

**MINIMUM SCHOOL PROGRAM ACT AMENDMENTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Marda Dillree**

**This act modifies provisions relating to the State System of Public Education in the funding of the Minimum School Program. The act provides a ceiling for the state contribution of the maintenance and operations portion of the Minimum School Program Act not to exceed \$1,607,061,760. The act establishes the value of the weighted pupil unit at \$2,116, establishes block grants and distribution formulas, and provides a \$38,358,000 appropriation for school building aid. The act provides for \$24,785,000 in one-time appropriations and has a July 1, 2001 effective date. This act provides a coordination clause.**

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

AMENDS:

**53A-1-702**, as last amended by Chapter 4, Laws of Utah 1998

**53A-17a-103**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-104**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-111**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-112**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-113**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-116**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-119**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-120**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-121**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-124**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-124.5**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-125**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-126**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-131.2**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-131.4**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-131.9**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-131.13**, as enacted by Chapter 264, Laws of Utah 2000

**53A-17a-131.17**, as enacted by Chapter 264, Laws of Utah 2000

**53A-17a-132**, as last amended by Chapters 224 and 264, Laws of Utah 2000

**53A-17a-133**, as last amended by Chapter 8, Laws of Utah 1996, Second Special Session

**53A-17a-134**, as last amended by Chapter 1, Laws of Utah 1994

**53A-17a-135**, as last amended by Chapter 264, Laws of Utah 2000

**53A-21-105**, as last amended by Chapter 264, Laws of Utah 2000

**ENACTS:**

**53A-3-701**, Utah Code Annotated 1953

**REPEALS AND REENACTS:**

**53A-17a-123**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-131.15**, as enacted by Chapter 264, Laws of Utah 2000

**53A-17a-131.16**, as enacted by Chapter 264, Laws of Utah 2000

**53A-17a-131.19**, as enacted by Chapter 264, Laws of Utah 2000

**REPEALS:**

**53A-17a-124.1**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-128**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-129**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-130**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-131.1**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-131.3**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-131.6**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-131.8**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-131.11**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-131.12**, as last amended by Chapter 264, Laws of Utah 2000

**53A-17a-131.14**, as enacted by Chapter 264, Laws of Utah 2000

**53A-17a-131.18**, as enacted by Chapter 264, Laws of Utah 2000

This act enacts uncodified material.

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

Section 1. Section **53A-1-702** is amended to read:

**53A-1-702. Appropriations -- Allocations -- Contributions from school districts, the business community, and technology vendors.**

(1) (a) The Legislature shall provide annual appropriations to help fund the technology programs authorized in this part.

(b) The appropriations are nonlapsing.

(2) The appropriations are allocated as follows:

~~[(a) the State Board of Education shall receive the amount appropriated under Section 53A-17a-131.1 for allocation to the state's school districts and distribute it in two parts:]~~

~~[(i) the board shall distribute the first part, 25% of the appropriation received under Subsection (2)(a), equally among the state's school districts; and]~~

~~[(ii) the board shall distribute the second part, 75% of the appropriation, based on the ratio of a district's average daily membership to the state total average daily membership;]~~

(a) school districts shall receive monies under the local discretionary block grant program provided for in Section 53A-17a-123, which they may use to fund their technology programs;

(b) the State Board of Regents shall receive the amount appropriated to the state colleges of education as a line item in the general appropriations act and distribute it based on each state college's student teacher training enrollment FTE's as compared to the total student teacher training enrollment FTE's for all state colleges of education.

(3) (a) Neither the State Board of Education nor the State Board of Regents may establish rules that restrict school districts or colleges of education in their purchases of educational technology under this part or use any of the money appropriated for this part for administrative or overhead costs.

(b) The monies shall flow through the respective state boards directly to the school districts and colleges, subject to any qualifications established under this part.

(c) These monies are to supplement and not supplant other state appropriations to school

districts and the colleges of education.

(4) (a) School districts may spend [~~as much of the~~] monies received under Subsection (2) [~~as they consider necessary and appropriate~~] for inservice training for the technology programs authorized under this part.

(b) Subsection (4)(a) does not restrict school districts from spending or using additional resources obtained under Subsections (5), (6), and (7) for inservice training.

(5) School districts and colleges shall match state appropriations for the technology programs on a one to three basis, that is one dollar in local resources for every three state dollars, either through local funding efforts or through in-kind services, which may include providing an infrastructure, planning services, training services, maintenance, or the use of technical assistance specialists.

(6) (a) School districts, individual public schools, and public institutions of higher education shall solicit contributions from and enter into partnerships with private business to obtain additional resources for the technology programs authorized under this part.

(b) The Technology Initiative Project Office established under this part within the State Office of Education shall solicit contributions for district technology programs from federal sources.

(c) The additional resources obtained under this section shall remain with the respective district, school, or institution as part of its technology program.

(d) Contributions made at the state level by private business or federal sources shall flow to selected districts, schools, or colleges of education based on specific technology projects as approved and selected by the Technology Initiative Project Office.

(7) Vendors who participate in the technology program shall make contributions to the program in terms of vendor discounts, inservice training, and continuing support services under standards established by the Technology Initiative Project Office.

(8) As used in this part, "school district" includes the School for the Deaf and the School for the Blind.

Section 2. Section **53A-3-701** is enacted to read:

**Part 7. Comprehensive Staff Professional Development Plans**

**53A-3-701. School and school district professional development plans.**

(1) (a) Each public school and school district shall develop and implement a systematic, comprehensive, and long-term plan for staff professional development.

