

**MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION  
BUDGET AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Howard A. Stephenson**

House Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill supplements or reduces appropriations previously provided for school districts, charter schools, and certain state education agencies for the fiscal year beginning July 1, 2010 and ending June 30, 2011 and modifies related budgetary provisions.

**Highlighted Provisions:**

This bill:

- ▶ provides budget increases and decreases for the use and support of certain state education agencies;
- ▶ provides budget increases and decreases for programs that support school districts and charter schools;
- ▶ provides intent language;
- ▶ establishes the value of the weighted pupil unit at \$2,577 for fiscal year 2010-11;
- ▶ prescribes the powers and duties of the State Board of Education to adjust Minimum School Program allocations;
- ▶ provides that monies appropriated to the State Board of Education are nonlapsing;
- ▶ modifies the state guarantee under the voted leeway and board-authorized leeway programs;
- ▶ provides that the state guarantee under the voted leeway and board-authorized leeway programs shall apply to tax rates approved by a certain date;



28 **§→ ► modifies a funding formula to provide money to charter schools to replace local**  
 28a **property tax revenue; ←§**

28b ► provides that if monies appropriated to charter schools to replace local property  
 29 taxes are less than the amount prescribed by a statutory funding formula, monies  
 30 shall be allocated among charter schools in proportion to each charter school's share  
 31 of the total enrollment in charter schools;

32 ► provides that if monies appropriated for charter school administrative costs are  
 33 insufficient to provide the amount per student prescribed in statute, the  
 34 appropriation shall be allocated among charter schools in proportion to each charter  
 35 school's share of the total enrollment in charter schools;

36 ► provides that if the Legislature reduces funding to public schools due to an  
 37 Education Fund budget deficit:

38 • the reduction shall be allocated in proportion to each school district's or charter  
 39 school's share of Minimum School Program funds; and

40 • a school district or charter school may determine which programs, with certain  
 41 exceptions, are affected by the reduction; and

42 ► makes technical amendments.

#### 43 **Monies Appropriated in this Bill:**

44 This bill appropriates for fiscal year 2010-11:

45 ► \$946,200 from the General Fund;

46 ► (\$2,048,016,623) from the Uniform School Fund;

47 ► \$2,361,836,586 from the Education Fund; and

48 ► \$1,000 from various sources as detailed in this bill.

#### 49 **Other Special Clauses:**

50 This bill provides an effective date.

#### 51 **Utah Code Sections Affected:**

52 AMENDS:

53 **53A-1a-513**, as last amended by Laws of Utah 2009, Chapter 391

54 **53A-17a-108**, as last amended by Laws of Utah 2009, Chapter 391

55 **53A-17a-133**, as last amended by Laws of Utah 2009, Chapters 204 and 391

56 **53A-17a-134**, as last amended by Laws of Utah 2009, Chapter 391

57 **53A-17a-146**, as last amended by Laws of Utah 2009, Chapter 4

58 **63I-2-253**, as last amended by Laws of Utah 2008, Second Special Session, Chapter 6

59           **63J-1-602**, as enacted by Laws of Utah 2009, Chapter 368

60 ENACTS:

61           **53A-1a-513.1**, Utah Code Annotated 1953

62 REPEALS AND REENACTS:

63           **53A-17a-105**, as last amended by Laws of Utah 2009, Chapter 183

64 **Uncodified Material Affected:**

65 ENACTS UNCODIFIED MATERIAL



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

68           Section 1. Section **53A-1a-513** is amended to read:

69           **53A-1a-513. Funding for charter schools.**

70           (1) As used in this section:

71           (a) "Charter school students' average local revenues" means the amount determined as  
72 follows:

73           (i) for each student enrolled in a charter school on the previous October 1, calculate the  
74 district per pupil local revenues of the school district in which the student resides;

75           (ii) sum the district per pupil local revenues for each student enrolled in a charter  
76 school on the previous October 1; and

77           (iii) divide the sum calculated under Subsection (1)(a)(ii) by the number of students  
78 enrolled in charter schools on the previous October 1.

79           (b) "District per pupil local revenues" means the amount determined as follows, using  
80 data from the most recently published school district annual financial reports and state  
81 superintendent's annual report:

82           (i) calculate the sum of a school district's revenue received from:

83           (A) a voted levy imposed under Section 53A-17a-133;

84           (B) a board levy imposed under Section 53A-17a-134;

85           (C) 10% of the cost of the basic program levy imposed under Section 53A-17a-145;

86           (D) a tort liability levy imposed under Section 63G-7-704;

87           (E) a capital outlay levy imposed under Section 53A-16-107; and

88           (F) a voted capital outlay levy imposed under Section 53A-16-110; and

89           (ii) divide the sum calculated under Subsection (1)(b)(i) by the sum of:

90 (A) a school district's average daily membership; and  
91 (B) the average daily membership of a school district's resident students who attend  
92 charter schools.

93 (c) "Resident student" means a student who is considered a resident of the school  
94 district under Title 53A, Chapter 2, Part 2, District of Residency.

95 (d) "Statewide average debt service revenues" means the amount determined as  
96 follows, using data from the most recently published state superintendent's annual report:

97 (i) sum the revenues of each school district from the debt service levy imposed under  
98 Section 11-14-310; and

99 (ii) divide the sum calculated under Subsection (1)(d)(i) by statewide school district  
100 average daily membership.

101 (2) (a) Charter schools shall receive funding as described in this section, except  
102 Subsections (3) through (8) do not apply to charter schools described in Subsection (2)(b).

103 (b) Charter schools authorized by local school boards that are converted from district  
104 schools or operate in district facilities without paying reasonable rent shall receive funding as  
105 prescribed in Section 53A-1a-515.

106 (3) (a) Except as provided in Subsection (3)(b), a charter school shall receive state  
107 funds, as applicable, on the same basis as a school district receives funds.

108 (b) In distributing funds under Title 53A, Chapter 17a, Minimum School Program Act,  
109 to charter schools, charter school pupils shall be weighted, where applicable, as follows:

110 (i) .55 for kindergarten pupils;

111 (ii) .9 for pupils in grades 1-6;

112 (iii) .99 for pupils in grades 7-8; and

113 (iv) 1.2 for pupils in grades 9-12.

114 (4) (a) (i) A school district shall allocate a portion of school district revenues for each  
115 resident student of the school district who is enrolled in a charter school on October 1 equal to  
116 25% of the lesser of:

117 (A) district per pupil local revenues; or

118 (B) charter school students' average local revenues.

119 ~~[(ii) For the purpose of allocating school district revenues under Subsection (4)(a)(i) in~~  
120 ~~fiscal year 2008-09 only, a kindergarten student who is enrolled in less than a full-day~~

121 ~~kindergarten program is weighted as .55 of a student.]~~

122 [(iii)] (ii) Nothing in this Subsection (4)(a) affects the school bond guarantee program  
123 established under Chapter 28, Utah School Bond Guaranty Act.

124 (b) The State Board of Education shall:

125 (i) deduct an amount equal to the allocation provided under Subsection (4)(a) from  
126 state funds the school district is authorized to receive under Title 53A, Chapter 17a, Minimum  
127 School Program Act; and

128 (ii) remit the money to the student's charter school.

129 (c) Notwithstanding the method used to transfer school district revenues to charter  
130 schools as provided in Subsection (4)(b), a school district may deduct the allocations to charter  
131 schools under this section from:

132 (i) unrestricted revenues available to the school district; or

133 (ii) the revenue sources listed in Subsections (1)(b)(i)(A) through (F) based on the  
134 portion of the allocations to charter schools attributed to each of the revenue sources listed in  
135 Subsections (1)(b)(i)(A) through (F).

