

1 **MINIMUM SCHOOL PROGRAM ACT**

2 **AMENDMENTS**

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Howard A. Stephenson**

6 **This act modifies provisions relating to the State System of Public Education in the funding**
7 **of the Minimum School Program. This act provides a ceiling for the state contribution of the**
8 **of the operation and maintenance portion of the minimum school program Minimum School**
9 **Program Act not to exceed \$1,586,482,794. This act establishes the value of the weighted**
10 **pupil unit at \$2,132, establishes block grants and distribution formulas, and provides a**
11 **\$28,358,000 appropriation for school building aid. This act takes effect on July 1, 2002.**

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

13 AMENDS:

14 **53A-3-701**, as enacted by Chapter 335, Laws of Utah 2001

15 **53A-13-107**, as last amended by Chapter 224, Laws of Utah 2000

16 **53A-17a-103**, as last amended by Chapter 335, Laws of Utah 2001

17 **53A-17a-104**, as last amended by Chapter 335, Laws of Utah 2001

18 **53A-17a-111**, as last amended by Chapter 335, Laws of Utah 2001

19 **53A-17a-112**, as last amended by Chapter 335, Laws of Utah 2001

20 **53A-17a-113**, as last amended by Chapter 5, Laws of Utah 2001, First Special Session

21 **53A-17a-114**, as last amended by Chapter 306, Laws of Utah 1993

22 **53A-17a-116**, as last amended by Chapter 5, Laws of Utah 2001, First Special Session

23 **53A-17a-119**, as last amended by Chapter 335, Laws of Utah 2001

24 **53A-17a-120**, as last amended by Chapter 335, Laws of Utah 2001

25 **53A-17a-121**, as last amended by Chapter 335, Laws of Utah 2001

26 **53A-17a-123**, as repealed and reenacted by Chapter 335, Laws of Utah 2001

27 **53A-17a-124**, as last amended by Chapter 335, Laws of Utah 2001



- 28 **53A-17a-124.5**, as last amended by Chapter 335, Laws of Utah 2001
- 29 **53A-17a-125**, as last amended by Chapter 335, Laws of Utah 2001
- 30 **53A-17a-126**, as last amended by Chapter 335, Laws of Utah 2001
- 31 **53A-17a-131.2**, as last amended by Chapter 335, Laws of Utah 2001
- 32 **53A-17a-131.9**, as last amended by Chapter 335, Laws of Utah 2001
- 33 **53A-17a-131.13**, as last amended by Chapter 335, Laws of Utah 2001
- 34 **53A-17a-131.15**, as repealed and reenacted by Chapter 335, Laws of Utah 2001
- 35 **53A-17a-131.17**, as last amended by Chapter 335, Laws of Utah 2001
- 36 **53A-17a-131.19**, as repealed and reenacted by Chapter 335, Laws of Utah 2001
- 37 **53A-17a-132**, as last amended by Chapter 335, Laws of Utah 2001
- 38 **53A-17a-133**, as last amended by Chapters 335 and 336, Laws of Utah 2001
- 39 **53A-17a-135**, as last amended by Chapter 335, Laws of Utah 2001
- 40 **53A-17a-146**, as renumbered and amended by Chapter 72, Laws of Utah 1991
- 41 **53A-21-105**, as last amended by Chapters 234 and 335, Laws of Utah 2001

42 ENACTS:

- 43 **53A-17a-123.5**, Utah Code Annotated 1953
- 44 **53A-17a-148**, Utah Code Annotated 1953

45 REPEALS:

- 46 **53A-17a-113.5**, as enacted by Chapter 11, Laws of Utah 1996
- 47 **53A-17a-117**, as last amended by Chapter 53, Laws of Utah 1992
- 48 **53A-17a-131.4**, as last amended by Chapter 335, Laws of Utah 2001

49 This act enacts uncodified material.

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

51 Section 1. Section **53A-3-701** is amended to read:

52 **53A-3-701. School and school district professional development plans.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

80 (b) The board shall:

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

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

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

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

90 (ii) The recommendation shall take into account:

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

93 (B) the [~~professional development block grant program~~] Quality Teaching Block Grant
94 Program authorized under the Minimum School Program Act.

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

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

102 [~~(ii) monies for these two additional days shall be allocated to a school district without~~
103 ~~requiring matching monies:]~~

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

108 [~~(c) Schools are urged to collaborate with one another in the implementation of the teacher~~
109 ~~development program under Subsection (5)(a) to maximize the effectiveness of the appropriation:]~~

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

113 Section 2. Section **53A-13-107** is amended to read:

114 **53A-13-107. Adoption information.**

115 (1) Each local school board shall ensure that an annual presentation on adoption is given
116 to its secondary school students in grades 7-12, so that each student receives the presentation at
117 least once during grades 7-9 and at least once during grades 10-12.

