

**PUBLIC EDUCATION BASE BUDGET**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: D. Chris Butters**

House Sponsor: Merlynn T. Newbold

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**LONG TITLE**

**General Description:**

This bill appropriates funds for the support and operation of public education for the fiscal year beginning July 1, 2011, and ending June 30, 2012.

**Highlighted Provisions:**

This bill:

- ▶ provides appropriations for the use and support of state education agencies;
- ▶ provides appropriations for the use and support of school districts and charter schools;
- ▶ sets the value of the weighted pupil unit at \$2,577 for fiscal year 2011-12; and
- ▶ sets the estimated minimum basic tax rate at .001628 for fiscal year 2011-12.

**Money Appropriated in this Bill:**

This bill appropriates for fiscal year 2011-12:

- ▶ \$3,211,800 from the General Fund;
- ▶ \$19,000,000 from the Uniform School Fund;
- ▶ \$2,092,684,312 from the Education Fund; and
- ▶ \$935,823,973 from various sources as detailed in this bill.

**Other Special Clauses:**

This bill takes effect on July 1, 2011.

**Utah Code Sections Affected:**

AMENDS:

**53A-17a-105**, as repealed and reenacted by Laws of Utah 2010, Chapter 399

**53A-17a-105.5**, as enacted by Laws of Utah 2010, Chapter 303

30           **53A-17a-114**, as last amended by Laws of Utah 2007, Chapter 372

31           **53A-17a-135**, as last amended by Laws of Utah 2010, Chapter 3

32 ENACTS:

33           **53A-17a-164**, Utah Code Annotated 1953

34           **53A-17a-165**, Utah Code Annotated 1953

35 REPEALS:

36           **53A-15-601**, as last amended by Laws of Utah 1997, Chapter 219

37           **53A-15-701**, as last amended by Laws of Utah 2002, Chapter 210

38           **53A-17a-108**, as last amended by Laws of Utah 2010, Chapters 3 and 399

39           **53A-17a-120**, as last amended by Laws of Utah 2010, Chapter 3

40           **53A-17a-121**, as last amended by Laws of Utah 2010, Chapter 3

41           **53A-17a-123.5**, as last amended by Laws of Utah 2010, Chapter 3

42           **53A-17a-160**, as enacted by Laws of Utah 2008, Chapter 397

43           **53A-17a-161**, as enacted by Laws of Utah 2008, Chapter 397

44 **Uncodified Material Affected:**

45 ENACTS UNCODIFIED MATERIAL



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

48           Section 1. Section **53A-17a-105** is amended to read:

49           **53A-17a-105. Powers and duties of State Board of Education to adjust Minimum**  
50 **School Program allocations.**

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

55           (2) If the number of weighted pupil units in a program is overestimated, the State  
56 Board of Education shall spend excess monies appropriated for the following purposes giving  
57 priority to the purpose described in Subsection (2)(a):

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

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

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

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

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

69 ~~[(d) for charter school administrative costs, if the appropriation for charter school  
70 administrative costs is insufficient to provide the amount per student prescribed in Subsection  
71 53A-17a-108(2)(a), or]~~

72 ~~[(e)]~~ (d) to support a school district with a loss in student enrollment as provided in  
73 Section 53A-17a-139.

74 (3) If local contributions from the minimum basic tax rate imposed under Section  
75 53A-17a-135 are overestimated, the State Board of Education shall reduce the value of the  
76 weighted pupil unit for all programs within the basic state-supported school program so the  
77 total state contribution to the basic state-supported school program does not exceed the amount  
78 of state funds appropriated.

79 (4) If local contributions from the minimum basic tax rate imposed under Section  
80 53A-17a-135 are underestimated, the State Board of Education shall:

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

85 (b) reduce the state contribution to the basic state-supported school program so the

86 total cost of the basic state-supported school program does not exceed the total state and local  
87 funds appropriated to the basic state-supported school program plus the local contributions  
88 necessary to support the value of the weighted pupil unit in programs within the basic  
89 state-supported school program in which the number of weighted pupil units is underestimated.

90 (5) Except as provided in Subsection (2) or (4), the State Board of Education shall  
91 reduce the guarantee per weighted pupil unit provided under the voted leeway program  
92 established in Section 53A-17a-133 or board-approved leeway program established in Section  
93 53A-17a-134, if:

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

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

98 (6) ~~[Monies]~~ Money appropriated to the State Board of Education ~~[are]~~ is nonlapsing.