136 (d) (i) Subject to future budget constraints, the Legislature shall provide an  
137 appropriation for charter schools for each student enrolled on October 1 to supplement the  
138 allocation of school district revenues under Subsection (4)(a).

139 (ii) Except as provided in Subsection (4)(d)(iii), the amount of money provided by the  
140 state for a charter school student shall be the sum of:

141 (A) charter school students' average local revenues minus the allocation of school  
142 district revenues under Subsection (4)(a); and

143 (B) statewide average debt service revenues.

144 (iii) If the total of a school district's allocation for a charter school student under  
145 Subsection (4)(a) and the amount provided by the state under Subsection (4)(d)(ii) is less than  
146 \$1427, the state shall provide an additional supplement so that a charter school receives at least  
147 \$1427 per student under this Subsection (4).

148 (iv) (A) If the appropriation provided under this Subsection (4)(d) is less than the  
149 amount prescribed by Subsection (4)(d)(ii) or (4)(d)(iii), the appropriation shall be allocated  
150 among charter schools in proportion to each charter school's enrollment as a percentage of the  
151 total enrollment in charter schools.

152            (B) If the State Board of Education makes adjustments to Minimum School Program  
153 allocations as provided under Section 53A-17a-105, the allocation provided in Subsection  
154 (4)(d)(iv)(A) shall be determined after adjustments are made under Section 53A-17a-105.

155            (e) Of the monies provided to a charter school under this Subsection (4), 10% shall be  
156 expended for funding school facilities only.

157            (5) Charter schools are eligible to receive federal funds if they meet all applicable  
158 federal requirements and comply with relevant federal regulations.

159            (6) The State Board of Education shall distribute funds for charter school students  
160 directly to the charter school.

161            (7) (a) Notwithstanding Subsection (3), a charter school is not eligible to receive state  
162 transportation funding.

163            (b) The board shall also adopt rules relating to the transportation of students to and  
164 from charter schools, taking into account Sections 53A-2-210 and 53A-17a-127.

165            (c) The governing body of the charter school may provide transportation through an  
166 agreement or contract with the local school board, a private provider, or with parents.

167            (8) (a) (i) The state superintendent of public instruction may allocate grants for both  
168 start-up and ongoing costs to eligible charter school applicants from monies appropriated for  
169 the implementation of this part.

170            (ii) Applications for the grants shall be filed on a form determined by the state  
171 superintendent and in conjunction with the application for a charter.

172            (iii) The amount of a grant may vary based upon the size, scope, and special  
173 circumstances of the charter school.

174            (iv) The governing board of the charter school shall use the grant to meet the expenses  
175 of the school as established in the school's charter.

176            (b) The State Board of Education shall coordinate the distribution of federal monies  
177 appropriated to help fund costs for establishing and maintaining charter schools within the  
178 state.

179            (9) (a) A charter school may receive, hold, manage and use any devise, bequest, grant,  
180 endowment, gift, or donation of any property made to the school for any of the purposes of this  
181 part.

182            (b) It is unlawful for any person affiliated with a charter school to demand or request

183 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated  
184 with the charter school as a condition for employment or enrollment at the school or continued  
185 attendance at the school.

186 Section 2. Section **53A-1a-513.1** is enacted to read:

187 **53A-1a-513.1. Funding for charter schools.**

188 (1) As used in this section:

189 (a) "Average district per pupil local revenues" means an amount equal to:

190 (i) the sum of the revenues received by school districts statewide from the levies listed

191 in Subsections (1)(b)(i)(A) through (F); divided by

192 (ii) the sum of the average daily membership of:

193 (A) school districts statewide; and

194 (B) charter schools statewide.

195 (b) "District per pupil local revenues" means an amount equal to:

196 (i) the sum of a school district's revenue received from:

197 (A) a voted levy imposed under Section 53A-17a-133;

198 (B) a board-authorized levy imposed under Section 53A-17a-134;

199 (C) a 10% of the cost of the basic program levy under Section 53A-17a-145;

200 (D) a tort liability levy imposed under Section 63G-7-704;

201 (E) a capital outlay levy imposed under Section 53A-16-107; and

202 (F) a voted capital levy imposed under Section 53A-16-110; divided by

203 (ii) the sum of:

204 (A) a school district's average daily membership; and

205 (B) the average daily membership of a school district's resident students who attend

206 charter schools.

207 (c) "Resident student" means a student who is considered a resident of a school district  
208 under Title 53A, Chapter 2, Part 2, District of Residency.

209 (2) (a) A charter school shall receive funding as described in this section, except  
210 Subsections (3) through (8) do not apply to a charter school described in Subsection (2)(b).

211 (b) A charter school authorized by a local school board that is converted from a district  
212 school or operates in district facilities without paying reasonable rent shall receive funding as  
213 prescribed in Section 53A-1a-515.

214 (3) (a) Except as provided in Subsection (3)(b), a charter school shall receive state  
215 funds, as applicable, on the same basis as a school district receives funds.

216 (b) In distributing funds under Title 53A, Chapter 17a, Minimum School Program Act,  
217 to charter schools, charter school pupils shall be weighted, where applicable, as follows:

218 (i) .55 for kindergarten pupils;

219 (ii) .9 for pupils in grades 1-6;

220 (iii) .99 for pupils in grades 7-8; and

221 (iv) 1.2 for pupils in grades 9-12.

222 (4) (a) (i) A school district shall allocate a portion of school district revenues for a  
223 resident student of the school district who is enrolled in a charter school on October 1 as  
224 follows:

225 (A) in fiscal year 2011-12;

226 (I) for a resident student enrolled in kindergarten in a charter school, the allocation  
227 shall equal 100% of district per pupil local revenues; and

228 (II) for a resident student enrolled in grades 1-12 in a charter school, the allocation  
229 shall equal 25% of district per pupil local revenues;

230 (B) in fiscal year 2012-13:

231 (I) for a resident student enrolled in grades kindergarten - 1 in a charter school, the  
232 allocation shall equal 100% of district per pupil local revenues; and

233 (II) for a resident student enrolled in grades 2 - 12 in a charter school, the allocation  
234 shall equal 25% of district per pupil local revenues;

235 (C) in fiscal year 2013-14:

236 (I) for a resident student enrolled in grades kindergarten - 2 in a charter school, the  
237 allocation shall equal 100% of district per pupil local revenues; and

238 (II) for a resident student enrolled in grades 3 - 12 in a charter school, the allocation  
239 shall equal 25% of district per pupil local revenues;

240 (D) in fiscal year 2014-15:

241 (I) for a resident student enrolled in grades kindergarten - 3 in a charter school, the  
242 allocation shall equal 100% of district per pupil local revenues; and

243 (II) for a resident student enrolled in grades 4 - 12 in a charter school, the allocation  
244 shall equal 25% of district per pupil local revenues;



245 (E) in fiscal year 2015-16;

246 (I) for a resident student enrolled in grades kindergarten - 4 in a charter school, the  
247 allocation shall equal 100% of district per pupil local revenues; and

248 (II) for a resident student enrolled in grades 5-12 in a charter school, the allocation  
249 shall equal 25% of district per pupil local revenues;

250 (F) in fiscal year 2016-17:

251 (I) for a resident student enrolled in grades kindergarten - 5 in a charter school, the  
252 allocation shall equal 100% of district per pupil local revenues; and

253 (II) for a resident student enrolled in grades 6 - 12 in a charter school, the allocation  
254 shall equal 25% of district per pupil local revenues;

255 (G) in fiscal year 2017-18:

256 (I) for a resident student enrolled in grades kindergarten - 6 in a charter school, the  
257 allocation shall equal 100% of district per pupil local revenues; and

