

Senator Howard A. Stephenson proposes the following substitute bill:

EDUCATION REFORM

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Gregory H. Hughes

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:

- ▶ repeals the cap on the combined maximum student capacity of charter schools;
- ▶ allows charter schools to be established for specified purposes;
- ▶ provides start-up funds for certain new charter schools that are ineligible for federal start-up funds;
- ▶ 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;



- 26 ▶ provides an appropriation for charter school administrative costs, charter school
- 27 staff, and local replacement funding;
- 28 ▶ provides an ongoing appropriation to the Charter School Building Subaccount
- 29 within the School Building Revolving Account, subject to a sunset date;
- 30 ▶ modifies Charter School Building Subaccount governance and loan use provisions;
- 31 ▶ establishes the English Language Learners Grant Program;
- 32 ▶ establishes the Instructional Technology Classroom Program;
- 33 ▶ establishes the Instructional Technology Advisory Committee and provides its
- 34 membership, duties, and compensation;
- 35 ▶ requires certain reports;
- 36 ▶ provides a sunset date for the English Language Learners Grant Program;
- 37 ▶ provides additional funding for charter schools;
- 38 ▶ makes certain funding nonlapsing; and
- 39 ▶ makes technical corrections.

40 **Monies Appropriated in this Bill:**

41 This bill appropriates:

- 42 ▶ as an ongoing appropriation subject to future budget constraints, \$68,932,580 from
- 43 the Uniform School Fund for fiscal year 2007-08 to the State Board of Education;
- 44 and
- 45 ▶ for fiscal year 2007-08 only, \$55,000,000 from the Uniform School Fund to the
- 46 State Board of Education.

47 **Other Special Clauses:**

48 This bill takes effect on July 1, 2007.

49 **Utah Code Sections Affected:**

50 AMENDS:

- 51 **53A-1a-506**, as last amended by Chapters 291 and 301, Laws of Utah 2005
- 52 **53A-1a-508**, as last amended by Chapter 291, Laws of Utah 2005
- 53 **53A-1a-511**, as last amended by Chapter 14, Laws of Utah 2006
- 54 **53A-1a-513**, as last amended by Chapters 9 and 291, Laws of Utah 2005
- 55 **53A-17a-104**, as last amended by Chapters 4 and 354, Laws of Utah 2006
- 56 **53A-17a-108**, as last amended by Chapter 221, Laws of Utah 2003

57 **53A-21-104**, as last amended by Chapter 105, Laws of Utah 2005
 58 **63-55-253**, as last amended by Chapters 86 and 91, Laws of Utah 2005
 59 **63-55b-153**, as last amended by Chapters 149, 201, 272 and 299, Laws of Utah 2006

60 ENACTS:

61 **53A-1a-517**, Utah Code Annotated 1953
 62 **53A-14-107**, Utah Code Annotated 1953
 63 **53A-15-104**, Utah Code Annotated 1953
 64 **53A-17a-153**, Utah Code Annotated 1953
 65 **53A-17a-154**, Utah Code Annotated 1953
 66 **53A-17a-155**, Utah Code Annotated 1953

67 REPEALS:

68 **53A-1a-502.5**, as enacted by Chapter 354, Laws of Utah 2006



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

71 Section 1. Section **53A-1a-506** is amended to read:

72 **53A-1a-506. Eligible students.**

73 (1) All resident students of the state qualify for admission to a charter school, subject
74 to the limitations set forth in this section.

75 (2) (a) A charter school shall enroll an eligible student who submits a timely
76 application, unless the number of applications exceeds the capacity of a program, class, grade
77 level, or the school.

78 (b) (i) If the number of applications exceeds the capacity of a program, class, grade
79 level, or the school, then students shall be selected on a random basis, except that the school
80 may give preference to:

81 (A) a student of a parent who has actively participated in the development of the
82 school;

83 (B) siblings of students presently enrolled in the school;

84 (C) a student of a parent who is employed by the school;

85 (D) students articulating between charter schools offering similar programs that are
86 governed by the same governing body; and

87 (E) students articulating from one charter school to another pursuant to an articulation

88 agreement between the charter schools that is approved by the State Charter School Board.

