

MINIMUM SCHOOL PROGRAM ACT

AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Howard A. Stephenson

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING FOR STATE AND LOCAL FUNDING OF THE MINIMUM SCHOOL PROGRAM ACT; PROVIDING A CEILING FOR THE STATE CONTRIBUTION OF THE MAINTENANCE AND OPERATIONS PORTION OF THE ACT NOT TO EXCEED \$1,535,110,246; ESTABLISHING THE VALUE OF THE WEIGHTED PUPIL UNIT AT \$2,006; PROVIDING DISTRIBUTION FORMULAS; PROVIDING A \$28,358,000 APPROPRIATION FOR SCHOOL BUILDING AID; PROVIDING \$10,400,000 IN ONE-TIME APPROPRIATIONS; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-17a-103, as last amended by Chapter 332, Laws of Utah 1999

53A-17a-104, as last amended by Chapter 332, Laws of Utah 1999

53A-17a-111, as last amended by Chapter 332, Laws of Utah 1999

53A-17a-112, as last amended by Chapter 332, Laws of Utah 1999

53A-17a-113, as last amended by Chapter 332, Laws of Utah 1999

53A-17a-116, as last amended by Chapter 332, Laws of Utah 1999

53A-17a-119, as last amended by Chapter 332, Laws of Utah 1999

53A-17a-120, as last amended by Chapter 332, Laws of Utah 1999

53A-17a-121, as last amended by Chapter 332, Laws of Utah 1999

53A-17a-123, as last amended by Chapter 332, Laws of Utah 1999

53A-17a-124, as last amended by Chapter 332, Laws of Utah 1999

53A-17a-124.1, as last amended by Chapter 332, Laws of Utah 1999

53A-17a-124.5, as last amended by Chapter 332, Laws of Utah 1999

- 28 **53A-17a-125**, as last amended by Chapter 332, Laws of Utah 1999
- 29 **53A-17a-126**, as last amended by Chapter 332, Laws of Utah 1999
- 30 **53A-17a-128**, as last amended by Chapter 332, Laws of Utah 1999
- 31 **53A-17a-129**, as last amended by Chapter 332, Laws of Utah 1999
- 32 **53A-17a-130**, as last amended by Chapter 332, Laws of Utah 1999
- 33 **53A-17a-131.1**, as last amended by Chapter 332, Laws of Utah 1999
- 34 **53A-17a-131.2**, as last amended by Chapter 332, Laws of Utah 1999
- 35 **53A-17a-131.3**, as last amended by Chapter 332, Laws of Utah 1999
- 36 **53A-17a-131.4**, as last amended by Chapter 332, Laws of Utah 1999
- 37 **53A-17a-131.6**, as last amended by Chapter 332, Laws of Utah 1999
- 38 **53A-17a-131.8**, as last amended by Chapter 332, Laws of Utah 1999
- 39 **53A-17a-131.9**, as last amended by Chapter 332, Laws of Utah 1999
- 40 **53A-17a-131.11**, as enacted by Chapter 332, Laws of Utah 1999
- 41 **53A-17a-131.12**, as enacted by Chapter 332, Laws of Utah 1999
- 42 **53A-17a-132**, as last amended by Chapter 332, Laws of Utah 1999
- 43 **53A-17a-135**, as last amended by Chapter 332, Laws of Utah 1999
- 44 **53A-21-105**, as last amended by Chapter 332, Laws of Utah 1999

45 ENACTS:

- 46 **53A-17a-131.13**, Utah Code Annotated 1953
- 47 **53A-17a-131.14**, Utah Code Annotated 1953
- 48 **53A-17a-131.15**, Utah Code Annotated 1953
- 49 **53A-17a-131.16**, Utah Code Annotated 1953
- 50 **53A-17a-131.17**, Utah Code Annotated 1953
- 51 **53A-17a-131.18**, Utah Code Annotated 1953

52 REPEALS:

- 53 **53A-17a-124.7**, as enacted by Chapter 232, Laws of Utah 1998
- 54 **53A-17a-131.5**, as last amended by Chapter 234, Laws of Utah 1998

55 This act enacts uncodified material.

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

57 Section 1. Section **53A-17a-103** is amended to read:

58 **53A-17a-103. Definitions.**

59 As used in this chapter:

60 (1) "Basic state-supported school program" or "basic program" means public education
61 programs for kindergarten, elementary, and secondary school students that are operated and
62 maintained for the amount derived by multiplying the number of weighted pupil units for each
63 district by [~~\$1,901~~] \$2,006, except as otherwise provided in this chapter.

64 (2) "Certified revenue levy" means a property tax levy that provides the same amount of
65 ad valorem property tax revenue as was collected for the prior year, plus new growth, but exclusive
66 of revenue from collections from redemptions, interest, and penalties.

67 (3) "Leeway program" or "leeway" means a state-supported voted leeway program or board
68 leeway program authorized under Section 53A-17a-133 or 53A-17a-134.

69 (4) "Pupil in average daily membership (ADM)" means a full-day equivalent pupil.

70 (5) "State-supported minimum school program" or "minimum school program" means
71 public school programs for kindergarten, elementary, and secondary schools.

72 (a) The minimum school program established in the districts shall include the equivalent
73 of a school term of nine months as determined by the State Board of Education.

74 (b) (i) The board shall establish the number of days or equivalent instructional hours that
75 school is held for an academic school year.

76 (ii) Education, enhanced by utilization of technologically enriched delivery systems, when
77 approved by local school boards, shall receive full support by the State Board of Education as it
78 pertains to fulfilling the 990-hour attendance requirements, excluding time spent viewing
79 commercial advertising.

80 (c) The program shall be operated and maintained for the total of the following annual
81 costs:

82 (i) the cost of a basic state-supported school program;

83 (ii) the amount appropriated in Section 53A-17a-123 for the local program;

84 (iii) the amount appropriated in Section 53A-17a-125 for retirement and social security;

85 (A) each school district shall receive its share of retirement and social security monies
86 based on its total weighted pupil units compared to the total weighted pupil units for all districts
87 in the state;

88 (B) the monies needed to support retirement and social security shall be determined by
89 taking the district's prior year allocation and adjusting it for student growth, for the percentage

90 increase in the value of the weighted pupil unit, and the effect of any change in the rates for
91 retirement, social security, or both;

92 (iv) the amount of the employer contribution required or made in behalf of employees
93 under Sections 49-2-301 and 49-3-301;

94 (v) the amount of the employer contribution under Section 1400 of the Federal Insurance
95 Contribution Act in accordance with Section 67-11-5 for local school boards;

96 (vi) the amount appropriated in Chapter 17a:

97 (A) for an incentives for excellence program;

98 (B) as a contingency fund for the State Board of Education;

99 (C) for state-supported transportation;

100 (D) for a [teacher inservice] staff development program;

101 (E) for regional service centers;

102 (F) for the educational technology initiative program;

103 (G) for a school nurse program;

104 (H) for a comprehensive guidance program;

105 (I) for families, agencies, and communities together for children and youth at risk
106 programs;

107 (J) for experimental and developmental programs;

108 (K) for alternative language services programs;

109 (L) for highly impacted schools; [and]

110 (M) for character education programs; [and]

111 (N) for technology, life, careers, and work-based programs;

112 (O) for truancy intervention and prevention programs;

113 (P) for a transportation levy program;

114 (Q) for a reading initiative program;

115 (R) for a reading performance improvement scholarship program;

116 (S) for an alternative middle schools program;

117 (T) for a school land trust program; and

118 (U) for an assessment and accountability program; and

119 (vii) the cost of a leeway program.