258 (II) for a resident student enrolled in grades 7 - 12 in a charter school, the allocation  
259 shall equal 25% of district per pupil local revenues;

260 (H) in fiscal year 2018-19:

261 (I) for a resident student enrolled in grades kindergarten - 7 in a charter school, the  
262 allocation shall equal 100% of district per pupil local revenues; and

263 (II) for a resident student enrolled in grades 8 - 12 in a charter school, the allocation  
264 shall equal 25% of district per pupil local revenues;

265 (I) in fiscal year 2019-20;

266 (I) for a resident student enrolled in grades kindergarten - 8 in a charter school, the  
267 allocation shall equal 100% of district per pupil local revenues; and

268 (II) for a resident student enrolled in grades 9-12 in a charter school, the allocation  
269 shall equal 25% of district per pupil local revenues;

270 (J) in fiscal year 2020-21:

271 (I) for a resident student enrolled in grades kindergarten - 9 in a charter school, the  
272 allocation shall equal 100% of district per pupil local revenues; and

273 (II) for a resident student enrolled in grades 10 - 12 in a charter school, the allocation  
274 shall equal 25% of district per pupil local revenues;

275 (K) in fiscal year 2021-22:

276 (I) for a resident student enrolled in grades kindergarten - 10 in a charter school, the  
277 allocation shall equal 100% of district per pupil local revenues; and

278 (II) for a resident student enrolled in grades 11 - 12 in a charter school, the allocation  
279 shall equal 25% of district per pupil local revenues;

280 (L) in fiscal year 2022-23:

281 (I) for a resident student enrolled in grades kindergarten - 11 in a charter school, the  
282 allocation shall equal 100% of district per pupil local revenues; and

283 (II) for a resident student enrolled in grade 12 in a charter school, the allocation shall  
284 equal 25% of district per pupil local revenues; and

285 (M) beginning in fiscal year 2023-24, the allocation for a resident student enrolled in a  
286 charter school shall equal 100% of district per pupil local revenues.

287 (ii) Nothing in this Subsection (4)(a) affects the school bond guarantee program  
288 established under Chapter 28, Utah School Bond Guaranty Act.

289 (b) The State Board of Education shall:

290 (i) deduct an amount equal to the allocation provided under Subsection (4)(a) from  
291 state funds a school district is authorized to receive under Title 53A, Chapter 17a, Minimum  
292 School Program Act; and

293 (ii) use the monies deducted under Subsection (4)(b)(i), together with supplemental  
294 state monies appropriated as necessary, to provide funds to charter schools in the amount of  
295 average district per pupil local revenues for each student enrolled in a charter school on  
296 October 1.

297 (c) Notwithstanding the method used to transfer school district revenues to charter  
298 schools as provided in Subsection (4)(b), a school district may deduct the allocations to charter  
299 schools under this section from:

300 (i) unrestricted revenues available to the school district; or

301 (ii) the revenue sources listed in Subsections (1)(b)(i)(A) through (F) based on the  
302 portion of the allocations to charter schools attributed to each of the revenue sources listed in  
303 Subsections (1)(b)(i)(A) through (F).

304 (d) (i) Subject to future budget constraints and in addition to monies distributed to  
305 charter schools under Subsection (4)(b), the Legislature shall provide an appropriation for  
306 charter schools for a student enrolled on October 1 in an amount equal to:

307 (A) the sum of the following revenues received by school districts statewide:  
308 (I) guarantee monies provided under the voted leeway program established in Section  
309 53A-17a-133;  
310 (II) guarantee monies provided under the board-authorized leeway program established  
311 in Section 53A-17a-134;  
312 (III) monies provided under the Capital Outlay Foundation Program created in Section  
313 53A-21-201;  
314 (IV) monies provided under the Capital Outlay Enrollment Growth Program created in  
315 Section 53A-21-301; and  
316 (V) revenues from a debt service levy imposed under Section 11-14-310; divided by  
317 (B) the sum of the average daily membership of school districts statewide.  
318 (e) In determining a school district's allocation of school district revenues for a charter  
319 school student and the amount distributed to a charter school for a student enrolled in the  
320 charter school under this Subsection (4), the State Board of Education shall use data from the  
321 fiscal year that is two years prior to the fiscal year a school district allocates school district  
322 revenues or a charter school receives a distribution under this Subsection (4).  
323 (f) (i) If the appropriation provided under this Subsection (4) is insufficient to provide  
324 the amounts required in Subsections (4)(b)(ii) and (4)(d), the appropriation shall be allocated  
325 among charter schools in proportion to each charter school's enrollment as a percentage of the  
326 total enrollment in charter schools.  
327 (ii) If the State Board of Education makes adjustments to Minimum School Program  
328 allocations as provided under Section 53A-17a-105, the allocation provided in Subsection  
329 (4)(f)(i) shall be determined after adjustments are made under Section 53A-17a-105.  
330 (g) Of the monies provided to a charter school under this Subsection (4), 10% shall be  
331 expended for funding school facilities only.  
332 (5) A charter school is eligible to receive federal funds if the charter schools meets  
333 applicable federal requirements and complies with relevant federal regulations.  
334 (6) The State Board of Education shall distribute funds for charter school students  
335 directly to the charter school.  
336 (7) (a) Notwithstanding Subsection (3), a charter school is not eligible to receive state  
337 transportation funding.

338 (b) The State Board of Education shall adopt rules relating to the transportation of  
339 students to and from charter schools, taking into account Sections 53A-2-210 and  
340 53A-17a-127.

341 (c) A charter school governing board may provide transportation through an agreement  
342 or contract with a local school board, private provider, or parent.

343 (8) (a) (i) The state superintendent of public instruction may allocate grants for both  
344 start-up and ongoing costs to an eligible charter school applicant from monies appropriated for  
345 the implementation of this part.

346 (ii) An application for a grant shall be filed on a form determined by the state  
347 superintendent and in conjunction with the application for a charter.

348 (iii) The amount of a grant may vary based upon the size, scope, and special  
349 circumstances of the charter school.

350 (iv) A charter school governing board shall use the grant to meet the expenses of the  
351 school as established in the school's charter.

352 (b) The State Board of Education shall coordinate the distribution of federal monies  
353 appropriated to help fund costs for establishing and maintaining charter schools within the  
354 state.

355 (9) (a) A charter school may receive, hold, manage, and use a devise, bequest, grant,  
356 endowment, gift, or donation of property made to the school for the purposes of this part.

357 (b) It is unlawful for a person affiliated with a charter school to demand or request a  
358 gift, donation, or contribution from a parent, teacher, employee, or other person affiliated with  
359 the charter school as a condition for employment or enrollment at the school or continued  
360 attendance at the school.

361 Section 3. Section **53A-17a-105** is repealed and reenacted to read:

362 **53A-17a-105. Powers and duties of State Board of Education to adjust Minimum**  
363 **School Program allocations.**

364 (1) Except as provided in Subsection (2) or (4), if the number of weighted pupil units  
365 in a program is underestimated, the State Board of Education shall reduce the value of the  
366 weighted pupil unit in that program so that the total amount paid for the program does not  
367 exceed the amount appropriated for the program.

