

Senator Howard A. Stephenson proposes to substitute the following bill:

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 \$1,606,881,384. The act establishes the value of the weighted pupil unit at \$2,110, 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 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



- 26 **53A-17a-124.5**, as last amended by Chapter 264, Laws of Utah 2000
- 27 **53A-17a-125**, as last amended by Chapter 264, Laws of Utah 2000
- 28 **53A-17a-126**, as last amended by Chapter 264, Laws of Utah 2000
- 29 **53A-17a-131.2**, as last amended by Chapter 264, Laws of Utah 2000
- 30 **53A-17a-131.4**, as last amended by Chapter 264, Laws of Utah 2000
- 31 **53A-17a-131.9**, as last amended by Chapter 264, Laws of Utah 2000
- 32 **53A-17a-131.13**, as enacted by Chapter 264, Laws of Utah 2000
- 33 **53A-17a-131.17**, as enacted by Chapter 264, Laws of Utah 2000
- 34 **53A-17a-132**, as last amended by Chapters 224 and 264, Laws of Utah 2000
- 35 **53A-17a-133**, as last amended by Chapter 8, Laws of Utah 1996, Second Special Session
- 36 **53A-17a-134**, as last amended by Chapter 1, Laws of Utah 1994
- 37 **53A-17a-135**, as last amended by Chapter 264, Laws of Utah 2000
- 38 **53A-21-105**, as last amended by Chapter 264, Laws of Utah 2000

39 ENACTS:

- 40 **53A-3-701**, Utah Code Annotated 1953

41 REPEALS AND REENACTS:

- 42 **53A-17a-123**, as last amended by Chapter 264, Laws of Utah 2000
- 43 **53A-17a-131.15**, as enacted by Chapter 264, Laws of Utah 2000
- 44 **53A-17a-131.16**, as enacted by Chapter 264, Laws of Utah 2000
- 45 **53A-17a-131.19**, as enacted by Chapter 264, Laws of Utah 2000

46 REPEALS:

- 47 **53A-17a-124.1**, as last amended by Chapter 264, Laws of Utah 2000
- 48 **53A-17a-128**, as last amended by Chapter 264, Laws of Utah 2000
- 49 **53A-17a-129**, as last amended by Chapter 264, Laws of Utah 2000
- 50 **53A-17a-130**, as last amended by Chapter 264, Laws of Utah 2000
- 51 **53A-17a-131.1**, as last amended by Chapter 264, Laws of Utah 2000
- 52 **53A-17a-131.3**, as last amended by Chapter 264, Laws of Utah 2000
- 53 **53A-17a-131.6**, as last amended by Chapter 264, Laws of Utah 2000
- 54 **53A-17a-131.8**, as last amended by Chapter 264, Laws of Utah 2000
- 55 **53A-17a-131.11**, as last amended by Chapter 264, Laws of Utah 2000
- 56 **53A-17a-131.12**, as last amended by Chapter 264, Laws of Utah 2000

57 **53A-17a-131.14**, as enacted by Chapter 264, Laws of Utah 2000

58 **53A-17a-131.18**, as enacted by Chapter 264, Laws of Utah 2000

59 This act enacts uncodified material.

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

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

62 **53A-1-702. Appropriations -- Allocations -- Contributions from school districts, the**
63 **business community, and technology vendors.**

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

66 (b) The appropriations are nonlapsing.

67 (2) The appropriations are allocated as follows:

68 ~~[(a) the State Board of Education shall receive the amount appropriated under Section~~
69 ~~53A-17a-131.1 for allocation to the state's school districts and distribute it in two parts:]~~

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

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

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

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

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

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

86 (c) These monies are to supplement and not supplant other state appropriations to school
87 districts and the colleges of education.

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

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

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

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

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

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

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

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

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

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

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

116 **53A-3-701. School and school district professional development plans.**

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

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

122 (2) Each plan shall include the following components:

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

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

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

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

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

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

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

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

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

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

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

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

144 (b) The board shall:

145 (i) provide positive and meaningful assistance to a school, if requested by its community
146 council or school directors, in drafting and implementing its plan; and

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

149 (4) (a) The State Board of Education, through the superintendent of public instruction,

150 shall work with school districts to identify the resources required to implement and maintain each
151 school's and school district's professional development plan required under this section.

