



28           ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30           This bill appropriates for fiscal year 2012-13:

- 31           ▶ \$45,000,000 from the Uniform School Fund;
- 32           ▶ \$71,285,700 ongoing from the Education Fund;
- 33           ▶ (\$37,000,000) one-time from the Education Fund; and
- 34           ▶ \$34,148,900 from various sources as detailed in this bill.

35 **Other Special Clauses:**

36           This bill takes effect on July 1, 2012.

37           This bill coordinates with H.B. 1, Public Education Base Budget Amendments, by  
38 providing superseding substantive amendments.

39 **Utah Code Sections Affected:**

40 AMENDS:

41           **53A-17a-133**, as last amended by Laws of Utah 2011, Chapters 364 and 371

42           **53A-17a-134**, as last amended by Laws of Utah 2011, Chapters 342 and 371

43           **53A-17a-135**, as last amended by Laws of Utah 2011, Chapter 7

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

45           **53A-17a-135**, as last amended by Laws of Utah 2011, Chapter 7

46 **Uncodified Material Affected:**

47 ENACTS UNCODIFIED MATERIAL



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

50           Section 1. Section **53A-17a-133** is amended to read:

51           **53A-17a-133. State-supported voted local levy authorized -- Election**  
52 **requirements -- State guarantee -- Reconsideration of the program.**

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

56           (2) (a) (i) To impose a voted local levy, a majority of the electors of a district voting at  
57 an election in the manner set forth in Subsections (8) and (9) must vote in favor of a special  
58 tax.

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

60 (b) Except as provided in Subsection (2)(c), in order to receive state support the first  
61 year, a district must receive voter approval no later than December 1 of the year prior to  
62 implementation.

63 (c) Beginning on or after January 1, 2012, a school district may receive state support in  
64 accordance with Subsection (3) without complying with the requirements of Subsection (2)(b)  
65 if the local school board imposed a tax in accordance with this section during the taxable year  
66 beginning on January 1, 2011 and ending on December 31, 2011.

67 (3) (a) In addition to the revenue a school district collects from the imposition of a levy  
68 pursuant to this section, the state shall contribute an amount sufficient to guarantee [~~\$25.25~~]  
69 \$27.36 per weighted pupil unit for each .0001 of the first .0016 per dollar of taxable value.

70 (b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar  
71 of taxable value under Subsection (3)(a) shall apply to the portion of the board local levy  
72 authorized in Section 53A-17a-164, so that the guarantee shall apply up to a total of .002 per  
73 dollar of taxable value if a school district levies a tax rate under both programs.

74 (c) (i) Beginning July 1, [~~2011~~] 2013, the [~~\$25.25~~] \$27.36 guarantee under Subsections  
75 (3)(a) and (b) shall be indexed each year to the value of the weighted pupil unit for the grades 1  
76 through 12 program by making the value of the guarantee equal to .010544 times the value of  
77 the prior year's weighted pupil unit for the grades 1 through 12 program.

78 (ii) The guarantee shall increase by .0005 times the value of the prior year's weighted  
79 pupil unit for the grades 1 through 12 program for each succeeding year subject to the  
80 Legislature appropriating funds for an increase in the guarantee.

81 (d) (i) The amount of state guarantee money to which a school district would otherwise  
82 be entitled to receive under this Subsection (3) may not be reduced for the sole reason that the  
83 district's levy is reduced as a consequence of changes in the certified tax rate under Section  
84 59-2-924 pursuant to changes in property valuation.

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

87 (e) The guarantee provided under this section does not apply to the portion of a voted  
88 local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal  
89 year, unless an increase in the voted local levy rate was authorized in an election conducted on

90 or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

91 (4) (a) An election to modify an existing voted local levy is not a reconsideration of the  
92 existing authority unless the proposition submitted to the electors expressly so states.

93 (b) A majority vote opposing a modification does not deprive the district of authority to  
94 continue the levy.

95 (c) If adoption of a voted local levy is contingent upon an offset reducing other local  
96 school board levies, the board must allow the electors, in an election, to consider modifying or  
97 discontinuing the imposition of the levy prior to a subsequent increase in other levies that  
98 would increase the total local school board levy.

99 (d) Nothing contained in this section terminates, without an election, the authority of a  
100 school district to continue imposing an existing voted local levy previously authorized by the  
101 voters as a voted leeway program.