89 (ii) The school may give preference to students who reside within:

90 (A) the school district in which the school is located;

91 (B) the municipality in which the school is located; or

92 (C) a two-mile radius from the school.

93 (c) When a public school converts to charter status, the school shall give enrollment
94 preference to students who would have otherwise attended it as a regular public school.

95 (3) [~~A~~] Except as provided in Subsection (4), a charter school may not discriminate in
96 its admission policies or practices on the same basis as other public schools may not
97 discriminate in their admission policies and practices.

98 (4) (a) In addition to the purposes of charter schools described in Section 53A-1a-503,
99 a charter school may be established for:

100 (i) single gender students;

101 (ii) gifted and talented students;

102 (iii) challenged students, including those who may be in special education, failing
103 academically, involved with the juvenile justice system, or who have other behavioral
104 problems;

105 (iv) students who are prepared for early grade entry;

106 (v) students who lack pre-kindergarten preparation;

107 (vi) neighborhoods; or

108 (vii) other purposes or innovations approved by the chartering entity.

109 (b) If a new charter school described under Subsection (4)(a) is ineligible for federal
110 start-up funds, the charter school may apply for start-up replacement funds in accordance with
111 the provisions of Section 53A-1a-517.

112 Section 2. Section **53A-1a-508** is amended to read:

113 **53A-1a-508. Content of a charter -- Modification of charter.**

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

116 (2) The governing body of the charter school and the chartering entity shall sign the
117 charter.

118 (3) The charter shall include:

- 119 (a) the age or grade levels to be served by the school;
- 120 (b) the projected maximum number of students to be enrolled in the school and the
121 projected enrollment in each of the first three years of operations;
- 122 (c) the governance structure of the school;
- 123 (d) the financial plan for the school and the provisions which will be made for auditing
124 the school under Subsection 53A-1a-507(4);
- 125 (e) the mission and education goals of the school, the curriculum offered, and the
126 methods of assessing whether students are meeting educational goals, to include at a minimum
127 participation in the Utah Performance Assessment System for Students under Chapter 1, Part 6,
128 Achievement Tests;
- 129 (f) admission and dismissal procedures, including suspension procedures;
- 130 (g) procedures to review complaints of parents regarding the operation of the school;
- 131 (h) the opportunity for parental involvement at the school;
- 132 (i) how the school will provide adequate liability and other appropriate insurance for
133 the school, its governing body, and its employees;
- 134 (j) the proposed school calendar, including the length of the school day and school
135 year;
- 136 (k) whether any agreements have been entered into or plans developed with school
137 districts regarding participation of charter school students in extracurricular activities within
138 the school districts;
- 139 (l) the district within which the school will be located and the address of the school's
140 physical facility, if known at the time the charter is signed;
- 141 (m) the qualifications to be required of the teachers;
- 142 (n) in the case of an existing public school converting to charter status, alternative
143 arrangements for current students who choose not to attend the charter school and for current
144 teachers who choose not to teach at the school after its conversion to charter status;
- 145 (o) the school's intention to create a library;
- 146 (p) a description of school administrative and supervisory services;
- 147 (q) fiscal procedures to be used by the school; and
- 148 (r) the school's policies and procedures regarding:
149 (i) employee evaluation; and

150 (ii) employment of relatives.

151 (4) A charter may be modified by mutual agreement of the board and the governing
152 body of the school.

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

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

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

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

161 (ii) demonstrated financial stability;

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

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

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

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

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

172 and

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

174 Section 3. Section **53A-1a-511** is amended to read:

175 **53A-1a-511. Waivers from state board rules -- Application of statutes and rules**
176 **to charter schools.**

177 (1) A charter school shall operate in accordance with its charter and is subject to Title
178 53A, State System of Public Education, and other state laws applicable to public schools,
179 except as otherwise provided in this part.

