

1 **CLASS SIZE REDUCTION IN**
2 **KINDERGARTEN THROUGH GRADE THREE**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Karen W. Morgan**

6 Senate Sponsor: Patricia W. Jones

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies class size reduction provisions.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ establishes an additional appropriation for class size reduction;
14 ▶ provides conditions for schools to participate in the K-3 Class Size Reduction

15 Incentive Program;

- 16 ▶ requires certain reports;
17 ▶ requires certain rulemaking by the State Board of Education;
18 ▶ requires the Legislature to provide for an annual adjustment in the appropriation for

19 class size reduction; and

- 20 ▶ makes technical corrections.

21 **Monies Appropriated in this Bill:**

22 This bill appropriates:

- 23 ▶ as an ongoing appropriation subject to future budget constraints, \$26,000,000 from
24 state and local funds for fiscal year 2008-09 to the K-3 Class Size Reduction

25 Incentive Program.

26 **Other Special Clauses:**

27 This bill takes effect on July 1, 2008.



28 This bill coordinates with H.B. 1 by providing that certain amendments in this bill
29 supersede the amendments in H.B. 1 and that certain amendments in H.B. 1 supersede
30 the amendments in this bill.

31 This bill coordinates with S.B. 2 by providing that certain amendments in this bill
32 supersede the amendments in S.B. 2 and that certain amendments in S.B. 2 supersede
33 the amendments in this bill.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **53A-17a-104**, as last amended by Laws of Utah 2007, Chapters 2, 344, 368, and 372

37 ENACTS:

38 **53A-17a-124.8**, Utah Code Annotated 1953



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

40 Section 1. Section **53A-17a-104** is amended to read:

41 **53A-17a-104. Amount of state's contribution toward minimum school program.**

42 (1) The total contribution of the state toward the cost of the minimum school program
43 may not exceed the sum of \$2,273,574,120 for the fiscal year beginning July 1, 2007, except as
44 otherwise provided by the Legislature through supplemental appropriations.

45 (2) There is appropriated from state and local funds for fiscal year 2007-08 for
46 distribution to school districts and charter schools, in accordance with this chapter, monies for
47 the following purposes and in the following amounts:

- 48 (a) basic program - kindergarten, \$61,819,260 (24,590 WPU);
- 49 (b) basic program - grades 1-12, \$1,202,446,200 (478,300 WPU);
- 50 (c) basic program - professional staff, \$112,436,136 (44,724 WPU);
- 51 (d) basic program - administrative costs, \$4,072,680 (1,620 WPU);
- 52 (e) basic program - necessarily existent small schools and units for consolidated
53 schools, \$19,229,586 (7,649 WPU);
- 54 (f) special education - regular program - add-on WPU for students with disabilities,
55 \$143,034,030 (56,895 WPU);
- 56 (g) preschool special education program, \$20,918,994 (8,321 WPU);
- 57 (h) self-contained regular WPU, \$33,587,040 (13,360 WPU);
- 58

- 59 (i) extended year program for severely disabled, \$922,638 (367 WPU);
- 60 (j) special education programs in state institutions and district impact aid, \$4,090,278
- 61 (1,627 WPU);
- 62 (k) career and technical education district programs, \$65,147,796 (25,914 WPU),
- 63 including \$1,114,000 for summer career and technical education agriculture programs;
- 64 (l) career and technical education district set-aside, \$2,742,774 (1,091 WPU);
- 65 (m) class size reduction, \$82,330,986 (32,749 WPU);
- 66 (n) Social Security and retirement programs, \$333,315,119;
- 67 (o) pupil transportation to and from school, \$70,928,797, of which not less than
- 68 \$2,462,300 shall be allocated to the Utah Schools for the Deaf and Blind to pay for
- 69 transportation costs of the schools' students;
- 70 (p) guarantee transportation levy, \$500,000;
- 71 (q) Local Discretionary Block Grant Program, \$21,820,748;
- 72 (r) Interventions for Student Success Block Grant Program, \$17,953,612;
- 73 (s) Quality Teaching Block Grant Program, \$73,947,829;
- 74 (t) highly impacted schools, \$5,123,207;
- 75 (u) at-risk programs, \$29,926,867;
- 76 (v) adult education, \$9,781,008;
- 77 (w) accelerated learning programs, \$3,975,546;
- 78 (x) concurrent enrollment, \$9,215,497;
- 79 (y) electronic high school, \$2,000,000;
- 80 (z) School LAND Trust Program, \$21,000,000;
- 81 (aa) state-supported voted leeway, \$227,700,777;
- 82 (bb) state-supported board leeway, \$62,066,336;
- 83 (cc) charter schools, pursuant to Section 53A-1a-513, \$28,509,000;
- 84 (dd) charter school administrative costs, \$750,000;
- 85 (ee) K-3 Reading Improvement Program, \$12,500,000;
- 86 (ff) state-supported board leeway for K-3 Reading Improvement Program,
- 87 \$15,000,000; **[and]**
- 88 (gg) Public Education Job Enhancement Program, \$2,430,000[-]; and
- 89 (hh) K-3 Class Size Reduction Incentive Program, \$26,000,000.

90 Section 2. Section **53A-17a-124.8** is enacted to read:

91 **53A-17a-124.8. K-3 Class Size Reduction Incentive Program.**

92 (1) As used in this section:

93 (a) "Average class size by grade" shall be determined in accordance with the provisions
94 of Section 53A-3-602.5.

95 (b) "Target class size" means:

96 (i) for kindergarten:

97 (A) an average class size for the school that does not exceed 18 students; and

98 (B) a class in the school that does not exceed 20 students;

99 (ii) for first grade:

100 (A) an average class size for the school that does not exceed 20 students; and

101 (B) a class in the school that does not exceed 22 students; and

102 (iii) for second or third grade:

103 (A) an average class size for the school that does not exceed 22 students; and

104 (B) a class in the school that does not exceed 24 students.

105 (2) Subject to monies appropriated for the K-3 Class Size Reduction Incentive
106 Program, the State Board of Education shall establish a grant program as provided in this
107 section to assist schools to reduce average class size by grade for kindergarten through grade 3
108 to the target class size.

109 (3) (a) A school may apply for K-3 Class Size Reduction Incentive Program grants,
110 with each grade individually considered, if a grade's average class size by grade is larger than
111 the target class size.

112 (b) A grant application shall indicate how the monies will be used to reach a target
113 class size.

114 (c) First priority grants shall be awarded to reduce an eligible grade's average class size
115 to the target class size, prioritized within this category based upon the highest average class
116 size by grade.

117 (d) (i) If monies appropriated for the K-3 Class Size Reduction Incentive Program are
118 not all used by the grants described in Subsection (3)(c), second priority grants may be awarded
119 to allow schools that are limited by facilities or other constraints from qualifying for the grants
120 described in Subsection (3)(c) to hire paraeducators who shall work in the classrooms of a

121 grade.

122 (ii) A school shall apply for second priority grants under the same deadline as
123 applications for first priority grants.

124 (4) Once awarded, a grant is intended to be ongoing, provided that the grade's average
125 class size by grade remains within the target class size.

126 (5) If a participating school does not meet the target class size for a grade for which a
127 grant is received or if a school uses grant monies in a manner that is inconsistent with the
128 provisions of this section, the school is liable for reimbursing the State Board of Education for
129 the amount of grant monies received from the State Board of Education.

130 (6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
131 State Board of Education shall make rules:

132 (a) establishing procedures and deadlines for applying for and awarding grants;

133 (b) specifying how grant monies shall be allocated among schools that qualify to
134 receive the grants; and

135 (c) requiring reporting of grant money expenditures and evidence showing that the
136 grant monies have been used to reduce average class size by grade for kindergarten through
137 grade 3.

138 (7) The State Board of Education shall provide a report by December 1 of each year to
139 the Public Education Appropriations Subcommittee on the K-3 Class Size Reduction Incentive
140 Program.

141 (8) The Legislature shall provide for an annual adjustment in the appropriation for the
142 K-3 Class Size Reduction Incentive Program based upon the report under Subsection (7) and
143 the requirements of schools under this section.

144 **Section 3. Effective date.**

145 This bill takes effect on July 1, 2008.

146 **Section 4. Coordinating H.B. 194 with H.B. 1.**

147 If this H.B. 194 and H.B. 1, Minimum School Program Base Budget Amendments, both
148 pass, it is the intent of the Legislature that when the Office of Legislative Research and General
149 Counsel prepares the Utah Code database for publication, the appropriation under Subsection
150 53A-17a-104(1) in H.B. 1 supersedes the appropriation in Subsection 53A-17a-104(1) in this
151 bill, except that the appropriation under Subsection 53A-17a-104(1) in H.B. 1 shall be

152 increased by \$26,000,000.

153 Section 5. **Coordinating H.B. 194 with S.B. 2.**

154 If this H.B. 194 and S.B. 2, Minimum School Program Budget Amendments, both
155 pass, it is the intent of the Legislature that when the Office of Legislative Research and General
156 Counsel prepares the Utah Code database for publication, the appropriation under Subsection
157 53A-17a-104(1) in S.B. 2 supersedes the appropriation in Subsection 53A-17a-104(1) in this
158 bill, except that the appropriation under Subsection 53A-17a-104(1) in S.B. 2 shall be
159 increased by \$26,000,000.

Legislative Review Note
as of 12-3-07 2:00 PM

Office of Legislative Research and General Counsel

H.B. 194 - Class Size Reduction in Kindergarten Through Grade Three

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will appropriate \$26,000,000 ongoing from the Uniform School Fund to the K-3 Class Size Reduction Incentive Program.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
Uniform School Fund	\$0	\$26,000,000	\$26,000,000	\$0	\$0	\$0
Total	\$0	\$26,000,000	\$26,000,000	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs for individuals, businesses, or local governments.