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

102 Section 2. Section **53A-17a-105.5** is amended to read:

103 **53A-17a-105.5. Flexibility in the use of program funds.**

104 (1) As used in this section, "qualifying program" means:

105 ~~[(a) the at-risk flow through program created in Section 53A-17a-121;]~~

106 ~~[(b) the homeless and disadvantaged minority students program created in Section  
107 53A-17a-121;]~~

108 ~~[(c) the gifted and talented program created in Section 53A-17a-120;]~~

109 ~~[(d) the advanced placement program created in Section 53A-15-101; and]~~

110 (a) the Enhancement for At-Risk Students Program created in Section 53A-17a-164;

111 (b) the Enhancement for Accelerated Students Program created in Section  
112 53A-17a-165; and

113 ~~[(e)]~~ (c) the concurrent enrollment program created in Section 53A-15-101.

114 (2) If a school district or charter school receives an allocation of state funds for a  
115 qualifying program that is less than \$10,000, the school district or charter school may:

116 (a) (i) combine the funds with one or more qualifying program fund allocations each of  
117 which is less than \$10,000; and

118 (ii) use the combined funds in accordance with the program requirements for any of the  
119 qualifying programs that are combined; or

120 (b) (i) transfer the funds to a qualifying program for which the school district or charter  
121 school received an allocation of funds that is greater than or equal to \$10,000; and

122 (ii) use the combined funds in accordance with the program requirements for the  
123 qualifying program to which the funds are transferred.

124 Section 3. Section **53A-17a-114** is amended to read:

125 **53A-17a-114. Career and technical education program alternatives.**

126 ~~[(+)]~~ If a school district determines that a secondary student's career and technical  
127 education goals are better achieved at a regional applied technology college created under Title  
128 53B, Chapter 2a, Utah College of Applied Technology, the student may attend that institution.

129 ~~[(2) Students served under this section in a regional applied technology college shall  
130 continue to be counted in the regular school program average daily membership of the sending  
131 school district.]~~

132 Section 4. Section **53A-17a-135** is amended to read:

133 **53A-17a-135. Minimum basic tax rate -- Certified revenue levy.**

134 (1) (a) In order to qualify for receipt of the state contribution toward the basic program  
135 and as its contribution toward its costs of the basic program, each school district shall impose a  
136 minimum basic tax rate per dollar of taxable value that generates [~~\$273,950,764~~] \$284,221,713  
137 in revenues statewide.

138 (b) The preliminary estimate for the [~~2010-11~~] 2011-12 minimum basic tax rate is  
139 [~~.001513~~] .001628.

140 (c) The State Tax Commission shall certify on or before June 22 the rate that generates  
141 [~~\$273,950,764~~] \$284,221,713 in revenues statewide.

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

144 (2) (a) The state shall contribute to each district toward the cost of the basic program in  
145 the district that portion which exceeds the proceeds of the levy authorized under Subsection  
146 (1).

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

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

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

156 Section 5. Section **53A-17a-164** is enacted to read:

157 **53A-17a-164. Enhancement for At-Risk Students Program.**

158 (1) The State Board of Education shall distribute money appropriated for the  
159 Enhancement for At-Risk Students Program to school districts and charter schools according to  
160 a formula adopted by the State Board of Education, after consultation with school districts and  
161 charter schools.

162 (2) In establishing a distribution formula under Subsection (1), the State Board of  
163 Education shall use the following criteria:

164 (a) low performance on U-PASS tests;

165 (b) poverty;

166 (c) mobility; and

167 (d) limited English proficiency.

168 (3) A school district or charter school shall use money distributed under this section to  
169 improve the academic achievement of students who are at risk of academic failure.

170           (4) The State Board of Education shall develop performance criteria to measure the  
171 effectiveness of the Enhancement for At-Risk Students Program and make an annual report to  
172 the Public Education Appropriations Subcommittee on the effectiveness of the program.

173           Section 6. Section **53A-17a-165** is enacted to read:

174           **53A-17a-165. Enhancement for Accelerated Students Program.**

175           (1) The State Board of Education shall distribute money appropriated for the  
176 Enhancement for Accelerated Students Program to school districts and charter schools  
177 according to a formula adopted by the State Board of Education, after consultation with school  
178 districts and charter schools.

