

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

- (1) As used in this section, "Minimum School Program funds" means the total of state and local funds appropriated for the Minimum School Program, excluding:
 - (a) the state-supported voted local levy program pursuant to Section 53A-17a-133;
 - (b) the state-supported board local levy program pursuant to Section 53A-17a-164; and
 - (c) the appropriation to charter schools to replace local property tax revenues pursuant to Section 53A-1a-513.
- (2) If the Legislature reduces appropriations made to support public schools under this chapter because an Education Fund budget deficit, as defined in Section 63J-1-312, exists, the State Board of Education, after consultation with each school district and charter school, shall allocate the reduction among school districts and charter schools in proportion to each school district's or charter school's percentage share of Minimum School Program funds.
- (3) Except as provided in Subsection (5) and subject to the requirements of Subsection (7), a school district or charter school shall determine which programs are affected by a reduction pursuant to Subsection (2) and the amount each program is reduced.
- (4) Except as provided in Subsections (5) and (6), the requirement to spend a specified amount in any particular program is waived if reductions are made pursuant to Subsection (2).
- (5) A school district or charter school may not reduce or reallocate spending of funds distributed to the school district or charter school for the following programs:
 - (a) educator salary adjustments provided in Section 53A-17a-153;
 - (b) the Teacher Salary Supplement Program provided in Section 53A-17a-156;
 - (c) the extended year for special educators provided in Section 53A-17a-158;
 - (d) USTAR centers provided in Section 53A-17a-159;
 - (e) the School LAND Trust Program created in Section 53A-16-101.5; or
 - (f) a special education program within the Basic School Program.
- (6) A school district or charter school may not reallocate spending of funds distributed to the school district or charter school to a reserve account.
- (7) A school district or charter school that reduces or reallocates funds in accordance with this section shall report all transfers into, or out of, Minimum School Program programs to the State Board of Education as part of the school district or charter school's Annual Financial and Program report.

Amended by Chapter 371, 2011 General Session

Amended by Chapter 381, 2011 General Session