120 (d) The program includes school construction aid programs authorized under Title 53A,

121 Chapter 21, Public Education Capital Outlay Act.

122 (6) "Weighted pupil unit or units" means the unit of measure of factors that is computed
 123 in accordance with this chapter for the purpose of determining the costs of a program on a uniform
 124 basis for each district.

125 Section 2. Section **53A-17a-104** is amended to read:

126 **53A-17a-104. Amount of state's contribution toward minimum school program.**

127 (1) The total contribution of the state toward the cost of the operation and maintenance
 128 portion of the minimum school program, as provided and defined in Section 53A-17a-103, may
 129 not exceed the sum of [~~\$1,439,215,683~~] \$1,535,110,246 for the [~~1999-2000~~] 2000-01 school year,
 130 except as otherwise provided by the Legislature through supplemental appropriations.

131 (2) It is intended that the funds provided are for the following purposes and in the
 132 following amounts:

| 133 | | | Estimated State and |
|-----|---------------------------------------|--|---|
| 134 | Estimated | Purpose | Local Funds at |
| 135 | | | [\$1,901] <u>\$2,006</u> |
| 136 | Weighted | Purpose | Per Weighted |
| 137 | Pupil Units | State Contribution | Pupil Unit |
| 138 | [19,604] <u>20,222</u> | Basic program - kindergarten. | [\$37,267,204] <u>\$40,565,332</u> |
| 139 | [427,276] <u>426,422</u> | Basic program - grades 1-12. | [\$812,251,676] <u>\$855,402,532</u> |
| 140 | 41,394 | Basic program - professional staff. | [\$78,689,994] <u>\$83,036,364</u> |
| 141 | 1,655 | Basic program - administrative costs. | [\$3,146,155] <u>\$3,319,930</u> |
| 142 | [5,494] <u>7,080</u> | Basic program - necessarily existent small | [\$10,444,094] <u>\$14,202,480</u> |
| 143 | | schools and units for consolidated schools. | |
| 144 | 52,697 | Special education - regular program | [\$100,176,997] <u>\$105,710,182</u> |
| 145 | | - add-on WPU's for students with disabilities. | |
| 146 | [4,724] <u>5,038</u> | Preschool Special Education Program. | [\$8,980,324] <u>\$10,106,228</u> |
| 147 | 12,299 | Self-contained regular WPU's. | [\$23,380,399] <u>\$24,671,794</u> |
| 148 | 237 | Extended year program for severely disabled. | [\$450,537] <u>\$475,422</u> |
| 149 | 1,350 | Special education - state programs. | [\$2,566,350] <u>\$2,708,100</u> |
| 150 | 19,464 | Applied technology and technical education | [\$37,001,064] <u>\$39,044,784</u> |
| 151 | | district programs. | |

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|-----|--------------------------|---|-------------------|------------------------|
| 152 | 989 | Applied technology district set-aside. | [\$1,880,089] | <u>\$1,983,934</u> |
| 153 | [9,598] <u>10,039</u> | Youth at risk programs. | [\$18,245,798] | <u>\$20,138,234</u> |
| 154 | 3,407 | Adult education. | [\$6,476,707] | <u>\$6,834,442</u> |
| 155 | 3,841 | Accelerated learning programs. | [\$7,301,741] | <u>\$7,705,046</u> |
| 156 | 11,549 | Local programs. | [\$21,954,649] | <u>\$23,167,294</u> |
| 157 | 24,253 | Career ladder. | [\$46,104,953] | <u>\$48,651,518</u> |
| 158 | 29,577 | Class size reduction. | [\$56,225,877] | <u>\$59,331,462</u> |
| 159 | [669,408] <u>671,513</u> | TOTAL OF ALL ABOVE | [\$1,272,544,608] | <u>\$1,347,055,078</u> |
| 160 | | PROGRAMS | | |
| 161 | | Social Security and retirement programs. | [\$244,458,871] | <u>\$253,325,728</u> |
| 162 | | Pupil Transportation to and from school. | [\$50,237,319] | <u>\$53,236,772</u> |
| 163 | | Contingency fund. | | \$419,246 |
| 164 | | Incentives for excellence. | | \$614,911 |
| 165 | | Regional service centers. | [\$1,111,595] | <u>\$1,172,733</u> |
| 166 | | Staff Development. | | \$1,965,577 |
| 167 | | Comprehensive Guidance. | | \$7,033,759 |
| 168 | | Educational Technology Initiative[-] | | \$8,970,322 |
| 169 | | <u>- Maintenance.</u> | | |
| 170 | | Alternative Language Services. | [\$2,828,564] | <u>\$3,328,564</u> |
| 171 | | Highly Impacted Schools. | | \$4,873,207 |
| 172 | | Character Education Program. | | \$397,680 |
| 173 | | Families, Agencies, and Communities Together. | | \$1,250,670 |
| 174 | | School Nurses. | | \$496,949 |
| 175 | | Transportation Levy. | | \$225,000 |
| 176 | | Technology, Life, Careers, and Work-Based | | \$2,235,000 |
| 177 | | Learning Programs. | | |
| 178 | | Truancy Intervention <u>and Prevention.</u> | | \$150,000 |
| 179 | | [Youth in Custody.] | | [\$1,000,000] |
| 180 | | <u>Reading Performance Improvement</u> | | |
| 181 | | <u>Scholarship Program.</u> | | <u>\$9,000</u> |
| 182 | | <u>Reading Initiative.</u> | | <u>\$5,000,000</u> |

| | | |
|-----|---|--|
| 183 | Experimental and Developmental Program. | \$5,933,056 |
| 184 | <u>Alternative Middle Schools Program.</u> | <u>\$2,000,000</u> |
| 185 | <u>School Land Trust Program.</u> | <u>\$4,775,000</u> |
| 186 | <u>Assessment and Accountability Program.</u> | <u>\$3,500,000</u> |
| 187 | <u>Comprehensive Guidance - Elementary Schools.</u> | <u>\$1,500,000</u> |
| 188 | State-supported voted leeway. | [\$109,075,315] <u>\$121,242,797</u> |
| 189 | State-supported board leeway. | [\$34,968,963] <u>\$36,111,863</u> |
| 190 | Total estimated contributions to | [\$1,750,790,612] <u>\$1,866,822,912</u> |
| 191 | school districts for all programs. | |
| 192 | Less estimated proceeds from | [\$311,574,929] <u>\$331,712,666</u> |
| 193 | state-supported local levies. | |
| 194 | TOTAL STATE FUNDS | [\$1,439,215,683] <u>\$1,535,110,246</u> |

195 Section 3. Section **53A-17a-111** is amended to read:

196 **53A-17a-111. Weighted pupil units for programs for students with disabilities --**
 197 **District allocation.**

198 (1) There is appropriated to the State Board of Education [~~\$135,554,607~~ (71,307)
 199 \$143,671,726 (71,621 weighted pupil units) for allocation to local school board programs for
 200 students with disabilities.

201 (2) Included in the appropriation is [~~\$100,176,997~~] \$105,710,182 for add-on WPU for
 202 students with disabilities enrolled in regular programs.