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

106 (a) the voted local levy is approved:

107 (i) in accordance with Subsections (8) and (9) on or after January 1, 2003; and

108 (ii) within the four-year period immediately preceding the year in which the school  
109 district seeks to budget an increased amount of ad valorem property tax revenue derived from  
110 the voted local levy; and

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

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

116 (a) the levy exceeds the certified tax rate as the result of a school district budgeting an  
117 increased amount of ad valorem property tax revenue derived from a voted local levy imposed  
118 under this section;

119 (b) the voted local levy was approved:

120 (i) in accordance with Subsections (8) and (9) on or after January 1, 2003; and

121 (ii) within the four-year period immediately preceding the year in which the school  
122 district seeks to budget an increased amount of ad valorem property tax revenue derived from  
123 the voted local levy; and

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

126 (7) For purposes of Subsection (5)(b) or (6)(c), the proposition submitted to the  
127 electors regarding the adoption or modification of a voted local levy shall contain the following  
128 statement:

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

131 (8) (a) Before imposing a property tax levy pursuant to this section, a school district  
132 shall submit an opinion question to the school district's registered voters voting on the  
133 imposition of the tax rate so that each registered voter has the opportunity to express the  
134 registered voter's opinion on whether the tax rate should be imposed.

135 (b) The election required by this Subsection (8) shall be held:

136 (i) at a regular general election conducted in accordance with the procedures and  
137 requirements of Title 20A, Election Code, governing regular elections;

138 (ii) at a municipal general election conducted in accordance with the procedures and  
139 requirements of Section 20A-1-202; or

140 (iii) at a local special election conducted in accordance with the procedures and  
141 requirements of Section 20A-1-203.

142 (c) Notwithstanding the requirements of Subsections (8)(a) and (b), beginning on or  
143 after January 1, 2012, a school district may levy a tax rate in accordance with this section  
144 without complying with the requirements of Subsections (8)(a) and (b) if the school district  
145 imposed a tax in accordance with this section at any time during the taxable year beginning on  
146 January 1, 2011, and ending on December 31, 2011.

147 (9) If a school district determines that a majority of the school district's registered  
148 voters voting on the imposition of the tax rate have voted in favor of the imposition of the tax  
149 rate in accordance with Subsection (8), the school district may impose the tax rate.

150 Section 2. Section **53A-17a-134** is amended to read:

151 **53A-17a-134. Board-approved leeway -- Purpose -- State support -- Disapproval.**

152 (1) Except as provided in Subsection (9), a local school board may levy a tax rate of up  
153 to .0004 per dollar of taxable value to maintain a school program above the cost of the basic  
154 school program as follows:

155 (a) a local school board shall use the money generated by the tax for class size  
156 reduction within the school district;

157 (b) if a local school board determines that the average class size in the school district is  
158 not excessive, it may use the money for other school purposes but only if the board has  
159 declared the use for other school purposes in a public meeting prior to levying the tax rate; and

160 (c) a district may not use the money for other school purposes under Subsection (1)(b)  
161 until it has certified in writing that its class size needs are already being met and has identified  
162 the other school purposes for which the money will be used to the State Board of Education  
163 and the state board has approved their use for other school purposes.

164 (2) (a) The state shall contribute an amount sufficient to guarantee [~~\$25.25~~] \$27.36 per  
165 weighted pupil unit for each .0001 per dollar of taxable value.

166 (b) The guarantee shall increase in the same manner as provided for the voted local  
167 levy guarantee in Subsection 53A-17a-133(3)(c).

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

172 (ii) Subsection (2)(c)(i) applies for a period of five years following any such change in  
173 the certified tax rate.

174 (d) The guarantee provided under this section does not apply to:

175 (i) a board-authorized leeway in the first fiscal year the leeway is in effect, unless the  
176 leeway was approved by voters pursuant to Subsections (4) through (6); or

177 (ii) the portion of a board-authorized leeway rate that is in excess of the  
178 board-authorized leeway rate that was in effect for the previous fiscal year.

179 (3) The levy authorized under this section is not in addition to the maximum rate of  
180 .002 authorized in Section 53A-17a-133, but is a board-authorized component of the total tax  
181 rate under that section.

182 (4) As an exception to Section 53A-17a-133, the board-authorized levy does not

183 require voter approval, but the board may require voter approval if requested by a majority of  
184 the board.

185 (5) An election to consider disapproval of the board-authorized levy is required, if  
186 within 60 days after the levy is established by the board, referendum petitions signed by the  
187 number of legal voters required in Section 20A-7-301, who reside within the school district, are  
188 filed with the school district.

