

**REDUCTIONS TO EDUCATION MANDATES**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John Dougall**

Senate Sponsor: Wayne L. Niederhauser

Cosponsors:  
Julie Fisher

Todd E. Kiser

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**LONG TITLE**

**General Description:**

This bill amends provisions related to public school funding, administration, and reporting requirements.

**Highlighted Provisions:**

This bill:

- ▶ exempts school districts and charter schools from the requirement to administer the tenth grade basic skills competency test for two years;
- ▶ requires the State Board of Education to prepare and present a pilot program to replace the tenth grade basic skills competency test with computer adaptive testing and administration of the ACT exam for two years;
- ▶ modifies the requirements to obtain a basic high school diploma for two years;
- ▶ exempts a local school board from the requirement to develop and administer certain activity disclosure statements for two years;
- ▶ exempts a school district from certain requirements related to the disposal of textbooks for two years;
- ▶ exempts a local school board from the requirement to prepare and present an annual presentation on adoption for two years;
- ▶ exempts a school district from certain requirements related to an independent evaluation of the purchasing of instructional materials for two years;
- ▶ eliminates the requirement to administer criterion-referenced tests for students in

30 the second grade;

31       ▶ exempts the State Board of Education and public schools from complying with  
32 certain school performance reporting requirements for two years;

33       ▶ requires the State Board of Education to review mandates or requirements in board  
34 rule to determine if certain mandates could be temporarily waived;

35       ▶ amends provisions related to the transportation levy; and

36       ▶ makes technical changes.

37 **Monies Appropriated in this Bill:**

38       None

39 **Other Special Clauses:**

40       None

41 **Utah Code Sections Affected:**

42 AMENDS:

43       **53A-1-401**, as last amended by Laws of Utah 2005, First Special Session, Chapter 2

44       **53A-1-602**, as last amended by Laws of Utah 2009, Chapter 300

45       **53A-1-603**, as last amended by Laws of Utah 2009, Chapter 300

46       **53A-1-611**, as last amended by Laws of Utah 2009, Chapter 277

47       **53A-3-420**, as last amended by Laws of Utah 2007, Chapter 114

48       **53A-3-602.5**, as last amended by Laws of Utah 2009, Chapters 299 and 300

49       **53A-12-207**, as enacted by Laws of Utah 1991, Chapter 106

50       **53A-13-107**, as last amended by Laws of Utah 2002, Chapter 279

51       **53A-14-107**, as last amended by Laws of Utah 2008, Chapter 397

52       **53A-17a-127**, as last amended by Laws of Utah 2009, Chapter 391

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

55       Section 1. Section **53A-1-401** is amended to read:

56       **53A-1-401. Powers of State Board of Education -- Adoption of rules --**

57 **Enforcement.**

58 (1) (a) The State Board of Education has general control and supervision of the state's  
59 public education system.

60 (b) "General control and supervision" as used in Article X, Sec. 3, of the Utah  
61 Constitution means directed to the whole system.

62 (2) The board may not govern, manage, or operate school districts, institutions, and  
63 programs, unless granted that authority by statute.

64 (3) The board may adopt rules and policies in accordance with its responsibilities  
65 under the constitution and state laws, and may interrupt disbursements of state aid to any  
66 district which fails to comply with rules adopted in accordance with this Subsection (3).

67 (4) (a) The board may sell any interest it holds in real property upon a finding by the  
68 board that the property interest is surplus.

69 (b) The board may use the money it receives from a sale under Subsection (4)(a) for  
70 capital improvements, equipment, or materials, but not for personnel or ongoing costs.

71 (c) If the property interest under Subsection (4)(a) was held for the benefit of an  
72 agency or institution administered by the board, the money may only be used for purposes  
73 related to the agency or institution.

74 (d) The board shall advise the Legislature of any sale under Subsection (4)(a) and  
75 related matters during the next following session of the Legislature.

76 (5) The board shall develop policies and procedures related to federal educational  
77 programs in accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs  
78 Act.

