



# House of Representatives *State of Utah*

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February 17, 2006

Mr. Speaker:

The Education Committee reports a favorable recommendation on **H.B. 184**, PARENT CHOICE IN EDUCATION ACT, by Representative J. S. Adams, with the following amendments:

1. *Page 3, Line 87 through Page 4, Line 112:*

87 As used in this part:

88 ~~{(1) "Average student cost" means Minimum School Program costs divided~~  
89 ~~by total~~

89 ~~student membership in public schools on October 1. }~~

90 ~~{(2) }~~ (1) "Board" means the State Board of Education.

91 ~~{(3) }~~ (2) "Eligible private school" means a private school that meets the  
requirements of

92 Section 53A-1a-805.

93 ~~{(4) }~~ (3) "Income eligibility guideline" means the maximum annual income  
allowed to

94 qualify for reduced price meals for the applicable household size as published by the U.S.

95 Department of Agriculture by notice in the Federal Register.

96 ~~{(5) "Minimum School Program costs" means the sum of the following costs:~~

97 ~~—(a) programs listed in Section 53A-17a-104 the costs of which are tied to the~~  
98 ~~value of~~

98 ~~the weighted pupil unit;~~

99 ~~—(b) the following programs listed in Section 53A-17a-104:~~

100 ~~—(i) Social Security and retirement;~~

101 ~~—(ii) Local Discretionary Block Grant Program;~~

102 ~~—(iii) Interventions for Student Success Block Grant Program;~~

103 ~~—(iv) Quality Teaching Block Grant Program;~~

104 ~~—(v) at-risk programs;~~

105 ~~—(vi) accelerated learning programs; and~~

106 ~~—(v) K-3 Reading Improvement Program; and~~

107 ~~—(c) the state contribution to the voted and board leeway programs established~~  
108 ~~under~~

108 ~~Sections 53A-17a-133 and 53A-17a-134. }~~

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- 109            ~~{(6)}~~    (4)    "Parent" includes a legal guardian.  
110            ~~{(7)}~~    (5)    "Scholarship student" means a student who receives a scholarship  
                  under this part.  
111            ~~{(8)}~~    (6)    "Tuition" means amounts charged for attending a private school,  
                  excluding fees for  
112            extracurricular activities or transportation to the private school.

2. *Page 11, Lines 329 through 331:*

- 329            (3) Each transferred scholarship student meeting the criteria of Subsection (2) shall  
                  be  
330            retained in enrollment:  
331            (a) for five years following the transfer **or until the student would have**  
                  **graduated from high school, if within five years of the date of transfer** ; or

1. *Page 1, Lines 11 through 12:*

- 11            This bill:  
12            ▶ creates the ~~{**Education Restricted Account**}~~    **Supplementary**  
                  **Mitigation Fund** ;

2. *Page 1, Line 27 through Page 2, Line 28:*

- 27            Other Special Clauses:  
28            ~~{**This bill coordinates with H.B. 294 by providing substantive**~~  
                  ~~**changes.**}~~    **None**

3. *Page 2, Line 45 through Page 3, Line 59:*

- 45            Section 1. Section **51-8-101** is enacted to read:  
46            51-8-101. ~~{**Education Restricted Account**}~~    **Supplementary Mitigation**  
                  **Fund** created.  
47            ~~{**(1) A restricted account is created within revenues collected by the state**~~  
                  ~~**from taxes on**~~  
48            ~~**intangible property or income. The restricted account shall be known as the**~~



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49 Restricted Account:

50 ~~— (2) The contents of the Education Restricted Account shall consist of monies deposited~~

51 ~~to the account pursuant to Section 53A-1a-807.~~

52 ~~— (3) The Legislature shall appropriate money from the Education Restricted Account for~~

53 ~~the following purposes:~~

54 ~~— (a) to mitigate impacts due to a reduction in revenues resulting from the transfer of~~

55 ~~scholarship students from a school district to a private school pursuant to Title 53A, Chapter~~

56 ~~1a, Part 8, Parent Choice in Education Act;~~

57 ~~— (b) other public education purposes; or~~

58 ~~— (c) to fund the higher education system. }~~

(1) There is created a restricted special revenue fund known as the Supplementary Mitigation Fund.

(2) The contents of the Supplementary Mitigation Fund shall be the revenues deducted from school districts' minimum school program funds as provided by Section 53A-1a-807.

(3) The State Board of Education shall distribute monies from the Supplementary Mitigation Fund to a school district, if the school district demonstrates that the mitigation monies it receives under Section 53A-1a-807 are not sufficient to maintain its operations at substantially the same level as before its revenues were reduced due to the transfer of a student to a private school.

(5) Supplemental mitigation monies awarded to a school district may not exceed the amount of money deducted from the district's minimum school program funds pursuant to Section 53A-1a-807.

(6) The State Board of Education shall annually make a report to the Legislature on the distributions of money made from the Supplementary Mitigation Fund, including data on how the operations of each school district are impacted and the amount of money distributed to each school district.

(7) The Legislature may appropriate any remaining balance in the Supplementary Mitigation Fund at the end of a fiscal year not distributed or due to a

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school district for mitigation for the following purposes:

(a) other public education purposes; or

(b) to fund the higher education system.

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4. Page 12, Lines 339 through 341:

339 (5) the monies deducted from a school district's minimum school program funds as  
340 provided by Subsection (4) shall be deposited into the {Education Restricted  
Account} Supplementary Mitigation Fund created in  
341 Section 51-8-101.

= (6)(a) If the mitigation monies provided to a school district in this section are not  
sufficient to maintain operations at substantially the same level as before its revenues  
were reduced due to the transfer of a student to a private school, the district may  
submit documentation of the impact to its operations to the State Board of Education

(b) The State Board of Education shall distribute money to a school district from  
the Supplementary Mitigation Fund pursuant to Section 51-8-101 to mitigate the  
impacts on its operations, up to the amount of money deducted from the district's  
minimum school program funds pursuant to this section, provided the district  
reasonably demonstrates the need for the supplementary mitigation money.

5. Page 13, Lines 373 through 374:

373 The legislative auditor general shall conduct a review and issue a report on the Parent  
374 Choice in Education Program after the conclusion of the {~~2012-13 school~~  
year} program's third year of operations .

6. Page 13, Lines 380 through 388:

380 {~~Section 14. Coordinating H.B. 184 with H.B. 294 -- Substantive changes.~~  
381 ~~If this H.B. 184 and H.B. 294, Creation of Education Fund, both pass, it is the~~  
intent of  
382 the Legislature that the Office of Legislative Research and General Counsel, in  
preparing the  
383 Utah Code database for publication, shall do the following:

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- 384 ~~——(1) repeal Section 51-8-101; and~~  
385 ~~——(2) modify Subsection 53A-1a-807(5) to read as follows:~~  
386 ~~——“(5) The monies deducted from a school district's minimum school program~~  
~~funds as~~  
387 ~~provided by Subsection (4) shall be deposited into the Education Fund created in~~  
~~Section~~  
388 ~~51-5-4.” }~~

Respectfully,

Margaret Dayton  
Committee Chair

Voting: 8-4-3

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