

PUBLIC EDUCATION PROGRAM AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Merlynn T. Newbold

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill eliminates public education programs and requirements.

Highlighted Provisions:

This bill:

- ▶ eliminates the requirement to take a course in financial literacy to graduate from high school;
- ▶ eliminates a program to provide scholarships to teachers in necessarily existent small schools to pay for education expenses related to obtaining an endorsement or master's degree;
- ▶ eliminates a requirement to assign a mentor to a provisional educator;
- ▶ eliminates a requirement that the State Board of Education make rules on the distribution and care of textbooks;
- ▶ eliminates provisions on career ladders;
- ▶ eliminates a requirement pertaining to the allocation of weighted pupil unit (WPU) funds between licensed and classified school district employees;
- ▶ eliminates legislative intent language regarding the percentage increase in the value of the WPU;
- ▶ eliminates provisions on the use of Minimum School Program nonlapsing balances;
- ▶ eliminates the following funding programs within the Minimum School Program:
 - the Local Discretionary Block Grant Program;



- 28 • the Quality Teaching Block Grant Program;
- 29 • the retirement and Social Security program;
- 30 • funding for the Families, Agencies, and Communities Together for Children and
- 31 Youth (FACT) program; and
- 32 • a 2001 school district hold harmless program; and
- 33 ▶ makes technical amendments.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 This bill takes effect on July 1, 2012.

38 **Utah Code Sections Affected:**

39 **AMENDS:**

40 **53A-2-206 (Effective 07/01/12)**, as last amended by Laws of Utah 2011, Chapter 371

41 **53A-13-108**, as last amended by Laws of Utah 2004, Chapter 19

42 **53A-17a-126**, as last amended by Laws of Utah 2010, Chapter 3

43 **63J-1-602.3**, as last amended by Laws of Utah 2011, Chapters 30, 284, 294, 303, and

44 329

45 **REPEALS:**

46 **53A-6-701**, as enacted by Laws of Utah 2002, Chapter 253

47 **53A-6-702**, as enacted by Laws of Utah 2002, Chapter 253

48 **53A-9-101**, as enacted by Laws of Utah 1988, Chapter 2

49 **53A-9-102**, as last amended by Laws of Utah 2002, Chapter 301

50 **53A-9-103**, as last amended by Laws of Utah 2011, Chapters 366 and 434

51 **53A-9-104**, as last amended by Laws of Utah 2011, Chapter 434

52 **53A-10-108**, as last amended by Laws of Utah 2009, Chapter 287

53 **53A-12-203**, as enacted by Laws of Utah 1988, Chapter 2

54 **53A-17a-123**, as last amended by Laws of Utah 2010, Chapter 3

55 **53A-17a-124**, as last amended by Laws of Utah 2010, Chapter 3

56 **53A-17a-125**, as last amended by Laws of Utah 2010, Chapter 3

57 **53A-17a-131.9**, as last amended by Laws of Utah 2008, Chapter 382

58 **53A-17a-131.16**, as last amended by Laws of Utah 2008, Chapter 250

- 59 **53A-17a-137**, as last amended by Laws of Utah 2000, Chapter 264
- 60 **53A-17a-138**, as enacted by Laws of Utah 1991, Chapter 72
- 61 **53A-17a-148**, as last amended by Laws of Utah 2009, Chapters 4 and 391

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

64 Section 1. Section **53A-2-206 (Effective 07/01/12)** is amended to read:

65 **53A-2-206 (Effective 07/01/12). Interstate compact students -- Inclusion in**
66 **attendance count -- Funding for foreign exchange students -- Annual report --**
67 **Requirements for exchange student agencies.**

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

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

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

77 (2) (a) A school district or charter school may include foreign exchange students in the
78 district's or school's membership and attendance count for the purpose of apportionment of
79 state money, except as provided in Subsections (2)(b) through [~~(c)~~] (d).

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

83 (ii) Subject to the limitation in Subsection (2)(c), the number of weighted pupil units in
84 the grades 1-12 basic program attributed to foreign exchange students shall be equal to the
85 number of foreign exchange students who were:

86 (A) enrolled in a school district or charter school on October 1 of the previous fiscal
87 year; and

88 (B) sponsored by an agency approved by the district's local school board or charter
89 school's governing board.

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

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

94 (B) 328 foreign exchange students.

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

99 (d) Notwithstanding Sections 53A-17a-133 and 53A-17a-164, weighted pupil units in
100 the grades 1 through 12 basic program for foreign exchange students, as determined by
101 Subsections (2)(b) and (c), may not be included for the purposes of determining a school
102 district's state guarantee money under the voted or board local levies.

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

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

107 (a) enroll foreign exchange students that do not qualify for state money; and

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

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

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

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

- 121 (b) The affidavit shall include the following assurances:
- 122 (i) that the agency has complied with all applicable policies of the board;
- 123 (ii) that a household study, including a background check of all adult residents, has
124 been made of each household where an exchange student is to reside, and that the study was of
125 sufficient scope to provide reasonable assurance that the exchange student will receive proper
126 care and supervision in a safe environment;
- 127 (iii) that host parents have received training appropriate to their positions, including
128 information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who
129 are in a position of special trust;
- 130 (iv) that a representative of the exchange student agency shall visit each student's place
131 of residence at least once each month during the student's stay in Utah;
- 132 (v) that the agency will cooperate with school and other public authorities to ensure
133 that no exchange student becomes an unreasonable burden upon the public schools or other
134 public agencies;
- 135 (vi) that each exchange student will be given in the exchange student's native language
136 names and telephone numbers of agency representatives and others who could be called at any
137 time if a serious problem occurs; and
- 138 (vii) that alternate placements are readily available so that no student is required to
139 remain in a household if conditions appear to exist which unreasonably endanger the student's
140 welfare.
- 141 (7) (a) A local school board or charter school governing board shall provide each
142 approved exchange student agency with a list of names and telephone numbers of individuals
143 not associated with the agency who could be called by an exchange student in the event of a
144 serious problem.
- 145 (b) The agency shall make a copy of the list available to each of its exchange students
146 in the exchange student's native language.
- 147 (8) Notwithstanding Subsection (2)(c)(i), a school district or charter school shall enroll
148 a foreign exchange student if the foreign exchange student:
- 149 (a) is sponsored by an agency approved by the State Board of Education;
- 150 (b) attends the same school during the same time period that another student from the
151 school is:

- 152 (i) sponsored by the same agency; and
- 153 (ii) enrolled in a school in a foreign country; and
- 154 (c) is enrolled in the school for one year or less.

155 Section 2. Section **53A-13-108** is amended to read:

156 **53A-13-108. Curriculum and graduation requirements.**

157 (1) The State Board of Education shall establish rigorous curriculum and graduation
158 requirements under Section 53A-1-402, and consistent with state and federal regulations, for
159 grades 9 through 12 that, beginning no later than with the graduating class of 2008 shall:

- 160 (a) use competency-based standards and assessments; and
- 161 ~~[(b) include instruction that stresses general financial literacy from basic budgeting to~~
162 ~~financial investments, including bankruptcy education; and]~~

163 ~~[(c)]~~ (b) increase graduation requirements in language arts, mathematics, and science to
164 exceed the existing credit requirements of 3.0 units in language arts, 2.0 units in mathematics,
165 and 2.0 units in science.

166 (2) The State Board of Education shall also establish competency-based standards and
167 assessments for elective courses.

168 Section 3. Section **53A-17a-126** is amended to read:

169 **53A-17a-126. State support of pupil transportation.**

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

173 (2) (a) The Utah Schools for the Deaf and the Blind shall use its allocation of pupil
174 transportation money to pay for transportation of their students based on current valid
175 contractual arrangements and best transportation options and methods as determined by the
176 schools.

177 (b) All student transportation costs of the schools shall be paid from the allocation of
178 pupil transportation money specified in statute.

179 (3) (a) A school district may only claim eligible transportation costs as legally reported
180 on the prior year's annual financial report submitted under Section 53A-3-404.

181 (b) The state shall contribute 85% of approved transportation costs, subject to budget
182 constraints.

183 (c) If in a fiscal year the total transportation allowance for all districts exceeds the
184 amount appropriated for that purpose, all allowances shall be reduced pro rata to equal not
185 more than the amount appropriated.

186 [~~(4) Local school boards shall provide salary adjustments to employee groups that~~
187 ~~work with the transportation of students comparable to those of classified employees~~
188 ~~authorized under Section 53A-17a-137, when dividing the weighted pupil unit for salary~~
189 ~~adjustment purposes.]~~

190 Section 4. Section **63J-1-602.3** is amended to read:

191 **63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.**

192 (1) Funding for the Search and Rescue Financial Assistance Program, as provided in
193 Section 53-2-107.

194 (2) Appropriations made to the Department of Public Safety from the Department of
195 Public Safety Restricted Account, as provided in Section 53-3-106.

196 (3) Appropriations to the Motorcycle Rider Education Program, as provided in Section
197 53-3-905.

198 (4) Appropriations from the DNA Specimen Restricted Account created in Section
199 53-10-407.

200 (5) The Canine Body Armor Restricted Account created in Section 53-16-201.

201 (6) Appropriations to the State Board of Education, as provided in Section
202 53A-17a-105.

203 [~~(7) Certain funds appropriated from the Uniform School Fund to the State Board of~~
204 ~~Education for new teacher bonus and performance-based compensation plans, as provided in~~
205 ~~Section 53A-17a-148.]~~

206 [~~(8)~~ (7) Money received by the State Office of Rehabilitation for the sale of certain
207 products or services, as provided in Section 53A-24-105.

208 [~~(9)~~ (8) Certain funds appropriated from the General Fund to the State Board of
209 Regents for teacher preparation programs, as provided in Section 53B-6-104.

210 [~~(10)~~ (9) A certain portion of money collected for administrative costs under the
211 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

212 [~~(11)~~ (10) Certain surcharges on residential and business telephone numbers imposed
213 by the Public Service Commission, as provided in Section 54-8b-10.

214 [~~(12)~~] (11) Certain fines collected by the Division of Occupational and Professional
215 Licensing for violation of unlawful or unprofessional conduct that are used for education and
216 enforcement purposes, as provided in Section 58-17b-505.

217 [~~(13)~~] (12) Certain fines collected by the Division of Occupational and Professional
218 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
219 provided in Section 58-63-103.

220 [~~(14)~~] (13) Appropriations from the Relative Value Study Restricted Account created
221 in Section 59-9-105.

222 Section 5. **Repealer.**

223 This bill repeals:

224 Section **53A-6-701, Scholarships for teachers to obtain endorsements or master's**
225 **degrees -- Conditions.**

226 Section **53A-6-702, Rules.**

227 Section **53A-9-101, Purpose.**

228 Section **53A-9-102, Definitions.**

229 Section **53A-9-103, Authorized components.**

230 Section **53A-9-104, Evaluation program for placement and advancement on career**
231 **ladders.**

232 Section **53A-10-108, Mentor for provisional educator.**

233 Section **53A-12-203, Regulation and supervision of distribution of textbooks by**
234 **board of education.**

235 Section **53A-17a-123, Local Discretionary Block Grant Program -- State**
236 **contribution.**

237 Section **53A-17a-124, Quality Teaching Block Grant Program -- State**
238 **contributions.**

239 Section **53A-17a-125, Appropriation for retirement and Social Security.**

240 Section **53A-17a-131.9, Agencies coming together for children and youth at risk.**

241 Section **53A-17a-131.16, State contribution for school district hold harmless**
242 **program.**

243 Section **53A-17a-137, Classified employees' compensation.**

244 Section **53A-17a-138, Increases in value of weighted pupil unit.**

245 Section **53A-17a-148**, Use of nonlapsing balances.

246 Section 6. **Effective date.**

247 This bill takes effect on July 1, 2012.

Legislative Review Note
as of **2-9-12 5:48 PM**

Office of Legislative Research and General Counsel