

EDUCATION REFORM

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the State System of Education Code by amending charter school provisions and establishing new public education programs.

Highlighted Provisions:

This bill:

▶ requires the State Board of Education to make rules governing charter school expansion and satellite campuses;

§→ ▶ prohibits a school district from purchasing certain instructional materials unless the materials have been evaluated by an independent party for alignment with the core curriculum including:

• **requiring that the alignment evaluation be made available on a website at no charge; and**

• **exempting charter schools from the evaluation requirements; ←§**

▶ establishes the Critical Languages Program and authorizes a pilot program;

▶ provides an appropriation for charter school administrative costs, charter school staff, and local replacement funding;

▶ provides an ongoing appropriation to the Charter School Building Subaccount within the School Building Revolving Account, subject to a sunset date;

▶ modifies Charter School Building Subaccount governance and loan use provisions;

▶ establishes the English Language Learners Grant Program;

▶ establishes the Instructional Technology Classroom Program;

▶ establishes the Instructional Technology Advisory Committee and provides its



- 24 membership, duties, and compensation;
- 25 ▶ requires certain reports;
- 26 ▶ provides a sunset date for the English Language Learners Grant Program;
- 27 ▶ provides additional funding for charter schools; and

28 ▶ makes technical corrections.

29 **Monies Appropriated in this Bill:**

30 This bill appropriates:

31 ▶ as an ongoing appropriation subject to future budget constraints, \$68,932,580 from
32 the Uniform School Fund for fiscal year 2007-08 to the State Board of Education;
33 and

34 ▶ for fiscal year 2007-08 only, \$50,000,000 from the Uniform School Fund to the
35 State Board of Education.

36 **Other Special Clauses:**

37 This bill takes effect on July 1, 2007.

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **53A-1a-508**, as last amended by Chapter 291, Laws of Utah 2005

40a **§→ 53A-1a-511, as last amended by Chapter 14, Laws of Utah 2006 ←§**

41 **53A-1a-513**, as last amended by Chapters 9 and 291, Laws of Utah 2005

42 **53A-17a-104**, as last amended by Chapters 4 and 354, Laws of Utah 2006

43 **53A-17a-108**, as last amended by Chapter 221, Laws of Utah 2003

44 **53A-21-104**, as last amended by Chapter 105, Laws of Utah 2005

45 **63-55-253**, as last amended by Chapters 86 and 91, Laws of Utah 2005

46 **63-55b-153**, as last amended by Chapters 149, 201, 272 and 299, Laws of Utah 2006

47 ENACTS:

47a **§→ 53A-14-107, Utah Code Annotated 1953 ←§**

48 **53A-15-104**, Utah Code Annotated 1953

49 **53A-17a-153**, Utah Code Annotated 1953

50 **53A-17a-154**, Utah Code Annotated 1953

51 **53A-17a-155**, Utah Code Annotated 1953

52

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

54 Section 1. Section **53A-1a-508** is amended to read:

55 **53A-1a-508. Content of a charter -- Modification of charter.**

56 (1) The major issues involving the operation of a charter school shall be considered in
57 advance by the applicant for a charter school and written into the school's charter.

58 (2) The governing body of the charter school and the chartering entity shall sign the

59 charter.

60 (3) The charter shall include:

61 (a) the age or grade levels to be served by the school;

62 (b) the projected maximum number of students to be enrolled in the school and the

63 projected enrollment in each of the first three years of operations;

64 (c) the governance structure of the school;

65 (d) the financial plan for the school and the provisions which will be made for auditing
66 the school under Subsection 53A-1a-507(4);

67 (e) the mission and education goals of the school, the curriculum offered, and the
68 methods of assessing whether students are meeting educational goals, to include at a minimum
69 participation in the Utah Performance Assessment System for Students under Chapter 1, Part 6,
70 Achievement Tests;

71 (f) admission and dismissal procedures, including suspension procedures;

72 (g) procedures to review complaints of parents regarding the operation of the school;

73 (h) the opportunity for parental involvement at the school;

74 (i) how the school will provide adequate liability and other appropriate insurance for
75 the school, its governing body, and its employees;

76 (j) the proposed school calendar, including the length of the school day and school
77 year;

78 (k) whether any agreements have been entered into or plans developed with school
79 districts regarding participation of charter school students in extracurricular activities within
80 the school districts;

81 (l) the district within which the school will be located and the address of the school's
82 physical facility, if known at the time the charter is signed;

83 (m) the qualifications to be required of the teachers;

84 (n) in the case of an existing public school converting to charter status, alternative
85 arrangements for current students who choose not to attend the charter school and for current
86 teachers who choose not to teach at the school after its conversion to charter status;

87 (o) the school's intention to create a library;

88 (p) a description of school administrative and supervisory services;

89 (q) fiscal procedures to be used by the school; and

90 (r) the school's policies and procedures regarding:

91 (i) employee evaluation; and

92 (ii) employment of relatives.

