

**K-12 EDUCATION AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kenneth W. Sumsion**

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

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**LONG TITLE**

**General Description:**

This bill modifies the funding and governance of public schools.

**Highlighted Provisions:**

This bill:

- ▶ reduces the term of local school board members from four years to two years;
- ▶ modifies how money appropriated for the basic state-supported school program is distributed to school districts and charter schools;
- ▶ eliminates programs that provide funds for specific purposes; and
- ▶ makes technical amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2011.

**Utah Code Sections Affected:**

AMENDS:

**20A-1-511**, as last amended by Laws of Utah 1994, Chapter 108

**20A-14-201**, as last amended by Laws of Utah 2007, Chapter 215

**20A-14-202**, as last amended by Laws of Utah 2008, Chapter 8

**20A-14-203**, as enacted by Laws of Utah 1995, Chapter 1

**53A-1-402**, as last amended by Laws of Utah 2005, Chapter 227



- 28           **53A-1a-513**, as last amended by Laws of Utah 2010, Chapters 3 and 399
- 29           **53A-1a-521**, as enacted by Laws of Utah 2010, Chapter 353
- 30           **53A-1a-703**, as last amended by Laws of Utah 2010, Chapter 3
- 31           **53A-1a-706**, as enacted by Laws of Utah 2005, Chapter 35
- 32           **53A-2-206**, as last amended by Laws of Utah 2010, Chapter 349
- 33           **53A-2-210**, as last amended by Laws of Utah 2008, Chapter 346
- 34           **53A-2-213**, as last amended by Laws of Utah 2008, Chapter 346
- 35           **53A-6-103**, as last amended by Laws of Utah 2008, Chapter 382
- 36           **53A-11-301**, as last amended by Laws of Utah 1992, Chapter 53
- 37           **53A-15-101**, as last amended by Laws of Utah 2009, Chapter 321
- 38           **53A-17a-103**, as last amended by Laws of Utah 2010, Chapter 3
- 39           **53A-17a-105**, as repealed and reenacted by Laws of Utah 2010, Chapter 399
- 40           **53A-17a-125**, as last amended by Laws of Utah 2010, Chapter 3
- 41           **53A-17a-133**, as last amended by Laws of Utah 2010, Chapter 399
- 42           **53A-17a-139**, as enacted by Laws of Utah 1991, Chapter 72
- 43           **53A-17a-146**, as last amended by Laws of Utah 2010, Chapters 3 and 399
- 44           **53A-17a-151**, as enacted by Laws of Utah 2004, Chapter 305
- 45           **53A-25b-402**, as enacted by Laws of Utah 2009, Chapter 294
- 46           **59-10-1011**, as renumbered and amended by Laws of Utah 2006, Chapter 223
- 47           **63I-1-253**, as last amended by Laws of Utah 2010, Chapters 79, 160, and 319
- 48           **63I-2-253**, as last amended by Laws of Utah 2010, Chapter 11
- 49           **63J-1-602.3**, as enacted by Laws of Utah 2010, Chapter 265

50 ENACTS:

- 51           **53A-17a-103.3**, Utah Code Annotated 1953
- 52           **53A-17a-103.5**, Utah Code Annotated 1953
- 53           **53A-17a-103.7**, Utah Code Annotated 1953
- 54           **53A-17a-103.9**, Utah Code Annotated 1953

55 REPEALS:

- 56           **53A-1a-601**, as last amended by Laws of Utah 2008, Chapter 382
- 57           **53A-1a-602**, as last amended by Laws of Utah 2010, Chapter 286
- 58           **53A-6-701**, as enacted by Laws of Utah 2002, Chapter 253

- 59           **53A-6-801**, as enacted by Laws of Utah 2008, Chapter 144
- 60           **53A-6-802**, as last amended by Laws of Utah 2010, Chapter 286
- 61           **53A-15-405**, as enacted by Laws of Utah 1988, Chapter 2
- 62           **53A-15-601**, as last amended by Laws of Utah 1997, Chapter 219
- 63           **53A-15-701**, as last amended by Laws of Utah 2002, Chapter 210
- 64           **53A-17a-105.5**, as enacted by Laws of Utah 2010, Chapter 303
- 65           **53A-17a-106**, as last amended by Laws of Utah 2001, Chapter 73
- 66           **53A-17a-107**, as last amended by Laws of Utah 2008, Chapter 382
- 67           **53A-17a-108**, as last amended by Laws of Utah 2010, Chapters 3 and 399
- 68           **53A-17a-109**, as last amended by Laws of Utah 2003, Chapter 221
- 69           **53A-17a-111**, as last amended by Laws of Utah 2010, Chapter 3
- 70           **53A-17a-111.5**, as last amended by Laws of Utah 2003, Chapter 221
- 71           **53A-17a-112**, as last amended by Laws of Utah 2010, Chapter 3
- 72           **53A-17a-113**, as last amended by Laws of Utah 2010, Chapter 3
- 73           **53A-17a-114**, as last amended by Laws of Utah 2007, Chapter 372
- 74           **53A-17a-116**, as last amended by Laws of Utah 2010, Chapter 3
- 75           **53A-17a-119**, as last amended by Laws of Utah 2010, Chapter 3
- 76           **53A-17a-120**, as last amended by Laws of Utah 2010, Chapter 3
- 77           **53A-17a-121**, as last amended by Laws of Utah 2010, Chapter 3
- 78           **53A-17a-123**, as last amended by Laws of Utah 2010, Chapter 3
- 79           **53A-17a-124**, as last amended by Laws of Utah 2010, Chapter 3
- 80           **53A-17a-124.5**, as last amended by Laws of Utah 2010, Chapter 3
- 81           **53A-17a-126**, as last amended by Laws of Utah 2010, Chapter 3
- 82           **53A-17a-127**, as last amended by Laws of Utah 2010, Chapter 305
- 83           **53A-17a-131.9**, as last amended by Laws of Utah 2008, Chapter 382
- 84           **53A-17a-131.15**, as last amended by Laws of Utah 2010, Chapter 3
- 85           **53A-17a-131.16**, as last amended by Laws of Utah 2008, Chapter 250
- 86           **53A-17a-137**, as last amended by Laws of Utah 2000, Chapter 264
- 87           **53A-17a-138**, as enacted by Laws of Utah 1991, Chapter 72
- 88           **53A-17a-140**, as enacted by Laws of Utah 1991, Chapter 72
- 89           **53A-17a-141**, as enacted by Laws of Utah 1991, Chapter 72

- 90           **53A-17a-143**, as last amended by Laws of Utah 1995, Chapter 271
- 91           **53A-17a-147**, as last amended by Laws of Utah 2003, Chapter 221
- 92           **53A-17a-148**, as last amended by Laws of Utah 2009, Chapters 4 and 391
- 93           **53A-17a-150**, as enacted by Laws of Utah 2004, Chapter 305
- 94           **53A-17a-153**, as last amended by Laws of Utah 2010, Chapter 3
- 95           **53A-17a-154**, as last amended by Laws of Utah 2010, Chapter 3
- 96           **53A-17a-155**, as last amended by Laws of Utah 2010, Chapter 3
- 97           **53A-17a-156**, as enacted by Laws of Utah 2008, Chapter 397
- 98           **53A-17a-157**, as enacted by Laws of Utah 2008, Chapter 397
- 99           **53A-17a-158**, as enacted by Laws of Utah 2008, Chapter 397
- 100          **53A-17a-159**, as enacted by Laws of Utah 2008, Chapter 397
- 101          **53A-17a-160**, as enacted by Laws of Utah 2008, Chapter 397
- 102          **53A-17a-161**, as enacted by Laws of Utah 2008, Chapter 397
- 103          **53A-17a-162**, as enacted by Laws of Utah 2008, Chapter 397
- 104          **53A-17a-163**, as enacted by Laws of Utah 2009, Chapter 299

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

107           Section 1. Section **20A-1-511** is amended to read:

108           **20A-1-511. Midterm vacancies on local school boards.**

109           (1) (a) A local school board shall fill vacancies on the board by appointment~~[, except as~~  
110 ~~otherwise provided in Subsection (2)].~~

111           (b) If the board fails to make an appointment within 30 days after a vacancy occurs, the  
112 county legislative body, or municipal legislative body in a city district, shall fill the vacancy by  
113 appointment.

114           (c) A member appointed and qualified under this subsection shall serve until a  
115 successor is elected or appointed and qualified.

116           ~~[(2) (a) A vacancy on the board shall be filled by an interim appointment, followed by~~  
117 ~~an election to fill a two-year term if:]~~

118           ~~[(i) the vacancy on the board occurs, or a letter of resignation is received by the board,~~  
119 ~~at least 14 days before the deadline for filing a declaration of candidacy; and]~~

120           ~~[(ii) two years of the vacated term will remain after the first Monday of January~~

121 following the next school board election.]

122 ~~[(b) Members elected under this subsection shall serve for the remaining two years of~~  
123 ~~the vacated term and until a successor is elected and qualified.]~~

124 ~~[(3)]~~ (2) Before appointing a person to fill a vacancy under this section, the local  
125 school board shall:

126 (a) give public notice of the vacancy at least two weeks before the local school board  
127 meets to fill the vacancy; and

128 (b) identify, in the notice:

129 (i) the date, time, and place of the meeting where the vacancy will be filled; and

130 (ii) the person to whom a person interested in being appointed to fill the vacancy may  
131 submit his name for consideration and any deadline for submitting it.

132 Section 2. Section **20A-14-201** is amended to read:

133 **20A-14-201. Boards of education -- School board districts -- Creation --**  
134 **Reapportionment.**

135 (1) (a) The county legislative body, for local school districts whose boundaries  
136 encompass more than a single municipality, and the municipal legislative body, for school  
137 districts contained completely within a municipality, shall divide the local school district into  
138 local school board districts as required under ~~[Subsection 20A-14-202(1)(a)]~~ Section  
139 20A-14-202.

140 (b) The county and municipal legislative bodies shall divide the school district so that  
141 the local school board districts are substantially equal in population and are as contiguous and  
142 compact as practicable.

143 (2) (a) County and municipal legislative bodies shall reapportion district boundaries to  
144 meet the population, compactness, and contiguity requirements of this section:

145 (i) at least once every 10 years;

146 (ii) if a new district is created:

147 (A) within 45 days after the canvass of an election at which voters approve the creation  
148 of a new district; and

149 (B) at least 60 days before the candidate filing deadline for a school board election;

150 (iii) whenever districts are consolidated;

151 (iv) whenever a district loses more than 20% of the population of the entire school

152 district to another district;

153 (v) whenever a district loses more than 50% of the population of a local school board  
154 district to another district;

155 (vi) whenever a district receives new residents equal to at least 20% of the population  
156 of the district at the time of the last reapportionment because of a transfer of territory from  
157 another district; and

158 (vii) whenever it is necessary to increase the membership of a board from five to seven  
159 members as a result of changes in student membership under Section 20A-14-202.