79 (6) On or before December 31, 2010, the State Board of Education shall review  
80 mandates or requirements provided for in board rule to determine whether certain mandates or  
81 requirements could be waived to remove funding pressures on public schools on a temporary  
82 basis.

83 Section 2. Section **53A-1-602** is amended to read:

84 **53A-1-602. Definitions.**

85 As used in this part:

86 (1) (a) "Achievement test" means a standardized test which measures or attempts to  
87 measure the level of performance which a student has attained in one or more courses of study.

88 (b) "Achievement test" includes a norm-referenced or criterion-referenced test.

89 (2) "Basic skills course" means a subject which requires mastery of specific functions,  
90 as defined under rules made by the State Board of Education, to include reading, language  
91 arts, mathematics through intermediate algebra, science, in grades 4 through 12, and  
92 effectiveness of written expression.

93 (3) "Utah Performance Assessment System for Students" or "U-PASS" means:

94 (a) systematic norm-referenced achievement testing of all students in grades 3, 5, and  
95 8 required by this part in all schools within each school district by means of tests designated  
96 by the State Board of Education;

97 (b) criterion-referenced achievement testing of students in grades ~~[2]~~ 3 through 12 in  
98 basic skills courses;

99 (c) an online writing assessment in grades 5 and 8;

100 (d) a tenth grade basic skills competency test as detailed in Section 53A-1-611;

101 (e) the use of student behavior indicators in assessing student performance; and

102 (f) ~~[beginning with the 2007-08 school year,]~~ testing of students in grade 3 to measure  
103 reading grade level.

104 Section 3. Section **53A-1-603** is amended to read:

105 **53A-1-603. Duties of State Board of Education.**

106 (1) Except as provided in Subsection (5), the State Board of Education shall:

107 (a) require each school district and charter school to implement the Utah Performance  
108 Assessment System for Students, hereafter referred to as U-PASS;

109 (b) require the state superintendent of public instruction to submit and recommend  
110 criterion-referenced and norm-referenced achievement tests, a tenth grade basic skills  
111 competency test, an online writing assessment for grades 5 and 8, and a test for students in  
112 grade 3 to measure reading grade level to the board for approval and adoption and distribution  
113 to each school district and charter school by the state superintendent;

114 (c) develop an assessment method to uniformly measure statewide performance,  
115 school district performance, and school performance of students in grades [2] 3 through 12 in  
116 mastering basic skills courses; and

117 (d) provide for the state to participate in the National Assessment of Educational  
118 Progress state-by-state comparison testing program.

119 (2) Except as provided in Subsection (5) and Subsection 53A-1-611(6), under  
120 U-PASS, the state office shall annually require that each district and charter school, as  
121 applicable, administer:

122 (a) a statewide norm-referenced test to all students in grades 3, 5, and 8;

123 (b) statewide criterion-referenced tests in grades [2] 3 through 12 and courses in basic  
124 skill areas of the core curriculum;

125 (c) an online writing assessment to all students in grades 5 and 8;

126 (d) a tenth grade basic skills competency test as detailed in Section 53A-1-611; and

127 (e) a test to all students in grade 3 to measure reading grade level.

128 (3) The board shall adopt rules for the conduct and administration of U-PASS to  
129 include the following:

130 (a) the computation of student performance based on information that is disaggregated  
131 with respect to race, ethnicity, gender, limited English proficiency, and those students who  
132 qualify for free or reduced price school lunch;

133 (b) security features to maintain the integrity of the system, which could include  
134 statewide uniform testing dates, multiple test forms, and test administration protocols;

135 (c) the exemption of student test scores, by exemption category, such as limited  
136 English proficiency, mobility, and students with disabilities, with the percent or number of  
137 student test scores exempted being publically reported at a district level;

138 (d) compiling of criterion-referenced and online writing test scores and test score  
139 averages at the classroom level to allow for:

140 (i) an annual review of those scores by parents of students and professional and other  
141 appropriate staff at the classroom level at the earliest point in time;

142 (ii) the assessment of year-to-year student progress in specific classes, courses, and  
143 subjects;

