

1 **MINIMUM SCHOOL PROGRAM BUDGET**

2 **AMENDMENTS**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Bradley G. Last**

6 Senate Sponsor: Howard A. Stephenson

8 **LONG TITLE**

9 **General Description:**

10 This bill provides funding for the Minimum School Program.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ modifies provisions governing the inclusion of foreign exchange students for the
14 purpose of apportioning state monies;

15 ▶ establishes the value of the weighted pupil unit at \$2,514;

16 ▶ establishes a ceiling for the state contribution to the maintenance and operations
17 portion of the Minimum School Program for fiscal year 2007-08 of \$2,272,474,120;

18 and

19 ▶ makes one-time appropriations for fiscal year 2007-08 for:

- 20 • instructional technology;
- 21 • classroom supplies;
- 22 • a uniform online summative test system;
- 23 • pupil transportation;
- 24 • the Capital Outlay Foundation Program; and
- 25 • the Enrollment Growth Program.

26 **Monies Appropriated in this Bill:**

27 This bill appropriates:

28 ▶ as an ongoing appropriation, \$2,173,474,120 from the Uniform School Fund for
29 fiscal year 2007-08;

- 30 ▶ as an ongoing appropriation, \$21,000,000 from the Interest and Dividends Account
- 31 for fiscal year 2007-08; and
- 32 ▶ for fiscal year 2007-08 only, \$128,000,000 from the Uniform School Fund.

Other Special Clauses:

- 34 This bill takes effect on July 1, 2007.
- 35 This bill coordinates with H.B. 3 by providing that certain amendments in this bill
- 36 supersede the amendments in H.B. 3.
- 37 This bill coordinates with H.B. 79 by providing substantive amendments.

Utah Code Sections Affected:

AMENDS:

- 40 **53A-2-206**, as last amended by Chapter 354, Laws of Utah 2006
- 41 **53A-17a-103**, as last amended by Chapter 354, Laws of Utah 2006
- 42 **53A-17a-104**, as last amended by Chapters 4 and 354, Laws of Utah 2006
- 43 **53A-17a-113**, as last amended by Chapter 320, Laws of Utah 2003
- 44 **53A-17a-114**, as last amended by Chapter 279, Laws of Utah 2002
- 45 **53A-17a-116**, as last amended by Chapter 320, Laws of Utah 2003

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL



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

50 Section 1. Section **53A-2-206** is amended to read:

51 **53A-2-206. Interstate compact students -- Inclusion in attendance count --**

52 **Funding for foreign exchange students -- Annual report -- Requirements for exchange**

53 **student agencies.**

54 (1) A school district or charter school may include the following students in the

55 district's or school's membership and attendance count for the purpose of apportionment of

56 state monies:

57 ~~[(a) a foreign exchange student sponsored by an agency approved by the district's local~~

58 ~~school board or charter school's governing board, subject to the limitation of Subsection (2);]~~

59 ~~[(b)] (a) a student enrolled under an interstate compact, established between the State~~
60 ~~Board of Education and the state education authority of another state, under which a student~~
61 ~~from one compact state would be permitted to enroll in a public school in the other compact~~
62 ~~state on the same basis as a resident student of the receiving state; or~~

63 ~~[(c)] (b) a student receiving services under the Compact on Placement of Children.~~

64 ~~[(2)(a) Through June 30, 2007, the number of foreign exchange students that may be~~
65 ~~counted for the purpose of apportioning state monies shall be the lesser of:]~~

66 ~~[(i) the number of foreign exchange students:]~~

67 ~~[(A) enrolled in the school district or charter school; and]~~

68 ~~[(B) sponsored by an exchange student agency approved by the district's local school~~
69 ~~board or charter school's governing board; or]~~

70 ~~[(ii) the number of students that have withdrawn from the school district or charter~~
71 ~~school to participate in a foreign exchange program in a foreign country:]~~

72 (2) (a) A school district or charter school may include foreign exchange students in the
73 district's or school's membership and attendance count for the purpose of apportionment of
74 state monies, except as provided in Subsections (2)(b) through (e).

