950;
- 79 ~~(+)~~ (dd) K-3 Reading Improvement Program, \$12,500,000; and
- 80 ~~(+)~~ (ee) state-supported board leeway for K-3 Reading Improvement Program,
- 81 \$15,000,000.

82 Section 2. Section **53A-17a-121.5** is enacted to read:

83 **53A-17a-121.5. Programs for students with limited English proficiency.**

84 (1) The State Board of Education shall distribute money appropriated for programs for

85 students with limited English proficiency in Section 53A-17a-104 to school districts and

86 charter schools on the basis of the number of students with limited English proficiency enrolled

87 in each school district or charter school in the prior fiscal year.

88 (2) Each school district and charter school shall use its distribution of money under

89 Subsection (1) to meet the English language acquisition and academic needs of students with

90 limited English proficiency.

91 (3) The State Board of Education shall make rules in accordance with Title 63, Chapter
92 46a, Utah Administrative Rulemaking Act, to administer this section.

93 Section 3. **Effective date.**

94 This bill takes effect on July 1, 2006.

95 Section 4. **Coordinating H.B. 399 with S.B. 3 -- Substantively superseding**
96 **amendments.**

97 If this H.B. 399 and S.B. 3, Minimum School Program Base Budget Amendments, both
98 pass, it is the intent of the Legislature that the appropriation for the Interventions for Student
99 Success Block Grant under Subsection 53A-17a-104(2)(r) in this bill supersedes the
100 appropriation for the Interventions for Student Success Block Grant under Subsection
101 53A-17a-104(2)(r) in S.B. 3 when the Office of Legislative Research and General Counsel
102 prepares the Utah Code database for publication.

103 Section 5. **Coordinating H.B. 399 with S.B. 5 -- Substantively superseding**
104 **amendments.**

105 If this H.B. 399 and S.B. 5, Amendments to the Minimum School Program Budget,
106 both pass, it is the intent of the Legislature that the appropriation for the Interventions for
107 Student Success Block Grant under Subsection 53A-17a-104(2)(r) in this bill supersedes the
108 appropriation for the Interventions for Student Success Block Grant under Subsection
109 53A-17a-104(2)(r) in S.B. 5 when the Office of Legislative Research and General Counsel
110 prepares the Utah Code database for publication.

Legislative Review Note
as of 2-2-06 1:49 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0399

Funding English as a Second Language

16-Feb-06

9:45 AM

State Impact

Provisions of this bill create an additional line-item in the Minimum School Program and reallocate \$3,643,740 between the newly created line-time and the Interventions for Student Success Block Grant. Provisions of this bill may be implemented within existing resources.

Individual and Business Impact

No fiscal impact

Office of the Legislative Fiscal Analyst