

**REPEAL OF EDUCATION REPORTS AND
DUTIES**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Margaret Dayton

This act modifies provisions relating to the State System of Public Education by eliminating requirements to submit certain reports to the Legislature. This act modifies certain duties and responsibilities of the State Board of Education and the superintendent of public instruction. This act consolidates several reports into the state superintendent's annual report. This act eliminates the requirement for the State Board of Education to submit separate budget recommendations for U-PASS and professional development plans. This act eliminates the State Board of Education's responsibility to annually determine the estimated total cost of the minimum school program for each district. This act repeals the Modified School Week Pilot Program and the Arts in Elementary Schools Pilot Program. This act contains a repealer. This act makes technical amendments.

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

AMENDS:

53A-1-301, as last amended by Chapter 244, Laws of Utah 2002

53A-1-605, as last amended by Chapter 7, Laws of Utah 2002, Sixth Special Session

53A-1a-106, as last amended by Chapter 254, Laws of Utah 2002

53A-1a-107, as last amended by Chapter 254, Laws of Utah 2002

53A-2-207, as repealed and reenacted by Chapter 119, Laws of Utah 1993

53A-3-404, as last amended by Chapter 297, Laws of Utah 2001

53A-3-701, as last amended by Chapters 279, 301 and 324, Laws of Utah 2002

53A-11-102.5, as enacted by Chapter 120, Laws of Utah 1993

53A-11-103, as last amended by Chapter 99, Laws of Utah 1999

53A-15-101, as last amended by Chapter 254, Laws of Utah 2002

53A-17a-108, as last amended by Chapter 306, Laws of Utah 1993

53A-17a-109, as last amended by Chapter 137, Laws of Utah 2000

53A-17a-111.5, as enacted by Chapter 268, Laws of Utah 1994

53A-17a-119, as last amended by Chapter 279, Laws of Utah 2002

53A-17a-124.5, as last amended by Chapter 279, Laws of Utah 2002

53A-17a-126, as last amended by Chapter 279, Laws of Utah 2002

53A-17a-144, as last amended by Chapter 6, Laws of Utah 1996, Second Special Session

53A-17a-147, as renumbered and amended by Chapter 72, Laws of Utah 1991

53A-28-203, as enacted by Chapter 62, Laws of Utah 1996

REPEALS:

53A-2-212, as last amended by Chapter 119, Laws of Utah 1993

53A-3-416, as last amended by Chapter 297, Laws of Utah 2001

53A-6-212, as enacted by Chapter 2, Laws of Utah 1988

53A-9-106, as enacted by Chapter 301, Laws of Utah 2002

53A-15-801, as enacted by Chapter 165, Laws of Utah 1997

53A-15-901, as last amended by Chapter 352, Laws of Utah 2001

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

Section 1. Section **53A-1-301** is amended to read:

53A-1-301. Appointment -- Qualifications -- Duties.

(1) (a) The State Board of Education shall appoint a superintendent of public instruction, hereinafter called the state superintendent, who is the executive officer of the board and serves at the pleasure of the board.

(b) The board shall appoint the state superintendent on the basis of outstanding professional qualifications.

(c) The state superintendent shall administer all programs assigned to the State Board of Education in accordance with the policies and the standards established by the board.

(2) The superintendent shall perform duties assigned by the board, including the following:

(a) investigating all matters pertaining to the public schools;

(b) adopting and keeping an official seal to authenticate the superintendent's official acts;

- (c) holding and conducting meetings, seminars, and conferences on educational topics;
- (d) presenting to the governor and the Legislature each December a report of the public school system for the preceding year to include:
 - (i) data on the general condition of the schools with recommendations considered desirable for specific programs;
 - (ii) a complete statement of fund balances;
 - (iii) a complete statement of revenues by fund and source;
 - (iv) a complete statement of adjusted expenditures by fund, the status of bonded indebtedness, the cost of new school plants, and school levies;
 - (v) a complete statement of state funds allocated to each of the state's 40 school districts by source, including supplemental appropriations, and a complete statement of expenditures by each district, including supplemental appropriations, by function and object as outlined in the U.S. Department of Education publication "Financial Accounting for Local and State School Systems";
 - (vi) a statement that includes such items as fall enrollments, average membership, high school graduates, licensed and classified employees, pupil-teacher ratios, class sizes, average salaries, applicable private school data, and data from standardized norm-referenced tests in grades 5, 8, and 11 on each school and district;
 - (vii) statistical information regarding incidents of delinquent activity in the schools or at school-related activities with separate categories for:
 - (A) alcohol and drug abuse;
 - (B) weapon possession;
 - (C) assaults; and
 - (D) arson; and
 - (viii) other statistical and financial information about the school system which the superintendent considers pertinent;
- (e) collecting and organizing education data into an automated decision support system to facilitate school district and school improvement planning, accountability reporting and

performance recognition, and the evaluation of educational policy and program effectiveness to include:

- (i) data that are:
 - (A) comparable across schools and school districts;
 - (B) appropriate for use in longitudinal studies; and
 - (C) comprehensive with regard to the data elements required under applicable state or federal law or state board rule;
- (ii) features that enable users, most particularly school administrators, teachers, and parents, to:
 - (A) retrieve school and school district level data electronically;
 - (B) interpret the data visually; and
 - (C) draw conclusions that are statistically valid; and
- (iii) procedures for the collection and management of education data that:
 - (A) require the state superintendent of public instruction to:
 - (I) collaborate with school districts in designing and implementing uniform data standards and definitions;
 - (II) undertake or sponsor research to implement improved methods for analyzing education data;
 - (III) provide for data security to prevent unauthorized access to or contamination of the data; and
 - (IV) protect the confidentiality of data under state and federal privacy laws; and
 - (B) require all school districts to comply with the data collection and management procedures established under Subsection (2)(e); and
- (f) with the approval of the board, preparing and submitting to the governor a budget for the board to be included in the budget that the governor submits to the Legislature.
- (3) Upon leaving office, the state superintendent shall deliver to his successor all books, records, documents, maps, reports, papers, and other articles pertaining to his office.

Section 2. Section **53A-1-605** is amended to read:

53A-1-605. Analysis of results -- Submission of annual budget -- Staff professional development.

(1) The State Board of Education, through the state superintendent of public instruction, shall develop a plan to analyze the results of the U-PASS scores for all grade levels and courses required under Section 53A-1-603 and the student behavior indicators referred to in Subsection 53A-1-602 (3)(e).

(2) The plan shall include components designed to:

(a) assist school districts and individual schools to use the results of the analysis in planning, evaluating, and enhancing programs within the district; and

(b) for the 2003-04 school year and for each year thereafter, identify schools not achieving state-established acceptable levels of student performance in order to assist those schools in raising their student performance levels.

(3) The plan shall include provisions for statistical reporting of data as follows:

(a) norm-referenced tests results shall be reported at the state, district, school, and grade levels, and shall include actual levels of performance on tests; and

(b) criterion-referenced tests results shall be reported at state, district, school, and grade or course levels, and shall include actual levels of performance on tests.

~~[(4) (a) The State Board of Education shall submit to the Legislature, annually, a budget to implement and maintain U-PASS;]~~

~~[(b) As part of the budget recommendation, the state board shall include:]~~

~~[(i) evaluation of U-PASS and proposed modifications if appropriate;]~~

~~[(ii) anticipated costs for staff professional development programs required to effectively implement U-PASS at the school and classroom levels; and]~~

~~[(iii) resources required to assist schools identified under Subsection (2)(b) in raising their performance levels;]~~

~~[(5)]~~ (4) Each local school board shall provide for:

(a) district evaluation of the U-PASS test results and use of the evaluations in setting goals and establishing programs for the district and each school within the district; and

(b) a professional development program that ~~[(i) is funded in whole or in part from monies received under Subsection (4)(b)(ii); and (ii)]~~ provides teachers, principals, and other professional staff employed by the school district with the training required to successfully establish and maintain U-PASS.

Section 3. Section **53A-1a-106** is amended to read:

53A-1a-106. School district and individual school powers.

(1) In order to acquire and develop the characteristics listed in Section 53A-1a-104, each school district and each public school within its respective district shall implement a comprehensive system of accountability in which students advance through public schools by demonstrating competency in required skills and mastery of required knowledge through the use of diverse assessment instruments such as authentic and criterion referenced tests, projects, and portfolios.