93 (4) A charter may be modified by mutual agreement of the board and the governing

94 body of the school.

95 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
96 State Board of Education shall make rules that establish the:

97 (a) procedures and deadlines for approved charter schools to apply and qualify for
98 expansion, including the establishment of satellite campuses; and

99 (b) requirements that, if satisfied by an approved charter school, shall result in approval
100 of the charter school's proposed expansion or satellite campus establishment, including that the
101 charter school has:

102 (i) satisfied all requirements under this part and board rules for charter schools;

103 (ii) demonstrated financial stability;

104 (iii) provided notification to the school district of the expansion in the same manner as
105 required under Section 53A-1a-505;

106 (iv) provided information on how the school can accommodate expansion within the
107 existing charter school facilities or what additional facilities are required and how they will be
108 completed by the proposed date of expansion;

109 (v) revised its budget and financial plan to include the proposed expansion or satellite
110 campus;

111 (vi) provided detailed information required by the board if the proposal involves
112 additional grades;

113 (vii) provided information about the facilities and governance of the satellite campus;

114 and

115 (viii) provided all other documents required by the board.

115a **§→ Section 2. Section 53A-1a-511 is amended to read:**

115b **53A-1a-511. Waivers from state board rules -- Application of statutes and rules to**
115c **charter schools.**

115d **(1) A charter school shall operate in accordance with its charter and is subject to Title**
115e **53A, State System of Public Education, and other state laws applicable to public schools,**
115f **except as otherwise provided in this part.**

115g **(2) (a) A charter school or any other public school or school district may apply to the**
115h **State Board of Education for a waiver of any state board rule that inhibits or hinders the ←§**

- 115i **§→ school or the school district from accomplishing its mission or educational goals set out in**
 115j **its strategic plan or charter.**
- 115k **(b) The state board may grant the waiver, unless:**
- 115l **(i) the waiver would cause the school district or the school to be in violation of state or**
 115m **federal law; or**
- 115n **(ii) the waiver would threaten the health, safety, or welfare of students in the district or**
 115o **at the school.**
- 115p **(c) If the State Board of Education denies the waiver, the reason for the denial shall be**
 115q **provided in writing to the waiver applicant.**
- 115r **(3) (a) Except as provided in Subsection (3)(b), State Board of Education rules**
 115s **governing the following do not apply to a charter school:**
- 115t **(i) school libraries;**
- 115u **(ii) required school administrative and supervisory services; and**
- 115v **(iii) required expenditures for instructional supplies.**
- 115w **(b) A charter school shall comply with rules implementing statutes that prescribe how**
 115x **state appropriations may be spent.**
- 115y **(4) The following provisions of Title 53A, State System of Public Education, and rules**
 115z **adopted under those provisions, do not apply to a charter school:**
- 115aa **(a) Sections 53A-1a-108 and 53A-1a-108.5, requiring the establishment of a school**
 115ab **community council and school improvement plan;**
- 115ac **(b) Sections 53A-3-413 and 53A-3-414, pertaining to the use of school buildings as civic**
 115ad **centers;**
- 115ae **(c) Section 53A-3-420, requiring the use of activity disclosure statements;**
- 115af **(d) Section 53A-12-207, requiring notification of intent to dispose of textbooks;**
- 115ag **(e) Section 53A-13-107, requiring annual presentations on adoption; and**
- 115ah **(f) Chapter 19, Part 1, Fiscal Procedures, pertaining to fiscal procedures of school**
 115ai **districts and local school boards.**
- 115aj **(g) Section 53A-14-107, requiring an independent evaluation of instructional materials.**
- 115ak **(5) For the purposes of Title 63, Chapter 56, Utah Procurement Code, a charter school**
 115al **shall be considered a local public procurement unit.**
- 115am **(6) Each charter school shall be subject to:**
- 115an **(a) Title 52, Chapter 4, Open and Public Meetings Act; and**
- 115ao **(b) Title 63, Chapter 2, Government Records Access and Management Act.**
- 115ap **(7) (a) The State Charter School Board shall, in concert with the charter schools, ←§**