179           (2) A distribution formula adopted under Subsection (1) may include an allocation of  
180 money for:

181           (a) advanced placement courses;

182           (b) gifted and talented programs, including professional development for teachers of  
183 high ability students; and

184           (c) International Baccalaureate programs.

185           (3) No more than 1.5% of the appropriation for the Enhancement for Accelerated  
186 Students Program may be allowed for International Baccalaureate programs.

187           (4) A school district or charter school shall use money distributed under this section to  
188 enhance the academic growth of students whose academic achievement is accelerated.

189           (5) The State Board of Education shall develop performance criteria to measure the  
190 effectiveness of the Enhancement for Accelerated Students Program and make an annual report  
191 to the Public Education Appropriations Subcommittee on the effectiveness of the program.

192           Section 7. **Repealer.**

193           This bill repeals:

194           Section **53A-15-601, Appropriation for program -- Program requirements --**

195 **Distribution of funds to school districts.**

196           Section **53A-15-701, Highly impacted schools.**

197           Section **53A-17a-108, Weighted pupil units for small school district administrative**

198 costs -- **Appropriation for charter school administrative costs.**

199 Section **53A-17a-120, Appropriation for accelerated learning programs.**

200 Section **53A-17a-121, Appropriation for at-risk programs.**

201 Section **53A-17a-123.5, Interventions for Student Success Block Grant Program --**

202 **State contribution.**

203 Section **53A-17a-160, High-ability Student Initiative Program.**

204 Section **53A-17a-161, English Language Learner Family Literacy Centers**

205 **Program -- Report.**

206 Section 8. **Appropriations for state education agencies, school districts, and**  
 207 **charter schools -- Value of weighted pupil unit.**

208 (1) Under the terms and conditions of Title 63J, Budgeting, as applicable, the  
 209 following sums of money are appropriated from resources not otherwise appropriated out of the  
 210 funds or fund accounts indicated for distribution to state education agencies, school districts,  
 211 and charter schools for the fiscal year beginning July 1, 2011, and ending June 30, 2012.

212 (2) The value of the weighted pupil unit (WPU) for fiscal year 2011-12 is established  
 213 at \$2,577.

214 BASIC SCHOOL PROGRAM

215 ITEM 1 To Basic School Program

216 From Uniform School Fund \$19,000,000

217 From Education Fund \$1,661,176,424

218 From Local Revenue \$284,221,713

219 From Beginning Nonlapsing Appropriation \$15,682,810

Balances

220 From Closing Nonlapsing Appropriation (\$15,682,810)

Balances

221 Schedule of Programs:

222 Kindergarten (27,018 WPUs) \$69,625,386

223	<u>Grades 1 - 12 (523,304 WPU's)</u>	<u>\$1,348,554,408</u>
224	<u>Necessarily Existent Small Schools</u> <u>(7,649 WPU's)</u>	<u>\$19,711,473</u>
225	<u>Professional Staff (48,886 WPU's)</u>	<u>\$125,979,222</u>
226	<u>Special Education - Add-on (65,190 WPU's)</u>	<u>\$167,994,630</u>
227	<u>Special Education - Pre-school (9,188 WPU's)</u>	<u>\$23,677,476</u>
228	<u>Special Education - Self-contained</u> <u>(14,146 WPU's)</u>	<u>\$36,454,242</u>
229	<u>Special Education - Extended Year</u> <u>(403 WPU's)</u>	<u>\$1,038,531</u>
230	<u>Special Education - State Programs</u> <u>(1,822 WPU's)</u>	<u>\$4,695,294</u>
231	<u>Career &amp; Technical Ed District Add-on</u> <u>(27,907 WPU's)</u>	<u>\$71,916,339</u>
232	<u>Class Size Reduction (36,768 WPU's)</u>	<u>\$94,751,136</u>
233	<u>The Legislature intends that the State Board of Education allocate \$1,222,600 from the</u>	
234	<u>appropriation to the Career &amp; Technical Education District Add-on Program to support</u>	
235	<u>summer Career &amp; Technical Education Agriculture programs.</u>	
236	<u>RELATED TO BASIC PROGRAMS</u>	
237	<u>ITEM 2 To Related to Basic Programs</u>	
238	<u>From Education Fund</u>	<u>\$279,913,840</u>
239	<u>From Uniform School Fund Restricted - Interest and Dividends</u> <u>Account</u>	<u>\$20,000,000</u>
240	<u>From Beginning Nonlapsing Appropriation Balances</u>	<u>\$10,825,698</u>
241	<u>From Closing Nonlapsing Appropriation Balances</u>	<u>(\$10,825,698)</u>
242	<u>Schedule of Programs:</u>	