368 (2) If the number of weighted pupil units in a program is overestimated, the State

369 Board of Education shall spend excess monies appropriated for the following purposes giving  
370 priority to the purpose described in Subsection (2)(a):

371 (a) to support the value of the weighted pupil unit in a program within the basic  
372 state-supported school program in which the number of weighted pupil units is underestimated:

373 (b) to support the state guarantee per weighted pupil unit provided under the voted  
374 leeway program established in Section 53A-17a-133 or the board-approved leeway program  
375 established in Section 53A-17a-134, if:

376 (i) local contributions to the voted leeway program or board-approved leeway program  
377 are overestimated; or

378 (ii) the number of weighted pupil units within school districts qualifying for a  
379 guarantee is underestimated;

380 (c) to support the state supplement to local property taxes allocated to charter schools,  
381 if the state supplement is less than the amount prescribed by Subsection 53A-1a-513(4);

382 (d) for charter school administrative costs, if the appropriation for charter school  
383 administrative costs is insufficient to provide the amount per student prescribed in Subsection  
384 53A-17a-108(2)(a); or

385 (e) to support a school district with a loss in student enrollment as provided in Section  
386 53A-17a-139.

387 (3) If local contributions from the minimum basic tax rate imposed under Section  
388 53A-17a-135 are overestimated, the State Board of Education shall reduce the value of the  
389 weighted pupil unit for all programs within the basic state-supported school program so the  
390 total state contribution to the basic state-supported school program does not exceed the amount  
391 of state funds appropriated.

392 (4) If local contributions from the minimum basic tax rate imposed under Section  
393 53A-17a-135 are underestimated, the State Board of Education shall:

394 (a) spend the excess local contributions for the purposes specified in Subsection (2),  
395 giving priority to supporting the value of the weighted pupil unit in programs within the basic  
396 state-supported school program in which the number of weighted pupil units is underestimated;  
397 and

398 (b) reduce the state contribution to the basic state-supported school program so the  
399 total cost of the basic state-supported school program does not exceed the total state and local

400 funds appropriated to the basic state-supported school program plus the local contributions  
401 necessary to support the value of the weighted pupil unit in programs within the basic  
402 state-supported school program in which the number of weighted pupil units is underestimated.

403 (5) Except as provided in Subsection (2) or (4), the State Board of Education shall  
404 reduce the guarantee per weighted pupil unit provided under the voted leeway program  
405 established in Section 53A-17a-133 or board-approved leeway program established in Section  
406 53A-17a-134, if:

407 (a) local contributions to the voted leeway program or board-approved leeway program  
408 are overestimated; or

409 (b) the number of weighted pupil units within school districts qualifying for a  
410 guarantee is underestimated.

411 (6) Monies appropriated to the State Board of Education are nonlapsing.

412 (7) The State Board of Education shall report actions taken by the board under this  
413 section to the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning  
414 and Budget.

415 Section 4. Section **53A-17a-108** is amended to read:

416 **53A-17a-108. Weighted pupil units for small school district administrative costs**  
417 **-- Appropriation for charter school administrative costs.**

418 (1) Administrative costs weighted pupil units are computed and distributed to small  
419 school districts in accordance with the following schedule:

Administrative Costs Schedule

School District Enrollment as of October 1	Weighted Pupil Units
1 - 500 students	95
501 - 1,000 students	80
1,001 - 2,000 students	70
2,001 - 5,000 students	60

426 (2) (a) ~~Money~~ Except as provided in Subsection (2)(b), money appropriated to the  
427 State Board of Education for charter school administrative costs~~[-including an appropriation in~~  
428 ~~Section 53A-17a-104,]~~ shall be distributed to charter schools in the amount of \$100 for each  
429 charter school student in enrollment.

430 (b) (i) If money appropriated for charter school administrative costs is insufficient to

431 provide the amount per student prescribed in Subsection (2)(a), the appropriation shall be  
432 allocated among charter schools in proportion to each charter school's enrollment as a  
433 percentage of the total enrollment in charter schools.

434 (ii) If the State Board of Education makes adjustments to Minimum School Program  
435 allocations under Section 53A-17a-105, the allocation provided in Subsection (2)(b)(i) shall be  
436 determined after adjustments are made under Section 53A-17a-105.

437 [~~(b)~~] (c) Charter schools are encouraged to identify and use cost-effective methods of  
438 performing administrative functions, including contracting for administrative services with the  
439 State Charter School Board as provided in Section 53A-1a-501.6.

440 (3) Charter schools are not eligible for funds for administrative costs under Subsection  
441 (1).

442 Section 5. Section **53A-17a-133** is amended to read:

443 **53A-17a-133. State-supported voted leeway program authorized -- Election**  
444 **requirements -- State guarantee -- Reconsideration of the program.**

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

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

451 (ii) The tax rate may not exceed .002 per dollar of taxable value.

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

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

456 (3) (a) Under the voted leeway program, the state shall contribute an amount sufficient  
457 to guarantee \$25.25 per weighted pupil unit for each .0001 of the first .0016 per dollar of  
458 taxable value.

459 (b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar  
460 of taxable value under Subsection (3)(a) shall apply to the board-approved leeway authorized  
461 in Section 53A-17a-134, so that the guarantee shall apply up to a total of .002 per dollar of

462 taxable value if a school district levies a tax rate under both programs.

463 (c) [(†)] Beginning July 1, [2009] 2011, the \$25.25 guarantee under Subsections (3)(a)  
464 and (b) shall be indexed each year to the value of the weighted pupil unit by making the value  
465 of the guarantee equal to [:.009798] .010544 times the value of the prior year's weighted pupil  
466 unit.

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

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

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

476 (e) The guarantee provided under this section does not apply to the portion of a voted  
477 leeway rate that exceeds the voted leeway rate that was in effect for the previous fiscal year,  
478 unless an increase in the voted leeway rate was authorized in an election conducted on or after  
479 July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

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

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

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

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

491 (5) Notwithstanding Section 59-2-919, a school district may budget an increased  
492 amount of ad valorem property tax revenue derived from a voted leeway imposed under this



493 section in addition to revenue from new growth as defined in Subsection 59-2-924(4), without  
494 having to comply with the notice requirements of Section 59-2-919, if:

495 (a) the voted leeway is approved:

496 (i) in accordance with Section 53A-16-110 on or after January 1, 2003; and

497 (ii) within the four-year period immediately preceding the year in which the school  
498 district seeks to budget an increased amount of ad valorem property tax revenue derived from  
499 the voted leeway; and

500 (b) for a voted leeway approved or modified in accordance with this section on or after  
501 January 1, 2009, the school district complies with the requirements of Subsection (7).

502 (6) Notwithstanding Section 59-2-919, a school district may levy a tax rate under this  
503 section that exceeds the certified tax rate without having to comply with the notice  
504 requirements of Section 59-2-919 if:

505 (a) the levy exceeds the certified tax rate as the result of a school district budgeting an  
506 increased amount of ad valorem property tax revenue derived from a voted leeway imposed  
507 under this section;

508 (b) [if] the voted leeway was approved:

509 (i) in accordance with Section 53A-16-110 on or after January 1, 2003; and

510 (ii) within the four-year period immediately preceding the year in which the school  
511 district seeks to budget an increased amount of ad valorem property tax revenue derived from  
512 the voted leeway; and

513 (c) for a voted leeway approved or modified in accordance with this section on or after  
514 January 1, 2009, the school district complies with requirements of Subsection (7).

515 (7) For purposes of Subsection (5)(b) or (6)(c), the proposition submitted to the  
516 electors regarding the adoption or modification of a voted leeway program shall contain the  
517 following statement:

518 "A vote in favor of this tax means that (name of the school district) may increase  
519 revenue from this property tax without advertising the increase for the next five years."

520 Section 6. Section **53A-17a-134** is amended to read:

521 **53A-17a-134. Board-approved leeway -- Purpose -- State support -- Disapproval.**

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

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

526 (b) if a local school board determines that the average class size in the school district is  
527 not excessive, it may use the monies for other school purposes but only if the board has  
528 declared the use for other school purposes in a public meeting prior to levying the tax rate; and

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

533 (2) (a) The state shall contribute an amount sufficient to guarantee \$25.25 per weighted  
534 pupil unit for each .0001 per dollar of taxable value.