160 (b) If a school district receives territory containing less than 20% of the population of  
161 the transferee district at the time of the last reapportionment, the local school board may assign  
162 the new territory to one or more existing school board districts.

163 (3) (a) Reapportionment does not affect the right of any school board member to  
164 complete the term for which the member was elected.

165 (b) (i) After reapportionment, representation in a local school board district shall be  
166 determined as provided in this Subsection (3).

167 (ii) If only one board member whose term extends beyond reapportionment lives  
168 within a reapportioned local school board district, that board member shall represent that local  
169 school board district.

170 (iii) (A) If two or more members whose terms extend beyond reapportionment live  
171 within a reapportioned local school board district, the members involved shall select one  
172 member by lot to represent the local school board district.

173 (B) The other members shall serve at-large for the remainder of their terms.

174 (C) The at-large board members shall serve in addition to the designated number of  
175 board members for the board in question for the remainder of their terms.

176 (iv) If there is no board member living within a local school board district whose term  
177 extends beyond reapportionment, the seat shall be treated as vacant and filled as provided in  
178 this part.

179 ~~[(4) (a) If, before an election affected by reapportionment, the county or municipal~~  
180 ~~legislative body that conducted the reapportionment determines that one or more members~~  
181 ~~must be elected to terms of two years to meet this part's requirements for staggered terms, the~~  
182 ~~legislative body shall determine by lot which of the reapportioned local school board districts~~

183 ~~will elect members to two-year terms and which will elect members to four-year terms.]~~

184 ~~[(b) All subsequent elections are for four-year terms.]~~

185 ~~[(5)]~~ (4) Within 10 days after any local school board district boundary change, the  
 186 county or municipal legislative body making the change shall send an accurate map or plat of  
 187 the boundary change to the Automated Geographic Reference Center created under Section  
 188 63F-1-506.

189 Section 3. Section **20A-14-202** is amended to read:

190 **20A-14-202. Local boards of education -- Membership -- When elected --**

191 **Qualifications -- Avoiding conflicts of interest.**

192 (1) (a) Except as provided in Subsection (1)(b), the board of education of a school  
 193 district with a student population of up to 24,000 students shall consist of five members.

194 (b) The board of education of a school district with a student population of more than  
 195 10,000 students but fewer than 24,000 students shall increase from five to seven members  
 196 beginning with the 2004 regular general election.

197 (c) The board of education of a school district with a student population of 24,000 or  
 198 more students shall consist of seven members.

199 (d) Student population is based on the October 1 student count submitted by districts to  
 200 the State Office of Education.

201 (e) If the number of members of a local school board is required to change under  
 202 Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in  
 203 Sections 20A-14-201 and 20A-14-203.

204 (f) A school district which now has or increases to a seven-member board shall  
 205 maintain a seven-member board regardless of subsequent changes in student population.

206 (g) ~~(f)~~ Members of a local board of education shall be elected at each regular general  
 207 election.

208 ~~[(ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a~~  
 209 ~~local board of education may be elected to a five-member board, nor more than four members~~  
 210 ~~elected to a seven-member board, in any election year.]~~

211 ~~[(iii) More than three members of a local board of education may be elected to a~~  
 212 ~~five-member board and more than four members elected to a seven-member board in any~~  
 213 ~~election year only when required by reapportionment or to fill a vacancy or to implement~~

214 ~~Subsection (1)(b):]~~

215 (h) One member of the local board of education shall be elected from each local school  
216 board district.

217 (2) (a) For an election held after the 2008 general election, a person seeking election to  
218 a local school board must have been a resident of the local school board district in which the  
219 person is seeking election for at least one year as of the date of the election.

220 (b) A person who has resided within the local school board district, as the boundaries  
221 of the district exist on the date of the election, for one year immediately preceding the date of  
222 the election shall be considered to have met the requirements of this Subsection (2).

223 (3) A member of a local school board shall:

224 (a) be and remain a registered voter in the local school board district from which the  
225 member is elected or appointed; and

226 (b) maintain the member's primary residence within the local school board district from  
227 which the member is elected or appointed during the member's term of office.

228 (4) A member of a local school board may not, during the member's term in office, also  
229 serve as an employee of that board.

230 Section 4. Section **20A-14-203** is amended to read:

231 **20A-14-203. Becoming a member of a local board of education -- Declaration of**  
232 **candidacy -- Election.**

233 (1) An individual may become a candidate for a local school board by filing a  
234 declaration of candidacy with the county clerk and paying the fee as required by Section  
235 20A-9-202.

236 (2) (a) The term of office for an individual elected to a local board of education before  
237 January 1, 2012, is four years, beginning on the first Monday in January after the election.

238 (b) The term of office for an individual elected to a local board of education after  
239 January 1, 2012, is two years, beginning on the first Monday in January after the election.

240 ~~[(b)]~~ (c) A member of a local board of education shall serve until a successor is elected  
241 or appointed and qualified.

242 ~~[(c)]~~ (d) A member of a local board of education is "qualified" when the member takes  
243 or signs the constitutional oath of office.

244 Section 5. Section **53A-1-402** is amended to read:



245 **53A-1-402. Board to establish minimum standards for public schools.**

246 (1) The State Board of Education shall establish rules and minimum standards for the  
247 public schools that are consistent with this title, including rules and minimum standards  
248 governing the following:

249 (a) (i) the qualification and certification of educators and ancillary personnel who  
250 provide direct student services;

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

252 (iii) the evaluation of instructional personnel;

253 (b) (i) access to programs;

254 (ii) attendance;

255 (iii) competency levels;

256 (iv) graduation requirements; and

257 (v) discipline and control;

258 (c) (i) school accreditation;

259 (ii) the academic year;

260 (iii) alternative and pilot programs;

261 (iv) curriculum and instruction requirements;

262 (v) school libraries; and

263 (vi) services to:

264 (A) persons with a disability as defined by and covered under:

265 (I) the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102;

266 (II) the Rehabilitation Act of 1973, 29 U.S.C. Sec. 705(20)(A); and

267 (III) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1401(3); and

268 (B) other special groups;

269 [~~(d) (i) state reimbursed bus routes;~~]

270 [(~~ii~~)] (d) (i) bus safety and operational requirements; and

271 [(~~iii~~)] (ii) other transportation needs; and

272 (e) (i) school productivity and cost effectiveness measures;

273 (ii) federal programs;

274 (iii) school budget formats; and

275 (iv) financial, statistical, and student accounting requirements.

- 276 (2) The board shall determine if:
- 277 (a) the minimum standards have been met; and
- 278 (b) required reports are properly submitted.
- 279 (3) The board may apply for, receive, administer, and distribute to eligible applicants
- 280 funds made available through programs of the federal government.

281 (4) (a) The Utah College of Applied Technology shall provide competency-based  
282 career and technical education courses that fulfill high school graduation requirements, as  
283 requested and authorized by the State Board of Education.

284 (b) A school district may grant a high school diploma to a student participating in  
285 courses described under Subsection (4)(a) that are provided by the Utah College of Applied  
286 Technology.

287 Section 6. Section **53A-1a-513** is amended to read:

288 **53A-1a-513. Funding for charter schools.**

289 (1) As used in this section:

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

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

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

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

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

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

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

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

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

305 (D) a tort liability levy imposed under Section 63G-7-704;

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

307 (F) a voted capital outlay levy imposed under Section 53A-16-110; and  
308 (ii) divide the sum calculated under Subsection (1)(b)(i) by the sum of:  
309 (A) a school district's average daily membership; and  
310 (B) the average daily membership of a school district's resident students who attend  
311 charter schools.

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

314 (d) "Statewide average debt service revenues" means the amount determined as  
315 follows, using data from the most recently published state superintendent's annual report:  
316 (i) sum the revenues of each school district from the debt service levy imposed under  
317 Section 11-14-310; and  
318 (ii) divide the sum calculated under Subsection (1)(d)(i) by statewide school district  
319 average daily membership.

320 (2) (a) Charter schools shall receive funding as described in this section, except  
321 Subsections (3) through (8) do not apply to charter schools described in Subsection (2)(b).

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

325 (3) (a) Except as provided in Subsection (3)(b), a charter school shall receive state  
326 funds, as applicable, on the same basis as a school district receives funds.

327 (b) In distributing funds under [~~Title 53A,~~] Chapter 17a, Minimum School Program  
328 Act, to charter schools, except for funds distributed through the basic state-supported school  
329 program, charter school pupils shall be weighted, where applicable, as follows:

330 (i) .55 for kindergarten pupils;  
331 (ii) .9 for pupils in grades 1 through 6;  
332 (iii) .99 for pupils in grades 7 through 8; and  
333 (iv) 1.2 for pupils in grades 9 through 12.

334 (4) (a) (i) A school district shall allocate a portion of school district revenues for each  
335 resident student of the school district who is enrolled in a charter school on October 1 equal to  
336 25% of the lesser of:  
337 (A) district per pupil local revenues; or

338 (B) charter school students' average local revenues.  
339 (ii) Nothing in this Subsection (4)(a) affects the school bond guarantee program  
340 established under Chapter 28, Utah School Bond Guaranty Act.  
341 (b) The State Board of Education shall:  
342 (i) deduct an amount equal to the allocation provided under Subsection (4)(a) from  
343 state funds the school district is authorized to receive under [~~Title 53A,~~] Chapter 17a,  
344 Minimum School Program Act; and  
345 (ii) remit the money to the student's charter school.  
346 (c) Notwithstanding the method used to transfer school district revenues to charter  
347 schools as provided in Subsection (4)(b), a school district may deduct the allocations to charter  
348 schools under this section from:  
349 (i) unrestricted revenues available to the school district; or  
350 (ii) the revenue sources listed in Subsections (1)(b)(i)(A) through (F) based on the  
351 portion of the allocations to charter schools attributed to each of the revenue sources listed in  
352 Subsections (1)(b)(i)(A) through (F).  
353 (d) (i) Subject to future budget constraints, the Legislature shall provide an  
354 appropriation for charter schools for each student enrolled on October 1 to supplement the  
355 allocation of school district revenues under Subsection (4)(a).  
356 (ii) Except as provided in Subsection (4)(d)(iii), the amount of money provided by the  
357 state for a charter school student shall be the sum of:  
358 (A) charter school students' average local revenues minus the allocation of school  
359 district revenues under Subsection (4)(a); and  
360 (B) statewide average debt service revenues.  
361 (iii) If the total of a school district's allocation for a charter school student under  
362 Subsection (4)(a) and the amount provided by the state under Subsection (4)(d)(ii) is less than  
363 \$1427, the state shall provide an additional supplement so that a charter school receives at least  
364 \$1427 per student under this Subsection (4).  
365 (iv) (A) If the appropriation provided under this Subsection (4)(d) is less than the  
366 amount prescribed by Subsection (4)(d)(ii) or (4)(d)(iii), the appropriation shall be allocated  
367 among charter schools in proportion to each charter school's enrollment as a percentage of the  
368 total enrollment in charter schools.