75 (b) (i) Notwithstanding Section 53A-17a-106, foreign exchange students may not be
76 included in average daily membership for the purpose of determining the number of weighted
77 pupil units in the grades 1-12 basic program.

78 (ii) Subject to the limitation in Subsection (2)(c), the number of weighted pupil units in
79 the grades 1-12 basic program attributed to foreign exchange students shall be equal to the
80 number of foreign exchange students who were:

81 (A) enrolled in a school district or charter school on October 1 of the previous fiscal
82 year; and

83 (B) sponsored by an agency approved by the district's local school board or charter
84 school's governing board.

85 ~~[(b) (i) Beginning July 1, 2007, the] (c) (i) The total number of foreign exchange~~

86 students in the state that may be counted for the purpose of apportioning state monies under
87 Subsection (2)(b) shall be the lesser of:

88 (A) the number of foreign exchange students enrolled in public schools in the state on
89 October 1 of the previous fiscal year; or

90 (B) 328 foreign exchange students.

91 (ii) The State Board of Education shall make rules in accordance with Title 63, Chapter
92 46a, Utah Administrative Rulemaking Act, to administer the cap on the number of foreign
93 exchange students that may be counted for the purpose of apportioning state monies under
94 Subsection (2)(b).

95 (d) Notwithstanding Sections 53A-17a-133 and 53A-17a-134, weighted pupil units in
96 the grades 1-12 basic program for foreign exchange students, as determined by Subsections
97 (2)(b) and (c), may not be included for the purposes of determining a school district's state
98 guarantee money under the voted or board leeway programs.

99 (e) Notwithstanding Section 53A-17a-125, foreign exchange students may not be
100 included in enrollment when calculating student growth for the purpose of adjusting the annual
101 appropriation for retirement and Social Security.

102 (3) A school district or charter school may:

103 (a) enroll foreign exchange students that do not qualify for state monies; and

104 (b) pay for the costs of those students with other funds available to the school district
105 or charter school.

106 (4) Due to the benefits to all students of having the opportunity to become familiar
107 with individuals from diverse backgrounds and cultures, school districts are encouraged to
108 enroll foreign exchange students, as provided in Subsection (3), particularly in schools with
109 declining or stable enrollments where the incremental cost of enrolling the foreign exchange
110 student may be minimal.

111 (5) The board shall make an annual report to the Legislature on the number of
112 exchange students and the number of interstate compact students sent to or received from
113 public schools outside the state.

114 (6) (a) A local school board or charter school governing board shall require each
115 approved exchange student agency to provide it with a sworn affidavit of compliance prior to
116 the beginning of each school year.

117 (b) The affidavit shall include the following assurances:

118 (i) that the agency has complied with all applicable policies of the board;

119 (ii) that a household study, including a background check of all adult residents, has
120 been made of each household where an exchange student is to reside, and that the study was of
121 sufficient scope to provide reasonable assurance that the exchange student will receive proper
122 care and supervision in a safe environment;

123 (iii) that host parents have received training appropriate to their positions, including
124 information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who
125 are in a position of special trust;

126 (iv) that a representative of the exchange student agency shall visit each student's place
127 of residence at least once each month during the student's stay in Utah;

128 (v) that the agency will cooperate with school and other public authorities to ensure
129 that no exchange student becomes an unreasonable burden upon the public schools or other
130 public agencies;

131 (vi) that each exchange student will be given in the exchange student's native language
132 names and telephone numbers of agency representatives and others who could be called at any
133 time if a serious problem occurs; and

134 (vii) that alternate placements are readily available so that no student is required to
135 remain in a household if conditions appear to exist which unreasonably endanger the student's
136 welfare.

137 (7) (a) A local school board or charter school governing board shall provide each
138 approved exchange student agency with a list of names and telephone numbers of individuals
139 not associated with the agency who could be called by an exchange student in the event of a
140 serious problem.

141 (b) The agency shall make a copy of the list available to each of its exchange students

142 in the exchange student's native language.