115aq **§→ study existing state law and administrative rules for the purpose of determining from**
 115ar **which laws and rules charter schools should be exempt.**

115as (b) (i) **The State Charter School Board shall present recommendations for exemption to**
 115at **the State Board of Education for consideration.**

115au (ii) **The State Board of Education shall consider the recommendations of the State**
 115av **Charter School Board and respond within 60 days.**

115aw (c) **Annually, the State Charter School Board shall report the results of its review of**
 115ax **state laws and administrative rules, along with the responses received from the State Board of**
 115ay **Education, to the Education Interim Committee by October 1.**

115az **Section 3. Section 53A-14-107 is enacted to read:**

115ba **53A-14-107. Instructional materials alignment with core curriculum.**

115bb **(1) A school district may not purchase primary instructional materials unless the**
 115bc **primary instructional materials provider:**

115bd **(a) contracts with an independent party to evaluate and map the alignment of the**
 115be **primary instructional materials with the core curriculum adopted under Section 53A-1-402;**

115bf **(b) provides a detailed summary of the evaluation under Subsection (1)(a) on a public**
 115bg **website at no charge, for use by teachers and the general public; and**

115bh **(c) pays the costs related to the requirements of this Subsection (1).**

115bi **(2) The requirements under Subsection (1) may not be performed by:**

115bj **(a) the State Board of Education;**

115bk **(b) the superintendent of public instruction or the superintendent's staff;**

115bl **(c) the State Instructional Materials Commission appointed pursuant to Section**
 115bm **53A-14-101;**

115bn **(d) an employee or board member of a school district; or**

115bo **(e) the instructional materials creator or publisher. ←§**

116 Section **§→ [2] 4 ←§** . Section **53A-1a-513** is amended to read:

117 **53A-1a-513. Funding for charter schools.**

118 (1) (a) Charter schools shall receive funding as described in this section, except
 119 Subsections (2) through (7) do not apply to charter schools described in Subsection (1)(b).

120 (b) Charter schools authorized by local school boards that are converted from district

121 schools or operate in district facilities without paying reasonable rent shall receive funding as
122 prescribed in Section 53A-1a-515.

123 (2) (a) Except as provided in Subsection (2)(b), a charter school shall receive state
124 funds, as applicable, on the same basis as a school district receives funds.

125 (b) In distributing funds under Title 53A, Chapter 17a, Minimum School Program Act,
126 to charter schools, charter school pupils shall be weighted, where applicable, as follows:

127 (i) .55 for kindergarten pupils;

128 (ii) .9 for pupils in grades 1-6;

129 (iii) .99 for pupils in grades 7-8; and

130 (iv) 1.2 for pupils in grades 9-12.

131 (c) The State Board of Education shall make rules in accordance with Title 63, Chapter
132 46a, Utah Administrative Rulemaking Act, to administer Subsection (2)(b), including hold
133 harmless provisions to maintain a charter elementary school's funding level for a period of two
134 years after the effective date of the distribution formula.

135 (d) Subsection (2)(b) does not apply to funds appropriated to charter schools to replace
136 local property tax revenues.

137 (3) The State Board of Education shall adopt rules to provide for the distribution of
138 monies to charter schools under this section.

139 (4) (a) The Legislature shall provide an appropriation for charter schools for each of
140 their students to replace some of the local property tax revenues and state support of local
141 property tax revenues under Sections 53A-17a-133, 53A-17a-134, and 53A-21-105 that are not
142 available to charter schools. The amount of money provided for each charter school student
143 shall be determined ~~[by]~~ as follows:

144 ~~[(i) calculating the sum of:]~~

145 ~~[(A) school districts' operations and maintenance revenues derived from local property~~
146 ~~taxes, except revenues from imposing a minimum basic tax rate pursuant to Section~~
147 ~~53A-17a-135;]~~

148 ~~[(B) school districts' capital projects revenues derived from local property taxes; and]~~

149 ~~[(C) school districts' expenditures for interest on debt; and]~~

150 ~~[(ii) dividing the sum by the total average daily membership of the districts' schools.]~~

151 (i) calculate the sum of the school districts':

- 152 (A) General Fund property tax revenues;
- 153 (B) Debt Service Fund property tax revenues;
- 154 (C) Capital Projects Fund property tax revenues;
- 155 (D) state support to the voted levy program provided under Section 53A-17a-133;
- 156 (E) state support to the board levy program provided under Section 53A-17a-134; and
- 157 (F) revenue received from ongoing appropriations to the Capital Outlay Foundation
- 158 and Enrollment Growth Programs created in Section 53A-21-102;

159 (ii) subtract from the sum calculated under Subsection (4)(a)(i):

- 160 (A) property tax revenue from the basic levy established under Section 53A-17a-135;
- 161 (B) property tax revenue from the reading levy authorized under Section 53A-17a-151;

162 and

163 (C) property revenue from the special transportation levy authorized under Section
164 53A-17a-127; and

165 (iii) divide the remainder by the school districts' total average daily membership.