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

154 (ii) The recommendation shall take into account:

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

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

159 (5) (a) For the fiscal year beginning July 1, 2001, school districts shall use \$15,000,000
160 of the school professional development appropriation made in Section 53A-17a-124, for teacher
161 professional development days beyond the regular school year as follows:

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

166 (ii) monies for two additional days may be allocated to a school district without matching
167 monies;

168 (iii) monies to finance a third additional day must have a district match of an additional
169 day financed from district sources; and

170 (iv) a school district may not use its allocation under Subsection (5)(a)(iii) if it fails to
171 meet the matching requirements under that subsection.

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

174 (c) It is the intent of the Legislature that of the \$15,000,000 allocated to school districts
175 for additional days \$42,305 shall be allocated to the Utah Schools for the Deaf and the Blind per
176 day for each additional day funded.

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

178 **53A-17a-103. Definitions.**

179 As used in this chapter:

180 (1) "Basic state-supported school program" or "basic program" means public education

181 programs for kindergarten, elementary, and secondary school students that are operated and
182 maintained for the amount derived by multiplying the number of weighted pupil units for each
183 district by [~~\$2,006~~] \$2,110, except as otherwise provided in this chapter.

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

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

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

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

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

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

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

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

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

203 (ii) the amount appropriated in Section 53A-17a-123 for the local discretionary block grant
204 program;

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

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

209 (B) the monies needed to support retirement and social security shall be determined by
210 taking the district's prior year allocation and adjusting it for student growth, for the percentage
211 increase in the value of the weighted pupil unit, and the effect of any change in the rates for

212 retirement, social security, or both;

213 (iv) the amount of the employer contribution required or made in behalf of employees

214 under Sections 49-2-301 and 49-3-301;

215 (v) the amount of the employer contribution under Section 1400 of the Federal Insurance

216 Contribution Act in accordance with Section 67-11-5 for local school boards;

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

218 (A) for [~~an incentives for excellence program~~] a professional development block grant

219 program;

220 [~~(B) as a contingency fund for the State Board of Education;~~]

221 [~~(C)~~] (B) for state-supported transportation;

222 [~~(D) for a staff development program;~~]

223 [~~(E) for regional service centers;~~]

224 [~~(F) for the educational technology initiative program;~~]

225 [~~(G) for a school nurse program;~~]

226 [~~(H) for a comprehensive guidance program;~~]

227 [~~(I)~~] (C) for families, agencies, and communities together for children and youth at risk

228 programs;

229 [~~(J)~~] (D) for experimental and developmental programs;

230 [~~(K)~~] (E) for alternative language services programs;

231 [~~(L)~~] (F) for highly impacted schools;

232 [~~(M) for character education programs;~~]

233 [~~(N) for technology, life, careers, and work-based programs;~~]

234 [~~(O) for truancy intervention and prevention programs;~~]

235 [~~(P)~~] (G) for a guarantee transportation levy program;

236 [~~(Q) for a reading initiative program;~~]

237 [~~(R) for a reading performance improvement scholarship program;~~]

238 [~~(S) for an alternative middle schools program;~~]

239 [~~(T)~~] (H) for a school land trust program; [~~and~~]

240 [~~(U) for an assessment and accountability program; and~~]

241 (I) for adult education programs;

242 (J) for At-risk programs;