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

144 **53A-17a-103. Definitions.**

145 As used in this chapter:

146 (1) "Basic state-supported school program" or "basic program" means public education
147 programs for kindergarten, elementary, and secondary school students that are operated and
148 maintained for the amount derived by multiplying the number of weighted pupil units for each
149 district by [~~\$2,417~~] \$2,514, except as otherwise provided in this chapter.

150 (2) "Certified revenue levy" means a property tax levy that provides an amount of ad
151 valorem property tax revenue equal to the sum of:

152 (a) the amount of property tax revenue to be generated statewide in the previous year
153 from imposing a minimum basic tax rate, as specified in Subsection 53A-17a-135(1)(a); and

154 (b) the product of:

155 (i) new growth, as defined in Section 59-2-924 and rules of the State Tax Commission;
156 and

157 (ii) the minimum basic tax rate certified by the State Tax Commission for the previous
158 year.

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

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

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

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

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

169 (ii) Education, enhanced by utilization of technologically enriched delivery systems,

170 when approved by local school boards, shall receive full support by the State Board of
171 Education as it pertains to fulfilling the attendance requirements, excluding time spent viewing
172 commercial advertising.

173 (d) The program includes the total of the following annual costs:

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

175 (ii) other amounts appropriated in this chapter in addition to the basic program.

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

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

180 **53A-17a-104. Amount of state's contribution toward minimum school program.**

181 (1) The total contribution of the state toward the cost of the minimum school program
182 may not exceed the sum of [~~\$2,032,219,545~~] \$2,272,474,120 for the fiscal year beginning July
183 1, [~~2006~~] 2007, except as otherwise provided by the Legislature through supplemental
184 appropriations.

185 (2) There is appropriated from state and local funds for fiscal year [~~2006-07~~] 2007-08
186 for distribution to school districts and charter schools, in accordance with this chapter, monies
187 for the following purposes and in the following amounts:

188 (a) basic program - kindergarten, [~~\$57,234,560 (23,680)~~] \$61,819,260 (24,590 WPU's);

189 (b) basic program - grades 1-12, [~~\$1,118,053,443 (462,579)~~] \$1,202,446,200 (478,300
190 WPU's);

191 (c) basic program - professional staff, [~~\$106,128,053 (43,909)~~] \$112,436,136 (44,724
192 WPU's);

193 (d) basic program - administrative costs, [~~\$3,937,293 (1,629)~~] \$4,072,680 (1,620
194 WPU's);

195 (e) basic program - necessarily existent small schools and units for consolidated
196 schools, [~~\$18,487,633~~] \$19,229,586 (7,649 WPU's);

197 (f) special education - regular program - add-on WPU's for students with disabilities,