180 (2) (a) A charter school or any other public school or school district may apply to the

181 State Board of Education for a waiver of any state board rule that inhibits or hinders the school
182 or the school district from accomplishing its mission or educational goals set out in its strategic
183 plan or charter.

184 (b) The state board may grant the waiver, unless:

185 (i) the waiver would cause the school district or the school to be in violation of state or
186 federal law; or

187 (ii) the waiver would threaten the health, safety, or welfare of students in the district or
188 at the school.

189 (c) If the State Board of Education denies the waiver, the reason for the denial shall be
190 provided in writing to the waiver applicant.

191 (3) (a) Except as provided in Subsection (3)(b), State Board of Education rules
192 governing the following do not apply to a charter school:

193 (i) school libraries;

194 (ii) required school administrative and supervisory services; and

195 (iii) required expenditures for instructional supplies.

196 (b) A charter school shall comply with rules implementing statutes that prescribe how
197 state appropriations may be spent.

198 (4) The following provisions of Title 53A, State System of Public Education, and rules
199 adopted under those provisions, do not apply to a charter school:

200 (a) Sections 53A-1a-108 and 53A-1a-108.5, requiring the establishment of a school
201 community council and school improvement plan;

202 (b) Sections 53A-3-413 and 53A-3-414, pertaining to the use of school buildings as
203 civic centers;

204 (c) Section 53A-3-420, requiring the use of activity disclosure statements;

205 (d) Section 53A-12-207, requiring notification of intent to dispose of textbooks;

206 (e) Section 53A-13-107, requiring annual presentations on adoption; and

207 (f) Chapter 19, Part 1, Fiscal Procedures, pertaining to fiscal procedures of school
208 districts and local school boards.

209 (g) Section 53A-14-107, requiring an independent evaluation of instructional materials.

210 (5) For the purposes of Title 63, Chapter 56, Utah Procurement Code, a charter school
211 shall be considered a local public procurement unit.

212 (6) Each charter school shall be subject to:
213 (a) Title 52, Chapter 4, Open and Public Meetings Act; and
214 (b) Title 63, Chapter 2, Government Records Access and Management Act.

215 (7) (a) The State Charter School Board shall, in concert with the charter schools, study
216 existing state law and administrative rules for the purpose of determining from which laws and
217 rules charter schools should be exempt.

218 (b) (i) The State Charter School Board shall present recommendations for exemption to
219 the State Board of Education for consideration.

220 (ii) The State Board of Education shall consider the recommendations of the State
221 Charter School Board and respond within 60 days.

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

225 Section 4. Section **53A-1a-513** is amended to read:

226 **53A-1a-513. Funding for charter schools.**

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

229 (b) Charter schools authorized by local school boards that are converted from district
230 schools or operate in district facilities without paying reasonable rent shall receive funding as
231 prescribed in Section 53A-1a-515.

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

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

- 236 (i) .55 for kindergarten pupils;
- 237 (ii) .9 for pupils in grades 1-6;
- 238 (iii) .99 for pupils in grades 7-8; and
- 239 (iv) 1.2 for pupils in grades 9-12.

240 (c) The State Board of Education shall make rules in accordance with Title 63, Chapter
241 46a, Utah Administrative Rulemaking Act, to administer Subsection (2)(b), including hold
242 harmless provisions to maintain a charter elementary school's funding level for a period of two

243 years after the effective date of the distribution formula.