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	<u>To and From School - Pupil Transportation</u>	<u>\$2,584,400</u>	
243			
244	<u>Enhancement for At-Risk Students</u>	<u>\$22,432,273</u>	
245	<u>Youth in Custody</u>	<u>\$18,321,100</u>	
246	<u>Enhancement for Accelerated Students</u>	<u>\$3,979,881</u>	
247	<u>Concurrent Enrollment</u>	<u>\$8,531,186</u>	
248	<u>School LAND Trust Program</u>	<u>\$20,000,000</u>	
249	<u>Charter School Local Replacement</u>	<u>\$67,258,900</u>	
250	<u>Educator Salary Adjustments</u>	<u>\$152,104,700</u>	
251	<u>USFR Teacher Salary Supplement Restricted Account</u>		<u>\$3,626,000</u>
252	<u>Library Books &amp; Electronic Resources</u>	<u>\$100,000</u>	
253	<u>Critical Languages &amp; Dual Immersion</u>	<u>\$975,400</u>	
254	<u>The Legislature intends that the State Board of Education allocate \$2,584,400 from the</u>		
255	<u>appropriation for To and From School - Pupil Transportation to support transportation costs at</u>		
256	<u>the Utah Schools for the Deaf and the Blind.</u>		
257	<u>VOTED AND BOARD LEEWAY PROGRAMS</u>		
258	<u>ITEM 3 To Voted and Board Leeway Programs</u>		
259	<u>From Education Fund</u>		<u>\$81,292,848</u>
260	<u>From Local Revenue</u>		<u>\$306,112,460</u>
261	<u>From Beginning Nonlapsing Appropriation Balances</u>		<u>\$4,793,770</u>
262	<u>From Closing Nonlapsing Appropriation Balances</u>		<u>(\$4,793,770)</u>
263	<u>Schedule of Programs:</u>		
264	<u>Voted Leeway</u>	<u>\$297,260,811</u>	
265	<u>Board Leeway</u>	<u>\$75,144,497</u>	
266	<u>Board Leeway - Reading Improvement</u>	<u>\$15,000,000</u>	
267	<u>SCHOOL BUILDING PROGRAMS</u>		

ITEM 4 To School Building Programs

268		
269	<u>From Education Fund</u>	<u>\$14,499,700</u>
270	<u>Schedule of Programs:</u>	
271	<u>Capital Outlay Foundation Program</u>	<u>\$12,610,900</u>
272	<u>Capital Outlay Enrollment Growth Program</u>	<u>\$1,888,800</u>

STATE BOARD OF EDUCATION

ITEM 5 To State Board of Education - State Office of Education

275	<u>From Education Fund</u>	<u>\$17,593,000</u>
276	<u>From Federal Funds</u>	<u>\$162,161,000</u>
277	<u>From Dedicated Credits Revenue</u>	<u>\$5,896,200</u>
278	<u>From General Fund Restricted - Mineral Lease</u>	<u>\$2,884,000</u>
279	<u>From General Fund Restricted - Land Exchange Distribution Account</u>	<u>\$302,400</u>
280	<u>From General Fund Restricted - Substance Abuse Prevention</u>	<u>\$497,200</u>
281	<u>From Uniform School Fund Restricted - Interest and Dividends Account</u>	<u>\$410,400</u>
282	<u>From Revenue Transfers</u>	<u>\$678,900</u>
283	<u>From Beginning Nonlapsing Appropriation Balances</u>	<u>\$12,360,800</u>
284	<u>From Closing Nonlapsing Appropriation Balances</u>	<u>(\$12,360,800)</u>
285	<u>From Lapsing Balance</u>	<u>(\$3,900)</u>

Schedule of Programs:

287	<u>Board of Education - Administration</u>	<u>\$1,607,000</u>
288	<u>Student Achievement</u>	<u>\$185,198,800</u>
289	<u>Data and Business Services</u>	<u>\$1,533,000</u>
290	<u>Law, Legislation, and Educational Services</u>	<u>\$2,080,400</u>

ITEM 6 To State Board of Education - Utah State Office of Education - Initiative Programs