166 (b) Of the monies provided to a charter school under Subsection (4)(a), 10% shall be
167 expended for funding school facilities only.

168 (c) To qualify for money under Subsection (4)(a), a new charter school shall, by
169 September 30 of the school year prior to the school year it intends to begin operations:

170 (i) obtain approval of its application for a charter from:

- 171 (A) the State Board of Education, pursuant to Section 53A-1a-505; or
- 172 (B) a local school board, pursuant to Section 53A-1a-515; and

173 (ii) submit to the chartering entity an estimate of the charter school's first year
174 enrollment.

175 [~~(d) Subsection (4)(c) does not apply to charter schools beginning operations in the~~
176 ~~2005-06 school year.~~]

177 [(~~e~~)] (d) By December 1, the State Charter School Board shall submit to the Governor's
178 Office of Planning and Budget and the Office of the Legislative Fiscal Analyst an estimate of
179 total charter school enrollment in the state for the following school year.

180 (5) Charter schools are eligible to receive federal funds if they meet all applicable
181 federal requirements and comply with relevant federal regulations.

182 (6) The State Board of Education shall distribute funds for charter school students

183 directly to the charter school.

184 (7) (a) Notwithstanding Subsection (2), a charter school is not eligible to receive state
185 transportation funding.

186 (b) The board shall also adopt rules relating to the transportation of students to and
187 from charter schools, taking into account Sections 53A-2-210 and 53A-17a-127.

188 (c) The governing body of the charter school may provide transportation through an
189 agreement or contract with the local school board, a private provider, or with parents.

190 (8) (a) (i) The state superintendent of public instruction may allocate grants for both
191 start-up and ongoing costs to eligible charter school applicants from monies appropriated for
192 the implementation of this part.

193 (ii) Applications for the grants shall be filed on a form determined by the state
194 superintendent and in conjunction with the application for a charter.

195 (iii) The amount of a grant may vary based upon the size, scope, and special
196 circumstances of the charter school.

197 (iv) The governing board of the charter school shall use the grant to meet the expenses
198 of the school as established in the school's charter.

199 (b) The State Board of Education shall coordinate the distribution of federal monies
200 appropriated to help fund costs for establishing and maintaining charter schools within the
201 state.

202 (9) (a) A charter school may receive, hold, manage and use any devise, bequest, grant,
203 endowment, gift, or donation of any property made to the school for any of the purposes of this
204 part.

205 (b) It is unlawful for any person affiliated with a charter school to demand or request
206 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated
207 with the charter school as a condition for employment or enrollment at the school or continued
208 attendance at the school.

209 [~~(10) The State Office of Education shall use up to \$1,044,000 of funding provided for
210 new growth to fund additional growth needs in charter schools in fiscal year 2005.~~]

211 Section 3. Section **53A-15-104** is enacted to read:

212 **53A-15-104. Critical Languages Program -- Pilot.**

213 (1) (a) As used in this section, "critical languages" means those languages described in

214 the federal National Security Language Initiative, including Chinese, Arabic, Russian, Farsi,
215 Hindi, and Korean.

216 (b) The Legislature recognizes:

217 (i) the importance of students acquiring skills in foreign languages in order for them to
218 successfully compete in a global society; and

219 (ii) the academic, societal, and economic development benefits of the acquisition of
220 critical languages.

221 (2) (a) The State Board of Education, in consultation with the Utah Education
222 Network, shall develop and implement courses of study in the critical languages.

223 (b) A course may be taught:

224 (i) over EDNET, the state's two-way interactive system for video and audio, to students
225 in the state's public education system; or

226 (ii) through the Electronic High School.

227 (3) (a) The courses authorized in Subsection (2) may use paraprofessionals in the
228 classroom who:

229 (i) are fluent in the critical language being taught; and

230 (ii) can provide reinforcement and tutoring to students on days and at times when they
231 are not receiving instruction over EDNET under Subsection (2)(b).

