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MINIMUM SCHOOL PROGRAM BUDGET

AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

This bill provides funding for the Minimum School Program and other education programs.

Highlighted Provisions:

This bill:

- ▶ establishes the value of the weighted pupil unit at \$2,577;
- ▶ establishes a ceiling for the state contribution to the maintenance and operations portion of the Minimum School Program for fiscal year 2008-09 of \$2,495,183,979;
- ▶ modifies provisions related to the funding of charter schools;
- ▶ authorizes the use of appropriations for accelerated learning programs for International Baccalaureate programs;
- ▶ modifies the positions that qualify for educator salary adjustments and increases the salary adjustments for those positions;
- ▶ establishes and funds the following ongoing programs:
 - a pilot project using a home-based educational technology program to develop school readiness skills of preschool children;
 - a financial and economic literacy passport to track student mastery of certain concepts;
 - the Teacher Salary Supplement Program to provide a salary supplement to an



28 eligible teacher;

- 29 • stipends for special educators for additional days of work;
- 30 • an optional grant program to provide an extended year for math and science

31 teachers through the creation of Utah Science Technology and Research

32 Centers;

- 33 • the High-ability Student Initiative Program to provide resources for educators to
- 34 enhance the academic growth of high-ability students; and

- 35 • the English Language Learner Family Literacy Centers Program;

36 ▶ makes one-time appropriations for fiscal year 2008-09 for:

- 37 • pupil transportation to and from school;
- 38 • the Beverley Taylor Sorenson Elementary Arts Learning Program to provide
- 39 grants to integrate arts teaching and learning into selected schools; and

- 40 • classroom supplies;

41 ▶ requires the State Board of Education to allocate Minimum School Program

42 nonlapsing balances to provide:

- 43 • one-time signing bonuses for new teachers;
- 44 • one-time performance-based compensation; and
- 45 • a grant program to minimize the expenses of teachers to obtain the American

46 Board Distinguished Teacher certification and to provide additional

47 compensation to teachers who obtain that certification;

48 ▶ provides a repeal date for certain pilot programs;

49 ▶ makes nonlapsing appropriations; and

50 ▶ makes technical corrections.

51 **Monies Appropriated in this Bill:**

52 This bill appropriates:

53 ▶ the following Minimum School Program Monies:

- 54 • \$2,436,864,479 from the Uniform School Fund for fiscal year 2008-09;
- 55 • \$26,499,500 from the Uniform School Fund Restricted - Interest and Dividends

56 Account for fiscal year 2008-09;

- 57 • \$31,820,000 from the Uniform School Fund for fiscal year 2008-09 only; and

- 58 • \$280,000 from the Uniform School Fund for fiscal year 2007-08 only; and

- 59 ▶ the following other education program monies:
- 60 • \$3,469,580 from the Uniform School Fund for fiscal year 2008-09;
- 61 • \$150,000 from the Uniform School Fund for fiscal year 2008-09 only;
- 62 • \$1,000,000 from the Uniform School Fund for fiscal year 2007-08 only;
- 63 • \$250,000 from the General Fund for fiscal year 2008-09; and
- 64 • \$50,000 from the General Fund for fiscal year 2007-08 only.

65 **Other Special Clauses:**

66 This bill provides an effective date.

67 This bill coordinates with H.B. 1 by providing superseding and substantive
68 amendments.

69 **Utah Code Sections Affected:**

70 AMENDS:

- 71 **53A-1a-501.6**, as last amended by Laws of Utah 2007, Chapter 344
- 72 **53A-1a-502.5**, as last amended by Laws of Utah 2007, Chapter 344
- 73 **53A-1a-513**, as last amended by Laws of Utah 2005, Chapters 9 and 291
- 74 **53A-17a-103**, as last amended by Laws of Utah 2007, Chapters 107 and 372
- 75 **53A-17a-104**, as last amended by Laws of Utah 2007, Chapters 2, 344, 368, and 372
- 76 **53A-17a-108**, as last amended by Laws of Utah 2007, Chapter 344
- 77 **53A-17a-120**, as last amended by Laws of Utah 2007, Chapter 368
- 78 **53A-17a-126**, as last amended by Laws of Utah 2003, Chapters 221 and 320
- 79 **53A-17a-127**, as last amended by Laws of Utah 2001, Chapter 73
- 80 **53A-17a-148**, as last amended by Laws of Utah 2006, Chapter 354
- 81 **53A-17a-153**, as enacted by Laws of Utah 2007, Chapter 380
- 82 **63-55b-153**, as last amended by Laws of Utah 2007, Chapter 216

83 ENACTS:

- 84 **53A-1a-1001**, Utah Code Annotated 1953
- 85 **53A-1a-1002**, Utah Code Annotated 1953
- 86 **53A-1a-1003**, Utah Code Annotated 1953
- 87 **53A-1a-1004**, Utah Code Annotated 1953
- 88 **53A-1a-1005**, Utah Code Annotated 1953
- 89 **53A-1a-1006**, Utah Code Annotated 1953

- 90 **53A-1a-1007**, Utah Code Annotated 1953
- 91 **53A-6-113**, Utah Code Annotated 1953
- 92 **53A-13-110**, Utah Code Annotated 1953
- 93 **53A-17a-156**, Utah Code Annotated 1953
- 94 **53A-17a-157**, Utah Code Annotated 1953
- 95 **53A-17a-158**, Utah Code Annotated 1953
- 96 **53A-17a-159**, Utah Code Annotated 1953
- 97 **53A-17a-160**, Utah Code Annotated 1953
- 98 **53A-17a-161**, Utah Code Annotated 1953
- 99 **53A-17a-162**, Utah Code Annotated 1953



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

102 Section 1. Section **53A-1a-501.6** is amended to read:

103 **53A-1a-501.6. Power and duties of State Charter School Board.**

104 (1) The State Charter School Board shall:

105 (a) authorize and promote the establishment of charter schools, subject to the
106 provisions in this part;

107 (b) annually review and evaluate the performance of charter schools authorized by the
108 State Charter School Board and hold the schools accountable for their performance;

109 (c) monitor charter schools authorized by the State Charter School Board for
110 compliance with federal and state laws, rules, and regulations;

111 (d) provide technical support to charter schools and persons seeking to establish charter
112 schools by:

113 (i) identifying and promoting successful charter school models;

114 (ii) facilitating the application and approval process for charter school authorization;

115 (iii) directing charter schools and persons seeking to establish charter schools to
116 sources of private funding and support;

117 (iv) reviewing and evaluating proposals to establish charter schools for the purpose of
118 supporting and strengthening proposals before an application for charter school authorization is
119 submitted to the State Charter School Board or a local school board; and

120 (v) assisting charter schools to understand and carry out their charter obligations;

121 (e) provide technical support, as requested, to a local school board relating to charter
122 schools;

123 (f) make recommendations on legislation and rules pertaining to charter schools to the
124 Legislature and State Board of Education, respectively; and

125 (g) make recommendations to the State Board of Education on the funding of charter
126 schools.

127 (2) The State Charter School Board may:

128 (a) contract;

129 (b) sue and be sued; and

130 (c) (i) at the discretion of the charter school, provide administrative services to, or
131 perform other school functions for, charter schools authorized by the State Charter School
132 Board; and

133 (ii) charge fees for the provision of services or functions.

134 (3) (a) The State Charter School Board shall provide support services to charter schools
135 from monies appropriated under Subsection (3)(b).

136 (b) Subject to future budget constraints, the Legislature shall annually appropriate
137 money to the State Charter School Board for support services to charter schools in the amount
138 of \$30 times the number of students enrolled in charter schools on October 1.

139 Section 2. Section **53A-1a-502.5** is amended to read:

140 **53A-1a-502.5. Charter schools -- Maximum authorized students.**

141 (1) The State Charter School Board and local school boards may only authorize a
142 combined maximum student capacity of:

143 [~~(a) 27,921 students for the charter schools in the 2007-08 school year; and]~~

144 [~~(b)~~] (a) 32,921 students for the charter schools in the 2008-09 school year[-]; and

145 (b) an annual increase of 7,500 students for the charter schools beginning in the
146 2009-10 school year.

147 (2) (a) The State Board of Education, in consultation with the State Charter School
148 Board, shall allocate the students under Subsection (1) between the State Charter School Board
149 and local school boards.

150 (b) 2,500 of the student capacity described under Subsection (1)(b) shall be allocated to
151 increase the maximum student capacity of operating charter schools.

152 (c) If the operating charter schools do not use the allocation described under
153 Subsection (2)(b), the remaining student capacity may be used by new charter schools.

154 Section 3. Section **53A-1a-513** is amended to read:

155 **53A-1a-513. Funding for charter schools.**

156 (1) As used in this section:

157 (a) "Charter school students' average local revenues" means the amount determined as
158 follows:

159 (i) for each student enrolled in a charter school on the previous October 1, calculate the
160 district per pupil local revenues of the school district in which the student resides;

161 (ii) sum the district per pupil local revenues for each student enrolled in a charter
162 school on the previous October 1; and

163 (iii) divide the sum calculated under Subsection (1)(a)(ii) by the number of students
164 enrolled in charter schools on the previous October 1.

165 (b) "District per pupil local revenues" means the amount determined as follows, using
166 data from the most recently published school district annual financial reports and state
167 superintendent's annual report:

168 (i) calculate the sum of a school district's revenue received from:

169 (A) a voted levy imposed under Section 53A-17a-133;

170 (B) a board levy imposed under Section 53A-17a-134;

171 (C) 10% of the cost of the basic program levy imposed under Section 53A-17a-145;

172 (D) a tort liability levy imposed under Section 63-30d-704;

173 (E) a capital outlay levy imposed under Section 53A-16-107;

174 (F) a voted capital outlay levy imposed under Section 53A-16-110;

175 (G) state support for a voted levy program provided under Section 53A-17a-133;

176 (H) state support for a board levy program provided under Section 53A-17a-134; and

177 (I) state ongoing appropriations to the Capital Outlay Foundation and Enrollment

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

179 (ii) divide the sum calculated under Subsection (1)(b)(i) by the sum of:

180 (A) a school district's average daily membership; and

181 (B) the average daily membership of a school district's resident students who attend
182 charter schools.