274	[5,038] <u>6,109</u>	Preschool Special Education Program.	[\$10,106,228] <u>\$12,889,990</u>
275	[12,299] <u>12,466</u>	Self-contained regular WPU.	[\$24,671,794] <u>\$26,303,260</u>
276	237	Extended year program for severely disabled.	[\$475,422] <u>\$500,070</u>
277	1,350	Special education - state programs.	[\$2,708,100] <u>\$2,848,500</u>
278	[19,464] <u>23,423</u>	Applied technology and technical education	[\$39,044,784] <u>\$49,422,530</u>
279		district programs.	
280	989	Applied technology district set-aside.	[\$1,983,934] <u>\$2,086,790</u>
281	[10,039]	Youth at risk programs.	\$20,138,234]
282	[3,407]	Adult education.	\$6,834,442]
283	[3,841]	Accelerated learning programs.	\$7,705,046]
284	[11,549]	Local programs.	\$23,167,294]
285	[24,253]	Career ladder.	\$48,651,518]
286	29,577	Class size reduction.	[\$59,331,462] <u>\$62,407,470</u>
287	[671,513] <u>625,549</u>	TOTAL OF ALL ABOVE PROGRAMS	[\$1,347,055,078] <u>\$1,319,908,390</u>
288		<u>Professional Development Block Grant.</u>	<u>\$73,553,836</u>
289		Social Security and retirement programs.	[\$253,325,728] <u>\$214,077,244</u>
290		Pupil Transportation to and from school.	[\$53,236,772] <u>\$55,517,261</u>
291		[Contingency fund.	\$419,246]
292		[Incentives for excellence.	\$614,911]
293		[Regional service centers.	\$1,172,733]
294		[Staff Development.	\$1,965,577]
295		[Comprehensive Guidance.	\$7,420,659]
296		[Educational Technology Initiative	\$8,970,322]
297		[=Maintenance.]	
298		<u>Guarantee Transportation Levy.</u>	<u>\$500,000</u>
299		<u>Local Discretionary Block Grant Program.</u>	<u>\$49,821,560</u>
300		<u>Math and Science - Beginning Teacher Recruitment.</u>	<u>\$2,400,000</u>
301		<u>Families, Agencies, and Communities Together.</u>	<u>\$1,250,670</u>
302		Alternative Language Services.	[\$3,328,564] <u>\$3,528,564</u>
303		Highly Impacted Schools.	[\$4,873,207] <u>\$5,123,207</u>
304		[Character Education Program.	\$397,680]

305	[Families, Agencies, and Communities Together. —	\$1,250,670]
306	[School Nurses. —	\$496,949]
307	[Transportation Levy. —	\$225,000]
308	[Technology, Life, Careers, and Work-Based —	\$2,235,000]
309	[Learning Programs.]	
310	[Truancy Intervention and Prevention. —	\$150,000]
311	[Reading Performance Improvement]	
312	[Scholarship Program. —	\$9,000]
313	[Reading Initiative. —	\$5,000,000]
314	<u>At-risk Programs.</u>	<u>\$24,909,715</u>
315	<u>Adult Education.</u>	<u>\$8,330,167</u>
316	<u>Accelerated Learning Programs.</u>	<u>\$9,507,610</u>
317	<u>Block Grant Hold Harmless.</u>	<u>\$3,897,110</u>
318	Experimental and Developmental Program.	[\$5,933,056] <u>\$3,102,369</u>
319	[Alternative Middle Schools Program. —	\$2,000,000]
320	<u>Electronic High School.</u>	<u>\$200,000</u>
321	School Land Trust Program.	[\$4,775,000] <u>\$5,200,000</u>
322	[Assessment and Accountability Program. —	\$3,500,000]
323	[State Contribution to School Districts. —	\$1,113,100]
324	State-supported voted leeway.	[\$121,242,797] <u>\$141,362,359</u>
325	State-supported board leeway.	[\$36,111,863] <u>\$41,149,682</u>
326	Total estimated contributions to	[\$1,866,822,912] <u>\$1,963,339,744</u>
327	school districts for all programs.	
328	Less estimated proceeds from	[\$331,712,666] <u>\$356,458,360</u>
329	state-supported local levies.	
330	TOTAL STATE FUNDS	[\$1,535,110,246] <u>\$1,606,881,384</u>

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

332 **53A-17a-111. Weighted pupil units for programs for students with disabilities --**

333 **District allocation.**

334 (1) There is appropriated to the State Board of Education [\$143,671,726 (71,621]

335 \$154,694,650 (73,315 weighted pupil units) for allocation to local school board programs for

336 students with disabilities.

337 (2) Included in the appropriation is [~~\$105,710,182~~] \$112,152,830 for add-on WPU for
338 students with disabilities enrolled in regular programs.

