

Representative Margaret Dayton proposes the following substitute bill:

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53A-2-207, as repealed and reenacted by Chapter 119, Laws of Utah 1993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



26 **53A-11-103**, as last amended by Chapter 99, Laws of Utah 1999
27 **53A-15-101**, as last amended by Chapter 254, Laws of Utah 2002
28 **53A-17a-108**, as last amended by Chapter 306, Laws of Utah 1993
29 **53A-17a-109**, as last amended by Chapter 137, Laws of Utah 2000
30 **53A-17a-111.5**, as enacted by Chapter 268, Laws of Utah 1994
31 **53A-17a-119**, as last amended by Chapter 279, Laws of Utah 2002
32 **53A-17a-124.5**, as last amended by Chapter 279, Laws of Utah 2002
33 **53A-17a-126**, as last amended by Chapter 279, Laws of Utah 2002
34 **53A-17a-144**, as last amended by Chapter 6, Laws of Utah 1996, Second Special

35 Session

36 **53A-17a-147**, as renumbered and amended by Chapter 72, Laws of Utah 1991
37 **53A-28-203**, as enacted by Chapter 62, Laws of Utah 1996

38 REPEALS:

39 **53A-2-212**, as last amended by Chapter 119, Laws of Utah 1993
40 **53A-3-416**, as last amended by Chapter 297, Laws of Utah 2001
41 **53A-6-212**, as enacted by Chapter 2, Laws of Utah 1988
42 **53A-9-106**, as enacted by Chapter 301, Laws of Utah 2002
43 **53A-15-801**, as enacted by Chapter 165, Laws of Utah 1997
44 **53A-15-901**, as last amended by Chapter 352, Laws of Utah 2001

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

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

47 **53A-1-301. Appointment -- Qualifications -- Duties.**

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

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

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

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

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

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

90 (i) data that are:

91 (A) comparable across schools and school districts;

92 (B) appropriate for use in longitudinal studies; and

93 (C) comprehensive with regard to the data elements required under applicable state or
94 federal law or state board rule;

95 (ii) features that enable users, most particularly school administrators, teachers, and
96 parents, to:

97 (A) retrieve school and school district level data electronically;

98 (B) interpret the data visually; and

99 (C) draw conclusions that are statistically valid; and

100 (iii) procedures for the collection and management of education data that:

101 (A) require the state superintendent of public instruction to:

102 (I) collaborate with school districts in designing and implementing uniform data
103 standards and definitions;

104 (II) undertake or sponsor research to implement improved methods for analyzing
105 education data;

106 (III) provide for data security to prevent unauthorized access to or contamination of the
107 data; and

108 (IV) protect the confidentiality of data under state and federal privacy laws; and

109 (B) require all school districts to comply with the data collection and management
110 procedures established under Subsection (2)(e); and

111 (f) with the approval of the board, preparing and submitting to the governor a budget
112 for the board to be included in the budget that the governor submits to the Legislature.

113 (3) Upon leaving office, the state superintendent shall deliver to his successor all
114 books, records, documents, maps, reports, papers, and other articles pertaining to his office.

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

116 **53A-1-605. Analysis of results -- Submission of annual budget -- Staff**
117 **professional development.**

118 (1) The State Board of Education, through the state superintendent of public

119 instruction, shall develop a plan to analyze the results of the U-PASS scores for all grade levels
120 and courses required under Section 53A-1-603 and the student behavior indicators referred to
121 in Subsection 53A-1-602 (3)(e).

122 (2) The plan shall include components designed to:

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

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

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

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

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

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

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

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

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

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

141 [~~(5)~~] (4) Each local school board shall provide for:

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

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

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

149 **53A-1a-106. School district and individual school powers.**

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

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

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

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

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

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

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

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

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

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

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

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

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

180 (C) involving students, parents, and school personnel in preparing and implementing

181 SEPs and SEOPs.

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

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

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

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

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

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

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

196 **53A-1a-107. State Board of Education assistance to districts and schools.**

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

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

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

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

211 [~~(d)~~] (4) compile and publish, for the state as a whole, a set of educational performance

212 indicators describing trends in student performance;

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

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

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

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

225 ~~[(i)]~~ (9) help school districts develop and implement guidelines, strategies, and
226 professional development programs for administrators and teachers consistent with Subsections
227 53A-1a-104(7) and 53A-6-102(2)(a) and (b) focused on improving interaction with parents and
228 promoting greater parental involvement in the public schools; and

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

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

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

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

237 **53A-2-207. Enrollment of nonresident students -- Procedures -- Processing fee --**
238 **Continuing enrollment.**

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

243 desires to attend a school in the district.

