

SB0029S02 compared with SB0029S01

{Omitted text} shows text that was in SB0029S01 but was omitted in SB0029S02

inserted text shows text that was not in SB0029S01 but was inserted into SB0029S02

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1 **Charter School Amendments**

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Lincoln Fillmore**

. House Sponsor: Stephanie Gricius

2

3 **LONG TITLE**

4 **General Description:**

5 This bill allows the State Board of Education (state board) to adjust funding for charter
6 schools with significant enrollment underestimates.

7 **Highlighted Provisions:**

8 This bill:

9 ▶ provides the state board discretionary authority to allocate funds to adjust charter school
enrollment estimates;

11 ▶ specifies funding sources in priority order;

12 ▶ requires reporting to the Office of the Legislative Fiscal Analyst and the Governor's Office of
Planning and Budget; and

14 ▶ exempts adjustments from certain budgetary requirements.

15 **Money Appropriated in this Bill:**

16 None

18 This bill provides a special effective date.

20 AMENDS:

SB0029S01

SB0029S01 compared with SB0029S02

21 **63J-1-206** , as last amended by Laws of Utah 2024, Chapter 268 , as last amended by Laws of Utah
22 2024, Chapter 268

23 ENACTS:

24 **53F-2-707** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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

26 Section 1. Section **1** is enacted to read:

27 **53F-2-707. Allocations for adjustment of initial enrollment estimates for charter schools.**

28 (1) As used in this section:

29 (a) "Enrollment deficiency" means the difference between:

30 (i) the initial enrollment of a new or expanding charter school; and

31 (ii) in accordance with Section 53F-2-208, the estimated enrollment of a new or expanding charter
32 school the state board used in developing the state appropriation for the applicable budget year for
the new or expanding charter school.

33 ~~{(b) {"Estimated enrollment" means the total student headcount for a charter school as reported in the
34 October 1 enrollment count from the previous school year, which the state board uses to develop
35 state appropriations for the applicable budget year.}}~~

36 ~~{(e)}~~ (b) "Initial enrollment" means the actual student enrollment count within a charter school's student
37 information system following the completion of the regular registration process for the upcoming
38 school year, but prior to the October 1 enrollment count of that school year.

39 (2) The state board may provide an allocation to adjust funding for estimated enrollment to a new or
40 expanding charter school if:

41 (a) the charter school requests an adjustment from the state board;

42 (b) the enrollment deficiency is more than 10%; and

43 (c) in accordance with Section 53F-2-208, the initial budgetary estimates the state board used
44 to develop the state appropriation for the new or expanding charter school did not include or
45 underestimated the enrollment for the applicable budget year.

46 (3) If the state board approves an allocation under Subsection (2), the state board may provide
47 additional funding to cover costs until the completion of the fall enrollment counts and the mid-year
48 or end of year updates to the estimated state funding distribution.

54

SB0029S01 compared with SB0029S02

(4) The state board may use unencumbered balances from the following programs, in priority order, to provide an allocation to a charter school under this section:

56 (a) without the consent or approval of the State Charter School Board, balances remaining in the grants for charter school start-up costs under Section 53F-2-705;

58 (b) from prior year ending balances, balances remaining in the charter school levy state guarantee under Section 53F-2-704; and

60 (c) unrestricted balances in the basic school program.

61 (5) The state board shall report actions the state board takes under this section to the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget.

60 Section 2. Section **63J-1-206** is amended to read:

61 **63J-1-206. Appropriations governed by chapter -- Restrictions on expenditures -- Transfer of funds -- Exclusion.**

66 (1)

. (a) Except as provided in Subsections (1)(b) and (2)(e), or where expressly exempted in the appropriating act:

68 (i) all money appropriated by the Legislature is appropriated upon the terms and conditions set forth in this chapter; and

70 (ii) any department, agency, or institution that accepts money appropriated by the Legislature does so subject to the requirements of this chapter.

72 (b) This section does not apply to:

73 (i) the Legislature and its committees; and

74 (ii) the Investigation Account of the Water Resources Construction Fund, which is governed by Section 73-10-8.

76 (2)

. (a) Each item of appropriation is to be expended subject to any schedule of programs and any restriction attached to the item of appropriation, as designated by the Legislature.

79 (b) Each schedule of programs or restriction attached to an appropriation item:

80 (i) is a restriction or limitation upon the expenditure of the respective appropriation made;

82 (ii) does not itself appropriate any money; and

83 (iii) is not itself an item of appropriation.

84 (c)

SB0029S01 compared with SB0029S02

- . (i) An appropriation or any surplus of any appropriation may not be diverted from any department, agency, institution, division, or line item to any other department, agency, institution, division, or line item.
- 87 (ii) If the money appropriated to an agency to pay lease payments under the program established in Section 63A-5b-703 exceeds the amount required for the agency's lease payments to the Division of Facilities Construction and Management, the agency may:
- 91 (A) transfer money from the lease payments line item to other line items within the agency; and
- 93 (B) retain and use the excess money for other purposes.
- 94 (d) The money appropriated subject to a schedule of programs or restriction may be used only for the purposes authorized.
- 96 (e) In order for a department, agency, or institution to transfer money appropriated to it from one program to another program, the department, agency, or institution shall revise its budget execution plan as provided in Section 63J-1-209.
- 99 (f)
- . (i) The procedures for transferring money between programs within a line item as provided by Subsection (2)(e) do not apply to money appropriated to the State Board of Education for the Minimum School Program or capital outlay programs created in Title 53F, Chapter 3, State Funding -- Capital Outlay Programs.
- 103 (ii) The state superintendent may transfer money appropriated for the programs specified in Subsection (2)(f)(i) only as provided by Section 53F-2-205.
- 105 (3) Notwithstanding Subsection (2)(c)(i):
- 106 (a) the state superintendent;
- 107 (i) may transfer money appropriated for:
- 108 (A) the Minimum School Program between line items in accordance with Section 53F-2-205; and
- 110 (B) initial enrollment estimates for charter schools between line items in accordance with Section 53F-2-707; and
- 112 (ii) shall provide the state board with information on the transfers described in Subsection (3)(a)(i) within 60 days of a transfer; and
- 114 (b) the Department of Government Operations may transfer money appropriated to another department, agency, institution, or division for the purpose of paying the costs of pay for performance under Section 63A-17-112.

SB0029S01 compared with SB0029S02

114 Section 3. **Effective date.**

This bill takes effect on July 1, 2025.

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