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

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

541 (ii) Subsection (2)(c)(i) applies for a period of five years following any such change in  
542 the certified tax rate.

543 (d) The guarantee provided under this section does not apply to:

544 (i) a board-authorized leeway in the first fiscal year the leeway is in effect, unless the  
545 leeway was approved by voters pursuant to Subsections (4) through (6); or

546 (ii) the portion of a board-authorized leeway rate that is in excess of the  
547 board-authorized leeway rate that was in effect for the previous fiscal year.

548 (3) The levy authorized under this section is not in addition to the maximum rate of  
549 .002 authorized in Section 53A-17a-133, but is a board-authorized component of the total tax  
550 rate under that section.

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

554 (5) An election to consider disapproval of the board-authorized levy is required, if

555 within 60 days after the levy is established by the board, referendum petitions signed by the  
 556 number of legal voters required in Section 20A-7-301, who reside within the school district, are  
 557 filed with the school district.

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

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

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

569 (b) A board-authorized leeway rate may be modified or terminated by a majority vote  
 570 of the board subject to disapproval procedures specified in this section.

571 (8) A board levy election does not require publication of a voter information pamphlet.  
 572 Section 7. Section **53A-17a-146** is amended to read:

573 **53A-17a-146. Reduction of district allocation based on insufficient revenues.**

574 (1) ~~[(a)]~~ As used in this section, "Minimum School Program funds" means the total of  
 575 state and local funds appropriated ~~[under Section 53A-17a-104]~~ for the Minimum School  
 576 Program, excluding:

577 ~~[(i)]~~ (a) the state-supported voter leeway pursuant to Section 53A-17a-133;  
 578 ~~[(ii)]~~ (b) the state-supported board leeway pursuant to Section 53A-17a-134; and  
 579 ~~[(iii)]~~ (c) the appropriation to charter schools to replace local property tax revenues  
 580 pursuant to Section 53A-1a-513.

581 ~~[(b) The State Board of Education,]~~

582 (2) If the Legislature reduces appropriations made to support public schools under Title  
 583 53A, Chapter 17a, Minimum School Program Act, because an Education Fund budget deficit,  
 584 as defined in Section 63J-1-312, exists, the State Board of Education, after consultation with  
 585 each school district and charter school, shall allocate the ~~[ongoing locally determined]~~

586 reduction [~~provided in Section 53A-17a-104 for fiscal year 2008-09~~] among school districts  
 587 and charter schools in proportion to each school district's or charter school's percentage share  
 588 of Minimum School Program funds.

589 ~~[(2) Each district and]~~ (3) Except as provided in Subsection (5), a school district or  
 590 charter school shall determine which programs are affected by[;] a reduction pursuant to  
 591 Subsection (2) and the amount [of, the reductions, except as provided in Subsection (4)] each  
 592 program is reduced.

593 ~~[(3) The]~~ (4) Except as provided in Subsections (5) and (6), the requirement to spend a  
 594 specified amount in any particular program is waived if reductions are [required under this  
 595 section, except as provided in Subsection (4).] made pursuant to Subsection (2).

596 ~~[(4)]~~ (5) A school district or charter school may not reduce or reallocate spending of  
 597 funds distributed to the school district or charter school for the following programs:

- 598 (a) educator salary adjustments provided in Section 53A-17a-153;
- 599 (b) the Teacher Salary Supplement Program provided in Section 53A-17a-156;
- 600 (c) the extended year for special educators provided in Section 53A-17a-158; ~~[and]~~
- 601 (d) USTAR centers provided in Section 53A-17a-159[;];
- 602 (e) the School LAND Trust Program created in Section 53A-16-101.5; or
- 603 (f) a special education program within the Basic School Program.

604 (6) A school district or charter school may not reallocate spending of funds distributed  
 605 to the school district or charter school to a reserve account.

606 Section 8. Section **63I-2-253** is amended to read:

607 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

608 (1) Section 53A-1-403.5 is repealed July 1, 2012.

609 (2) Subsection 53A-1-603(5) is repealed July 1, 2010.

610 (3) Section 53A-1-513 is repealed July 1, 2011.

611 ~~[(3)]~~ (4) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.

612 ~~[(4) Section 53A-3-702 is repealed July 1, 2008.]~~

613 ~~[(5) Section 53A-6-112 is repealed July 1, 2009.]~~

614 ~~[(6)]~~ (5) Subsection 53A-13-110~~[(3)]~~(4) is repealed July 1, 2013.

615 ~~[(7)]~~ (6) Section 53A-17a-152 is repealed July 1, 2010.

616 ~~[(8)]~~ (7) Section 53A-17a-162 is repealed July 1, 2012.

617 Section 9. Section **63J-1-602** is amended to read:

618 **63J-1-602. Nonlapsing accounts and funds.**

619 (1) The following revenue collections, appropriations from a fund or account, and  
620 appropriations to a program are nonlapsing:

621 (a) appropriations made to the Legislature and its committees;

622 (b) funds collected by the grain grading program, as provided in Section 4-2-2;

623 (c) the Salinity Offset Fund created in Section 4-2-8.5;

624 (d) the Invasive Species Mitigation Fund created in Section 4-2-8.7;

625 (e) funds collected by pesticide dealer license registration fees, as provided in Section  
626 4-14-3;

627 (f) funds collected by pesticide applicator business registration fees, as provided in  
628 Section 4-14-13;

629 (g) the Rangeland Improvement Fund created in Section 4-20-2;

630 (h) funds deposited as dedicated credits under the Insect Infestation Emergency Control  
631 Act, as provided in Section 4-35-6;

632 (i) the Percent-for-Art Program created in Section 9-6-404;

633 (j) the Centennial History Fund created in Section 9-8-604;

634 (k) the Uintah Basin Revitalization Fund, as provided in Section 9-10-108;

635 (l) the Navajo Revitalization Fund created in Section 9-11-104;

636 (m) the LeRay McAllister Critical Land Conservation Program created in Section  
637 11-38-301;

638 (n) the Clean Fuels and Vehicle Technology Fund created in Section 19-1-403;

639 (o) fees deposited as dedicated credits for hazardous waste plan reviews, as provided in  
640 Section 19-6-120;

641 (p) an appropriation made to the Division of Wildlife Resources for the appraisal and  
642 purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6;

643 (q) award monies under the Crime Reduction Assistance Program, as provided under  
644 Section 24-1-19;

645 (r) funds collected from the emergency medical services grant program, as provided in  
646 Section 26-8a-207;

647 (s) fees and other funding available to purchase training equipment and to administer

648 tests and conduct quality assurance reviews, as provided in Section 26-8a-208;

649 (t) funds collected as a result of a sanction under Section 1919 of Title XIX of the  
650 federal Social Security Act, as provided in Section 26-18-3;

651 (u) the Utah Health Care Workforce Financial Assistance Program created in Section  
652 26-46-102;

653 (v) monies collected from subscription fees for publications prepared or distributed by  
654 the insurance commissioner, as provided in Section 31A-2-208;

655 (w) monies received by the Insurance Department for administering, investigating  
656 under, and enforcing the Insurance Fraud Act, as provided in Section 31A-31-108;

657 (x) certain monies received for penalties paid under the Insurance Fraud Act, as  
658 provided in Section 31A-31-109;

659 (y) the fund for operating the state's Federal Health Care Tax Credit Program, as  
660 provided in Section 31A-38-104;