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

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

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

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

353 (7) Each district shall receive its allocation of monies appropriated in Subsection
354 53A-17a-111(2) for add-on WPU for students with disabilities enrolled in regular programs as
355 provided in this subsection.

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

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

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

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

367 factor from the prior year.

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

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

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

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

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

380 **53A-17a-112. Preschool special education appropriation -- Extended year program**
381 **appropriation -- Appropriation for special education programs in state institutions.**

382 (1) Included in the [~~\$143,671,726~~] \$154,694,650 appropriation under Section
383 53A-17a-111 is:

384 (a) an amount of [~~\$10,106,228~~] \$12,889,990 for preschool special education programs;

385 (b) an amount of [~~\$24,671,794~~] \$26,303,260 for self-contained regular WPU special
386 education programs;

387 (c) an amount of [~~\$475,422~~] \$500,070 for extended year programs for the severely
388 disabled; and

389 (d) an amount of [~~\$2,708,100~~] \$2,848,500 for special education programs in state
390 institutions and for district impact aid.

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

394 (b) The monies are distributed on the basis of a school district's previous year December
395 1 disabled preschool child count as mandated by federal law.

396 (3) The extended school year program for the severely disabled is limited to students with
397 severe disabilities with education program goals identifying significant regression and recoupment

398 disability as approved by the State Board of Education.

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

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

404 (5) (a) The State Board of Education shall compute preschool funding by a factor of
405 [~~1.205~~] 1.47 times the current December 1 child count of eligible preschool aged three, four, and
406 five-year-olds times the WPU value, limited to 8% growth over the prior year December 1 count.

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

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

410 **53A-17a-113. Weighted pupil units for applied technology education programs --**
411 **Funding of approved programs -- Performance measures -- Qualifying criteria.**

412 (1) There is appropriated to the State Board for Applied Technology Education, hereafter
413 referred to in this section as the board, [~~\$39,044,784 (19,464)~~] \$49,422,530 (23,423 weighted pupil
414 units) to pay the added instructional costs of approved applied technology education programs.

415 (a) Included in the appropriation is [~~\$844,526~~] \$888,310 (421 weighted pupil units) for
416 summer applied technology agriculture programs.

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

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

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

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

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

428 (c) Leadership organization funds shall constitute an amount not to exceed 1% of the total

429 appropriation under this section, and shall be distributed to each local educational agency
430 sponsoring applied technology student leadership organizations in a ratio representing the agency's
431 share of the state's total membership in those organizations.

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

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

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

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

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

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

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

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

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

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

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

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

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

460 **53A-17a-116. Weighted pupil units for applied technology set-aside programs.**

461 (1) There is appropriated to the State Board for Applied Technology Education
462 [~~\$1,983,934~~] \$2,086,790 (989 weighted pupil units) for an applied technology set-aside program.

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

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

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

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

470 **53A-17a-119. Appropriation for adult education programs.**

471 (1) There is appropriated to the State Board of Education [~~\$6,834,442 (3,407 weighted~~
472 ~~pupil units)~~] \$8,330,167 for allocation to local school boards for adult education programs,
473 consisting of adult high school completion and adult basic skills programs.

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

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

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

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

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

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

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

491 **53A-17a-120. Appropriation for accelerated learning programs.**

492 (1) There is appropriated to the State Board of Education [~~\$7,705,046 (3,841 weighted~~
493 ~~pupil units)~~ \$9,507,610 for allocation to local school boards for accelerated learning programs in
494 grades one through 12, which include programs for the gifted and talented, concurrent enrollment,
495 and advanced placement.

496 (2) (a) A school participating in the concurrent enrollment programs offered under Section
497 53A-15-101 shall receive on a per student basis up to \$33.33 per quarter hour or \$50 per semester
498 hour for each hour of higher education course work undertaken at the school.

499 (b) Each year the amounts specified in Subsection (2)(a) shall be adjusted in proportion to
500 the increase in the value of the weighted pupil unit from the prior year established in Subsection
501 53A-17a-103(1).