(2) (a) Each school district and public school shall:

(i) develop and implement programs integrating technology into the curriculum, instruction, and student assessment;

(ii) provide for teacher and parent involvement in policymaking at the school site;

(iii) implement a public school choice program to give parents, students, and teachers greater flexibility in designing and choosing among programs with different focuses through schools within the same district and other districts, subject to space availability, demographics, and legal and performance criteria;

(iv) establish strategic planning at both the district and school level and site-based decision making programs at the school level;

(v) provide opportunities for each student to acquire and develop academic and occupational knowledge, skills, and abilities;

(vi) participate in ongoing research and development projects primarily at the school level aimed at improving the quality of education within the system; and

(vii) involve business and industry in the education process through the establishment of partnerships with the business community at the district and school level.

(b) (i) Each local school board, in consultation with school personnel, parents, and school community councils or similar entities shall establish policies to provide for the effective implementation of a personalized student education plan (SEP) or student education/occupation plan (SEOP) for each student at the school site.

(ii) The policies shall include guidelines and expectations for:

(A) recognizing the student's accomplishments, strengths, and progress towards meeting student achievement standards as defined in U-PASS;

(B) planning, monitoring, and managing education and career development; and

(C) involving students, parents, and school personnel in preparing and implementing SEPs and SEOPs.

(iii) A parent may request conferences with school personnel in addition to SEP or SEOP conferences established by local school board policy.

(iv) Time spent during the school day to implement SEPs and SEOPs is considered part of the school term referred to in Subsection 53A-17a-103(5).

(3) A school district or public school may submit proposals to modify or waive rules or policies of a supervisory authority within the public education system in order to acquire or develop the characteristics listed in Section 53A-1a-104.

(4) (a) Each school district and public school shall make an annual report to its patrons on its activities under this section.

(b) The reporting process shall involve participation from teachers, parents, and the community at large in determining how well the district or school is performing.

~~[(c) The State Board of Education shall receive a copy of each report and make a summary report to the strategic planning committee referred to in Section 53A-1a-102.]~~

Section 4. Section **53A-1a-107** is amended to read:

53A-1a-107. State Board of Education assistance to districts and schools.

~~[(+)]~~ In order to assist school districts and individual schools in acquiring and maintaining the characteristics set forth in Section 53A-1a-104, the State Board of Education shall:

~~[(a)]~~ (1) provide the framework for an education system, including core competencies and their assessment, in which school districts and public schools permit students to advance by demonstrating competency in subject matter and mastery of skills;

~~[(b)]~~ (2) develop and disseminate a state model curriculum, structured to incorporate the concepts of quality versus quantity, depth versus breadth, subject integration and application, applied thinking skills, character development, and a global prospective, which districts and schools may use to assist teachers in helping students acquire the competencies and skills required to advance through the public education system, and periodically review and, if appropriate, revise the curriculum;

~~[(c)]~~ (3) conduct a statewide public awareness program on competency-based educational systems;

~~[(d)]~~ (4) compile and publish, for the state as a whole, a set of educational performance indicators describing trends in student performance;

~~[(e)]~~ (5) promote a public education climate of high expectations and academic excellence;

~~[(f)]~~ (6) disseminate successful site-based decision-making models to districts and schools and provide teacher professional development opportunities and evaluation programs for site-based plans consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b);

~~[(g)]~~ (7) provide a mechanism for widespread dissemination of information about strategic planning for public education, including involvement of business and industry in the education process, in order to ensure the understanding and support of all the individuals and groups concerned with the mission of public education as outlined in Section 53A-1a-103;

~~[(h)]~~ (8) provide for a research and development clearing house at the state level to receive and share with school districts and public schools information on effective and innovative practices and programs in education;

~~[(i)]~~ (9) help school districts develop and implement guidelines, strategies, and professional development programs for administrators and teachers consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b) focused on improving interaction with parents and

promoting greater parental involvement in the public schools; and

~~[(j)]~~ (10) in concert with the State Board of Regents and the state's colleges of education review and revise teacher licensing requirements to be consistent with teacher preparation for participation in personalized education programs within the public schools.

~~[(2)(a) The board shall make an annual report to the Legislature on its activities under this section.]~~

~~[(b) The reporting process shall involve participation from school districts and schools in helping to evaluate how well the board has assisted the schools and school districts.]~~

Section 5. Section **53A-2-207** is amended to read:

53A-2-207. Enrollment of nonresident students -- Procedures -- Processing fee -- Continuing enrollment.