203 (3) The number of weighted pupil units for students with disabilities shall reflect the direct
 204 cost of programs for those students conducted in accordance with definitions, guidelines, rules, and
 205 standards established by the State Board of Education in accordance with Title 63, Chapter 46a,
 206 Utah Administrative Rulemaking Act.

207 (4) Disability program monies allocated to districts are restricted and shall be spent for the
 208 education of students with disabilities but may include expenditures for approved programs of
 209 services conducted for certified instructional personnel who have students with disabilities in their
 210 classes.

211 (5) The State Board of Education shall establish and strictly interpret definitions and
 212 provide standards for determining which students have disabilities and shall assist districts in
 213 determining the services that should be provided to students with disabilities.

214 (6) Each year the board shall evaluate the standards and guidelines that establish the
215 identifying criteria for disability classifications to assure strict compliance with those standards by
216 the districts.

217 (7) Each district shall receive its allocation of monies appropriated in Subsection
218 53A-17a-111(2) for add-on WPU's for students with disabilities enrolled in regular programs as
219 provided in this subsection.

220 (a) The State Board of Education shall use the total number of special education add-on
221 weighted pupil units used to fund fiscal year 1989-90 as a foundation for the special education
222 add-on appropriation.

223 (b) A district's special education add-on WPU's for the current year may not be less than
224 the foundation special education add-on WPU's.

225 (8) When monies appropriated under this chapter fund the foundation weighted pupil units,
226 as outlined in Subsection (7)(a), growth WPU's shall be added to the prior year special education
227 add-on WPU's, and growth WPU's shall be determined as follows:

228 (a) The special education student growth factor is calculated by comparing S-3 total special
229 education ADM of two years previous to the current year to the S-3 total special education ADM
230 three years previous to the current year, not to exceed the official October total district growth
231 factor from the prior year.

232 (b) When calculating and applying the growth factor, a district's S-3 total special education
233 ADM for a given year is limited to 12.18% of the district's S-3 total student ADM for the same
234 year.

235 (c) Growth ADMs are calculated by applying the growth factor in Subsection (8)(a) to the
236 S-3 total special education ADM of two years previous to the current year.

237 (d) Growth ADMs for each district in Subsection (8)(c) are multiplied by 1.53 weighted
238 pupil units and added to the prior year special education add-on WPU to determine each district's
239 total allocation.

240 (9) If monies appropriated under this chapter for programs for students with disabilities
241 do not meet the costs of districts for those programs, each district shall first receive the amount
242 generated for each student with a disability under the basic program.

243 Section 4. Section **53A-17a-112** is amended to read:

244 **53A-17a-112. Preschool special education appropriation -- Extended year program**

245 **appropriation -- Appropriation for special education programs in state institutions.**

246 (1) Included in the [~~\$135,554,607~~] \$143,671,726 appropriation under Section
247 53A-17a-111 is:

248 (a) an amount of [~~\$8,980,324~~] \$10,106,228 for preschool special education programs;

249 (b) an amount of [~~\$23,380,399~~] \$24,671,794 for self-contained regular WPU special
250 education programs;

251 (c) an amount of [~~\$450,537~~] \$475,422 for extended year programs for the severely
252 disabled; and

253 (d) an amount of [~~\$2,566,350~~] \$2,708,100 for special education programs in state
254 institutions and for district impact aid.

255 (2) (a) The amount designated for the preschool special education program under
256 Subsection (1)(a) is allocated to school districts to provide a free, appropriate public education to
257 preschool students with a disability, ages three through five.

258 (b) The monies are distributed on the basis of a school district's previous year December
259 1 disabled preschool child count as mandated by federal law.

260 (3) The extended school year program for the severely disabled is limited to students with
261 severe disabilities with education program goals identifying significant regression and recoupment
262 disability as approved by the State Board of Education.

263 (4) (a) The monies appropriated for self-contained regular special education programs may
264 not be used to supplement other school programs.

265 (b) Monies in any of the other restricted line item appropriations may not be reduced more
266 than 2% to be used for purposes other than those specified by the appropriation, unless otherwise
267 provided by law.

268 (5) (a) The State Board of Education shall compute preschool funding by a factor of 1.205
269 times the current December 1 child count of eligible preschool aged three, four, and five-year-olds
270 times the WPU value, limited to 8% growth over the prior year December 1 count.

271 (b) The board shall develop guidelines to implement the funding formula for preschool
272 special education, and establish prevalence limits for distribution of the monies.

273 Section 5. Section **53A-17a-113** is amended to read:

274 **53A-17a-113. Weighted pupil units for applied technology education programs --**

275 **Funding of approved programs -- Performance measures -- Qualifying criteria.**

276 (1) There is appropriated to the State Board for Applied Technology Education, hereafter
277 referred to in this section as the board, [~~\$37,001,064~~] \$39,044,784 (19,464 weighted pupil units)
278 to pay the added instructional costs of approved applied technology education programs.

279 (a) Included in the appropriation is [~~\$800,321~~] \$844,526 (421 weighted pupil units) for
280 summer applied technology agriculture programs.

281 (b) These monies are allocated to eligible recipients as provided in Subsections (2), (3),
282 and (4).

283 (c) Money appropriated under Subsection 53A-17a-113(1) and any money appropriated
284 for work-based education may not be used to fund programs below the ninth grade level.

285 (2) Weighted pupil units are computed for pupils in approved programs.

286 (a) The board shall fund approved programs based upon hours of membership of 9th
287 through 12th grade students.

288 (b) The board shall use an amount not to exceed 20% of the total appropriation under this
289 section to fund approved programs based on performance measures such as placement and
290 competency attainment defined in standards set by the board for districts to qualify for applied
291 technology funding.

292 (c) Leadership organization funds shall constitute an amount not to exceed 1% of the total
293 appropriation under this section, and shall be distributed to each local educational agency
294 sponsoring applied technology student leadership organizations in a ratio representing the agency's
295 share of the state's total membership in those organizations.

296 (d) The board shall make the necessary calculations for distribution of the appropriation
297 to school districts and may revise and recommend changes necessary for achieving equity and ease
298 of administration.

299 (3) (a) Twenty weighted pupil units shall be computed for each district, or 25 weighted
300 pupil units may be computed for each district that consolidates applied technology administrative
301 services with one or more other districts.

302 (b) Between 10 and 25 weighted pupil units shall be computed for each high school
303 conducting approved applied technology education programs in a district according to standards
304 established by the board.

305 (c) Forty weighted pupil units shall be computed for each district that operates an approved
306 district applied technology center.

307 (d) Between five and seven weighted pupil units shall be computed for each summer
308 applied technology agriculture program according to standards established by the board.

309 (e) The board shall, by rule, establish qualifying criteria for districts to receive weighted
310 pupil units under Subsection (3).

311 (4) (a) All monies allocated under Subsection (1) are computed by using average daily
312 membership in approved programs for the previous year.

313 (b) A district that has experienced student growth in grades 9 through 12 for the previous
314 year shall have the growth factor applied to the previous year's weighted pupil units when
315 calculating the allocation of monies under this subsection.

316 (5) (a) The board shall establish rules for the upgrading of high school applied technology
317 education programs.

318 (b) The rules shall reflect technical training and actual marketable job skills in society.

319 (c) The rules shall include procedures to assist school districts to convert existing
320 programs which are not preparing students for the job market into programs that will accomplish
321 that purpose.