144 (iii) a teacher to review, prior to the beginning of a new school year, test scores from  
145 the previous school year of students who have been assigned to the teacher's class for the new  
146 school year; and

147 (iv) allowing a school district or charter school to have its tests administered and  
148 scored electronically to accelerate the review of test scores and their usefulness to parents and  
149 educators under Subsections (3)(d)(i), (ii), and (iii), without violating the integrity of U-PASS;  
150 and

151 (e) providing that:

152 (i) scores on the tests and assessments required under Subsection (2)(b) shall be  
153 considered in determining a student's academic grade for the appropriate course and whether a  
154 student shall advance to the next grade level; and

155 (ii) except as provided in Subsection 53A-1-611(6), the student's score on the tenth  
156 grade basic skills competency test shall be recorded on the student's transcript of credits.

157 (4) The State Board of Education shall consider administering the basic skills  
158 competency test on a Saturday to preserve instructional time.

159 (5) (a) The State Board of Education may exempt a school district or charter school  
160 from the testing requirements specified in Subsection (2) if the school district or charter school  
161 pilots an assessment system that incorporates:

162 (i) online classroom-based assessment that utilizes adaptive testing in all grades;

163 (ii) online writing assessments in grades 4 through 12; and

164 (iii) assessments administered in grades 8, 10, and 11 to determine readiness for  
165 postsecondary education.

166 (b) A school district or charter school that receives an exemption under Subsection  
167 (5)(a) is subject to an accountability plan and high school graduation standards that are:

168 (i) based on the assessment system described in Subsections (5)(a)(i) through (iii); and

169 (ii) developed and adopted by the State Board of Education.

170 (c) By the November 2009 meeting of the Education Interim Committee, the State  
171 Board of Education shall submit recommendations to the committee on the state's assessment  
172 system.

173 (d) The State Board of Education may only provide the following exemptions under  
174 this Subsection (5):

- 175 (i) up to three rural school districts;
- 176 (ii) up to two urban school districts; and
- 177 (iii) up to five charter schools.

178 (6) (a) A school district or charter school, as applicable, is encouraged to administer  
179 an online writing assessment to students in grade 11.

180 (b) The State Board of Education may award a grant to a school district or charter  
181 school to pay for an online writing assessment and instruction program that may be used to  
182 assess the writing of students in grade 11.

183 (7) (a) On or before the 2010 October meeting of the Education Interim Committee,  
184 the State Board of Education shall prepare and present its plan for a pilot program for the  
185 2010-11 and 2011-12 school years to:

186 (i) replace the tenth grade basic skills competency test with computer adaptive testing  
187 of basic skills; and

188 (ii) administer the ACT exam to secondary students.

189 (b) The State Board of Education shall implement the pilot program described in  
190 Subsection (7)(a) for the 2010-11 and 2011-12 school years.

191 (c) The State Board of Education shall re-direct the money saved by not administering  
192 the tenth grade basic skills competency test pursuant to Subsection 53A-1-611(6) to fund the  
193 implementation of the pilot program described in Subsection (7)(b) for fiscal years 2010-11  
194 and 2011-12.

195 Section 4. Section **53A-1-611** is amended to read:

196 **53A-1-611. Standards and assessment processes to measure student performance**  
197 **-- Basic skills competency test.**

198 (1) The Legislature recognizes the need for the State Board of Education to develop  
199 and implement standards and assessment processes to ensure that student progress is measured  
200 and that school boards and school personnel are accountable.

201 (2) (a) In addition to its responsibilities under Sections 53A-1-603 through  
202 53A-1-605, the State Board of Education, through the state superintendent of public  
203 instruction, shall design a basic skills competency test to be administered in the tenth grade.

204 (b) Except as provided in [~~Subsection (5)~~] Subsections (5) and (6) and Section  
205 53A-11-1404, a student must pass the basic skills competency test, in addition to the  
206 established requirements of the state and local board of education of the district in which the  
207 student attends school, in order to receive a basic high school diploma of graduation.

208 (c) The state board shall include in the test, at a minimum, components on English  
209 language arts and reading and mathematics.