232 (b) The State Board of Education, through the state superintendent of public
233 instruction, shall ensure that the paraprofessionals are fluent in the critical languages.

234 (4) The State Board of Education shall make rules on the critical languages courses
235 authorized under this section in accordance with Title 63, Chapter 46a, Utah Administrative
236 Rulemaking Act, to include:

237 (a) notification to school districts on the times and places of the course offerings; and

238 (b) instructional materials for the courses.

239 (5) The State Board of Education shall track and monitor the Critical Languages
240 Program and may expand the program to include more course offerings and other critical
241 languages, subject to student demand for the courses and available resources.

242 (6) Subject to funding for the program, the State Board of Education shall establish a
243 pilot program for school districts and schools to initially participate in the Critical Languages
244 Program that provides:

245 (a) \$6,000 per language per school, for up to 20 schools, for courses offered in critical
246 languages;

247 (b) \$100 per student who completes a critical languages course; and

248 (c) an additional \$400 per foreign exchange student who completes a critical languages
249 course.

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

251 **53A-17a-104. Amount of state's contribution toward minimum school program.**

252 (1) The total contribution of the state toward the cost of the minimum school program
253 may not exceed the sum of \$2,032,219,545 for the fiscal year beginning July 1, 2006, except as
254 otherwise provided by the Legislature through supplemental appropriations.

255 (2) There is appropriated from state and local funds for fiscal year 2006-07 for
256 distribution to school districts and charter schools, in accordance with this chapter, monies for
257 the following purposes and in the following amounts:

258 (a) basic program - kindergarten, \$57,234,560 (23,680 WPU);

259 (b) basic program - grades 1-12, \$1,118,053,443 (462,579 WPU);

260 (c) basic program - professional staff, \$106,128,053 (43,909 WPU);

261 (d) basic program - administrative costs, \$3,937,293 (1,629 WPU);

262 (e) basic program - necessarily existent small schools and units for consolidated
263 schools, \$18,487,633 (7,649 WPU);

264 (f) special education - regular program - add-on WPU for students with disabilities,
265 \$136,350,221 (56,413 WPU);

266 (g) preschool special education program, \$19,717,886 (8,158 WPU);

267 (h) self-contained regular WPU, \$32,148,517 (13,301 WPU);

268 (i) extended year program for severely disabled, \$887,039 (367 WPU);

269 (j) special education programs in state institutions and district impact aid, \$3,487,731
270 (1,443 WPU);

271 (k) applied technology and technical education district programs, \$59,934,349 (24,797
272 WPU), including \$1,045,033 for summer applied technology agriculture programs;

273 (l) applied technology district set-aside, \$2,562,020 (1,060 WPU);

274 (m) class size reduction, \$74,378,341 (30,773 WPU);

275 (n) Social Security and retirement programs, \$310,891,038;

276 (o) pupil transportation to and from school, \$62,601,763, of which not less than
277 \$2,173,569 shall be allocated to the Utah Schools for the Deaf and Blind to pay for
278 transportation costs of the schools' students;

279 (p) guarantee transportation levy, \$500,000;

280 (q) Local Discretionary Block Grant Program, \$21,820,748;

281 (r) Interventions for Student Success Block Grant Program, \$16,792,888;

282 (s) Quality Teaching Block Grant Program, \$62,993,704;

283 (t) highly impacted schools, \$5,123,207;

284 (u) at-risk programs, \$27,992,056;

285 (v) adult education, \$9,148,653;

286 (w) accelerated learning programs, \$12,010,853;

287 (x) electronic high school, \$1,300,000;

288 (y) School LAND Trust Program, \$15,000,000;

289 (z) state-supported voted leeway, \$196,085,303;

290 (aa) state-supported board leeway, \$54,704,476;

291 (bb) charter schools, pursuant to Section 53A-1a-513, [~~\$21,552,450~~] \$36,768,100;

292 (cc) charter school administrative costs, \$2,889,480;

293 [~~(cc)~~] (dd) K-3 Reading Improvement Program, \$12,500,000; [~~and~~]

294 [~~(dd)~~] (ee) state-supported board leeway for K-3 Reading Improvement Program,
295 \$15,000,000[-];

296 (ff) English Language Learners Grant Program, \$6,686,000;

297 (gg) Instructional Technology Classroom Program, \$20,000,000; and

298 (hh) Charter School Building Subaccount within the School Building Revolving
299 Account, \$2,000,000.