661 (z) certain funds in the Department of Workforce Services' program for the education,  
662 training, and transitional counseling of displaced homemakers, as provided in Section  
663 35A-3-114;

664 (aa) the Employment Security Administration Fund created in Section 35A-4-505;

665 (bb) the Special Administrative Expense Fund created in Section 35A-4-506;

666 (cc) funding for a new program or agency that is designated as nonlapsing under  
667 Section 36-24-101;

668 (dd) the Oil and Gas Conservation Account created in Section 40-6-14.5;

669 (ee) funds available to the State Tax Commission for purchase and distribution of  
670 license plates and decals, as provided in Section 41-1a-1201;

671 (ff) certain fees for the cost of electronic payments under the Motor Vehicle Act, as  
672 provided in Section 41-1a-1221;

673 (gg) certain fees collected for administering and enforcing the Motor Vehicle Business  
674 Regulation Act, as provided in Section 41-3-601;

675 (hh) certain fees for the cost of electronic payments under the Motor Vehicle Business  
676 Regulation Act, as provided in Section 41-3-604;

677 (ii) the Off-Highway Access and Education Restricted Account created in Section  
678 41-22-19.5;

679 (jj) certain fees for the cost of electronic payments under the Motor Vehicle Act, as  
680 provided in Section 41-22-36;

681 (kk) monies collected under the Notaries Public Reform Act, as provided under  
682 46-1-23;

683 (ll) certain funds associated with the Law Enforcement Operations Account, as  
684 provided in Section 51-9-411;

685 (mm) the Public Safety Honoring Heroes Restricted Account created in Section  
686 53-1-118;

687 (nn) funding for the Search and Rescue Financial Assistance Program, as provided in  
688 Section 53-2-107;

689 (oo) appropriations made to the Department of Public Safety from the Department of  
690 Public Safety Restricted Account, as provided in Section 53-3-106;

691 (pp) appropriations to the Motorcycle Rider Education Program, as provided in Section  
692 53-3-905;

693 (qq) fees collected by the State Fire Marshal Division under the Utah Fire Prevention  
694 and Safety Act, as provided in Section 53-7-314;

695 (rr) the DNA Specimen Restricted Account created in Section 53-10-407;

696 (ss) ~~[the minimum school program]~~ appropriations to the State Board of Education, as  
697 provided in Section 53A-17a-105;

698 (tt) certain funds appropriated from the Uniform School Fund to the State Board of  
699 Education for new teacher bonus and performance-based compensation plans, as provided in  
700 Section 53A-17a-148;

701 (uu) certain funds appropriated from the Uniform School Fund to the State Board of  
702 Education for implementation of proposals to improve mathematics achievement test scores, as  
703 provided in Section 53A-17a-152;

704 (vv) the School Building Revolving Account created in Section 53A-21-401;

705 (ww) monies received by the State Office of Rehabilitation for the sale of certain  
706 products or services, as provided in Section 53A-24-105;

707 (xx) the State Board of Regents, as provided in Section 53B-6-104;

708 (yy) certain funds appropriated from the General Fund to the State Board of Regents  
709 for teacher preparation programs, as provided in Section 53B-6-104;

710 (zz) a certain portion of monies collected for administrative costs under the School  
711 Institutional Trust Lands Management Act, as provided under Section 53C-3-202;

712 (aaa) certain surcharges on residence and business telecommunications access lines  
713 imposed by the Public Service Commission, as provided in Section 54-8b-10;

714 (bbb) certain fines collected by the Division of Occupational and Professional  
715 Licensing for violation of unlawful or unprofessional conduct that are used for education and  
716 enforcement purposes, as provided in Section 58-17b-505;

717 (ccc) the Nurse Education and Enforcement Fund created in Section 58-31b-103;

718 (ddd) funding of the controlled substance database, as provided in Section 58-37-7.7;

719 (eee) the Certified Nurse Midwife Education and Enforcement Fund created in Section  
720 58-44a-103;

721 (fff) funding for the building inspector's education program, as provided in Section  
722 58-56-9;

723 (ggg) certain fines collected by the Division of Occupational and Professional  
724 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as  
725 provided in Section 58-63-103;

726 (hhh) the Professional Geologist Education and Enforcement Fund created in Section  
727 58-76-103;

728 (iii) certain monies in the Water Resources Conservation and Development Fund, as  
729 provided in Section 59-12-103;

730 (jjj) funds paid to the Division of Real Estate for the cost of a criminal background  
731 check for broker and sales agent licenses, as provided in Section 61-2-9;

732 (kkk) the Utah Housing Opportunity Restricted Account created in Section 61-2-28;

733 (lll) funds paid to the Division of Real Estate for the cost of a criminal background  
734 check for a mortgage loan license, as provided in Section 61-2c-202;

735 (mmm) funds paid to the Division of Real Estate in relation to examination of records  
736 in an investigation, as provided in Section 61-2c-401;

737 (nnn) certain funds donated to the Department of Human Services, as provided in  
738 Section 62A-1-111;

739 (ooo) certain funds donated to the Division of Child and Family Services, as provided  
740 in Section 62A-4a-110;



741 (ppp) the Mental Health Therapist Grant and Scholarship Program, as provided in  
742 Section 62A-13-109;

743 (qqq) assessments for DUI violations that are forwarded to an account created by a  
744 county treasurer, as provided in Section 62A-15-503;

745 (rrr) appropriations to the Division of Services for People with Disabilities, as provided  
746 in Section 62A-5-102;

747 (sss) certain donations to the Division of Substance Abuse and Mental Health, as  
748 provided in Section 62A-15-103;

749 (ttt) certain funds received by the Division of Parks and Recreation from the sale or  
750 disposal of buffalo, as provided under Section 63-11-19.2;

751 (uuu) revenue for golf user fees at the Wasatch Mountain State Park, Palisades State  
752 Park, or Jordan River State Park, as provided under Section 63-11-19.5;

753 (vvv) revenue for golf user fees at the Green River State Park, as provided under  
754 Section 63-11-19.6;

755 (www) the Centennial Nonmotorized Paths and Trail Crossings Program created under  
756 Section 63-11a-503;

757 (xxx) the Bonneville Shoreline Trail Program created under Section 63-11a-504;

758 (yyy) the account for the Utah Geological Survey, as provided in Section 63-73-10;

759 (zzz) the Risk Management Fund created under Section 63A-4-201;

760 (aaaa) the Child Welfare Parental Defense Fund created in Section 63A-11-203;

761 (bbbb) the Constitutional Defense Restricted Account created in Section 63C-4-103;

762 (cccc) a portion of the funds appropriated to the Utah Seismic Safety Commission, as  
763 provided in Section 63C-6-104;

764 (dddd) funding for the Medical Education Program administered by the Medical  
765 Education Council, as provided in Section 63C-8-102;

766 (eeee) certain monies payable for commission expenses of the Pete Suazo Utah  
767 Athletic Commission, as provided under Section 63C-11-301;

768 (ffff) funds collected for publishing the Division of Administrative Rules' publications,  
769 as provided in Section 63G-3-402;

770 (gggg) the appropriation to fund the Governor's Office of Economic Development's  
771 Enterprise Zone Act, as provided in Section 63M-1-416;

772 (hhhh) the Tourism Marketing Performance Account, as provided in Section  
773 63M-1-1406;

774 (iiii) certain funding for rural development provided to the Office of Rural  
775 Development in the Governor's Office of Economic Development, as provided in Section  
776 63M-1-1604;

777 (jjjj) certain monies in the Development for Disadvantaged Rural Communities  
778 Restricted Account, as provided in Section 63M-1-2003;