183 (c) "Resident student" means a student who is considered a resident of the school
 184 district under Title 53A, Chapter 2, District of Residency.

185 (d) "Statewide average debt service revenues" means the amount determined as
 186 follows, using data from the most recently published state superintendent's annual report:

187 (i) sum the revenues of each school district from the debt service levy imposed under
 188 Section 11-14-310; and

189 (ii) divide the sum calculated under Subsection (1)(d)(i) by statewide school district
 190 average daily membership.

191 ~~[(1)]~~ (2) (a) Charter schools shall receive funding as described in this section, except
 192 Subsections ~~[(2)]~~ (3) through ~~[(7)]~~ (8) do not apply to charter schools described in Subsection
 193 ~~[(1)]~~ (2)(b).

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

197 ~~[(2)]~~ (3) (a) Except as provided in Subsection ~~[(2)]~~ (3)(b), a charter school shall receive
 198 state funds, as applicable, on the same basis as a school district receives funds.

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

201 (i) .55 for kindergarten pupils;

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

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

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

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

209 ~~[(d) Subsection (2)(b) does not apply to funds appropriated to charter schools to~~
 210 ~~replace local property tax revenues.]~~

211 ~~[(3) The State Board of Education shall adopt rules to provide for the distribution of~~
 212 ~~monies to charter schools under this section.]~~

213 ~~[(4) (a) The Legislature shall provide an appropriation for charter schools for each of~~

214 their students to replace some of the local property tax revenues that are not available to charter
215 schools. The amount of money provided for each charter school student shall be determined
216 by:]

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

218 [~~(A) school districts' operations and maintenance revenues derived from local property
219 taxes, except revenues from imposing a minimum basic tax rate pursuant to Section
220 53A-17a-135;~~]

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

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

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

224 (4) (a) (i) Except as provided in Subsections (4)(a)(ii) and (iii), a school district shall
225 allocate a portion of school district revenues for each resident student of the school district who
226 is enrolled in a charter school on October 1 as follows:

227 (A) in fiscal year 2008-09, the allocation shall equal 25% of the lesser of:

228 (I) district per pupil local revenues; or

229 (II) charter school students' average local revenues;

230 (B) in fiscal year 2009-10, the allocation shall equal 50% of the lesser of:

231 (I) district per pupil local revenues; or

232 (II) charter school students' average local revenues;

233 (C) in fiscal year 2010-11, the allocation shall equal 75% of the lesser of:

234 (I) district per pupil local revenues; or

235 (II) charter school students' average local revenues; and

236 (D) beginning in fiscal year 2011-12, the allocation shall equal 100% of the lesser of:

237 (I) district per pupil local revenues; or

238 (II) charter school students' average local revenues.

239 (ii) For the purpose of allocating school district revenues under Subsection (4)(a)(i), a
240 kindergarten student who is enrolled in less than a full-day kindergarten program is weighted as
241 .55 of a student.

242 (iii) (A) As used in this section, "virtual charter school" means a performance-based
243 charter school that delivers synchronous or asynchronous instruction from a teacher to a
244 student primarily through the use of technology via the Internet in a virtual or remote setting.

245 (B) A school district's allocation of revenues under this Subsection (4)(a) for a student
246 enrolled in a virtual charter school may not exceed \$500.

247 (iv) Nothing in this Subsection (4)(a) affects the school bond guarantee program
248 established under Chapter 28, Utah School Bond Guaranty Act.

249 (b) The State Board of Education shall:

250 (i) deduct an amount equal to the allocation provided under Subsection (4)(a) from
251 state funds the school district is authorized to receive under Title 53A, Chapter 17a, Minimum
252 School Program Act; and

253 (ii) remit the money to the student's charter school.

254 (c) Notwithstanding the method used to transfer school district revenues to charter
255 schools as provided in Subsection (4)(b), a school district may deduct the allocations to charter
256 schools under this section from:

257 (i) unrestricted revenues available to the school district; or

258 (ii) the revenue sources listed in Subsections (1)(b)(i)(A) through (I) based on the
259 portion of the allocations to charter schools attributed to each of the revenue sources listed in
260 Subsections (1)(b)(i)(A) through (I).

261 (d) (i) Subject to future budget constraints, the Legislature shall provide an
262 appropriation for charter schools for each student enrolled on October 1 to supplement the
263 allocation of school district revenues under Subsection (4)(a).

264 (ii) Except as provided in Subsections (4)(d)(iii) and (iv), the amount of money
265 provided by the state for a charter school student shall be the sum of:

266 (A) charter school students' average local revenues minus the allocation of school
267 district revenues under Subsection (4)(a); and

268 (B) statewide average debt service revenues.

269 (iii) If the total of a school district's allocation for a charter school student under
270 Subsection (4)(a) and the amount provided by the state under Subsection (4)(d)(ii) is less than
271 \$1427, the state shall provide an additional supplement so that a charter school receives at least
272 \$1427 per student under this Subsection (4).

273 (iv) For the purpose of providing state monies for charter school students under this
274 Subsection (4)(d), a kindergarten student who is enrolled in less than a full-day kindergarten
275 program is weighted as .55 of a student.

276 (v) (A) Subsections (4)(d)(ii) through (iv) do not apply to virtual charter schools.

277 (B) If the total of a school district's allocation for a virtual charter school student under
278 Subsection (4)(a) is less than \$500, the state shall provide an additional supplement so that a
279 virtual charter school receives at least \$500 per student under this Subsection (4).

280 ~~[(b)] (e) Of the monies provided to a charter school under this Subsection (4)[(a)], 10%~~
281 ~~shall be expended for funding school facilities only.~~

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

284 ~~[(i) obtain approval of its application for a charter from:]~~

285 ~~[(A) the State Board of Education, pursuant to Section 53A-1a-505; or]~~

286 ~~[(B) a local school board, pursuant to Section 53A-1a-515; and]~~

287 ~~[(ii) submit to the chartering entity an estimate of the charter school's first year~~
288 ~~enrollment.]~~

289 ~~[(d) Subsection (4)(c) does not apply to charter schools beginning operations in the~~
290 ~~2005-06 school year.]~~

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

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

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

298 (7) (a) Notwithstanding Subsection ~~[(2)]~~ (3), a charter school is not eligible to receive
299 state transportation funding.

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

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

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

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

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

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

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

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

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

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

325 Section 4. Section **53A-1a-1001** is enacted to read:

326 **Part 10. UPSTART**

327 **53A-1a-1001. Definitions.**

328 As used in this part:

329 (1) "Contractor" means the educational technology provider selected by the State Board
330 of Education under Section 53A-1a-1002.

331 (2) "Low income" means an income below 200% of the federal poverty guideline.

332 (3) "Preschool children" means children who are:

333 (a) age four or five; and

334 (b) have not entered kindergarten.

335 (4) "UPSTART" means the pilot project established by Section 53A-1a-1002 that uses
336 a home-based educational technology program to develop school readiness skills of preschool
337 children.

338 Section 5. Section **53A-1a-1002** is enacted to read:

339 **53A-1a-1002. Pilot project to develop school readiness skills of preschool children.**

340 (1) UPSTART, a pilot project that uses a home-based educational technology program
341 to develop school readiness skills of preschool children, is established within the public
342 education system.

343 (2) UPSTART is created to:

344 (a) evaluate the effectiveness of giving preschool children access, at home, to
345 interactive individualized instruction delivered by computers and the Internet to prepare them
346 academically for success in school; and

347 (b) test the feasibility of scaling a home-based curriculum in reading, math, and science
348 delivered by computers and the Internet to all preschool children in Utah.

349 (3) The State Board of Education shall contract with an educational technology
350 provider, selected through a request for proposals process, for the delivery of a home-based
351 educational technology program for preschool children that meets the requirements of
352 Subsection (4).

353 (4) A home-based educational technology program for preschool children shall meet
354 the following standards:

355 (a) the contractor shall provide computer-assisted instruction for preschool children on
356 a home computer connected by the Internet to a centralized file storage facility;

357 (b) the contractor shall:

358 (i) provide technical support to families for the installation and operation of the
359 instructional software; and

360 (ii) provide for the installation of computer and Internet access in homes of low income
361 families that cannot afford the equipment and service;

362 (c) the contractor shall have the capability of doing the following through the Internet:

363 (i) communicating with parents;

364 (ii) updating the instructional software;

365 (iii) validating user access;

366 (iv) collecting usage data;

367 (v) storing research data; and

368 (vi) producing reports for parents, schools, and the Legislature;

369 (d) the program shall include the following components:
370 (i) computer-assisted, individualized instruction in reading, mathematics, and science;
371 (ii) a multisensory reading tutoring program; and
372 (iii) a validated computer adaptive reading test that does not require the presence of
373 trained adults to administer and is an accurate indicator of reading readiness of children who
374 cannot read;

375 (e) the contractor shall have the capability to quickly and efficiently modify, improve,
376 and support the product;

377 (f) the contractor shall work in cooperation with school district personnel who will
378 provide administrative and technical support of the program as provided in Section
379 53A-1a-1003;

380 (g) the contractor shall solicit families to participate in the program as provided in
381 Section 53A-1a-1004; and

382 (h) in implementing the home-based educational technology program, the contractor
383 shall seek the advise and expertise of early childhood education professionals within the Utah
384 System of Higher Education on issues such as:

- 385 (i) soliciting families to participate in the program;
- 386 (ii) providing training to families; and
- 387 (iii) motivating families to regularly use the instructional software.

