Fiscal Note and Budget Item Follow-Up Report

LEGISLATIVE FISCAL ANALYST

Executive Appropriations Committee

ISSUE BRIEF

SUMMARY

This report reviews a limited number of fiscal notes and budget items from past legislative sessions to assess the accuracy of earlier estimates, report the current status of associated initiatives, and recommend potential future budget actions. It assesses the work of state agencies and institutions as well as the Office of the Legislative Fiscal Analyst (LFA). The findings not only relate to these specific initiatives themselves, but they will also improve the accuracy of future fiscal notes and budget items.

To prepare this report we reviewed 232 budget items, including those associated with bills. We reviewed primarily items from the 2017 General Session and select items from the 2015 through the 2018 General Sessions. We considered three key criteria, using agency input, supplemental information, and internal analysis:

- **Implementation:** Was the item fully implemented in a timely manner?
- **Accuracy:** Was the estimated cost or collection amount accurate compared to actual experience?
- **Performance:** Was performance measured? How successful was the item?

Using these criteria, we identified items for which an action of the Legislature, LFA, or a state agency or institution could improve the outcome of that item or inform future budget items. We included only items with recommended actions -- a total of 84 or 36 percent -- in the body of this report. (Additional information about item assessment is available in Appendix A.)

Because we selected items based on the opportunity for action, the report does not provide an assessment of the overall quality of work by state agencies or institutions or LFA on average or in total. At the end of the report, we compiled a list of items that we reviewed but which did not need a recommendation, as they were proceeding appropriately and the initial estimates were reasonably accurate. (A list of reviewed items is available in Appendix B. Detailed information on any budget item not included in the report may be requested directly from LFA.)

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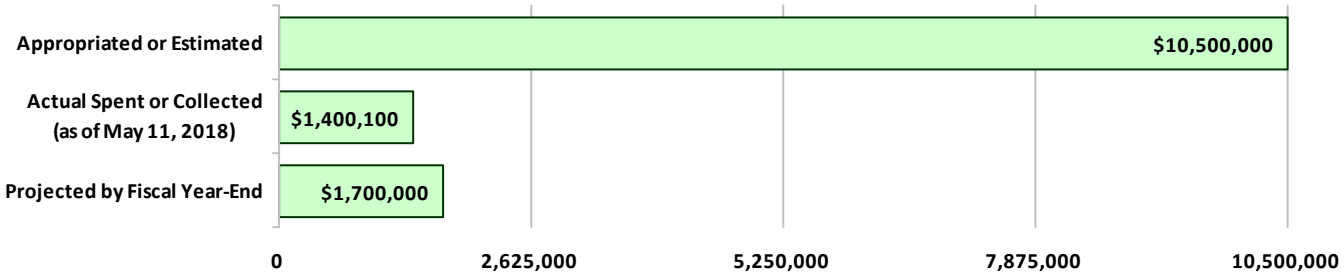
2017 G.S. Utah Schools for the Deaf and the Blind Springville

Analyst: Brian Wikle Committee: IGG



Explanation

The Legislature appropriated $10.5 million one-time Education Fund in FY 2018 to build a school in Springville for the Utah Schools for the Deaf and the Blind. The building will include approximately 29,000 square feet for classrooms, a playground, administrative offices, a cafeteria, meeting rooms, and an assembly room (S.B. 2, 2017 G.S., Item 52). Note that the Legislature appropriated another $713,000 one-time Education Fund in FY 2019 to add two classrooms to this project (H.B. 2, 2018 G.S., Item 25).

Issue of Interest

The Division of Facilities Construction and Management (DFCM) reported that the schedule contingency has been exhausted due to issues with offsite utilities and soil remediation, but that the overall schedule for the project has not been impacted.

Potential Action

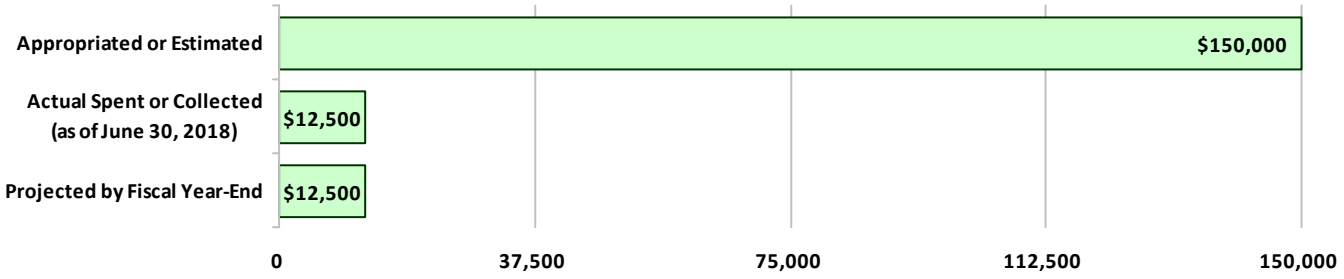
We recommend that DFCM report to the Infrastructure and General Government Appropriations Subcommittee by October 31, 2018 whether the overall project schedule, scope, and/or budget has been impacted due to any unforeseen circumstances that are in addition to the issues with offsite utilities and soil remediation.