189 (6) (a) A local school board shall establish its board-approved levy by April 1 to have  
190 the levy apply to the fiscal year beginning July 1 in that same calendar year except that if an  
191 election is required under this section, the levy applies to the fiscal year beginning July 1 of the  
192 next calendar year.

193 (b) The approval and disapproval votes authorized in Subsections (4) and (5) shall  
194 occur at a general election in even-numbered years, except that a vote required under this  
195 section in odd-numbered years shall occur at a special election held on a day in odd-numbered  
196 years that corresponds to the general election date. The school district shall pay for the cost of  
197 a special election.

198 (7) (a) Modification or termination of a voter-approved leeway rate authorized under  
199 this section is governed by Section 53A-17a-133.

200 (b) A board-authorized leeway rate may be modified or terminated by a majority vote  
201 of the board subject to disapproval procedures specified in this section.

202 (8) A board levy election does not require publication of a voter information pamphlet.

203 (9) Beginning January 1, 2012, a local school board may not levy a tax in accordance  
204 with this section.

205 Section 3. Section **53A-17a-135** is amended to read:

206 **53A-17a-135. Minimum basic tax rate -- Certified revenue levy.**

207 (1) (a) In order to qualify for receipt of the state contribution toward the basic program  
208 and as its contribution toward its costs of the basic program, each school district shall impose a  
209 minimum basic tax rate per dollar of taxable value that generates [~~\$284,221,713~~] \$289,021,900  
210 in revenues statewide.

211 (b) The preliminary estimate for the [~~2011-12~~] 2012-13 minimum basic tax rate is  
212 [~~:001628~~] .001665.

213 (c) The State Tax Commission shall certify on or before June 22 the rate that generates

214 [~~\$284,221,713~~] \$289,021,900 in revenues statewide.

215 (d) If the minimum basic tax rate exceeds the certified revenue levy as defined in  
216 Section 53A-17a-103, the state is subject to the notice requirements of Section 59-2-926.

217 (2) (a) The state shall contribute to each district toward the cost of the basic program in  
218 the district that portion which exceeds the proceeds of the levy authorized under Subsection  
219 (1).

220 (b) In accord with the state strategic plan for public education and to fulfill its  
221 responsibility for the development and implementation of that plan, the Legislature instructs  
222 the State Board of Education, the governor, and the Office of Legislative Fiscal Analyst in each  
223 of the coming five years to develop budgets that will fully fund student enrollment growth.

224 (3) (a) If the proceeds of the levy authorized under Subsection (1) equal or exceed the  
225 cost of the basic program in a school district, no state contribution shall be made to the basic  
226 program.

227 (b) The proceeds of the levy authorized under Subsection (1) which exceed the cost of  
228 the basic program shall be paid into the Uniform School Fund as provided by law.

229 Section 4. **One-time appropriation for classroom supplies.**

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

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

235 (i) a teacher on salary schedule steps one through three teaching in grades kindergarten  
236 through 6 or preschool handicapped - \$250;

237 (ii) a teacher on salary schedule steps one through three teaching in grades 7 through  
238 12 - \$200;

239 (iii) a teacher on salary schedule step four or higher teaching in grades kindergarten  
240 through 6 or preschool handicapped - \$175; and

241 (iv) a teacher on salary schedule step four or higher teaching in grades 7 through 12 -  
242 \$150.

243 (c) If the appropriation is not sufficient to provide to each teacher the full amount  
244 allowed under Subsection (1)(b), teachers on salary schedule steps one through three shall

245 receive the full amount allowed with the remaining money apportioned to all other teachers.

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

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

250 (a) who are licensed personnel;

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

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

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

255 **Section 5. Appropriations for state education agencies and programs that support**  
256 **school districts and charter schools -- Value of the weighted pupil unit.**

257 (1) Under the terms and conditions of Utah Code Title 63J, Chapter 1, Budgetary  
258 Procedures Act, as applicable, the following sums of money are appropriated from resources  
259 not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds  
260 or fund accounts indicated for distribution to state education agencies, school districts, and  
261 charter schools for the fiscal year beginning July 1, 2012 and ending June 30, 2013. These  
262 appropriations are additions to amounts previously appropriated for fiscal year 2012-13.

263 (2) The value of each weighted pupil unit (WPU) for fiscal year 2012-13 is increased  
264 → ~~by \$30~~ ← over the value of the WPU for fiscal year 2012-13 established in H.B. 1, Public  
265 Education Base Budget, for a total WPU value of:

266 (a) \$2,607 for:

267 (i) Special Education - Add-on; and

268 (ii) Career and Technical Education Add-on; and

269 (b) \$2,848 for all other Basic School programs.