369 (B) If the State Board of Education makes adjustments to Minimum School Program  
370 allocations as provided under Section 53A-17a-105, the allocation provided in Subsection  
371 (4)(d)(iv)(A) shall be determined after adjustments are made under Section 53A-17a-105.

372 (e) Of the money provided to a charter school under this Subsection (4), 10% shall be  
373 expended for funding school facilities only.

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

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

378 (7) (a) Notwithstanding Subsection (3), a charter school is not eligible to receive state  
379 transportation funding.

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

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

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

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

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

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

393 (b) The State Board of Education shall coordinate the distribution of federal money  
394 appropriated to help fund costs for establishing and maintaining charter schools within the  
395 state.

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

399 (b) It is unlawful for any person affiliated with a charter school to demand or request

400 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated  
401 with the charter school as a condition for employment or enrollment at the school or continued  
402 attendance at the school.

403 Section 7. Section **53A-1a-521** is amended to read:

404 **53A-1a-521. Authorization of a charter school by a board of trustees of a higher**  
405 **education institution.**

406 (1) Subject to the approval of the State Board of Education and except as provided in  
407 Subsection [~~(7)~~] (8), an individual or entity identified in Section 53A-1a-504 may enter into an  
408 agreement with a board of trustees of a higher education institution to establish and operate a  
409 charter school.

410 (2) (a) An individual or entity identified in Section 53A-1a-504 applying for  
411 authorization from a board of trustees of a higher education institution to establish and operate  
412 a charter school shall provide a copy of the application to the State Charter School Board and  
413 the local school board of the school district in which the proposed charter school shall be  
414 located either before or at the same time it files its application with the board of trustees.

415 (b) The State Charter School Board and the local school board may review the  
416 application and may offer suggestions or recommendations to the applicant or the board of  
417 trustees of a higher education institution prior to its acting on the application.

418 (c) The board of trustees of a higher education institution shall give due consideration  
419 to suggestions or recommendations made by the State Charter School Board or the local school  
420 board under Subsection (2)(b).

421 (3) (a) If a board of trustees of a higher education institution approves an application to  
422 establish and operate a charter school, the board of trustees shall submit the application to the  
423 State Board of Education.

424 (b) The State Board of Education shall, by majority vote, within 60 days of receipt of  
425 the application, approve or deny an application approved by a board of trustees of a higher  
426 education institution.

427 (c) The State Board of Education's action under Subsection (3)(b) is final action subject  
428 to judicial review.

429 (4) The State Board of Education shall make a rule providing a timeline for the  
430 opening of a charter school following the approval of a charter school application by a board of

431 trustees of a higher education institution.

432 (5) (a) After approval of a charter school application, the applicant and the board of  
433 trustees of a higher education institution shall set forth the terms and conditions for the  
434 operation of the charter school in a written contractual agreement.

435 (b) The agreement is the school's charter.

436 ~~[(c)(i)]~~ (6) (a) The school's charter may include a provision that the charter school pay  
437 an annual fee for the board of trustees' costs in providing oversight of, and technical support to,  
438 the charter school in accordance with Subsection ~~[(6)]~~ (7).

439 ~~[(ii)]~~ (b) An annual fee described in Subsection ~~[(5)(c)(i)]~~ (6)(a):

440 ~~[(A)]~~ (i) may not exceed the product of:

441 ~~[(1) 1% of the value of the weighted pupil unit]~~

442 (A) 0.7% of the per pupil allocation for enrollment group one, as established in statute  
443 for the current fiscal year; and

444 ~~[(B)]~~ (B) the October 1 enrollment count of the charter school for the current fiscal  
445 year;

446 ~~[(B)]~~ (ii) shall be paid to the board of trustees' higher education institution; and

447 ~~[(C)]~~ (iii) shall be expended as directed by the board of trustees.

448 ~~[(6)]~~ (7) A board of trustees of a higher education institution shall:

449 (a) annually review and evaluate the performance of charter schools authorized by the  
450 board of trustees and hold the schools accountable for their performance;

451 (b) monitor charter schools authorized by the board of trustees for compliance with  
452 federal and state laws, rules, and regulations; and

453 (c) provide technical support to charter schools authorized by the board of trustees to  
454 assist them in understanding and performing their charter obligations.

455 ~~[(7)]~~ (8) (a) In addition to complying with the requirements of this section, a campus  
456 board of directors of a college campus within the Utah College of Applied Technology shall  
457 obtain the approval of the Utah College of Applied Technology Board of Trustees before  
458 entering into an agreement to establish and operate a charter school.

459 (b) The Utah College of Applied Technology Board of Trustees shall establish a policy  
460 for granting approval to a campus board of directors to enter into an agreement to establish and  
461 operate a charter school.

462 Section 8. Section **53A-1a-703** is amended to read:

463 **53A-1a-703. Definitions.**

464 As used in this part:

465 (1) "Assessment team" means a team consisting of:

466 (a) the student's parent or guardian;

467 (b) the student's private school classroom teacher;

468 (c) special education personnel from the student's school district; and

469 (d) if available, special education personnel from the private school at which the

470 student is enrolled.

471 (2) "Board" means the State Board of Education.

472 (3) "Eligible private school" means a private school that meets the requirements of

473 Section 53A-1a-705.

474 (4) "IEP" means a written statement for a student with a disability that is developed,

475 reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20

476 U.S.C. Sec. 1400 et seq.

477 (5) "Scholarship student" means a student who receives a scholarship under this part.

478 ~~[(6) "Value of the weighted pupil unit" means the amount established each year in~~  
479 ~~statute that is multiplied by the number of weighted pupil units to yield the funding level for~~  
480 ~~the basic state-supported school program.]~~

481 Section 9. Section **53A-1a-706** is amended to read:

482 **53A-1a-706. Scholarship payments.**

483 (1) (a) Scholarships shall be awarded by the board subject to the availability of money  
484 appropriated by the Legislature for that purpose.

485 (b) The Legislature shall annually appropriate money to the board from the General  
486 Fund to make scholarship payments.

487 (c) (i) If monies are not available to pay for all scholarships requested, the scholarships  
488 shall be allocated on a random basis except that preference shall be given to students who  
489 received scholarships in the previous school year.

490 (ii) If monies are insufficient in a school year to pay for all the continuing scholarships,  
491 new scholarships may not be awarded during that school year and the monies available for  
492 scholarships shall be prorated among the eligible students who received scholarships in the



493 previous year.

494 (2) Full-year scholarships shall be awarded in the following amounts:

495 (a) for a student who received an average of 180 minutes per day or more of special  
496 education services in a public school before transferring to a private school, an amount not to  
497 exceed the lesser of:

498 (i) [~~the value of the weighted pupil unit multiplied by 2.5~~] 92% of the per pupil  
499 allocation for enrollment group nine as established in statute for the current fiscal year; or

500 (ii) the private school tuition and fees; and

501 (b) for a student who received an average of less than 180 minutes per day of special  
502 education services in a public school before transferring to a private school, an amount not to  
503 exceed the lesser of:

504 (i) [~~the value of the weighted pupil unit multiplied by 1.5~~] 55% of the per pupil  
505 allocation for enrollment group nine as established in statute for the current fiscal year; or

506 (ii) the private school tuition and fees.

507 (3) The scholarship amount for a student enrolled in a half-day kindergarten program  
508 shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.

509 (4) (a) The scholarship amount for a student who receives a waiver under Subsection  
510 53A-1a-704(3) shall be based upon the assessment team's determination of the appropriate  
511 level of special education services to be provided to the student.

512 (b) (i) If the student requires an average of 180 minutes per day or more of special  
513 education services, a full-year scholarship shall be equal to the amount specified in Subsection  
514 (2)(a).

515 (ii) If the student requires less than an average of 180 minutes per day of special  
516 education services, a full-year scholarship shall be equal to the amount specified in Subsection  
517 (2)(b).

518 (iii) If the student is enrolled in a half-day kindergarten program, a full-year  
519 scholarship is equal to the amount specified in Subsection (3).

520 (5) (a) Except as provided in Subsection (5)(b), upon review and receipt of  
521 documentation that verifies a student's admission to, or continuing enrollment and attendance  
522 at, a private school, the board shall make scholarship payments in four equal amounts no later  
523 than September 1, November 1, February 1, and April 15 of each school year in which a

524 scholarship is in force.

525 (b) In accordance with board rule, the board may make a scholarship payment before  
526 the first quarterly payment of the school year, if a private school requires partial payment of  
527 tuition before the start of the school year to reserve space for a student admitted to the school.

528 (6) A parent of a scholarship student shall notify the board if the student does not have  
529 continuing enrollment and attendance at an eligible private school.

530 (7) Before scholarship payments are made, the board shall cross-check enrollment lists  
531 of scholarship students, school districts, and youth in custody to ensure that scholarship  
532 payments are not erroneously made.

533 (8) (a) Scholarship payments shall be made by the board by individual warrant made  
534 payable to the student's parent and mailed by the board to the private school. The parent shall  
535 restrictively endorse the warrant to the private school for deposit into the account of the private  
536 school.

537 (b) A person, on behalf of a private school, may not accept a power of attorney from a  
538 parent to sign a warrant referred to in Subsection (8)(a), and a parent of a scholarship student  
539 may not give a power of attorney designating a person, on behalf of a private school, as the  
540 parent's attorney-in-fact.

541 (9) (a) Scholarships shall be retroactively awarded to students with disabilities for  
542 attendance at a private school in the 2004-05 school year, if:

543 (i) the student meets the qualifications for a scholarship under Section 53A-1a-704 and  
544 is awarded a scholarship under this section; and

545 (ii) the private school meets the eligibility requirements of Section 53A-1a-705,  
546 including submitting an application to enroll scholarship students in the 2005-06 school year.

547 (b) Subsection (5) does not apply to retroactive scholarship payments.

548 Section 10. Section **53A-2-206** is amended to read:

549 **53A-2-206. Interstate compact students -- Inclusion in attendance count --**

550 **Funding for foreign exchange students -- Annual report -- Requirements for exchange**  
551 **student agencies.**

552 (1) A school district or charter school may include the following students in the  
553 district's or school's membership and attendance count for the purpose of apportionment of  
554 state money:

555 (a) a student enrolled under an interstate compact, established between the State Board  
556 of Education and the state education authority of another state, under which a student from one  
557 compact state would be permitted to enroll in a public school in the other compact state on the  
558 same basis as a resident student of the receiving state; or

559 (b) a student receiving services under Title 62A, Chapter 4a, Part 7, Interstate Compact  
560 on Placement of Children.

561 (2) (a) A school district or charter school may include foreign exchange students in the  
562 district's or school's membership and attendance count for the purpose of apportionment of  
563 state money~~[, except as provided in Subsections (2)(b) through (e)]~~ as provided in this  
564 Subsection (2).