- 198 [~~\$136,350,221 (56,413)~~] \$143,034,030 (56,895 WPU)s;
- 199 (g) preschool special education program, [~~\$19,717,886 (8,158)~~] \$20,918,994 (8,321
 200 WPU)s;
- 201 (h) self-contained regular WPU)s, [~~\$32,148,517 (13,301)~~] \$33,587,040 (13,360 WPU)s;
- 202 (i) extended year program for severely disabled, [~~\$887,039~~] \$922,638 (367 WPU)s;
- 203 (j) special education programs in state institutions and district impact aid, [~~\$3,487,731~~
 204 ~~(1,443)~~] \$4,090,278 (1,627 WPU)s;
- 205 (k) [~~applied technology~~] career and technical education district programs, [~~\$59,934,349~~
 206 ~~(24,797)~~] \$65,147,796 (25,914 WPU)s, including [~~\$1,045,033~~] \$1,114,000 for summer [~~applied~~
 207 technology] career and technical education agriculture programs;
- 208 (l) [~~applied technology~~] career and technical education district set-aside, [~~\$2,562,020~~
 209 ~~(1,060)~~] \$2,742,774 (1,091 WPU)s;
- 210 (m) class size reduction, [~~\$74,378,341 (30,773)~~] \$82,330,986 (32,749 WPU)s;
- 211 (n) Social Security and retirement programs, [~~\$310,891,038~~] \$333,315,119;
- 212 (o) pupil transportation to and from school, [~~\$62,601,763~~] \$70,928,797, of which not
 213 less than [~~\$2,173,569~~] \$2,462,300 shall be allocated to the Utah Schools for the Deaf and Blind
 214 to pay for transportation costs of the schools' students;
- 215 (p) guarantee transportation levy, \$500,000;
- 216 (q) Local Discretionary Block Grant Program, \$21,820,748;
- 217 (r) Interventions for Student Success Block Grant Program, [~~\$16,792,888~~]
 218 \$17,953,612;
- 219 (s) Quality Teaching Block Grant Program, [~~\$62,993,704~~] \$73,947,829;
- 220 (t) highly impacted schools, \$5,123,207;
- 221 (u) at-risk programs, [~~\$27,992,056~~] \$29,926,867;
- 222 (v) adult education, [~~\$9,148,653~~] \$9,781,008;
- 223 (w) accelerated learning programs, [~~\$12,010,853~~] \$12,841,043;
- 224 (x) electronic high school, [~~\$1,300,000~~] \$2,000,000;
- 225 (y) School LAND Trust Program, [~~\$15,000,000~~] \$21,000,000;

- 226 (z) state-supported voted leeway, [~~\$196,085,303~~] \$227,700,777;
- 227 (aa) state-supported board leeway, [~~\$54,704,476~~] \$62,066,336;
- 228 (bb) charter schools, pursuant to Section 53A-1a-513, [~~\$21,552,450~~] \$28,509,000;
- 229 (cc) K-3 Reading Improvement Program, \$12,500,000; [~~and~~]
- 230 (dd) state-supported board leeway for K-3 Reading Improvement Program,
- 231 \$15,000,000; and
- 232 (ee) Public Education Job Enhancement Program, \$2,430,000.

233 Section 4. Section **53A-17a-113** is amended to read:

234 **53A-17a-113. Weighted pupil units for career and technical education programs**
 235 **-- Funding of approved programs -- Performance measures -- Qualifying criteria.**

236 (1) (a) Money appropriated to the State Board of Education in Section 53A-17a-104 for
 237 approved [~~applied technology~~] career and technical education programs and the comprehensive
 238 guidance program:

239 (i) shall be allocated to eligible recipients as provided in Subsections (2), (3), [~~and~~] (4),
 240 and (5); and

241 (ii) may not be used to fund programs below the ninth grade level.

242 (b) Subsection (1)(a)(ii) does not apply to the following programs:

- 243 (i) comprehensive guidance;
- 244 (ii) Technology-Life-Careers; and
- 245 (iii) work-based learning programs.

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

247 (b) (i) The board shall fund approved programs based upon hours of membership of
 248 9th through 12th grade students.

249 (ii) Subsection (2)(b)(i) does not apply to the following programs:

- 250 (A) comprehensive guidance;
- 251 (B) Technology-Life-Careers; and
- 252 (C) work-based learning programs.

253 (c) The board shall use an amount not to exceed 20% of the total appropriation under

254 this section to fund approved programs based on performance measures such as placement and
255 competency attainment defined in standards set by the board.

256 (d) Leadership organization funds shall constitute an amount not to exceed 1% of the
257 total appropriation under this section, and shall be distributed to each local educational agency
258 sponsoring [~~applied technology~~] career and technical education student leadership
259 organizations based on the agency's share of the state's total membership in those
260 organizations.

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

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

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

271 (c) Forty weighted pupil units shall be computed for each district that operates an
272 approved [~~district applied technology~~] career and technical education center.

273 (d) Between five and seven weighted pupil units shall be computed for each summer
274 [~~applied technology~~] career and technical education agriculture program according to standards
275 established by the board.

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

278 (4) (a) Monies remaining after the allocations made under Subsections (2) and (3) shall
279 be allocated using average daily membership in approved programs for the previous year.