210 (d) Except as provided in [~~Subsection (5)~~] Subsections (5) and (6) and Section  
211 53A-11-1404, a student who fails to pass all components of the test may not receive a basic  
212 high school diploma but may receive a certificate of completion or alternative completion  
213 diploma under rules made by the State Board of Education in accordance with Title 63G,  
214 Chapter 3, Utah Administrative Rulemaking Act.

215 (e) The state board shall make rules:

216 (i) to allow students who initially fail the test to retake all or part of the test; and

217 (ii) that take into account and are consistent with federal law relating to students with  
218 disabilities in the administration of the test.

219 (3) The state board shall implement the tenth grade basic skills competency test, no  
220 later than the beginning of the 2003-04 school year.

221 (4) The requirements of this section are to be complementary to the other achievement  
222 testing provisions of this part.

223 (5) A student enrolled in a school district or charter school that is exempt from  
224 administering the tenth grade basic skills competency test is subject to high school graduation  
225 standards adopted by the State Board of Education pursuant to Section 53A-1-603.



226 (6) (a) A student is exempt from the requirements of Subsection (2) if:  
227 (i) the student is enrolled in the tenth grade during:  
228 (A) the 2010-11 school year; or  
229 (B) the 2011-12 school year; or  
230 (ii) the student:  
231 (A) was enrolled in the tenth grade during:  
232 (I) the 2008-09 school year; or  
233 (II) the 2009-10 school year; and  
234 (B) did not pass the tenth grade basic skills competency test while the student was in  
235 tenth grade.

236 (b) School districts and charter schools are exempt from administering the tenth grade  
237 basic skills competency test during the 2010-11 and 2011-12 school year.

238 Section 5. Section **53A-3-420** is amended to read:

239 **53A-3-420. Activity disclosure statements.**

240 (1) [~~A~~] For a school year beginning with or after the 2012-13 school year, a local  
241 school board shall require the development of activity disclosure statements for each  
242 school-sponsored group or program which involves students and faculty in grades 9 through  
243 12 in contests, performances, events, or other activities that require them to miss normal class  
244 time or takes place outside regular school time.

245 (2) The activity disclosure statements shall be disseminated to the students desiring  
246 involvement in the specific activity or to the students' parents or legal guardians or to both  
247 students and their parents.

248 (3) An activity disclosure statement shall contain the following information:

249 (a) the specific name of the team, group, or activity;

250 (b) the maximum number of students involved;

251 (c) whether or not tryouts are used to select students, specifying date and time  
252 requirements for tryouts, if applicable;

253 (d) beginning and ending dates of the activity;

254 (e) a tentative schedule of the events, performances, games, or other activities with  
255 dates, times, and places specified if available;

256 (f) if applicable, designation of any nonseason events or activities, including an  
257 indication of the status, required, expected, suggested, or optional, with the dates, times, and  
258 places specified;

259 (g) personal costs associated with the activity;

260 (h) the name of the school employee responsible for the activity; and

261 (i) any additional information considered important for the students and parents to  
262 know.

263 Section 6. Section **53A-3-602.5** is amended to read:

264 **53A-3-602.5. School performance report -- Components -- Annual filing.**

265 (1) [The] For a school year beginning with or after the 2012-13 school year, the State  
266 Board of Education in collaboration with the state's school districts and charter schools shall  
267 develop a school performance report to inform the state's residents of the quality of schools  
268 and the educational achievement of students in the state's public education system.

269 (2) The report described in Subsection (1) shall be written and include the following  
270 statistical data for each school in each school district and each charter school, as applicable,  
271 and shall also aggregate the data at the district and state level:

272 (a) except as provided in Subsection (2)(a)(ii), test scores over the previous year on:

273 (i) norm-referenced achievement tests;

274 (ii) criterion-referenced tests to include the scores aggregated for all students:

275 (A) by grade level or course for the previous two years and an indication of whether  
276 there was a sufficient magnitude of gain in the scores between the two years; and

277 (B) by class;

278 (iii) online writing assessments required under Section 53A-1-603; and

279 (iv) tenth grade basic skills competency tests required under Section 53A-1-603;