565 ~~[(b) (i) Notwithstanding Section 53A-17a-106, foreign exchange students may not be~~  
566 ~~included in average daily membership for the purpose of determining the number of weighted~~  
567 ~~pupil units in the grades 1-12 basic program.]~~

568 ~~[(ii) Subject to the limitation in Subsection (2)(c), the number of weighted pupil units~~  
569 ~~in the grades 1-12 basic program attributed to foreign exchange students]~~

570 (b) The number of foreign exchange students that may be counted in enrollment shall  
571 be equal to the number of foreign exchange students who were:

572 ~~[(A)]~~ (i) enrolled in a school district or charter school on October 1 of the previous  
573 fiscal year; and

574 ~~[(B)]~~ (ii) sponsored by an agency approved by the district's local school board or  
575 charter school's governing board.

576 (c) (i) The total number of foreign exchange students in the state that may be counted  
577 for the purpose of apportioning state money under Subsection (2)(b) shall be the lesser of:

578 (A) the number of foreign exchange students enrolled in public schools in the state on  
579 October 1 of the previous fiscal year; or

580 (B) 328 foreign exchange students.

581 (ii) The State Board of Education shall make rules in accordance with Title 63G,  
582 Chapter 3, Utah Administrative Rulemaking Act, to administer the cap on the number of  
583 foreign exchange students that may be counted for the purpose of apportioning state money  
584 under Subsection (2)(b).

585 (d) Notwithstanding Sections 53A-17a-133 and 53A-17a-134, ~~[weighted pupil units in~~

586 ~~the grades 1-12 basic program for] the enrollment of foreign exchange students, as determined~~  
587 by Subsections (2)(b) and (c), may not be included for the purposes of determining a school  
588 district's state guarantee money under the voted or board leeway programs.

589 ~~[(e) Notwithstanding Section 53A-17a-125, foreign exchange students may not be~~  
590 ~~included in enrollment when calculating student growth for the purpose of adjusting the annual~~  
591 ~~appropriation for retirement and Social Security.]~~

592 (3) A school district or charter school may:

593 (a) enroll foreign exchange students [~~that~~] who do not qualify for state money; and

594 (b) pay for the costs of those students with other funds available to the school district  
595 or charter school.

596 (4) Due to the benefits to all students of having the opportunity to become familiar  
597 with individuals from diverse backgrounds and cultures, school districts are encouraged to  
598 enroll foreign exchange students, as provided in Subsection (3), particularly in schools with  
599 declining or stable enrollments where the incremental cost of enrolling the foreign exchange  
600 student may be minimal.

601 (5) The board shall make an annual report to the Legislature on the number of  
602 exchange students and the number of interstate compact students sent to or received from  
603 public schools outside the state.

604 (6) (a) A local school board or charter school governing board shall require each  
605 approved exchange student agency to provide it with a sworn affidavit of compliance prior to  
606 the beginning of each school year.

607 (b) The affidavit shall include the following assurances:

608 (i) that the agency has complied with all applicable policies of the board;

609 (ii) that a household study, including a background check of all adult residents, has  
610 been made of each household where an exchange student is to reside, and that the study was of  
611 sufficient scope to provide reasonable assurance that the exchange student will receive proper  
612 care and supervision in a safe environment;

613 (iii) that host parents have received training appropriate to their positions, including  
614 information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who  
615 are in a position of special trust;

616 (iv) that a representative of the exchange student agency shall visit each student's place

617 of residence at least once each month during the student's stay in Utah;

618 (v) that the agency will cooperate with school and other public authorities to ensure  
619 that no exchange student becomes an unreasonable burden upon the public schools or other  
620 public agencies;

621 (vi) that each exchange student will be given in the exchange student's native language  
622 names and telephone numbers of agency representatives and others who could be called at any  
623 time if a serious problem occurs; and

624 (vii) that alternate placements are readily available so that no student is required to  
625 remain in a household if conditions appear to exist which unreasonably endanger the student's  
626 welfare.

627 (7) (a) A local school board or charter school governing board shall provide each  
628 approved exchange student agency with a list of names and telephone numbers of individuals  
629 not associated with the agency who could be called by an exchange student in the event of a  
630 serious problem.

631 (b) The agency shall make a copy of the list available to each of its exchange students  
632 in the exchange student's native language.

633 (8) Notwithstanding Subsection (2)(c)(i), a school district or charter school shall enroll  
634 a foreign exchange student if the foreign exchange student:

635 (a) is sponsored by an agency approved by the State Board of Education;

636 (b) attends the same school during the same time period that another student from the  
637 school is:

638 (i) sponsored by the same agency; and

639 (ii) enrolled in a school in a foreign country; and

640 (c) is enrolled in the school for one year or less.

641 Section 11. Section **53A-2-210** is amended to read:

642 **53A-2-210. Funding.**

643 (1) A student who enrolls in a nonresident district is considered a resident of that  
644 district for purposes of state funding.

645 (2) The State Board of Education shall adopt rules providing that:

646 (a) the resident district pay the nonresident district, for each of the resident district's  
647 students who enroll in the nonresident district, [~~1~~/~~2~~] one-half of the amount by which the

648 resident district's per student expenditure exceeds the value of the state's contribution; and

649 (b) if a student is enrolled in a nonresident district for less than a full year, the resident  
650 district shall pay a portion of the amount specified in Subsection (2)(a) based on the percentage  
651 of school days the student is enrolled in the nonresident district.

652 (3) ~~[(a) Except as provided in this Subsection (3), the]~~ The parent or guardian of a  
653 nonresident student shall arrange for the student's own transportation to and from school.

654 ~~[(b) The State Board of Education may adopt rules under which nonresident students  
655 may be transported to their schools of attendance if:]~~

656 ~~[(i) the transportation of students to schools in other districts would relieve  
657 overcrowding or other serious problems in the district of residence and the costs of  
658 transportation are not excessive; or]~~

659 ~~[(ii) the Legislature has granted an adequate specific appropriation for that purpose.]~~

660 ~~[(c) A receiving district shall provide transportation for a nonresident student on the  
661 basis of available space on an approved route within the district to the school of attendance if  
662 district students would be eligible for transportation to the same school from that point on the  
663 bus route and the student's presence does not increase the cost of the bus route.]~~

664 ~~[(d) Nothing in this section shall be construed as prohibiting the resident district or the  
665 receiving district from providing bus transportation on any approved route.]~~

666 ~~[(e) Except as provided in Subsection (3)(b), the district of residence may not claim  
667 any state transportation costs for students enrolled in other school districts.]~~

668 Section 12. Section **53A-2-213** is amended to read:

669 **53A-2-213. Intradistrict transfers for students impacted by boundary changes --**  
670 **Transportation of students who transfer within a district.**

671 (1) ~~[(a)]~~ In adjusting school boundaries, a local school board shall strive to avoid  
672 requiring current students to change schools and shall, to the extent reasonably feasible,  
673 accommodate parents who wish to avoid having their children attend different schools of the  
674 same level because of boundary changes which occur after one or more children in the family  
675 begin attending one of the affected schools.

676 ~~[(b)]~~ (2) In granting interdistrict and intradistrict transfers to a particular school, the  
677 local school board shall take into consideration the fact that an applicant's brother or sister is  
678 attending the school or another school within the district.

679           ~~[(2) (a) A district shall receive transportation money under Sections 53A-17a-126 and~~  
680 ~~53A-17a-127 for resident students who enroll in schools other than the regularly assigned~~  
681 ~~school on the basis of the distance from the student's residence to the school the student would~~  
682 ~~have attended had the intradistrict attendance option not been used.]~~

683           ~~[(b) The parent or guardian of the student shall arrange for the student's transportation~~  
684 ~~to and from school, except that the district shall provide transportation on the basis of available~~  
685 ~~space on an approved route within the district to the school of the student's attendance if the~~  
686 ~~student would be otherwise eligible for transportation to the same school from that point on the~~  
687 ~~bus route and the student's presence does not increase the cost of the bus route.]~~

688           Section 13. Section **53A-6-103** is amended to read:

689           **53A-6-103. Definitions.**

690           As used in this chapter:

691           (1) "Accredited institution" means an institution meeting the requirements of Section  
692 53A-6-107.

693           (2) (a) "Alternative preparation program" means preparation for licensure in  
694 accordance with applicable law and rule through other than an approved preparation program.

695           (b) "Alternative preparation program" includes the competency-based licensing  
696 program described in Section 53A-6-104.5.

697           (3) "Ancillary requirement" means a requirement established by law or rule in addition  
698 to completion of an approved preparation program or alternative education program or  
699 establishment of eligibility under the NASDTEC Interstate Contract, and may include any of  
700 the following:

701           (a) minimum grade point average;

702           (b) standardized testing or assessment;

703           (c) mentoring;

704           (d) recency of professional preparation or experience;

705           (e) graduation from an accredited institution; or

706           (f) evidence relating to moral, ethical, physical, or mental fitness.

707           (4) "Approved preparation program" means a program for preparation of educational  
708 personnel offered through an accredited institution in Utah or in a state which is a party to a  
709 contract with Utah under the NASDTEC Interstate Contract and which, at the time the program

710 was completed by the applicant:

711 (a) was approved by the governmental agency responsible for licensure of educators in  
712 the state in which the program was provided;

713 (b) satisfied requirements for licensure in the state in which the program was provided;

714 (c) required completion of a baccalaureate; and

715 (d) included a supervised field experience.

716 (5) "Board" means the Utah State Board of Education.

717 (6) "Certificate" means a license issued by a governmental jurisdiction outside the  
718 state.

719 (7) "Core academic subjects" means English, reading or language arts, mathematics,  
720 science, foreign languages, civics and government, economics, arts, history, and geography.

721 (8) "Educator" means:

722 (a) a person who holds a license;

723 (b) a teacher, counselor, administrator, librarian, or other person required, under rules  
724 of the board, to hold a license; or

725 (c) a person who is the subject of an allegation which has been received by the board or  
726 UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a  
727 position requiring licensure.

728 (9) (a) "Endorsement" means a stipulation appended to a license setting forth the areas  
729 of practice to which the license applies.

730 (b) An endorsement shall be issued upon completion of a competency-based teacher  
731 preparation program from a regionally accredited university that meets state content standards.