280 (b) A district that has experienced student growth in grades 9 through 12 for the
281 previous year shall have the growth factor applied to the previous year's weighted pupil units

282 when calculating the allocation of monies under this Subsection (4).

283 (5) Of the monies allocated to comprehensive guidance programs pursuant to board
284 rules, \$1,000,000 in grants shall be awarded to school districts or charter schools that:

285 (a) provide an equal amount of matching funds; and

286 (b) do not supplant other funds used for comprehensive guidance programs.

287 [~~5~~] (6) (a) The board shall establish rules for the upgrading of high school [~~applied~~
288 ~~technology~~] career and technical education programs.

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

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

294 [~~6~~] (7) Programs that do not meet board standards may not be funded under this
295 section.

296 Section 5. Section **53A-17a-114** is amended to read:

297 **53A-17a-114. Career and technical education program alternatives.**

298 (1) If a school district determines that a secondary student's [~~applied technology~~] career
299 and technical education goals are better achieved at a regional applied technology college
300 created under Title 53B, Chapter 2a, Utah College of Applied Technology, the student may
301 attend that institution.

302 (2) Students served under this section in a regional applied technology college shall
303 continue to be counted in the regular school program average daily membership of the sending
304 school district.

305 Section 6. Section **53A-17a-116** is amended to read:

306 **53A-17a-116. Weighted pupil units for career and technical education set-aside**
307 **programs.**

308 (1) Each district shall receive a guaranteed minimum allocation from the monies
309 appropriated to the State Board of Education in Section 53A-17a-104 for [~~an applied~~

310 technology] a career and technical education set-aside program.

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

314 Section 7. **Ongoing appropriation for school nurses.**

315 (1) As an ongoing appropriation subject to future budget constraints, there is
316 appropriated from the Uniform School Fund for fiscal year 2007-08, \$1,000,000 to the State
317 Board of Education for school nurses.

318 (2) The State Board of Education shall distribute monies appropriated in Subsection (1)
319 to award grants to school districts and charter schools that:

- 320 (a) provide an equal amount of matching funds; and
- 321 (b) do not supplant other monies used for school nurses.

322 Section 8. **Ongoing appropriation for library books and electronic resources.**

323 (1) As an ongoing appropriation subject to future budget constraints, there is
324 appropriated from the Uniform School Fund for fiscal year 2007-08, \$1,500,000 to the State
325 Board of Education for library books and electronic resources.

326 (2) The State Board of Education shall distribute the money appropriated in Subsection
327 (1) as follows:

- 328 (a) 25% shall be divided equally among all public schools; and
- 329 (b) 75% shall be divided among public schools based on each school's average daily
330 membership as compared to the total average daily membership.

331 (3) A school district or charter school may not use money appropriated in Subsection
332 (1) to supplant other monies used to purchase library books or electronic resources.

333 Section 9. **One-time appropriation for instructional technology.**

334 (1) There is appropriated \$50,000,000 from the Uniform School Fund for fiscal year
335 2007-08 only to the State Board of Education for instructional technology.

336 (2) The State Board of Education shall distribute the money appropriated under
337 Subsection (1) as follows:

- 338 (a) \$3,000,000 shall be used as provided in Subsection (6);
339 (b) 5% of the money remaining after the allocation under Subsection (2)(a) shall be
340 distributed to school districts on an equal basis;
341 (c) for purposes of Subsection (2)(b), the combined charter schools shall be treated as
342 one school district; and
343 (d) the money remaining after the allocations under Subsections (2)(a) and (b) shall be
344 distributed to school districts and charter schools on a per pupil basis.
345 (3) School districts and charter schools shall use the money appropriated under
346 Subsection (1) for instructional technology that enhances and facilitates learning for students,
347 including:
348 (a) computers, including wireless laptop computers;
349 (b) audio enhancement products for classrooms;
350 (c) instructional enhancement items, including digital projectors, interactive polling
351 devices, and document cameras;
352 (d) computer peripheral equipment;
353 (e) mobile interactive technology products;
354 (f) education software and digital content;
355 (g) other instructional devices and protective cases; and
356 (h) technology infrastructure.
357 (4) Prior to using money distributed under this section, a school district or charter
358 school shall:
359 (a) submit an instructional technology plan to the State Board of Education that
360 specifies how the school district or charter school intends to spend its allocation; and
361 (b) receive approval of the plan from the State Board of Education.
362 (5) It is the intent of the Legislature that the appropriation under Subsection (1):
363 (a) is nonlapsing;
364 (b) does not supplant other monies used for instructional technology; and
365 (c) does not have to be expended in the 2007-08 fiscal year, but may be retained and

