

## HB0002S01 compared with HB0002

~~deleted text~~ shows text that was in HB0002 but was deleted in HB0002S01.

inserted text shows text that was not in HB0002 but was inserted into HB0002S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Kenneth W. Sumsion proposes the following substitute bill:

### MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION

#### BUDGET AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Merlynn T. Newbold**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill supplements or reduces appropriations previously provided for school districts, charter schools, and certain state education agencies for the fiscal year beginning July 1, 2011 and ending June 30, 2012 and modifies related budgetary provisions.

##### Highlighted Provisions:

This bill:

- ▶ provides budget increases and decreases for the use and support of certain state education agencies;
- ▶ provides budget increases and decreases for programs that support school districts and charter schools;

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- ▶ provides intent language;
- ▶ eliminates weighted pupil units based on the experience and educational level of professional staff;
- ▶ requires the State Board of Education to adopt rules regarding the distribution of funds for youth in custody;
- ▶ ~~{requires}~~ amends the ~~{State Board of Education to distribute state transportation funds to school districts with a necessarily existent small school in an amount equal to, or greater than, the amount the school district received during the prior year}~~ weighting factor applied to the average daily membership of students with disabilities to determine the weighted pupil units for the Special Education Add-on program;
- ▶ provides that the State Board of Education may use a portion of an appropriation for the K-3 Reading Improvement Program for computer-assisted instructional learning and assessment programs;
- ▶ establishes the value of the weighted pupil unit at \$3,035 for fiscal year 2011-12; and
- ▶ makes technical changes.

### Money Appropriated in this Bill:

This bill appropriates for fiscal year 2012:

- ▶ \$538,200 from the General Fund;
- ▶ \$10,000,000 from the Uniform School Fund;
- ▶ \$294,333,009 from the Education Fund; and
- ▶ \$13,605,700 from various sources as detailed in this bill.

### Other Special Clauses:

This bill takes effect on July 1, 2011.

This bill coordinates with S.B. 1, Public Education Base Budget, by providing superseding substantive amendments.

### Utah Code Sections Affected:

AMENDS:

**53A-1-403**, as last amended by Laws of Utah 2003, Chapter 171

**53A-1-708**, as enacted by Laws of Utah 2004, Chapter 265

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53A-17a-111, as last amended by Laws of Utah 2010, Chapter 3

53A-17a-112, as last amended by Laws of Utah 2010, Chapter 3

53A-17a-150, as enacted by Laws of Utah 2004, Chapter 305

ENACTS:

53A-17a-164, Utah Code Annotated 1953

REPEALS:

53A-17a-107, as last amended by Laws of Utah 2008, Chapter 382

**Utah Code Sections Affected by Coordination Clause:**

53A-17a-108, as last amended by Laws of Utah 2010, Chapters 3 and 399

53A-17a-164, Utah Code Annotated 1953

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

Section 1. Section **53A-1-403** is amended to read:

**53A-1-403. Education of persons under 21 in custody of state agency --**

**Establishment of coordinating council -- Advisory councils.**

(1) For purposes of this section, "board" means the State Board of Education.

~~(1)~~ (2) (a) The ~~[State Board of Education]~~ board is directly responsible for the education of all persons under the age of 21 who are:

~~(a)~~ (i) in the custody of the Department of Human Services;

~~(b)~~ (ii) in the custody of an equivalent agency of a Native American tribe recognized by the United States Bureau of Indian Affairs and whose custodial parent or legal guardian resides within the state; or

~~(c)~~ (iii) being held in a juvenile detention facility.

(b) The board shall adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to provide for the distribution of funds for the education of persons described in Subsection (2)(a).

~~(2)~~ (3) Subsection ~~(1)~~ (2)(b) does not apply to persons taken into custody for the primary purpose of obtaining access to education programs provided for youth in custody.

~~(3)~~ (4) The board shall, where feasible, contract with school districts or other appropriate agencies to provide educational, administrative, and supportive services, but the board shall retain responsibility for the programs.