732 (10) "License" means an authorization issued by the board which permits the holder to  
733 serve in a professional capacity in the public schools. The five levels of licensure are:

734 (a) "letter of authorization," which is:

735 (i) a temporary license issued to a person who has not completed requirements for a  
736 competency-based, or level 1, 2, or 3 license, such as:

737 (A) a student teacher; or

738 (B) a person participating in an alternative preparation program; or

739 (ii) a license issued, pursuant to board rules, to a person who has achieved eminence,  
740 or has outstanding qualifications, in a field taught in public schools;



- 741 (b) "competency-based license<sub>2</sub>" which is issued to a teacher based on the teacher's  
742 demonstrated teaching skills and abilities;
- 743 (c) "level 1 license," which is a license issued upon completion of:  
744 (i) a competency-based teacher preparation program from a regionally accredited  
745 university; or  
746 (ii) an approved preparation program or an alternative preparation program, or pursuant  
747 to an agreement under the NASDTEC Interstate Contract, to candidates who have also met all  
748 ancillary requirements established by law or rule;
- 749 (d) "level 2 license," which is a license issued after satisfaction of all requirements for  
750 a level 1 license as well as any additional requirements established by law or rule relating to  
751 professional preparation or experience; and
- 752 (e) "level 3 license," which is a license issued to an educator who holds a current Utah  
753 level 2 license and has also received, in the educator's field of practice, National Board  
754 certification or a doctorate from an accredited institution.
- 755 (11) "NASDTEC" means the National Association of State Directors of Teacher  
756 Education and Certification.
- 757 (12) "NASDTEC Interstate Contract" means the contract implementing Title 53A,  
758 Chapter 6, Part 2, Compact for Interstate Qualification of Educational Personnel, which is  
759 administered through NASDTEC.
- 760 (13) "National Board certification" means a current certificate issued by the National  
761 Board for Professional Teaching Standards.
- 762 [~~(14) "Necessarily existent small school" means a school classified as a necessarily~~  
763 ~~existent small school in accordance with Section 53A-17a-109.]~~
- 764 [(15)] (14) "Office" means the Utah State Office of Education.
- 765 [(16)] (15) "Rule" means an administrative rule adopted by the board under Title 63G,  
766 Chapter 3, Utah Administrative Rulemaking Act.
- 767 [(17)] (16) "School" means a public or private entity which provides educational  
768 services to a minor child.
- 769 [~~(18) "Small school district" means a school district with an enrollment of less than~~  
770 ~~5,000 students.]~~
- 771 [(19)] (17) "UPPAC" means the Utah Professional Practices Advisory Commission.

772 Section 14. Section **53A-11-301** is amended to read:

773 **53A-11-301. Certificate of immunization required.**

774 (1) Unless exempted for personal, medical, or religious objections as provided in  
775 Section 53A-11-302, a student may not attend a public, private, or parochial kindergarten,  
776 elementary, or secondary school through grade 12, nursery school, licensed day care center,  
777 child care facility, family care home, or headstart program in this state unless there is presented  
778 to the appropriate official of the school a certificate of immunization from a licensed physician  
779 or authorized representative of the state or local health department stating that the student has  
780 received immunization against communicable diseases as required by rules adopted under  
781 Section 53A-11-303.

782 (2) [~~School districts~~] A school district or charter school may not receive [~~weighted~~  
783 ~~pupil unit~~] money for a student pursuant to Section 53A-17a-103.5 unless the student has  
784 obtained a certificate of immunization under this section or qualifies for conditional enrollment  
785 or an exemption from immunization under Section 53A-11-302.

786 Section 15. Section **53A-15-101** is amended to read:

787 **53A-15-101. Higher education courses in the public schools -- Cooperation**  
788 **between public and higher education.**

789 (1) The State Board of Education in collaboration with the State Board of Regents shall  
790 implement:

791 (a) a curriculum program and delivery system which allows students the option to  
792 complete high school graduation requirements and prepares them to meet college admission  
793 requirements at the conclusion of the eleventh grade, but does not preclude a student involved  
794 in accelerated learning programs from graduating at an earlier time;

795 (b) a program of selected college credit courses in general and career and technical  
796 education which would be made available in cooperation with the State Board of Regents, as  
797 resources allow, through concurrent enrollment with one or more of the state's institutions of  
798 higher education;

799 (c) a course of study for a student who decides to continue on through the twelfth grade  
800 that would allow the student to take courses necessary to graduate from high school, and at the  
801 student's option, to become better prepared for the world of work, or complete selected college  
802 level courses corresponding to the first and second year of course work at a university, college,

803 or community college in the state system of higher education; and

804 (d) a program for advanced placement which permits students to earn high school  
805 credits while qualifying to take advanced placement examinations for college credit.

806 (2) The delivery system and curriculum program shall be designed and implemented to  
807 take full advantage of the most current available educational technology.

808 (3) The State Board of Regents shall adopt rules to ensure the following:

809 (a) early high school graduates who are academically prepared and meet college  
810 admission requirements may be enrolled in one of the state's institutions of higher education;

811 (b) college credit courses are taught in high school concurrent enrollment or advanced  
812 placement programs by college or university faculty or public school educators under the  
813 following conditions:

814 (i) to ensure that students are prepared for college level work, an appropriate  
815 assessment is given:

816 (A) prior to participation in mathematics and English courses; and

817 (B) in meeting prerequisites previously established for the same campus-based course  
818 by the sponsoring institution;

819 (ii) public school educators in concurrent enrollment programs must first be approved  
820 as adjunct faculty and supervised by a state institution of higher education;

821 (iii) teaching is done through live classroom instruction or telecommunications;

822 (iv) collaboration among institutions to provide opportunities for general education and  
823 high demand career and technical education concurrent enrollment courses to be offered  
824 statewide, including via technology;

825 (v) course content, procedures, and teaching materials in concurrent enrollment  
826 programs are approved by the appropriate department or program at an institution of higher  
827 education in order to ensure quality and comparability with courses offered on college and  
828 university campuses;

829 (vi) concurrent enrollment may not include high school courses that are typically  
830 offered in grades 9 or 10, except as provided under Subsection (3)(c); and

831 (vii) the provisions under Subsection (3)(b)(vi) do not apply to an early college high  
832 school; and

833 (c) college credits obtained under this section shall be accepted for transfer of credit

834 purposes as if they had been obtained at any public institution of higher education within the  
835 state system.

836 (4) College-level courses taught in the high school carry the same credit hour value as  
837 when taught on a college or university campus and apply toward graduation on the same basis  
838 as courses taught at an institution of higher education to which the credits are submitted.

839 (5) The State Board of Education shall provide students in the public schools with the  
840 option of accelerating their educational program and graduating at the conclusion of the  
841 eleventh grade.

842 (6) ~~(a)~~ The State Board of Education and State Board of Regents shall work in close  
843 cooperation in developing, implementing, and evaluating the program established under this  
844 section.

845 ~~[(b)(i) Each high school shall receive its proportional share of concurrent enrollment  
846 money appropriated or allocated pursuant to Section 53A-17a-120.5 based upon the hours of  
847 higher education course work undertaken by students at the school under Subsections (1)(b)  
848 and (1)(c) as compared to the state total.]~~

849 ~~[(ii) School districts shall contract with institutions of higher education to provide the  
850 higher education services required under this section.]~~

851 ~~[(iii)(A) Higher education tuition and fees may not be charged for participation in this  
852 program, except that each institution within the state's higher education system may charge a  
853 one-time per student per institution admissions application fee for concurrent enrollment  
854 course credit offered by the institution.]~~

855 ~~[(B) Payment of the fee under Subsection (6)(b)(iii)(A) satisfies the general admissions  
856 application fee requirement for a full-time or part-time student at an institution so that no  
857 additional admissions application fee may be charged by the institution.]~~

858 Section 16. Section **53A-17a-103** is amended to read:

859 **53A-17a-103. Definitions.**

860 As used in this chapter:

861 (1) "Basic state-supported school program" or "basic program" means public education  
862 programs for kindergarten, elementary, and secondary school students that are operated and  
863 maintained for the amount derived by multiplying the number of weighted pupil units for each  
864 school district or charter school by the value established each year in statute, except as

865 otherwise provided in this chapter.

866 (2) (a) "Certified revenue levy" means a property tax levy that provides an amount of  
867 ad valorem property tax revenue equal to the sum of:

868 (i) the amount of ad valorem property tax revenue to be generated statewide in the  
869 previous year from imposing a minimum basic tax rate, as specified in Subsection  
870 53A-17a-135(1)(a); and

871 (ii) the product of:

872 (A) new growth, as defined in:

873 (I) Section 59-2-924; and

874 (II) rules of the State Tax Commission; and

875 (B) the minimum basic tax rate certified by the State Tax Commission for the previous  
876 year.

877 (b) For purposes of this Subsection (2), "ad valorem property tax revenue" does not  
878 include property tax revenue received statewide from personal property that is:

879 (i) assessed by a county assessor in accordance with Title 59, Chapter 2, Part 3, County  
880 Assessment; and

881 (ii) semiconductor manufacturing equipment.

882 (c) For purposes of calculating the certified revenue levy described in this Subsection  
883 (2), the State Tax Commission shall use:

884 (i) the taxable value of real property assessed by a county assessor contained on the  
885 assessment roll;

886 (ii) the taxable value of real and personal property assessed by the State Tax  
887 Commission; and

888 (iii) the taxable year end value of personal property assessed by a county assessor  
889 contained on the prior year's assessment roll.

890 (3) "Leeway program" or "leeway" means a state-supported voted leeway program or  
891 board leeway program authorized under Section 53A-17a-133 or 53A-17a-134.

892 (4) "Pupil in average daily membership (ADM)" means a full-day equivalent pupil.

893 (5) (a) "State-supported minimum school program" or "Minimum School Program"  
894 means public school programs for kindergarten, elementary, and secondary schools as  
895 described in this Subsection (5).

896 (b) The minimum school program established in the districts shall include the  
897 equivalent of a school term of nine months as determined by the State Board of Education.

898 (c) (i) The board shall establish the number of days or equivalent instructional hours  
899 that school is held for an academic school year.

900 (ii) Education, enhanced by utilization of technologically enriched delivery systems,  
901 when approved by local school boards, shall receive full support by the State Board of  
902 Education as it pertains to fulfilling the attendance requirements, excluding time spent viewing  
903 commercial advertising.

904 (d) The Minimum School Program includes a program or allocation funded by a line  
905 item appropriation or other appropriation designated as follows:

- 906 (i) Basic School Program;
- 907 (ii) Related to Basic Programs;
- 908 (iii) Voted and Board Leeway Programs; or
- 909 (iv) Minimum School Program.

910 [~~(6) "Weighted pupil unit or units or WPU or WPU's" means the unit of measure of~~  
911 ~~factors that is computed in accordance with this chapter for the purpose of determining the~~  
912 ~~costs of a program on a uniform basis for each district.]~~

913 Section 17. Section **53A-17a-103.3** is enacted to read:

914 **53A-17a-103.3. Appropriation for school districts and charter schools.**

915 The Legislature shall appropriate state and local money for distribution to school  
916 districts and charter schools through the following programs:

917 (1) the basic state-supported school program described in Section 53A-17a-103.5;

918 (2) the voted and board leeway programs described in Sections 53A-17a-133 and  
919 53A-17a-134;

920 (3) the Capital Outlay Foundation Program and Capital Outlay Enrollment Growth  
921 Program described in Chapter 21, Public Education Capital Outlay Act;

922 (4) the charter school funding program described in Section 53A-1a-513 that provides  
923 money to charter schools to replace local property taxes; and

924 (5) the School LAND Trust Program described in Section 53A-16-101.5.

925 Section 18. Section **53A-17a-103.5** is enacted to read:

926 **53A-17a-103.5. Basic state-supported school program -- Distribution and use of**

927 **money.**

928 (1) For the purposes of this section:

929 (a) a large school district has an enrollment of greater than 5,000 students;

930 (b) a medium school district has an enrollment of 1,400 to 5,000 students; and

931 (c) a small school district has an enrollment of less than 1,400 students.

932 (2) State and local money appropriated for the basic state-supported school program

933 shall be distributed to school districts and charter schools based on enrollment in the groups

934 listed in Subsection (3) multiplied by the per pupil allocation for the group.

935 (3) Student enrollment shall be determined within the following groups:

936 (a) group one - students enrolled in kindergarten through grade eight in a large school

937 district, excluding students with a disability;

938 (b) group two - students enrolled in grade 9 through grade 12 in a large school district,

939 excluding students with a disability;

940 (c) group three - students enrolled in kindergarten through grade eight in a medium

941 school district, excluding students with a disability;

942 (d) group four - students enrolled in grade 9 through grade 12 in a medium school

943 district, excluding students with a disability;

944 (e) group five - students enrolled in kindergarten through grade eight in a small school

945 district, excluding a student with a disability;

946 (f) group six - students enrolled in grade 9 through grade 12 in a small school district,

947 excluding a student with a disability;

948 (g) group seven - students enrolled in kindergarten through grade eight in a charter

949 school, excluding a student with a disability;

950 (h) group eight - students enrolled in grade 9 through grade 12 in a charter school,

951 excluding a student with a disability; and

952 (i) group nine - students with a disability who are enrolled in preschool through grade

953 12 in a school district or charter school.

954 (4) Subject to Subsection (5), the Legislature shall annually establish in statute the per

955 pupil allocation for each enrollment group.

956 (5) (a) The per pupil allocation for group two shall be 1.1 times the per pupil allocation

957 for group one.

958 (b) The per pupil allocation for group three shall be 1.2 times the per pupil allocation  
959 for group one.

960 (c) The per pupil allocation for group four shall be 1.25 times the per pupil allocation  
961 for group one.

962 (d) The per pupil allocation for group five shall be 1.9 times the per pupil allocation for  
963 group one.

964 (e) The per pupil allocation for group six shall be 1.9 times the per pupil allocation for  
965 group one.

966 (f) The per pupil allocation for group seven shall be 1.44 times the per pupil allocation  
967 for group one.

968 (g) The per pupil allocation for group eight shall be 1.49 times the per pupil allocation  
969 for group one.

970 (h) The per pupil allocation for group nine shall be 1.9 times the per pupil allocation  
971 for group one.

972 (6) (a) Money distributed to a school district or charter school through the basic  
973 state-supported school program may be used for operations, capital outlay, or debt service.

974 (b) Money distributed based on the enrollment of students with a disability may be  
975 used only for the education of students with a disability.

976 Section 19. Section **53A-17a-103.7** is enacted to read:

977 **53A-17a-103.7. Determination of enrollment.**

978 (1) Subject to Subsection (2), for the purposes of distributing money to a school district  
979 or charter school through the basic state-supported school program, enrollment is determined  
980 by:

981 (a) adding the average daily membership of students in each of the enrollment groups  
982 described in Section 53A-17a-103.5 in the prior school year; and

983 (b) adjusting the amount calculated under Subsection (1)(a) by the percentage change  
984 in the enrollment of students in an enrollment group from October 1 of the prior school year to  
985 October 1 of the current school year.

986 (2) The enrollment of students in group nine may not exceed 12.18% of a school  
987 district's or charter school's total enrollment.

988 Section 20. Section **53A-17a-103.9** is enacted to read:



989 **53A-17a-103.9. Mitigation of revenue impacts of funding formula changes.**

990 (1) As used in this section, "revenue increment" means an amount equal to:

991 (a) the amount of money that would have been distributed to a school district or charter  
992 school in fiscal year 2010-11 had the money been distributed in accordance with Section  
993 53A-17a-103.3; minus

994 (b) the actual amount of money distributed to a school district or charter school through  
995 the Minimum School Program and school building programs in fiscal year 2010-11.

996 (2) (a) If a school district or charter school has a positive revenue increment, the State  
997 Board of Education may reduce the school district's or charter school's allocation of funds  
998 under the basic state-supported school program and reallocate the funds to school districts and  
999 charter schools that have a negative revenue increment.

1000 (b) The State Board of Education may reduce a school district's or charter school's  
1001 allocation of funds pursuant to Subsection (2)(a) in an amount equal to:

1002 (i) for fiscal year 2011-12, 3% of the revenue increment;

1003 (ii) for fiscal year 2012-13, 2% of the revenue increment; and

1004 (iii) for fiscal year 2013-14, 1% of the revenue increment.

1005 (c) The State Board of Education shall reallocate funds to school districts and charter  
1006 schools that have a negative revenue increment in accordance with a formula established in  
1007 rule that distributes the money in a fair and equitable manner.

1008 Section 21. Section **53A-17a-105** is amended to read:

1009 **53A-17a-105. Powers and duties of State Board of Education to adjust Minimum**  
1010 **School Program allocations.**

1011 (1) Except as provided in Subsection (2) or (4), if the number of [~~weighted pupil units~~]  
1012 students in a program within the basic state-supported school program is underestimated, the  
1013 State Board of Education shall reduce the [~~value of the weighted pupil unit~~] per pupil  
1014 allocation in that program so that the total amount paid for the program does not exceed the  
1015 amount appropriated for the program.

1016 (2) If the number of [~~weighted pupil units~~] students in a program within the basic  
1017 state-supported school program is overestimated, the State Board of Education shall spend  
1018 excess monies appropriated for the following purposes giving priority to the purpose described  
1019 in Subsection (2)(a):

1020 (a) to support the ~~[value of the weighted pupil unit]~~ per pupil allocation in a program  
1021 within the basic state-supported school program in which the number of ~~[weighted pupil units]~~  
1022 students is underestimated;

1023 (b) to support the state guarantee per ~~[weighted]~~ pupil ~~[unit]~~ provided under the voted  
1024 leeway program established in Section 53A-17a-133 or the board-approved leeway program  
1025 established in Section 53A-17a-134, if:

1026 (i) local contributions to the voted leeway program or board-approved leeway program  
1027 are overestimated; or

1028 (ii) the number of ~~[weighted pupil units]~~ students within school districts qualifying for  
1029 a guarantee is underestimated;

1030 (c) to support the state supplement to local property taxes allocated to charter schools,  
1031 if the state supplement is less than the amount prescribed by Subsection 53A-1a-513(4)~~]; or~~

1032 ~~[(d) for charter school administrative costs, if the appropriation for charter school~~  
1033 ~~administrative costs is insufficient to provide the amount per student prescribed in Subsection~~  
1034 ~~53A-17a-108(2)(a); or]~~

1035 ~~[(e)]~~ (d) to support a school district with a loss in student enrollment as provided in  
1036 Section 53A-17a-139.

1037 (3) If local contributions from the minimum basic tax rate imposed under Section  
1038 53A-17a-135 are overestimated, the State Board of Education shall reduce the ~~[value of the~~  
1039 ~~weighted pupil unit]~~ per pupil allocation for all programs within the basic state-supported  
1040 school program so the total state contribution to the basic state-supported school program does  
1041 not exceed the amount of state funds appropriated.

1042 (4) If local contributions from the minimum basic tax rate imposed under Section  
1043 53A-17a-135 are underestimated, the State Board of Education shall:

1044 (a) spend the excess local contributions for the purposes specified in Subsection (2),  
1045 giving priority to supporting the ~~[value of the weighted pupil unit]~~ per pupil allocation in  
1046 programs within the basic state-supported school program in which the number of ~~[weighted~~  
1047 ~~pupil units]~~ students is underestimated; and

1048 (b) reduce the state contribution to the basic state-supported school program so the  
1049 total cost of the basic state-supported school program does not exceed the total state and local  
1050 funds appropriated to the basic state-supported school program plus the local contributions

1051 necessary to support the ~~[value of the weighted pupil unit]~~ per pupil allocation in programs  
 1052 within the basic state-supported school program in which the number of ~~[weighted pupil units]~~  
 1053 students is underestimated.

1054 (5) Except as provided in Subsection (2) or (4), the State Board of Education shall  
 1055 reduce the guarantee per ~~[weighted]~~ pupil ~~[unit]~~ provided under the voted leeway program  
 1056 established in Section 53A-17a-133 or board-approved leeway program established in Section  
 1057 53A-17a-134, if:

1058 (a) local contributions to the voted leeway program or board-approved leeway program  
 1059 are overestimated; or

1060 (b) the number of ~~[weighted pupil units]~~ students within school districts qualifying for  
 1061 a guarantee is underestimated.

1062 (6) Monies appropriated to the State Board of Education are nonlapsing.

1063 (7) The State Board of Education shall report actions taken by the board under this  
 1064 section to the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning  
 1065 and Budget.

1066 Section 22. Section **53A-17a-125** is amended to read:

1067 **53A-17a-125. Retirement contribution.**

1068 (1) The employee's retirement contribution shall be 1% for employees who are under  
 1069 the state's contributory retirement program.

1070 (2) The employer's contribution under the state's contributory retirement program is  
 1071 determined under Section 49-12-301, subject to the 1% contribution under Subsection (1).

1072 (3) ~~[(a)]~~ The employer-employee contribution rate for employees who are under the  
 1073 state's noncontributory retirement program is determined under Section 49-13-301.

1074 ~~[(b) The same contribution rate used under Subsection (3)(a) shall be used to calculate~~  
 1075 ~~the appropriation for charter schools described under Subsection (5).]~~

1076 ~~[(4) (a) Money appropriated to the State Board of Education for retirement and Social~~  
 1077 ~~Security money shall be allocated to school districts and charter schools based on a district's or~~  
 1078 ~~charter school's total weighted pupil units compared to the total weighted pupil units for all~~  
 1079 ~~districts in the state.]~~

1080 ~~[(b) Subject to budget constraints, money needed to support retirement and Social~~  
 1081 ~~Security shall be determined by taking the district's prior year allocation and adjusting it for:]~~

1082           ~~[(i) student growth;]~~  
 1083           ~~[(ii) the percentage increase in the value of the weighted pupil unit; and]~~  
 1084           ~~[(iii) the effect of any change in the rates for retirement, Social Security, or both.]~~  
 1085           ~~[(5) A charter school that has made an election of nonparticipation in the Utah State~~  
 1086 ~~Retirement Systems in accordance with Section 53A-1a-512 and Title 49, Utah State~~  
 1087 ~~Retirement and Insurance Benefit Act, shall use the funds described under this section for~~  
 1088 ~~retirement to provide its own compensation, benefit, and retirement programs.]~~

1089           Section 23. Section **53A-17a-133** is amended to read:

1090           **53A-17a-133. State-supported voted leeway program authorized -- Election**  
 1091 **requirements -- State guarantee -- Reconsideration of the program.**

1092           (1) An election to consider adoption or modification of a voted leeway program is  
 1093 required if initiative petitions signed by 10% of the number of electors who voted at the last  
 1094 preceding general election are presented to the local school board or by action of the board.

1095           (2) (a) (i) To establish a voted leeway program, a majority of the electors of a district  
 1096 voting at an election in the manner set forth in Section 53A-16-110 must vote in favor of a  
 1097 special tax.

1098           (ii) The tax rate may not exceed .002 per dollar of taxable value.

1099           (b) The district may maintain a school program which exceeds the cost of the program  
 1100 referred to in Section 53A-17a-145 with this voted leeway.

1101           (c) In order to receive state support the first year, a district must receive voter approval  
 1102 no later than December 1 of the year prior to implementation.

1103           (3) (a) Under the voted leeway program, the state shall contribute an amount sufficient  
 1104 to guarantee \$25.25 per weighted pupil unit for each .0001 of the first .0016 per dollar of  
 1105 taxable value.

1106           (b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar  
 1107 of taxable value under Subsection (3)(a) shall apply to the board-approved leeway authorized  
 1108 in Section 53A-17a-134, so that the guarantee shall apply up to a total of .002 per dollar of  
 1109 taxable value if a school district levies a tax rate under both programs.

1110           (c) Beginning July 1, 2011, the \$25.25 guarantee under Subsections (3)(a) and (b) shall  
 1111 be indexed each year to the value of the weighted pupil unit by making the value of the  
 1112 guarantee equal to ~~to .010544 times the value of the prior year's weighted pupil unit~~ .007394

1113 times the per pupil allocation for enrollment group one as established in statute for the current  
1114 fiscal year.

1115 (d) (i) The amount of state guarantee money to which a school district would otherwise  
1116 be entitled to under this Subsection (3) may not be reduced for the sole reason that the district's  
1117 levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924  
1118 pursuant to changes in property valuation.

1119 (ii) Subsection (3)(d)(i) applies for a period of five years following any such change in  
1120 the certified tax rate.

1121 (e) The guarantee provided under this section does not apply to the portion of a voted  
1122 leeway rate that exceeds the voted leeway rate that was in effect for the previous fiscal year,  
1123 unless an increase in the voted leeway rate was authorized in an election conducted on or after  
1124 July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

1125 (4) (a) An election to modify an existing voted leeway program is not a reconsideration  
1126 of the existing program unless the proposition submitted to the electors expressly so states.

1127 (b) A majority vote opposing a modification does not deprive the district of authority to  
1128 continue an existing program.

1129 (c) If adoption of a leeway program is contingent upon an offset reducing other local  
1130 school board levies, the board must allow the electors, in an election, to consider modifying or  
1131 discontinuing the program prior to a subsequent increase in other levies that would increase the  
1132 total local school board levy.

1133 (d) Nothing contained in this section terminates, without an election, the authority of a  
1134 school district to continue an existing voted leeway program previously authorized by the  
1135 voters.

1136 (5) Notwithstanding Section 59-2-919, a school district may budget an increased  
1137 amount of ad valorem property tax revenue derived from a voted leeway imposed under this  
1138 section in addition to revenue from new growth as defined in Subsection 59-2-924(4), without  
1139 having to comply with the notice requirements of Section 59-2-919, if:

1140 (a) the voted leeway is approved:

1141 (i) in accordance with Section 53A-16-110 on or after January 1, 2003; and

1142 (ii) within the four-year period immediately preceding the year in which the school  
1143 district seeks to budget an increased amount of ad valorem property tax revenue derived from

1144 the voted leeway; and

1145 (b) for a voted leeway approved or modified in accordance with this section on or after  
1146 January 1, 2009, the school district complies with the requirements of Subsection (7).

1147 (6) Notwithstanding Section 59-2-919, a school district may levy a tax rate under this  
1148 section that exceeds the certified tax rate without having to comply with the notice  
1149 requirements of Section 59-2-919 if:

1150 (a) the levy exceeds the certified tax rate as the result of a school district budgeting an  
1151 increased amount of ad valorem property tax revenue derived from a voted leeway imposed  
1152 under this section;

1153 (b) the voted leeway was approved:

1154 (i) in accordance with Section 53A-16-110 on or after January 1, 2003; and

1155 (ii) within the four-year period immediately preceding the year in which the school  
1156 district seeks to budget an increased amount of ad valorem property tax revenue derived from  
1157 the voted leeway; and

1158 (c) for a voted leeway approved or modified in accordance with this section on or after  
1159 January 1, 2009, the school district complies with requirements of Subsection (7).

1160 (7) For purposes of Subsection (5)(b) or (6)(c), the proposition submitted to the  
1161 electors regarding the adoption or modification of a voted leeway program shall contain the  
1162 following statement:

1163 "A vote in favor of this tax means that (name of the school district) may increase  
1164 revenue from this property tax without advertising the increase for the next five years."

1165 Section 24. Section **53A-17a-139** is amended to read:

1166 **53A-17a-139. Loss in student enrollment -- Board action.**

1167 To avoid penalizing a school district financially for an excessive loss in student  
1168 enrollment due to factors beyond its control, the State Board of Education may allow a  
1169 percentage increase in [~~units~~] enrollment otherwise allowable during any year when a district's  
1170 average daily membership drops more than 4% below the average for the highest two of the  
1171 preceding three years in the district.

1172 Section 25. Section **53A-17a-146** is amended to read:

1173 **53A-17a-146. Reduction of district allocation based on insufficient revenues.**

1174 (1) As used in this section, "Minimum School Program funds" means the total of state

1175 and local funds appropriated for the Minimum School Program, excluding:

1176 (a) the state-supported voter leeway pursuant to Section 53A-17a-133;

1177 (b) the state-supported board leeway pursuant to Section 53A-17a-134; and

1178 (c) the appropriation to charter schools to replace local property tax revenues pursuant  
1179 to Section 53A-1a-513.

1180 (2) If the Legislature reduces appropriations made to support public schools under Title  
1181 53A, Chapter 17a, Minimum School Program Act, because an Education Fund budget deficit,  
1182 as defined in Section 63J-1-312, exists, the State Board of Education, after consultation with  
1183 each school district and charter school, shall allocate the reduction among school districts and  
1184 charter schools in proportion to each school district's or charter school's percentage share of  
1185 Minimum School Program funds.

1186 (3) Except as provided in Subsection (5), a school district or charter school shall  
1187 determine which programs are affected by a reduction pursuant to Subsection (2) and the  
1188 amount each program is reduced.

1189 (4) Except as provided in Subsections (5) and (6), the requirement to spend a specified  
1190 amount in any particular program is waived if reductions are made pursuant to Subsection (2).

1191 (5) A school district or charter school may not reduce or reallocate spending of funds  
1192 distributed to the school district or charter school for the following programs:

1193 [~~(a) educator salary adjustments provided in Section 53A-17a-153;~~]

1194 [~~(b) the Teacher Salary Supplement Program provided in Section 53A-17a-156;~~]

1195 [~~(c) the extended year for special educators provided in Section 53A-17a-158;~~]

1196 [~~(d) USTAR centers provided in Section 53A-17a-159;~~]

1197 [~~(e)~~] (a) the School LAND Trust Program created in Section 53A-16-101.5; or

1198 [~~(f)~~] (b) a special education program within the Basic [School] Program.

1199 (6) A school district or charter school may not reallocate spending of funds distributed  
1200 to the school district or charter school to a reserve account.

1201 Section 26. Section **53A-17a-151** is amended to read:

1202 **53A-17a-151. Board leeway for reading improvement.**

1203 (1) Each local school board may levy a tax rate of up to .000121 per dollar of taxable  
1204 value for funding [~~the school district's K-3 Reading Improvement Program created under~~  
1205 ~~Section 53A-17a-150~~] reading programs for students in kindergarten through grade three.

- 1206 (2) The levy authorized under this section:
- 1207 (a) is in addition to any other levy or maximum rate;
- 1208 (b) does not require voter approval; and
- 1209 (c) may be modified or terminated by a majority vote of the board.
- 1210 (3) A local school board shall establish its board-approved levy under this section by
- 1211 June 1 to have the levy apply to the fiscal year beginning July 1 in that same calendar year.

Section 27. Section **53A-25b-402** is amended to read:

**53A-25b-402. Annual salary adjustments for educators.**

1214 (1) Subject to future budget constraints, the Legislature shall annually appropriate  
1215 money to the board for the salary adjustments described in this section, including step and lane  
1216 changes.

1217 (2) The board shall include in its annual budget request for the Utah Schools for the  
1218 Deaf and the Blind an amount of money sufficient to adjust educators' salaries as described in  
1219 Subsection (3) and fund step and lane changes.

1220 (3) ~~(a)~~ The board shall determine the salary adjustment specified in Subsection (2)  
1221 by:

1222 ~~(i)~~ (a) calculating a weighted average salary adjustment for nonadministrative  
1223 licensed staff adopted by the school districts of the state, with the average weighted by the  
1224 number of teachers in each school district; and

1225 ~~(ii)~~ (b) increasing the weighted average salary adjustment by 10% in any year in  
1226 which teachers of the Utah Schools for the Deaf and the Blind are not ranked in the top 10 in  
1227 20-year earnings when compared to earnings of teachers in the school districts of the state.

1228 ~~(b) In calculating a weighted average salary adjustment for nonadministrative licensed~~  
1229 ~~staff adopted by the school districts of the state under Subsection (3)(a), the board shall exclude~~  
1230 ~~educator salary adjustments provided pursuant to Section 53A-17a-153.]~~

1231 (4) From money appropriated to the board for salary adjustments, the board shall adjust  
1232 the salary schedule applicable to educators at the school each year.

Section 28. Section **59-10-1011** is amended to read:

**59-10-1011. Tutoring tax credits for disabled dependents.**

1235 (1) For purposes of this section:

1236 (a) "Disabled dependent" means a person who:



1237 (i) is disabled under Section 53A-15-301;  
 1238 (ii) attends a public or private kindergarten, elementary, or secondary school; and  
 1239 (iii) is eligible to receive disability program money [~~under Section 53A-17a-111~~  
 1240 pursuant to rules adopted by the State Board of Education under Section 53A-15-301.

1241 (b) (i) "Tutoring" means educational services:  
 1242 (A) approved by an individual education plan team;  
 1243 (B) provided to a disabled dependent; and  
 1244 (C) that supplement classroom instruction the disabled dependent described in  
 1245 Subsection (1)(b)(i)(B) receives at a public or private kindergarten, elementary, or secondary  
 1246 school in the state.

1247 (ii) "Tutoring" does not include:  
 1248 (A) purchases of instructional books and material; or  
 1249 (B) payments for attendance at extracurricular activities including sporting events,  
 1250 musical or dramatic events, speech activities, or driver education.

1251 (2) (a) Except as provided in Subsection (2)(b), for taxable years beginning on or after  
 1252 January 1, 1996, but beginning on or before December 31, 2009, a claimant allowed to claim a  
 1253 disabled dependent as a dependent under this section may claim for each disabled dependent a  
 1254 nonrefundable tutoring tax credit in an amount equal to 25% of the costs paid by the claimant  
 1255 for tutoring the disabled dependent.