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

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

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

508 **53A-17a-121. Appropriation for At-risk programs.**

509 (1) There is appropriated to the State Board of Education [~~\$20,138,234 (10,039 weighted~~
510 ~~pupil units)~~ \$24,909,715 for allocation to local school boards for [~~youth at risk~~] at-risk programs,
511 including the following:

512 (a) youth in custody;

513 (b) adolescent pregnancy prevention;

514 (c) homeless and disadvantaged minority students;

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

516 (e) gang prevention and intervention; and

517 (f) at-risk flow through.

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

521 (3) (a) From the amount appropriated for [~~youth at risk~~] At-risk programs, the board shall

522 allocate moneys for adolescent pregnancy prevention programs to school districts on the basis of
523 a district's total number of students enrolled in classes as of October 1 that teach a curriculum of
524 adolescent pregnancy prevention as compared to the total number of students enrolled in such
525 programs in school districts throughout the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

572 **53A-17a-123. State contribution for local discretionary block grant program.**

573 (1) There is appropriated to the State Board of Education for the fiscal year beginning July
574 1, 2001, \$49,821,560 for a local discretionary block grant program comprised of the following
575 components:

576 (a) truancy intervention and prevention;

577 (b) an unrestricted local program;

578 (c) incentives for excellence;

579 (d) the Educational Technology Initiative;

580 (e) character education;

581 (f) school nurses;

582 (g) alternative middle schools;

583 (h) reading initiative;

584 (i) experimental-developmental programs; and

585 (j) a local discretionary program.

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

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

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

595 **53A-17a-124. State contributions to professional development.**

596 (1) There is appropriated to the State Board of Education [~~\$48,651,518 (24,253 weighted~~
597 ~~pupil units)] for the fiscal year beginning July 1, 2001, \$73,553,836 for teacher professional
598 development programs and teacher career ladders for distribution to school districts [in accordance
599 with career ladder guidelines provided by the state board and Title 53A, Chapter 9] on the basis
600 of each district's total weighted pupil units in kindergarten, grades one through 12, and the
601 necessarily existent small schools portions of the Minimum School Program as compared to the
602 state total.~~

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

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

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

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

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

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

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

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

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

615 regular classroom performance;

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

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

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

623 (3) Of the amount appropriated, \$15,000,000 shall be distributed by the State Board of
624 Education for teacher professional development days beyond the regular school year under Section
625 53A-3-701 and standards established by the board in accordance with Title 63, Chapter 46a, Utah
626 Administrative Procedures Act.

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

628 **53A-17a-124.5. Appropriation for class size reduction.**

629 (1) There is appropriated to the State Board of Education for the fiscal year beginning July
630 1, [~~2000, \$59,331,462~~] 2001, \$62,407,470 (29,577 weighted pupil units) to reduce the average
631 class size in kindergarten through the eighth grade in the state's public schools.

632 (2) Each district shall receive its allocation based upon prior year average daily
633 membership in kindergarten through grade eight plus growth as determined under Subsection
634 53A-17a-106(3) as compared to the state total.

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

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

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

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

645 (5) (a) A school district may use up to 20% of its allocation under Subsection (1) for

646 capital facilities projects if such projects would help to reduce class size.

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

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

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

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

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

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

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

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

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

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

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

670 **53A-17a-125. Appropriation for retirement and social security.**

671 (1) There is appropriated to the State Board of Education [~~\$253,325,728~~] for the fiscal year
672 beginning July 1, 2001, \$214,077,244 for retirement and social security costs.

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

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

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

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

680 **53A-17a-126. State support of pupil transportation -- Incentives to increase economy**
681 **and productivity in student transportation.**

682 (1) The state's contribution of [~~\$53,236,772~~] \$55,517,261 for state-supported
683 transportation of public school students is apportioned and distributed in accordance with Section
684 53A-17a-127, except as otherwise provided in this section.

685 (2) (a) Included in the appropriation under Subsection (1) is an amount not less than
686 [~~\$1,710,235~~] \$1,914,400 to be deducted prior to any other distribution under this section to school
687 districts, and allocated to the Utah Schools for the Deaf and the Blind to pay transportation costs
688 of the schools' students.