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

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

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

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

254 ~~[(A) school districts' operations and maintenance revenues derived from local property~~
255 ~~taxes, except revenues from imposing a minimum basic tax rate pursuant to Section~~
256 ~~53A-17a-135;]~~

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

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

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

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

261 (A) General Fund property tax revenues;

262 (B) Debt Service Fund property tax revenues;

263 (C) Capital Projects Fund property tax revenues;

264 (D) state support to the voted levy program provided under Section 53A-17a-133;

265 (E) state support to the board levy program provided under Section 53A-17a-134; and

266 (F) revenue received from ongoing appropriations to the Capital Outlay Foundation

267 and Enrollment Growth Programs created in Section 53A-21-102;

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

269 (A) property tax revenue from the basic levy established under Section 53A-17a-135;

270 (B) property tax revenue from the reading levy authorized under Section 53A-17a-151;

271 and

272 (C) property revenue from the special transportation levy authorized under Section

273 53A-17a-127; and

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

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

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

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

280 (A) the State Board of Education, pursuant to Section 53A-1a-505; or

281 (B) a local school board, pursuant to Section 53A-1a-515; and

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

284 [~~(d) Subsection (4)(c) does not apply to charter schools beginning operations in the~~
285 ~~2005-06 school year.~~]

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

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

291 (6) The State Board of Education shall distribute funds for charter school students
292 directly to the charter school.

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

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

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

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

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

304 (iii) The amount of a grant may vary based upon the size, scope, and special

305 circumstances of the charter school.

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

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

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

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

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

320 Section 5. Section **53A-1a-517** is enacted to read:

321 **53A-1a-517. Start-up funds.**

322 (1) If a new charter described under Subsection 53A-1a-517(4) is ineligible for federal
323 start-up funds, the charter school may apply for start-up replacement funding in accordance
324 with the provisions of this section.

325 (2) Subject to available funds, the State Board of Education shall provide a charter
326 school described under Subsection (1) with a one-time allocation of \$986 per student.

327 (3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
328 State Board of Education shall make rules to administer the provisions of this section.

329 Section 6. Section **53A-14-107** is enacted to read:

330 **53A-14-107. Instructional materials alignment with core curriculum.**

331 (1) A school district may not purchase primary instructional materials unless the
332 primary instructional materials provider:

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

335 (b) provides a detailed summary of the evaluation under Subsection (1)(a) on a public

336 website at no charge, for use by teachers and the general public; and

337 (c) pays the costs related to the requirements of this Subsection (1).

338 (2) The requirements under Subsection (1) may not be performed by:

339 (a) the State Board of Education;

340 (b) the superintendent of public instruction or the superintendent's staff;

341 (c) the State Instructional Materials Commission appointed pursuant to Section

342 53A-14-101;

343 (d) an employee or board member of a school district; or

344 (e) the instructional materials creator or publisher.

345 Section 7. Section **53A-15-104** is enacted to read:

346 **53A-15-104. Critical Languages Program -- Pilot.**

347 (1) (a) As used in this section, "critical languages" means those languages described in
348 the federal National Security Language Initiative, including Chinese, Arabic, Russian, Farsi,
349 Hindi, and Korean.

350 (b) The Legislature recognizes:

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

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

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

357 (b) A course may be taught:

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

360 (ii) through the Electronic High School.

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

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

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

366 (b) The State Board of Education, through the state superintendent of public

367 instruction, shall ensure that the paraprofessionals are fluent in the critical languages.

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

371 (a) notification to school districts on the times and places of the course offerings; and
 372 (b) instructional materials for the courses.

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

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

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

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

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

384 Section 8. Section **53A-17a-104** is amended to read:

385 **53A-17a-104. Amount of state's contribution toward minimum school program.**