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~~[(4)]~~ (5) The Legislature shall establish and maintain separate education budget categories for youth in custody who are under the jurisdiction of the following state agencies:

(a) detention centers and the Divisions of Juvenile Justice Services and Child and Family Services;

(b) the Division of Substance Abuse and Mental Health; and

(c) the Division of Services for People with Disabilities.

~~[(5)]~~ (6) (a) The Department of Human Services and the State Board of Education shall appoint a coordinating council to plan, coordinate, and recommend budget, policy, and program guidelines for the education and treatment of persons in the custody of the Division of Juvenile Justice Services and the Division of Child and Family Services.

(b) The department and board may appoint similar councils for those in the custody of the Division of Substance Abuse and Mental Health or the Division of Services for People with Disabilities.

~~[(6)]~~ (7) A school district contracting to provide services under Subsection ~~[(3)]~~ (4) shall establish an advisory council to plan, coordinate, and review education and treatment programs for persons held in custody in the district.

Section 2. Section **53A-1-708** is amended to read:

### **53A-1-708. Grants for online delivery of U-PASS tests.**

(1) As used in this section:

(a) "Summative tests" means tests administered near the end of a course to assess overall achievement of course goals~~;~~.

(b) "Uniform online summative test system" means a single system for the online delivery of summative tests required under U-PASS that:

(i) is coordinated by the Utah State Office of Education;

(ii) ensures the reliability and security of U-PASS tests; and

(iii) is selected through collaboration between Utah State Office of Education and school district representatives with expertise in technology, assessment, and administration~~;~~  
~~and~~.

(c) "U-PASS" means the Utah Performance Assessment System for Students.

(2) The State Board of Education may award grants to school districts and charter schools to implement a uniform online summative test system to enable parents of students and

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school staff to review U-PASS test scores by the end of the school year.

(3) (a) Grant [~~monies~~] money may be used to pay for any of the following, provided it is directly related to implementing a uniform online summative test system:

(i) computer equipment and peripherals, including electronic data capture devices designed for electronic test administration and scoring;

(ii) software;

(iii) networking equipment;

(iv) upgrades of existing equipment or software;

(v) upgrades of existing physical plant facilities;

(vi) personnel to provide technical support or coordination and management; and

(vii) teacher professional development.

(b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the online delivery of summative tests required under U-PASS may be used for other purposes.

(4) The State Board of Education may award grants only to school districts and charter schools that intend to implement a uniform online summative test system.

(5) [~~(a)~~] The State Board of Education shall make rules [~~specifying~~]:

[~~(i)~~] (a) establishing procedures for applying for and awarding grants;

[~~(ii)~~] (b) specifying how grant [~~monies~~] money shall be allocated among school districts and charter schools that qualify to receive grants under Subsection (4); and

[~~(iii)~~] (c) requiring reporting of grant money expenditures and evidence showing that the grant [~~monies~~] money have been used to implement a uniform online summative test system.

[~~(b) To ensure that small school districts and charter schools receive adequate funds to implement a uniform online summative test system, grant monies shall be allocated on a 25% base, with the remaining 75% distributed on a per pupil basis.~~]

(6) If a school district or charter school uses grant [~~monies~~] money for purposes other than those stated in Subsection (3), the school district or charter school is liable for reimbursing the State Board of Education in the amount of the grant [~~monies~~] money improperly used.

Section 3. Section 53A-17a-111 is amended to read:

**53A-17a-111. Weighted pupil units for programs for students with disabilities -- District allocation.**

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(1) The number of weighted pupil units for students with disabilities shall reflect the direct cost of programs for those students conducted in accordance with rules established by the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) Disability program monies allocated to districts are restricted and shall be spent for the education of students with disabilities but may include expenditures for approved programs of services conducted for certified instructional personnel who have students with disabilities in their classes.

(3) The State Board of Education shall establish and strictly interpret definitions and provide standards for determining which students have disabilities and shall assist districts in determining the services that should be provided to students with disabilities.