(b) Each school shall use its community council, school directors, or a subcommittee of the community council as described in Subsection 53A-16-101.5(4) to help develop and implement the plan.

(2) Each plan shall include the following components:

(a) an alignment of professional development activities at the school and school district level with:

(i) the School LAND Trust Program authorized under Section 53A-16-101.5;

(ii) the Utah Performance Assessment System for Students under Title 53A, Chapter 1, Part 6, Achievement Tests;

(iii) the Educational Technology Initiative under Title 53A, Chapter 1, Part 7, Educational Technology Programs;

(iv) Sections 53A-6-101 and 53A-6-104 of the Educator Licensing and Professional Practices Act;

(v) Title 53A, Chapter 9, Teacher Career Ladders; and

(vi) Title 53A, Chapter 10, Educator Evaluation;

(b) provision for the development of internal instructional leadership and support;

(c) the periodic presence of all stakeholders at the same time in the professional development process, to include administrators, educators, support staff, parents, and students;

(d) provisions for the use of consultants to enhance and evaluators to assess the effectiveness of the plan as implemented; and

(e) the time required for and the anticipated costs of implementing and maintaining the plan.

(3) (a) Each local school board shall review and either approve or recommend modifications for each school plan within its district so that each school's plan is compatible with the district plan.

(b) The board shall:

(i) provide positive and meaningful assistance to a school, if requested by its community

council or school directors, in drafting and implementing its plan; and

(ii) monitor the progress of each school plan and hold each school accountable for meeting the objectives of its plan.

(4) (a) The State Board of Education, through the superintendent of public instruction, shall work with school districts to identify the resources required to implement and maintain each school's and school district's professional development plan required under this section.

(b) (i) The state board shall make an annual budget recommendation to the Legislature for state funding of professional development plans under this section.

(ii) The recommendation shall take into account:

(A) monies that could be used for professional development from the programs listed in Subsection (2)(a); and

(B) the professional development block grant program authorized under the Minimum School Program Act.

(5) (a) For the fiscal year beginning July 1, 2001, school districts shall use \$10,000,000 of the school professional development appropriation made in Section 53A-17a-124, for teacher professional development days beyond the regular school year as follows:

(i) each school district shall use its allocation for teacher professional development related to implementing and maintaining the Utah Performance Assessment System for Students and may use such training models as Schools for All and Urban Learning Centers in its professional development program; and

(ii) monies for these two additional days shall be allocated to a school district without requiring matching monies.

(b) For the fiscal year beginning July 1, 2002, the Legislature shall increase the funding for teacher professional development under Section 53A-17a-124 and Subsection (5)(a) to provide for a total of three days of teacher professional development related to implementing and maintaining the Utah Performance Assessment System for Students.

(c) Schools are urged to collaborate with one another in the implementation of the teacher development program under Subsection (5)(a) to maximize the effectiveness of the appropriation.

(d) It is the intent of the Legislature that of the \$10,000,000 allocated to school districts for additional days \$42,305 shall be allocated to the Utah Schools for the Deaf and the Blind per day for each additional day funded.

Section 3. Section **53A-17a-103** is amended to read:

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

As used in this chapter:

(1) "Basic state-supported school program" or "basic program" means public education programs for kindergarten, elementary, and secondary school students that are operated and maintained for the amount derived by multiplying the number of weighted pupil units for each district by [~~\$2,006~~] \$2,116, except as otherwise provided in this chapter.

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

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

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

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

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

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

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

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

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

- (ii) the amount appropriated in Section 53A-17a-123 for the local discretionary block grant program;
- (iii) the amount appropriated in Section 53A-17a-125 for retirement and social security;
  - (A) each school district shall receive its share of retirement and social security monies based on its total weighted pupil units compared to the total weighted pupil units for all districts in the state;
  - (B) the monies needed to support retirement and social security shall be determined by taking the district's prior year allocation and adjusting it for student growth, for the percentage increase in the value of the weighted pupil unit, and the effect of any change in the rates for retirement, social security, or both;
- (iv) the amount of the employer contribution required or made in behalf of employees under Sections 49-2-301 and 49-3-301;
- (v) the amount of the employer contribution under Section 1400 of the Federal Insurance Contribution Act in accordance with Section 67-11-5 for local school boards;
- (vi) the amount appropriated in Chapter 17a:
  - (A) for [~~an incentives for excellence program~~] a professional development block grant program;
  - ~~[(B) as a contingency fund for the State Board of Education;]~~
  - ~~[(C)] (B) for state-supported transportation;~~
  - ~~[(D) for a staff development program;]~~
  - ~~[(E) for regional service centers;]~~
  - ~~[(F) for the educational technology initiative program;]~~
  - ~~[(G) for a school nurse program;]~~
  - ~~[(H) for a comprehensive guidance program;]~~
  - ~~[(I)] (C) for families, agencies, and communities together for children and youth at risk programs;~~
  - ~~[(J)] (D) for experimental and developmental programs;~~
  - ~~[(K)] (E) for alternative language services programs;~~



~~[(L)]~~ (F) for highly impacted schools;  
~~[(M)]~~ for character education programs;]  
~~[(N)]~~ for technology, life, careers, and work-based programs;]  
~~[(O)]~~ for truancy intervention and prevention programs;]  
~~[(P)]~~ (G) for a guarantee transportation levy program;  
~~[(Q)]~~ for a reading initiative program;]  
~~[(R)]~~ for a reading performance improvement scholarship program;]  
~~[(S)]~~ for an alternative middle schools program;]  
~~[(T)]~~ (H) for a school land trust program; ~~[and]~~  
~~[(U)]~~ for an assessment and accountability program; and]  
(I) for adult education programs;  
(J) for At-risk programs;  
(K) for accelerated learning programs;  
(L) for a math and science beginning teacher recruitment program;  
(M) for a block grant hold harmless program; and  
(N) for an electronic high school program; and  
(vii) the cost of a leeway program.