Administrative Services Response

Supports

2017 G.S. Autism Instructional Technology

Analyst: Sean Faherty Committee: PED



Explanation

The Legislature appropriated this one-time funding for technology to be used by teachers to teach social and behavioral skill development to students with autism spectrum disorder. The technology would include the capability for monitoring and measuring growth using data. These funds must be matched at 50 percent by participating local education agencies (LEAs) or schools.

Issue of Interest

Despite extensive advertising by USBE and the extension of application deadlines, only two LEA's in the State (Davis and Piute School Districts) applied for and received a total of $12,500 in funding.

Potential Action

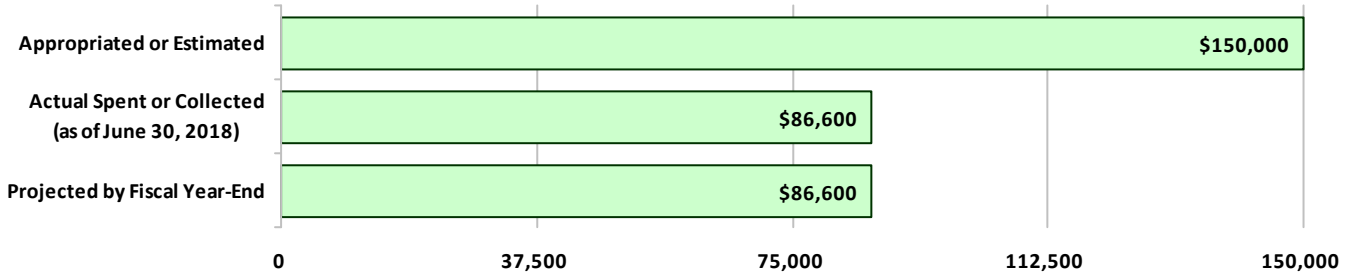
We recommend that the Legislature re-allocate the remaining funding due to the lack of interest from districts.

State Board of Education Response

Supports

2017 G.S. Capitol Field Trips

Analyst: Ben Leishman Committee: PED



Explanation

The Legislature appropriated $150,000 ongoing from the Education Fund to the State Board of Education to provide grants to school districts and charter schools to pay transportation costs associated with field trips to the State Capitol. Funds are granted to schools on a first come, first served basis.

Issue of Interest

The State Board of Education distributes funding on a reimbursement basis. The actual balance at the close of the fiscal year may vary slightly than the reported amount based on final reimbursement requests.

During the 2018 General Session, the Legislature transferred the management of the program and the $150,000 in associated funding from the State Board of Education to the Capitol Preservation Board (CPB). This was done to align the scheduling and execution of student field trips with the distribution of funding to schools by the CPB.

Potential Action

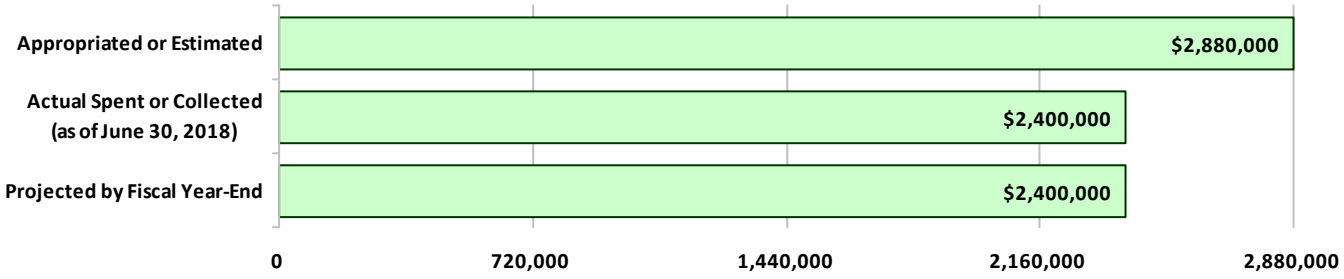
We recommend that the Legislature transfer any program funding balances remaining at the State Board of Education at the close of FY 2018 to the Capitol Preservation Board to support student field trips. This transfer may include the $63,400 identified by the Board and any additional amounts from prior fiscal years.