(4) Each year the board shall evaluate the standards and guidelines that establish the identifying criteria for disability classifications to assure strict compliance with those standards by the districts.

(5) (a) Monies appropriated to the State Board of Education for add-on WPU for students with disabilities enrolled in regular programs shall be allocated to school districts as provided in this Subsection (5).

(b) Beginning on July 1, 2003, the State Board of Education shall:

(i) use a district's average number of special education add-on weighted pupil units determined by the previous five year's average daily membership data as a foundation for the special education add-on appropriation; and

(ii) implement a hold harmless provision for up to three years as needed to accomplish a phase-in period for school districts to accommodate the change in the special education add-on WPU foundation formula.

(c) A district's special education add-on WPU for the current year may not be less than the foundation special education add-on WPU.

(d) Growth WPU shall be added to the prior year special education add-on WPU, and growth WPU shall be determined as follows:

(i) The special education student growth factor is calculated by comparing S-3 total special education ADM of two years previous to the current year to the S-3 total special education ADM three years previous to the current year, not to exceed the official October total

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district growth factor from the prior year.

(ii) When calculating and applying the growth factor, a district's S-3 total special education ADM for a given year is limited to 12.18% of the district's S-3 total student ADM for the same year.

(iii) Growth ADMs are calculated by applying the growth factor to the S-3 total special education ADM of two years previous to the current year.

(iv) Growth ADMs for each district are multiplied by ~~1.53~~ 1.3 weighted pupil units and added to the prior year special education add-on WPU to determine each district's total allocation.

(6) If monies appropriated under this chapter for programs for students with disabilities do not meet the costs of districts for those programs, each district shall first receive the amount generated for each student with a disability under the basic program.

Section ~~3~~4. Section **53A-17a-112** is amended to read:

**53A-17a-112. Preschool special education appropriation -- Extended year program appropriation -- Appropriation for special education programs in state institutions -- Appropriations for stipends for special educators.**

(1) (a) Money appropriated to the State Board of Education for the preschool special education program shall be allocated to school districts to provide a free, appropriate public education to preschool students with a disability, ages three through five.

(b) The money shall be distributed on the basis of a school district's previous year December 1 disabled preschool child count as mandated by federal law.

(2) Money appropriated for the extended school year program for the severely disabled shall be limited to students with severe disabilities with education program goals identifying significant regression and recoupment disability as approved by the State Board of Education.

(3) (a) Money appropriated for self-contained regular special education programs may not be used to supplement other school programs.

(b) Money in any of the other restricted line item appropriations may not be reduced more than 2% to be used for purposes other than those specified by the appropriation, unless otherwise provided by law.

(4) (a) The State Board of Education shall compute preschool funding by a factor of 1.47 times the current December 1 child count of eligible preschool aged three, four, and

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five-year-olds times the WPU value, limited to 8% growth over the prior year December 1 count.

(b) The board shall develop guidelines to implement the funding formula for preschool special education, and establish prevalence limits for distribution of the money.

(5) Of the money appropriated for Special Education - State Programming, the State Board of Education shall distribute the revenue generated from 843 WPUs to school districts, charter schools, and the Utah Schools for the Deaf and the Blind for stipends to special educators for additional days of work pursuant to the requirements of Section 53A-17a-158.

Section ~~(4)~~5. Section **53A-17a-150** is amended to read:

### **53A-17a-150. K-3 Reading Improvement Program.**

(1) As used in this section:

(a) "Program" means the K-3 Reading Improvement Program~~[-and]~~.

(b) "Program [~~monies~~] money" means:

(i) school district revenue from the levy authorized under Section 53A-17a-151;

(ii) school district revenue allocated to the program from other [~~monies~~] money available to the school district, except [~~monies~~] money provided by the state, for the purpose of receiving state funds under this section; and

(iii) [~~monies~~] money appropriated by the Legislature to the program.

(2) The K-3 Reading Improvement Program consists of program [~~monies~~] money and is created to achieve the state's goal of having third graders reading at or above grade level.