(d) The program includes school construction aid programs authorized under Title 53A, Chapter 21, Public Education Capital Outlay Act.

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

Section 4. Section **53A-17a-104** is amended to read:

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

(1) The total contribution of the state toward the cost of the operation and maintenance portion of the minimum school program, as provided and defined in Section 53A-17a-103, may not exceed the sum of [~~\$1,535,110,246~~] \$1,607,061,760 for the [~~2000-01~~] 2001-02 school year, except as otherwise provided by the Legislature through supplemental appropriations.

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

Estimated		Estimated State and Local Funds at [ <del>\$2,006</del> ] <u>\$2,116</u>
Weighted Pupil Units	Purpose	Per Weighted Pupil Unit
[ <del>20,222</del> ] <u>20,616</u>	Basic program - kindergarten.	[ <del>\$40,565,332</del> ] <u>\$43,623,456</u>
[ <del>426,422</del> ] <u>427,244</u>	Basic program - grades 1-12.	[ <del>\$855,402,532</del> ] <u>\$904,048,304</u>
41,394	Basic program - professional staff.	[ <del>\$83,036,364</del> ] <u>\$87,589,704</u>
1,655	Basic program - administrative costs.	[ <del>\$3,319,930</del> ] <u>\$3,501,980</u>
[ <del>7,080</del> ] <u>7,336</u>	Basic program - necessarily existent small schools and units for consolidated schools.	[ <del>\$14,202,480</del> ] <u>\$15,522,976</u>
[ <del>52,697</del> ] <u>53,153</u>	Special education - regular program - add-on WPU for students with disabilities.	[ <del>\$105,710,182</del> ] <u>\$112,471,748</u>
[ <del>5,038</del> ] <u>6,109</u>	Preschool Special Education Program.	[ <del>\$10,106,228</del> ] <u>\$12,926,644</u>
[ <del>12,299</del> ] <u>12,466</u>	Self-contained regular WPUs.	[ <del>\$24,671,794</del> ] <u>\$26,378,056</u>
237	Extended year program for severely disabled.	[ <del>\$475,422</del> ] <u>\$501,492</u>
1,350	Special education - state programs.	[ <del>\$2,708,100</del> ] <u>\$2,856,600</u>
[ <del>19,464</del> ] <u>23,423</u>	Applied technology and technical education district programs.	[ <del>\$39,044,784</del> ] <u>\$49,563,068</u>
989	Applied technology district set-aside.	[ <del>\$1,983,934</del> ] <u>\$2,092,724</u>
[ <del>10,039</del> ]	<del>Youth at risk programs.</del>	<del>\$20,138,234</del>
[ <del>3,407</del> ]	<del>Adult education.</del>	<del>\$6,834,442</del>
[ <del>3,841</del> ]	<del>Accelerated learning programs.</del>	<del>\$7,705,046</del>
[ <del>11,549</del> ]	<del>Local programs.</del>	<del>\$23,167,294</del>
[ <del>24,253</del> ]	<del>Career ladder.</del>	<del>\$48,651,518</del>
29,577	Class size reduction.	[ <del>\$59,331,462</del> ] <u>\$62,584,932</u>

[671,513] <u>625,549</u>	TOTAL OF ALL ABOVE PROGRAMS	[\$1,347,055,078] <u>\$1,323,661,684</u>
	<u>Professional Development Block Grant.</u>	<u>\$68,821,511</u>
	Social Security and retirement programs.	[\$253,325,728] <u>\$214,685,479</u>
	Pupil Transportation to and from school.	[\$53,236,772] <u>\$55,745,940</u>
	[Contingency fund.]	\$419,246]
	[Incentives for excellence.]	\$614,911]
	[Regional service centers.]	\$1,172,733]
	[Staff Development.]	\$1,965,577]
	[Comprehensive Guidance.]	\$7,420,659]
	[Educational Technology Initiative]	\$8,970,322]
	[Maintenance.]	
	<u>Guarantee Transportation Levy.</u>	<u>\$500,000</u>
	<u>Local Discretionary Block Grant Program.</u>	<u>\$49,948,636</u>
	<u>Math and Science - Beginning Teacher Recruitment.</u>	<u>\$2,400,000</u>
	<u>Families, Agencies, and Communities Together.</u>	<u>\$1,250,670</u>
	Alternative Language Services.	[\$3,328,564] <u>\$3,528,564</u>
	Highly Impacted Schools.	[\$4,873,207] <u>\$5,123,207</u>
	[Character Education Program.]	\$397,680]
	[Families, Agencies, and Communities Together.]	\$1,250,670]
	[School Nurses.]	\$496,949]
	[Transportation Levy.]	\$225,000]
	[Technology, Life, Careers, and Work-Based	\$2,235,000]
	[Learning Programs.]	
	[Truancy Intervention and Prevention.]	\$150,000]
	[Reading Performance Improvement]	
	[Scholarship Program.]	\$9,000]
	[Reading Initiative.]	\$5,000,000]
	<u>At-risk Programs.</u>	<u>\$25,023,588</u>

