

PUBLIC EDUCATION BUDGET AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

Committee Note:

The Executive Appropriations Committee Interim Committee recommended this bill.

General Description:

This bill supplements or reduces appropriations previously provided for school districts, charter schools, and certain state education agencies for the fiscal year beginning July 1, 2013, and ending June 30, 2014, and modifies related budgetary provisions.

Highlighted Provisions:

This bill:

- ▶ modifies an index by which the state guarantee dollar amount per weighted pupil unit for the voted leeway and board-authorized leeway programs annually increases;
 - ▶ provides budget increases and decreases for the use and support of certain state education agencies;
 - ▶ provides budget increases and decreases for programs that support school districts and charter schools;
 - ▶ provides a distribution formula for the appropriation for Teacher Supplies and Materials;
 - ▶ provides intent language;
 - ▶ establishes the value of the weighted pupil unit for fiscal year 2013-14 at:
 - \$2,659 for the special education and career and technology add-on programs;
- and



- 28 • \$2,899 for all other programs; and
- 29 ▸ makes technical changes.

30 **Money Appropriated in this Bill:**

- 31 This bill appropriates for fiscal year 2013-14:
- 32 ▸ \$5,000,000 from the Uniform School Fund;
 - 33 ▸ \$139,745,600 from the Education Fund; and
 - 34 ▸ \$19,912,400 from various sources as detailed in this bill.

35 **Other Special Clauses:**

36 This bill takes effect on July 1, 2013.

37 **Utah Code Sections Affected:**

38 AMENDS:

- 39 **53A-17a-133**, as last amended by Laws of Utah 2012, Chapter 421
- 40 **53A-17a-164**, as enacted by Laws of Utah 2011, Chapter 371

41 REPEALS:

- 42 **53A-1-408**, as last amended by Laws of Utah 2008, Chapters 250 and 382

43 **Uncodified Material Affected:**

44 ENACTS UNCODIFIED MATERIAL



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

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

48 **53A-17a-133. State-supported voted local levy authorized -- Election**
49 **requirements -- State guarantee -- Reconsideration of the program.**

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

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

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

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

59 implementation.

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

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

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

71 (c) (i) Beginning July 1, [~~2013~~] 2014, the \$27.36 guarantee under Subsections (3)(a)
72 and (b) shall be indexed each year to the value of the weighted pupil unit for the grades 1
73 through 12 program by making the value of the guarantee equal to [~~.010544~~] .00963 times the
74 value of the prior year's weighted pupil unit for the grades 1 through 12 program.

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

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

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

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

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

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

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

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

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

103 (a) the voted local levy is approved:

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

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

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

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

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

116 (b) the voted local levy was approved:

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

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

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

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

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

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

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

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

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

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

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

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

147 Section 2. Section **53A-17a-164** is amended to read:

148 **53A-17a-164. Board local levy -- State guarantee.**

149 (1) Subject to the other requirements of this section, for a calendar year beginning on
150 or after January 1, 2012, a local school board may levy a tax to fund the school district's
151 general fund.

152 (2) (a) Except as provided in Subsection (2)(b), a tax rate imposed by a school district
153 pursuant to this section may not exceed .0018 per dollar of taxable value in any calendar year.

154 (b) A tax rate imposed by a school district pursuant to this section may not exceed
155 .0025 per dollar of taxable value in any calendar year if, during the calendar year beginning on
156 January 1, 2011, the school district's combined tax rate for the following levies was greater
157 than .0018 per dollar of taxable value:

- 158 (i) a recreation levy imposed under Section 11-2-7;
- 159 (ii) a transportation levy imposed under Section 53A-17a-127;
- 160 (iii) a board-authorized levy imposed under Section 53A-17a-134;
- 161 (iv) an impact aid levy imposed under Section 53A-17a-143;
- 162 (v) the portion of a 10% of basic levy imposed under Section 53A-17a-145 that is
163 budgeted for purposes other than capital outlay or debt service;
- 164 (vi) a reading levy imposed under Section 53A-17a-151; and
- 165 (vii) a tort liability levy imposed under Section 63G-1-704.

166 (3) (a) In addition to the revenue a school district collects from the imposition of a levy
167 pursuant to this section, the state shall contribute an amount sufficient to guarantee that each
168 .0001 of the first .0004 per dollar of taxable value generates an amount equal to [~~010544~~]
169 .00963 times the value of the prior year's weighted pupil unit.

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

174 (ii) Subsection (3)(b)(i) applies for a period of five years following any changes in the
175 certified tax rate.

176 (4) A school district that imposes a board local levy in the calendar year beginning on
177 January 1, 2012, is exempt from the public notice and hearing requirements of Section
178 59-2-919 if the school district budgets an amount of ad valorem property tax revenue equal to
179 or less than the sum of the following amounts:

180 (a) the amount of revenue generated during the calendar year beginning on January 1,
181 2011, from the sum of the following levies of a school district:

- 182 (i) a recreation levy imposed under Section 11-2-7;

- 183 (ii) a transportation levy imposed under Section 53A-17a-127;
- 184 (iii) a board-authorized levy imposed under Section 53A-17a-134;
- 185 (iv) an impact aid levy imposed under Section 53A-17a-143;
- 186 (v) the portion of a 10% of basic levy imposed under Section 53A-17a-145 that is
- 187 budgeted for purposes other than capital outlay or debt service;
- 188 (vi) a reading levy imposed under Section 53A-17a-151; and
- 189 (vii) a tort liability levy imposed under Section 63G-1-704; and
- 190 (b) revenue from new growth as defined in Subsection 59-2-924(4)(c).