322 (6) Programs that do not meet board standards may not be funded under this section.

323 Section 6. Section **53A-17a-116** is amended to read:

324 **53A-17a-116. Weighted pupil units for applied technology set-aside programs.**

325 (1) There is appropriated to the State Board for Applied Technology Education
326 [~~\$1,880,089~~] \$1,983,934 (989 weighted pupil units) for an applied technology set-aside program.

327 (2) Applied technology set-aside funds appropriated to the board are allocated by Request
328 for Proposal (RFP) to provide a district minimum payment for applied technology education.

329 (3) Each district shall receive a guaranteed minimum allocation.

330 (4) The set-aside funds remaining after the initial minimum payment allocation are
331 distributed by an RFP process to help pay for equipment costs necessary to initiate new programs
332 and for high priority programs as determined by labor market information.

333 Section 7. Section **53A-17a-119** is amended to read:

334 **53A-17a-119. Weighted pupil units for adult education programs.**

335 (1) There is appropriated to the State Board of Education [~~\$6,476,707~~] \$6,834,442 (3,407
336 weighted pupil units) for allocation to local school boards for adult education programs, consisting
337 of adult high school completion and adult basic skills programs.

338 (2) Each district shall receive its pro rata share of the appropriation for adult high school
339 completion programs based on the number of people listed in the latest official census who are
340 over 18 years of age and who do not have a high school diploma and prior year participation.

341 (3) On February 1 of each school year, the State Board of Education shall recapture monies
342 not used for an adult high school completion program for reallocation to districts that have
343 implemented programs based on need and effort as determined by the board.

344 (4) To the extent of monies available, school districts shall provide programs to adults who
345 do not have a diploma and who intend to graduate from high school, with particular emphasis on
346 homeless individuals who are seeking literacy and life skills.

347 (5) Overruns in adult education in any district may not reduce the value of the weighted
348 pupil unit for this program in another district.

349 (6) The board shall provide the Legislature with a recommendation as to if and when any
350 fees should be charged for participation in the adult high school completion programs funded
351 under this section.

352 (7) School districts shall spend money on adult basic skills programs according to
353 standards established by the board.

354 Section 8. Section **53A-17a-120** is amended to read:

355 **53A-17a-120. Weighted pupil units for accelerated learning programs.**

356 (1) There is appropriated to the State Board of Education [~~\$7,301,741~~] \$7,705,046 (3,841
357 weighted pupil units) for allocation to local school boards for accelerated learning programs in
358 grades one through 12, which include programs for the gifted and talented, concurrent enrollment,
359 and advanced placement.

360 (2) (a) A school participating in the concurrent enrollment programs offered under Section
361 53A-15-101 shall receive on a per student basis up to \$33.33 per quarter hour or \$50 per semester
362 hour for each hour of higher education course work undertaken at the school.

363 (b) Each year the amounts specified in Subsection (2)(a) shall be adjusted in proportion to
364 the increase in the value of the weighted pupil unit from the prior year established in Subsection
365 53A-17a-103(1).

366 (3) (a) Districts shall spend monies for these programs according to standards established
367 by the State Board of Education in accordance with Title 63, Chapter 46a, Utah Administrative
368 Rulemaking Act.

369 (b) The State Board of Education shall develop uniform and consistent policies for school
370 districts to follow in utilizing advanced placement and concurrent enrollment monies.

371 Section 9. Section **53A-17a-121** is amended to read:

372 **53A-17a-121. Weighted pupil units for youth at risk programs.**

373 (1) There is appropriated to the State Board of Education [~~\$18,245,798~~ (9,598]
374 ~~\$20,138,234~~ (10,039 weighted pupil units) for allocation to local school boards for youth at risk
375 programs, including the following:

376 (a) youth in custody;

377 (b) adolescent pregnancy prevention;

378 (c) homeless and disadvantaged minority students;

379 (d) mathematics, engineering, and science achievement programs;

380 (e) gang prevention and intervention; and

381 (f) at-risk flow through.

382 (2) Districts shall spend monies for these programs according to standards established by
383 the State Board of Education in accordance with Title 63, Chapter 46a, Utah Administrative
384 Rulemaking Act.

385 (3) (a) From the amount appropriated for youth at risk programs, the board shall allocate
386 moneys for adolescent pregnancy prevention programs to school districts on the basis of a district's
387 total number of students enrolled in classes as of October 1 that teach a curriculum of adolescent
388 pregnancy prevention as compared to the total number of students enrolled in such programs in
389 school districts throughout the state.

390 (b) The adolescent pregnancy prevention programs funded under this subsection shall
391 require written consent from parents or guardians for student participation, involve parents or
392 guardians of participating students in a substantial and consistent manner, and comply with the
393 requirements of Sections 76-7-321 through 76-7-325.

394 (c) To qualify for participation in the program, a district shall demonstrate to the state
395 board through prior research and pilot studies with similar student populations that those students
396 attained and retained knowledge, values, attitudes, and behaviors that promote abstinence from
397 sexual activity before marriage, and that the students had a lower pregnancy rate than comparison
398 groups that did not participate in the program.

399 (d) Further qualification requires approval by the local board and state board of all

400 teaching materials, handouts, media materials, audiovisual materials, textbooks, curriculum
401 materials, and course outlines to be used in the program.

402 (e) The state board may not use a district's participation in the adolescent pregnancy
403 prevention program as an offset against the district's historical proportionate share of the remaining
404 fund balance.

405 (f) A school district may spend any additional moneys allocated for adolescent pregnancy
406 prevention programs as long as the programs comply with the guidelines established in
407 Subsections (3)(b), (c), and (d), if the need for such a program is greater than the allocation
408 received under Subsection (a).

409 (4) (a) From the amount appropriated for youth at risk programs, the board shall allocate
410 moneys to school districts for homeless and disadvantaged minority students.

411 (b) Each district shall receive its allocation on the basis of:

412 (i) the total number of homeless students in the district;

413 (ii) added to 50% of the number of disadvantaged minority students in the district;

414 (iii) multiplying the total of Subsections (i) and (ii) by the value of the weighted pupil unit;

415 and

416 (iv) prorating the amount under Subsection (iii) to the amount in Subsection (4)(a).

417 (5) (a) From the amount appropriated for youth at risk programs, the board shall allocate
418 moneys for mathematics, engineering, and science achievement programs, MESA programs, in the
419 districts.

420 (b) The board shall make the distribution to school districts on a competitive basis by
421 application under guidelines established by the board.

422 (6) (a) From the amount appropriated for youth at risk programs, the board shall distribute
423 moneys for gang prevention and intervention programs at the district or school level.

424 (b) The board shall make the distribution to school districts under guidelines established
425 by the board consistent with Section 53A-15-601.

426 (7) (a) From the amount appropriated for youth at risk programs, the board shall distribute
427 moneys for programs for youth in custody.

428 (b) The board shall allocate these moneys to school districts which operate programs for
429 youth in custody in accordance with standards established by the board.

430 [~~(c) In addition to the appropriation under Subsection (1), there is appropriated for the~~

431 fiscal year beginning July 1, 1999, \$1,000,000 for youth in custody programs operated by school
 432 districts.]

433 (8) From the amount appropriated for youth at-risk programs, the board shall allocate
 434 monies based on:

435 (a) a formula which takes into account prior year WPU's per district and a district's low
 436 income population; and

437 (b) a minimum base of no less than \$18,600 for small school districts.