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

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

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

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

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

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

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

707 (6) (a) Local school boards shall provide salary adjustments to employee groups that work

708 with the transportation of students comparable to those of classified employees authorized under
709 Section 53A-17a-137, when dividing the weighted pupil unit for salary adjustment purposes.

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

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

714 **53A-17a-131.2. State contribution to highly impacted schools program.**

715 The state's contribution of [~~\$4,873,207~~] \$5,123,207 for the Highly Impacted Schools
716 Program for the fiscal year beginning July 1, [~~2000~~] 2001, is appropriated to the State Board of
717 Education for distribution according to the formula adopted by the board under Section
718 53A-15-701, which authorizes the Highly Impacted Schools Program.

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

720 **53A-17a-131.4. State contribution to Alternative Language Services Program.**

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

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

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

729 **53A-17a-131.9. State contribution to agencies coming together for children and**
730 **youth at risk.**

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

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

737 (3) A participant's parent or legal guardian shall be actively involved in the program and
738 all applicable state and federal laws and regulations shall be observed by the entities and

739 individuals providing the services.

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

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

744 **53A-17a-131.13. State contribution to guarantee transportation levy.**

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

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

750 **53A-17a-131.15. State contribution for the Electronic High School.**

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

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

756 **53A-17a-131.16. State contribution for school district hold harmless program.**

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

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

763	<u>Beaver</u>	<u>\$67,019</u>
764	<u>Cache</u>	<u>\$31,416</u>
765	<u>Carbon</u>	<u>\$151,415</u>
766	<u>Daggett</u>	<u>\$86,354</u>
767	<u>Davis</u>	<u>\$6,368</u>
768	<u>Duchesne</u>	<u>\$83,141</u>
769	<u>Emery</u>	<u>\$78,769</u>

770	<u>Garfield</u>	<u>\$51,188</u>
771	<u>Grand</u>	<u>\$146,213</u>
772	<u>Granite</u>	<u>\$379,456</u>
773	<u>Iron</u>	<u>\$268,325</u>
774	<u>Juab</u>	<u>\$81,005</u>
775	<u>Kane</u>	<u>\$55,085</u>
776	<u>Millard</u>	<u>\$176,251</u>
777	<u>Morgan</u>	<u>\$75,443</u>
778	<u>Nebo</u>	<u>\$15,333</u>
779	<u>North Sanpete</u>	<u>\$222,804</u>
780	<u>North Summit</u>	<u>\$84,095</u>
781	<u>Park City</u>	<u>\$62,226</u>
782	<u>Piute</u>	<u>\$80,627</u>
783	<u>Rich</u>	<u>\$78,542</u>
784	<u>San Juan</u>	<u>\$82,539</u>
785	<u>Sevier</u>	<u>\$42,898</u>
786	<u>South Sanpete</u>	<u>\$74,388</u>
787	<u>South Summit</u>	<u>\$73,910</u>
788	<u>Tintic</u>	<u>\$80,932</u>
789	<u>Uintah</u>	<u>\$113,827</u>
790	<u>Wasatch</u>	<u>\$102,531</u>
791	<u>Wayne</u>	<u>\$81,079</u>
792	<u>Weber</u>	<u>\$8,670</u>
793	<u>Salt Lake City</u>	<u>\$170,919</u>
794	<u>Ogden</u>	<u>\$412,576</u>
795	<u>Provo</u>	<u>\$132,060</u>
796	<u>Logan</u>	<u>\$123,326</u>
797	<u>Murray</u>	<u>\$54,156</u>
798	<u>Utah Schools for the</u>	
799	<u>Deaf and the Blind</u>	<u>\$62,224</u>

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

801 **53A-17a-131.17. State contribution for a School Land Trust Program.**

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

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

808 **53A-17a-131.19. State contribution to math and science beginning teacher**
809 **recruitment program.**