State Board of Education Response

Neutral

2017 G.S. H.B. 168 - Kindergarten Supplemental Enrichment Program

Sponsor: Rep. V. Snow Analyst: Maddy Oritt Committee: PED



Explanation

The Legislature appropriated $8,640,000 ($2,880,000 per year for three years, beginning in FY 2018) in Temporary Assistance for Needy Families (TANF) federal funding to the Utah State Board of Education (USBE) to establish and implement the Kindergarten Supplemental Enrichment Program in eligible schools throughout Utah. The purpose of the Kindergarten Supplemental Enrichment Program is to provide funding to schools to improve the academic competency of kindergarten students who are experiencing intergenerational poverty or are otherwise economically disadvantaged.

Issue of Interest

USBE expended only 83 percent of the funding for year one. However, reimbursement requests from local education agencies receiving funding through this program are allowed through July 9, 2018, so it is possible that the total expended amount for FY 2018 will rise. Additionally, USBE anticipates that it will spend the full amount each year for the next two years.

Potential Action

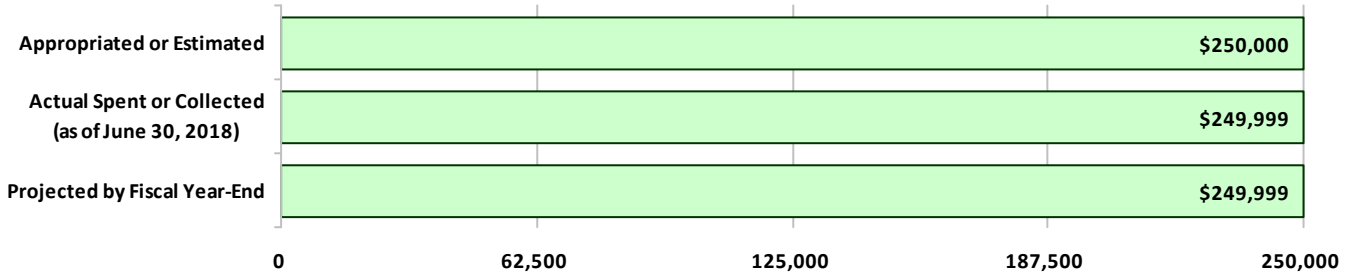
We recommend that the Department of Workforce Services (DWS) report to the Social Services Appropriations Subcommittee before or during the 2019 General Session on the status of FY 2018 and FY 2019 expenditures in the Kindergarten Supplemental Enrichment Program, to determine whether the full appropriation is likely to be spent over the three-year funding period. We also recommend that DWS report on its performance measures for this funding.

Workforce Services Response

Supports "We support the recommendation to report on the status of expenditures in January 2019, prior to the start of the 2019 General Session."

2017 G.S. H.B. 212 - Incentive for Effective Teachers in High Poverty Schools

Sponsor: Rep. Mike Winder Analyst: Ben Leishman Committee: PED



Explanation

Under the Incentive for Effective Teachers in High Poverty Schools program, local education agencies (LEAs) may annually apply on behalf of an eligible teacher to receive a salary bonus each year the teacher is eligible. The annual salary bonus is $5,000 along with the following employer-paid benefits: Social Security and Medicare. LEAs that apply must pay half of the $5,000 salary bonus. Eligible teachers are employed in a high poverty public school and achieve a median growth percentile of 70 or higher for the students they teach. A high poverty school is a school in which more than 20 percent of enrolled students are classified as children affected by intergenerational poverty or 70 percent or more of the enrolled students qualify for free or reduced-price lunch. A public school shall annually notify a teacher of the teacher's median growth percentile and how it is calculated. The salary bonuses are distributed on or before June 1st.

Issue of Interest

The State Board of Education (USBE) has distributed all funding to grant award recipients. Funding was not sufficient to grant awards at the $5,000 level as defined in statute. USBE pro-rated the award amount for 108 educators. The bonus amount totaled $4,629.62, including employer-paid benefits, half of which was funded by the participating LEA.

The statute governing this program directs the Board to fund the full bonus amount on a first-come first-served basis, "The board shall award a salary bonus to an eligible teacher based on the order that an application from a public school on behalf of the eligible teacher is received" (53F-2-513). However, later in the same section, the Legislature gave the Board the authority to limit or reduce a salary bonus if the appropriation for the program is insufficient to cover the associated costs. These sections of statute appear to conflict with each other.