366 used in subsequent fiscal years, in accordance with the school district's or charter school's
367 instructional technology plan described in Subsection (4).

368 (6) The appropriation described under Subsection (2)(a) shall be used by the State
369 Board of Education as follows:

370 (a) the board shall issue a request for proposals for an electronic student achievement
371 and management data system that:

372 (i) would provide a protected history of students' academic achievement and progress,
373 including Utah Performance Assessment System for Students (U-PASS) and No Child Left
374 Behind accountability data;

375 (ii) would appropriately provide the protected data described in Subsection (6)(a)(i) to
376 teachers, administrators, parents, school districts, and the State Board of Education;

377 (iii) would allow the secure transfer of data among schools within a school district and
378 among school districts within the state; and

379 (iv) could be implemented statewide within two years;

380 (b) the board may, in its discretion, use an amount up to \$3,000,000 to fund a proposal
381 received in accordance with the provisions under Subsection (6)(a);

382 (c) the board's funding shall be one-time start-up costs for the electronic student
383 achievement and management data system;

384 (d) the electronic student achievement and management data system, if funded, shall be
385 made available, on a local option basis, to school districts and charter schools statewide; and

386 (e) the ongoing operational and maintenance costs of the electronic student
387 achievement and management data system shall be provided by the school districts and charter
388 schools that elect to participate in the system.

389 **Section 10. One-time appropriation for classroom supplies.**

390 (1) There is appropriated from the Uniform School Fund to the State Board of
391 Education for fiscal year 2007-08 only, \$10,000,000 for classroom supplies and materials.

392 (2) (a) Of the amount appropriated in Subsection (1), the board shall distribute
393 \$7,500,000 to classroom teachers in school districts, the Schools for the Deaf and the Blind, the

394 Edith Bowen Laboratory School, and charter schools on the basis of the number of classroom
395 teachers in each school as compared to the total number of classroom teachers.

396 (b) Teachers shall receive up to the following amounts:

397 (i) a teacher on salary schedule steps one through three teaching in grades kindergarten
398 through six or preschool handicapped - \$360;

399 (ii) a teacher on salary schedule steps one through three teaching in grades seven
400 through twelve - \$310;

401 (iii) a teacher on salary schedule step four or higher teaching in grades kindergarten
402 through six or preschool handicapped - \$285; and

403 (iv) a teacher on salary schedule step four or higher teaching in grades seven through
404 twelve - \$235.

405 (c) If the appropriation in Subsection (1) is not sufficient to provide to each teacher the
406 full amount allowed under Subsection (2)(b), teachers on salary schedule steps one through
407 three shall receive the full amount allowed with the remaining monies apportioned to all other
408 teachers.

409 (3) (a) Of the amount appropriated in Subsection (1), the State Board of Education
410 shall distribute \$2,500,000 for classroom supplies and materials in accordance with a
411 distribution formula established by rule.

412 (b) The State Board of Education shall make rules in accordance with Subsections
413 (3)(c) and (d) and Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the
414 distribution of the \$2,500,000.

415 (c) The rules shall give priority to teachers in any grade in the first year of teaching in
416 the awarding of the monies.

417 (d) The rules may allow the monies to be distributed to teachers in any grade in the
418 second through the fifth year of teaching.

419 (4) Teachers shall spend the money appropriated in Subsection (1) for school supplies,
420 materials, or field trips under rules adopted by the State Board of Education.