(3) Subject to future budget constraints, the Legislature may annually appropriate money to the K-3 Reading Improvement Program.

(4) (a) Prior to using program [~~monies~~] money, a school district or charter school shall submit a plan to the State Board of Education for reading proficiency improvement that incorporates the following components:

(i) assessment;

(ii) intervention strategies;

(iii) professional development;

(iv) reading performance standards; and

(v) specific measurable goals that are based upon gain scores.

(b) The State Board of Education shall provide model plans which a school district or



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charter school may use, or the district or school may develop its own plan.

(c) Plans developed by a school district or charter school shall be approved by the State Board of Education.

(5) (a) There is created within the K-3 Reading Achievement Program three funding programs:

- ~~[(a)]~~ (i) the Base Level Program;
- ~~[(b)]~~ (ii) the Guarantee Program; and
- ~~[(c)]~~ (iii) the Low Income Students Program.

(b) The State Board of Education may use no more than \$7,500,000 from an appropriation described in Subsection (3) for computer-assisted instructional learning and assessment programs.

(6) ~~[Monies]~~ Money appropriated to the State Board of Education for the K-3 Reading Improvement Program and not used by the State Board of Education for computer-assisted instructional learning and assessments as described in Subsection (5)(b), shall be allocated to the three funding programs as follows:

- (a) 8% to the Base Level Program;
- (b) 46% to the Guarantee Program; and
- (c) 46% to the Low Income Students Program.

(7) (a) To participate in the Base Level Program, a school district or charter school shall submit a reading proficiency improvement plan to the State Board of Education as provided in Subsection (4) and must receive approval of the plan from the board.

(b) (i) Each school district qualifying for Base Level Program funds and the qualifying elementary charter schools combined shall receive a base amount.

(ii) The base amount for the qualifying elementary charter schools combined shall be allocated among each school in an amount proportionate to:

(A) each existing charter school's prior year fall enrollment in grades kindergarten through grade 3; and

(B) each new charter school's estimated fall enrollment in grades kindergarten through grade 3.

(8) (a) A school district that applies for program ~~[monies]~~ money in excess of the Base Level Program funds shall choose to first participate in either the Guarantee Program or the

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Low Income Students Program.

(b) A school district must fully participate in either the Guarantee Program or the Low Income Students Program before it may elect to either fully or partially participate in the other program.

(c) To fully participate in the Guarantee Program, a school district shall:

(i) levy a tax rate of .000056 under Section 53A-17a-151;

(ii) allocate to the program other [~~monies~~] money available to the school district, except [~~monies~~] money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000056; or

(iii) levy a tax under Section 53A-17a-151 and allocate to the program other [~~monies~~] money available to the school district, except [~~monies~~] money provided by the state, so that the total revenue from the combined revenue sources equals the amount of revenue that would be generated by a tax rate of .000056.

(d) To fully participate in the Low Income Students Program, a school district shall:

(i) levy a tax rate of .000065 under Section 53A-17a-151;

(ii) allocate to the program other [~~monies~~] money available to the school district, except [~~monies~~] money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000065; or

(iii) levy a tax under Section 53A-17a-151 and allocate to the program other [~~monies~~] money available to the school district, except [~~monies~~] money provided by the state, so that the total revenue from the combined revenue sources equals the amount of revenue that would be generated by a tax rate of .000065.

(9) (a) [~~A~~] Except as provided in Subsection (9)(c), a school district that fully participates in the Guarantee Program shall receive state funds in an amount that is:

(i) equal to the difference between \$21 times the district's total WPUs and the revenue the school district is required to generate or allocate under Subsection (8)(c) to fully participate in the Guarantee Program; and

(ii) not less than \$0.

(b) [~~An~~] Except as provided in Subsection (9)(c), an elementary charter school shall receive under the Guarantee Program an amount equal to \$21 times the school's total WPUs.

(c) The State Board of Education may adjust the \$21 guarantee amount described in

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Subsections (9)(a) and (b) to account for actual appropriations and money used by the State Board of Education for computer-assisted instructional learning and assessments.