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<u>Adult Education.</u>		<u>\$8,368,247</u>
<u>Accelerated Learning Programs.</u>		<u>\$9,551,074</u>
<u>Block Grant Hold Harmless.</u>		<u>\$3,897,110</u>
Experimental and Developmental Program.	<del>[\$5,933,056]</del>	<u>\$3,102,369</u>
<del>[Alternative Middle Schools Program.</del>	<del>—————</del>	<del>\$2,000,000]</del>
<u>Electronic High School.</u>		<u>\$200,000</u>
School <del>[Land]</del> <u>LAND</u> Trust Program.	<del>[\$4,775,000]</del>	<u>\$5,200,000</u>
<del>[Assessment and Accountability Program.</del>	<del>—————</del>	<del>\$3,500,000]</del>
<del>[State Contribution to School Districts.</del>	<del>—————</del>	<del>\$1,113,100]</del>
State-supported voted leeway.	<del>[\$121,242,797]</del>	<u>\$141,362,359</u>
State-supported board leeway.	<del>[\$36,111,863]</del>	<u>\$41,149,682</u>
Total estimated contributions to school districts for all programs.	<del>[\$1,866,822,912]</del>	<u>\$1,963,520,120</u>
Less estimated proceeds from state-supported local levies.	<del>[\$331,712,666]</del>	<u>\$356,458,360</u>
<b>TOTAL STATE FUNDS</b>	<del>[\$1,535,110,246]</del>	<u>\$1,607,061,760</u>

Section 5. Section **53A-17a-111** is amended to read:

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

**District allocation.**

(1) There is appropriated to the State Board of Education [~~\$143,671,726 (71,621)~~ \$155,134,540 (73,315 weighted pupil units) for allocation to local school board programs for students with disabilities.

(2) Included in the appropriation is [~~\$105,710,182]~~ \$112,471,748 for add-on WPUs for students with disabilities enrolled in regular programs.

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

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

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

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

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

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

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

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

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

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

(c) Growth ADMs are calculated by applying the growth factor in Subsection (8)(a) to the

S-3 total special education ADM of two years previous to the current year.

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

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

Section 6. Section **53A-17a-112** is amended to read:

**53A-17a-112. Preschool special education appropriation -- Extended year program appropriation -- Appropriation for special education programs in state institutions.**

(1) Included in the [~~\$143,671,726~~] \$155,134,540 appropriation under Section 53A-17a-111 is:

(a) an amount of [~~\$10,106,228~~] \$12,926,644 for preschool special education programs;

(b) an amount of [~~\$24,671,794~~] \$26,378,056 for self-contained regular WPU special education programs;

(c) an amount of [~~\$475,422~~] \$501,492 for extended year programs for the severely disabled; and

(d) an amount of [~~\$2,708,100~~] \$2,856,600 for special education programs in state institutions and for district impact aid.

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

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

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

(4) (a) The monies appropriated for self-contained regular special education programs may

not be used to supplement other school programs.

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

(5) (a) The State Board of Education shall compute preschool funding by a factor of [~~1.205~~] 1.47 times the current December 1 child count of eligible preschool aged three, four, and five-year-olds times the WPU value, limited to 8% growth over the prior year December 1 count.

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

Section 7. Section **53A-17a-113** is amended to read:

**53A-17a-113. Weighted pupil units for applied technology education programs -- Funding of approved programs -- Performance measures -- Qualifying criteria.**

(1) There is appropriated to the State Board for Applied Technology Education, hereafter referred to in this section as the board, [~~\$39,044,784 (19,464)~~] \$49,563,068 (23,423 weighted pupil units) to pay the added instructional costs of approved applied technology education programs.

(a) Included in the appropriation is [~~\$844,526~~] \$890,836 (421 weighted pupil units) for summer applied technology agriculture programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The rules shall include procedures to assist school districts to convert existing programs



which are not preparing students for the job market into programs that will accomplish that purpose.

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

Section 8. Section **53A-17a-116** is amended to read:

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

(1) There is appropriated to the State Board for Applied Technology Education [~~\$1,983,934~~ \$2,092,724 (989 weighted pupil units) for an applied technology set-aside program.

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

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

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

Section 9. Section **53A-17a-119** is amended to read:

**53A-17a-119. Appropriation for adult education programs.**

(1) There is appropriated to the State Board of Education [~~\$6,834,442 (3,407 weighted pupil units)~~ \$8,368,247 for allocation to local school boards for adult education programs, consisting of adult high school completion and adult basic skills programs.

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

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

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

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

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

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

Section 10. Section **53A-17a-120** is amended to read:

**53A-17a-120. Appropriation for accelerated learning programs.**

(1) There is appropriated to the State Board of Education [~~\$7,705,046 (3,841 weighted pupil units)~~] \$9,551,074 for allocation to local school boards for accelerated learning programs in grades one through 12, which include programs for the gifted and talented, concurrent enrollment, and advanced placement.

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

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

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

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

Section 11. Section **53A-17a-121** is amended to read:

**53A-17a-121. Appropriation for At-risk programs.**

(1) There is appropriated to the State Board of Education [~~\$20,138,234 (10,039 weighted pupil units)~~] \$25,023,588 for allocation to local school boards for [~~youth at risk~~] at-risk programs, including the following:

(a) youth in custody;

- (b) adolescent pregnancy prevention;
- (c) homeless and disadvantaged minority students;
- (d) mathematics, engineering, and science achievement programs;
- (e) gang prevention and intervention; and
- (f) at-risk flow through.

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

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

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

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

(d) Further qualification requires approval by the local board and state board of all teaching materials, handouts, media materials, audiovisual materials, textbooks, curriculum materials, and course outlines to be used in the program.

