

**MINIMUM SCHOOL PROGRAM AMENDMENTS -  
COUNSELING AND GUIDANCE PROGRAMS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike Dmitrich**

House Sponsor: Brad King

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**LONG TITLE**

**General Description:**

This bill provides base funding for the Minimum School Program, including a separate appropriation for comprehensive counseling and guidance programs.

**Highlighted Provisions:**

This bill:

- ▶ directs local school boards to establish comprehensive counseling and guidance programs for students in kindergarten through grade 12;
- ▶ establishes a ceiling for the state contribution to the maintenance and operations portion of the Minimum School Program for fiscal year 2008-09 of \$2,336,677,131;
- ▶ provides an appropriation for comprehensive counseling and guidance programs;
- ▶ specifies how money appropriated for comprehensive counseling and guidance programs shall be distributed to schools; and
- ▶ makes technical amendments.

**Monies Appropriated in this Bill:**

This bill appropriates:

- ▶ as an ongoing appropriation, \$2,315,677,131 from the Uniform School Fund for fiscal year 2008-09; and
- ▶ as an ongoing appropriation, \$21,000,000 from the Interest and Dividends Account for fiscal year 2008-09.



28 **Other Special Clauses:**

29 This bill takes effect on July 1, 2008.

30 This bill coordinates with H.B. 1, Minimum School Program Base Budget  
31 Amendments, by providing substantive superseding amendments.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53A-1a-106**, as last amended by Laws of Utah 2003, Chapter 221

35 **53A-17a-104**, as last amended by Laws of Utah 2007, Chapters 2, 344, 368, and 372

36 **53A-17a-108**, as last amended by Laws of Utah 2007, Chapter 344

37 **53A-17a-113**, as last amended by Laws of Utah 2007, Chapter 372

38 **53A-17a-135**, as last amended by Laws of Utah 2007, Chapter 2

39 ENACTS:

40 **53A-17a-116.5**, Utah Code Annotated 1953



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

43 Section 1. Section **53A-1a-106** is amended to read:

44 **53A-1a-106. School district and individual school powers.**

45 (1) In order to acquire and develop the characteristics listed in Section 53A-1a-104,  
46 each school district and each public school within its respective district shall implement a  
47 comprehensive system of accountability in which students advance through public schools by  
48 demonstrating competency in required skills and mastery of required knowledge through the  
49 use of diverse assessment instruments such as authentic and criterion referenced tests, projects,  
50 and portfolios.

51 (2) (a) Each school district and public school shall:

52 (i) develop and implement programs integrating technology into the curriculum,  
53 instruction, and student assessment;

54 (ii) provide for teacher and parent involvement in policymaking at the school site;

55 (iii) implement a public school choice program to give parents, students, and teachers  
56 greater flexibility in designing and choosing among programs with different focuses through  
57 schools within the same district and other districts, subject to space availability, demographics,  
58 and legal and performance criteria;

59 (iv) establish strategic planning at both the district and school level and site-based  
60 decision making programs at the school level;

61 (v) provide opportunities for each student to acquire and develop academic and  
62 occupational knowledge, skills, and abilities;

63 (vi) participate in ongoing research and development projects primarily at the school  
64 level aimed at improving the quality of education within the system; and

65 (vii) involve business and industry in the education process through the establishment  
66 of partnerships with the business community at the district and school level.

67 (b) (i) Each local school board, in consultation with school personnel, parents, and  
68 school community councils or similar entities shall establish a comprehensive counseling and  
69 guidance program for students in kindergarten through grade 12, including policies to provide  
70 for the effective implementation of a personalized student education plan (SEP) or student  
71 education/occupation plan (SEOP) for each student [~~at the school site~~].

72 (ii) The policies shall include guidelines and expectations for:

73 (A) recognizing the student's accomplishments, strengths, and progress towards  
74 meeting student achievement standards as defined in U-PASS;

75 (B) planning, monitoring, and managing education and career development; and

76 (C) involving students, parents, and school personnel in preparing and implementing  
77 SEPs and SEOPs.

78 (iii) A parent may request conferences with school personnel in addition to SEP or  
79 SEOP conferences established by local school board policy.

80 (iv) Time spent during the school day to implement SEPs and SEOPs is considered  
81 part of the school term referred to in Subsection 53A-17a-103(5).

82 (3) A school district or public school may submit proposals to modify or waive rules or  
83 policies of a supervisory authority within the public education system in order to acquire or  
84 develop the characteristics listed in Section 53A-1a-104.