(10) The State Board of Education shall distribute Low Income Students Program funds in an amount proportionate to the number of students in each school district or charter school who qualify for free or reduced price school lunch multiplied by two.

(11) A school district that partially participates in the Guarantee Program or Low Income Students Program shall receive program funds based on the amount of district revenue generated for or allocated to the program as a percentage of the amount of revenue that could have been generated or allocated if the district had fully participated in the program.

(12) (a) Each school district and charter school shall use program [monies] money for reading proficiency improvement in grades kindergarten through grade three.

(b) Program [monies] money may not be used to supplant funds for existing programs, but may be used to augment existing programs.

(13) (a) Each school district and charter school shall annually submit a report to the State Board of Education accounting for the expenditure of program [monies] money in accordance with its plan for reading proficiency improvement.

(b) If a school district or charter school uses program [monies] money in a manner that is inconsistent with Subsection (12), the school district or charter school is liable for reimbursing the State Board of Education for the amount of program [monies] money improperly used, up to the amount of program [monies] money received from the State Board of Education.

(14) (a) The State Board of Education shall make rules to implement the program.

(b) (i) The rules under Subsection (14)(a) shall require each school district or charter school to annually report progress in meeting goals stated in the district's or charter school's plan for student reading proficiency as measured by gain scores.

(ii) If a school district or charter school does not meet or exceed the goals, the school district or charter school shall prepare a new plan which corrects deficiencies. The new plan must be approved by the State Board of Education before the school district or charter school receives an allocation for the next year.

(15) If after 36 months of program operation, a school district fails to meet goals stated in the district's plan for student reading proficiency as measured by gain scores, the school

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district shall terminate any levy imposed under Section 53A-17a-151.

Section ~~5~~6. Section **53A-17a-164** is enacted to read:

### **53A-17a-164. Enhancement for At-Risk Students Program.**

(1) (a) Subject to the requirements of Subsection (1)(b), the State Board of Education shall distribute money appropriated for the Enhancement for At-Risk Students Program to school districts and charter schools according to a formula adopted by the State Board of Education, after consultation with school districts and charter schools.

(b) (i) The State Board of Education shall appropriate \$1,200,000 from the appropriation for Enhancement for At-Risk Students for a gang prevention and intervention program designed to help students at-risk for gang involvement stay in school.

(ii) Money for the gang prevention and intervention program shall be distributed to school districts and charter schools through a request for proposals process.

(2) In establishing a distribution formula under Subsection (1)(a), the State Board of Education shall use the following criteria:

(a) low performance on U-PASS tests;

(b) poverty;

(c) mobility; and

(d) limited English proficiency.

(3) A school district or charter school shall use money distributed under this section to improve the academic achievement of students who are at risk of academic failure.

(4) The State Board of Education shall develop performance criteria to measure the effectiveness of the Enhancement for At-Risk Students Program and make an annual report to the Public Education Appropriations Subcommittee on the effectiveness of the program.

Section ~~6~~7. **Repealer.**

This bill repeals:

Section **53A-17a-107, Professional staff weighted pupil units.**

### **Section 8. One-time appropriation for classroom supplies.**

(1) (a) The State Board of Education shall distribute money appropriated for Teacher Supplies and Materials to classroom teachers in school districts, the Utah Schools for the Deaf and the Blind, and charter schools on the basis of the number of classroom teachers in each school as compared to the total number of classroom teachers.

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

(i) a teacher on salary schedule steps one through three teaching in grades kindergarten through six or preschool handicapped - \$250;

(ii) a teacher on salary schedule steps one through three teaching in grades seven through twelve - \$200;

(iii) a teacher on salary schedule step four or higher teaching in grades kindergarten through six or preschool handicapped - \$175; and

(iv) a teacher on salary schedule step four or higher teaching in grades seven through twelve - \$150.

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

(2) Teachers shall spend money appropriated for classroom supplies and materials for school supplies, materials, or field trips under rules adopted by the State Board of Education.