421 (5) As used in this section, "classroom teacher" or "teacher" means permanent teacher

422 positions filled by one teacher or two or more job-sharing teachers:

423 (a) who are licensed personnel;

424 (b) who are paid on the teacher's salary schedule;

425 (c) who are hired for an entire contract period; and

426 (d) whose primary function is to provide instructional or a combination of instructional
427 and counseling services to students in public schools.

428 Section 11. **One-time appropriation for uniform online summative test system.**

429 (1) There is appropriated from the Uniform School Fund for fiscal year 2007-08 only,
430 \$10,000,000 to the State Board of Education to be distributed to school districts and charter
431 schools to implement a uniform online summative test system as provided in Section
432 53A-1-708.

433 (2) The State Board of Education shall retain \$350,000 of the amount provided in
434 Subsection (1) to expand online test delivery, analysis, and reporting programs of the Career
435 and Technical Education section of the Utah State Office of Education.

436 (3) The State Board of Education shall make a report to the Public Education
437 Appropriations Subcommittee by November 30, 2007 that details progress on implementing
438 online testing programs, including cost per test.

439 Section 12. **One-time appropriation for pupil transportation.**

440 There is appropriated from the Uniform School Fund for fiscal year 2007-08 only,
441 \$8,000,000 to the State Board of Education for pupil transportation to and from school as
442 provided in Subsections 53A-17a-127(1) through (5).

443 Section 13. **One-time appropriation for Capital Outlay Foundation Program.**

444 There is appropriated from the Uniform School Fund for fiscal year 2007-08 only,
445 \$15,000,000 to the State Board of Education for the Capital Outlay Foundation Program
446 described in Section 53A-21-103.

447 Section 14. **One-time appropriation for Enrollment Growth Program.**

448 There is appropriated from the Uniform School Fund for fiscal year 2007-08 only,
449 \$35,000,000 to the State Board of Education for the Enrollment Growth Program described in

450 Section 53A-21-103.5.

451 Section 15. **Foreign exchange student study.**

452 It is the intent of the Legislature that the Public Education Appropriations
453 Subcommittee shall study funding of foreign exchange students during one of their regularly
454 scheduled interim committee meetings.

455 Section 16. **Effective date.**

456 This bill takes effect on July 1, 2007.

457 Section 17. **Coordinating H.B. 160 with H.B. 3 -- Superseding amendments.**

458 If this H.B. 160 and H.B. 3, Minimum School Program Base Budget Amendments, both
459 pass, it is the intent of the Legislature that the amendments to Section 53A-17a-104 in H.B.
460 160 supersede the amendments to Section 53A-17a-104 in H.B. 3 when the Office of
461 Legislative Research and General Counsel prepares the Utah Code database for publication.

462 Section 18. **Coordinating H.B. 160 with H.B. 79 -- Substantively superseding**
463 **amendments.**

464 Notwithstanding any coordination clause in H.B. 79, Concurrent Enrollment
465 Amendments, if this H.B. 160 and H.B. 79, Concurrent Enrollment Amendments, both pass, it
466 is the intent of the Legislature that when the Office of Legislative Research and General
467 Counsel prepares the Utah Code database for publication:

468 (1) the appropriation for accelerated learning programs in Subsection
469 53A-17a-104(2)(w) shall be changed to "\$3,975,546";

470 (2) the appropriation for concurrent enrollment in Subsection 53A-17a-104(2)(x) shall
471 be changed to "\$9,215,497";

472 (3) the appropriation under Subsection 53A-17a-104(1) in this bill supercedes the
473 appropriation under Subsection 53A-17a-104(1) in H.B. 79 except that the appropriation under
474 Subsection 53A-17a-104(1) in this H.B. 160 shall be increased by \$350,000; and

475 (4) the increase to the appropriation in Subsection 53A-17a-104(1) provided by
476 Subsection (3) of this coordination clause shall be cumulative with the increase to the
477 appropriation in Subsection 53A-17a-104(1) provided by the coordination clause in H.B.164.