85 (4) (a) Each school district and public school shall make an annual report to its patrons  
86 on its activities under this section.

87 (b) The reporting process shall involve participation from teachers, parents, and the  
88 community at large in determining how well the district or school is performing.

89 Section 2. Section **53A-17a-104** is amended to read:

90 **53A-17a-104. Amount of state's contribution toward minimum school program.**

91 (1) The total contribution of the state toward the cost of the minimum school program  
92 may not exceed the sum of [~~\$2,273,574,120~~] \$2,336,677,131 for the fiscal year beginning July  
93 1, [~~2007~~] 2008, except as otherwise provided by the Legislature through supplemental  
94 appropriations.

95 (2) There is appropriated from state and local funds for fiscal year [~~2007-08~~] 2008-09  
96 for distribution to school districts and charter schools, in accordance with this chapter, monies  
97 for the following purposes and in the following amounts:

98 (a) basic program - kindergarten, [~~\$61,819,260 (24,590 WPU's)~~] \$63,589,116 (25,294  
99 WPU's);

100 (b) basic program - grades 1-12, [~~\$1,202,446,200 (478,300 WPU's)~~] \$1,227,493,182  
101 (488,263 WPU's);

102 (c) basic program - professional staff, [~~\$112,436,136 (44,724 WPU's)~~] \$113,464,362  
103 (45,133 WPU's);

104 (d) basic program - administrative costs, \$4,072,680 (1,620 WPU's);

105 (e) basic program - necessarily existent small schools and units for consolidated  
106 schools, \$19,229,586 (7,649 WPU's);

107 (f) special education - regular program - add-on WPU's for students with disabilities,  
108 [~~\$143,034,030 (56,895 WPU's)~~] \$151,981,356 (60,454 WPU's);

109 (g) preschool special education program, [~~\$20,918,994 (8,321 WPU's)~~] \$21,542,466  
110 (8,569 WPU's);

111 (h) self-contained regular WPU's, [~~\$33,587,040 (13,360 WPU's)~~] \$33,727,824 (13,416  
112 WPU's);

113 (i) extended year program for severely disabled, [~~\$922,638 (367 WPU's)~~] \$945,264  
114 (376 WPU's);

115 (j) special education programs in state institutions and district impact aid, [~~\$4,090,278~~  
116 ~~(1,627 WPU's)~~] \$4,188,324 (1,666 WPU's);

117 (k) career and technical education district programs, [~~\$65,147,796 (25,914 WPU's)~~]  
118 \$57,309,144 (22,796 WPU's), including [~~\$1,114,000~~] \$1,126,300 for summer career and  
119 technical education agriculture programs;

120 (l) career and technical education district set-aside, [~~\$2,742,774 (1,091 WPU's)~~]

121 \$2,808,138 (1,117 WPU)s);  
 122 (m) comprehensive counseling and guidance programs, \$17,570,346 (6,989 WPU)s);  
 123 ~~[(m)]~~ (n) class size reduction, [\$82,330,986 (32,749 WPU)s] \$86,212,602 (34, 293  
 124 WPU)s);  
 125 ~~[(m)]~~ (o) Social Security and retirement programs, [\$333,315,119] \$341,371,755;  
 126 ~~[(o)]~~ (p) pupil transportation to and from school, [\$70,928,797] \$72,631,088, of which  
 127 not less than [\$2,462,300] \$2,521,400 shall be allocated to the Utah Schools for the Deaf and  
 128 Blind to pay for transportation costs of the schools' students;  
 129 ~~[(p)]~~ (q) guarantee transportation levy, \$500,000;  
 130 ~~[(q)]~~ (r) Local Discretionary Block Grant Program, \$21,820,748;  
 131 ~~[(r)]~~ (s) Interventions for Student Success Block Grant Program, [\$17,953,612]  
 132 \$18,384,499;  
 133 ~~[(s)]~~ (t) Quality Teaching Block Grant Program, [\$73,947,829] \$75,722,577;  
 134 ~~[(t)]~~ (u) highly impacted schools, \$5,123,207;  
 135 ~~[(u)]~~ (v) at-risk programs, [\$29,926,867] \$30,645,122;  
 136 ~~[(v)]~~ (w) adult education, [\$9,781,008] \$10,015,752;  
 137 ~~[(w)]~~ (x) accelerated learning programs, [\$3,975,546] \$4,093,250;  
 138 ~~[(x)]~~ (y) concurrent enrollment, [\$9,215,497] \$9,436,669;  
 139 ~~[(y)]~~ (z) electronic high school, \$2,000,000;  
 140 ~~[(z)]~~ (aa) School LAND Trust Program, \$21,000,000;  
 141 ~~[(aa)]~~ (bb) state-supported voted leeway, [\$227,700,777] \$273,458,046;  
 142 ~~[(bb)]~~ (cc) state-supported board leeway, [\$62,066,336] \$71,607,458;  
 143 ~~[(cc)]~~ (dd) charter schools, pursuant to Section 53A-1a-513, [\$28,509,000]  
 144 \$36,549,000;  
 145 ~~[(dd)]~~ (ee) charter school administrative costs, [\$750,000] \$898,566;  
 146 ~~[(ee)]~~ (ff) K-3 Reading Improvement Program, [\$12,500,000] \$15,000,000;  
 147 ~~[(ff)]~~ (gg) state-supported board leeway for K-3 Reading Improvement Program,  
 148 \$15,000,000; [and]  
 149 ~~[(gg)]~~ (hh) Public Education Job Enhancement Program, \$2,430,000[-];  
 150 (ii) charter schools ongoing per student funding, \$3,512,488;  
 151 (jj) library books and electronic resources, \$1,500,000;