292	<u>From General Fund</u>	<u>\$3,211,800</u>
293	<u>From Education Fund</u>	<u>\$7,119,400</u>

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	<u>From Beginning Nonlapsing Appropriation Balances</u>	<u>\$911,300</u>
294		
295	<u>From Closing Nonlapsing Appropriation Balances</u>	<u>(\$911,300)</u>
296	<u>Schedule of Programs:</u>	
297	<u>Contracts and Grants</u>	<u>\$10,331,200</u>
298	<u>ITEM 7 To State Board of Education - State Charter School Board</u>	
299	<u>From Education Fund</u>	<u>\$575,800</u>
300	<u>From Federal Funds</u>	<u>\$5,106,100</u>
301	<u>Schedule of Programs:</u>	
302	<u>State Charter School Board</u>	<u>\$5,681,900</u>
303	<u>ITEM 8 To State Board of Education - Educator Licensing Professional Practices</u>	
304	<u>From Uniform School Fund Restricted - Professional Practices</u>	<u>\$1,469,900</u>
305	<u>From Lapsing Balance</u>	<u>(\$203,800)</u>
306	<u>Schedule of Programs:</u>	
307	<u>Educator Licensing</u>	<u>\$1,266,100</u>
308	<u>ITEM 9 To State Board of Education - State Office of Education - Child Nutrition</u>	
309	<u>From Education Fund</u>	<u>\$139,500</u>
310	<u>From Federal Funds</u>	<u>\$114,327,500</u>
311	<u>From Dedicated Credits Revenue</u>	<u>\$21,613,100</u>
312	<u>From Beginning Nonlapsing Appropriation Balances</u>	<u>\$9,900</u>
313	<u>From Closing Nonlapsing Appropriation Balances</u>	<u>(\$9,900)</u>
314	<u>Schedule of Programs:</u>	
315	<u>Child Nutrition</u>	<u>\$136,080,100</u>
316	<u>ITEM 10 To State Board of Education - Fine Arts Outreach</u>	
317	<u>From Education Fund</u>	<u>\$2,786,800</u>
318	<u>Schedule of Programs:</u>	
319	<u>Professional Outreach Programs</u>	<u>\$2,738,100</u>

	<u>Subsidy Program</u>	<u>\$48,700</u>	
320			
321	<u>ITEM 11 To State Board of Education - State Office of Education - Educational Contracts</u>		
322	<u>From Education Fund</u>		<u>\$3,137,800</u>
323	<u>Schedule of Programs:</u>		
324	<u>Youth Center</u>	<u>\$1,153,200</u>	
325	<u>Corrections Institutions</u>	<u>\$1,984,600</u>	
326	<u>ITEM 12 To State Board of Education - Science Outreach</u>		
327	<u>From Education Fund</u>		<u>\$1,695,500</u>
328	<u>From Beginning Nonlapsing Appropriation Balances</u>		<u>\$46,400</u>
329	<u>From Closing Nonlapsing Appropriation Balances</u>		<u>(\$46,400)</u>
330	<u>Schedule of Programs:</u>		
331	<u>Informal Science Education Enhancement</u>	<u>\$1,278,400</u>	
332	<u>Science Enhancement</u>	<u>\$417,100</u>	
333	<u>ITEM 13 To State Board of Education - Utah Schools for the Deaf and the Blind</u>		
334	<u>From Education Fund</u>		<u>\$22,753,700</u>
335	<u>From Federal Funds</u>		<u>\$92,000</u>
336	<u>From Dedicated Credits Revenue</u>		<u>\$1,551,700</u>
337	<u>From Revenue Transfers</u>		<u>\$4,510,800</u>
338	<u>Schedule of Programs:</u>		
339	<u>Instructional Services</u>	<u>\$14,973,800</u>	
340	<u>Support Services</u>	<u>\$13,934,400</u>	
341	<u>STATE BOARD OF EDUCATION INDIRECT COST POOL INTERNAL SERVICE FUNDS</u>		
342	<u>ITEM 14 To State Board of Education Indirect Cost Pool - Indirect Cost Pool</u>		
343	<u>From Dedicated Credits - Intragovernmental Revenue</u>		<u>\$4,196,300</u>
344	<u>Schedule of Programs:</u>		
345	<u>ISF - Superintendent Indirect Cost Pool</u>	<u>\$4,196,300</u>	

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347       Section 9. **Effective date.**

348       This bill takes effect on July 1, 2011.