779 (kkkk) appropriations to the Utah Science Technology and Research Governing  
780 Authority, created under Section 63M-2-301, as provided under Section 63M-3-302;

781 (llll) certain monies in the Rural Broadband Service Fund, as provided in Section  
782 63M-1-2303;

783 (mmmm) funds collected from monthly offender supervision fees, as provided in  
784 Section 64-13-21.2;

785 (nnnn) funds collected by the housing of state probationary inmates or state parole  
786 inmates, as provided in Subsection 64-13e-104(2);

787 (oooo) the Sovereign Lands Management account created in Section 65A-5-1;

788 (pppp) certain forestry and fire control funds utilized by the Division of Forestry, Fire,  
789 and State Lands, as provided in Section 65A-8-103;

790 (qqqq) the Department of Human Resource Management user training program, as  
791 provided in Section 67-19-6;

792 (rrrr) funds for the University of Utah Poison Control Center program, as provided in  
793 Section 69-2-5.5;

794 (ssss) appropriations to the Transportation Corridor Preservation Revolving Loan  
795 Fund, as provided in Section 72-2-117;

796 (tttt) appropriations to the Local Transportation Corridor Preservation Fund, as  
797 provided in Section 72-2-117.5;

798 (uuuu) appropriations to the Tollway Restricted Special Revenue Fund, as provided in  
799 Section 77-2-120;

800 (vvvv) appropriations to the Aeronautics Construction Revolving Loan Fund, as  
801 provided in Section 77-2-122;

802 (wwww) appropriations to the State Park Access Highways Improvement Program, as

803 provided in Section 72-3-207;  
804 (xxxx) the Traffic Noise Abatement Program created in Section 72-6-112;  
805 (yyyy) certain funds received by the Office of the State Engineer for well drilling fines  
806 or bonds, as provided in Section 73-3-25;  
807 (zzzz) certain monies appropriated to increase the carrying capacity of the Jordan River  
808 that are transferred to the Division of Parks and Recreation, as provided in Section 73-10e-1;  
809 (aaaa) certain fees for the cost of electronic payments under the State Boating Act, as  
810 provided in Section 73-18-25;  
811 (bbbb) certain monies appropriated from the Water Resources Conservation and  
812 Development Fund, as provided in Section 73-23-2;  
813 (cccc) the Lake Powell Pipeline Project Operation and Maintenance Fund created in  
814 Section 73-28-404;  
815 (dddd) certain funds in the Water Development and Flood Mitigation Reserve  
816 Account, as provided in Section 73-103-1;  
817 (eeee) certain funds appropriated for compensation for special prosecutors, as  
818 provided in Section 77-10a-19;  
819 (ffff) the Indigent Aggravated Murder Defense Trust Fund created in Section  
820 77-32-601;  
821 (ggggg) the Indigent Felony Defense Trust Fund created in Section 77-32-701;  
822 (hhhhh) funds donated or paid to a juvenile court by private sources, as provided in  
823 Subsection 78A-6-203(1)(c);  
824 (iiii) a state rehabilitative employment program, as provided in Section 78A-6-210;  
825 and  
826 (jjjj) fees from the issuance and renewal of licenses for certified court interpreters, as  
827 provided in Section 78B-1-146.  
828 (2) No revenue collection, appropriation from a fund or account, or appropriation to a  
829 program may be treated as nonlapsing unless:  
830 (a) it is expressly referenced by this section;  
831 (b) it is designated in a condition of appropriation in the appropriations bill; or  
832 (c) nonlapsing authority is granted under Section 63J-1-603.  
833 (3) Each legislative appropriations subcommittee shall review the accounts and funds

834 that have been granted nonlapsing authority under this section or Section 63J-1-603.

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

836 (1) (a) The State Board of Education shall distribute money appropriated for classroom  
837 supplies and materials to classroom teachers in school districts, the Utah Schools for the Deaf  
838 and the Blind, and charter schools on the basis of the number of classroom teachers in each  
839 school as compared to the total number of classroom teachers.

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

841 (i) a teacher on salary schedule steps one through three teaching in grades kindergarten  
842 through six or preschool handicapped - \$250;

843 (ii) a teacher on salary schedule steps one through three teaching in grades seven  
844 through twelve - \$200;

845 (iii) a teacher on salary schedule step four or higher teaching in grades kindergarten  
846 through six or preschool handicapped - \$175; and

847 (iv) a teacher on salary schedule step four or higher teaching in grades seven through  
848 twelve - \$150.

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

852 (2) Teachers shall spend money appropriated for classroom supplies and materials for  
853 school supplies, materials, or field trips under rules adopted by the State Board of Education.

854 (3) As used in this section, "classroom teacher" or "teacher" means permanent teacher  
855 positions filled by one teacher or two or more job-sharing teachers:

856 (a) who are licensed personnel;

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

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

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

861 Section 11. **Appropriations for state education agencies and programs that**  
862 **support school districts and charter schools -- Value of weighted pupil unit.**

863 (1) Under the terms and conditions of Utah Code Title 63J, as applicable, the following  
864 sums of money are appropriated from resources not otherwise appropriated, or reduced from

865 amounts previously appropriated, out of the funds or fund accounts indicated for distribution to  
 866 state education agencies, school districts, and charter schools for the fiscal year beginning July  
 867 1, 2010 and ending June 30, 2011. These appropriations are additions to amounts previously  
 868 appropriated for fiscal year 2010-11.

869 (2) The value of the weighted pupil unit (WPU) for fiscal year 2010-11 is increased by  
 870 \$90 over the value of the WPU for fiscal year 2010-11 established in H.B. 1, Minimum School  
 871 Program Base Budget, for a total WPU value of \$2,577.

872 STATE BOARD OF EDUCATION

873 ITEM 1 To State Board of Education - State Office of Education

874 From Uniform School Fund (\$20,706,500)

875 From Education Fund \$21,102,000

876 From Federal Funds \$400

877 From Dedicated Credits Revenue \$200

878 Schedule of Programs:

879 Board of Education - Operations \$18,500

880 Student Achievement \$332,500

881 Data and Business Services \$23,000

882 Law, Legislation and Educational Services \$22,100

883 The Legislature intends that the State Board of Education develop a plan to create a  
 884 website where best practices and studies of school districts and charter schools may be posted  
 885 for the purpose of facilitating and encouraging innovation, cost-savings, and productivity. The  
 886 State Board of Education is requested to make a report on the plan to the Education Interim  
 887 Committee no later than the committee's October interim committee meeting.

888 ITEM 2 To State Board of Education - Utah State Office of Education - Initiative Programs

889 From General Fund \$946,200

890 From Uniform School Fund (\$3,182,100)

891 From Education Fund \$7,119,400

892 Schedule of Programs:

893 Contracts and Grants \$4,883,500

894 ITEM 3 To State Board of Education - State Charter School Board

895 From Uniform School Fund (\$575,800)

896	From Education Fund	\$575,800
897	ITEM 4 To State Board of Education - Educator Licensing Professional Practices	
898	From Uniform School Fund Restricted - Professional Practices	\$200
899	Schedule of Programs:	
900	Educator Licensing	\$200
901	ITEM 5 To State Board of Education - State Office of Education - Child Nutrition	
902	From Uniform School Fund	(\$136,700)
903	From Education Fund	\$139,500
904	From Federal Funds	\$400
905	From Dedicated Credits Revenue	\$100
906	Schedule of Programs:	
907	Child Nutrition	\$3,300
908	ITEM 6 To State Board of Education - Fine Arts Outreach	
909	From Uniform School Fund	(\$2,731,000)
910	From Education Fund	\$2,786,800
911	Schedule of Programs:	
912	Professional Outreach Programs	\$54,800
913	Subsidy Program	\$1,000
914	ITEM 7 To State Board of Education - State Office of Education - Educational Contracts	
915	From Uniform School Fund	(\$3,114,700)
916	From Education Fund	\$3,137,800
917	Schedule of Programs:	
918	Youth Center	\$23,100
919	ITEM 8 To State Board of Education - Science Outreach	
920	From Uniform School Fund	(\$1,661,600)
921	From Education Fund	\$1,695,500
922	Schedule of Programs:	
923	Informal Science Education Enhancement	\$25,600
924	Science Enhancement	\$8,300
925	ITEM 9 To State Board of Education - Utah Schools for the Deaf and the Blind	
926	From Uniform School Fund	(\$22,311,000)