152 (kk) school nurses, \$1,000,000; and  
153 (ll) critical languages, \$230,000.

154 Section 3. Section **53A-17a-108** is amended to read:

155 **53A-17a-108. Weighted pupil units for school district administrative costs --**  
156 **Appropriation for charter school administrative costs.**

157 (1) Administrative costs weighted pupil units are computed and distributed to districts  
158 in accordance with the following schedule:

159 Administrative Costs Schedule

160 School District Enrollment as of October 1	Weighted Pupil Units
161 1 - 2,000 students	53
162 2,001 - 10,000 students	48
163 10,001 - 20,000 students	25
164 20,001 and above	16

165 (2) Money appropriated to the State Board of Education for charter school  
166 administrative costs, including an appropriation in Section 53A-17a-104, shall be distributed to  
167 charter schools in the amount of [~~\$62~~] \$31 for each charter school student in enrollment.

168 (3) Charter schools are not eligible for funds for administrative costs under Subsection  
169 (1).

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

171 **53A-17a-113. Weighted pupil units for career and technical education programs**  
172 **-- Funding of approved programs -- Performance measures -- Qualifying criteria.**

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

175 (i) shall be allocated to eligible recipients as provided in Subsections (2), (3), and (4);  
176 ~~and (5)~~; and

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

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

179 [~~(i) comprehensive guidance;~~]

180 [~~(ii)~~] (i) Technology-Life-Careers; and

181 [~~(iii)~~] (ii) work-based learning programs.

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

183 (b) (i) The board shall fund approved programs based upon hours of membership of  
184 9th through 12th grade students.

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

186 [~~(A)~~ comprehensive guidance;]

187 [~~(B)~~] (A) Technology-Life-Careers; and

188 [~~(C)~~] (B) work-based learning programs.

189 (c) The board shall use an amount not to exceed 20% of the total appropriation under  
190 this section to fund approved programs based on performance measures such as placement and  
191 competency attainment defined in standards set by the board.

192 (d) Leadership organization funds shall constitute an amount not to exceed 1% of the  
193 total appropriation under this section, and shall be distributed to each local educational agency  
194 sponsoring career and technical education student leadership organizations based on the  
195 agency's share of the state's total membership in those organizations.

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

199 (3) (a) Twenty weighted pupil units shall be computed for career and technical  
200 education administrative costs for each district, except 25 weighted pupil units may be  
201 computed for each district that consolidates career and technical education administrative  
202 services with one or more other districts.

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

206 (c) Forty weighted pupil units shall be computed for each district that operates an  
207 approved career and technical education center.

208 (d) Between five and seven weighted pupil units shall be computed for each summer  
209 career and technical education agriculture program according to standards established by the  
210 board.

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

213 (4) (a) Monies remaining after the allocations made under Subsections (2) and (3) shall

214 be allocated using average daily membership in approved programs for the previous year.

215 (b) A district that has experienced student growth in grades 9 through 12 for the  
216 previous year shall have the growth factor applied to the previous year's weighted pupil units  
217 when calculating the allocation of monies under this Subsection (4).