Potential Action

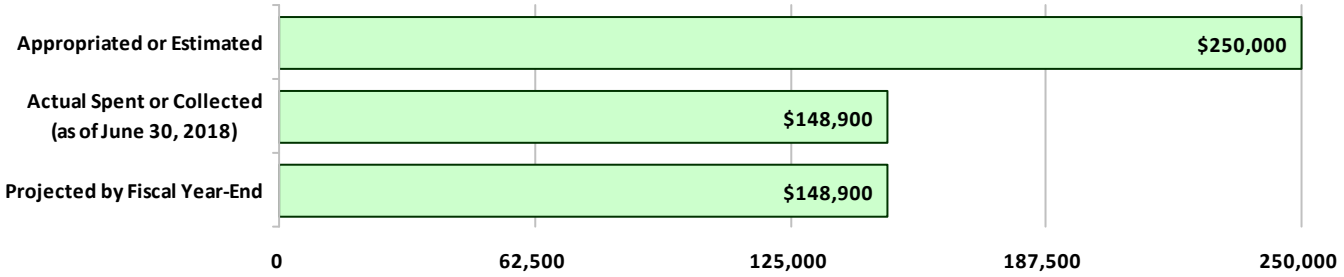
We recommend that the Public Education Appropriations Subcommittee review with the State Board of Education the reasons for pro-rating the bonus amount as opposed to funding the full amount on a first-come, first-served basis and recommend changes to statute to remedy the identified policy conflict.

State Board of Education Response

Neutral

2017 G.S. H.B. 43 - American Indian and Alaskan Native Education Amendments

Sponsor: Rep. Michael Noel Analyst: Ben Leishman Committee: PED



Explanation

H.B. 43, "American Indian and Alaskan Native Education Amendments" (2017 General Session), funded a four-year pilot program that provides stipends for, and recruitment, retention, and professional development of, teachers who teach in schools where at least 29 percent of students are American Indian or Alaskan Native. Under this program, the State Board of Education distributes money to school districts or charter schools through a competitive grant process, giving priority to eligible schools located in a county of the fourth, fifth, or sixth class.

The overarching purpose of the program is to address the achievement gap of American Indian and Alaskan Native students and improve teacher retention in these schools. For example, 2016-2017 state assessment results for students by demographic group show that the percentage of American Indian students scoring proficient is lower than that of all students. Specifically, American Indian students scored 17.4 percent proficient in Language Arts, 20.0 percent proficient in Mathematics, and 20.3 percent proficient in Science compared to 43.6 percent proficient, 45.7 percent proficient, and 47.5 percent proficient respectively for "all students."

Issue of Interest

Schools with high concentrations of American Indian or Alaskan Native students within the State typically have significantly higher rates of teacher turnover, when compared to other schools. Teacher turnover is viewed as a contributing factor to overall student achievement. The Legislature created this program to support the retention of educators within these schools through a stipend program for eligible teachers. The State Board of Education reports that remaining funds will be used to pay retention bonuses, salaries and benefits for program teachers, and other allowable costs based on reimbursement requests from participating local education agencies outstanding in the current fiscal year. Funds not expended in this fiscal year will be held for reimbursements in FY 2019.

Potential Action

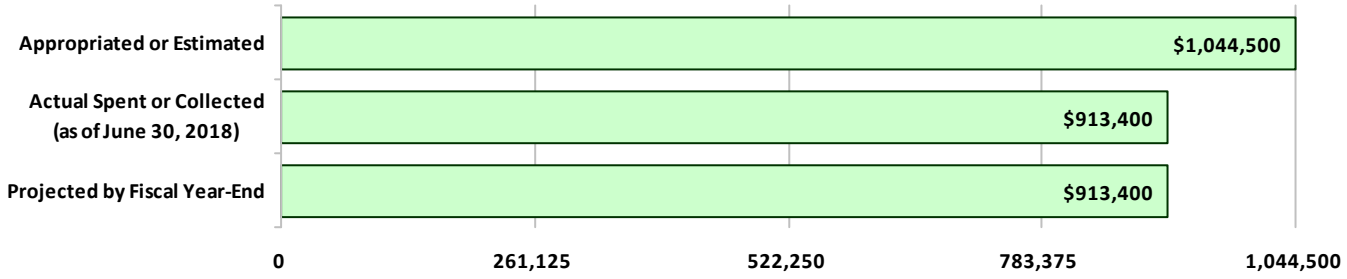
Statute requires the American Indian and Alaskan Native Liaison appointed by the State Board of Education to report on the impact of this program to the Native American Legislative Liaison Committee. We recommend that the State Board of Education report to the Public Education Appropriations Subcommittee at the end of the 4-year pilot program, likely after the close of FY 2021, on teacher retention and student achievement outcomes in grant recipient schools compared to similarly impacted non-grant recipient schools and recommendations on the continuation of the program.