280 (b) college entrance examinations data, including the number and percentage of each  
281 graduating class taking the examinations for the previous four years;

- 282 (c) advanced placement and concurrent enrollment data, including:  
283 (i) the number of students taking advanced placement and concurrent enrollment  
284 courses;  
285 (ii) the number and percent of students taking a specific advanced placement course  
286 who take advanced placement tests to receive college credit for the course;  
287 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number  
288 and percent who pass the test; and  
289 (iv) of those students taking a concurrent enrollment course, the number and percent  
290 of those who receive college credit for the course;  
291 (d) the number and percent of students in grade 3 reading at or above grade level;  
292 (e) the number and percent of students who were absent from school 10 days or more  
293 during the school year;  
294 (f) achievement gaps that reflect the differences in achievement of various student  
295 groups as defined by State Board of Education rule;  
296 (g) the number and percent of "student dropouts" within the district as defined by  
297 State Board of Education rule;  
298 (h) course-taking patterns and trends in secondary schools;  
299 (i) student mobility;  
300 (j) staff qualifications, to include years of professional service and the number and  
301 percent of staff who have a degree or endorsement in their assigned teaching area and the  
302 number and percent of staff who have a graduate degree;  
303 (k) the number and percent of parents who participate in SEP, SEOP, and  
304 parent-teacher conferences;  
305 (l) average class size by grade level and subject;  
306 (m) average daily attendance as defined by State Board of Education rule, including  
307 every period in secondary schools; and  
308 (n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited  
309 English proficiency, and those students who qualify for free or reduced price school lunch.

310 (3) [~~The~~] For a school year beginning with or after the 2012-13 school year, the State  
311 Board of Education, in collaboration with the state's school districts and charter schools, shall  
312 provide for the collection and electronic reporting of the following data for each school in each  
313 school district and each charter school:

314 (a) test scores and trends over the previous four years on the tests referred to in  
315 Subsection (2)(a);

316 (b) the average grade given in each math, science, and English course in grades 9  
317 through 12 for which criteria-referenced tests are required under Section 53A-1-603;

318 (c) incidents of student discipline as defined by State Board of Education rule,  
319 including suspensions, expulsions, and court referrals; and

320 (d) the number and percent of students receiving fee waivers and the total dollar  
321 amount of fees waived.

322 (4) (a) (i) The State Board of Education shall adopt common definitions and data  
323 collection procedures for local school boards and charter schools to use in collecting and  
324 forwarding the data required under Subsections (2) and (3) to the state superintendent of  
325 public instruction.

326 (ii) Average class size by grade and subject shall be calculated for the purposes of  
327 Subsection (2)(l) in accordance with the following:

328 (A) for kindergarten through grade six, average class size by grade shall be calculated  
329 by dividing grade membership on October 1 by the number of classes in the corresponding  
330 grade; and

331 (B) for grades seven through 12, average class size shall be calculated for core  
332 language arts, mathematics, and science courses by dividing membership on October 1 in core  
333 language arts, mathematics, or science course classes by the number of classes for the  
334 corresponding course.

335 (b) The state board, through the state superintendent of public instruction, shall adopt  
336 standard reporting forms and provide a common template for collecting and reporting the data,  
337 which shall be used by all school districts and charter schools.

338 (c) The state superintendent shall use the automated decision support system referred  
339 to in Section 53A-1-301 to collect and report the data required under Subsections (2) and (3).

340 (5) ~~[The state board]~~ For a school year beginning with or after the 2012-13 school  
341 year, the State Board of Education, through the state superintendent of public instruction, shall  
342 issue its report annually by October 1 to include the required data from the previous school  
343 year or years as indicated in Subsections (2) and (3).

344 (6) (a) Each local school board and each charter school shall receive a written or an  
345 electronic copy of the report from the state superintendent of public instruction containing the  
346 data for that school district or charter school in a clear summary format and have it distributed,  
347 on a one per household basis, to the residence of students enrolled in the school district before  
348 November 30th of each year.