438 Section 10. Section **53A-17a-123** is amended to read:

439 **53A-17a-123. State contribution for the local program.**

440 (1) There is appropriated to the State Board of Education [~~\$21,954,649~~] \$23,167,294
 441 (11,549 weighted pupil units) for allocation to school districts for the local program on the basis
 442 of each district's prior year weighted pupil units for grades K-12 and necessarily existent small
 443 schools.

444 (2) As an exception to Section 53A-17a-136 these monies may be used for the following
 445 purposes:

446 (a) maintenance and operation costs;

447 (b) capital outlay and debt service; or

448 (c) a combination of maintenance and operation costs and capital outlay and debt service.

449 Section 11. Section **53A-17a-124** is amended to read:

450 **53A-17a-124. State contributions to career ladders -- Distribution of appropriation**
 451 **-- Performance bonus.**

452 (1) There is appropriated to the State Board of Education [~~\$46,104,953~~] \$48,651,518
 453 (24,253 weighted pupil units) for career ladders for distribution to school districts in accordance
 454 with career ladder guidelines provided by the state board and Title 53A, Chapter 9.

455 (a) The state board shall distribute the appropriation, upon application, to each local school
 456 board by a formula based on the average of equal weighting considerations for:

457 (i) a district's prior year average daily membership;

458 (ii) the total number of teachers employed by a district during the prior year; and

459 (iii) weighted pupil units allocated to the district.

460 (b) The Legislature shall provide for an annual adjustment in the career ladder
 461 appropriation in proportion to:

- 462 (i) the increase in the value of the weighted pupil unit established in this chapter; and
 463 (ii) the increase in the number of students in the state over the prior year.

464 (2) Each school district participating in the career ladder program may spend career ladder
 465 monies:

466 (a) to pay a performance bonus to teachers judged by the district as being outstanding in
 467 regular classroom performance;

468 (b) (i) for additional nonteaching days for teachers to devote to curriculum development,
 469 inservice training, preparation, and related activities;

470 (ii) a local board of education may specifically use from the career ladder appropriation
 471 an amount equivalent to \$300 per eligible teacher per year for approved inservice costs, for daily
 472 stipends, for per diem expenses, and for eligible teacher trainers; and

473 (c) for negotiated additional teacher compensation for extending the length of the
 474 instructional day or the number of instructional days.

475 Section 12. Section **53A-17a-124.1** is amended to read:

476 **53A-17a-124.1. State contribution for staff development -- Training on personalized**
 477 **education plans -- Training on reading and literacy initiatives.**

478 (1) There is appropriated to the State Board of Education for the fiscal year beginning July
 479 1, 2000, \$1,965,577 for staff development for school teachers, including instruction in methods
 480 which incorporate the [revised mathematics and science] core curriculum, with emphasis on
 481 language arts/reading, mathematics, science, and other areas, the use of technology as an
 482 instructional tool, and the development of teacher skills in the use of new assessment tools that
 483 demonstrate student competency.

484 (2) The board shall use the appropriation to improve access to schooling for all students
 485 by training teachers to provide a personalized education plan to meet the needs of each child.

486 [~~(3) Included in the appropriation is \$500,000 specifically designated for training teachers~~
 487 ~~in implementing reading and literacy initiatives.]~~

488 Section 13. Section **53A-17a-124.5** is amended to read:

489 **53A-17a-124.5. Appropriation for class size reduction.**

490 (1) There is appropriated to the State Board of Education [~~\$56,225,877~~] for the fiscal year
 491 beginning July 1, 2000, \$59,331,462 (29,577 weighted pupil units) to reduce the average class size
 492 in kindergarten through the eighth grade in the state's public schools.

493 (2) [~~(a) Except as provided in Subsection (b), each~~] Each district shall receive its allocation
494 based upon prior year average daily membership in kindergarten through grade eight plus growth
495 as determined under Subsection 53A-17a-106(3) as compared to the state total.

496 ~~[(b) The State Board of Education shall distribute 5% of the appropriation to school
497 districts based upon a formula developed by the board that takes into account:]~~

498 ~~[(i) a school district's ability to raise money for growth and accompanying capital facility
499 needs;]~~

500 ~~[(ii) need as reflected by:]~~

501 ~~[(A) the current number of students in the affected grades in the district who are in
502 alternative housing; and]~~

503 ~~[(B) growth in the affected grades both within the district and compared to the state as a
504 whole; and]~~

505 ~~[(iii) the school district's past and present effort to raise money and to construct new or
506 to better utilize existing facilities through scheduling or delivery systems in order to deal with class
507 size reduction.]~~

508 ~~[(c) The formula used to distribute moneys under Subsection (2)(b) shall be phased out
509 as follows:]~~

510 ~~[(i) 5% of the moneys shall be distributed by the formula for the fiscal year beginning July
511 1, 1999; and]~~

512 ~~[(ii) the formula distribution shall be totally eliminated for the fiscal year beginning July
513 1, 2000.]~~

514 (3) (a) A district may use its allocation to reduce class size in any one or all of the grades
515 referred to under this section, except as otherwise provided in Subsection (3)(b).

516 (b) (i) Each district shall use 50% of its allocation to reduce class size in any one or all
517 of grades kindergarten through grade two, with an emphasis on improving student reading skills.

518 (ii) If a district's average class size is below 18 in grades kindergarten through two, it may
519 petition the state board for, and the state board may grant, a waiver to use its allocation under
520 Subsection (3)(b)(i) for class size reduction in the other grades.

521 (4) Schools may use nontraditional innovative and creative methods to reduce class sizes
522 with this appropriation and may use part of their allocation to focus on class size reduction for
523 specific groups, such as at risk students, or for specific blocks of time during the school day.

524 (5) (a) A school district may use up to 20% of its allocation under Subsection (1) for
525 capital facilities projects if such projects would help to reduce class size.

526 (b) If a school district's student population increases by 5% or 700 students from the
527 previous school year, the school district may use up to 50% of any allocation it receives under this
528 section for classroom construction.

529 (6) This appropriation is to supplement any other appropriation made for class size
530 reduction.

531 (7) (a) The State Board of Education shall compile information on class size, both in
532 average student-teacher ratios and in actual number of students enrolled in each classroom by
533 grade level for elementary grades and by subject matter for secondary grades.

534 (b) The State Board of Education shall establish uniform class size reporting rules among
535 districts.

536 (c) Provisions may be made for explaining special circumstances where class size exceeds
537 or is below normal distributions.

538 (8) (a) Each school district shall provide annually to the state superintendent of public
539 instruction a summary report on the overall district plan for utilizing class size reduction funds
540 provided by the Legislature.

541 (b) If the district has received new additional class size reduction funds during the previous
542 year, the district shall report data identifying how:

543 (i) the use of the funds complies with legislative intent; and

544 (ii) the use of the funds supplements the district's class size reduction plan.

545 (9) The Legislature shall provide for an annual adjustment in the appropriation authorized
546 under this section in proportion to the increase in the number of students in the state in
547 kindergarten through grade eight.

548 Section 14. Section **53A-17a-125** is amended to read:

549 **53A-17a-125. Appropriation for retirement and social security.**

550 (1) There is appropriated to the State Board of Education [~~\$244,458,871~~] \$253,325,728
551 for retirement and social security costs.