300 Section 5. Section **53A-17a-108** is amended to read:

301 **53A-17a-108. Weighted pupil units for school district administrative costs --**

302 **Appropriation for charter school administrative costs.**

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

305 Administrative Costs Schedule

306 School District Enrollment as of October 1

Weighted Pupil Units

307	1 - 2,000 students	53
308	2,001 - 10,000 students	48
309	10,001 - 20,000 students	25
310	20,001 and above	16

311 (2) Money appropriated to the State Board of Education in Section 53A-17a-104 for
 312 charter school administrative costs shall be distributed to charter schools in the amount of \$120
 313 for each charter school student in enrollment.

314 (3) Charter schools are not eligible for funds for administrative costs under Subsection
 315 (1).

316 Section 6. Section **53A-17a-153** is enacted to read:

317 **53A-17a-153. English Language Learners Grant Program -- Report.**

318 (1) Money appropriated for the English Language Learners Grant Program in Section
 319 53A-17a-104 shall be allocated to school districts and charter schools as provided in this
 320 section.

321 (2) To receive a program grant, a school district or charter school shall provide
 322 matching funds in an amount equal to the grant from local, federal, or private resources.

323 (3) Grant monies and matching funds shall be used to pay for costs of English
 324 Language Learner Family Literacy Centers.

325 (4) English Language Learner Family Literacy Centers shall be established to:

326 (a) increase parent involvement;

327 (b) communicate with parents who are not proficient in English of required and
 328 optional activities at the school, in the parents' preferred language to the extent practicable;

329 (c) increase academic achievement, literacy skills, and language gains in all ethnic
 330 groups of students and their families;

331 (d) coordinate with school administrators, educators, families, and students;

332 (e) support and coordinate with other language acquisition instructional services and
 333 language proficiency programs in the public schools.

334 (5) The State Board of Education shall make a report to the Education Interim
 335 Committee on the effectiveness of the English Language Learners Grant Program before
 336 November 30, 2010.

337 Section 7. Section **53A-17a-154** is enacted to read:

338 **53A-17a-154. Instructional Technology Classroom Program.**

339 (1) (a) Money appropriated for the Instructional Technology Classroom Program in
 340 Section 53A-17a-104 shall be allocated to school districts and charter schools as provided in
 341 this section.

342 (b) The program is established as an integrated statewide system to deliver education
 343 technology solutions to school districts and charter schools.

344 (2) (a) The State Board of Education shall allocate the appropriation to school districts
 345 and charter schools ~~§~~ , based upon prior year average daily membership, ~~←§~~ as provided for
 345a in rules made in accordance with Title 63, Chapter 46a,
 346 Utah Administrative Rulemaking Act.

347 (b) The rules under Subsection (2)(a) shall establish eligibility guidelines for education
 348 technology solutions, including:

349 (i) requiring all purchased products to employ a solution for asset tracking, data
 350 protection, asset recovery, and depreciation schedules; and

351 (ii) giving funding priority to research proven technology that enhances and facilitates
 352 learning for all students that may include:

353 (A) computers, including wireless laptop computers;

354 (B) audio enhancement products for classrooms;

355 (C) instructional enhancement items, including digital projectors, interactive polling
 356 devices, and document cameras;

357 (D) computer peripheral equipment;

358 (E) mobile interactive technology products;

359 (F) education software and digital content; ~~§~~ [and]

359a (G) technology assisted assessments and testing; and

360 [~~(G)~~] ~~H~~ ~~←§~~ other instructional devices and protective cases.

361 (3) (a) Prior to using money allocated for the Instructional Technology Classroom
 362 Program, a school district or charter school shall:

363 (i) submit ~~§~~ [a class size reduction] an instructional technology ~~←§~~ plan to the
 363a Instructional Technology Advisory
 364 Committee created in Section 53A-17a-155 that specifies how the school district or charter
 365 school intends to spend program money, including proposed expenditures for the next fiscal
 366 year and long-term instructional technology plans; ~~§~~ [and] ~~←§~~

367 (ii) receive approval of the plan from the Instructional Technology Advisory
 368 Committee ~~§~~ ; and

368a (iii) provide matching funds from other school district or charter school funds in an
 368b amount equal to the allocation ~~←§~~ .

369 (b) Program monies may not be used to supplant funds for existing programs or
 370 technology expenditures, but may be used to augment existing programs.