State Board of Education Response

Neutral

2017 G.S. Interpreters and Educators for Deaf and Blind Students

Analyst: Sean Faherty Committee: PED



Explanation

During the 2017 General Session, the Utah Schools for the Deaf and the Blind requested funding for 10 interpreters, at a cost of $629,700 and 5 educators, at a cost of $414,800. Many students throughout the state and within the Utah School for the Deaf (USD) classrooms require a personal interpreter and there has been growth in the need for interpreters in recent years. Of the five educators, three were for the USD students and two were for the Utah School for the Blind (USB) students. The two USB educators were requested to address growth and appropriate placement for blind children in the Orem/Provo/Spanish Fork areas; specifically, one additional preschool educator for children who are blind with additional disabilities and one elementary educator to provide intensive instruction in the areas of Braille and technology.

Issue of Interest

Two-thirds of USDB educators do not work within USDB schools, but rather in local districts. The Legislature appropriated these funds to support these mobile educators. USDB plans to expend all funds once all educators are hired and on salary.

Potential Action

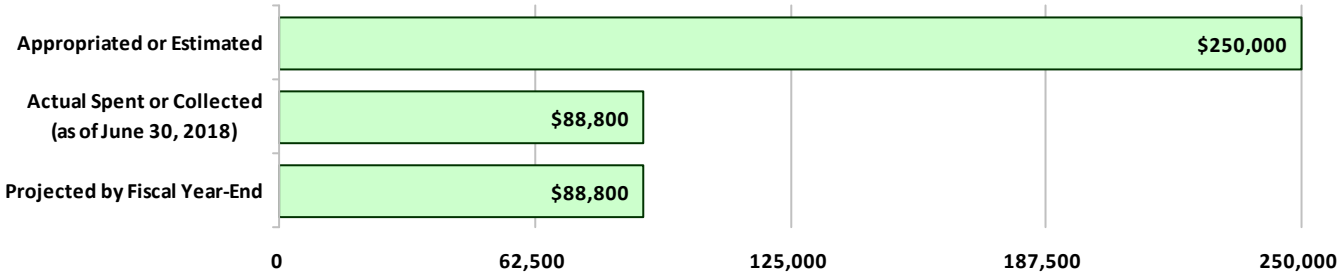
We recommend that USDB report to the Public Education Appropriations Subcommittee on their efforts to spend these funds. USDB should also report on interpreter caseloads and travel requirements before or during the 2019 General Session, to determine whether the additional educators have reduced caseload and travel times.

State Board of Education Response

Supports

2017 G.S. Reading Interventionist Endorsement

Analyst: Sean Faherty Committee: PED



Explanation

The Legislature funded this item as a loan forgiveness program for teachers who seek the reading interventionist endorsement after four years of working in Utah public schools. However, the Utah State Board of Education (USBE) does not have the capacity to service the loan forgiveness which would require certifying that the teachers are still teaching (updating local education agency (LEA)) assignments, name changes) and have taught for at least four years in Utah public schools, verification of loans and appropriate courses, and processing annual loan forgiveness documents. Thus, USBE is now using this appropriation to fund courses for teachers that help them earn their reading interventionist endorsement.

Issue of Interest

USBE has used the funding to develop a plan to provide courses for teachers to take to earn their reading interventionist endorsement and provide those courses. In the fall of 2017, the USBE contracted with the Dyslexia Training Institute (contract is $91,000) and Neuhaus Education Center (contract is $99,600) to provide two Tier 3 courses. Tier 3 or Intensive supports are intended to further remediate or accelerate student success and do not necessarily equate to special education services. Each provider is servicing between 24 and 30 people via distance or through a hybrid model for course instruction. Additionally, the USBE is working on finalizing a contract with the University of Utah Reading Clinic to provide a Tier 2 course this fall via distance. This agreement is for $50,000.

Potential Action

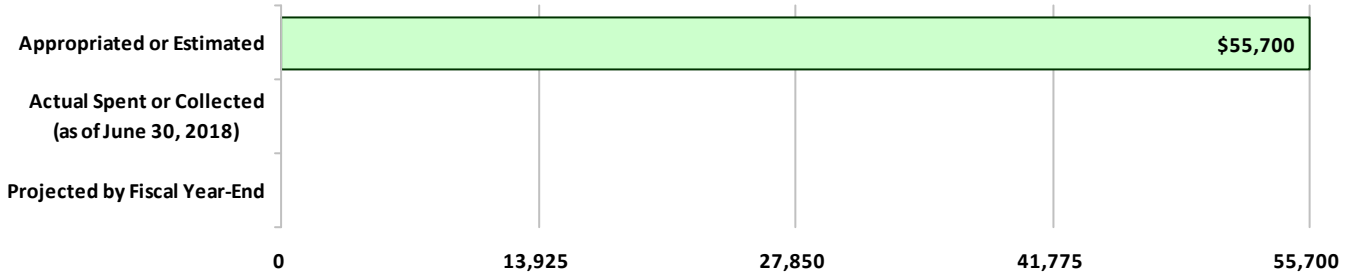
We recommend that the USBE report to the Public Education Appropriations Subcommittee on their difficulty implementing this program and the changing of the expenditures as originally intended by the Legislature.