**03-10-10 10:59 AM**

**S.B. 2**

927	From Education Fund	\$22,753,700
928	From Federal Funds	(\$300)
929	From Dedicated Credits Revenue	\$500,000
930	From Closing Nonlapsing Appropriation Balances	(\$186,000)
931	Schedule of Programs:	
932	Instructional Services	\$297,000
933	Support Services	\$145,400
934	Institutional Council	\$314,000
935	ITEM 10 To State Board of Education - Utah Schools for the Deaf and Blind - Institutional	
936	Council	
937	From Dedicated Credits Revenue	(\$500,000)
938	From Closing Nonlapsing Appropriation Balances	\$186,000
939	Schedule of Programs:	
940	Institutional Council	(\$314,000)
941	BASIC SCHOOL PROGRAM	
942	ITEM 11 To Basic School Program	
943	From Uniform School Fund	(\$1,560,112,936)
944	From Education Fund	\$1,627,171,936
945	Schedule of Programs:	
946	Kindergarten	\$2,385,270
947	Grades 1 - 12	\$45,939,690
948	Necessarily Existent Small Schools	\$688,410
949	Professional Staff	\$4,202,820
950	Administrative Costs	\$139,500
951	Special Education - Add-on	\$5,751,270
952	Special Education - Pre-school	\$805,950
953	Special Education - Self-contained	\$1,272,330
954	Special Education - Extended Year	\$35,370
955	Special Education - State Programs	\$159,840
956	Career & Technical Ed District Add-on	\$2,453,310
957	Class Size Reduction	\$3,225,240

958 The Legislature intends that the State Board of Education allocate \$23,484 from the  
 959 appropriation to the Career & Technical Education District Add-on program to support summer  
 960 Career & Technical Education agriculture programs. This allocation is in addition to the  
 961 allocation provided for summer Career & Technical Education agriculture programs for fiscal  
 962 year 2010-11 in H.B. 1, Minimum School Program Base Budget.

963 RELATED TO BASIC PROGRAMS

964 ITEM 12 To Related to Basic Programs

965	From Uniform School Fund	(\$374,194,403)
966	From Education Fund	\$590,968,302
967	From Education Fund, One-time	\$11,958,000

968 Schedule of Programs:

969	Social Security and Retirement	(\$13,139,631)
970	To and From School - Pupil Transportation	\$1,312,900
971	Guarantee Transportation Levy	\$10,000
972	Flexible Allocation - WPU Distribution	\$217,566,730
973	Intervention for Student Success Block Grant	\$300,000
974	Adult Education	\$185,300
975	Electronic High School	(\$1,960,000)
976	Charter School Local Replacement	\$14,564,900
977	Charter School Administration	\$617,600
978	Public Education Job Enhancement	(\$2,143,300)
979	Educator Salary Adjustments	\$5,081,200
980	Library Books & Electronic Resources	(\$490,000)
981	Critical Languages & Dual Immersion	\$750,000
982	USTAR Centers (Year-Round Math & Science)	\$124,200
983	Performance Based Compensation	\$294,000
984	Teacher Supplies and Materials	\$5,000,000
985	Beverly Taylor Sorenson Elementary Arts	\$658,000

986 The Legislature intends that monies for the Flexible Allocation - WPU Distribution  
 987 program be distributed to school districts and charter schools on the basis of the number of  
 988 weighted pupil units in a school district or charter school compared to the total number of



989 weighted pupil units and that the State Board of Education provide for the reporting of school  
 990 districts' and charter schools' expenditures of the program monies.

991 The Legislature intends that the State Board of Education allocate \$51,700 from the  
 992 appropriation for To and From School - Pupil Transportation to support transportation costs at  
 993 the Utah Schools for the Deaf and the Blind. This allocation is in addition to the allocation  
 994 provided to support transportation costs at the Utah Schools for the Deaf and the Blind for  
 995 fiscal year 2010-11 in H.B. 1, Minimum School Program Base Budget.

996 The Legislature intends that enrollment in charter schools in the 2011-12 school year  
 997 may increase up to 7,467 students over the projected enrollment of ~~\$→ [42,411]~~ 42,211 ~~←\$~~ students  
 997a in the  
 998 2010-11 school year.

999 VOTED AND BOARD LEEWAY PROGRAMS

1000 ITEM 13 To Voted and Board Leeway Programs

1001	From Uniform School Fund	(\$37,240,184)
1002	From Education Fund	\$57,928,148
1003	Schedule of Programs:	
1004	Voted Leeway	\$15,891,364
1005	Board Leeway	\$4,796,600

1006 SCHOOL BUILDING PROGRAMS

1007 ITEM 14 To School Building Programs

1008	From Uniform School Fund	(\$22,049,700)
1009	From Education Fund	\$14,499,700
1010	Schedule of Programs:	
1011	Capital Outlay Foundation Program	(\$6,566,500)
1012	Capital Outlay Enrollment Growth Program	(\$983,500)

1013 Section 12. **Effective date.**

1014 This bill takes effect on July 1, 2010, except Section 53A-1a-513.1 takes effect on July  
 1015 1, 2011.

**Legislative Review Note**  
as of 3-10-10 10:54 AM

**Office of Legislative Research and General Counsel**

**S.B. 2 - Minimum School Program and Public Education Budget Amendments**

**Fiscal Note**

2010 General Session  
State of Utah

**State Impact**

Enactment of this bill appropriates \$946,200 from the General Fund, (\$2,048,016,623) from the Uniform School Fund, \$2,349,878,586 from the Education Fund, \$11,958,000 from the Education Fund, one-time, and \$1,000 from federal, restricted and dedicated credits revenue to support FY 2011 expenditures in the Minimum School Program, School Building Program, and state education agencies as outlined in the bill. Further, enactment of this bill changes the Charter School Local Replacement formula beginning in FY 2012 and allows for a student enrollment increase in charter schools of 7,467 in FY 2012. The cost associated with these additional students, based on the current statutory formula is approximately \$12,000,000. The overall cost may increase or decrease depending on the actual number of students that are expected to enroll in charter schools in FY 2012 and the impact of the formula changes.

	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
	<b><u>Approp.</u></b>	<b><u>Approp.</u></b>	<b><u>Approp.</u></b>	<b><u>Revenue</u></b>	<b><u>Revenue</u></b>	<b><u>Revenue</u></b>
General Fund	\$0	\$946,200	\$946,200	\$0	\$0	\$0
Uniform School Fund	\$0	(\$2,048,016,623)	\$0	\$0	\$0	\$0
Education Fund	\$0	\$2,349,878,586	\$2,349,878,586	\$0	\$0	\$0
Education Fund, One-Time	\$0	\$11,958,000	\$0	\$0	\$0	\$0
Other	\$0	\$1,000	\$1,000	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$314,767,163</b>	<b>\$2,350,825,786</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

School districts, charter schools, and state education agencies may see an increase or decrease in state funding levels depending on their participation in programs contained in this bill.