388 (5) The contract shall provide funding for a home-based educational technology
389 program for preschool children for one year with an option to extend the contract for additional
390 years or to expand the program to a greater number of preschool children, subject to the
391 appropriation of money by the Legislature for UPSTART.

392 Section 6. Section **53A-1a-1003** is enacted to read:

393 **53A-1a-1003. School district participation in UPSTART.**

394 (1) A school district may participate in UPSTART if the local school board agrees to
395 work in cooperation with the contractor to provide administrative and technical support for the
396 pilot project.

397 (2) Family participants in UPSTART shall be solicited from school districts that
398 participate in UPSTART.

399 (3) A school district that participates in UPSTART shall:

- 400 (a) receive funding for:
- 401 (i) paraprofessional and technical support staff; and
- 402 (ii) travel, materials, and meeting costs of the program;
- 403 (b) participate in program training by the contractor; and
- 404 (c) agree to adopt standardized policies and procedures in implementing the pilot
- 405 project.

406 Section 7. Section **53A-1a-1004** is enacted to read:

407 **53A-1a-1004. Family participation in UPSTART.**

408 (1) The contractor shall solicit families to participate in UPSTART through a public

409 information campaign and referrals from participating school districts.

410 (2) (a) Preschool children who participate in UPSTART shall:

411 (i) be from families with diverse socioeconomic and ethnic backgrounds; and

412 (ii) reside in different regions of the state in both urban and rural areas.

413 (b) At least 30% of the preschool children who participate in UPSTART shall be from

414 low income families.

415 (3) A low income family that cannot afford a computer and Internet service to operate

416 the instructional software may obtain a computer and peripheral equipment on loan and receive

417 free Internet service for the duration of the family's participation in the pilot project.

418 (4) The contractor shall make the home-based educational technology program

419 available to families at an agreed upon cost if the number of families who would like to

420 participate in UPSTART exceeds the number of participants funded by the legislative

421 appropriation.

422 Section 8. Section **53A-1a-1005** is enacted to read:

423 **53A-1a-1005. Purchase of equipment and service through cooperative purchasing**

424 **contracts.**

425 The State Board of Education or a school district may purchase computers, peripheral

426 equipment, and Internet service for low income families who cannot afford them through

427 cooperative purchasing contracts administered by the state Division of Purchasing and General

428 Services.

429 Section 9. Section **53A-1a-1006** is enacted to read:

430 **53A-1a-1006. Audit and evaluation.**

- 431 (1) The state auditor shall:
432 (a) conduct an annual audit of the contractor's use of funds for UPSTART; or
433 (b) contract with an independent certified public accountant to conduct an annual audit.
434 (2) The State Board of Education shall:
435 (a) require by contract that the contractor will open its books and records relating to its
436 expenditure of funds pursuant to the contract to the state auditor or the state auditor's designee;
437 (b) reimburse the state auditor for the actual and necessary costs of the audit; and
438 (c) contract with an independent, qualified evaluator, selected through a request for
439 proposals process, to evaluate the home-based educational technology program for preschool
440 children.
441 (3) Of the monies appropriated by the Legislature for UPSTART, excluding funds used
442 to provide computers, peripheral equipment, and Internet service to families, no more than
443 7.5% may be used for the evaluation of the program.

444 Section 10. Section **53A-1a-1007** is enacted to read:

445 **53A-1a-1007. Annual report.**

- 446 (1) The State Board of Education shall make a report on UPSTART to the Education
447 Interim Committee by November 30 each year.
448 (2) The report shall:
449 (a) address the extent to which UPSTART is accomplishing the purposes for which it
450 was established as specified in Section 53A-1a-1002; and
451 (b) include the following information:
452 (i) the number of families:
453 (A) volunteering to participate in the program;
454 (B) selected to participate in the program;
455 (C) requesting computers; and
456 (D) furnished computers;
457 (ii) the frequency of use of the instructional software;
458 (iii) obstacles encountered with software usage, hardware, or providing technical
459 assistance to families;
460 (iv) student performance on pre-kindergarten and post-kindergarten assessments
461 conducted by school districts and charter schools for students who participated in the

462 home-based educational technology program and those who did not participate in the program;
463 and

464 (v) as available, the evaluation of the program conducted pursuant to Section
465 53A-1a-1006.

466 Section 11. Section **53A-6-113** is enacted to read:

467 **53A-6-113. Grant program for distinguished teachers -- Additional compensation.**

468 (1) As used in this section:

469 (a) "American Board" means the American Board for Certification of Teacher
470 Excellence.

471 (b) "Distinguished Teacher" means the advanced credential offered by the American
472 Board.

473 (c) "Licensed teacher" means a teacher who holds:

474 (i) a level 1, level 2, or level 3 license; and

475 (ii) the endorsements required by board rule for the teacher's assignments.

476 (2) Subject to budget constraints, a grant program is created to:

477 (a) minimize out-of-pocket expenses of licensed teachers to obtain the American Board
478 Distinguished Teacher certification; and

479 (b) provide additional compensation to licensed teachers who obtain the American
480 Board Distinguished Teacher certification.

481 (3) The board shall award grants to school districts and charter schools for the purposes
482 stated in Subsection (2) from monies appropriated by the Legislature for those purposes.

483 (4) (a) To receive grant monies to minimize out-of-pocket expenses of licensed
484 teachers to obtain the American Board Distinguished Teacher certification, a school district or
485 charter school shall provide matching funds equal to the amount of the grant.

486 (b) A school district or charter school shall use grant monies received under Subsection
487 (4)(a) to pay for costs of licensed teachers directly related to obtaining American Board
488 Distinguished Teacher certification.

489 (5) (a) A school district or charter school may apply for grant monies to provide
490 additional compensation to licensed teachers who obtain the American Board Distinguished
491 Teacher certification.

492 (b) (i) A school district or charter school shall receive grant monies in the amount of

493 \$1,500 for each American Board Distinguished Teacher, except as provided in Subsection
494 (5)(b)(ii).

495 (ii) If the request for grant monies under this Subsection (5) exceed the monies
496 appropriated for the grant program, the board shall prorate the amounts of the grants based
497 upon the amount of grant monies available.

498 (c) Using school district or charter school funds, a school district or charter school may
499 match the grant monies to further increase compensation to teachers who obtain the American
500 Board Distinguished Teacher certification.

501 (6) School district or charter school participation in the program is voluntary and shall
502 be determined by the local school board or charter school governing board.

503 (7) (a) The board shall make rules in accordance with Title 63, Chapter 46a, Utah
504 Administrative Rulemaking Act, to administer this section.

505 (b) The rules shall include a formula, developed in consultation with school districts
506 and charter schools, that allocates the funding in a fair and equitable manner to qualified grant
507 applicants.

508 Section 12. Section **53A-13-110** is enacted to read:

509 **53A-13-110. Financial literacy education.**

510 (1) As used in this section, "financial and economic literacy passport" means a
511 document that tracks mastery of financial and economic literacy concepts and completion of
512 financial and economic activities, including the following:

513 (a) basic budgeting;

514 (b) saving and financial investments;

515 (c) banking and financial services, including balancing a checkbook or a bank account;

516 (d) career management, including earning an income;

517 (e) rights and responsibilities of renting or buying a home;

518 (f) retirement planning;

519 (g) loans and borrowing money, including interest, credit card debt, predatory lending,
520 and payday loans;

521 (h) insurance;

522 (i) federal, state, and local taxes;

523 (j) charitable giving;

- 524 (k) online commerce;
525 (l) identity fraud and theft;
526 (m) negative financial consequences of gambling;
527 (n) bankruptcy;
528 (o) free markets and prices;
529 (p) supply and demand;
530 (q) monetary and fiscal policy;
531 (r) effective business plan creation, including using economic analysis in creating a
532 plan;
533 (s) scarcity and choices;
534 (t) opportunity cost and tradeoffs;
535 (u) productivity;
536 (v) entrepreneurship; and
537 (w) economic reasoning.
538 (2) The State Board of Education shall:
539 (a) in cooperation with interested private and non-profit entities:
540 (i) develop a financial and economic literacy passport that students may elect to
541 complete;
542 (ii) develop methods of encouraging parent and educator involvement in completion of
543 the financial and economic literacy passport; and
544 (iii) develop and implement appropriate recognition and incentives for students who
545 complete the financial and economic literacy passport, including:
546 (A) a financial and economic literacy endorsement on the student's diploma of
547 graduation;
548 (B) a specific designation on the student's official transcript; and
549 (C) any incentives offered by community partners;
550 (b) more fully integrate existing and new financial and economic literacy education
551 into instruction in kindergarten through twelfth grade by:
552 (i) coordinating financial and economic literacy instruction with existing instruction in
553 other core curriculum areas such as mathematics and social studies;
554 (ii) using curriculum mapping;

- 555 (iii) creating training materials and staff development programs that:
 556 (A) highlight areas of potential coordination between financial and economic literacy
 557 education and other core curriculum concepts; and
 558 (B) demonstrate specific examples of financial and economic literacy concepts as a
 559 way of teaching other core curriculum concepts; and
 560 (iv) using appropriate financial and economic literacy assessments to improve financial
 561 and economic literacy education and, if necessary, developing assessments;
 562 (c) work with interested private and non-profit entities to:
 563 (i) coordinate school use of existing financial and economic literacy education
 564 resources; and
 565 (ii) develop simple, clear, and consistent messaging to reinforce and link existing
 566 financial literacy resources; and
 567 (iii) coordinate the efforts of school, work, private, non-profit, and other financial
 568 education providers in implementing methods of appropriately communicating to teachers,
 569 students, and parents key financial and economic literacy messages; and
 570 (d) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
 571 make rules to develop guidelines and methods for school districts and charter schools to more
 572 fully integrate financial and economic literacy education into other core curriculum courses.
 573 (3) The state superintendent shall annually report to the Education Interim Committee
 574 by November of each year on the successes and areas of needed improvement in financial and
 575 economic literacy education provided pursuant to this section.