118 (2) The presentation shall be made by a licensed teacher as part of the health education
119 core [~~and may be included as part of a district's teenage pregnancy prevention program authorized~~
120 ~~under Section 53A-17a-121].~~

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

122 **53A-17a-103. Definitions.**

123 As used in this chapter:

124 (1) "Basic state-supported school program" or "basic program" means public education
125 programs for kindergarten, elementary, and secondary school students that are operated and
126 maintained for the amount derived by multiplying the number of weighted pupil units for each
127 district by [~~\$2,116~~] \$2,132, except as otherwise provided in this chapter.

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

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

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

134 (5) (a) "State-supported minimum school program" or "minimum school program" means
135 public school programs for kindergarten, elementary, and secondary schools as described in this
136 Subsection (5).

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

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

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

145 [~~(c)~~] (d) The program shall be operated and maintained for the total of the following
146 annual costs:

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

148 (ii) [~~the amount~~] other amounts appropriated in [~~Section 53A-17a-123 for the local~~
149 ~~discretionary block grant~~] Chapter 17a in addition to the basic program; and

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

151 [~~(A) each school district shall receive its share of retirement and social security monies~~]

152 based on its total weighted pupil units compared to the total weighted pupil units for all districts
 153 in the state;]

154 [~~(B) the monies needed to support retirement and social security shall be determined by~~
 155 ~~taking the district's prior year allocation and adjusting it for student growth, for the percentage~~
 156 ~~increase in the value of the weighted pupil unit, and the effect of any change in the rates for~~
 157 ~~retirement, social security, or both;]~~

158 [~~(iv) the amount of the employer contribution required or made in behalf of employees~~
 159 ~~under Sections 49-2-301 and 49-3-301;]~~

160 [~~(v) the amount of the employer contribution under Section 1400 of the Federal Insurance~~
 161 ~~Contribution Act in accordance with Section 67-11-5 for local school boards;]~~

162 [~~(vi) the amount appropriated in Chapter 17a:]~~

163 [~~(A) for a professional development block grant program;]~~

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

165 [~~(C) for families, agencies, and communities together for children and youth at risk~~
 166 ~~programs;]~~

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

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

169 [~~(F) for highly impacted schools;]~~

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

171 [~~(H) for a school land trust program;]~~

172 [~~(I) for adult education programs;]~~

173 [~~(J) for At-risk programs;]~~

174 [~~(K) for accelerated learning programs;]~~

175 [~~(L) for a math and science beginning teacher recruitment program;]~~

176 [~~(M) for a block grant hold harmless program; and]~~

177 [~~(N) for an electronic high school program; and]~~

178 [~~(vii) the cost of a leeway program.]~~

179 [~~(d)~~ (iii) ~~[The program includes]~~ school construction aid programs authorized under Title
 180 53A, Chapter 21, Public Education Capital Outlay Act.

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

183 basis for each district.

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

185 **53A-17a-104. Amount of state's contribution toward minimum school program.**

186 (1) The total contribution of the state toward the cost of the operation and maintenance
 187 portion of the minimum school program [~~as provided and defined in Section 53A-17a-103;~~] may
 188 not exceed the sum of [~~\$1,607,061,760~~] \$1,586,482,794 for the [~~2001-02 school year~~] fiscal year
 189 beginning July 1, 2002, except as otherwise provided by the Legislature through supplemental
 190 appropriations.

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

193			Estimated State and
194			Local Funds at
195	Estimated		[\$2,116] <u>\$2,132</u>
196	Weighted	Purpose	Per Weighted
197	Pupil Units	State Contribution	Pupil Unit
198	[20,616] <u>20,097</u>	Basic program - kindergarten.	[-\$43,623,456] <u>\$42,846,804</u>
199	[427,244] <u>429,871</u>	Basic program - grades 1-12.	[\$904,048,304] <u>\$916,484,972</u>
200	[41,394] <u>41,187</u>	Basic program - professional staff.	[-\$87,589,704] <u>\$87,810,684</u>
201	1,655	Basic program - administrative costs.	[\$3,501,980] <u>\$3,528,460</u>
202	[7,336] <u>7,386</u>	Basic program - necessarily existent small	[\$15,522,976] <u>\$15,746,952</u>
203		schools and units for consolidated schools.	
204	[53,153] <u>52,997</u>	Special education - regular program	[\$112,471,748] <u>\$112,989,604</u>
205		- add-on WPUs for students with disabilities.	
206	[6,109] <u>6,146</u>	Preschool Special Education Program.	[\$12,926,644] <u>\$13,103,272</u>
207	[12,466] <u>12,542</u>	Self-contained regular WPUs.	[\$26,378,056] <u>\$26,739,544</u>
208	[237] <u>238</u>	Extended year program for severely disabled.	[\$501,492] <u>\$507,416</u>
209	[1,350] <u>1,358</u>	Special education - state programs.	[\$2,856,600] <u>\$2,895,256</u>
210	[23,423] <u>23,566</u>	Applied technology and technical education	[\$49,563,068] <u>\$50,242,712</u>
211		district programs.	
212	[989] <u>995</u>	Applied technology district set-aside.	[\$2,092,724] <u>\$2,121,340</u>
213	[29,577] <u>29,757</u>	Class size reduction.	[\$62,584,932] <u>\$63,441,924</u>