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

220 [~~(a) provide an equal amount of matching funds; and]~~

221 [~~(b) do not supplant other funds used for comprehensive guidance programs.]~~

222 [(6)] (5) (a) The board shall establish rules for the upgrading of high school career and  
223 technical education programs.

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

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

229 [(7)] (6) Programs that do not meet board standards may not be funded under this  
230 section.

231 Section 5. Section **53A-17a-116.5** is enacted to read:

232 **53A-17a-116.5. Comprehensive counseling and guidance programs.**

233 (1) The State Board of Education shall distribute money appropriated for  
234 comprehensive counseling and guidance programs:

235 (a) to schools that implement counseling and guidance standards and procedures  
236 established by the board;

237 (b) in accordance with:

238 (i) a formula adopted by the board; and

239 (ii) Subsection (2); and

240 (c) with priority given to funding schools with students in grades 7 through 12.

241 (2) Of the monies appropriated for comprehensive counseling and guidance programs,  
242 \$1,000,000 shall be awarded as grants to school districts or charter schools that:

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

244 (b) do not supplant other funds used for comprehensive counseling and guidance

245 programs.

246 Section 6. Section **53A-17a-135** is amended to read:

247 **53A-17a-135. Minimum basic tax rate -- Certified revenue levy.**

248 (1) (a) In order to qualify for receipt of the state contribution toward the basic program  
249 and as its contribution toward its costs of the basic program, each school district shall impose a  
250 minimum basic tax rate per dollar of taxable value that generates [~~\$245,254,790~~] \$260,731,750  
251 in revenues statewide.

252 (b) The preliminary estimate for the [~~2007-08~~] 2008-09 minimum basic tax rate is  
253 [~~.001474~~] .00125.

254 (c) The State Tax Commission shall certify on or before June 22 the rate that generates  
255 [~~\$245,254,790~~] \$260,731,750 in revenues statewide.

256 (d) If the minimum basic tax rate exceeds the certified revenue levy as defined in  
257 Section 53A-17a-103, the state is subject to the notice requirements of Section 59-2-926.

258 (2) (a) The state shall contribute to each district toward the cost of the basic program in  
259 the district that portion which exceeds the proceeds of the levy authorized under Subsection  
260 (1).

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

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

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

270 Section 7. **Effective date.**

271 This bill takes effect on July 1, 2008.

272 Section 8. **Coordinating S.B. 234 with H.B. 1 -- Substantively superseding**  
273 **amendments.**

274 If this S.B. 234 and H.B. 1, Minimum School Program Base Budget Amendments, both  
275 pass, it is the intent of the Legislature that when the Office of Legislative Research and General

276 Counsel prepares the Utah Code database for publication:

277 (1) the amendments to Subsection 53A-17a-104(1) in S.B. 234 supersede the  
278 amendments to Subsection 53A-17a-104(1) in H.B. 1;

279 (2) the amendments to Subsection 53A-17a-104(2)(k) in S.B. 234 supersede the  
280 amendments to Subsection 53A-17a-104(2)(k) in H.B. 1;

281 (3) the amendments to Subsection 53A-17a-104(2)(bb) in S.B. 234 supersede the  
282 amendments to Subsection 53A-17a-104(2)(aa) in H.B. 1; and

283 (4) the amendments to Subsection 53A-17a-104(2)(cc) in S.B. 234 supersede the  
284 amendments to Subsection 53A-17a-104(2)(bb) in H.B. 1.

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**Legislative Review Note**  
**as of 2-11-08 10:39 AM**

**Office of Legislative Research and General Counsel**

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**Fiscal Note****S.B. 234 - Minimum School Program Amendments - Counseling and Guidance Programs**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill transfers 3,409 Weighted Pupil Units (WPU) from the Career and Technology Education - District Programs in the Basic School Program dedicated to Comprehensive Guidance and Counseling to a new line item. In addition, enactment of this bill increases the WPU dedicated to Comprehensive Guidance and Counseling by 3,580 for a total of 6,989. The increased WPU cost is estimated at \$9,000,120 in Uniform School Funds, with the associated impacts to the Voted and Board Leeway State Guarantee at \$152,420.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
Uniform School Fund	\$0	\$9,152,420	\$9,152,420	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$9,152,420</b>	<b>\$9,152,420</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill will enable school districts and charter schools to increase the number of comprehensive guidance counselors in the public schools.