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

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

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

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

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

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

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

- 398 (f) special education - regular program - add-on WPU's for students with disabilities,
 399 \$136,350,221 (56,413 WPU's);
- 400 (g) preschool special education program, \$19,717,886 (8,158 WPU's);
- 401 (h) self-contained regular WPU's, \$32,148,517 (13,301 WPU's);
- 402 (i) extended year program for severely disabled, \$887,039 (367 WPU's);
- 403 (j) special education programs in state institutions and district impact aid, \$3,487,731
 404 (1,443 WPU's);
- 405 (k) applied technology and technical education district programs, \$59,934,349 (24,797
 406 WPU's), including \$1,045,033 for summer applied technology agriculture programs;
- 407 (l) applied technology district set-aside, \$2,562,020 (1,060 WPU's);
- 408 (m) class size reduction, \$74,378,341 (30,773 WPU's);
- 409 (n) Social Security and retirement programs, \$310,891,038;
- 410 (o) pupil transportation to and from school, \$62,601,763, of which not less than
 411 \$2,173,569 shall be allocated to the Utah Schools for the Deaf and Blind to pay for
 412 transportation costs of the schools' students;
- 413 (p) guarantee transportation levy, \$500,000;
- 414 (q) Local Discretionary Block Grant Program, \$21,820,748;
- 415 (r) Interventions for Student Success Block Grant Program, \$16,792,888;
- 416 (s) Quality Teaching Block Grant Program, \$62,993,704;
- 417 (t) highly impacted schools, \$5,123,207;
- 418 (u) at-risk programs, \$27,992,056;
- 419 (v) adult education, \$9,148,653;
- 420 (w) accelerated learning programs, \$12,010,853;
- 421 (x) electronic high school, \$1,300,000;
- 422 (y) School LAND Trust Program, \$15,000,000;
- 423 (z) state-supported voted leeway, \$196,085,303;
- 424 (aa) state-supported board leeway, \$54,704,476;
- 425 (bb) charter schools, pursuant to Section 53A-1a-513, [~~\$21,552,450~~] \$36,768,100;
- 426 (cc) charter school administrative costs, \$2,889,480;
- 427 [~~(cc)~~] (dd) K-3 Reading Improvement Program, \$12,500,000; [~~and~~]
- 428 [~~(dd)~~] (ee) state-supported board leeway for K-3 Reading Improvement Program,

429 \$15,000,000[-];

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

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

432 (hh) Charter School Building Subaccount within the School Building Revolving

433 Account, \$2,000,000.

434 Section 9. Section **53A-17a-108** is amended to read:

435 **53A-17a-108. Weighted pupil units for school district administrative costs --**

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

437 (1) Administrative costs weighted pupil units are computed and distributed to districts

438 in accordance with the following schedule:

439 Administrative Costs Schedule

440 School District Enrollment as of October 1 Weighted Pupil Units

441 1 - 2,000 students 53

442 2,001 - 10,000 students 48

443 10,001 - 20,000 students 25

444 20,001 and above 16

445 (2) Money appropriated to the State Board of Education in Section 53A-17a-104 for

446 charter school administrative costs shall be distributed to charter schools in the amount of \$120

447 for each charter school student in enrollment.

448 (3) Charter schools are not eligible for funds for administrative costs under Subsection

449 (1).

450 Section 10. Section **53A-17a-153** is enacted to read:

451 **53A-17a-153. English Language Learners Grant Program -- Report.**

452 (1) Money appropriated for the English Language Learners Grant Program in Section

453 53A-17a-104 shall be allocated to school districts and charter schools as provided in this

454 section.

455 (2) To receive a program grant, a school district or charter school shall provide

456 matching funds in an amount equal to the grant from local, federal, or private resources.

457 (3) Grant monies and matching funds shall be used to pay for costs of English

458 Language Learner Family Literacy Centers.

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

- 460 (a) increase parent involvement;
- 461 (b) communicate with parents who are not proficient in English of required and
- 462 optional activities at the school, in the parents' preferred language to the extent practicable;
- 463 (c) increase academic achievement, literacy skills, and language gains in all ethnic
- 464 groups of students and their families;
- 465 (d) coordinate with school administrators, educators, families, and students;
- 466 (e) support and coordinate with other language acquisition instructional services and
- 467 language proficiency programs in the public schools.
- 468 (5) The State Board of Education shall make a report to the Education Interim
- 469 Committee on the effectiveness of the English Language Learners Grant Program before
- 470 November 30, 2010.