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

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

815 **53A-17a-132. Experimental and developmental programs.**

816 (1) The state's contribution of [~~\$5,933,056~~] \$3,102,369 for experimental and
817 developmental programs for the fiscal year beginning July 1, [~~2000~~] 2001, is appropriated to the
818 State Board of Education for distribution to school districts [~~as follows: (a) the board shall~~
819 ~~distribute the first part, 34% of the appropriation, equally among the state's 40 school districts; (b)~~
820 ~~the board shall distribute the second part, 41% of the appropriation, to each district on the basis~~
821 ~~of its kindergarten through grade 12 average daily membership for the prior year as compared to~~
822 ~~the prior year state total kindergarten through grade 12 average daily membership; and (c) the~~
823 ~~board shall distribute 25% of the appropriation] pursuant to standards established by the board in
824 accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.~~

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

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

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

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

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

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

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

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

843 **53A-17a-133. State-supported voted leeway program authorized -- Election**
844 **requirements -- State guarantee -- Reconsideration of the program.**

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

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

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

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

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

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

858 [~~(ii) The guarantee shall apply to the first .0006 per dollar of taxable value beginning July
859 1, 1996, and shall apply to an additional .0002 per dollar of taxable value each year thereafter so
860 that the guarantee shall apply to the first .0016 of taxable value beginning July 1, 2001, and for
861 each year thereafter.~~]

862 (b) [(†)] The same dollar amount guarantee per weighted pupil unit for the [-:0004] .0016

863 per dollar of taxable value under Subsection (3)(a) shall apply to the board-approved leeway
864 authorized in Section 53A-17a-134, so that the guarantee shall apply up to a total of [~~.0008~~] .002
865 per dollar of taxable value if a school district levies a tax rate [~~of up to .0004 in~~] under both
866 programs.

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

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

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

878 (d) (i) The amount of state guarantee money to which a school district would otherwise
879 be entitled to under Subsection (3) may not be reduced for the sole reason that the district's levy
880 is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant
881 to changes in property valuation.

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

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

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

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

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

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

895 **53A-17a-134. Board-approved leeway -- Purpose -- State support -- Disapproval.**

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

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

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

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

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

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

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

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

916 (5) An election to consider disapproval of the board-authorized levy is required, if within
917 60 days after the levy is established by the board, referendum petitions signed by the number of
918 legal voters required in Section 20A-7-301, who reside within the school district, are filed with the
919 school district.

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

924 (b) The approval and disapproval votes authorized in Subsections (4) and (5) shall occur

925 at a general election in even-numbered years, except that a vote required under this section in
926 odd-numbered years shall occur at a special election held on a day in odd-numbered years that
927 corresponds to the general election date. The school district shall pay for the cost of a special
928 election.

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

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

933 (8) A board levy election does not require publication of a voter information pamphlet.
934 Section 28. Section **53A-17a-135** is amended to read:

935 **53A-17a-135. Certified revenue levy.**

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

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

941 (c) The State Tax Commission shall certify on or before June 22 the rate that generates
942 [~~\$189,329,826~~] \$196,908,771 in revenues statewide.

943 (d) If the minimum basic tax rate exceeds the certified revenue levy as defined in Section
944 59-2-102, the state is subject to the notice requirements of Section 59-2-926.

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

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

955 (2) (a) The state shall contribute to each district toward the cost of the basic program in

956 the district that portion which exceeds the proceeds of the levy authorized under Subsection (1).

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

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

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

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

966 **53A-21-105. State contribution to capital outlay programs.**

967 The state contribution toward the cost of the programs established under Section
968 53A-21-102 for the fiscal year beginning July 1, [~~2000~~] 2001, shall consist of an appropriation
969 totaling [~~\$28,358,000~~] \$38,358,000 to the State Board of Education from the Uniform School
970 Fund.

971 Section 30. **Repealer.**

972 This act repeals:

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

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

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

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

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

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

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

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

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

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

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

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

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

990 In addition to the contributions and appropriations set out in Title 53A, Chapter 17a,
991 Minimum School Program Act, for the fiscal year beginning July 1, 2001, there is appropriated
992 from the Uniform School Fund to the State Board of Education for distribution to school districts
993 for the fiscal year ending June 30, 2002, \$24,785,000 in one-time nonlapsing monies as follows:

994 (1) \$1,375,000 for applied technology-district equipment;

995 (2) \$1,060,000 to the Schools for the 21st Century Program;

996 (3) \$7,500,000 to the Math and Science Beginning Teacher Recruitment Program;

997 (4) \$8,250,000 for the Educational Technology Initiative;

998 (5) \$3,800,000 for Library Media Programs; and

999 (6) \$2,800,000 for Staff Development Programs.