552 (2) The employee's retirement contribution shall be 1% for employees who are under the
553 state's contributory retirement program.

554 (3) The employer's contribution under the state's contributory retirement program is

555 determined under Section 49-2-301, subject to the 1% contribution under Subsection (2).

556 (4) The employer-employee contribution rate for employees who are under the state's
557 noncontributory retirement program is determined under Section 49-3-301.

558 Section 15. Section **53A-17a-126** is amended to read:

559 **53A-17a-126. State support of pupil transportation -- Incentives to increase economy**
560 **and productivity in student transportation.**

561 (1) The state's contribution of [~~\$50,237,319~~] \$53,236,772 for state-supported
562 transportation of public school students is apportioned and distributed in accordance with Section
563 53A-17a-127, except as otherwise provided in this section.

564 (2) (a) Included in the appropriation under Subsection (1) is an amount not less than
565 [~~\$1,397,000~~] \$1,710,235 to be deducted prior to any other distribution under this section to school
566 districts, and allocated to the Utah Schools for the Deaf and the Blind to pay transportation costs
567 of the schools' students.

568 (b) The Utah Schools for the Deaf and the Blind shall utilize these funds to pay for
569 transportation of their students based on current valid contractual arrangements and best
570 transportation options and methods as determined by the schools.

571 (c) All student transportation costs of the schools shall be paid from the allocation received
572 under Subsection (2).

573 (3) Each district shall receive its approved transportation costs, except that if during the
574 fiscal year the total transportation allowance for all districts exceeds the amount appropriated, all
575 allowances shall be reduced pro rata to equal not more than that amount.

576 (4) Included in the appropriation under Subsection (1) is an amount of \$187,000 for
577 transportation of students, as approved by the state board, for school districts that consolidate
578 schools, implement double session programs at the elementary level, or utilize other alternatives
579 to building construction that require additional student transportation.

580 (5) (a) Part of the state's contribution for transportation, not to exceed \$200,000, may be
581 used as an incentive for districts to increase economy and productivity in student transportation.

582 (b) This amount is distributed on a pro rata basis among districts which have achieved the
583 most efficiency according to the state formula.

584 (c) Districts receiving the incentive funding may expend the monies at the discretion of
585 the local school board.

586 (6) (a) Local school boards shall provide salary adjustments to employee groups that work
587 with the transportation of students comparable to those of classified employees authorized under
588 Section 53A-17a-137, when dividing the weighted pupil unit for salary adjustment purposes.

589 (b) The State Board of Education shall conduct a study to evaluate the reimbursement
590 system of funding for pupil transportation with emphasis on looking at methodologies that will
591 provide incentives for districts that will encourage economical practices.

592 Section 16. Section **53A-17a-128** is amended to read:

593 **53A-17a-128. Contingency fund for State Board of Education -- Laboratory school**
594 **at Utah State University.**

595 (1) There is appropriated to the State Board of Education from the total amount of state
596 [funds] monies listed in Section 53A-17a-104 for the fiscal year beginning July 1, 2000, \$419,246
597 as a contingency fund to do the following:

598 (a) stabilize the value of the weighted pupil unit;

599 (b) maintain program levels in districts that may experience unanticipated and unforeseen
600 losses of students;

601 (c) equalize programs in districts where a strict application of the law provides inequity;

602 (d) pay the added costs when Utah students attend school out of state; and

603 (e) assist in the operation of the laboratory school at Utah State University, through the
604 allocation of monies for a teacher career ladder program at the school.

605 (2) The State Board of Education shall make a strict accounting of these [funds] monies
606 and return any unused part to the Uniform School Fund at the close of each fiscal year.

607 (3) (a) There is established an advisory board for the laboratory school consisting of the
608 following:

609 (i) the president of Utah State University or his designee;

610 (ii) the state superintendent of public instruction or his designee;

611 (iii) the dean of the College of Education at Utah State University or his designee;

612 (iv) a local superintendent of schools;

613 (v) a staff member from the office of the State Board of Education;

614 (vi) a staff member from a local school board;

615 (vii) a staff member from the College of Education at Utah State University; and

616 (viii) two lay citizens noted for their contribution to the improvement of education.

617 (b) The advisory board members in Subsections (a)(iv) through (viii) are appointed by the
618 State Board of Education for terms specified by that body.

619 Section 17. Section **53A-17a-129** is amended to read:

620 **53A-17a-129. State contribution for incentives for excellence.**

621 (1) The state's contribution of \$614,911 for the incentives for excellence program for the
622 fiscal year beginning July 1, [~~1999~~] 2000, is appropriated to the State Board of Education for
623 distribution to school districts according to guidelines established by the board.

624 (2) A school district shall use its allocation to promote a strong partnership between public
625 education and private enterprise, to seek additional financial support from the business community,
626 and to enhance its educational excellence.

627 (3) School districts are encouraged under this program to develop projects that rely on
628 matching private and public monies to promote educational excellence.

629 Section 18. Section **53A-17a-130** is amended to read:

630 **53A-17a-130. State contribution to regional service centers.**

631 The state's contribution of [~~\$1,111,595~~] \$1,172,733 for regional service centers for the
632 fiscal year beginning July 1, 2000, is appropriated to the State Board of Education for distribution
633 according to guidelines established by the board.

634 Section 19. Section **53A-17a-131.1** is amended to read:

635 **53A-17a-131.1. State contribution to the educational technology initiative.**

636 (1) The state's contribution of \$8,970,322 for maintaining the educational technology
637 initiative programs for the fiscal year beginning July 1, 2000, is appropriated to the State Board
638 of Education for distribution according to [~~rules adopted by the board consistent with~~] Title 53A,
639 Chapter 1, Part 7, Educational Technology Programs.

640 (2) Monies received under this section may be used to maintain existing programs and for
641 inservice programs required to implement the technology.

642 (3) Each school district shall develop a comprehensive inservice plan and report
643 expenditures for teacher training to the State Office of Education.

644 Section 20. Section **53A-17a-131.2** is amended to read:

645 **53A-17a-131.2. State contribution to highly impacted schools program.**

646 The state's contribution of \$4,873,207 for the Highly Impacted Schools Program for the
647 fiscal year beginning July 1, 2000, is appropriated to the State Board of Education for distribution

648 according to the formula adopted by the board under Section 53A-15-701, which authorizes the
649 Highly Impacted Schools Program.

650 Section 21. Section **53A-17a-131.3** is amended to read:

651 **53A-17a-131.3. State contributions to the school nurses program.**

652 The state's contribution of \$496,949 for the school nurses program for the fiscal year
653 beginning July 1, 2000, is appropriated to the State Board of Education for distribution according
654 to guidelines established by the board.

655 Section 22. Section **53A-17a-131.4** is amended to read:

656 **53A-17a-131.4. State contribution to Alternative Language Services Program.**

657 (1) The state's contribution of [~~\$2,828,564~~] \$3,328,564 for an Alternative Language
658 Services Program for the fiscal year beginning July 1, 2000, is appropriated to the State Board of
659 Education as a funding base for school districts to meet the limited-English-proficient and second
660 language acquisition needs of Utah's language minority student population.

661 (2) The board shall allocate the appropriation to school districts based on submission of
662 grant applications and assurances of and compliance with qualifying criteria established by the
663 state board pursuant to its rulemaking authority.