(1) Each local school board is responsible for providing educational services consistent with Utah state law and rules of the State Board of Education for each student who resides in the district and, as provided in Sections 53A-2-207 through ~~[53A-2-212]~~ 53A-2-211 and to the extent reasonably feasible, for any student who resides in another district in the state and desires to attend a school in the district.

(2) (a) The State Board of Education shall adopt rules defining school capacities and average daily membership thresholds for use in determining whether a school must be open for enrollment of nonresident students.

(b) If a school's average daily membership falls below the threshold designated by the State Board of Education, the local school board shall allow students who do not reside within the district to also enroll in the school.

(3) A local board of education may also allow enrollment of nonresident students in a school which is operating above the average daily membership threshold for mandatory enrollment of nonresident students.

(4) (a) A local school board shall adopt policies describing procedures for nonresident students to follow in applying for entry into the district's schools.

(b) Those procedures shall provide, as a minimum, for:

(i) distribution to interested parties of information about the school or school district and how to apply for admission;

(ii) use of standard application forms prescribed by the State Board of Education;

(iii) submission of applications during the month of January by those seeking admission for the following year;

(iv) written notification to the student's parent or legal guardian of acceptance or rejection of an application within six weeks after receipt of the application by the district or by March 1, whichever is later;

(v) written notification to the resident district upon acceptance of a nonresident student for enrollment; and

(vi) admission of students at times other than that permitted under standard policies if the board determines that there are conditions of special need which warrant consideration.

(5) A school district may charge a one-time \$5 processing fee, to be paid at the time of application.

(6) An enrolled nonresident student shall be permitted to remain enrolled in the nonresident district's schools, subject to the same rules and standards as resident students, without renewed applications in subsequent years unless one of the following occurs:

(a) the student graduates;

(b) the student is no longer a Utah resident;

(c) the student is suspended or expelled from school; or

(d) the district determines that enrollment within the school in question will exceed 90% of maximum capacity during the coming school year.

(7) (a) Determination of which nonresident students will be excluded from continued enrollment in a nonresident district during a subsequent year under Subsection (6)(b) is based upon time in the district, with those most recently enrolled being excluded first.

(b) Nonresident students who will not be permitted to continue their enrollment shall be notified no later than March 15 of the current school year.

(8) The parent of a student enrolled in a nonresident district may withdraw the student

from that district for enrollment in another district by:

(a) submitting notice of intent to enroll the student in the district of residence for the subsequent year to the district of attendance no later than March 15 of the current school year;

(b) submitting notice of intent to enroll the student in another nonresident district for the subsequent school year to the current district of attendance, together with a letter of acceptance from the proposed district of attendance, no later than March 15 of the current school year; or

(c) if the parent desires to change the student's enrollment during the school year or after March 15, by obtaining approval from both the district of attendance and the district in which enrollment is sought.

(9) Unless provisions have previously been made for enrollment in another school, a nonresident district releasing a student from enrollment shall immediately notify the district of residence, which shall enroll the student in the resident district and take such additional steps as may be necessary to ensure compliance with laws governing school attendance.

(10) Subsection (6)(d) does not apply to a student who was attending a nonresident school or district prior to January 1, 1993.

Section 6. Section **53A-3-404** is amended to read:

53A-3-404. Annual financial report -- Audit report.

(1) The annual financial report of each school district, containing items required by law or by the State Board of Education and attested to by independent auditors, shall be prepared as required by Section 51-2-1.

(2) The auditors employed under Section 51-2-1 shall complete their field work in sufficient time to allow them to verify necessary audit adjustments included in the annual financial report to the state superintendent.

(3) (a) (i) The district shall forward the annual financial report to the state superintendent not later than October 1.

(ii) The report shall include information to enable the state superintendent to complete the statement required under Subsection 53A-1-301(2)(d)(v).

(b) [(†)] The State Board of Education shall publish electronically a copy of the report on

the Internet not later than December 15.

~~[(ii) The report may be combined with the report required to be published under Subsection 53A-3-416(3)(b).]~~

(4) The completed audit report shall be delivered to the school district board of education and the state superintendent of public instruction not later than November 30 of each year.

Section 7. Section **53A-3-701** is amended to read:

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

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

(b) Each school shall use its school community council, school directors, or a subcommittee or task force created by the school community council as provided in Section ~~[53A-1-108]~~ 53A-1a-108 to help develop and implement the plan.

(2) Each plan shall include the following components:

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

(i) the school improvement plan under Section 53A-1a-108.5;

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

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

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

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

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

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

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

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

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

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

(b) The board shall:

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

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

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

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

~~[(ii) The recommendation shall take into account:]~~

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

~~[(B) the Quality Teaching Block Grant Program authorized under the Minimum School Program Act.]~~

Section 8. Section **53A-11-102.5** is amended to read:

53A-11-102.5. Dual enrollment.

(1) A person having control of a minor under this part who is enrolled in a regularly established private school or a home school may also enroll the minor in a public school for dual enrollment purposes.

(2) The minor may participate in any academic activity in the public school available to students in the minor's grade or age group, subject to compliance with the same rules and requirements that apply to a full-time student's participation in the activity.

(3) Except as otherwise provided in Sections 53A-11-101 and 53A-11-102, a student enrolled in a public school may also be enrolled in a private school or a home school for dual enrollment purposes.

(4) A student enrolled in a dual enrollment program is considered a student of the district in which the public school of attendance is located for purposes of state funding to the extent of the student's participation in the public school programs.

(5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the State Board of Education shall make rules for purposes of dual enrollment to govern and regulate the transferability of credits toward graduation that are earned in a private or home school.

(6) ~~(a)~~ The State Board of Education shall determine the policies and procedures necessary to permit students enrolled under Subsection (1) to participate in public school extracurricular activities.

~~[(b) The board shall report its findings to the Legislature prior to the 1994 General Session, together with recommendations for proposed legislation, if required for participation in those activities by those students.]~~

Section 9. Section **53A-11-103** is amended to read:

53A-11-103. Duties of boards of education in resolving child's attendance problems -- Parental involvement -- Issuance of truancy citations -- Procedure for contesting citations -- Liability not imposed.

(1) For each school-age minor who is or should be enrolled within that school district, the local school board or school district shall make efforts to resolve a minor's school attendance problems. Those efforts shall include, as reasonably feasible:

- (a) counseling of the minor by school authorities;
- (b) a written request for parental support in securing regular attendance by the minor delivered by certified mail, containing notice of the requirements of this section and stating that refusal to respond to the notice is a class B misdemeanor;
- (c) at least one meeting with the minor and the parents;
- (d) any necessary adjustment to the curriculum and schedule to meet special needs of the

minor; and

(e) monitoring school attendance of the minor for a period not to exceed 30 days.

(2) In addition to the efforts listed in Subsection (1), the local school board or school district may enlist the assistance of community and law enforcement agencies as appropriate and reasonably feasible.

(3) In the event that the minor's school attendance problem cannot be resolved by the efforts of the local school board or school district, the local school board or school district shall refer the school-age minor to the appropriate district or county attorney or juvenile court as a habitual truant.

(4) Any parent of a school-age minor shall, upon written request from a local school board or school district, cooperate with school authorities in resolving the minor's school attendance problem.

(5) A local school board may authorize the issuance of truancy citations by school administrators and appointed truancy specialists. Recipients of truancy citations may be subjected to administrative penalties~~[-, and to a fee assessed in accordance with a uniform fee schedule adopted by the State Board of Education].~~

(6) A local school board that authorizes the issuance of truancy citations shall establish a procedure for students to contest citations. Any minor having received three prior truancy citations within a single school year and for whom reasonable efforts to resolve the attendance problem have failed, shall be issued a habitual truancy citation and referred by the local school board or school district to the appropriate county or district attorney or juvenile court as a habitual truant. Proceedings for habitual truancy shall be expedited by the court.

(7) This section shall not impose any civil liability on boards of education or their employees. Proceedings initiated under this part do not obligate or preclude action by the Division of Child and Family Services under Section 78-3a-316.

Section 10. Section **53A-15-101** is amended to read:

53A-15-101. Higher education courses in the public schools -- Cooperation between public and higher education.

(1) The State Board of Education in collaboration with the State Board of Regents shall implement:

(a) a curriculum program and delivery system which allows students the option to complete high school graduation requirements and prepares them to meet college admission requirements at the conclusion of the eleventh grade, but does not preclude a student involved in accelerated learning programs from graduating at an earlier time;

(b) a program of selected college credit courses in general and applied technology education which would be made available in cooperation with the State Board of Regents, as resources allow, through concurrent enrollment with one or more of the state's institutions of higher education;

(c) a course of study for a student who decides to continue on through the twelfth grade that would allow the student to take courses necessary to graduate from high school, and at the student's option, to become better prepared for the world of work, or complete selected college level courses corresponding to the first year of course work at a university, college, or community college in the state system of higher education; and

(d) a program for advanced placement which permits students to earn high school credits while qualifying to take advanced placement examinations for college credit.