1256 (b) The tutoring tax credit under Subsection (2)(a) may not exceed \$100.

1257 (3) The tutoring tax credit under Subsection (2) may be claimed by a claimant only in  
 1258 the taxable year in which the claimant pays the tutoring costs for which the tax credit is  
 1259 claimed.

1260 Section 29. Section **63I-1-253** is amended to read:

1261 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

1262 The following provisions are repealed on the following dates:

1263 (1) Section 53-3-232, Conditional licenses, is repealed July 1, 2015.

1264 [~~(2) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is~~  
 1265 ~~repealed July 1, 2020.~~]

1266 [~~(3) Title 53A, Chapter 1a, Part 9, Voluntary Extended-day Kindergarten Program, is~~  
 1267 ~~repealed July 1, 2011.~~]

- 1268            [~~(4)~~] (2) Section 53A-2-118.3 is repealed December 31, 2016.
- 1269            [~~(5)~~] (3) The State Instructional Materials Commission, created in Section 53A-14-101,  
1270 is repealed July 1, 2011.
- 1271            [~~(6)~~] (4) Subsections 53A-16-107(3) and (4) are repealed December 31, 2016.
- 1272            [~~(7)~~] (5) Section 53A-16-107.1 is repealed December 31, 2016.
- 1273            [~~(8)~~] ~~Section 53A-17a-163, Performance-based Compensation Pilot Program is repealed~~  
1274 ~~July 1, 2011.]~~
- 1275            [~~(9)~~] (6) Subsection 53C-3-203(5), which provides for the distribution of money from  
1276 the Land Exchange Distribution Account to the Geological Survey for test wells, other  
1277 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.
- 1278            Section 30. Section **63I-2-253** is amended to read:
- 1279            **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**
- 1280            (1) Section 53A-1-403.5 is repealed July 1, 2012.
- 1281            (2) Subsection 53A-1-603(5) is repealed July 1, 2015.
- 1282            (3) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.
- 1283            (4) Subsection 53A-13-110(4) is repealed July 1, 2013.
- 1284            [~~(5)~~] ~~Section 53A-17a-152 is repealed July 1, 2010.]~~
- 1285            [~~(6)~~] ~~Section 53A-17a-162 is repealed July 1, 2012.]~~
- 1286            Section 31. Section **63J-1-602.3** is amended to read:
- 1287            **63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.**
- 1288            (1) Certain funds associated with the Law Enforcement Operations Account, as  
1289 provided in Section 51-9-411.
- 1290            (2) The Public Safety Honoring Heroes Restricted Account created in Section  
1291 53-1-118.
- 1292            (3) Funding for the Search and Rescue Financial Assistance Program, as provided in  
1293 Section 53-2-107.
- 1294            (4) Appropriations made to the Department of Public Safety from the Department of  
1295 Public Safety Restricted Account, as provided in Section 53-3-106.
- 1296            (5) Appropriations to the Motorcycle Rider Education Program, as provided in Section  
1297 53-3-905.
- 1298            (6) The DNA Specimen Restricted Account created in Section 53-10-407.

- 1299 (7) Appropriations to the State Board of Education, as provided in Section  
1300 53A-17a-105.
- 1301 [~~(8)~~] ~~Certain funds appropriated from the Uniform School Fund to the State Board of~~  
1302 ~~Education for new teacher bonus and performance-based compensation plans, as provided in~~  
1303 ~~Section 53A-17a-148.]~~
- 1304 [~~(9)~~] ~~Certain funds appropriated from the Uniform School Fund to the State Board of~~  
1305 ~~Education for implementation of proposals to improve mathematics achievement test scores, as~~  
1306 ~~provided in Section 53A-17a-152.]~~
- 1307 [~~(10)~~] (8) The School Building Revolving Account created in Section 53A-21-401.
- 1308 [~~(11)~~] (9) Money received by the State Office of Rehabilitation for the sale of certain  
1309 products or services, as provided in Section 53A-24-105.
- 1310 [~~(12)~~] (10) The State Board of Regents, as provided in Section 53B-6-104.
- 1311 [~~(13)~~] (11) Certain funds appropriated from the General Fund to the State Board of  
1312 Regents for teacher preparation programs, as provided in Section 53B-6-104.
- 1313 [~~(14)~~] (12) A certain portion of money collected for administrative costs under the  
1314 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 1315 [~~(15)~~] (13) Certain surcharges on residence and business telecommunications access  
1316 lines imposed by the Public Service Commission, as provided in Section 54-8b-10.
- 1317 [~~(16)~~] (14) Certain fines collected by the Division of Occupational and Professional  
1318 Licensing for violation of unlawful or unprofessional conduct that are used for education and  
1319 enforcement purposes, as provided in Section 58-17b-505.
- 1320 [~~(17)~~] (15) The Nurse Education and Enforcement Account created in Section  
1321 58-31b-103.
- 1322 [~~(18)~~] (16) The Certified Nurse Midwife Education and Enforcement Account created  
1323 in Section 58-44a-103.
- 1324 [~~(19)~~] (17) Certain fines collected by the Division of Occupational and Professional  
1325 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as  
1326 provided in Section 58-63-103.
- 1327 [~~(20)~~] (18) The Professional Geologist Education and Enforcement Account created in  
1328 Section 58-76-103.
- 1329 [~~(21)~~] (19) Certain money in the Water Resources Conservation and Development

- 1330 Fund, as provided in Section 59-12-103.
- 1331 Section 32. **Repealer.**
- 1332 This bill repeals:
- 1333 Section **53A-1a-601, Job enhancements for mathematics, science, technology, and**
- 1334 **special education training.**
- 1335 Section **53A-1a-602, Job Enhancement Committee -- Composition -- Duties --**
- 1336 **Appropriation.**
- 1337 Section **53A-6-701, Scholarships for teachers to obtain endorsements or master's**
- 1338 **degrees -- Conditions.**
- 1339 Section **53A-6-801, Definition.**
- 1340 Section **53A-6-802, Paraeducator to Teacher Scholarship Program.**
- 1341 Section **53A-15-405, Salaries -- Costs.**
- 1342 Section **53A-15-601, Appropriation for program -- Program requirements --**
- 1343 **Distribution of funds to school districts.**
- 1344 Section **53A-15-701, Highly impacted schools.**
- 1345 Section **53A-17a-105.5, Flexibility in the use of program funds.**
- 1346 Section **53A-17a-106, Determination of weighted pupil units.**
- 1347 Section **53A-17a-107, Professional staff weighted pupil units.**
- 1348 Section **53A-17a-108, Weighted pupil units for small school district administrative**
- 1349 **costs -- Appropriation for charter school administrative costs.**
- 1350 Section **53A-17a-109, Necessarily existent small schools -- Computing additional**
- 1351 **weighted pupil units -- Consolidation of small schools.**
- 1352 Section **53A-17a-111, Weighted pupil units for programs for students with**
- 1353 **disabilities -- District allocation.**
- 1354 Section **53A-17a-111.5, Districts to provide class space for deaf and blind**
- 1355 **programs.**
- 1356 Section **53A-17a-112, Preschool special education appropriation -- Extended year**
- 1357 **program appropriation -- Appropriation for special education programs in state**
- 1358 **institutions.**
- 1359 Section **53A-17a-113, Weighted pupil units for career and technical education**
- 1360 **programs -- Funding of approved programs -- Performance measures -- Qualifying**

- 1361 **criteria.**
- 1362       Section 53A-17a-114, Career and technical education program alternatives.
- 1363       Section 53A-17a-116, Weighted pupil units for career and technical education
- 1364 **set-aside programs.**
- 1365       Section 53A-17a-119, Appropriation for adult education programs.
- 1366       Section 53A-17a-120, Appropriation for accelerated learning programs.
- 1367       Section 53A-17a-121, Appropriation for at-risk programs.
- 1368       Section 53A-17a-123, Local Discretionary Block Grant Program -- State
- 1369 **contribution.**
- 1370       Section 53A-17a-124, Quality Teaching Block Grant Program -- State
- 1371 **contributions.**
- 1372       Section 53A-17a-124.5, Appropriation for class size reduction.
- 1373       Section 53A-17a-126, State support of pupil transportation.
- 1374       Section 53A-17a-127, Eligibility for state-supported transportation -- Approved
- 1375 **bus routes -- Additional local tax.**
- 1376       Section 53A-17a-131.9, Agencies coming together for children and youth at risk.
- 1377       Section 53A-17a-131.15, State contribution for the Electronic High School.
- 1378       Section 53A-17a-131.16, State contribution for school district hold harmless
- 1379 **program.**
- 1380       Section 53A-17a-137, Classified employees' compensation.
- 1381       Section 53A-17a-138, Increases in value of weighted pupil unit.
- 1382       Section 53A-17a-140, Contracts with teachers.
- 1383       Section 53A-17a-141, Alternative programs.
- 1384       Section 53A-17a-143, District tax rate -- Increase of local property tax rate --
- 1385 **Termination.**
- 1386       Section 53A-17a-147, Use of funds for approved programs -- Assessment of funded
- 1387 **programs.**
- 1388       Section 53A-17a-148, Use of nonlapsing balances.
- 1389       Section 53A-17a-150, K-3 Reading Improvement Program.
- 1390       Section 53A-17a-153, Educator salary adjustments.
- 1391       Section 53A-17a-154, Appropriation for school nurses.

- 1392           Section **53A-17a-155, Appropriation for library books and electronic resources.**
- 1393           Section **53A-17a-156, Teacher Salary Supplement Program.**
- 1394           Section **53A-17a-157, Teacher Salary Supplement Restricted Account.**
- 1395           Section **53A-17a-158, Stipends for special educators for additional days of work.**
- 1396           Section **53A-17a-159, Utah Science Technology and Research Initiative Centers**
- 1397           **Program.**
- 1398           Section **53A-17a-160, High-ability Student Initiative Program.**
- 1399           Section **53A-17a-161, English Language Learner Family Literacy Centers**
- 1400           **Program -- Report.**
- 1401           Section **53A-17a-162, Beverley Taylor Sorenson Elementary Arts Learning**
- 1402           **Program.**
- 1403           Section **53A-17a-163, Performance-based Compensation Pilot Program.**
- 1404           Section 33. **Effective date.**
- 1405           This bill takes effect on July 1, 2011.

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**Legislative Review Note**  
**as of 2-17-11 9:33 AM**

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 123

SHORT TITLE: K-12 Education Amendments

SPONSOR: **Sumsion, K.**

2011 GENERAL SESSION, STATE OF UTAH

## STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

## LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Local education agencies may experience an increase or decrease in Minimum School Program allocations based on the per pupil distribution formula outlined in this bill compared to the current Weighted Pupil Unit distribution formulas. The bill provides for three-year mitigation formula to minimize the impact on LEAs that receive less funding under the new distribution program.

## DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.