214	[625,549] <u>627,795</u>	TOTAL OF ALL ABOVE PROGRAMS	[\$1,323,661,684]	<u>\$1,338,458,940</u>
215		[Professional Development Block Grant.	—————	\$68,821,511]
216		Social Security and retirement programs.	[\$214,685,479]	<u>\$217,072,218</u>
217		Pupil Transportation to and from school.	[\$55,745,940]	<u>\$56,164,040</u>
218		Guarantee Transportation Levy.		\$500,000
219		Local Discretionary Block Grant Program.	[\$49,948,636]	<u>\$21,824,448</u>
220		<u>Interventions for Student Success Block Grant Program</u>		<u>\$15,553,062</u>
221		<u>Quality Teaching Block Grant Program</u>		<u>\$69,178,111</u>
222		Math and Science - Beginning Teacher Recruitment.	[\$2,400,000]	<u>\$500,000</u>
223		[Families, Agencies, and Communities Together.	—————	\$1,250,670]
224		[Alternative Language Services.	—————	\$3,528,564]
225		Highly Impacted Schools.		\$5,123,207
226		At-risk Programs.	[\$25,023,588]	<u>\$24,324,161</u>
227		Adult Education.	[\$8,368,247]	<u>\$8,431,047</u>
228		Accelerated Learning Programs.	[\$9,551,074]	<u>\$8,622,674</u>
229		[Block Grant Hold Harmless.	—————	\$3,897,110]
230		Experimental and Developmental Program.	[\$3,102,369]	<u>\$602,369</u>
231		Electronic High School.	[\$200,000]	<u>\$400,000</u>
232		School LAND Trust Program.	[\$5,200,000]	<u>\$6,000,000</u>
233		State-supported voted leeway.	[\$141,362,359]	<u>\$141,682,087</u>
234		State-supported board leeway.	[\$41,149,682]	<u>\$41,465,445</u>
235		Total estimated contributions to	[\$1,963,520,120]	<u>\$1,955,901,809</u>
236		school districts for all programs.		
237		Less estimated proceeds from	[\$356,458,360]	<u>\$369,419,015</u>
238		state-supported local levies.		
239		TOTAL STATE FUNDS	[\$1,607,061,760]	<u>\$1,586,482,794</u>

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

241 **53A-17a-111. Weighted pupil units for programs for students with disabilities --**

242 **District allocation.**

243 (1) There is appropriated to the State Board of Education [~~\$155,134,540 (73,315)~~] for the
 244 fiscal year beginning July 1, 2002, \$156,235,092 (73,281 weighted pupil units) for allocation to

245 local school board programs for students with disabilities.

246 (2) Included in the appropriation is [~~\$112,471,748~~] \$112,989,604 for add-on WPUs for
247 students with disabilities enrolled in regular programs.

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

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

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

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

262 (7) Each district shall receive its allocation of monies appropriated in Subsection
263 53A-17a-111(2) for add-on WPUs for students with disabilities enrolled in regular programs as
264 provided in this subsection.

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

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

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

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

276 factor from the prior year.

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

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

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

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

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

289 **53A-17a-112. Preschool special education appropriation -- Extended year program**
290 **appropriation -- Appropriation for special education programs in state institutions.**

291 (1) Included in the [~~\$155,134,540~~] \$156,235,092 appropriation under Section
292 53A-17a-111 is:

293 (a) an amount of [~~\$12,926,644~~] \$13,103,272 for preschool special education programs;

294 (b) an amount of [~~\$26,378,056~~] \$26,739,544 for self-contained regular WPU special
295 education programs;

296 (c) an amount of [~~\$501,492~~] \$507,416 for extended year programs for the severely
297 disabled; and

298 (d) an amount of [~~\$2,856,600~~] \$2,895,256 for special education programs in state
299 institutions and for district impact aid.