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

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

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

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

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

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

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

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

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

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

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

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

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

273 (a) the student graduates;

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

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

276 (d) the district determines that enrollment within the school in question will exceed
277 90% of maximum capacity during the coming school year.

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

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

283 (8) The parent of a student enrolled in a nonresident district may withdraw the student
284 from that district for enrollment in another district by:

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

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

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

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

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

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

301 **53A-3-404. Annual financial report -- Audit report.**

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

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

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

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

312 (b) [(†)] The State Board of Education shall publish electronically a copy of the report
313 on the Internet not later than December 15.

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

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

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

320 **53A-3-701. School and school district professional development plans.**

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

323 (b) Each school shall use its school community council, school directors, or a
324 subcommittee or task force created by the school community council as provided in Section
325 [~~53A-1-108~~] 53A-1a-108 to help develop and implement the plan.

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

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

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

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

331 (iii) the Utah Performance Assessment System for Students under Title 53A, Chapter
332 1, Part 6, Achievement Tests;

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

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

- 336 (vi) Title 53A, Chapter 10, Educator Evaluation;
- 337 (b) provision for the development of internal instructional leadership and support;
- 338 (c) the periodic presence of all stakeholders at the same time in the professional
- 339 development process, to include administrators, educators, support staff, parents, and students;
- 340 (d) provisions for the use of consultants to enhance and evaluators to assess the
- 341 effectiveness of the plan as implemented; and
- 342 (e) the time required for and the anticipated costs of implementing and maintaining the
- 343 plan.

344 (3) (a) Each local school board shall review and either approve or recommend

345 modifications for each school plan within its district so that each school's plan is compatible

346 with the district plan.

347 (b) The board shall:

- 348 (i) provide positive and meaningful assistance to a school, if requested by its
- 349 community council or school directors, in drafting and implementing its plan; and
- 350 (ii) monitor the progress of each school plan and hold each school accountable for
- 351 meeting the objectives of its plan.

352 (4) ~~[(a)]~~ The State Board of Education, through the superintendent of public

353 instruction, shall work with school districts to identify the resources required to implement and

354 maintain each school's and school district's professional development plan required under this

355 section.

356 ~~[(b) (i) The state board shall make an annual budget recommendation to the Legislature~~

357 ~~for state funding of professional development plans under this section.]~~

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

359 ~~[(A) monies that could be used for professional development from the programs listed~~

360 ~~in Subsection (2)(a); and]~~

361 ~~[(B) the Quality Teaching Block Grant Program authorized under the Minimum School~~

362 ~~Program Act.]~~

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

364 **53A-11-102.5. Dual enrollment.**

365 (1) A person having control of a minor under this part who is enrolled in a regularly

366 established private school or a home school may also enroll the minor in a public school for

367 dual enrollment purposes.

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

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

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

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

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

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

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

388 **53A-11-103. Duties of boards of education in resolving child's attendance**
389 **problems -- Parental involvement -- Issuance of truancy citations -- Procedure for**
390 **contesting citations -- Liability not imposed.**

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

394 (a) counseling of the minor by school authorities;

395 (b) a written request for parental support in securing regular attendance by the minor
396 delivered by certified mail, containing notice of the requirements of this section and stating that
397 refusal to respond to the notice is a class B misdemeanor;

398 (c) at least one meeting with the minor and the parents;
399 (d) any necessary adjustment to the curriculum and schedule to meet special needs of
400 the minor; and

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

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

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

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

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

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

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

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

426 **53A-15-101. Higher education courses in the public schools -- Cooperation**
427 **between public and higher education.**

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

429 implement:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

482 (B) Payment of the fee under Subsection (6)(b)(iii)(A) satisfies the general admissions
483 application fee requirement for a full-time or part-time student at an institution so that no
484 additional admissions application fee may be charged by the institution.

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

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

490 **53A-17a-108. Weighted pupil units for administrative costs.**

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

Administrative Costs Schedule	
School District Enrollment as of October 1	Weighted Pupil Units
495 1 - 2,000 students	53
496 2,001 - 10,000 students	48
497 10,001 - 20,000 students	25
498 20,001 and above	16

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

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

503 **53A-17a-109. Necessarily existent small schools -- Computing additional**
 504 **weighted pupil units -- Consolidation of small schools.**

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

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

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

511 (i) govern the approval of these schools consistent with principles of efficiency and
 512 economy and which shall serve the purpose of eliminating schools where consolidation is
 513 feasible by participation in special school units; and

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

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

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

522 school boards[; and].