State Board of Education Response

Supports

2017 G.S. S.B. 34 - Competency Based Education

Sponsor: Sen. Ann Millner Analyst: Ben Leishman Committee: PED



Explanation

S.B. 34, "Competency Based Education," passed during the 2017 General Session, created a new funding incentive for competency-based education programs that have early graduates. Competency-based learning refers to systems of instruction, assessment, grading, and academic reporting that are based on students demonstrating that they have learned the knowledge and skills they are expected to learn as they progress through their education. School districts and charter schools may apply to the Utah State Board of Education (USBE) to receive a reimbursement for each eligible student who graduates early. An eligible student is a student who graduates earlier than his or her cohort due to: (1) his or her participation in the eligible local education agency's (LEA) competency-based education; (2) he or she no longer attends the eligible LEA; and (3) is not included in the LEA's average daily membership.

Issue of Interest

As of June 30, 2018, the State Board of Education has not expended the funds appropriated for this purpose and no students are participating in qualifying programs as outlined in statute. The Board is working on developing a framework for competency-based education in partnership with exploratory LEAs and the Competency-Based Learning Advisory Board. This framework will inform the USBE rule and application development for this funding stream. The Board projects this framework to be available in Fall 2018.

Potential Action

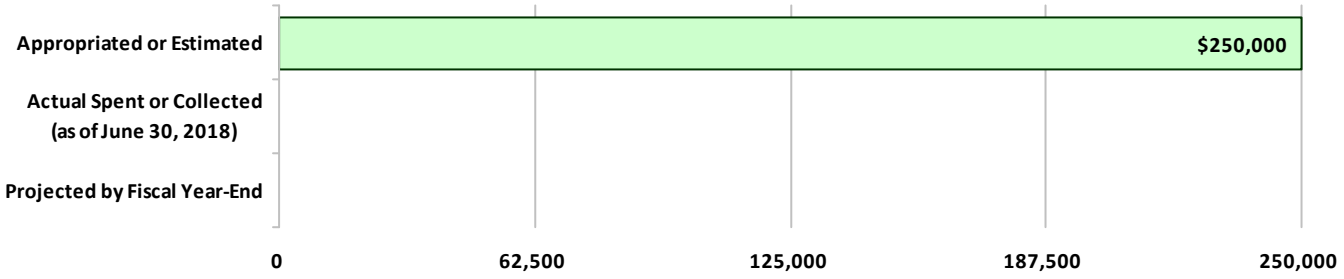
We recommend that the State Board of Education report the Public Education Appropriations Subcommittee before the 2019 General Session to explain the implementation of this program and the competency-based education framework developed by the Board. At the end of FY 2018, the $55,700 will become a nonlapsing balance within the Minimum School Program. The Legislature may wish to reallocate this amount on a one-time basis to support other spending priorities.

State Board of Education Response

Neutral

2017 G.S. STEM Lab Pilot

Analyst: Sean Faherty Committee: PED



Explanation

The Legislature funded the STEM Lab pilot program for three years to enhance science, technology, engineering, and math (STEM) education in public schools. The program provides funding for the State Board of Education to contract with a provider and a school to deliver the program, which includes computers, experiments, and teacher professional development.

Issue of Interest

Only one local education agency (LEA) expressed interest in the grant program. However, that LEA was unable to find and select a vendor so no funds have been expended.

Potential Action

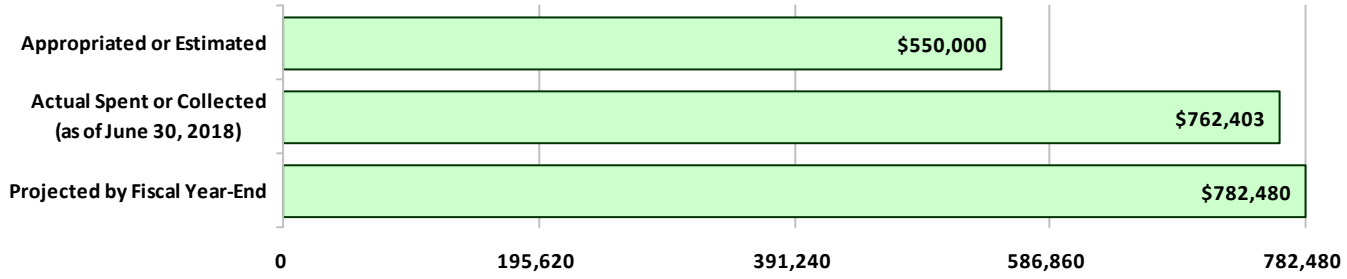
We recommend that the Legislature consider reallocating this funding during the 2019 General Session.