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

303 (b) The monies are distributed on the basis of a school district's previous year December
304 1 disabled preschool child count as mandated by federal law.

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

307 disability as approved by the State Board of Education.

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

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

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

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

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

319 **53A-17a-113. Weighted pupil units for applied technology education programs --**
320 **Funding of approved programs -- Performance measures -- Qualifying criteria.**

321 (1) (a) There is appropriated to the State Board of Education~~[, hereafter referred to in this~~
322 ~~section as the board, \$49,563,068 (23,423)]~~ for the fiscal year beginning July 1, 2002, \$50,242,712
323 (23,566 weighted pupil units) to pay [the added instructional costs of] for approved applied
324 technology education programs and the comprehensive guidance program.

325 ~~[(a)]~~ (b) Included in the appropriation is ~~[\$890,836]~~ \$908,232 ~~([421]~~ 426 ~~weighted pupil~~
326 ~~units) for summer applied technology agriculture programs.~~

327 (c) The money appropriated in this Subsection (1):

328 ~~[(b) These monies are]~~ (i) shall be allocated to eligible recipients as provided in
329 Subsections (2), (3), and (4)~~[; and~~

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

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

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

336 (b) The board shall use an amount not to exceed 20% of the total appropriation under this
337 section to fund approved programs based on performance measures such as placement and

338 competency attainment defined in standards set by the board [~~for districts to qualify for applied~~
339 ~~technology funding~~].

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

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

347 (3) (a) Twenty weighted pupil units shall be computed for applied technology education
348 administrative costs for each district, [~~or~~] except 25 weighted pupil units may be computed for
349 each district that consolidates applied technology administrative services with one or more other
350 districts.

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

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

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

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

360 (4) (a) [~~All monies allocated under Subsection (1) are computed by~~] Monies remaining
361 after the allocations made under Subsections (2) and (3) shall be allocated using average daily
362 membership in approved programs for the previous year.

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

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

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

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

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

373 Section 8. Section **53A-17a-114** is amended to read:

374 **53A-17a-114. Applied technology program alternatives.**

375 (1) If a school district determines that a secondary student's applied technology education
 376 goals are better achieved at a [~~district applied technology center, an applied technology center, area~~
 377 ~~applied technology school, or skills center~~] regional applied technology college created under Title
 378 53B, Chapter 2a, Utah College of Applied Technology, the student may attend that institution.

379 [~~(2)(a) Funds allocated under Subsection (1) are for approved programs designed to meet~~
 380 ~~performance criteria and guidelines established by the state board.]~~

381 [~~(b) Efforts shall focus upon placement of students into jobs or into further training in a~~
 382 ~~directly related program.]~~

383 [~~(3)~~] (2) Students served under this section in [~~an applied technology center, area applied~~
 384 ~~technology school, skills center, or district applied technology center~~] a regional applied
 385 technology college shall continue to be counted in the regular school program average daily
 386 membership of the sending school district.

387 Section 9. Section **53A-17a-116** is amended to read:

388 **53A-17a-116. Weighted pupil units for applied technology set-aside programs.**

389 (1) There is appropriated to the State Board of Education [~~\$2,092,724 (989)~~] for the fiscal
 390 year beginning July 1, 2002, \$2,121,340 (995 weighted pupil units) for an applied technology
 391 set-aside program.

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

394 [~~(3)~~] (2) Each district shall receive a guaranteed minimum allocation from the monies
 395 appropriated in Subsection (1).

396 [~~(4)~~] (3) The set-aside funds remaining after the initial minimum payment allocation are
 397 distributed by an RFP process to help pay for equipment costs necessary to initiate new programs
 398 and for high priority programs as determined by labor market information.

399 Section 10. Section **53A-17a-119** is amended to read:

400 **53A-17a-119. Appropriation for adult education programs.**

401 (1) There is appropriated to the State Board of Education [~~\$8,368,247~~] for the fiscal year
402 beginning July 1, 2002, \$8,431,047 for allocation to local school boards for adult education
403 programs, consisting of adult high school completion and adult basic skills programs.

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

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

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

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

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

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

420 Section 11. Section **53A-17a-120** is amended to read:

421 **53A-17a-120. Appropriation for accelerated learning programs.**

422 (1) There is appropriated to the State Board of Education [~~\$9,551,074~~] for the fiscal year
423 beginning July 1, 2002, \$8,622,674 for allocation to local school boards for accelerated learning
424 programs in grades one through 12, which include programs for the gifted and talented, concurrent
425 enrollment, and advanced placement.