270 BASIC SCHOOL PROGRAM

271 ITEM 1 To Basic School Program

272	From Uniform School Fund, One-time	\$45,000,000
273	From Education Fund	\$38,511,700
274	From Education Fund, One-time	(\$45,000,000)
275	From Local Revenue	\$4,800,200

276 From Beginning Nonlapsing Appropriation Balances (\$13,000,000)  
277 From Closing Nonlapsing Appropriation Balances \$13,000,000

278 Schedule of Programs:

279 Kindergarten (-281 WPU) \$64,300  
280 Grades 1 - 12 (1,725 WPU) \$21,658,500  
281 Necessarily Existent Small Schools (1,053 WPU) \$3,243,700  
282 Professional Staff (-641 WPU) (\$261,200)  
283 Administrative Costs (25 WPU) \$120,400  
284 Special Education - Add-on (3,318 WPU) \$10,605,800  
285 Special Education - Pre-school (193 WPU) \$843,700  
286 Special Education - Self-contained (264 WPU) \$1,204,600  
287 Special Education - Extended Year (14 WPU) \$52,800  
288 Special Education - State Programs (38 WPU) \$195,600  
289 Career and Technical Education (CTE)  
290 Add-on (526 WPU) \$2,208,500  
291 Class Size Reduction (772 WPU) \$3,375,200

292 The Legislature intends that the State Board of Education study a student-based funding  
293 allocation model for the Career and Technical Education (CTE) Add-on program that takes into  
294 account the relative cost difference associated with providing various CTE programs and does  
295 not exceed current funding levels appropriated for the program but may include an annual  
296 adjustment for student enrollment growth. The Legislature intends that the State Board of  
297 Education report to the Education Interim Committee, the Public Education Appropriations  
298 Subcommittee, and the Executive Appropriations Committee by October 2012 the potential  
299 allocation models developed by the State Board of Education.

300 RELATED TO BASIC PROGRAMS

301 ITEM 2 To Related to Basic Programs

302 From Education Fund \$20,367,300  
303 From Education Fund, One-time \$7,000,000

304 Schedule of Programs:

305 To and From School - Pupil Transportation \$6,300,000  
306 Flexible Allocation - WPU Distribution \$261,000

307	Charter School Local Replacement	\$10,610,000
308	Charter School Administration	\$514,300
309	Educator Salary Adjustments	\$2,682,000
310	Teacher Supplies and Materials	\$5,000,000
311	Beverly Taylor Sorenson Elementary Arts	\$2,000,000
311a	<b>⚡→ The Legislature intends that enrollment in charter schools in the 2013-14 school</b>	
311b	<b><u>year may increase up to 7,100 students over the projected enrollment of 51,421 in the 2012-13</u></b>	
311c	<b><u>school year.</u> ⚡←</b>	
312	VOTED AND BOARD LEEWAY PROGRAMS	
313	ITEM 3 To Voted and Board Leeway Programs	
314	From Education Fund	\$13,306,000
315	From Local Revenue	(\$5,191,600)
316	From Beginning Nonlapsing Appropriation Balances	(\$12,000,000)
317	From Closing Nonlapsing Appropriation Balances	\$12,000,000
318	Schedule of Programs:	
319	Voted Leeway	\$939,300
320	Board Leeway	\$7,175,100
321	The Legislature intends that the State Board of Education develop a comprehensive	
322	performance measurement plan for the Minimum School Program that identifies specific	
323	program-level outcome and evaluation metrics. This plan shall include program-level	
324	performance detail on all restricted and semi-restricted programs as outlined in the 2011	
325	In-Depth Budget Review. The State Board of Education shall report the details of this plan to	
326	the Public Education Appropriations Subcommittee during the 2013 General Session.	
327	STATE BOARD OF EDUCATION	
328	ITEM 4 To State Board of Education - State Office of Education	
329	From Education Fund	(\$2,500)
330	From Education Fund, One-time	\$1,000,000
331	From Federal Funds	\$2,500
332	From Dedicated Credits Revenue	\$200
333	From General Fund Restricted - Mineral Lease	\$200
334	From Revenue Transfers	\$100
335	From Beginning Nonlapsing Appropriation Balances	(\$6,162,700)
336	From Closing Nonlapsing Appropriation Balances	\$6,162,700
337	Schedule of Programs:	

338	Educational Equity	\$365,400
339	Assessment and Accountability	\$14,390,400
340	Board and Administration	\$5,622,800
341	Business Services	\$1,665,600
342	Career and Technical Education	\$22,847,400
343	District Computer Services	\$5,231,400
344	Educational Technology	\$3,481,800
345	Federal Elementary and Secondary Education Act	\$125,348,100
346	Law and Legislation	\$309,200
347	Public Relations	\$130,700
348	School Trust	\$513,800
349	Special Education	\$162,040,900
350	Teaching and Learning	\$30,368,300
351	Board of Education - Administration	(\$5,612,500)
352	Student Achievement	(\$362,717,900)
353	Data and Business Services	(\$1,666,600)
354	Law, Legislation and Educational Services	(\$1,318,300)

355           The Legislature intends that the State Board of Education address the costs and benefits  
356 of its Early Retirement Incentive Pay Plan and its open Other Post Employment Benefits plan  
357 that allows individuals to accumulate health insurance benefits at retirement. The State Board  
358 should report its finding to the Public Education Appropriations Subcommittee by November  
359 2012.

360           The Legislature intends that the Utah State Office of Education work with the  
361 legislative fiscal analyst for public education in developing job specific outcome based  
362 performance measures and report these measures to the Public Education Appropriations  
363 Subcommittee by December 2012.

364           The Legislature intends that the Utah State Office of Education work with the  
365 legislative fiscal analyst for public education in performing cost-benefit analysis on the  
366 activities of the programs within the Utah State Office of Education - Administration line item  
367 and report the results to the Public Education Appropriations Subcommittee before November  
368 2012.

369 The Legislature intends that the Department of Health, the Utah State Office of  
 370 Rehabilitation, and the Utah State Office of Education (Special Education) use funds  
 371 previously transferred to support the Utah Developmental Disability Council (UDDC)  
 372 information and referral phone/website to instead provide direct client services to individuals  
 373 with disabilities. The Legislature further intends the UDDC, as a federally-established and  
 374 federally-governed agency, use its federal funds to support its information and referral  
 375 phone/website.

376 The Legislature intends the Department of Health, the Utah State Office of  
 377 Rehabilitation and the Utah State Office of Education (Special Education) use funds previously  
 378 transferred to support the Access Utah program to instead contract with a private human  
 379 services directory database entity to provide a free information and referral service statewide  
 380 for individuals with disabilities.

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

382 From Education Fund (\$916,800)

383 From General Fund Restricted \$5,000

384 Schedule of Programs:

385 Contracts and Grants (\$911,800)

386 ITEM 6 To State Board of Education - State Charter School Board

387 From Federal Funds (\$3,433,400)

388 Schedule of Programs:

389 State Charter School Board (\$3,433,400)

390 ITEM 7 To State Board of Education - Educator Licensing Professional Practices

391 From Education Fund Restricted - Professional Practices Subfund \$300

392 Schedule of Programs:

393 Educator Licensing \$300

394 ITEM 8 To State Board of Education - State Office of Education - Child Nutrition

395 From Education Fund \$100

396 From Federal Funds \$27,000,300

397 From Dedicated Credits Revenue \$10,958,500

398 Schedule of Programs:

399 Child Nutrition \$37,958,900

400	ITEM 9 To State Board of Education - Utah Schools for the Deaf and the Blind	
401	From Education Fund	\$19,900
402	From Dedicated Credits Revenue	\$1,000
403	From Revenue Transfers	\$5,000
404	Schedule of Programs:	
405	Support Services	\$25,900
406	STATE BOARD OF EDUCATION INDIRECT COST POOL INTERNAL SERVICE FUNDS	
407	ITEM 10 To State Board of Education Indirect Cost Pool - Indirect Cost Pool	
408	From Dedicated Credits - Intragovernmental Revenue	\$600
409	Schedule of Programs:	
410	Superintendent Indirect Cost Pool	\$600
411	Section 6. <b>Effective date.</b>	
412	<u>This bill takes effect on July 1, 2012.</u>	
413	Section 7. <b>Coordinating S.B. 2 with H.B. 1 -- Superseding substantive</b>	
414	<b>amendments.</b>	
415	<u>If this S.B. 2 and H.B. 1, Public Education Base Budget, both pass and become law, the</u>	
416	<u>Legislature intends that the amendments to Section 53A-17a-135 in this bill supersede the</u>	
417	<u>amendments to Section 53A-17a-135 in H.B. 1 when the Office of Legislative Research and</u>	
418	<u>General Counsel prepares the Utah Code database for publication.</u>	

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**Legislative Review Note**  
as of **3-5-12 8:33 AM**

**Office of Legislative Research and General Counsel**