576 Section 13. Section **53A-17a-103** is amended to read:

577 **53A-17a-103. Definitions.**

578 As used in this chapter:

- 579 (1) "Basic state-supported school program" or "basic program" means public education
 580 programs for kindergarten, elementary, and secondary school students that are operated and
 581 maintained for the amount derived by multiplying the number of weighted pupil units for each
 582 district by [~~\$2,514~~] \$2,577, except as otherwise provided in this chapter.
 583 (2) (a) "Certified revenue levy" means a property tax levy that provides an amount of
 584 ad valorem property tax revenue equal to the sum of:
 585 (i) the amount of ad valorem property tax revenue to be generated statewide in the

586 previous year from imposing a minimum basic tax rate, as specified in Subsection
587 53A-17a-135(1)(a); and
588 (ii) the product of:
589 (A) new growth, as defined in Section 59-2-924 and rules of the State Tax
590 Commission; and
591 (B) the minimum basic tax rate certified by the State Tax Commission for the previous
592 year.
593 (b) For purposes of this Subsection (2), "ad valorem property tax revenue" does not
594 include property tax revenue received statewide from personal property that is:
595 (i) assessed by a county assessor in accordance with Title 59, Chapter 2, Part 3, County
596 Assessment; and
597 (ii) semiconductor manufacturing equipment.
598 (3) "Leeway program" or "leeway" means a state-supported voted leeway program or
599 board leeway program authorized under Section 53A-17a-133 or 53A-17a-134.
600 (4) "Pupil in average daily membership (ADM)" means a full-day equivalent pupil.
601 (5) (a) "State-supported minimum school program" or "minimum school program"
602 means public school programs for kindergarten, elementary, and secondary schools as
603 described in this Subsection (5).
604 (b) The minimum school program established in the districts shall include the
605 equivalent of a school term of nine months as determined by the State Board of Education.
606 (c) (i) The board shall establish the number of days or equivalent instructional hours
607 that school is held for an academic school year.
608 (ii) Education, enhanced by utilization of technologically enriched delivery systems,
609 when approved by local school boards, shall receive full support by the State Board of
610 Education as it pertains to fulfilling the attendance requirements, excluding time spent viewing
611 commercial advertising.
612 (d) The program includes the total of the following annual costs:
613 (i) the cost of a basic state-supported school program; and
614 (ii) other amounts appropriated in this chapter in addition to the basic program.
615 (6) "Weighted pupil unit or units or WPU or WPUs" means the unit of measure of
616 factors that is computed in accordance with this chapter for the purpose of determining the

617 costs of a program on a uniform basis for each district.

618 Section 14. Section **53A-17a-104** is amended to read:

619 **53A-17a-104. Amount of state's contribution toward minimum school program.**

620 (1) The total contribution of the state toward the cost of the minimum school program
621 may not exceed the sum of [~~\$2,273,574,120~~] \$2,495,183,979 for the fiscal year beginning July
622 1, [~~2007~~] 2008, except as otherwise provided by the Legislature through supplemental
623 appropriations.

624 (2) There is appropriated from state and local funds for fiscal year [~~2007-08~~] 2008-09
625 for distribution to school districts and charter schools, in accordance with this chapter, monies
626 for the following purposes and in the following amounts:

627 (a) basic program - kindergarten, [~~\$61,819,260 (24,590)~~] \$65,182,638 (25,294 WPU)s);

628 (b) basic program - grades 1-12, [~~\$1,202,446,200 (478,300)~~] \$1,258,253,751 (488,263
629 WPU)s);

630 (c) basic program - professional staff, [~~\$112,436,136 (44,724)~~] \$116,307,741 (45,133
631 WPU)s);

632 (d) basic program - administrative costs, [~~\$4,072,680~~] \$4,174,740 (1,620 WPU)s);

633 (e) basic program - necessarily existent small schools and units for consolidated
634 schools, [~~\$19,229,586~~] \$19,711,473 (7,649 WPU)s);

635 (f) special education - regular program - add-on WPU for students with disabilities,
636 [~~\$143,034,030 (56,895)~~] \$155,789,958 (60,454 WPU)s);

637 (g) preschool special education program, [~~\$20,918,994 (8,321)~~] \$22,082,313 (8,569
638 WPU)s);

639 (h) self-contained regular WPU, [~~\$33,587,040 (13,360)~~] \$34,573,032 (13,416 WPU)s);

640 (i) extended year program for severely disabled, [~~\$922,638 (367)~~] \$968,952 (376
641 WPU)s);

642 (j) special education programs in state institutions and district impact aid, [~~\$4,090,278~~
643 ~~(1,627)~~] \$4,293,282 (1,666 WPU)s);

644 (k) career and technical education district programs, [~~\$65,147,796 (25,914)~~
645 \$67,530,285 (26,205 WPU)s), including [~~\$1,114,000~~] \$1,154,458 for summer career and
646 technical education agriculture programs;

647 (l) career and technical education district set-aside, [~~\$2,742,774 (1,091)~~] \$2,878,509

648 (1,117 WPU)s;

649 (m) class size reduction, [~~\$82,330,986 (32,749)~~] \$88,373,061 (34,293 WPU)s;

650 (n) Social Security and retirement programs, [~~\$333,315,119~~] \$349,906,049;

651 (o) pupil transportation to and from school, [~~\$70,928,797~~] \$74,446,865, of which not

652 less than [~~\$2,462,300~~] \$2,584,435 shall be allocated to the Utah Schools for the Deaf and Blind

653 to pay for transportation costs of the schools' students;

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

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

656 (r) Interventions for Student Success Block Grant Program, [~~\$17,953,612~~]

657 \$18,844,111;

658 (s) Quality Teaching Block Grant Program, [~~\$73,947,829~~] \$77,615,641;

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

660 (u) at-risk programs, [~~\$29,926,867~~] \$31,411,241;

661 (v) adult education, [~~\$9,781,008~~] \$10,266,146;

662 (w) accelerated learning programs, [~~\$3,975,546~~] \$4,295,581;

663 (x) concurrent enrollment, [~~\$9,215,497~~] \$9,672,586;

664 (y) High-ability Student Initiative Program, \$500,000;

665 (z) English Language Learner Family Literacy Centers, \$2,000,000;

666 [~~(y)~~] (aa) electronic high school, \$2,000,000;

667 [~~(z)~~] (bb) School LAND Trust Program, [~~\$21,000,000~~] \$26,499,500;

668 [~~(aa) state-supported voted leeway, \$227,700,777~~];

669 [~~(bb) state-supported board leeway, \$62,066,336~~];

670 (cc) charter schools, pursuant to Section 53A-1a-513, [~~\$28,509,000~~] \$35,599,119;

671 (dd) charter school administrative costs, [~~\$750,000~~] \$2,029,020;

672 (ee) K-3 Reading Improvement Program, [~~\$12,500,000~~] \$15,000,000;

673 [~~(ff) state-supported board leeway for K-3 Reading Improvement Program,~~

674 \$15,000,000; and]

675 [~~(gg)~~] (ff) Public Education Job Enhancement Program, \$2,430,000[-];

676 (gg) educator salary adjustments, \$148,260,200;

677 (hh) Teacher Salary Supplement Restricted Account, \$4,700,000;

678 (ii) library books and electronic resources, \$1,500,000;

- 679 (jj) school nurses, \$1,000,000;
- 680 (kk) critical languages, \$230,000;
- 681 (ll) extended year for special educators, \$2,900,000;
- 682 (mm) USTAR Centers, \$6,900,000;
- 683 (nn) state-supported voted leeway, \$273,337,346;
- 684 (oo) state-supported board leeway, \$71,575,858; and
- 685 (pp) state-supported board leeway for K-3 Reading Improvement Program,
- 686 \$15,000,000.

687 Section 15. Section **53A-17a-108** is amended to read:

688 **53A-17a-108. Weighted pupil units for school district administrative costs --**
 689 **Appropriation for charter school administrative costs.**

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

692 Administrative Costs Schedule

693 School District Enrollment as of October 1	693 Weighted Pupil Units
694 1 - 2,000 students	694 53
695 2,001 - 10,000 students	695 48
696 10,001 - 20,000 students	696 25
697 20,001 and above	697 16

698 (2) (a) Money appropriated to the State Board of Education for charter school
 699 administrative costs, including an appropriation in Section 53A-17a-104, shall be distributed to
 700 charter schools in the amount of [~~\$62~~] \$70 for each charter school student in enrollment.

701 (b) Charter schools are encouraged to identify and use cost-effective methods of
 702 performing administrative functions, including contracting for administrative services with the
 703 State Charter School Board as provided in Section 53A-1a-501.6.

704 (3) Charter schools are not eligible for funds for administrative costs under Subsection
 705 (1).

706 Section 16. Section **53A-17a-120** is amended to read:

707 **53A-17a-120. Appropriation for accelerated learning programs.**

708 (1) Money appropriated to the State Board of Education in Section 53A-17a-104 for
 709 accelerated learning programs shall be allocated to local school boards and charter schools for

710 the following programs:

711 (a) programs in grades 1-12 for the gifted and talented; [~~and~~]

712 (b) advanced placement[~~;~~]; and

713 (c) International Baccalaureate.

714 (2) (a) Districts shall spend monies for these programs according to rules established
715 by the State Board of Education in accordance with Title 63, Chapter 46a, Utah Administrative
716 Rulemaking Act.

717 (b) The State Board of Education shall develop uniform and consistent policies for
718 school districts to follow in utilizing advanced placement monies.

719 Section 17. Section **53A-17a-126** is amended to read:

720 **53A-17a-126. State support of pupil transportation.**

721 (1) Money appropriated to the State Board of Education in Section 53A-17a-104 for
722 state-supported transportation of public school students shall be apportioned and distributed in
723 accordance with Section 53A-17a-127, except as otherwise provided in this section.

724 (2) (a) The Utah Schools for the Deaf and the Blind shall use money appropriated in
725 Section 53A-17a-104 to pay for transportation of their students based on current valid
726 contractual arrangements and best transportation options and methods as determined by the
727 schools.

728 (b) All student transportation costs of the schools shall be paid from the allocation of
729 pupil transportation monies received under Section 53A-17a-104.

730 (3) (a) A school district may only claim eligible transportation costs as legally reported
731 on the prior year's annual financial report submitted under Section 53A-3-404. [~~Each district~~
732 ~~shall receive its]~~

733 (b) The state shall contribute 85% of approved transportation costs, [~~except that if~~
734 ~~during the]~~ subject to budget constraints.

735 (c) If in a fiscal year the total transportation allowance for all districts exceeds the
736 amount appropriated for that purpose, all allowances shall be reduced pro rata to equal not
737 more than [~~that amount]~~ the amount appropriated.

738 (4) Local school boards shall provide salary adjustments to employee groups that work
739 with the transportation of students comparable to those of classified employees authorized
740 under Section 53A-17a-137, when dividing the weighted pupil unit for salary adjustment

741 purposes.

742 Section 18. Section **53A-17a-127** is amended to read:

743 **53A-17a-127. Eligibility for state-supported transportation -- Approved bus**
744 **routes -- Additional local tax.**

745 (1) A student eligible for state-supported transportation means:

746 (a) a student enrolled in kindergarten through grade six who lives at least 1-1/2 miles
747 from school;

748 (b) a student enrolled in grades seven through 12 who lives at least two miles from
749 school; and

750 (c) a student enrolled in a special program offered by a school district and approved by
751 the State Board of Education for trainable, motor, multiple-disabled, or other students with
752 severe disabilities who are incapable of walking to school or where it is unsafe for students to
753 walk because of their disabling condition, without reference to distance from school.

754 (2) If a school district implements double sessions as an alternative to new building
755 construction, with the approval of the State Board of Education, those affected elementary
756 school students residing less than 1-1/2 miles from school may be transported one way to or
757 from school because of safety factors relating to darkness or other hazardous conditions as
758 determined by the local school board.

759 (3) (a) The State [~~Office~~] Board of Education shall distribute transportation monies to
760 school districts based on [~~three factors~~]:

761 (i) an allowance per mile for approved bus routes;

762 (ii) an allowance per hour for approved bus routes; [~~and~~]

763 (iii) an annual allowance for equipment and overhead costs based on approved bus
764 routes and the age of the equipment[~~;~~ and

765 (iv) a minimum allocation for each school district eligible for transportation funding.

766 (b) The State Board of Education shall distribute appropriated transportation funds
767 based on the prior year's eligible transportation costs as legally reported under Subsection
768 53A-17a-126(3).

769 [~~(b)~~] (c) In order for a bus to be considered for the equipment allowance under
770 Subsection (3)(a)(iii), it must meet federal and state regulations and standards for school buses.

771 [~~(c)~~] (d) The State [~~Office~~] Board of Education shall annually review the allowance per

772 mile, the allowance per hour, and the annual equipment and overhead allowance and adjust the
773 allowance to reflect current economic conditions.

774 (4) (a) Approved bus routes for funding purposes shall be determined on fall data
775 collected by October 1.

776 (b) Approved route funding shall be determined on the basis of the most efficient and
777 economic routes.

778 (5) A Transportation Advisory Committee with representation from local school
779 superintendents, business officials, school district transportation supervisors, and the [~~State~~
780 ~~Office of Education~~] state superintendent's staff shall serve as a review committee for
781 addressing school transportation needs, including recommended approved bus routes.

782 (6) (a) A local school board may provide for the transportation of students who are not
783 eligible under Subsection (1), regardless of the distance from school, from:

784 (i) general funds of the district; and

785 (ii) a tax rate not to exceed .0003 per dollar of taxable value imposed on the district.

786 (b) A local school board may use revenue from the tax to pay for transporting
787 participating students to interscholastic activities, night activities, and educational field trips
788 approved by the board and for the replacement of school buses.

789 (c) (i) If a local school board levies a tax under Subsection (6)(a)(ii) of at least .0002,
790 the state may contribute an amount not to exceed 85% of the state average cost per mile,
791 contingent upon the Legislature appropriating funds for a state contribution.

792 (ii) The [~~State Office of Education~~] state superintendent's staff shall distribute the state
793 contribution according to rules enacted by the State Board of Education.

794 (d) (i) The amount of state guarantee money [~~to~~] which a school district would
795 otherwise be entitled to receive under Subsection (6)(c) may not be reduced for the sole reason
796 that the district's levy is reduced as a consequence of changes in the certified tax rate under
797 Section 59-2-924 due to changes in property valuation.

798 (ii) Subsection (6)(d)(i) applies for a period of two years following the change in the
799 certified tax rate.

800 [~~(7) There is appropriated for the fiscal year beginning July 1, 1999, \$225,000 to the~~
801 ~~state board as the state's contribution under Subsection (6)(c)(i).]~~

802 Section 19. Section **53A-17a-148** is amended to read:

803 **53A-17a-148. Use of nonlapsing balances.**

804 (1) (a) As used in this section, "new teacher" means a person who:

805 (i) is a licensed classroom teacher;

806 (ii) is hired by a school district or charter school to begin teaching during the 2008-09

807 school year;

808 (iii) did not work in this state as a classroom teacher at a school district or charter

809 school during the 2007-08 school year; and

810 (iv) has never received a signing bonus in this state.

811 (b) A new teacher may include a person who is returning to teaching after one or more

812 years of interrupted service.

813 (2) The State Board of Education may use Minimum School Program nonlapsing

814 balances to restore special education funding as follows:

815 [(+)] (a) up to \$902,538 is authorized in fiscal year 2005-06; and

816 [(2)] (b) up to \$902,538 is authorized in fiscal year 2006-07.

817 (3) The State Board of Education shall use Minimum School Program nonlapsing

818 balances as follows:

819 (a) \$5,000,000 shall be allocated to school districts and charter schools to provide

820 one-time signing bonuses for new teachers as provided under Subsection (4);

821 (b) \$19,000,000 shall be allocated to school districts and charter schools to provide

822 one-time performance-based compensation as provided under Subsection (5); and

823 (c) \$1,000,000 shall be used to establish a grant program to minimize the expenses of

824 teachers to obtain the American Board Distinguished Teacher certification and to provide

825 additional compensation to teachers who obtain that certification as provided in Section

826 53A-6-113.

827 (4) (a) Subject to the availability of funding, school districts and charter schools shall

828 provide a one-time signing bonus of \$1,000 to a new teacher.

829 (b) If the total bonuses under Subsection (4)(a) for all school districts and charter

830 schools exceed \$5,000,000, all bonuses shall be reduced pro rata so that the total bonuses do

831 not exceed \$5,000,000.

832 (c) To qualify for a bonus, a new teacher shall:

833 (i) be hired prior to October 1, 2008; and

834 (ii) teach for at least 30 days in the school district or charter school.

835 (5) (a) The \$19,000,000 for performance-based compensation shall be allocated to
836 qualifying school districts and charter schools on a per pupil basis.

837 (b) (i) To receive an allocation under Subsection (5)(a), a school district or charter
838 school shall submit, prior to July 1, 2008, a written performance-based compensation plan to
839 the State Board of Education.

840 (ii) The performance-based compensation plan shall provide specific information about
841 how the school district or charter school intends to spend its allocation, including:

842 (A) who is eligible for the performance-based compensation;

843 (B) criteria for awarding performance-based compensation;

844 (C) the instruments or assessments that may be used to measure or evaluate
845 performance;

846 (D) the amount of performance-based compensation that may be awarded; and

847 (E) whether the performance-based compensation will be based on individual, team, or
848 school-based performance, or a combination of those.

849 (iii) The State Board of Education shall send the plans to the Executive Appropriations
850 Committee and the Education Interim Committee on July 1, 2008 for review and comment.

851 (c) (i) A school district or charter school shall award performance-based compensation
852 from monies distributed under this section for employee performance during the 2008-09
853 school year.

854 (ii) Performance-based compensation monies may only be used in accordance with a
855 school district or charter school's performance-based compensation plan.

856 (iii) If a school district or charter school uses performance-based compensation monies
857 for purposes other than those stated in this Subsection (5) and its performance-based
858 compensation plan, the school district or charter school shall reimburse the monies that were
859 improperly used.

860 (d) A school district or charter school that awards performance-based compensation
861 from monies distributed under this section shall report the following information to the
862 Executive Appropriations Committee by June 30, 2008:

863 (i) the number of employees who received performance-based compensation;

864 (ii) the total number of employees;

865 (iii) the average performance-based compensation awarded to employees; and
866 (iv) the maximum performance-based compensation awarded to an employee.

867 Section 20. Section **53A-17a-153** is amended to read:

868 **53A-17a-153. Educator salary adjustments.**

869 (1) As used in this section, "educator" means a person employed by a school district,
870 charter school, or the Utah Schools for the Deaf and the Blind who holds:

871 (a) a license issued under Title 53A, Chapter 6, Educator Licensing and Professional
872 Practices Act; and

873 (b) a position as a:

874 (i) classroom teacher;

875 (ii) speech pathologist;

876 (iii) librarian or media specialist;

877 (iv) preschool teacher;

878 [~~(v) school administrator;~~]

879 [~~(vi)] (v) mentor teacher;~~

880 [~~(vii)] (vi) teacher specialist or teacher leader;~~

881 [~~(viii)] (vii) guidance counselor;~~

882 [~~(ix)] (viii) audiologist;~~

883 [~~(x)] (ix) psychologist; or~~

884 [~~(xi)] (x) social worker.~~

885 (2) In recognition of the need to attract and retain highly skilled and dedicated
886 educators, the Legislature shall annually appropriate money for educator salary adjustments,
887 subject to future budget constraints.

888 (3) Money appropriated to the State Board of Education for educator salary
889 adjustments shall be distributed to school districts, charter schools, and the Utah Schools for
890 the Deaf and the Blind in proportion to the number of full-time-equivalent educator positions
891 in a school district, a charter school, or the Utah Schools for the Deaf and the Blind as
892 compared to the total number of full-time-equivalent educator positions in school districts,
893 charter schools, and the Utah Schools for the Deaf and the Blind.

894 (4) School districts, charter schools, and the Utah Schools for the Deaf and the Blind
895 shall award bonuses to educators as follows:

896 (a) the amount of the salary adjustment shall be the same for each full-time-equivalent
897 educator position in the school district, charter school, or the Utah Schools for the Deaf and the
898 Blind;

899 (b) a person who is not a full-time educator shall receive a partial salary adjustment
900 based on the number of hours the person works as an educator; and

901 (c) salary adjustments may be awarded only to educators who have received a
902 satisfactory rating or above on their most recent evaluation.

903 (5) (a) Each school district and charter school and the Utah Schools for the Deaf and
904 the Blind shall submit a report to the State Board of Education on how the money for salary
905 adjustments was spent, including the amount of the salary adjustment and the number of full
906 and partial salary adjustments awarded.

907 (b) The State Board of Education shall compile the information reported under
908 Subsection (5) and submit it to the Public Education Appropriations Subcommittee by
909 November 30 each year.

910 (6) The State Board of Education may make rules as necessary to administer this
911 section, in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

912 (7) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient
913 monies each year to:

- 914 [~~(a)~~] (i) maintain educator salary adjustments provided in prior years; and
- 915 [~~(b)~~] (ii) provide educator salary adjustments to new employees.

916 (b) Money appropriated for educator salary adjustments shall include money for the
917 following employer-paid benefits:

- 918 (i) retirement;
- 919 (ii) worker's compensation;
- 920 (iii) Social Security; and
- 921 (iv) Medicare.

922 Section 21. Section **53A-17a-156** is enacted to read:

923 **53A-17a-156. Teacher Salary Supplement Program.**

924 (1) As used in this section:

925 (a) "Eligible teacher" means a teacher who:

- 926 (i) has an assignment to teach:

- 927 (A) a secondary school level mathematics course;
928 (B) integrated science in grade 7 or 8;
929 (C) chemistry; or
930 (D) physics;
931 (ii) holds the appropriate endorsement for the assigned course;
932 (iii) has qualifying educational background; and
933 (iv) (A) is a new employee; or
934 (B) received a satisfactory rating or above on the teacher's most recent evaluation.
935 (b) "Qualifying educational background" means:
936 (i) for a teacher who is assigned a secondary school level mathematics course, a
937 bachelor's degree major, master's degree, or doctoral degree in mathematics; and
938 (ii) for a teacher who is assigned a grade 7 or 8 integrated science course, chemistry
939 course, or physics course, a bachelor's degree major, master's degree, or doctoral degree in:
940 (I) integrated science;
941 (II) chemistry;
942 (III) physics;
943 (IV) physical science; or
944 (V) general science.
945 (2) (a) Subject to future budget constraints, the Legislature shall annually appropriate
946 money to the Teacher Salary Supplement Restricted Account established in Section
947 53A-17a-157 to fund the Teacher Salary Supplement Program.
948 (b) Money appropriated for the Teacher Salary Supplement Program shall include
949 money for the following employer-paid benefits:
950 (i) retirement;
951 (ii) workers' compensation;
952 (iii) Social Security; and
953 (iv) Medicare.
954 (3) (a) Beginning in fiscal year 2008-09, the annual salary supplement is \$4,500 for an
955 eligible teacher who:
956 (i) is assigned full-time to teach one or more courses listed in Subsections (1)(a)(i)(A)
957 through (D); and

958 (ii) meets the requirements of Subsections (1)(a)(ii) and (iii) for each course
959 assignment.

960 (b) An eligible teacher who has a part-time assignment to teach one or more courses
961 listed in Subsections (1)(a)(i)(A) through (D) shall receive a partial salary supplement based on
962 the number of hours worked in a course assignment that meets the requirements of Subsections
963 (1)(a)(ii) and (iii).

964 (4) The Department of Human Resource Management shall:

965 (a) create an on-line application system for a teacher to apply to receive a salary
966 supplement through the Teacher Salary Supplement Program;

967 (b) determine if a teacher:

968 (i) is an eligible teacher; and

969 (ii) has a course assignment as listed in Subsections (1)(a)(i)(A) through (D);

970 (c) verify, as needed, the determinations made under Subsection (4)(b) with school
971 district and school administrators; and

972 (d) certify a list of eligible teachers and the amount of their salary supplement, sorted
973 by school district and charter school, to the Division of Finance.

974 (5) (a) An eligible teacher shall apply with the Department of Human Resource
975 Management prior to the conclusion of a school year to receive the salary supplement
976 authorized in this section.

977 (b) An eligible teacher may apply with the Department of Human Resource
978 Management, after verification that the requirements under this section have been satisfied, to
979 receive a salary supplement after the completion of:

980 (i) the school year as an annual award; or

981 (ii) a semester or trimester as a partial award based on the portion of the school year
982 that has been completed.

983 (6) (a) The Division of Finance shall distribute monies from the Teacher Salary
984 Supplement Restricted Account to school districts and charter schools for the Teacher Salary
985 Supplement Program in accordance with the provisions of this section.

986 (b) The Department of Human Resource Management shall include the employer-paid
987 benefits described under Subsection (2)(b) in the amount of each salary supplement certified to
988 the Division of Finance.

989 (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the
990 salary supplement limits described under Subsection (3).

991 (7) (a) Money received from the Teacher Salary Supplement Restricted Account shall
992 be used by a school district or charter school to provide a salary supplement equal to the
993 amount specified for each eligible teacher.

994 (b) The salary supplement is part of the teacher's base pay, subject to the teacher's
995 qualification as an eligible teacher every year, semester, or trimester.

996 (8) The State Board of Education shall cooperate with the Department of Human
997 Resource Management as it administers the Teacher Salary Supplement Program by:

998 (a) providing or verifying teacher data, as requested; and

999 (b) making information technology resources available.

1000 (9) Notwithstanding the provisions of this section, if the appropriation for the program
1001 is insufficient to cover the costs associated with salary supplements, the Department of Human
1002 Resource Management may limit or reduce the salary supplements.

1003 Section 22. Section **53A-17a-157** is enacted to read:

1004 **53A-17a-157. Teacher Salary Supplement Restricted Account.**

1005 (1) There is created within the Uniform School Fund a restricted account known as the
1006 "Teacher Salary Supplement Restricted Account."

1007 (2) The account shall be funded from appropriations made to the account by the
1008 Legislature.

1009 (3) The account shall be used to fund teacher salary supplements for school districts
1010 and charter schools as provided in Section 53A-17a-156.

1011 (4) The Division of Finance shall distribute account monies to school districts and
1012 charter schools for the Teacher Salary Supplement Program as provided in Section
1013 53A-17a-156.

1014 Section 23. Section **53A-17a-158** is enacted to read:

1015 **53A-17a-158. Stipends for special educators for additional days of work.**

1016 (1) As used in this section:

1017 (a) "IEP" means an individualized education program developed pursuant to the
1018 Individuals with Disabilities Education Improvement Act of 2004, as amended.

1019 (b) "Special education teacher" means a teacher whose primary assignment is the

1020 instruction of students with disabilities who are eligible for special education services.
1021 (c) "Special educator" means a person employed by a school district, charter school, or
1022 the Utah Schools for the Deaf and the Blind who holds:
1023 (i) a license issued under Title 53A, Chapter 6, Educator Licensing and Professional
1024 Practices Act; and
1025 (ii) a position as a:
1026 (A) special education teacher; or
1027 (B) speech-language pathologist.
1028 (2) The Legislature shall annually appropriate money for stipends to special educators
1029 for additional days of work:
1030 (a) in recognition of the added duties and responsibilities assumed by special educators
1031 to comply with federal law regulating the education of students with disabilities and the need to
1032 attract and retain qualified special educators; and
1033 (b) subject to future budget constraints.
1034 (3) The State Board of Education shall distribute money appropriated under this section
1035 to school districts, charter schools, and the Utah Schools for the Deaf and the Blind for stipends
1036 for special educators in the amount of \$200 per day for up to ten additional working days.
1037 (4) A special educator receiving a stipend shall:
1038 (a) work an additional day beyond the number of days contracted with the special
1039 educator's school district or school for each daily stipend;
1040 (b) schedule the additional days of work before or after the school year; and
1041 (c) use the additional days of work to perform duties related to the IEP process,
1042 including:
1043 (i) administering student assessments;
1044 (ii) conducting IEP meetings;
1045 (iii) writing IEPs;
1046 (iv) conferring with parents; and
1047 (v) maintaining records and preparing reports.
1048 (5) A special educator may:
1049 (a) elect to receive a stipend for one to ten days of additional work; or
1050 (b) elect to not receive a stipend.

1051 (6) A person who does not hold a full-time position as a special educator is eligible for
1052 a partial stipend equal to the percentage of a full-time special educator position the person
1053 assumes.

1054 Section 24. Section **53A-17a-159** is enacted to read:

1055 **53A-17a-159. Utah Science Technology and Research Initiative Centers Program.**

1056 (1) (a) The Utah Science Technology and Research Initiative (USTAR) Centers
1057 Program is created to provide a financial incentive for charter schools and school districts to
1058 adopt programs that result in a more efficient use of human resources and capital facilities.