664 Section 23. Section **53A-17a-131.6** is amended to read:

665 **53A-17a-131.6. State contribution to Character Education Program.**

666 (1) The state's contribution of \$397,680 for a Character Education Program for the fiscal
667 year beginning July 1, [~~1999~~] 2000, is appropriated to the State Board of Education for distribution
668 to school districts according to rules adopted by the state board.

669 (2) School districts shall use the appropriation primarily for implementing curriculum
670 within the classroom that provides for the direct instruction of students.

671 (3) Character education monies shall also be used to provide inservice training to teachers
672 on the use and teaching of character education materials and to acquaint teachers with the
673 requirements in the Utah Constitution and state statutes to teach qualities of character.

674 (4) Character education programs are to be systematic and comprehensive in their
675 approach and include student materials, parental involvement, and teacher training.

676 (5) The principles taught, such as integrity, social responsibility, and the importance of the
677 work ethic should be designed to help students avoid high risk behaviors and learn to function as
678 caring, productive citizens in society.

679 (6) The State Office of Education shall assist districts and teachers in providing and
680 recommending character education curriculum to students that meets the guidelines referred to in
681 this section.

682 (7) Proposals in which parents are involved with educators in all phases of the design,
683 implementation, and evaluation of school and district programs shall be given highest priority.

684 Section 24. Section **53A-17a-131.8** is amended to read:

685 **53A-17a-131.8. State contribution to the Comprehensive Guidance Program.**

686 (1) The state's contribution of [~~\$7,033,759~~] \$8,533,759 for a Comprehensive Guidance
687 Program for the fiscal year beginning July 1, 2000, is appropriated to the State Board of Education
688 for distribution to school districts as follows:

689 (a) the board shall distribute the appropriation to districts to be used at their secondary
690 schools in grades 7-12, with the following priority:

691 (i) grades 9-12; and

692 (ii) grades 7-8 for those schools which meet program standards, to provide a guidance
693 curriculum and individual educational/occupational program for each student at the school;

694 (b) each school shall meet qualification criteria established by rules made by the State
695 Board of Education in order to receive moneys under this program; and

696 (c) the appropriation shall also be used to provide responsive services and eliminate
697 nonguidance activities currently being performed by counselors.

698 (2) (a) It is anticipated that under this program counselors will increase direct services to
699 students to involve at least 80% of the counselors' time and that districts shall document this with
700 onsite review teams.

701 (b) Districts shall provide training to their secondary teachers on their role in assisting in
702 the development and implementation of SEOPs.

703 (3) The state superintendent of public instruction shall:

704 (a) prepare an inventory of working SEOPs for networking with schools throughout the
705 state; and

706 (b) monitor the program and provide an annual report on its progress and success.

707 (4) Included in the \$8,533,759 appropriation is an amount of \$1,500,000 for
708 comprehensive guidance programs in elementary schools for distribution to school districts
709 according to guidelines established by the board.

710 Section 25. Section **53A-17a-131.9** is amended to read:

711 **53A-17a-131.9. State contribution to agencies coming together for children and**
712 **youth at risk.**

713 (1) There is appropriated \$1,250,670 to the State Board of Education for the fiscal year
714 beginning July 1, 2000, to implement Title 63, Chapter 75, Families, Agencies, and Communities
715 Together for Children and Youth At Risk Act.

716 (2) Participation in the at risk programs funded under this section shall require consent
717 from a parent or legal guardian for the participant to receive initial or continuing services under
718 the program.

719 (3) A participant's parent or legal guardian shall be actively involved in the program and
720 all applicable state and federal laws and regulations shall be observed by the entities and
721 individuals providing the services.

722 (4) The board shall use the appropriation to experiment on a community full-service
723 delivery system level to provide data on the merits of moving the concept to a fully implemented
724 statewide system.

725 Section 26. Section **53A-17a-131.11** is amended to read:

726 **53A-17a-131.11. State contribution to truancy intervention and prevention.**

727 The state's contribution of \$150,000 for the Truancy Intervention and Prevention Program
728 for the fiscal year beginning July 1, 2000, is appropriated to the State Board of Education for
729 distribution to school districts according to guidelines established by the board in accordance with
730 Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

731 Section 27. Section **53A-17a-131.12** is amended to read:

732 **53A-17a-131.12. State contribution to Technology, Life, Careers, and Work-based**
733 **Learning Programs.**

734 The state's contribution of \$2,235,000 for the Technology, Life, Careers, and Work-based
735 Learning Programs for the fiscal year beginning July 1, 2000, is appropriated to the State Board
736 of Education for distribution to school districts according to guidelines established by the board
737 in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

738 Section 28. Section **53A-17a-131.13** is enacted to read:

739 **53A-17a-131.13. State contribution to guarantee transportation levy.**

740 The state's contribution of \$225,000 to the guarantee transportation levy program for the

741 fiscal year beginning July 1, 2000, is appropriated to the State Board of Education for distribution
742 to school districts according to guidelines established by the board in accordance with Title 63,
743 Chapter 46a, Utah Administrative Rulemaking Act.

744 Section 29. Section **53A-17a-131.14** is enacted to read:

745 **53A-17a-131.14. State contribution for reading initiative program.**

746 The state's contribution of \$5,000,000 for the reading initiative program for the fiscal year
747 beginning July 1, 2000, is appropriated to the State Board of Education for distribution to school
748 districts to fund the reading achievement programs established in Section 53A-1-605.5 according
749 to guidelines established by the board in accordance with Title 63, Chapter 46a, Utah
750 Administrative Rulemaking Act.

751 Section 30. Section **53A-17a-131.15** is enacted to read:

752 **53A-17a-131.15. State contribution for Reading Performance Improvement**
753 **Scholarship Program.**

754 The state's contribution of \$9,000 for the Reading Performance Improvement Scholarship
755 Program for the fiscal year beginning July 1, 2000, is appropriated to the State Board of Education
756 to fund the program as established in Section 53A-3-402.11 according to guidelines established
757 by the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

758 Section 31. Section **53A-17a-131.16** is enacted to read:

759 **53A-17a-131.16. State contribution for alternative middle schools programs.**

760 The state's contribution of \$2,000,000 for an alternative middle schools program for the
761 fiscal year beginning July 1, 2000, is appropriated to the State Board of Education to fund the
762 program as provided in Section 53A-11-909.

763 Section 32. Section **53A-17a-131.17** is enacted to read:

764 **53A-17a-131.17. State contribution for a School Land Trust Program.**

765 The state's contribution of \$4,775,000 for a School Land Trust Program for the fiscal year
766 beginning July 1, 2000, is appropriated to the State Board of Education for distribution to school
767 districts according to guidelines established by the board in accordance with Title 63, Chapter 46a,
768 Utah Administrative Rulemaking Act.

769 Section 33. Section **53A-17a-131.18** is enacted to read:

770 **53A-17a-131.18. State contribution for assessment and accountability program.**

771 The state's contribution of \$3,500,000 for an assessment and accountability program for

772 the fiscal year beginning July 1, 2000, is appropriated to the State Board of Education for
773 distribution according to guidelines established by the board.