State Board of Education Response

Supports

2016 G.S. Federal Fund Accountability

Analyst: Ryan Mortenson Committee: EAC



Explanation

The Legislature appropriated $50,000 ongoing and $500,000 one-time to the Department of Administrative Services - Division of Finance to implement a statewide grants management system to track federal grant awards. The division planned to integrate this system into the State's financial reporting system, FINET.

Issue of Interest

The legislative appropriation was to secure a statewide system to track federal grants received ("grantee" system). At the same time, the State Board of Education's (USBE) priority was to create a system that would allow the Board to track pass-through grants going to local education agencies (LEAs). Finance and USBE pursued the "grantor" system first, with Finance spending $782,480 to build interfaces from the "grantor" system to FINET. The Executive Branch now contemplates abandoning the originally funded "grantee" system. Two agencies have begun using the "grantor" system thus far: the State Board of Education and the Office for Victims of Crime. The Division of Finance was able to re-direct other internal funds to cover the increased costs through FY 2018.

Potential Action

We recommend that the State Board of Education and the Office for Victims of Crime reimburse the Division of Finance for the cost of integrating the "grantor" system to FINET ($782,480). We further recommend the Legislature reduce Finance's budget by $500,000 one-time and $50,000 ongoing -- the amount originally appropriated for a "grantee" system.

Administrative Services Response

Opposes "The Department of Administrative Services agrees with the Governor's Office response."

CCJJ Commission Response

Opposes "The Utah Office for Victims of Crime (UOVC) opposes this recommendation for the following reasons:
•UOVC was directed by the United States Department of Justice and the Utah State Auditor to improve their tracking of expenditures and performance data as a grantee and as grantor of federal funds.
•The signed contract between the State and REI [the vendor] was to build the grantor and grantee system for a statewide system
•To date UOVC has entirely funded the costs associated with their agency that are related to the grantor part of the system
•The expenditures by the Division of Finance to integrate FINET with the grantor portion of the grant management system will assist in the development of the grantee system and will be useful to other state agencies that choose to participate."

2016 G.S. Federal Fund Accountability

Analyst: Ryan Mortenson Committee: EAC

Governor's Office Response

Opposes "GOMB opposes the recommendation that UOVC and USBE reimburse Finance $782,480 and that Finance receive a one-time funding reduction of $500,000 and an ongoing reduction of $50,000. UOVC and USBE have already contributed funding to the deployment of the grants management system because both agencies anticipated receiving immediate benefits from the grantor functionality of the system. However, all state agencies will be able to utilize and benefit from the grantor functionality of system after pilot deployment is successfully completed. Additionally, the reevaluation of the project is not solely due to the availability of funding. GOMB believes further deployment and evaluation of the grantor potion of the system and further evaluation of options for the grantee capabilities should be completed before any decision is made to reduce or increase funding for the project."

State Board of Education Response

Opposes USBE will discuss this during their meeting on July 17, 2018.

Appendix A - Budget Item Review Guidelines

How did we choose 84 items to include in the report out of the 232 items we reviewed? How did we develop the potential action recommendations?

We first considered the following key criteria:

1. Implementation
   a. In what month and year was the project/program/bill fully implemented?
   b. Did the project/program encounter any factors that caused a delay and implementation? Please explain.
   c. Did the project/program encounter any factors that caused a change in scope? Please explain.
2. Accuracy
   a. How much of the appropriation was spent as of the last reporting period?
   b. What is the date of the last reporting period?
   c. How much of the appropriation is expected to be spent by fiscal year-end?
3. Performance
   a. How is the success of the project/program measured?
   b. How successful has the project/program been according to those metrics?

We then considered the following questions:

1. Given agency reports of implementation, accuracy, and performance, are there areas of concern?
2. Is the agency's implementation progress appropriate for the type and scale of the program? Is implementation notably ahead or behind the anticipated timeline?
3. Is the agency's pattern of spending consistent with the type or scale of the program? Is the spending pattern aligned with the implementation progress?
4. Is actual spending similar to the original estimate? What improvements could be made by the agency or LFA in future estimates?
5. Is actual revenue collection similar to the original estimate? What improvements could be made by the agency or LFA in future estimates?
6. Is it likely that there will be excess funds remaining at year-end? Should these be reallocated to other purposes, or used for other needs related to the original item?
7. Is the agency measuring performance appropriately and well?
8. What are the actual performance results? Do the results suggest advisable changes to the program, including expansion, reduction, or closure?
9. Is the item something that was of particular legislative or public interest at the time it was funded?
10. Does the item illuminate a potential improvement for the agency or LFA that was not captured by the other questions?
11. Is there anything else about the item that could make it particularly interesting to legislators?

Appendix B - Additional Reviewed Budget Items

Ctte	Session	Bill or Budget Item Description	Analyst
NRAEQ	2017 G.S.	Sovereign Lands Management and Planning	Ivan Djambov
NRAEQ	2017 G.S.	Spill Coordinator	Alexander Wilson
NRAEQ	2017 G.S.	Utah's Own	Ivan Djambov
NRAEQ	2017 G.S.	Wild Horses and Burros Management	Ivan Djambov
PED	2016 G.S.	H.B. 460 - School Resource Officers and School Administrators Training and Agreement	Sean Faherty
PED	2017 G.S.	Beverley Taylor Sorenson Arts Learning Program	Ben Leishman
PED	2017 G.S.	Charter School Local Contribution	Ben Leishman
PED	2017 G.S.	Digital Teaching and Learning Program	Ben Leishman
PED	2017 G.S.	Drop out prevention program	Sean Faherty
PED	2017 G.S.	Dual Immersion	Ben Leishman
PED	2017 G.S.	Enrollment Growth - New Local Revenue	Ben Leishman
PED	2017 G.S.	Fine Arts Provisional Programs to POPS	Ben Leishman
PED	2017 G.S.	H.B. 404 - Early Warning Matching Grant Program	Sean Faherty
PED	2017 G.S.	iSEE - Combine Grant Programs	Ben Leishman
PED	2017 G.S.	iSEE - Increased Student Visits - Space Exploration	Ben Leishman
PED	2017 G.S.	iSEE Kindergarten Physics Education Program	Ben Leishman
PED	2017 G.S.	MSP Categorical Program Administration	Ben Leishman
PED	2017 G.S.	S.B. 220 - Student Assessment and School Accountability Amendments	Sean Faherty
PED	2017 G.S.	School LAND Trust Program	Ben Leishman
PED	2017 G.S.	Special Education Intensive Services	Ben Leishman
PED	2017 G.S.	Student Data Privacy Program	Sean Faherty
PED	2017 G.S.	Suicide Prevention Contributor - USOE	Sean Faherty
PED	2017 G.S.	Teacher Supplies & Materials Reimbursements	Ben Leishman
PED	2017 G.S.	WPU Value Increase	Ben Leishman
RIE	2017 G.S.	Internet Filtering	Thomas Young
SS	2014 G.S.	Family Resource Facilitators - TANF	Clare Lence
SS	2014 G.S.	Mental Health Early Intervention - Children/Youth	Clare Lence
SS	2014 G.S.	Mental Health Services Rates - DCFS	Clare Lence
SS	2015 G.S.	H.B. 364 - Suicide Prevention Amendments	Clare Lence
SS	2016 G.S.	ACA-Mandated Health Benefits for Employees	Clare Lence
SS	2016 G.S.	H.B. 192 - Drug Overdose Prevention Initiatives	Russell Frandsen
SS	2016 G.S.	Primary Care Grants	Russell Frandsen
SS	2016 G.S.	Utah Foster Care Foundation	Clare Lence
SS	2017 G.S.	Additional Needs for Individuals Receiving Disability Services	Clare Lence
SS	2017 G.S.	Disabilities Direct Care Staff Salary Increase Phase III	Clare Lence
SS	2017 G.S.	Disabilities Motor Transportation Payment (MTP)	Clare Lence
SS	2017 G.S.	Disability Services Portability	Clare Lence
SS	2017 G.S.	Disability Waiting List	Clare Lence
SS	2017 G.S.	Division of Blind and Visually Impaired	Maddy Oritt
SS	2017 G.S.	Donations from National Professional Men's Basketball Team Support of Women and Children Issues Acct	Clare Lence
SS	2017 G.S.	Fiscal Intermediary Rate Adjustment	Clare Lence
SS	2017 G.S.	Foster Families of Utah	Clare Lence
SS	2017 G.S.	H.B. 346 - Suicide Prevention Programs	Clare Lence
SS	2017 G.S.	Marriage Commission	Clare Lence
SS	2017 G.S.	Medicaid Match Funds for Local Mental Health Authorities - Medical Inflation and Caseload Increases	Clare Lence