471 Section 11. Section **53A-17a-154** is enacted to read:

472 **53A-17a-154. Instructional Technology Classroom Program.**

473 (1) (a) Money appropriated for the Instructional Technology Classroom Program in

474 Section 53A-17a-104 shall be allocated to school districts and charter schools as provided in

475 this section.

476 (b) The program is established as an integrated statewide system to deliver education

477 technology solutions to school districts and charter schools.

478 (2) (a) Except as provided in Subsection (4), the State Board of Education shall

479 allocate the appropriation to school districts and charter schools, based upon prior year average

480 daily membership, as provided for in rules made in accordance with Title 63, Chapter 46a,

481 Utah Administrative Rulemaking Act.

482 (b) The rules under Subsection (2)(a) shall establish eligibility guidelines for education

483 technology solutions, including:

484 (i) requiring all purchased products to employ a solution for asset tracking, data

485 protection, asset recovery, and depreciation schedules; and

486 (ii) giving funding priority to research proven technology that enhances and facilitates

487 learning for all students that may include:

488 (A) computers, including wireless laptop computers;

489 (B) audio enhancement products for classrooms;

490 (C) instructional enhancement items, including digital projectors, interactive polling

491 devices, and document cameras;

492 (D) computer peripheral equipment;

493 (E) mobile interactive technology products;

494 (F) education software and digital content;

495 (G) technology assisted assessments and testing; and

496 (H) other instructional devices and protective cases.

497 (3) (a) Prior to using money allocated for the Instructional Technology Classroom

498 Program, a school district or charter school shall:

499 (i) submit an instructional technology plan to the Instructional Technology Advisory

500 Committee created in Section 53A-17a-155 that specifies how the school district or charter

501 school intends to spend program money, including:

502 (A) proposed expenditures for the next fiscal year and long-term instructional

503 technology plans;

504 (B) how the school district or charter school will provide the matching funds required

505 under Subsection (3)(a)(iii); and

506 (C) assurances that program monies will not supplant funds as prohibited in Subsection

507 (3)(b);

508 (ii) receive approval of the plan from the Instructional Technology Advisory

509 Committee; and

510 (iii) provide matching funds from other school district or charter school funds in an

511 amount equal to the allocation.

512 (b) Program monies may not be used to supplant funds for existing programs or

513 technology expenditures, but may be used to augment existing programs.

514 (4) The State Board of Education shall annually use \$2,000,000 of money appropriated

515 for the Instructional Technology Classroom Program for technology assisted testing, including

516 for the Utah Performance Assessment System for Students and the basic skills competency test.

517 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

518 State Board of Education shall make rules providing standards for school district and charter

519 school plans for the use of Instructional Technology Classroom Program monies.

520 Section 12. Section **53A-17a-155** is enacted to read:

521 **53A-17a-155. Instructional Technology Advisory Committee -- Membership --**

522 **Duties -- Compensation.**

523 (1) There is established the Instructional Technology Advisory Committee consisting
524 of:

525 (a) the following 12 voting members:

526 (i) the state superintendent of public instruction;

527 (ii) three members appointed by the state superintendent of public instruction; and

528 (iii) eight members appointed by the governor with diverse expertise or interest in
529 technology, instructional technology, public education, and higher education; and

530 (b) the following two nonvoting members:

531 (i) one senator, appointed by the president of the Senate; and

532 (ii) one representative, appointed by the speaker of the House of Representatives.

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

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

536 (3) The advisory committee shall:

537 (a) approve school district and charter school plans for the use of Instructional
538 Technology Classroom Program monies in accordance with the provisions of Section
539 53A-17a-154;

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

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

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

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

552 (ii) State government officer and employee members may decline to receive per diem

553 and expenses for their service.

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

556 Section 13. Section **53A-21-104** is amended to read:

557 **53A-21-104. School Building Revolving Account -- Access to the account.**

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

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

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

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

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

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

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

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

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

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

579 (b) If the committee recommends approval of a loan application under Subsection
580 (4)(a)(ii), the committee's recommendation shall include:

581 (i) the recommended amount of the loan;

582 (ii) the payback schedule; and

583 (iii) the interest rate to be charged.