(2) The delivery system and curriculum program shall be designed and implemented to take full advantage of the most current available educational technology.

(3) The State Board of Regents shall adopt rules to ensure the following:

(a) early high school graduates who are academically prepared and meet college admission requirements may be enrolled in one of the state's institutions of higher education;

(b) college credit courses are taught in high school concurrent enrollment or advanced placement programs by college or university faculty or public school educators under the following conditions:

(i) public school educators in concurrent enrollment programs must first be approved as adjunct faculty and supervised by a state institution of higher education;

(ii) teaching is done through live classroom instruction or telecommunications; and

(iii) course content, procedures, and teaching materials in concurrent enrollment programs are approved by the appropriate department or program at an institution of higher education in order to ensure quality and comparability with courses offered on college and university campuses; and

(c) college credits obtained under this section shall be accepted for transfer of credit purposes as if they had been obtained at any public institution of higher education within the state system.

(4) College-level courses taught in the high school carry the same credit hour value as when taught on a college or university campus and apply toward graduation on the same basis as courses taught at an institution of higher education to which the credits are submitted.

(5) The State Board of Education shall provide students in the public schools with the option of accelerating their educational program and graduating at the conclusion of the eleventh grade.

(6) (a) The State Board of Education and State Board of Regents shall work in close cooperation in developing, implementing, and evaluating the program established under this section.

(b) (i) Each high school shall receive its proportional share of concurrent enrollment monies appropriated or allocated pursuant to Section 53A-17a-120 based upon the hours of higher education course work undertaken by students at the school under Subsections (1)(b) and (1)(c) as compared to the state total.

(ii) School districts shall contract with institutions of higher education to provide the higher education services required under this section.

(iii) (A) Higher education tuition and fees may not be charged for participation in this program, except that each institution within the state's higher education system may charge a one-time per student per institution admissions application fee for concurrent enrollment course credit offered by the institution.

(B) Payment of the fee under Subsection (6)(b)(iii)(A) satisfies the general admissions application fee requirement for a full-time or part-time student at an institution so that no

additional admissions application fee may be charged by the institution.

~~[(c) The two boards shall provide the Legislature and the governor with an annual report on the effectiveness of the program with specific focus on the availability and use of counselors in the ninth through eleventh grades to assist students and their parents in designing and implementing effective student education plans.]~~

Section 11. Section **53A-17a-108** is amended to read:

53A-17a-108. Weighted pupil units for administrative costs.

~~[(1)]~~ Administrative costs weighted pupil units are computed and distributed to districts in accordance with the following schedule:

Administrative Costs Schedule

School District Enrollment as of October 1	Weighted Pupil Units
1 - 2,000 students	53
2,001 - 10,000 students	48
10,001 - 20,000 students	25
20,001 and above	16

~~[(2) The State Board of Education shall develop a statewide plan to increase the proportion of monies allocated to instruction and decrease the proportion of monies allocated to general district administration and business administration.]~~

Section 12. Section **53A-17a-109** is amended to read:

53A-17a-109. Necessarily existent small schools -- Computing additional weighted pupil units -- Consolidation of small schools.

(1) Upon application by each school district, the State Board of Education shall, in consultation with local school boards, classify particular schools in each district as necessarily existent small schools.

(a) Applications must be submitted to the state board before April 2, and the board must report a decision to each school district before June 2.

(b) The state board shall adopt standards and make rules to:

(i) govern the approval of these schools consistent with principles of efficiency and

economy and which shall serve the purpose of eliminating schools where consolidation is feasible by participation in special school units; and

(ii) ensure that districts are not building secondary schools in close proximity to one another where economy and efficiency would be better served by one school meeting the needs of secondary students in a designated geographical area.

(c) A one or two-year secondary school that has received necessarily existent small school money under this section prior to July 1, 2000, may continue to receive such money in subsequent years under state board rule.

(2) The state board shall~~[-(a)]~~ prepare and publish objective standards and guidelines for determining which small schools are necessarily existent after consultation with local school boards~~[-and]~~.

~~[(b) conduct comprehensive school surveys of the school districts in which small schools are operated for the purpose of improving school programs, bringing about greater economy and efficiency, and reporting to the Legislature changes needed in the law pertaining to small schools.]~~

(3) The additional units for schools classified as necessarily existent small schools are computed using regression formulas adopted by the state board.

(a) The regression formulas establish the following maximum sizes for funding under the necessarily existent small school program:

- | | |
|---------------------------------|-----|
| (i) Elementary | 160 |
| (ii) One or two-year secondary | 300 |
| (iii) Three-year secondary | 450 |
| (iv) Four-year secondary school | 500 |
| (v) Six-year secondary school | 600 |

(b) Schools with fewer than ten students shall receive the same add-on weighted pupil units as schools with ten students.

(c) The state board shall prepare and distribute an allocation table based on the regression formula to each school district.

(4) (a) To avoid penalizing a district financially for consolidating its small schools, additional units may be allowed a district each year, not to exceed two years.

(b) The units may not exceed the difference between what the district receives for a consolidated school and what it would have received for the small schools had they not been consolidated.

(c) A district may use the monies allocated under this subsection for maintenance and operation of school programs or for other school purposes as approved by the state board.

Section 13. Section **53A-17a-111.5** is amended to read:

53A-17a-111.5. Districts to provide class space for deaf and blind programs.

(1) School districts with students who reside within their boundaries and are served by the Schools for the Deaf and the Blind shall:

- (a) furnish the schools with space required for their programs; or
- (b) help pay for the cost of leasing classroom space in other school districts.

(2) A district's participation in the program under Subsection (1) is based upon the number of students who are served by the Schools for the Deaf and the Blind and who reside within the district as compared to the state total of students who are served by the schools.

~~[(3) The Schools for the Deaf and the Blind shall compile an annual list of all districts that fail to comply with this section and provide a copy of the list to the Legislature.]~~

Section 14. Section **53A-17a-119** is amended to read:

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

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

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

(3) On February 1 of each school year, the State Board of Education shall recapture

monies not used for an adult high school completion program for reallocation to districts that have implemented programs based on need and effort as determined by the board.

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

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

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

~~[(7)]~~ (6) School districts shall spend money on adult basic skills programs according to standards established by the board.

Section 15. Section **53A-17a-124.5** is amended to read:

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

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

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

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

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

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

(4) Schools may use nontraditional innovative and creative methods to reduce class sizes

with this appropriation and may use part of their allocation to focus on class size reduction for specific groups, such as at risk students, or for specific blocks of time during the school day.

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

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

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

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

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

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

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

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

~~[(i) the use of the funds complies with legislative intent, and]~~

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

~~[(9)] (7) The Legislature shall provide for an annual adjustment in the appropriation authorized under this section in proportion to the increase in the number of students in the state in kindergarten through grade eight.~~

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

53A-17a-126. State support of pupil transportation.

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

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

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

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

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

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

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

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

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

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

purposes.

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

Section 17. Section **53A-17a-144** is amended to read:

53A-17a-144. Contribution of state to cost of minimum school program -- Determination of amounts -- Levy on taxable property -- Disbursal -- Deficiency.

The state's contribution to the total cost of the minimum school program is determined and distributed as follows:

~~[(1) Prior to June 16 of each year, the State Board of Education shall determine the estimated total cost of the minimum school program for each school district for the next school year:]~~

~~[(a) The board shall certify this cost to the State Tax Commission, the Division of Finance, and the state auditor.]~~

~~[(b) The certified report shall include the estimated number of units, the cost of the minimum program for each district as determined with the district, and the amount of any deficiency in the state's contribution to the minimum school program for the current and the preceding years:]~~

~~[(2)]~~ (1) The State Tax Commission shall levy an amount determined by the Legislature on all taxable property of the state.

(a) This amount, together with other funds provided by law, is the state's contribution to the minimum school program.

(b) The statewide levy is set at zero until changed by the Legislature.

~~[(3)]~~ (2) During the first week in November, the State Tax Commission shall certify to the State Board of Education the amounts designated as state aid for each district under Section 59-2-902.

~~[(4)]~~ (3) (a) The actual amounts computed under Section 59-2-902 are the state's contribution to the minimum school program of each district.

(b) The state board shall provide each district with a statement of the amount of state aid.