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

(a) who are licensed personnel;

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

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

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

Section ~~7~~9. **Appropriation.**

(1) Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, as applicable, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or fund accounts indicated for distribution to state education agencies, school districts, and charter schools for the fiscal year beginning July 1, 2011 and ending June 30, 2012. These appropriations are additions to amounts previously appropriated for fiscal year 2011-12.

(2) The value of each weighted pupil unit (WPU) for fiscal year 2011-12 is increased by \$458 over the value of the WPU for fiscal year 2011-12 established in S.B. 1, Public Education Base Budget, for a total WPU value of \$3,035.

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### BASIC SCHOOL PROGRAM

#### ITEM 1 To Basic School Program

From Uniform School Fund, One-time	\$10,000,000
From Education Fund	<del>(\$207)</del> <u>\$178,260</u> , <del>{972,918}</del> <u>268</u>
From Education Fund, One-time	(\$10,000,000)

#### Schedule of Programs:

Kindergarten	\$12,374,244
Grades 1 - 12	\$239,673,232
Necessarily Existent Small Schools	\$3,503,242
Professional Staff (-48,886 WPU's)	(\$125,979,222)
Administrative Costs (1,535 WPU's)	\$4,658,725
Special Education - Add-on ( <u>-9,790 WPU's</u> )	<del>{</del> <del>_____</del> <del>\$29}</del> <u>_____</u>
	<u>\$144</u> , <del>{857,020}</del> <u>370</u>
Special Education - Pre-school	\$4,208,104
Special Education - Self-contained	\$6,478,868
Special Education - Extended Year	\$184,574
Special Education - State Programs (843 WPU's)	\$3,392,981
Career & Technical Ed District Add-on	\$12,781,406
Class Size Reduction	\$16,839,744

The Legislature intends that the State Board of Education review reports required of local education agencies in statute or board rule, and that the State Board of Education submit any recommended report eliminations to the Education Interim Committee by the October meeting of the Education Interim Committee in 2011.

### RELATED TO BASIC PROGRAMS

#### ITEM 2 To Related to Basic Programs

From Education Fund	<del>(\$94)</del> <u>\$124</u> , <del>{746}</del> <u>458</u> , <del>{265}</del> <u>915</u>
From Education Fund, One-time	\$13,500,000
From Uniform School Fund Restricted - Interest and Dividends Account	\$2,600,000
From Nonlapsing Balances - MSP - Basic Program	\$6,300,000
From Nonlapsing Balances - MSP - Related to Basic Program	\$4,000,000

#### Schedule of Programs:

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To and From School - Pupil Transportation	\$63,062,465
<u>Flexible Allocation - WPU Distribution</u>	<u>\$29,712,650</u>
Guarantee Transportation Levy	\$500,000
Adult Education	\$9,000,000
School LAND Trust Program	\$2,600,000
Charter School Administration	\$4,627,800
K-3 Reading Improvement	\$15,000,000
USFR Teacher Salary Supplement Restricted	
Account	\$1,374,000
Library Books & Electronic Resources	\$400,000
Matching Funds for School Nurses	\$882,000
USTAR Centers (Year-Round Math & Science)	\$6,200,000
Teacher Supplies and Materials	\$5,000,000
Beverly Taylor Sorenson Elementary Arts	\$4,000,000
Early Intervention	\$7,500,000
Pilot Assessment	\$1,000,000

† The Legislature intends that the appropriation for the Flexible Allocation - WPU Distribution program be distributed to school districts and charter schools on the basis of the number of weighted pupil units in a school district or charter school compared to the total number of weighted pupil units and that the State Board of Education provide for the reporting of school districts' and charter schools' expenditures of the program money.

The Legislature intends that the State Board of Education issue a request for proposals for computer-assisted instructional learning and assessments for the K-3 Reading Improvement Program and that the State Board of Education may use no more than \$7,500,000 from the appropriation for K-3 Reading Improvement for computer-assisted instructional learning and assessment programs. The Legislature intends that the State Board of Education provide copies of all requests for proposals submitted for a computer-assisted instruction learning and assessment program for the K-3 Reading Improvement Program to the Governor's Office of Planning and Budget.