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

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

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

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

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

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

(iii) multiplying the total of Subsections (4)(b)(i) and (ii) by the value of the weighted pupil unit; and

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

(5) (a) From the amount appropriated for [~~youth at risk~~] at-risk programs, the board shall allocate [~~moneys~~] monies for mathematics, engineering, and science achievement programs, MESA programs, in the districts.

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

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

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

(7) (a) From the amount appropriated for [~~youth at risk~~] at-risk programs, the board shall distribute moneys for programs for youth in custody.

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

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

(a) a formula which takes into account prior year WPU's per district and a district's low

income population; and

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

Section 12. Section **53A-17a-123** is repealed and reenacted to read:

**53A-17a-123. State contribution for local discretionary block grant program.**

(1) There is appropriated to the State Board of Education for the fiscal year beginning July 1, 2001, \$49,948,636 for a local discretionary block grant program comprised of the following components:

- (a) truancy intervention and prevention;
- (b) an unrestricted local program;
- (c) incentives for excellence;
- (d) the Educational Technology Initiative;
- (e) character education;
- (f) school nurses;
- (g) alternative middle schools;
- (h) reading initiative;
- (i) experimental-developmental programs; and
- (j) a local discretionary program.

(2) The board shall distribute the appropriation on the basis of the intent language provided under Subsection (3) of the Intent Language provision of this act.

(3) Notwithstanding current statutory provisions for programs in the local discretionary block grant and the special population programs, which are Families, Agencies, and Communities Together, Alternative Language Services, Highly Impacted Schools, At-risk Programs, Adult Education and Accelerated Learning, and with the exception of those programs for which funds are awarded based on successful completion through a request of proposal, a school district may spend the allocation for any or all programs within the appropriated block.

Section 13. Section **53A-17a-124** is amended to read:

**53A-17a-124. State contributions to professional development.**

(1) There is appropriated to the State Board of Education [~~\$48,651,518 (24,253 weighted~~

~~pupil units)] for the fiscal year beginning July 1, 2001, \$68,821,511 for teacher professional development programs and teacher career ladders for distribution to school districts [in accordance with career ladder guidelines provided by the state board and Title 53A, Chapter 9] on the basis of each district's total weighted pupil units in kindergarten, grades one through 12, and the necessarily existent small schools portions of the Minimum School Program as compared to the state total.~~

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

~~[(i) a district's prior year average daily membership;]~~

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

~~[(iii) weighted pupil units allocated to the district.]~~

~~[(b) The Legislature shall provide for an annual adjustment in the career ladder appropriation in proportion to:]~~

~~[(i) the increase in the value of the weighted pupil unit established in this chapter; and]~~

~~[(ii) the increase in the number of students in the state over the prior year.]~~

(2) Each school district ~~[participating in the career ladder program]~~ may spend career ladder monies:

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

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

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

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

(3) Of the amount appropriated, \$10,000,000 shall be distributed by the State Board of Education for teacher professional development days beyond the regular school year under Section 53A-3-701 and standards established by the board in accordance with Title 63, Chapter 46a, Utah

Administrative Procedures Act.

Section 14. Section **53A-17a-124.5** is amended to read:

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

(1) There is appropriated to the State Board of Education for the fiscal year beginning July 1, [~~2000, \$59,331,462~~] 2001, \$62,584,932 (29,577 weighted pupil units) to reduce the average class size in kindergarten through the eighth grade in the state's public schools.

(2) Each district shall receive its allocation based upon prior year average daily membership in kindergarten through grade eight plus growth as determined under Subsection 53A-17a-106(3) as compared to the state total.

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

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

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

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

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

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

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

(7) (a) The State Board of Education shall compile information on class size, both in average student-teacher ratios and in actual number of students enrolled in each classroom by grade level for

elementary grades and by subject matter for secondary grades.

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

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

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

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

- (i) the use of the funds complies with legislative intent; and
- (ii) the use of the funds supplements the district's class size reduction plan.

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

Section 15. Section **53A-17a-125** is amended to read:

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

(1) There is appropriated to the State Board of Education [~~\$253,325,728~~] for the fiscal year beginning July 1, 2001, \$214,685,479 for retirement and social security costs.

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

(3) The employer's contribution under the state's contributory retirement program is determined under Section 49-2-301, subject to the 1% contribution under Subsection (2).

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

Section 16. Section **53A-17a-126** is amended to read:

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



(1) The state's contribution of [~~\$53,236,772~~] \$55,745,940 for state-supported transportation of public school students is apportioned and distributed in accordance with Section 53A-17a-127, except as otherwise provided in this section.

(2) (a) Included in the appropriation under Subsection (1) is an amount not less than [~~\$1,710,235~~] \$1,923,148 to be deducted prior to any other distribution under this section to school districts, and allocated to the Utah Schools for the Deaf and the Blind to pay transportation costs of the schools' students.

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

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

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

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

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

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

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

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

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

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

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

The state's contribution of [~~\$4,873,207~~] \$5,123,207 for the Highly Impacted Schools Program for the fiscal year beginning July 1, [~~2000~~] 2001, is appropriated to the State Board of Education for distribution according to the formula adopted by the board under Section 53A-15-701, which authorizes the Highly Impacted Schools Program.

Section 18. Section **53A-17a-131.4** is amended to read:

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

(1) The state's contribution of [~~\$3,328,564~~] \$3,528,564 for an Alternative Language Services Program for the fiscal year beginning July 1, [~~2000~~] 2001, is appropriated to the State Board of Education as a funding base for school districts to meet the limited-English-proficient and second language acquisition needs of Utah's language minority student population.