191 Section 3. **Repealer.**

192 This bill repeals:

193 Section **53A-1-408, Appropriations reallocation.**

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

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

- 197 (a) who are licensed personnel;
- 198 (b) who are paid on the teacher's salary schedule;
- 199 (c) who are hired for an entire contract period; and
- 200 (d) whose primary function is to provide instructional or a combination of instructional
201 and counseling services to students in public schools.

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

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

- 207 (i) a teacher on salary schedule steps one through three teaching in grades kindergarten
208 through 6 or preschool handicapped - \$250;
- 209 (ii) a teacher on salary schedule steps one through three teaching in grades 7 through
210 12 - \$200;
- 211 (iii) a teacher on salary schedule step four or higher teaching in grades kindergarten
212 through 6 or preschool handicapped - \$175; and
- 213 (iv) a teacher on salary schedule step four or higher teaching in grades 7 through 12 -

214 \$150.

215 (c) If the appropriation is not sufficient to provide to each teacher the full amount
216 allowed under Subsection (2)(b), teachers on salary schedule steps one through three shall
217 receive the full amount allowed with the remaining money apportioned to all other teachers.

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

220 **Section 5. Appropriation for state education agencies and programs that support**
221 **school districts and charter schools -- Value of the weighted pupil unit.**

222 (1) Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act,
223 for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following sums of
224 money are appropriated from resources not otherwise appropriated, or reduced from amounts
225 previously appropriated, out of the funds or accounts indicated. These sums of money are in
226 addition to any amounts previously appropriated for fiscal year 2014.

227 (2) The value of each weighted pupil unit (WPU) for fiscal year 2013-14 is increased
228 from the value of the WPU for fiscal year 2013-14 established in S.B. 1, Public Education Base
229 Budget, and set at:

230 (a) \$2,659 for:

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

232 (ii) Career and Technical Education District Add-on; and

233 (b) \$2,899 for all other Basic School programs.

234 BASIC SCHOOL PROGRAM

235 ITEM 1 To Basic School Program

236 From Uniform School Fund \$5,000,000

237 From Education Fund \$91,262,000

238 From Local Revenue \$5,070,100

239 Schedule of Programs:

240 Kindergarten (1,010 WPUs) \$4,467,500

241 Grades 1 - 12 (11,212 WPUs) \$62,977,300

242 Necessarily Existent Small Schools \$496,000

243 Professional Staff (3,901 WPUs) \$14,082,800

244 Administrative Costs (-60 WPUs) (\$85,000)

245	Special Education - Add-on (2,196 WPU's)	\$9,401,500	
246	Special Education - Preschool (209 WPU's)	\$1,140,600	
247	Special Education - Self-contained (-201 WPU's)	\$238,700	
248	Special Education - Extended School Year	\$41,200	
249	(6 WPU's)		
250	Special Education - State Programs (102 WPU's)	\$453,500	
251	Career and Technical Education	\$3,754,700	
252	District Add-on (856 WPU's)		
253	Class Size Reduction (767 WPU's)	\$4,363,300	
254	RELATED TO BASIC PROGRAMS		
255	ITEM 2 To Related to Basic Programs - Related to Basic School Programs		
256	From Education Fund		\$24,317,200
257	From Education Fund, One-time		\$15,600,000
258	From Interest and Dividends Account		\$6,110,000
259	Schedule of Programs:		
260	To and From School - Pupil Transportation	\$3,401,700	
261	Enhancement for At-Risk Students	\$952,000	
262	Youth in Custody	\$777,600	
263	Enhancement for Accelerated Students	\$168,800	
264	Adult Education	\$382,000	
265	Concurrent Enrollment	\$362,100	
266	School LAND Trust Program	\$6,110,000	
267	Charter School Local Replacement	\$6,886,100	
268	Charter School Administration	\$550,600	
269	Educator Salary Adjustments	\$2,296,300	
270	Critical Languages and Dual Immersion	\$1,040,000	
271	Teacher Supplies and Materials	\$5,000,000	
272	Beverly Taylor Sorenson Elementary Arts	\$4,000,000	
273	Early Intervention	\$7,500,000	
274	Statewide Computer Adaptive Testing	\$6,600,000	
275	Infrastructure Grants		

276 The Legislature intends that the State Board of Education allocate \$3,200,000 from the
277 appropriation for "To and From School - Pupil Transportation" to support pupil transportation
278 costs at the Utah Schools for the Deaf and the Blind.

279 The Legislature intends that the Utah Schools for the Deaf and the Blind, in working
280 with the public education fiscal analyst, study its pupil transportation contract and report to the
281 Public Education Appropriations Subcommittee before the November 2013 Interim meeting on
282 whether the most cost effective method of transportation is being used.

283 The Legislature intends that the enrollment in charter schools in the 2014-15 school
284 year may increase up to 7,650 students over the projected enrollment of 56,927 in the 2013-14
285 school year.

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

291 VOTED AND BOARD LEEWAY PROGRAMS

292 ITEM 3 To Voted and Board Leeway Programs - Voted and Board Local Levy Programs

293 From Education Fund \$4,870,000

294 From Local Revenue \$4,603,400

295 Schedule of Programs:

296 Voted Local Levy Program \$998,900

297 Board Local Levy Program \$8,474,500

298 STATE BOARD OF EDUCATION

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

300 From Education Fund (\$37,700)

301 From Education Fund, One-time \$1,200,000

302 From Federal Funds (\$200)

303 From General Fund Restricted - Mineral Lease (\$100)

304 From General Fund Restricted - Land Exchange Distribution Account \$12,700

305 Schedule of Programs:

306 Board and Administration \$174,700

307	Teaching and Learning	\$1,000,000	
308	ITEM 5 To State Board of Education - Utah State Office of Education - Initiative Programs		
309	From Education Fund		\$2,500,000
310	Schedule of Programs:		
311	Contracts and Grants	\$2,500,000	
312	The Legislature intends that the Utah State Office of Education develop quantifiable		
313	performance measures associated with the programs contained in the "Utah State Office of		
314	Education - Initiative Programs" line item that directly tie the achievements of the various		
315	programs to the incurred costs, and report its findings to the Public Education Appropriations		
316	Subcommittee by the November 2013 Interim meeting.		
317	ITEM 6 To State Board of Education - Charter School Finance Authority		
318	From Education Fund Restricted - Charter School Reserve Account		\$50,000
319	Schedule of Programs:		
320	Charter School Finance Authority	\$50,000	
321	ITEM 7 To State Board of Education - State Charter School Board		
322	The Legislature intends that the Charter School Board develop quantifiable		
323	performance measures associated with the activities of the State Charter School Board that		
324	directly tie the achievements of the various programs to the incurred costs, and report its		
325	findings to the Public Education Appropriations Subcommittee before the November 2013		
326	Interim meeting.		
327	ITEM 8 To State Board of Education - Educator Licensing Professional Practices		
328	From Dedicated Credits Revenue		(\$200)
329	From Professional Practices Restricted Subfund		(\$439,300)
330	From Lapsing Balance		\$203,800
331	Schedule of Programs:		
332	Educator Licensing	(\$235,700)	
333	ITEM 9 To State Board of Education - State Office of Education - Child Nutrition		
334	From Federal Funds		\$100
335	Schedule of Programs:		
336	Child Nutrition	\$100	
337	The Legislature intends that the Utah State Office of Education develop quantifiable		

338 performance measures associated with the activities of the "Child Nutrition" line item that
 339 directly tie the achievements of the various programs to the incurred costs, and report its
 340 findings to the Public Education Appropriations Subcommittee before the November 2013
 341 Interim meeting.

342 Item 10 To State Board of Education - Fine Arts Outreach

343 From Education Fund \$250,000

344 Schedule of Programs:

345 Professional Outreach Programs \$245,900

346 Subsidy Program \$4,100

347 ITEM 11 To State Board of Education - State Office of Education - Educational Contracts

348 The Legislature intends that the Utah State Office of Education address the notional
 349 cost differentials per inmate for educational programs at the state prisons in comparison with
 350 county jails and assess whether any potential savings exist, and report its findings to the Public
 351 Education Appropriations Subcommittee before the November 2013 Interim meeting.

352 ITEM 12 To State Board of Education - Science Outreach

353 From Education Fund \$475,000

354 Schedule of Programs:

355 Informal Science Education Enhancement \$250,000

356 Requests for Proposals \$225,000

357 ITEM 13 To State Board of Education - Utah Schools for the Deaf and the Blind

358 From Education Fund (\$690,900)

359 Schedule of Programs:

360 Instructional Services (\$43,000)

361 Support Services (\$647,900)

362 The Legislature intends that the Utah Schools for the Deaf and the Blind develop
 363 quantifiable performance measures associated with the programs within the "Utah Schools for
 364 the Deaf and the Blind" line item that directly tie the achievements of the various programs to
 365 the incurred costs, and report its findings to the Public Education Appropriations
 366 Subcommittee before the November 2013 Interim meeting.

367 STATE BOARD OF EDUCATION

368 ITEM 14 To State Board of Education - Indirect Cost Pool

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369	From Dedicated Credits - Intragovernmental Revenue	\$4,302,100
370	From Beginning Nonlapsing Appropriation Balances	(\$188,200)
371	From Closing Nonlapsing Appropriation Balances	\$188,200
372	Schedule of Programs:	
373	Superintendent Indirect Cost Pool	\$4,302,100
374	Section 6. Effective date.	
375	<u>This bill takes effect on July 1, 2013.</u>	

Legislative Review Note
as of 3-11-13 10:54 AM

Office of Legislative Research and General Counsel