371 Section 8. Section **53A-17a-155** is enacted to read:

372 **53A-17a-155. Instructional Technology Advisory Committee -- Membership --**
 373 **Duties -- Compensation.**

374 (1) There is established the Instructional Technology Advisory Committee consisting
 375 of ~~§~~ :

375a (a) ~~§~~ the following 12 ~~§~~ voting ~~§~~ members:

376 ~~§~~ [(a)] (i) ~~§~~ the state superintendent of public instruction;

377 ~~§~~ [(b)] (ii) ~~§~~ three members appointed by the state superintendent of public instruction;

377a and

378 ~~§~~ [(c)] (iii) ~~§~~ eight members appointed by the governor with diverse expertise or interest

378a in

379 technology, instructional technology, public education, and higher education ~~§~~ ; and

379a **(b) the following two nonvoting members:**

379b **(i) one senator, appointed by the president of the Senate; and**

379c **(ii) one representative, appointed by the speaker of the House of Representatives ~~§~~ .**

380 (2) (a) The committee members shall be appointed to a four-year term.

381 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
 382 appointed for the unexpired term.

383 (3) The advisory committee shall:

384 (a) approve school district and charter school ~~§~~ plans for the use of ~~§~~ Instructional
 384a Technology Classroom

385 Program monies in accordance with the provisions of Section 53A-17a-154;

386 (b) annually report to the State Board of Education, including a summary of school
 387 district and charter school approved instructional technology expenditures and any
 388 recommendations of the committee.

389 (4) (a) (i) Members who are not government employees may not receive compensation
 390 or benefits for their services, but may receive per diem and expenses incurred in the
 391 performance of the member's official duties at the rates established by the Division of Finance
 392 under Sections 63A-3-106 and 63A-3-107.

393 (ii) Members may decline to receive per diem and expenses for their service.

394 (b) (i) State government officer and employee members who do not receive salary, per
 395 diem, or expenses from their agency for their service may receive per diem and expenses
 396 incurred in the performance of their official duties from the committee at the rates established
 397 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

398 (ii) State government officer and employee members may decline to receive per diem
 399 and expenses for their service.

400 (5) Staff for the committee shall be provided from the existing budgets of the State
401 Board of Education.

402 Section 9. Section **53A-21-104** is amended to read:

403 **53A-21-104. School Building Revolving Account -- Access to the account.**

404 (1) There is created a nonlapsing "School Building Revolving Account" administered
405 within the Uniform School Fund by the state superintendent of public instruction in accordance
406 with rules adopted by the State Board of Education.

407 (2) Monies received by a school district from the School Building Revolving Account
408 may not exceed the district's bonding limit minus its outstanding bonds.

409 (3) In order to receive monies from the account, a school district must do the
410 following:

411 (a) levy a tax of at least .0024 for capital outlay and debt service;

412 (b) contract with the state superintendent of public instruction to repay the monies,
413 with interest at a rate established by the state superintendent, within five years of their receipt,
414 using future state building monies or local revenues or both;

415 (c) levy sufficient ad valorem taxes under Section 11-14-310 to guarantee annual loan
416 repayments, unless the state superintendent of public instruction alters the payment schedule to
417 improve a hardship situation; and

418 (d) meet any other condition established by the State Board of Education pertinent to
419 the loan.

420 (4) (a) The state superintendent shall establish a committee, including representatives
421 from state and local education entities, to:

422 (i) review requests by school districts for loans under this section; and

423 (ii) make recommendations regarding approval or disapproval of the loan applications
424 to the state superintendent.

425 (b) If the committee recommends approval of a loan application under Subsection

426 (4)(a)(ii), the committee's recommendation shall include:

427 (i) the recommended amount of the loan;

428 (ii) the payback schedule; and

429 (iii) the interest rate to be charged.

430 (5) (a) There is established within the School Building Revolving Account the Charter

431 School Building Subaccount administered by the State Charter School Board in accordance
432 with rules adopted by the State Board of Education.

433 (b) The Charter School Building Subaccount shall consist of:

434 (i) money appropriated to the subaccount by the Legislature;

435 (ii) money received from the repayment of loans made from the subaccount; and

436 (iii) interest earned on monies in the subaccount.

437 (c) The state superintendent of public instruction shall make loans to charter schools
438 from the Charter School Building Subaccount to pay for the costs of:

439 (i) constructing or renovating charter school buildings[-]; or

440 (ii) equipment, supplies, or other start-up or expansion expenses.