426 (2) (a) A school participating in the concurrent enrollment programs offered under Section
427 53A-15-101 shall receive on a per student basis up to \$33.33 per quarter hour or \$50 per semester
428 hour for each hour of higher education course work undertaken at the school.

429 (b) Each year the amounts specified in Subsection (2)(a) shall be adjusted in proportion to
430 the increase in the value of the weighted pupil unit from the prior year established in Subsection

431 53A-17a-103(1).

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

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

437 Section 12. Section **53A-17a-121** is amended to read:

438 **53A-17a-121. Appropriation for At-risk programs.**

439 (1) There is appropriated to the State Board of Education [~~\$25,023,588~~] for the fiscal year
 440 beginning July 1, 2002, \$24,324,161 for allocation to local school boards for at-risk programs,
 441 including the following:

442 (a) youth in custody;

443 [~~(b) adolescent pregnancy prevention;~~]

444 [~~(c)~~] (b) homeless and disadvantaged minority students;

445 [~~(d)~~] (c) mathematics, engineering, and science achievement programs;

446 [~~(e)~~] (d) gang prevention and intervention; and

447 [~~(f)~~] (e) at-risk flow through.

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

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

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

460 [~~(c) To qualify for participation in the program, a district shall demonstrate to the state~~
 461 ~~board through prior research and pilot studies with similar student populations that those students~~

462 attained and retained knowledge, values, attitudes, and behaviors that promote abstinence from
463 sexual activity before marriage, and that the students had a lower pregnancy rate than comparison
464 groups that did not participate in the program.]

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

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

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

475 [~~(4)~~ (3) (a) From the amount appropriated for youth at risk programs, the board shall
476 allocate moneys to school districts for homeless and disadvantaged minority students.

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

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

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

480 (iii) multiplying the total of Subsections [~~(4)~~] (3)(b)(i) and (ii) by the value of the weighted
481 pupil unit; and

482 (iv) prorating the amount under Subsection [~~(4)~~] (3)(b)(iii) to the amount in Subsection
483 [~~(4)~~] (3)(a).

484 [~~(5)~~ (4) (a) From the amount appropriated for at-risk programs, the board shall allocate
485 monies for mathematics, engineering, and science achievement programs, MESA programs, in the
486 districts.

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

489 [~~(6)~~ (5) (a) From the amount appropriated for at-risk programs, the board shall distribute
490 moneys for gang prevention and intervention programs at the district or school level.

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

493 ~~[(7)]~~ (6) (a) From the amount appropriated for at-risk programs, the board shall distribute
494 moneys for programs for youth in custody.

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

497 ~~[(8)]~~ (7) From the amount appropriated for at-risk programs, the board shall allocate
498 monies based on:

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

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

502 Section 13. Section **53A-17a-123** is amended to read:

503 **53A-17a-123. Local Discretionary Block Grant Program -- State contribution.**

504 (1) There is appropriated to the State Board of Education for the fiscal year beginning July
505 1, ~~[2001, \$49,948,636 for a local discretionary block grant program comprised of the following~~
506 ~~components:]~~ 2002, \$21,824,448 for the Local Discretionary Block Grant Program.

507 ~~[(a) truancy intervention and prevention;]~~

508 ~~[(b) an unrestricted local program;]~~

509 ~~[(c) incentives for excellence;]~~

510 ~~[(d) the Educational Technology Initiative;]~~

511 ~~[(e) character education;]~~

512 ~~[(f) school nurses;]~~

513 ~~[(g) alternative middle schools;]~~

514 ~~[(h) reading initiative;]~~

515 ~~[(i) experimental-developmental programs; and]~~

516 ~~[(j) a local discretionary program.]~~

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

519 ~~[(3) Notwithstanding current statutory provisions for programs in the local discretionary~~
520 ~~block grant and the special population programs, which are Families, Agencies, and Communities~~
521 ~~Together, Alternative Language Services, Highly Impacted Schools, At-risk Programs, Adult~~
522 ~~Education and Accelerated Learning, and with the exception of those programs for which funds~~
523 ~~are awarded based on successful completion through a request of proposal, a school district may~~

524 ~~spend the allocation for any or all programs within the appropriated block.]~~

525 (2) The State Board of Education shall distribute the money appropriated in Subsection
526 (1) to school districts and charter schools according to a formula adopted by the board, after
527 consultation with school districts and charter schools, that allocates the funding in a fair and
528 equitable manner.

529 (3) Schools districts and charter schools shall use Local Discretionary Block Grant monies
530 for:

531 (a) maintenance and operation costs;

532 (b) capital outlay; and

533 (c) debt service.