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

Section 19. Section **53A-17a-131.9** is amended to read:

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

(1) There is appropriated \$1,250,670 to the State Board of Education for the fiscal year beginning July 1, [~~2000~~] 2001, to [~~implement~~] maintain Title 63, Chapter 75, Families, Agencies, and Communities Together for Children and Youth At Risk Act.

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

(3) A participant's parent or legal guardian shall be actively involved in the program and all

applicable state and federal laws and regulations shall be observed by the entities and individuals providing the services.

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

Section 20. Section **53A-17a-131.13** is amended to read:

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

The state's contribution of [~~\$225,000~~] \$500,000 to the guarantee transportation levy program for the fiscal year beginning July 1, [~~2000~~] 2001, is appropriated to the State Board of Education for distribution to school districts according to guidelines established by the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

Section 21. Section **53A-17a-131.15** is repealed and reenacted to read:

**53A-17a-131.15. State contribution for the Electronic High School.**

The state's contribution of \$200,000 for the Electronic High School for the fiscal year beginning July 1, 2001, is appropriated to the State Board of Education for distribution to the school according to guidelines established by the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

Section 22. Section **53A-17a-131.16** is repealed and reenacted to read:

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

(1) The state's contribution of \$3,897,110 for a school district hold harmless program for the fiscal year beginning July 1, 2001, is appropriated to the State Board of Education for distribution to school districts impacted by the block grant programs established under this chapter for the fiscal year beginning July 1, 2001.

(2) The board shall allocate the appropriation to the following school districts and the Utah Schools for the Deaf and the Blind as provided in this Subsection (2):

<u>Beaver</u>	<u>\$67,019</u>
<u>Cache</u>	<u>\$31,416</u>
<u>Carbon</u>	<u>\$151,415</u>

<u>Daggett</u>	<u>\$86,354</u>
<u>Davis</u>	<u>\$6,368</u>
<u>Duchesne</u>	<u>\$83,141</u>
<u>Emery</u>	<u>\$78,769</u>
<u>Garfield</u>	<u>\$51,188</u>
<u>Grand</u>	<u>\$146,213</u>
<u>Granite</u>	<u>\$379,456</u>
<u>Iron</u>	<u>\$268,325</u>
<u>Juab</u>	<u>\$81,005</u>
<u>Kane</u>	<u>\$55,085</u>
<u>Millard</u>	<u>\$176,251</u>
<u>Morgan</u>	<u>\$75,443</u>
<u>Nebo</u>	<u>\$15,333</u>
<u>North Sanpete</u>	<u>\$222,804</u>
<u>North Summit</u>	<u>\$84,095</u>
<u>Park City</u>	<u>\$62,226</u>
<u>Piute</u>	<u>\$80,627</u>
<u>Rich</u>	<u>\$78,542</u>
<u>San Juan</u>	<u>\$82,539</u>
<u>Sevier</u>	<u>\$42,898</u>
<u>South Sanpete</u>	<u>\$74,388</u>
<u>South Summit</u>	<u>\$73,910</u>
<u>Tintic</u>	<u>\$80,932</u>
<u>Uintah</u>	<u>\$113,827</u>
<u>Wasatch</u>	<u>\$102,531</u>
<u>Wayne</u>	<u>\$81,079</u>
<u>Weber</u>	<u>\$8,670</u>
<u>Salt Lake City</u>	<u>\$170,919</u>

<u>Ogden</u>	<u>\$412,576</u>
<u>Provo</u>	<u>\$132,060</u>
<u>Logan</u>	<u>\$123,326</u>
<u>Murray</u>	<u>\$54,156</u>
<u>Utah Schools for the</u>	
<u>Deaf and the Blind</u>	<u>\$62,224</u>

Section 23. Section **53A-17a-131.17** is amended to read:

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

The state's contribution of [~~\$4,775,000~~] \$5,200,000 or the amount as determined by Subsections 53A-16-101.5(1), (2), and (3) for a School [Land] LAND Trust Program for the fiscal year beginning July 1, [2000] 2001, is appropriated to the State Board of Education for distribution to school districts according to guidelines established by the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

Section 24. Section **53A-17a-131.19** is repealed and reenacted to read:

**53A-17a-131.19. State contribution to math and science beginning teacher recruitment program.**

The state's contribution of \$2,400,000 for a math and science beginning teacher recruitment program, for the fiscal year beginning July 1, 2001, is appropriated to the State Board of Education for distribution according to Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program.

Section 25. Section **53A-17a-132** is amended to read:

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

(1) The state's contribution of [~~\$5,933,056~~] \$3,102,369 for experimental and developmental programs for the fiscal year beginning July 1, [2000] 2001, is appropriated to the State Board of Education for distribution to school districts [~~as follows: (a) the board shall distribute the first part, 34% of the appropriation, equally among the state's 40 school districts; (b) the board shall distribute the second part, 41% of the appropriation, to each district on the basis of its kindergarten through grade 12 average daily membership for the prior year as compared to the prior year state total~~]

~~kindergarten through grade 12 average daily membership; and (c) the board shall distribute 25% of the appropriation]~~ pursuant to standards established by the board in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

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

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

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

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

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

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

(5) Models for experimental activities similar to the nine district consortium activities are permissible under the experimental and developmental appropriation.

Section 26. Section ~~53A-17a-133~~ is amended to read:

**53A-17a-133. State-supported voted leeway program authorized -- Election requirements -- State guarantee -- Reconsideration of the program.**

(1) An election to consider adoption or modification of a voted leeway program is required if initiative petitions signed by 10% of the number of electors who voted at the last preceding general election are presented to the local school board or by action of the board.