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

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

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

- 531 (i) Elementary 160
- 532 (ii) One or two-year secondary 300
- 533 (iii) Three-year secondary 450
- 534 (iv) Four-year secondary school 500
- 535 (v) Six-year secondary school 600

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

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

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

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

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

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

548 **53A-17a-111.5. Districts to provide class space for deaf and blind programs.**

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

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

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

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

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

559 **53A-17a-119. Appropriation for adult education programs.**

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

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

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

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

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

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

578 [~~(7)~~ (6) School districts shall spend money on adult basic skills programs according to
579 standards established by the board.

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

581 **53A-17a-124.5. Appropriation for class size reduction.**

582 (1) There is appropriated to the State Board of Education for the fiscal year beginning
583 July 1, 2002, \$63,441,924 (29,757 weighted pupil units) to reduce the average class size in

584 kindergarten through the eighth grade in the state's public schools.

585 (2) Each district shall receive its allocation based upon prior year average daily
586 membership in kindergarten through grade eight plus growth as determined under Subsection
587 53A-17a-106(3) as compared to the state total.

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

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

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

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

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

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

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

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

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

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

614 ~~[(8) (a) Each school district shall provide annually to the state superintendent of public~~

615 ~~instruction a summary report on the overall district plan for utilizing class size reduction funds~~
616 ~~provided by the Legislature.]~~

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

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

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

621 ~~[(9)]~~ (7) The Legislature shall provide for an annual adjustment in the appropriation
622 authorized under this section in proportion to the increase in the number of students in the state
623 in kindergarten through grade eight.

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

625 **53A-17a-126. State support of pupil transportation.**

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

629 (2) (a) Included in the appropriation under Subsection (1) is an amount not less than
630 \$1,936,610 to be deducted prior to any other distribution under this section to school districts,
631 and allocated to the Utah Schools for the Deaf and the Blind to pay transportation costs of the
632 schools' students.

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

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

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

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

645 (5) (a) Part of the state's contribution for transportation, not to exceed \$200,000, may

646 be used as an incentive for districts to increase economy and productivity in student
647 transportation.

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

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

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

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

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

660 **53A-17a-144. Contribution of state to cost of minimum school program --**
661 **Determination of amounts -- Levy on taxable property -- Disbursal -- Deficiency.**

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

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

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

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

673 ~~[(2)]~~ (1) The State Tax Commission shall levy an amount determined by the
674 Legislature on all taxable property of the state.

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

677 (b) The statewide levy is set at zero until changed by the Legislature.
678 [~~3~~] (2) During the first week in November, the State Tax Commission shall certify to
679 the State Board of Education the amounts designated as state aid for each district under Section
680 59-2-902.

681 [~~4~~] (3) (a) The actual amounts computed under Section 59-2-902 are the state's
682 contribution to the minimum school program of each district.

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

685 [~~5~~] (4) Prior to the first day of each month, the state treasurer and the Division of
686 Finance, with the approval of the State Board of Education, shall disburse 1/12 of the state's
687 contribution to the cost of the minimum school program to each school district.

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

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

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

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

698 (i) Disbursements shall be resumed upon request of the state board.
699 (ii) Back disbursements shall be included in the next regular disbursement, and the
700 amount disbursed certified to the State Division of Finance and state treasurer by the state
701 board.

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

705 [~~6~~] (5) (a) If monies in the Uniform School Fund are insufficient to meet the state's
706 contribution to the minimum school program as appropriated, the amount of the deficiency thus
707 created shall be carried as a deficiency in the Uniform School Fund until the next session of the

708 Legislature, at which time the Legislature shall appropriate funds to cover the deficiency.

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

711 (i) budget transfers or other legal means;

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

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

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

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

718 **53A-17a-147. Use of funds for approved programs -- Assessment of funded**
719 **programs.**

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

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

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

726 **53A-28-203. Fiscal solvency of school districts -- Duties of state treasurer and**
727 **attorney general.**

728 (1) The state superintendent of public instruction shall:

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

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

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

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

738 (2) (a) The state treasurer shall determine whether or not the financial affairs and

739 condition of a board are such that it would be imprudent for the state to guarantee the bonds of
740 that board.

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

743 (i) prepare a determination of ineligibility; and

744 (ii) keep it on file in the office of the state treasurer.

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

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

750 (a) before determination of ineligibility;

751 (b) after the eligibility of the board is restored; or

752 (c) under a certificate of eligibility issued under Section 53A-28-202.

753 **Section 20. Repealer.**

754 This act repeals:

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

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

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

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

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

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