349 (b) Each local school board, each charter school, and the state board shall have a  
350 complete report of the statewide data available for copying or in an electronic format at their  
351 respective offices.

352 Section 7. Section **53A-12-207** is amended to read:

353 **53A-12-207. Disposal of textbooks.**

354 ~~[A]~~ (1) For a school year beginning with or after the 2012-13 school year, a local  
355 school district may not dispose of textbooks used in its public schools without first notifying  
356 all other school districts in the state of its intent to dispose of the textbooks. ~~[This provision]~~

357 (2) Subsection (1) does not apply to textbooks that have been damaged, mutilated, or  
358 worn out.

359 (3) The State ~~[Office]~~ Board of Education ~~[will]~~ shall develop rules and procedures  
360 directing the disposal of textbooks.

361 Section 8. Section **53A-13-107** is amended to read:

362 **53A-13-107. Adoption information.**

363 (1) ~~[Each]~~ For a school year beginning with or after the 2012-13 school year, a local  
364 school board shall ensure that an annual presentation on adoption is given to its secondary  
365 school students in grades 7-12, so that each student receives the presentation at least once

366 during grades 7-9 and at least once during grades 10-12.

367 (2) The presentation shall be made by a licensed teacher as part of the health education  
368 core.

369 Section 9. Section **53A-14-107** is amended to read:

370 **53A-14-107. Instructional materials alignment with core curriculum.**

371 (1) [A] For a school year beginning with or after the 2012-13 school year, a school  
372 district may not purchase primary instructional materials unless the primary instructional  
373 materials provider:

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

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

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

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

380 (a) the State Board of Education;

381 (b) the superintendent of public instruction or the State Office of Education;

382 (c) the State Instructional Materials Commission appointed pursuant to Section  
383 53A-14-101;

384 (d) a local school board or a school district; or

385 (e) the instructional materials creator or publisher.

386 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
387 the State Board of Education shall make rules that establish:

388 (a) the qualifications of the independent parties who may evaluate and map the  
389 alignment of the primary instructional materials in accordance with the provisions of  
390 Subsection (1)(a); and

391 (b) requirements for the detailed summary of the evaluation and its placement on a  
392 public website in accordance with the provisions of Subsection (1)(b).

393 Section 10. Section **53A-17a-127** is amended to read:

394           **53A-17a-127. Eligibility for state-supported transportation -- Approved bus**  
395 **routes -- Additional local tax.**

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

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

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

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

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

410           (3) (a) The State Board of Education shall distribute transportation monies to school  
411 districts based on:

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

413           (ii) an allowance per hour for approved bus routes; and

414           (iii) a minimum allocation for each school district eligible for transportation funding.

415           (b) The State Board of Education shall distribute appropriated transportation funds  
416 based on the prior year's eligible transportation costs as legally reported under Subsection  
417 53A-17a-126(3).

418           (c) The State Board of Education shall annually review the allowance per mile and the  
419 allowance per hour and adjust the allowances to reflect current economic conditions.

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

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

424 (5) A Transportation Advisory Committee with representation from local school  
425 superintendents, business officials, school district transportation supervisors, and the state  
426 superintendent's staff shall serve as a review committee for addressing school transportation  
427 needs, including recommended approved bus routes.

428 (6) (a) A local school board may provide for the transportation of students [~~who are~~  
429 ~~not eligible under Subsection (1),~~] regardless of the distance from school, from:

430 (i) general funds of the district; and

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

432 (b) A local school board may use revenue from the tax described in Subsection  
433 (6)(a)(ii) to pay for transporting [~~participating students to interscholastic activities, night~~  
434 ~~activities, and educational field trips approved by the board~~] students and for the replacement  
435 of school buses.

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

439 (ii) The state superintendent's staff shall distribute the state contribution according to  
440 rules enacted by the State Board of Education.

441 (d) (i) The amount of state guarantee money which a school district would otherwise  
442 be entitled to receive under Subsection (6)(c) may not be reduced for the sole reason that the  
443 district's levy is reduced as a consequence of changes in the certified tax rate under Section  
444 59-2-924 due to changes in property valuation.

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