(2) (a) To establish a voted leeway program, a majority of the electors of a district voting at an election in the manner set forth in Section 53A-16-110 must vote in favor of a special tax.

(b) The district may maintain a school program which exceeds the cost of the program referred to in Section 53A-17a-145 with this voted leeway.

(c) In order to receive state support the first year, a district must receive voter approval no later than December 1 of the year prior to implementation.

(d) The additional program is the state-supported voted leeway program of the district.

(3) (a) ~~(i)~~ Under the voted leeway program, the state shall contribute an amount sufficient to guarantee ~~[\$12]~~ \$17.14 per weighted pupil unit for each .0001 of the first ~~[:0004]~~ .0016 per dollar of taxable value.

~~[(ii) The guarantee shall apply to the first .0006 per dollar of taxable value beginning July 1, 1996, and shall apply to an additional .0002 per dollar of taxable value each year thereafter so that the guarantee shall apply to the first .0016 of taxable value beginning July 1, 2001, and for each year thereafter.]~~

(b) ~~(i)~~ The same dollar amount guarantee per weighted pupil unit for the ~~[:0004]~~ .0016 per dollar of taxable value under Subsection (3)(a) shall apply to the board-approved leeway authorized in Section 53A-17a-134, so that the guarantee shall apply up to a total of ~~[:0008]~~ .002 per dollar of taxable value if a school district levies a tax rate ~~[of up to .0004 in]~~ under both programs.

~~[(ii) Beginning July 1, 1996, if a district levies up to .0006 in the voted leeway program and up to .0004 in the board leeway program, the guarantee shall apply up to a total of .001 for both programs and shall apply to an additional .0002 per dollar of taxable value each year thereafter through July 1, 2001, as described in Subsection (3)(a)(ii) so that the guarantee shall apply up to a total of .002 per dollar of taxable value beginning July 1, 2001, and for each year thereafter.]~~

(c) (i) Beginning July 1, ~~[1997]~~ 2002, the ~~[\$12]~~ \$17.14 guarantee under Subsections (3)(a) and (b) shall be indexed each year to the value of the weighted pupil unit by making the value of the guarantee equal to ~~[:0075]~~ .009044 times the value of the prior year's weighted pupil unit.

(ii) The guarantee shall increase by .0005 times the value of the prior year's weighted pupil unit for each succeeding year until the guarantee is equal to .010544 times the value of the prior year's weighted pupil unit.

(d) (i) The amount of state guarantee money to which a school district would otherwise be

entitled to under Subsection (3) may not be reduced for the sole reason that the district's levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant to changes in property valuation.

(ii) Subsection (3)(d)(i) applies for a period of two years following any such change in the certified tax rate.

(4) (a) An election to modify an existing voted leeway program is not a reconsideration of the existing program unless the proposition submitted to the electors expressly so states.

(b) A majority vote opposing a modification does not deprive the district of authority to continue an existing program.

(c) If adoption of a leeway program is contingent upon an offset reducing other local school board levies, the board must allow the electors, in an election, to consider modifying or discontinuing the program prior to a subsequent increase in other levies that would increase the total local school board levy.

(d) Nothing contained in this section terminates, without an election, the authority of a school district to continue an existing voted leeway program previously authorized by the voters.

Section 27. Section **53A-17a-134** is amended to read:

**53A-17a-134. Board-approved leeway -- Purpose -- State support -- Disapproval.**

(1) Each local school board may levy a tax rate of up to .0004 per dollar of taxable value to maintain a school program above the cost of the basic school program as follows:

(a) a local school board shall use the monies generated by the tax for class size reduction within the school district;

(b) if a local school board determines that the average class size in the school district is not excessive, it may use the monies for other school purposes but only if the board has declared the use for other school purposes in a public meeting prior to levying the tax rate; and

(c) a district may not use the monies for other school purposes under Subsection (1)(b) until it has certified in writing that its class size needs are already being met and has identified the other school purposes for which the monies will be used to the State Board of Education and the state board has approved their use for other school purposes.



(2) (a) The state shall contribute an amount sufficient to guarantee [~~\$21.50~~] \$17.14 per weighted pupil unit for each [~~.0002~~] .0001 per dollar of taxable value.

(b) The guarantee shall increase in the same [~~years and for the same amounts~~] manner as provided for the voted leeway guarantee in [~~Section~~] Subsections 53A-17a-133(3)(c)(i) and (ii).

(3) The levy authorized under this section is not in addition to the maximum rate of .002 authorized in Section 53A-17a-133, but is a board-authorized component of the total tax rate under that section.

(4) As an exception to Section 53A-17a-133, the board-authorized levy does not require voter approval, but the board may require voter approval if requested by a majority of the board.

(5) An election to consider disapproval of the board-authorized levy is required, if within 60 days after the levy is established by the board, referendum petitions signed by the number of legal voters required in Section 20A-7-301, who reside within the school district, are filed with the school district.

(6) (a) A local school board shall establish its board-approved levy by April 1 to have the levy apply to the fiscal year beginning July 1 in that same calendar year except that if an election is required under this section, the levy applies to the fiscal year beginning July 1 of the next calendar year.

(b) The approval and disapproval votes authorized in Subsections (4) and (5) shall occur at a general election in even-numbered years, except that a vote required under this section in odd-numbered years shall occur at a special election held on a day in odd-numbered years that corresponds to the general election date. The school district shall pay for the cost of a special election.

(7) (a) Modification or termination of a voter-approved leeway rate authorized under this section is governed by Section 53A-17a-133.

(b) A board-authorized leeway rate may be modified or terminated by a majority vote of the board subject to disapproval procedures specified in this section.