584 (5) (a) There is established within the School Building Revolving Account the Charter
585 School Building Subaccount administered by the State Charter School Board in accordance
586 with rules adopted by the State Board of Education.

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

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

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

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

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

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

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

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

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

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

602 (b) If the committee recommends approval of a loan application under Subsection
603 (6)(a)(ii), the committee's recommendation shall include:

604 (i) the recommended amount of the loan;

605 (ii) the payback schedule; and

606 (iii) the interest rate to be charged.

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

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

610 Section 14. Section **63-55-253** is amended to read:

611 **63-55-253. Repeal dates, Titles 53, 53A, and 53B.**

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

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

615 (2) The State Instructional Materials Commission, created in Section 53A-14-101, is
616 repealed July 1, 2011.

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

619 [~~(3)~~] (4) Title 53A, Chapter 20a, Public Education Revenue Bond Act, is repealed July
620 1, 2007.

621 [~~(4)~~] (5) Section 53-3-232, Conditional licenses, is repealed July 1, 2015.

622 Section 15. Section **63-55b-153** is amended to read:

623 **63-55b-153. Repeal dates -- Titles 53, 53A, and 53B.**

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

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

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

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

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

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

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

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

633 [~~(8)~~] (9) Section 53A-17a-152 is repealed July 1, 2010.

634 Section 16. **Repealer.**

635 This bill repeals:

636 Section **53A-1a-502.5, State Charter School Board to authorize the establishment**
637 **of charter schools.**

638 Section 17. **Ongoing appropriation for the Critical Languages Program and staff.**

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

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

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

645 (b) \$132,000 of the appropriation in Subsection (1) shall fund a world language

646 specialist.

647 Section 18. **Ongoing appropriation for charter school staff.**

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

652 Section 19. **One-time Appropriation for the Instructional Technology Classroom**
653 **Program -- Pilot.**

654 (1) There is appropriated \$50,000,000 from the Uniform School Fund for fiscal year
655 2007-08 only to the State Board of Education to fund the Instructional Technology Classroom
656 Program created in Section 53A-17a-154.

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

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

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

665 Section 20. **One-time appropriation for charter school start-up funding --**
666 **Nonlapsing.**

667 (1) There is appropriated \$5,000,000 from the Uniform School Fund for fiscal year
668 2007-08 only to the State Board of Education for charter school start-up funding as provided in
669 Section 53A-1a-517.

670 (2) The monies appropriated in Subsection (1) are nonlapsing.

671 Section 21. **Effective date.**

672 This bill takes effect on July 1, 2007.

S.B. 80 1st Sub. (Green) - Education Reform

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will appropriate \$68,932,580 in ongoing Uniform School Fund revenues to the State Board of Education beginning in FY 2008 to implement the programs detailed in the bill.

Enactment will also appropriate \$55,000,000 in one-time Uniform School Fund revenues to the State Board of Education in FY 2008 to fund the Instructional Technology Classroom Program, with \$5,000,000 being given non-lapsing status.

Because H.B. 3, Minimum School Program Base Budget Amendments, has passed the Legislature and been signed by the Governor, this bill adjusts appropriations provided in that bill for Public Education. In the final preparation of the Public Education budget, appropriations made in this bill will be integrated with other public education funding bills in order to avoid duplicate appropriations and ensure they occur in the intended fiscal year.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>
Uniform School Fund	\$0	\$68,932,580	\$68,932,580	\$0	\$0	\$0
Uniform School Fund, One-time	\$0	\$55,000,000	\$0	\$0	\$0	\$0
Total	\$0	\$123,932,580	\$68,932,580	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or local governments. Private business may benefit from revenue allocated to the Instructional Technology Classroom Program by providing educational technology services in the schools.