534 Section 14. Section **53A-17a-123.5** is enacted to read:

535 **53A-17a-123.5. Interventions for Student Success Block Grant Program -- State**
536 **contribution.**

537 (1) There is appropriated to the State Board of Education for the fiscal year beginning July
538 1, 2002, \$15,553,062 for the Interventions for Student Success Block Grant Program.

539 (2) The State Board of Education shall distribute the money appropriated in Subsection
540 (1) to school districts and charter schools according to a formula adopted by the board, after
541 consultation with school districts and charter schools, that allocates the funding in a fair and
542 equitable manner.

543 (3) Schools districts and charter schools shall use Interventions for Student Success Block
544 Grant monies to improve student academic success, with priority given to interventions on behalf
545 of students not performing to standards as determined by U-PASS test results.

546 (4) (a) Each school district shall develop a plan for the expenditure of Interventions for
547 Student Success Block Grant monies.

548 (b) The plan:

549 (i) shall specify anticipated results; and

550 (ii) may include continuing existing programs to improve students' academic success for
551 which funds were appropriated before the establishment of the block grant.

552 (c) The local school board shall approve the plan for the expenditure of the block grant
553 monies in an open public meeting before the monies are spent.

554 Section 15. Section **53A-17a-124** is amended to read:

555 **53A-17a-124. Quality Teaching Block Grant Program -- State contributions.**

556 (1) There is appropriated to the State Board of Education for the fiscal year beginning July
557 1, [~~2001, \$68,821,511~~] 2002, \$69,178,111 for [~~teacher professional development programs and~~
558 ~~teacher career ladders for distribution to school districts on the basis of each district's total~~
559 ~~weighted pupil units in kindergarten, grades one through 12, and the necessarily existent small~~
560 ~~schools portions of the Minimum School Program as compared to the state total~~] the Quality
561 Teaching Block Grant Program.

562 [~~(2) Each school district may spend career ladder monies:~~]

563 [~~(a) to pay a performance bonus to teachers judged by the district as being outstanding in~~
564 ~~regular classroom performance;]~~

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

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

570 [~~(c) for negotiated additional teacher compensation for extending the length of the~~
571 ~~instructional day or the number of instructional days.]~~

572 [~~(3) Of the amount appropriated, \$10,000,000 shall be distributed by the State Board of~~
573 ~~Education for teacher professional development days beyond the regular school year under Section~~
574 ~~53A-3-701 and standards established by the board in accordance with Title 63, Chapter 46a, Utah~~
575 ~~Administrative Procedures Act.]~~

576 (2) The State Board of Education shall distribute the money appropriated in Subsection
577 (1) to school districts and charter schools according to a formula adopted by the board, after
578 consultation with school districts and charter schools, that allocates the funding in a fair and
579 equitable manner.

580 (3) Schools districts and charter schools shall use Quality Teaching Block Grant monies
581 to implement school and school district comprehensive, long-term professional development plans
582 required by Section 53A-3-701.

583 (4) Each local school board shall:

584 (a) as provided by Section 53A-3-701, review and either approve or recommend
585 modifications for each school's comprehensive, long-term professional development plan within

586 the district so that each school's plan is compatible with the district's comprehensive, long-term
587 professional development plan; and

588 (b) in an open public meeting, approve a plan to spend Quality Teaching Block Grant
589 monies to implement the school district's comprehensive, long-term professional development
590 plan.

591 Section 16. Section **53A-17a-124.5** is amended to read:

592 **53A-17a-124.5. Appropriation for class size reduction.**

593 (1) There is appropriated to the State Board of Education for the fiscal year beginning July
594 1, [~~2001, \$62,584,932 (29,577)~~ 2002, \$63,441,924 (29,757 weighted pupil units) to reduce the
595 average class size in kindergarten through the eighth grade in the state's public schools.

596 (2) Each district shall receive its allocation based upon prior year average daily
597 membership in kindergarten through grade eight plus growth as determined under Subsection
598 53A-17a-106(3) as compared to the state total.

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

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

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

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

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

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

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

616 (7) (a) The State Board of Education shall compile information on class size, both in

617 average student-teacher ratios and in actual number of students enrolled in each classroom by
618 grade level for elementary grades and by subject matter for secondary grades.

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

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

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

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

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

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

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

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

634 **53A-17a-125. Appropriation for retirement and social security.**

635 (1) There is appropriated to the State Board of Education for the fiscal year beginning July
636 1, [~~2001, \$214,685,479~~] 2002, \$217,072,218 for retirement and social security costs.

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

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

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

643 (5) (a) Each school district shall receive its share of retirement and social security monies
644 based on its total weighted pupil units compared to the total weighted pupil units for all districts
645 in the state.