441 (6) (a) The [~~state superintendent of public instruction~~] State Charter School Board shall
442 establish a committee, which shall include individuals who have expertise or experience in
443 finance, real estate, and charter school administration, one of whom shall be nominated by the
444 governor to:

445 (i) review requests by charter schools for loans under this section; and

446 (ii) make recommendations regarding approval or disapproval of the loan applications
447 to the [~~state superintendent~~] State Charter School Board.

448 (b) If the committee recommends approval of a loan application under Subsection

449 (6)(a)(ii), the committee's recommendation shall include:

450 (i) the recommended amount of the loan;

451 (ii) the payback schedule; and

452 (iii) the interest rate to be charged.

453 (7) The State Charter School Board shall approve all loans to charter schools under this
454 section.

455 (8) Loans to charter schools under this section may not exceed a term of five years.

456 Section 10. Section **63-55-253** is amended to read:

457 **63-55-253. Repeal dates, Titles 53, 53A, and 53B.**

458 The following provisions of Title 53A are repealed on the following dates:

459 (1) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program, is
460 repealed July 1, 2010.

461 (2) The State Instructional Materials Commission, created in Section 53A-14-101, is

462 repealed July 1, 2011.

463 (3) The English Language Learners Grant Program, created in Section 53A-17a-153, is
 464 repealed July 1, 2011.

465 [~~3~~] (4) Title 53A, Chapter 20a, Public Education Revenue Bond Act, is repealed July
 466 1, 2007.

467 [~~4~~] (5) Section 53-3-232, Conditional licenses, is repealed July 1, 2015.

468 Section 11. Section **63-55b-153** is amended to read:

469 **63-55b-153. Repeal dates -- Titles 53, 53A, and 53B.**

470 (1) Subsection 53-3-205(9)(a)(i)(D) is repealed July 1, 2007.

471 (2) Section 53-3-210 is repealed February 1, 2007.

472 (3) Subsection 53-3-804(2)(g) is repealed July 1, 2007.

473 (4) Section 53A-1-403.5 is repealed July 1, 2007.

474 (5) Subsection 53A-1a-511(7)(c) is repealed July 1, 2007.

475 (6) Section 53A-3-702 is repealed July 1, 2008.

476 (7) Section 53A-6-112 is repealed July 1, 2009.

477 (8) Subsection 53A-17a-104(2)(hh), the appropriation for the Charter School Building
 478 Subaccount within the School Building Revolving Account, is repealed July 1, 2010.

479 [~~8~~] (9) Section 53A-17a-152 is repealed July 1, 2010.

480 Section 12. **Ongoing appropriation for the Critical Languages Program and staff.**

481 (1) As an ongoing appropriation subject to future budget constraints, there is
 482 appropriated from the Uniform School Fund for fiscal year 2007-08, \$362,000 to the State
 483 Board of Education.

484 (2) It is the intent of the Legislature that:

485 (a) \$230,000 of the appropriation in Subsection (1) shall be used to fund the Critical
 486 Languages Program created in Section 53A-15-104; and

487 (b) \$132,000 of the appropriation in Subsection (1) shall fund a world language
 488 specialist.

489 Section 13. **Ongoing appropriation for charter school staff.**

490 As an ongoing appropriation subject to future budget constraints, there is appropriated
 491 from the Uniform School Fund for fiscal year 2007-08, \$227,000 to the State Board of
 492 Education to fund additional FTEs under the direction of the staff director for the State Charter

493 School Board.

494 Section 14. **One-time Appropriation for the Instructional Technology Classroom**
495 **Program -- Pilot.**

496 (1) There is appropriated \$50,000,000 from the Uniform School Fund for fiscal year
497 2007-08 only to the State Board of Education to fund the Instructional Technology Classroom
498 Program created in Section 53A-17a-154.

499 (2) It is the intent of the Legislature that the State Board of Education:

500 (a) shall use \$3,000,000 of the appropriation under Subsection (1) to contract to
501 implement a system provided and developed by the private sector to gather student
502 achievement data from multiple sources and then manage and disseminate the data for use by
503 school administrators, educators, and others; and

504 (b) may use some of the appropriation described under Subsection (2)(a) to establish a
505 pilot program to manage and support the system described under Subsection (2)(a) for use by
506 all school districts and charter schools.

507 Section 15. **Effective date.**

508 This bill takes effect on July 1, 2007.

Legislative Review Note
as of 2-14-07 10:16 AM

Office of Legislative Research and General Counsel