(8) A board levy election does not require publication of a voter information pamphlet.

Section 28. Section **53A-17a-135** is amended to read:

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

(1) (a) In order to qualify for receipt of the state contribution toward the basic program and as its contribution toward its costs of the basic program, each school district shall impose a minimum basic tax rate per dollar of taxable value that generates [~~\$189,329,826~~] \$196,908,771 in revenues statewide.

(b) The preliminary estimate for the [~~2000-01~~] 2001-02 tax rate is [~~.001845~~] .001768.

(c) The State Tax Commission shall certify on or before June 22 the rate that generates [~~\$189,329,826~~] \$196,908,771 in revenues statewide.

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

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

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

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

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

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

(b) The proceeds of the levy authorized under Subsection (1) which exceed the cost of the basic program shall be paid into the Uniform School Fund as provided by law.

Section 29. Section **53A-21-105** is amended to read:

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

The state contribution toward the cost of the programs established under Section 53A-21-102 for the fiscal year beginning July 1, [~~2000~~] 2001, shall consist of an appropriation totaling [~~\$28,358,000~~] \$38,358,000 to the State Board of Education from the Uniform School Fund.

Section 30. **Repealer.**

This act repeals:

Section **53A-17a-124.1, State contribution for staff development -- Training on personalized education plans.**

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

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

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

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

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

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

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

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

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

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

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

Section 31. **One-time appropriations.**

In addition to the contributions and appropriations set out in Title 53A, Chapter 17a, Minimum School Program Act, for the fiscal year beginning July 1, 2001, there is appropriated from the Uniform School Fund to the State Board of Education for distribution to school districts for the

fiscal year ending June 30, 2002, \$24,785,000 in one-time nonlapsing monies as follows:

- (1) \$1,375,000 for applied technology-district equipment;
- (2) \$1,060,000 to the Schools for the 21st Century Program;
- (3) \$7,500,000 to the Math and Science Beginning Teacher Recruitment Program;
- (4) \$8,250,000 for the Educational Technology Initiative;
- (5) \$3,800,000 for Library Media Programs; and
- (6) \$2,800,000 for Staff Development Programs.

Section 32. **Intent language.**

(1) It is the intent of the Legislature that pregnancy prevention programs in public schools must stress the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases.

(2) It is the intent of the Legislature that programs that have been block granted by the 2001 Legislature and are no longer calculated with weighted pupil units be given priority for equivalent weighted pupil unit increases when considering compensation or weighted pupil unit increases by the 2002 Legislature.

(3) (a) It is the intent of the Legislature that school districts meet existing spending criteria and requirements specific to those programs included within block grant categories and for which the local board of education chooses to expend block grant funds.

(b) It is the further intent of the Legislature that school districts report the expenditure of block grant funds to the degree of specificity and detail established by the Utah State Board of Education and sufficient to meet the intent of the Legislature as articulated in this Section (3).

(c) It is the further intent of the Legislature that block grant funds shall be allocated to school districts proportionately based upon the district's total weighted pupil units in kindergarten, grades one through 12, and the necessarily existent small schools portions of the Minimum School Basic Program.

(4) (a) It is the intent of the Legislature that the State Office of Education convene a representative committee to study the needs of English Language Learners (ELL students) in Utah and related issues.

(b) It is the further intent of the Legislature that the committee report to the Education Interim Committee by November 2001.

(5) It is the intent of the Legislature that \$72,000 of the one-time appropriation of \$8,250,000 for the Educational Technology Initiative be transferred to the Utah Schools for the Deaf and the Blind for fiscal year 2002.

(6) It is the intent of the Legislature that no more than \$70,000 of the monies appropriated to fund the School LAND Trust program shall be expended for administration of the program each year.

(7) It is the intent of the Legislature that with the fiscal year beginning July 1, 2001 and for subsequent years the State Office of Education may use carry forward funds from the Minimum School Program to pay school districts the amount necessary to make them whole for any support in subsidizing a charter school for students for whom the district does not receive appropriate state or federal funding.

**Section 33. Effective date.**

This act takes effect on July 1, 2001.

**Section 34. Coordination clause.**

(1) If this bill and S.B. 35, Public Education Capital Outlay Act Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, insert the amendments to Section 53A-21-105 in this bill as they supercede the amendments to that section in S.B. 35.

(2) If this bill and H.B. 38, School District Voted Leeway Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, insert the amendments to Sections 53A-17a-133 and 53A-17a-134 in this bill as they supercede the amendments to those sections in H.B. 38.

(3) (a) If this bill and S.B. 61, Enhancements to the State Systems of Public and Higher Education, both pass, it the intent of the Legislature that the appropriations in Section 53A-17a-131.19 and Section 31, Item (3), One-time appropriations, in this bill shall supercede:

(i) the appropriations in Subsections (2)(a) and (b) of the Appropriation Section 8 of S.B.

61; and

(ii) that part of the Effective date provision of Section 9 in S.B. 61 that would have Section (2)(b) of Appropriations Section 8 become effective May 1, 2001.

(b) The net effect of Subsection (3)(a) is to remove the appropriations for the Public Education Job Enhancement Program from S.B. 61 and have the program funded under the appropriations provisions of H.B. 3 referred to in Subsection (3)(a), effective July 1, 2001.

(c) If this bill and S.B. 61, Enhancements to the State Systems of Public and Higher Education, both pass, it is the intent of the Legislature that the appropriations in Section 53A-17a-131.9 and Section 31, Item (3), One-time appropriations, of this bill shall be distributed in accordance with Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program created in S.B. 61.