1059 (b) The potential benefits of the program include:

1060 (i) increased compensation for math and science teachers by providing opportunities
1061 for an expanded contract year which will enhance school districts' and charter schools' ability to
1062 attract and retain talented and highly qualified math and science teachers;

1063 (ii) increased capacity of school buildings by using buildings more hours of the day or
1064 more days of the year, resulting in reduced capital facilities costs;

1065 (iii) decreased class sizes created by expanding the number of instructional
1066 opportunities in a year;

1067 (iv) opportunities for earlier high school graduation;

1068 (v) improved student college preparation;

1069 (vi) increased opportunities to offer additional remedial and advanced courses in math
1070 and science;

1071 (vii) opportunities to coordinate high school and post-secondary math and science
1072 education; and

1073 (viii) the creation or improvement of science, technology, engineering, and math
1074 centers (STEM Centers).

1075 (2) From monies appropriated for the USTAR Centers Program, the State Board of
1076 Education shall award grants to charter schools and school districts to pay for costs related to
1077 the adoption and implementation of the program.

1078 (3) The State Board of Education shall:

1079 (a) solicit proposals from the State Charter School Board and school districts for the
1080 use of grant monies to facilitate the adoption and implementation of the program; and

1081 (b) award grants on a competitive basis.

- 1082 (4) The State Charter School Board shall:
1083 (a) solicit proposals from charter schools that may be interested in participating in the
1084 USTAR Centers Program;
1085 (b) prioritize the charter school proposals and consolidate them into the equivalent of a
1086 single school district request; and
1087 (c) submit the consolidated request to the State Board of Education.
1088 (5) In selecting a grant recipient, the State Board of Education shall consider:
1089 (a) the degree to which a charter school or school district's proposed adoption and
1090 implementation of an extended year for math and science teachers achieves the benefits
1091 described in Subsection (1);
1092 (b) the unique circumstances of different urban, rural, large, small, growing, and
1093 declining charter schools and school districts; and
1094 (c) providing pilot programs in as many different school districts and charter schools as
1095 possible.
1096 (6) (a) Except as provided in Subsection (6)(b), a school district or charter school may
1097 only use grant monies to provide full year teacher contracts, part-time teacher contract
1098 extensions, or combinations of both, for math and science teachers.
1099 (b) Up to 5% of the grant monies may be used to fund math and science field trips,
1100 textbooks, and supplies.
1101 (7) Participation in the USTAR Centers Program shall be:
1102 (a) voluntary for an individual teacher; and
1103 (b) voluntary for a charter school or school district.
1104 (8) The State Board of Education shall make an annual report during the 2009, 2010,
1105 and 2011 interims to the Public Education Appropriations Subcommittee describing the
1106 program's impact on students and its effectiveness at achieving the benefits described in
1107 Subsection (1).

1108 Section 25. Section **53A-17a-160** is enacted to read:

1109 **53A-17a-160. High-ability Student Initiative Program.**

1110 (1) The High-ability Student Initiative Program is created to provide resources for
1111 educators to enhance the academic growth of high-ability students.

1112 (2) The program shall consist of:

- 1113 (a) personnel under the direction of the State Board of Education and superintendent of
1114 public instruction who shall direct and facilitate the program;
- 1115 (b) a comprehensive, Internet-based resource center to provide information about
1116 high-ability students to teachers, administrators, parents, and the community;
- 1117 (c) professional development and professional learning communities for teachers,
1118 including research-based tools to:
- 1119 (i) identify high-ability students;
1120 (ii) implement strategies to meet high-ability students' needs;
1121 (iii) train and mentor teachers; and
1122 (iv) enhance teacher collaboration and networking, including videoconferencing
1123 equipment for classroom observation and coaching;
- 1124 (d) assistance for a teacher to obtain an endorsement for gifted and talented education;
1125 and
- 1126 (e) an evaluation of the program.
- 1127 (3) (a) From monies appropriated for the High-ability Student Initiative Program, the
1128 State Board of Education shall establish a grant program to encourage a licensed teacher to
1129 obtain an endorsement for gifted and talented education.
- 1130 (b) The State Board of Education may award up to 250 grants in amounts of up to
1131 \$2,500 each.
- 1132 (c) To receive a grant, a licensed teacher shall provide matching funds in an amount
1133 equal to 1/2 the grant amount.
- 1134 (4) From monies appropriated for the High-ability Student Initiative Program, the State
1135 Board of Education shall:
- 1136 (a) contract with an independent, qualified evaluator, selected through a request for
1137 proposals process, to evaluate the High-ability Student Initiative Program; and
- 1138 (b) provide up to 60 stipends in amounts of up to \$1,500 each for teachers who
1139 participate in the evaluation.
- 1140 (5) High-ability Student Initiative Program monies may not be used to supplant funds
1141 for existing programs, but may be used to augment existing programs.
- 1142 (6) Participation in the High-ability Student Initiative Program shall be:
- 1143 (a) voluntary for an individual teacher; and

1144 (b) voluntary for a charter school or school district.

1145 (7) The State Board of Education shall make an annual report during the 2009, 2010,
1146 and 2011 interims to the Public Education Interim Committee describing the program's impact
1147 on high-ability students.

1148 Section 26. Section **53A-17a-161** is enacted to read:

1149 **53A-17a-161. English Language Learner Family Literacy Centers Program --**
1150 **Report.**

1151 (1) Money appropriated for the English Language Learner Family Literacy Centers
1152 Program shall be used by school districts and charter schools to pay for costs of English
1153 Language Learner Family Literacy Centers as provided in this section.

1154 (2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
1155 State Board of Education, after consultation with school districts and charter schools, shall
1156 adopt a formula that allocates the money appropriated by the Legislature for the English
1157 Language Learner Family Literacy Centers Program to school districts and charter schools in a
1158 fair and equitable manner.

1159 (3) English Language Learner Family Literacy Centers shall be established to:

1160 (a) increase parent involvement;

1161 (b) communicate with parents who are not proficient in English concerning required
1162 and optional activities at the school, in the parents' preferred language to the extent practicable;

1163 (c) increase academic achievement, literacy skills, and language gains in all ethnic
1164 groups of students and their families;

1165 (d) coordinate with school administrators, educators, families, and students; and

1166 (e) support and coordinate with other language acquisition instructional services and
1167 language proficiency programs in the public schools.

1168 (4) The State Board of Education shall make a report to the Education Interim
1169 Committee on the effectiveness of the English Language Learner Family Literacy Centers
1170 Program before November 30, 2011.

1171 Section 27. Section **53A-17a-162** is enacted to read:

1172 **53A-17a-162. Beverley Taylor Sorenson Elementary Arts Learning Program.**

1173 (1) The Legislature finds that a strategic placement of arts in elementary education can
1174 impact the critical thinking of students in other core subject areas, including mathematics,

1175 reading, and science.

1176 (2) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to
1177 enhance the social, emotional, academic, and arts learning of students in kindergarten through
1178 grade six by integrating arts teaching and learning into core subject areas.

1179 (3) From monies appropriated for the Beverley Taylor Sorenson Elementary Arts
1180 Learning Program, the State Board of Education shall, after consulting with the Utah Arts
1181 Council and receiving their recommendations:

1182 (a) establish a grant program to allow school districts and charter schools to hire 50
1183 highly qualified, full-time arts specialists to be based at 50 schools;

1184 (b) provide up to \$10,000 in one-time funds for each school arts specialist described
1185 under Subsection (3)(a) to purchase supplies and equipment;

1186 (c) establish a grant program to allow ten school districts to hire art coordinators,
1187 provided that a qualifying school district provides matching funds in an amount equal to the
1188 grant amount; and

1189 (d) annually contract with an independent, qualified evaluator, selected through a
1190 request for proposals process, to evaluate the Beverley Taylor Sorenson Elementary Arts
1191 Learning Program.

1192 (4) Beverley Taylor Sorenson Elementary Arts Learning Program monies may not be
1193 used to supplant funds for existing programs funded by the state, but shall be used to augment
1194 existing programs.

1195 (5) Schools that participate in the Beverley Taylor Sorenson Elementary Arts Learning
1196 Program shall partner with institutions of higher education that award elementary education
1197 degrees to obtain quality pre-service and in-service training, research, and leadership
1198 development for arts education.

1199 (6) The State Board of Education shall, after consultation with the Utah Arts Council,
1200 make an annual report during the 2009, 2010, and 2011 interims to the Public Education
1201 Interim Committee describing the program's impact on students in kindergarten through grade
1202 six.

1203 Section 28. Section **63-55b-153** is amended to read:

1204 **63-55b-153. Repeal dates -- Titles 53, 53A, and 53B.**

1205 (1) Section 53-3-210 is repealed February 1, 2007.

- 1206 (2) Section 53A-1-403.5 is repealed July 1, 2012.
- 1207 (3) Subsection 53A-1a-511(7)(c) is repealed July 1, 2007.
- 1208 (4) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.
- 1209 [~~(4)~~] (5) Section 53A-3-702 is repealed July 1, 2008.
- 1210 [~~(5)~~] (6) Section 53A-6-112 is repealed July 1, 2009.
- 1211 (7) Section 53A-6-113 is repealed July 1, 2012.
- 1212 (8) Subsection 53A-13-110(3) is repealed July 1, 2013.
- 1213 [~~(6)~~] (9) Section 53A-17a-152 is repealed July 1, 2010.
- 1214 (10) Section 53A-17a-162 is repealed July 1, 2012.
- 1215 Section 29. **Ongoing appropriations.**
- 1216 (1) As an ongoing appropriation subject to future budget constraints, there is
- 1217 appropriated from the Uniform School Fund for fiscal year 2008-09, as follows:
- 1218 (a) \$2,500,000 to the State Board of Education for UPSTART as provided in Title
- 1219 53A, Chapter 1a, Part 10, UPSTART, including costs of:
- 1220 (i) a home-based educational technology program provided by a contractor;
- 1221 (ii) computers, peripheral equipment, and Internet service for families who cannot
- 1222 afford the equipment and service;
- 1223 (iii) administrative and technical support provided by school districts;
- 1224 (iv) an audit of the contractor's use of funds appropriated for UPSTART; and
- 1225 (v) an evaluation of the home-based educational technology program;
- 1226 (b) \$100,000 to the State Board of Education for staff development and assessments in
- 1227 financial and economic literacy as provided by Subsection 53A-13-110(2)(b);
- 1228 (c) \$869,580 to the State Charter School Board for support services to charter schools
- 1229 as provided in Section 53A-1a-501.6; and
- 1230 (d) \$4,700,000 from the Uniform School Fund Teacher Salary Supplement Restricted
- 1231 Account for the Teacher Salary Supplement Program in accordance with the provisions under
- 1232 Sections 53A-17a-156 and 53A-17a-157.
- 1233 (2) As an ongoing appropriation subject to future budget constraints, there is
- 1234 appropriated from the General Fund for fiscal year 2008-09, \$250,000 from the General Fund
- 1235 to the Department of Human Resource Management for administration of the Teacher Salary
- 1236 Supplement Program established in Section 53A-17a-156.

1237 Section 30. **One-time appropriations for fiscal year 2008-09.**

1238 (1) There is appropriated from the Uniform School Fund for fiscal year 2008-09 only,
1239 as follows:

1240 (a) \$3,000,000 to the State Board of Education for pupil transportation to and from
1241 school as provided in Sections 53A-17a-126 and 53A-17a-127;

1242 (b) \$3,000,000 to the State Board of Education to fund the English Language Learner
1243 Family Literacy Centers Program established in Section 53A-17a-161;

1244 (c) \$15,820,000 to the State Board of Education to fund the Beverley Taylor Sorenson
1245 Elementary Arts Learning Program established in Section 53A-17a-162; and

1246 (d) \$150,000 to the State Board of Education to fulfill its requirements under
1247 Subsection 53A-13-110(2), including curriculum integration and development of assessments
1248 and materials.

1249 (2) The money appropriated in Subsections (1)(a) through (d) is nonlapping.

1250 Section 31. **One-time appropriations for fiscal year 2007-08.**

1251 (1) There is appropriated for fiscal year 2007-08 only, as follows:

1252 (a) \$50,000 from the General Fund to the Department of Human Resource
1253 Management for costs to administer the Teacher Salary Supplement Program established in
1254 Section 53A-17a-156;

1255 (b) \$1,000,000 from the Uniform School Fund to the State Board of Education for
1256 UPSTART as provided in Title 53A, Chapter 1a, Part 10, UPSTART; and

1257 (c) \$280,000 from the Uniform School Fund to the State Board of Education for library
1258 books and electronic resources.

1259 (2) The money appropriated in Subsections (1)(a) through (c) is nonlapsing.

1260 Section 32. **One-time appropriation for classroom supplies.**

1261 (1) There is appropriated from the Uniform School Fund to the State Board of
1262 Education for fiscal year 2008-09 only, \$10,000,000 for classroom supplies and materials.

1263 (2) (a) Of the amount appropriated in Subsection (1), the board shall distribute
1264 \$7,500,000 to classroom teachers in school districts, the Schools for the Deaf and the Blind,
1265 and charter schools on the basis of the number of classroom teachers in each school as
1266 compared to the total number of classroom teachers.

1267 (b) Teachers shall receive up to the following amounts:

1268 (i) a teacher on salary schedule steps one through three teaching in grades kindergarten
1269 through six or preschool handicapped - \$360;

1270 (ii) a teacher on salary schedule steps one through three teaching in grades seven
1271 through twelve - \$310;

1272 (iii) a teacher on salary schedule step four or higher teaching in grades kindergarten
1273 through six or preschool handicapped - \$285; and

1274 (iv) a teacher on salary schedule step four or higher teaching in grades seven through
1275 twelve - \$235.

1276 (c) If the appropriation in Subsection (1) is not sufficient to provide to each teacher the
1277 full amount allowed under Subsection (2)(b), teachers on salary schedule steps one through
1278 three shall receive the full amount allowed with the remaining monies apportioned to all other
1279 teachers.

1280 (3) (a) Of the amount appropriated in Subsection (1), the State Board of Education
1281 shall distribute \$2,500,000 for classroom supplies and materials in accordance with a
1282 distribution formula established by rule.

1283 (b) The State Board of Education shall make rules in accordance with Subsections
1284 (3)(c) and (d) and Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the
1285 distribution of the \$2,500,000.

1286 (c) The rules shall give priority to teachers in any grade in the first year of teaching in
1287 the awarding of the monies.

1288 (d) The rules may allow the monies to be distributed to teachers in any grade in the
1289 second through the fifth year of teaching.

1290 (4) Teachers shall spend the money appropriated in Subsection (1) for school supplies,
1291 materials, or field trips under rules adopted by the State Board of Education.

1292 (5) As used in this section, "classroom teacher" or "teacher" means permanent teacher
1293 positions filled by one teacher or two or more job-sharing teachers:

1294 (a) who are licensed personnel;

1295 (b) who are paid on the teacher's salary schedule;

1296 (c) who are hired for an entire contract period; and

1297 (d) whose primary function is to provide instructional or a combination of instructional
1298 and counseling services to students in public schools.

1299 Section 33. **Intent language.**

1300 It is the intent of the Legislature that:

1301 (1) at least \$100,000 of the monies appropriated for accelerated learning programs in
1302 accordance with the provisions of Sections 53A-17a-104 and 53A-17a-120 shall be annually
1303 allocated to International Baccalaureate programs; and

1304 (2) the State Board of Education shall:

1305 (a) conduct an independent audit of funds allocated to the Utah Virtual Academy
1306 charter school through the Minimum School Program, including its expenditures of WPU,
1307 categorical (below-the-line), and local replacement funding, as the school begins operations for
1308 the 2008-09 school year; and

1309 (b) prepare and present a report to the Executive Appropriations Committee by
1310 November 30, 2008, detailing the findings of the independent audit and of Utah Virtual
1311 Academy expenditures examined through the audit.

1312 Section 34. **Effective date.**

1313 This bill takes effect on July 1, 2008, except:

1314 (1) if approved by two-thirds of all the members elected to each house, Sections
1315 53A-1a-1001 through 53A-1a-1007 take effect upon approval by the governor, or the day
1316 following the constitutional time limit of Utah Constitution Article VII, Section 8, without the
1317 governor's signature, or in the case of a veto, the date of veto override; and

1318 (2) the following sections take effect on May 5, 2008:

1319 (a) Section 53A-17a-156; and

1320 (b) Uncodified Section 31, One-time appropriations for fiscal year 2007-08.

1321 Section 35. **Coordinating S.B. 2 with H.B. 1 -- Superseding amendments.**

1322 If this S.B. 2 and H.B. 1, Minimum School Program Base Budget Amendments, both
1323 pass, it is the intent of the Legislature that when the Office of Legislative Research and General
1324 Counsel prepares the Utah Code database for publication:

1325 (1) the amendments to Section 53A-17a-104 in S.B. 2 supersede the amendments to
1326 Section 53A-17a-104 in H.B. 1;

1327 (2) Subsection 53A-17a-104(2)(hh) in H.B. 1 shall be deleted and renumber the
1328 remaining subsections accordingly;

1329 (3) the amendments to Section 53A-17a-108 in S.B. 2 supersede the amendments to

1330 section 53A-17a-108 in H.B. 1; and
1331 (4) Uncodified Section 7, Intent language for charter schools appropriation, in H.B. 1
1332 shall be deleted.

Legislative Review Note
as of 3-3-08 1:32 PM

Office of Legislative Research and General Counsel

S.B. 2 - Minimum School Program Budget Amendments

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill appropriates \$2,436,864,479 in ongoing Uniform School Fund, \$31,820,000 in one-time Uniform School Fund, \$26,499,500 in ongoing Uniform School Fund Restricted - Interest and Dividends Account, and \$280,000 in one-time Uniform School Fund in Fiscal Year 2008 to support the Minimum School Program as outlined in the bill. This bill increases the value of the Weighted Pupil Unit from \$2,514 to \$2,577, an increase of 2.5 percent. Enactment of this bill provides a total Minimum School Program budget of \$3,087,302,953 in Fiscal Year 2009.

Enactment of this bill further appropriates \$3,469,580 in ongoing Uniform School Fund, \$150,000 in one-time Uniform School Fund, and \$1,000,000 in one-time Uniform School Fund in Fiscal Year 2008 to the State Board of Education to implement programs outlined in the bill. This bill appropriates \$250,000 in ongoing General Fund and \$50,000 in one-time General Fund in Fiscal Year 2008 to the Department of Human Resource Management to administer the Teacher Salary Supplement Program as outlined in the bill.

Finally, enactment of this bill authorizes the State Board of Education to use \$25 million in Minimum School Program non-lapsing balances for expenditures detailed in the bill.

	<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>
General Fund	\$0	\$250,000	\$250,000	\$0	\$0	\$0
General Fund, One-Time	\$50,000	\$0	\$0	\$0	\$0	\$0
Uniform School Fund	\$0	\$2,440,334,059	\$2,440,334,059	\$0	\$0	\$0
Uniform School Fund, One-time	\$1,280,000	\$31,970,000	\$0	\$0	\$0	\$0
Uniform School Fund Restricted	\$0	\$26,499,500	\$26,499,500	\$0	\$0	\$0
Total	\$1,330,000	\$2,499,053,559	\$2,467,083,559	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill provides increased revenue to local school districts and charter schools to support the operation of public schools. Individuals and businesses may also benefit through associated dealings with school districts and charter schools.