

**PUBLIC EDUCATION PROGRAM AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Merlynn T. Newbold**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill eliminates public education programs and requirements.

**Highlighted Provisions:**

This bill:

▶ requires the State Board of Education to provide a general financial literacy test-out option;

▶ eliminates a program to provide scholarships to teachers in necessarily existent small schools to pay for education expenses related to obtaining an endorsement or master's degree;

▶ eliminates a requirement that the State Board of Education make rules on the distribution and care of textbooks;

▶ eliminates provisions on career ladders;

▶ eliminates a requirement pertaining to the allocation of weighted pupil unit (WPU) funds between licensed and classified school district employees;

▶ eliminates legislative intent language regarding the percentage increase in the value of the WPU;

▶ eliminates provisions on the use of Minimum School Program nonlapsing balances;

▶ eliminates the following funding programs within the Minimum School Program:

- the Local Discretionary Block Grant Program;
- funding for the Families, Agencies, and Communities Together for Children and Youth (FACT) program; and
- a 2001 school district hold harmless program; and

30           ▶ makes technical amendments.

31 **Money Appropriated in this Bill:**

32           None

33 **Other Special Clauses:**

34           This bill takes effect on July 1, 2012.

35 **Utah Code Sections Affected:**

36 **AMENDS:**

37           **53A-2-206 (Effective 07/01/12)**, as last amended by Laws of Utah 2011, Chapter 371

38           **53A-13-108**, as last amended by Laws of Utah 2004, Chapter 19

39           **53A-17a-126**, as last amended by Laws of Utah 2010, Chapter 3

40           **63J-1-602.3**, as last amended by Laws of Utah 2011, Chapters 30, 284, 294, 303, and

41 329

42 **REPEALS:**

43           **53A-6-701**, as enacted by Laws of Utah 2002, Chapter 253

44           **53A-6-702**, as enacted by Laws of Utah 2002, Chapter 253

45           **53A-9-101**, as enacted by Laws of Utah 1988, Chapter 2

46           **53A-9-102**, as last amended by Laws of Utah 2002, Chapter 301

47           **53A-9-103**, as last amended by Laws of Utah 2011, Chapters 366 and 434

48           **53A-9-104**, as last amended by Laws of Utah 2011, Chapter 434

49           **53A-12-203**, as enacted by Laws of Utah 1988, Chapter 2

50           **53A-17a-123**, as last amended by Laws of Utah 2010, Chapter 3

51           **53A-17a-131.9**, as last amended by Laws of Utah 2008, Chapter 382

52           **53A-17a-131.16**, as last amended by Laws of Utah 2008, Chapter 250

53           **53A-17a-137**, as last amended by Laws of Utah 2000, Chapter 264

54           **53A-17a-138**, as enacted by Laws of Utah 1991, Chapter 72

55           **53A-17a-148**, as last amended by Laws of Utah 2009, Chapters 4 and 391

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

58 Section 1. Section **53A-2-206 (Effective 07/01/12)** is amended to read:

59 **53A-2-206 (Effective 07/01/12). Interstate compact students -- Inclusion in**  
60 **attendance count -- Funding for foreign exchange students -- Annual report --**  
61 **Requirements for exchange student agencies.**

62 (1) A school district or charter school may include the following students in the  
63 district's or school's membership and attendance count for the purpose of apportionment of  
64 state money:

65 (a) a student enrolled under an interstate compact, established between the State Board  
66 of Education and the state education authority of another state, under which a student from one  
67 compact state would be permitted to enroll in a public school in the other compact state on the  
68 same basis as a resident student of the receiving state; or

69 (b) a student receiving services under Title 62A, Chapter 4a, Part 7, Interstate Compact  
70 on Placement of Children.

71 (2) (a) A school district or charter school may include foreign exchange students in the  
72 district's or school's membership and attendance count for the purpose of apportionment of  
73 state money, except as provided in Subsections (2)(b) through [~~(c)~~] (d).

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

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

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

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

84 (c) (i) The total number of foreign exchange students in the state that may be counted  
85 for the purpose of apportioning state money under Subsection (2)(b) shall be the lesser of:

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

88 (B) 328 foreign exchange students.

89 (ii) The State Board of Education shall make rules in accordance with Title 63G,  
90 Chapter 3, Utah Administrative Rulemaking Act, to administer the cap on the number of  
91 foreign exchange students that may be counted for the purpose of apportioning state money  
92 under Subsection (2)(b).

93 (d) Notwithstanding Sections 53A-17a-133 and 53A-17a-164, weighted pupil units in  
94 the grades 1 through 12 basic program for foreign exchange students, as determined by  
95 Subsections (2)(b) and (c), may not be included for the purposes of determining a school  
96 district's state guarantee money under the voted or board local levies.

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

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

101 (a) enroll foreign exchange students that do not qualify for state money; and

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

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

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

112 (6) (a) A local school board or charter school governing board shall require each  
113 approved exchange student agency to provide it with a sworn affidavit of compliance prior to

114 the beginning of each school year.

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

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

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

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

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

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

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

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

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

139 (b) The agency shall make a copy of the list available to each of its exchange students  
140 in the exchange student's native language.

141 (8) Notwithstanding Subsection (2)(c)(i), a school district or charter school shall enroll

142 a foreign exchange student if the foreign exchange student:

143 (a) is sponsored by an agency approved by the State Board of Education;

144 (b) attends the same school during the same time period that another student from the  
145 school is:

146 (i) sponsored by the same agency; and

147 (ii) enrolled in a school in a foreign country; and

148 (c) is enrolled in the school for one year or less.

149 Section 2. Section **53A-13-108** is amended to read:

150 **53A-13-108. Curriculum and graduation requirements.**

151 (1) The State Board of Education shall establish rigorous curriculum and graduation  
152 requirements under Section 53A-1-402, and consistent with state and federal regulations, for  
153 grades 9 through 12 that, beginning no later than with the graduating class of 2008 shall:

154 (a) use competency-based standards and assessments;

155 (b) include instruction that stresses general financial literacy from basic budgeting to  
156 financial investments, including bankruptcy education and a general financial literacy test-out  
157 option; and

158 (c) increase graduation requirements in language arts, mathematics, and science to  
159 exceed the existing credit requirements of 3.0 units in language arts, 2.0 units in mathematics,  
160 and 2.0 units in science.

161 (2) The State Board of Education shall also establish competency-based standards and  
162 assessments for elective courses.

163 Section 3. Section **53A-17a-126** is amended to read:

164 **53A-17a-126. State support of pupil transportation.**

165 (1) Money appropriated to the State Board of Education for state-supported  
166 transportation of public school students shall be apportioned and distributed in accordance with  
167 Section 53A-17a-127, except as otherwise provided in this section.

168 (2) (a) The Utah Schools for the Deaf and the Blind shall use its allocation of pupil  
169 transportation money to pay for transportation of their students based on current valid

170 contractual arrangements and best transportation options and methods as determined by the  
171 schools.

172 (b) All student transportation costs of the schools shall be paid from the allocation of  
173 pupil transportation money specified in statute.

174 (3) (a) A school district may only claim eligible transportation costs as legally reported  
175 on the prior year's annual financial report submitted under Section 53A-3-404.

176 (b) The state shall contribute 85% of approved transportation costs, subject to budget  
177 constraints.

178 (c) If in a fiscal year the total transportation allowance for all districts exceeds the  
179 amount appropriated for that purpose, all allowances shall be reduced pro rata to equal not  
180 more than the amount appropriated.

181 ~~[(4) Local school boards shall provide salary adjustments to employee groups that  
182 work with the transportation of students comparable to those of classified employees  
183 authorized under Section 53A-17a-137, when dividing the weighted pupil unit for salary  
184 adjustment purposes.]~~

185 Section 4. Section **63J-1-602.3** is amended to read:

186 **63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.**

187 (1) Funding for the Search and Rescue Financial Assistance Program, as provided in  
188 Section 53-2-107.

189 (2) Appropriations made to the Department of Public Safety from the Department of  
190 Public Safety Restricted Account, as provided in Section 53-3-106.

191 (3) Appropriations to the Motorcycle Rider Education Program, as provided in Section  
192 53-3-905.

193 (4) Appropriations from the DNA Specimen Restricted Account created in Section  
194 53-10-407.

195 (5) The Canine Body Armor Restricted Account created in Section 53-16-201.

196 (6) Appropriations to the State Board of Education, as provided in Section  
197 53A-17a-105.

198           ~~[(7) Certain funds appropriated from the Uniform School Fund to the State Board of~~  
199 ~~Education for new teacher bonus and performance-based compensation plans, as provided in~~  
200 ~~Section 53A-17a-148.]~~

201           ~~[(8)]~~ (7) Money received by the State Office of Rehabilitation for the sale of certain  
202 products or services, as provided in Section 53A-24-105.

203           ~~[(9)]~~ (8) Certain funds appropriated from the General Fund to the State Board of  
204 Regents for teacher preparation programs, as provided in Section 53B-6-104.

205           ~~[(10)]~~ (9) A certain portion of money collected for administrative costs under the  
206 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

207           ~~[(11)]~~ (10) Certain surcharges on residential and business telephone numbers imposed  
208 by the Public Service Commission, as provided in Section 54-8b-10.

209           ~~[(12)]~~ (11) Certain fines collected by the Division of Occupational and Professional  
210 Licensing for violation of unlawful or unprofessional conduct that are used for education and  
211 enforcement purposes, as provided in Section 58-17b-505.

212           ~~[(13)]~~ (12) Certain fines collected by the Division of Occupational and Professional  
213 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as  
214 provided in Section 58-63-103.

215           ~~[(14)]~~ (13) Appropriations from the Relative Value Study Restricted Account created  
216 in Section 59-9-105.

217           Section 5. **Repealer.**

218           This bill repeals:

219           Section **53A-6-701, Scholarships for teachers to obtain endorsements or master's**  
220 **degrees -- Conditions.**

221           Section **53A-6-702, Rules.**

222           Section **53A-9-101, Purpose.**

223           Section **53A-9-102, Definitions.**

224           Section **53A-9-103, Authorized components.**

225           Section **53A-9-104, Evaluation program for placement and advancement on career**

226 **ladders.**

227           Section **53A-12-203, Regulation and supervision of distribution of textbooks by**  
228 **board of education.**

229           Section **53A-17a-123, Local Discretionary Block Grant Program -- State**  
230 **contribution.**

231           Section **53A-17a-131.9, Agencies coming together for children and youth at risk.**

232           Section **53A-17a-131.16, State contribution for school district hold harmless**  
233 **program.**

234           Section **53A-17a-137, Classified employees' compensation.**

235           Section **53A-17a-138, Increases in value of weighted pupil unit.**

236           Section **53A-17a-148, Use of nonlapsing balances.**

237           Section 6. **Effective date.**

238           This bill takes effect on July 1, 2012.