The Legislature intends that the State Board of Education issue a request for proposals for adaptive learning technology and assessments for Early Intervention and that the State

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Board of Education may use no more than \$2,500,000 from the appropriation for Early Intervention for adaptive learning technology and assessments. The Legislature intends that the State Board of Education provide copies of all requests for proposals submitted for an adaptive learning technology and assessment program for Early Intervention to the Governor's Office of Planning and Budget.

The Legislature intends that the State Board of Education allocate all of the appropriation for Pilot Assessment to large school districts for online delivery of U-PASS tests in accordance with Section 53A-1-708.

The Legislature intends that enrollment in charter schools in the 2012-13 school year may increase up to 7,100 students over the projected enrollment of 46,278 in the 2011-12 school year.

### VOTED AND BOARD LEEWAY PROGRAMS

#### ITEM 3 To Voted and Board Leeway Programs

From Education Fund	(\$18,456,774)
Schedule of Programs:	
Voted Leeway	(\$14,478,708)
Board Leeway	(\$3,978,066)

### STATE BOARD OF EDUCATION

#### ITEM 4 To State Board of Education - State Office of Education

From Education Fund	\$2,816,900
From Education Fund, One-time	\$2,000,000
From Federal Funds	(\$200)
Schedule of Programs:	
Board of Education - Administration	\$10,200
Student Achievement	\$4,806,500

#### ITEM 5 To State Board of Education - Utah State Office of Education - Initiative Programs

From General Fund	\$538,200
From Education Fund	\$299,900
From Education Fund, One-time	\$926,400
Schedule of Programs:	
Contracts and Grants	\$1,764,500



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The Legislature intends that the State Board of Education allocate \$300,000 from the appropriation for Contracts and Grants to provide statewide access to software licenses for programs to improve English language learner literacy.

The Legislature intends that the State Board of Education allocate \$750,000 from the appropriation for Contracts and Grants to support a sixth grade math assessment program.

### ITEM 6 To State Board of Education - Educator Licensing Professional Practices

From Uniform School Fund Restricted - Professional Practices \$702,700

#### Schedule of Programs:

Educator Licensing \$702,700

### ITEM 7 To State Board of Education - State Office of Education - Child Nutrition

From Federal Funds \$200

#### Schedule of Programs:

Child Nutrition \$200

### ITEM 8 To State Board of Education - Fine Arts Outreach

From Education Fund \$213,200

#### Schedule of Programs:

Professional Outreach Programs \$213,200

### ITEM 9 To State Board of Education - Science Outreach

From Education Fund \$304,500

#### Schedule of Programs:

Informal Science Education Enhancement \$304,500

The Legislature intends that the State Board of Education distribute any fiscal year 2011 beginning nonlapsing balances in the Science Education Outreach line item to program participants on a pro-rata basis in fiscal year 2011.

### ITEM 10 To State Board of Education - Utah Schools for the Deaf and the Blind

From Education Fund \$9,700

From Dedicated Credits Revenue \$500

From Revenue Transfers \$2,500

#### Schedule of Programs:

Support Services \$12,700

Section ~~8~~10. **Effective date.**

## HB0002S01 compared with HB0002

This bill takes effect on July 1, 2011.

Section ~~{9}~~11. **Coordinating H.B. 2 with S.B. 1 -- Superseding substantive amendments.**

If this H.B. 2 and S.B. 1, Public Education Base Budget, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel when preparing the Utah Code database for publication:

(1) not give effect to the repeal of Section 53A-17a-108 in S.B. 1; and

(2) that the enactment of Section 53A-17a-164 in this bill supersedes the enactment of Section 53A-17a-164 in S.B. 1.

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**Legislative Review Note**

~~as of 3-7-11 8:09 PM~~

~~Office of Legislative Research and General Counsel~~