1000 Section 32. **Intent language.**

1001 (1) It is the intent of the Legislature that pregnancy prevention programs in public schools
1002 must stress the importance of abstinence from all sexual activity before marriage and fidelity after
1003 marriage as methods for preventing certain communicable diseases.

1004 (2) It is the intent of the Legislature that programs that have been block granted by the
1005 2001 Legislature and are no longer calculated with weighted pupil units be given priority for
1006 equivalent weighted pupil unit increases when considering compensation or weighted pupil unit
1007 increases by the 2002 Legislature.

1008 (3) (a) It is the intent of the Legislature that school districts meet existing spending criteria
1009 and requirements specific to those programs included within block grant categories and for which
1010 the local board of education chooses to expend block grant funds.

1011 (b) It is the further intent of the Legislature that school districts report the expenditure of
1012 block grant funds to the degree of specificity and detail established by the Utah State Board of
1013 Education and sufficient to meet the intent of the Legislature as articulated in this Section (3).

1014 (c) It is the further intent of the Legislature that block grant funds shall be allocated to
1015 school districts proportionately based upon the district's total weighted pupil units in kindergarten,
1016 grades one through 12, and the necessarily existent small schools portions of the Minimum School
1017 Basic Program.

1018 (4) (a) It is the intent of the Legislature that the State Office of Education convene a
1019 representative committee to study the needs of English Language Learners (ELL students) in Utah
1020 and related issues.

1021 (b) It is the further intent of the Legislature that the committee report to the Education
1022 Interim Committee by November 2001.

1023 (5) It is the intent of the Legislature that \$72,000 of the one-time appropriation of
1024 \$8,250,000 for the Educational Technology Initiative be transferred to the Utah Schools for the
1025 Deaf and the Blind for fiscal year 2002.

1026 (6) It is the intent of the Legislature that no more than \$70,000 of the monies appropriated
1027 to fund the School LAND Trust program shall be expended for administration of the program each
1028 year.

1029 (7) It is the intent of the Legislature that with the fiscal year beginning July 1, 2001 and
1030 for subsequent years the State Office of Education may use carry forward funds from the Minimum
1031 School Program to pay school districts the amount necessary to make them whole for any support
1032 in subsidizing a charter school for students for whom the district does not receive appropriate state
1033 or federal funding.

1034 **Section 33. Effective date.**

1035 This act takes effect on July 1, 2001.

1036 **Section 34. Coordination clause.**

1037 (1) If this bill and S.B. 35, Public Education Capital Outlay Act Amendments, both pass,
1038 it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in
1039 preparing the Utah Code database for publication, insert the amendments to Section 53A-21-105
1040 in this bill as they supercede the amendments to that section in S.B. 35.

1041 (2) If this bill and H.B. 38, School District Voted Leeway Amendments, both pass, it is
1042 the intent of the Legislature that the Office of Legislative Research and General Counsel, in
1043 preparing the Utah Code database for publication, insert the amendments to Sections 53A-17a-133
1044 and 53A-17a-134 in this bill as they supercede the amendments to those sections in H.B. 38.

1045 (3) (a) If this bill and S.B. 61, Enhancements to the State Systems of Public and Higher
1046 Education, both pass, it the intent of the Legislature that the appropriations in Section
1047 53A-17a-131.19 and Section 30, Item (4), One-time appropriations, of this act shall supercede:

1048 (i) the appropriations in Subsections (2)(a) and (b) of the Appropriation Section 8 of S.B.

1049 61; and

1050 (ii) that part of the Effective date provision of Section 9 in S.B. 61 that would have Section
1051 (2)(b) of Appropriations Section 8 become effective May 1, 2001.

1052 (b) The net effect of Subsection (3)(a) is to remove the appropriations for the Public
1053 Education Job Enhancement Program from S.B. 61 and have the program funded under the
1054 appropriations provisions of H.B. 3 referred to in Subsection (3)(a).