~~[(5)]~~ (4) Prior to the first day of each month, the state treasurer and the Division of Finance, with the approval of the State Board of Education, shall disburse 1/12 of the state's contribution to the cost of the minimum school program to each school district.

(a) A disbursement may not be made to a district whose payments have been interrupted under Subsection ~~[(5)]~~ (4)(d).

(b) Discrepancies between the monthly disbursements and the actual cost of the program shall be adjusted in the final settlement under Subsection ~~[(6)]~~ (5).

(c) If the monthly distributions overdraw the money in the Uniform School Fund, the Division of Finance is authorized to run this fund in a deficit position.

(d) The state board may interrupt disbursements to a district if, in the judgment of the board, the district is failing to comply with the minimum school program, is operating programs that are not approved by the state board, or has not submitted reports required by law or the state board.

(i) Disbursements shall be resumed upon request of the state board.

(ii) Back disbursements shall be included in the next regular disbursement, and the amount disbursed certified to the State Division of Finance and state treasurer by the state board.

(e) The State Board of Education may authorize exceptions to the 1/12 per month disbursement formula for grant funds if the board determines that a different disbursement formula would better serve the purposes of the grant.

~~[(6)]~~ (5) (a) If monies in the Uniform School Fund are insufficient to meet the state's contribution to the minimum school program as appropriated, the amount of the deficiency thus created shall be carried as a deficiency in the Uniform School Fund until the next session of the Legislature, at which time the Legislature shall appropriate funds to cover the deficiency.

(b) If there is an operating deficit in public education Uniform School Fund appropriations, the Legislature shall eliminate the deficit by:

(i) budget transfers or other legal means;

(ii) appropriating up to 25% of the balance in the Budgetary Reserve Account; or

(iii) some combination of Subsections (5)(b)(i) and (ii).

(c) Nothing in Subsection (5)(b) precludes the Legislature from appropriating more than 25% of the balance in the Budgetary Reserve Account to fund operating deficits in public education appropriations.

Section 18. Section **53A-17a-147** is amended to read:

53A-17a-147. Use of funds for approved programs -- Assessment of funded programs.

(1) Funds appropriated under this chapter shall only be used for programs approved by the State Board of Education.

(2) The State Board of Education shall assess the progress and degree of effectiveness of all programs funded under this chapter [~~and report its assessment to the Legislature on an annual basis~~].

Section 19. Section **53A-28-203** is amended to read:

53A-28-203. Fiscal solvency of school districts -- Duties of state treasurer and attorney general.

(1) The state superintendent of public instruction shall:

(a) monitor the financial affairs and condition of each board in the state to evaluate each school board's financial solvency; and

~~[(b) at least annually, report his conclusions to the governor, the Legislature, and the state treasurer; and]~~

~~[(c)]~~ (b) report immediately to the governor and state treasurer any circumstances suggesting that a school district will be unable to timely meet its debt service obligations and recommend a course of remedial action.

~~[(2) (a) After examining the report of the state superintendent of public instruction required by this subsection, the]~~

(2) (a) The state treasurer shall determine whether or not the financial affairs and condition of a board are such that it would be imprudent for the state to guarantee the bonds of that board.

(b) If the state treasurer determines that the state should not guarantee the bonds of that board, the state treasurer shall:

- (i) prepare a determination of ineligibility; and
- (ii) keep it on file in the office of the state treasurer.

(c) The state treasurer may remove a board from the status of ineligibility when a subsequent report [~~of the state superintendent of public instruction~~] or other information made available to the state treasurer evidences that it is no longer imprudent for the state to guarantee the bonds of that board.

(3) Nothing in this section affects the state's guaranty of bonds of a board issued:

- (a) before determination of ineligibility;
- (b) after the eligibility of the board is restored; or
- (c) under a certificate of eligibility issued under Section 53A-28-202.

Section 20. Repealer.

This act repeals:

Section 53A-2-212, Building capacity exemption.

Section 53A-3-416, Annual report on teachers' salaries.

Section 53A-6-212, Filing and publication of interstate educational personnel contracts.

Section 53A-9-106, School district to report on expenditure of money for career ladder program.

Section 53A-15-801, Modified School Week Pilot Program -- Components -- Evaluation -- Termination.

Section 53A-15-901, Arts in Elementary Schools Pilot Program -- Components -- Funding -- Evaluation.