646 (b) The monies needed to support retirement and social security shall be determined by
647 taking the district's prior year allocation and adjusting it for:

- 648 (i) student growth;
649 (ii) the percentage increase in the value of the weighted pupil unit; and
650 (iii) the effect of any change in the rates for retirement, social security, or both.

651 Section 18. Section **53A-17a-126** is amended to read:

652 **53A-17a-126. State support of pupil transportation -- Incentives to increase economy**
653 **and productivity in student transportation.**

654 (1) The state's contribution of [~~\$55,745,940~~] \$56,164,040 for state-supported
655 transportation of public school students for the fiscal year beginning on July 1, 2002, is
656 apportioned and distributed in accordance with Section 53A-17a-127, except as otherwise provided
657 in this section.

658 (2) (a) Included in the appropriation under Subsection (1) is an amount not less than
659 [~~\$1,923,148~~] \$1,936,610 to be deducted prior to any other distribution under this section to school
660 districts, and allocated to the Utah Schools for the Deaf and the Blind to pay transportation costs
661 of the schools' students.

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

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

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

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

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

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

678 (c) Districts receiving the incentive funding may expend the monies at the discretion of

679 the local school board.

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

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

686 Section 19. Section **53A-17a-131.2** is amended to read:

687 **53A-17a-131.2. State contribution to highly impacted schools program.**

688 The state's contribution of \$5,123,207 for the Highly Impacted Schools Program for the
689 fiscal year beginning July 1, [2001] 2002, is appropriated to the State Board of Education for
690 distribution according to the formula adopted by the board under Section 53A-15-701, which
691 authorizes the Highly Impacted Schools Program.

692 Section 20. Section **53A-17a-131.9** is amended to read:

693 **53A-17a-131.9. Agencies coming together for children and youth at risk.**

694 (1) [~~There is~~] Monies appropriated [~~\$1,250,670~~] to or received by the State Board of
695 Education [~~for the fiscal year beginning July 1, 2001,~~] to maintain Title 63, Chapter 75, Families,
696 Agencies, and Communities Together for Children and Youth At Risk Act, shall be subject to the
697 provisions of this section.

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

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

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

707 Section 21. Section **53A-17a-131.13** is amended to read:

708 **53A-17a-131.13. State contribution to guarantee transportation levy.**

709 The state's contribution of \$500,000 to the guarantee transportation levy program for the

710 fiscal year beginning July 1, [2001] 2002, is appropriated to the State Board of Education for
711 distribution to school districts according to [guidelines] rules established by the board in
712 accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

713 Section 22. Section **53A-17a-131.15** is amended to read:

714 **53A-17a-131.15. State contribution for the Electronic High School.**

715 The state's contribution of [~~\$200,000~~] \$400,000 for the Electronic High School for the
716 fiscal year beginning July 1, [2001] 2002, is appropriated to the State Board of Education for
717 distribution to the school according to [guidelines] rules established by the board in accordance
718 with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

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

720 **53A-17a-131.17. State contribution for a School LAND Trust Program.**

721 (1) (a) [The state's contribution of \$5,200,000 or the amount as determined by Subsections
722 53A-16-101.5(1), (2), and (3) for a] Except as provided in Subsection (1)(b), there is appropriated
723 \$6,000,000 to the State Board of Education as the state's contribution for the School LAND Trust
724 Program for the fiscal year beginning July 1, [2001, is appropriated to the State Board of Education
725 for distribution to school districts according to guidelines] 2002.

726 (b) If the amount of money in the Uniform School Fund described in Subsection
727 53A-16-101.5(2) is less than or greater than \$6,000,000, the appropriation shall be equal to the
728 amount of money in the Uniform School Fund described in Subsection 53A-16-101.5(2).

729 (2) The State Board of Education shall distribute the money appropriated in Subsection
730 (1) in accordance with Section 53A-16-101.5 and rules established by the board in accordance with
731 Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

732 Section 24. Section **53A-17a-131.19** is amended to read:

733 **53A-17a-131.19. State contribution to math and science beginning teacher**
734 **recruitment program.**

735 The state's contribution of [~~\$2,400,000~~] \$500,000 for a math and science beginning teacher
736 recruitment program, for the fiscal year beginning July 1, [2001] 2002, is appropriated to the State
737 Board of Education for distribution according to Title 53A, Chapter 1a, Part 6, Public Education
738 Job Enhancement Program.

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

740 **53A-17a-132. Experimental and developmental programs.**

741 (1) The state's contribution of [~~\$3,102,369~~] \$602,369 for experimental and developmental
742 programs for the fiscal year beginning July 1, [~~2001~~] 2002, is appropriated to the State Board of
743 Education for distribution to school districts pursuant to [~~standards~~] rules established by the board
744 in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

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

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

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

752 [~~(b) The programs should include training components, classified staffing formulas, and
753 preventative maintenance formulas.]~~

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

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

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

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

763 **53A-17a-133. State-supported voted leeway program authorized -- Election**
764 **requirements -- State guarantee -- Reconsideration of the program.**

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

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

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

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

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

775 (3) (a) Under the voted leeway program, the state shall contribute an amount sufficient to
776 guarantee \$17.14 per weighted pupil unit for each .0001 of the first .0016 per dollar of taxable
777 value.

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

782 (c) (i) Beginning July 1, [~~2002~~] 2003, the \$17.14 guarantee under Subsections (3)(a) and
783 (b) shall be indexed each year to the value of the weighted pupil unit by making the value of the
784 guarantee equal to [~~.009044~~] .008544 times the value of the prior year's weighted pupil unit.

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

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

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

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

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

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

802 (d) Nothing contained in this section terminates, without an election, the authority of a

803 school district to continue an existing voted leeway program previously authorized by the voters.

804 Section 27. Section **53A-17a-135** is amended to read:

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

806 (1) (a) In order to qualify for receipt of the state contribution toward the basic program and
807 as its contribution toward its costs of the basic program, each school district shall impose a
808 minimum basic tax rate per dollar of taxable value that generates [~~\$196,908,771~~] \$206,690,578
809 in revenues statewide.

810 (b) The preliminary estimate for the [~~2001-02~~] 2002-03 tax rate is [~~-.001768~~] .001813.

811 (c) The State Tax Commission shall certify on or before June 22 the rate that generates
812 [~~\$196,908,771~~] \$206,690,578 in revenues statewide.

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

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

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

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

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

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

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

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

835 Section 28. Section **53A-17a-146** is amended to read:

836 **53A-17a-146. Reduction of district allocation based on insufficient revenues.**

837 (1) (a) If it is necessary because of insufficient revenues in the Uniform School Fund [and
838 the Mineral Lease Account of the General Fund] for the Legislature to reduce appropriations made
839 to support schools under Title 53A, Chapter 17a, Minimum School Program Act[, and Title 53A,
840 Chapters 21, Public Education Capital Outlay Act, and 22, Construction of Schools in Districts
841 with New Industrial Plants,] the State Board of Education, after consultation with each school
842 district[, shall reduce that district's allocation by an amount equal to the legislatively imposed
843 percentage reduction in the total state contribution to the support of the public schools:] and charter
844 school, shall reduce each school district's and charter school's allocation of monies appropriated
845 to support school districts and charter schools.

846 (b) Each school district's or charter school's share of the total reduction of appropriations
847 to support school districts and charter schools shall be in the same proportion of the school
848 district's or charter school's allocation of appropriated monies is to the total appropriations to
849 support school districts and charter schools.

850 (2) Each district and charter school shall determine which programs are affected by, and
851 the amount of, the reductions.

852 (3) The requirement to spend a specified amount in any particular program is waived if
853 reductions are required under this section.

854 Section 29. Section **53A-17a-148** is enacted to read:

855 **53A-17a-148. Use of nonlapsing balances.**

856 For the fiscal year beginning on July 1, 2002, the State Board of Education may use up to
857 \$300,000 of nonlapsing balances for the following:

858 (1) to stabilize the value of the weighted pupil unit;

859 (2) to maintain program levels in school districts that may experience unanticipated and
860 unforeseen losses of students;

861 (3) to equalize programs in school districts where a strict application of the law provides
862 inequity;

863 (4) to pay the added cost when students attend school out of state;

864 (5) to assist in the operation of the laboratory school at Utah State University, through the

865 allocation of monies for a career ladder program at the school; and

866 (6) other uses approved by the board.

867 Section 30. Section **53A-21-105** is amended to read:

868 **53A-21-105. State contribution to capital outlay programs.**

869 The state contribution toward the cost of the programs established under Section
870 53A-21-102 for the fiscal year beginning July 1, [~~2001~~] 2002, shall consist of an appropriation
871 totaling [~~\$38,358,000~~] \$28,358,000 to the State Board of Education from the Uniform School
872 Fund.

873 Section 31. **Intent language.**

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

877 Section 32. **Repealer.**

878 This act repeals:

879 Section **53A-17a-113.5, Appropriations subcommittees' joint annual meetings.**

880 Section **53A-17a-117, Approval of expenditures.**

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

882 Section 33. **Effective date.**

883 This act takes effect on July 1, 2002.

Legislative Review Note
as of 3-4-02 7:46 AM

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

Office of Legislative Research and General Counsel