774 Section 34. Section **53A-17a-132** is amended to read:

775 **53A-17a-132. Experimental and developmental programs.**

776 (1) The state's contribution of \$5,933,056 for experimental and developmental programs
777 for the fiscal year beginning July 1, 2000, is appropriated to the State Board of Education for
778 distribution to school districts as follows:

779 (a) the board shall distribute the first part, 34% of the appropriation, equally among the
780 state's 40 school districts;

781 (b) the board shall distribute the second part, 41% of the appropriation, to each district on
782 the basis of its kindergarten through grade 12 average daily membership for the prior year as
783 compared to the prior year state total kindergarten through grade 12 average daily membership;
784 and

785 (c) the board shall distribute 25% of the appropriation pursuant to standards established
786 by the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

787 (2) (a) A school district may fund a new experimental or developmental program with
788 monies appropriated under Subsection (1) for a maximum of three consecutive years.

789 (b) After the third year, the district shall either fund the program with regular ongoing
790 program monies or terminate the program.

791 (3) (a) The State Board of Education shall allocate \$100,000 of the
792 experimental-developmental appropriation for programs to improve the efficiency of classified
793 employees in the public schools.

794 (b) The programs should include training components, classified staffing formulas, and
795 preventative maintenance formulas.

796 (4) (a) The State Board of Education shall allocate \$584,900 of the appropriation for the
797 planning, development, and implementation of alternative experimental pilot programs, using
798 [certificated] licensed teachers, which are cooperative ventures that have demonstrated support of
799 parents, the recognized teachers' organization, administrators, and students.

800 (b) The State Board of Education shall select schools for the pilot programs by a grant
801 process using selection criteria developed by the state board.

802 (5) Models for experimental activities similar to the nine district consortium activities are

803 permissible under the experimental and developmental appropriation.

804 Section 35. Section **53A-17a-135** is amended to read:

805 **53A-17a-135. Certified revenue levy.**

806 (1) (a) In order to qualify for receipt of the state contribution toward the basic program and
807 as its contribution toward its costs of the basic program, each school district shall impose a
808 minimum basic tax rate per dollar of taxable value that generates [~~\$182,893,646~~] \$189,329,826
809 in revenues statewide.

810 (b) The preliminary estimate for the [~~1999-2000~~] 2000-01 tax rate is [~~.001847~~] .001845.

811 (c) The State Tax Commission shall certify on or before June 22 the rate that generates
812 [~~\$182,893,646~~] \$189,329,826 in revenues statewide.

813 (d) If the minimum basic tax rate exceeds the certified revenue levy as defined in Section
814 59-2-102, the state is subject to the notice requirements of Section 59-2-926.

815 (e) For the calendar year beginning on January 1, 1998, and ending December 31, 1998,
816 the certified revenue levy shall be increased by the amount necessary to offset the decrease in
817 revenues from uniform fees on tangible personal property under Section 59-2-405 as a result of
818 the decrease in uniform fees on tangible personal property under Section 59-2-405 enacted by the
819 Legislature during the 1997 Annual General Session.

820 (f) For the calendar year beginning on January 1, 1999, and ending on December 31, 1999,
821 the certified revenue levy shall be adjusted by the amount necessary to offset the adjustment in
822 revenues from uniform fees on tangible personal property under Section 59-2-405.1 as a result of
823 the adjustment in uniform fees on tangible personal property under Section 59-2-405.1 enacted by
824 the Legislature during the 1998 Annual General Session.

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

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

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

833 (b) The proceeds of the levy authorized under Subsection (1) which exceed the cost of the

834 basic program shall be paid into the Uniform School Fund as provided by law.

835 Section 36. Section **53A-21-105** is amended to read:

836 **53A-21-105. State contribution to capital outlay programs.**

837 [(1)] The state contribution toward the cost of the programs established under Section
838 53A-21-102 for the fiscal year beginning July 1, [1999] 2000, shall consist of an appropriation
839 totaling [~~\$29,358,000~~] \$28,358,000 to the State Board of Education from the Uniform School
840 Fund.

841 [~~(2) Of the amount appropriated under Subsection (1), \$1,000,000 is one-time money.~~]

842 Section 37. **One-time appropriations.**

843 In addition to the contributions and appropriations set out in Title 53A, Chapter 17a,
844 Minimum School Program Act, for the fiscal year beginning July 1, 2000, there is appropriated
845 from the Uniform School Fund to the State Board of Education for distribution to school districts
846 for the fiscal year ending June 30, 2001, \$10, 400,000 in one-time non-lapsing monies as follows:

847 (1) \$6,000,000 for textbooks and school supplies; and

848 (2) \$4,400,000 for teacher supplies and materials as a funding source for H.B. 189,
849 Classroom Supplies.

850 Section 38. **Intent language.**

851 (1) It is the intent of the Legislature that the school districts' boards of education spend
852 5.5% of their WPU allocations as directed in State Board of Education rules, plus additional
853 appropriations for textbooks and supplies as appropriated for that purpose by the Legislature,
854 unless they otherwise notify parents in their respective districts that they have made decisions to
855 spend the dollars in other areas.

856 (2) It is the intent of the Legislature that the growth in the Youth in Custody Program for
857 the fiscal year beginning July 1, 2000, shall be funded from carryover balances in the Youth in
858 Custody Program.

859 (3) It is the intent of the Legislature that the state superintendent of public instruction's
860 annual report contain specific, separate reporting of expenditures for textbooks and supplies by
861 each school district.

862 (4) It is the intent of the Legislature that \$1,500,000 of the ongoing appropriation for
863 comprehensive guidance shall be spent in the elementary grades of the state's public education
864 system.

865 (5) (a) It is the intent of the Legislature that the State Office of Education work with the
866 Education Interim Committee and the Education Appropriations Subcommittee during the 2000
867 interim to study and propose a modified funding formula for the capital outlay foundation program,
868 which includes an emergency building needs program.

869 (b) The study shall focus on the issue of more equitably meeting the capital facility needs
870 of school districts by examining each district's capital outlay tax efforts, its available resources for
871 capital facilities, which shall take into consideration assessed valuation within the district and
872 outstanding indebtedness incurred for new school space, and applying those factors to the district's
873 growth in student population.

874 (6) (a) It is the intent of the Legislature that prior to distributing funds appropriated under
875 the restricted basic school programs within the "At-Risk Programs" the State Office of Education
876 shall retain \$200,000 to fund a specialist, associated costs, and program budget, for minority
877 students, with the assignment to provide technical assistance to schools and school districts toward
878 meeting the needs of minority students and increasing graduation rates among minority students
879 and other students at risk of not graduating.

880 (b) It is the further intent of the Legislature that for the fiscal year beginning July 1, 2000,
881 \$100,000 of the appropriation be retained before distribution of funds for the purpose of a
882 collaborative research effort with the Center for the School of the Future at Utah State University
883 to identify risk factors and successful programs and program characteristics that will improve
884 graduation rates among students at risk of not graduating.

885 (c) It is the further intent of the Legislature that the funds retained under Subsections (6)(a)
886 and (b) shall be proportionately retained from the six program areas funded collectively as
887 "At-Risk Programs," Youth in Custody, Pregnancy Prevention, Homeless and Minority, At-Risk
888 Regular Program, MESA, and Gang Prevention.

889 **Section 39. Repealer.**

890 This act repeals:

891 **Section 53A-17a-124.7, Appropriation for class size reduction in grades 7 & 8.**

892 **Section 53A-17a-131.5, State contribution for the Centennial Schools Program.**

893 **Section 40. Effective date.**

894 This act takes effect on July 1, 2000.

Legislative Review Note
as of 2-26-00 5:44 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel