

LOCAL FUNDING OPTIONS FOR PUBLIC EDUCATION

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates the Block Grant Funding Pilot Program.

Highlighted Provisions:

This bill:

- ▶ creates the Block Grant Funding Pilot Program (program);
- ▶ requires the State Board of Education to select qualifying local education agencies (LEAs) to participate in the program;
- ▶ provides for an LEA that participates in the program to receive most state funding as a block grant for a certain period of time;
- ▶ provides an exception to certain program requirements for a certain period of time for an LEA that participates in the program;
- ▶ exempts an LEA that participates in the program from certain provisions related to human resources;
- ▶ requires the State Board of Education to report to the Education Interim Committee on the status of the program; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **53A-15-104**, as last amended by Laws of Utah 2014, Chapter 63
- 31 **53A-15-105**, as enacted by Laws of Utah 2008, Chapter 235
- 32 **53A-17a-111**, as last amended by Laws of Utah 2011, Chapter 342
- 33 **53A-17a-112**, as last amended by Laws of Utah 2011, Chapters 359 and 366
- 34 **53A-17a-113**, as last amended by Laws of Utah 2010, Chapter 3
- 35 **53A-17a-120.5**, as last amended by Laws of Utah 2010, Chapter 3
- 36 **53A-17a-124.5**, as last amended by Laws of Utah 2013, Chapter 299
- 37 **53A-17a-127**, as last amended by Laws of Utah 2011, Chapters 366 and 371
- 38 **53A-17a-150**, as last amended by Laws of Utah 2013, Chapter 466
- 39 **53A-17a-154**, as last amended by Laws of Utah 2010, Chapter 3
- 40 **53A-17a-155**, as last amended by Laws of Utah 2010, Chapter 3
- 41 **53A-17a-159**, as enacted by Laws of Utah 2008, Chapter 397
- 42 **53A-17a-162**, as last amended by Laws of Utah 2015, Chapter 12
- 43 **53A-17a-165**, as last amended by Laws of Utah 2015, Chapter 258
- 44 **53A-17a-166**, as enacted by Laws of Utah 2011, Chapter 359
- 45 **53A-17a-167**, as last amended by Laws of Utah 2015, Chapter 372
- 46 **53A-17a-168**, as enacted by Laws of Utah 2012, Chapter 188
- 47 **53A-17a-170**, as enacted by Laws of Utah 2013, Chapter 381
- 48 **53A-21-202**, as last amended by Laws of Utah 2010, Chapter 185
- 49 **63I-1-253**, as last amended by Laws of Utah 2015, Chapters 62, 431, and 442

50 ENACTS:

- 51 **53A-17a-301**, Utah Code Annotated 1953
- 52 **53A-17a-302**, Utah Code Annotated 1953



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

55 Section 1. Section **53A-15-104** is amended to read:

56 **53A-15-104. Critical Languages Program -- Pilot.**

57 (1) (a) As used in this section, "critical languages" means those languages described in
58 the federal National Security Language Initiative, including Chinese, Arabic, Russian, Farsi,

59 Hindi, and Korean.

60 (b) The Legislature recognizes:

61 (i) the importance of students acquiring skills in foreign languages in order for them to
62 successfully compete in a global society; and

63 (ii) the academic, societal, and economic development benefits of the acquisition of
64 critical languages.

65 (2) (a) The State Board of Education, in consultation with the Utah Education and
66 Telehealth Network, shall develop and implement courses of study in the critical languages.

67 (b) A course may be taught:

68 (i) over the state's two-way interactive video conferencing system for video and audio,
69 to students in the state's public education system;

70 (ii) through the Electronic High School;

71 (iii) through traditional instruction; or

72 (iv) by visiting guest teachers.

73 (3) (a) The courses authorized in Subsection (2) may use paraprofessionals in the
74 classroom who:

75 (i) are fluent in the critical language being taught; and

76 (ii) can provide reinforcement and tutoring to students on days and at times when they
77 are not receiving instruction under Subsection (2)(b).

78 (b) The State Board of Education, through the state superintendent of public
79 instruction, shall ensure that the paraprofessionals are fluent in the critical languages.

80 (4) The State Board of Education shall make rules on the critical languages courses
81 authorized under this section in accordance with Title 63G, Chapter 3, Utah Administrative
82 Rulemaking Act, to include:

83 (a) notification to school districts on the times and places of the course offerings; and

84 (b) instructional materials for the courses.

85 (5) The State Board of Education shall track and monitor the Critical Languages
86 Program and may expand the program to include more course offerings and other critical
87 languages, subject to student demand for the courses and available resources.

88 (6) (a) Subject to funding for the program, the State Board of Education shall establish
89 a pilot program for school districts and schools to initially participate in the Critical Languages

90 Program that provides:

91 (i) up to \$6,000 per language per school, for up to 60 schools, for courses offered in
92 critical languages;

93 (ii) up to \$100 per student who completes a critical languages course; and

94 (iii) up to an additional \$400 per foreign exchange student who completes a critical
95 languages course.

96 (b) If the available funding is insufficient to provide the amounts described under
97 Subsection (6)(a), the amounts provided shall be reduced pro rata so that the total provided
98 does not exceed the available funding.

99 (c) During the fiscal years that a school district or charter school receives state funding
100 as a block grant under Chapter 17a, Part 3, Block Grant Funding Pilot Program, the school
101 district or charter school may use the funding described in this Subsection (6) for any public
102 education purpose.

103 Section 2. Section **53A-15-105** is amended to read:

104 **53A-15-105. Dual Language Immersion Program -- Pilot.**

105 (1) Subject to funding for the program, the State Board of Education shall establish a
106 pilot program for school districts and schools to initially participate in the Dual Language
107 Immersion Program.

108 (2) The program shall provide funds as an incentive to 15 qualifying schools for the
109 following languages:

110 (a) six pilots for Chinese;

111 (b) six pilots for Spanish;

112 (c) two pilots for French; and

113 (d) one pilot for Navajo.

114 (3) Subject to funding for the program, a qualifying school shall:

115 (a) receive up to \$18,000 per year for up to six years;

116 (b) establish an instructional model that uses 50% of instruction in English and 50% of
117 instruction in another language; and

118 (c) begin the instructional model described under Subsection (3)(b) in kindergarten or
119 grade 1 and add an additional grade each year.

120 (4) During the fiscal years that a school district or charter school receives state funding

121 as a block grant under Chapter 17a, Part 3, Block Grant Funding Pilot Program, the school
122 district or charter school may use the funding described in Subsection (3)(a) for any public
123 education purpose.

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

125 **53A-17a-111. Weighted pupil units for programs for students with disabilities --**
126 **District allocation.**

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

131 (2) [~~Disability~~] (a) Except as provided in Subsection (2)(b), disability program money
132 allocated to districts is restricted and shall be spent for the education of students with
133 disabilities but may include expenditures for approved programs of services conducted for
134 certified instructional personnel who have students with disabilities in their classes.

135 (b) During the fiscal years that a school district or charter school receives state funding
136 as a block grant under Part 3, Block Grant Funding Pilot Program, the school district or charter
137 school:

138 (i) except as provided in Subsection (2)(b)(ii), may use disability program money
139 described in this section for any public education purpose; and

140 (ii) shall comply with the Individuals with Disabilities Education Act Amendments of
141 1997, Pub. L. No. 105-17, and subsequent amendments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

178 **53A-17a-112. Preschool special education appropriation -- Extended year**
179 **program appropriation -- Appropriation for special education programs in state**
180 **institutions -- Appropriations for stipends for special educators.**

181 (1) (a) Money appropriated to the State Board of Education for the preschool special
182 education program shall be allocated to school districts to provide a free, appropriate public

183 education to preschool students with a disability, ages three through five, except as provided in
184 Subsection (6).

185 (b) The money shall be distributed on the basis of the school district's count of
186 preschool children with a disability for December 1 of the previous year, as mandated by
187 federal law.

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

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

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

197 (4) (a) The State Board of Education shall compute preschool funding by a factor of
198 1.47 times the current December 1 child count of eligible preschool aged three, four, and
199 five-year-olds times the WPU value, limited to 8% growth over the prior year December 1
200 count.

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

203 (5) Of the money appropriated for Special Education - State Programming, the State
204 Board of Education shall distribute the revenue generated from 909 WPUs to school districts,
205 charter schools, and the Utah Schools for the Deaf and the Blind for stipends to special
206 educators for additional days of work pursuant to the requirements of Section [53A-17a-158](#).

207 (6) During the fiscal years that a school district or charter school receives state funding
208 as a block grant under Part 3, Block Grant Funding Pilot Program, the school district or charter
209 school:

210 (a) except as provided in Subsection (6)(b), may use money appropriated under this
211 section for any public education purpose; and

212 (b) shall comply with the Individuals with Disabilities Education Act Amendments of
213 1997, Pub. L. No. 105-17, and subsequent amendments.

214 Section 5. Section 53A-17a-113 is amended to read:

215 **53A-17a-113. Weighted pupil units for career and technical education programs**
216 **-- Funding of approved programs -- Performance measures -- Qualifying criteria.**

217 (1) (a) Money appropriated to the State Board of Education for approved career and
218 technical education programs and the comprehensive guidance program:

219 (i) shall be allocated to eligible recipients as provided in Subsections (2), (3), (4), and
220 (5); and

221 (ii) except as provided in Subsections (1)(b) and (8), may not be used to fund programs
222 below the [ninth] grade 9 level.

223 [~~(b) Subsection (1)(a)(ii) does not apply to the following programs:~~]

224 (b) Funds appropriated to the State Board of Education for the following programs may
225 be used to fund programs below the grade 9 level:

226 (i) comprehensive guidance;

227 (ii) Technology-Life-Careers; and

228 (iii) work-based learning programs.

229 (2) (a) Weighted pupil units are computed for pupils in approved programs.

230 (b) (i) The board shall fund approved programs based upon hours of membership of
231 [~~9th through 12th grade~~] students in grades 9 through 12.

232 (ii) Subsection (2)(b)(i) does not apply to the following programs:

233 (A) comprehensive guidance;

234 (B) Technology-Life-Careers; and

235 (C) work-based learning programs.

236 (c) The board shall use an amount not to exceed 20% of the total appropriation under
237 this section to fund approved programs based on performance measures such as placement and
238 competency attainment defined in standards set by the board.

239 (d) Leadership organization funds shall constitute an amount not to exceed 1% of the
240 total appropriation under this section, and shall be distributed to each local educational agency
241 sponsoring career and technical education student leadership organizations based on the
242 agency's share of the state's total membership in those organizations.

243 (e) The board shall make the necessary calculations for distribution of the
244 appropriation to school districts and may revise and recommend changes necessary for

245 achieving equity and ease of administration.

246 (3) (a) Twenty weighted pupil units shall be computed for career and technical
247 education administrative costs for each district, except 25 weighted pupil units may be
248 computed for each district that consolidates career and technical education administrative
249 services with one or more other districts.

250 (b) Between 10 and 25 weighted pupil units shall be computed for each high school
251 conducting approved career and technical education programs in a district according to
252 standards established by the board.

253 (c) Forty weighted pupil units shall be computed for each district that operates an
254 approved career and technical education center.

255 (d) Between five and seven weighted pupil units shall be computed for each summer
256 career and technical education agriculture program according to standards established by the
257 board.

258 (e) The board shall, by rule, establish qualifying criteria for districts to receive
259 weighted pupil units under this Subsection (3).

260 (4) (a) Money remaining after the allocations made under Subsections (2) and (3) shall
261 be allocated using average daily membership in approved programs for the previous year.

262 (b) A district that has experienced student growth in grades 9 through 12 for the
263 previous year shall have the growth factor applied to the previous year's weighted pupil units
264 when calculating the allocation of money under this Subsection (4).

265 (5) Of the money allocated to comprehensive guidance programs pursuant to board
266 rules, \$1,000,000 in grants shall be awarded to school districts or charter schools that:

267 (a) provide an equal amount of matching funds; and

268 (b) do not supplant other funds used for comprehensive guidance programs.

269 (6) (a) The board shall establish rules for the upgrading of high school career and
270 technical education programs.

271 (b) The rules shall reflect career and technical training and actual marketable job skills
272 in society.

273 (c) The rules shall include procedures to assist school districts to convert existing
274 programs which are not preparing students for the job market into programs that will
275 accomplish that purpose.

276 (7) Programs that do not meet board standards may not be funded under this section.

277 (8) During the fiscal years that a school district or charter school receives state funding
278 as a block grant under Part 3, Block Grant Funding Pilot Program, the school district or charter
279 school:

280 (a) may use funds appropriated under this section for any public education purpose;
281 and

282 (b) is not subject to the requirements described in Subsection (1), (3), (5), or (7).

283 Section 6. Section **53A-17a-120.5** is amended to read:

284 **53A-17a-120.5. Appropriation for concurrent enrollment.**

285 (1) Money appropriated to the State Board of Education for concurrent enrollment shall
286 be allocated as follows:

287 (a) the money shall first be allocated proportionally, based upon student credit hour
288 delivered, between courses that are:

289 (i) taught by public school educators; and

290 (ii) taught by college or university faculty;

291 (b) from the money allocated under Subsection (1)(a)(i):

292 (i) 60% of the money shall be allocated to local school boards and charter schools; and

293 (ii) 40% of the money shall be allocated to the State Board of Regents; and

294 (c) from the money allocated under Subsection (1)(a)(ii):

295 (i) 40% of the money shall be allocated to local school boards and charter schools; and

296 (ii) 60% of the money shall be allocated to the State Board of Regents.

297 (2) The State Board of Education shall make rules providing that a school participating
298 in the concurrent enrollment programs offered under Section **53A-15-101** shall receive an
299 allocation from the money described in Subsection (1) as provided in Section **53A-15-101**.

300 (3) The State Board of Regents shall make rules providing that an institution of higher
301 education participating in the concurrent enrollment programs offered under Section
302 **53A-15-101** shall receive an allocation from the money described in Subsection (1) as provided
303 in the rules.

304 (4) Subject to budget constraints, the Legislature shall annually increase the money
305 appropriated to the State Board of Education for concurrent enrollment based on:

306 (a) enrollment growth in concurrent enrollment from additional students enrolled,

307 courses offered, and credit hours taken; and

308 (b) the percentage increase in the value of the weighted pupil unit.

309 (5) (a) The State Board of Education and the State Board of Regents shall annually
310 report to the Public Education Appropriations Subcommittee:

311 (i) an accounting of the money appropriated for concurrent enrollment; and

312 (ii) a justification of the split described in Subsections (1)(a) and (b).

313 (b) The State Board of Regents shall annually report to the Higher Education
314 Appropriations Subcommittee on concurrent enrollment participation and growth, including
315 data on what higher education tuition would have been charged for the hours of concurrent
316 enrollment credit granted.

317 (6) ~~[It]~~ (a) Except as provided in Subsection (6)(b), in order to qualify for funds under
318 this section, a concurrent enrollment program shall comply with the requirements described in
319 Section 53A-15-101, including rules adopted in accordance with [Subsection] Section
320 53A-15-101[~~(3)~~].

321 (b) During the fiscal years that a school district or charter school receives state funding
322 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use
323 funds appropriated under this section for any public education purpose.

324 Section 7. Section **53A-17a-124.5** is amended to read:

325 **53A-17a-124.5. Appropriation for class size reduction.**

326 (1) ~~[Money]~~ Except as provided in Subsection (9), funds appropriated to the State
327 Board of Education for class size reduction shall be used to reduce the average class size in
328 kindergarten through ~~[the eighth]~~ grade 8 in the state's public schools.

329 (2) Each school district or charter school shall receive its allocation based upon prior
330 year average daily membership in kindergarten through grade 8 plus growth as determined
331 under Subsection 53A-17a-106(3) as compared to the total prior year average daily
332 membership in kindergarten through grade 8 plus growth of school districts and charter schools
333 that qualify for an allocation pursuant to Subsection (8).

334 (3) (a) A school district may use its allocation to reduce class size in any one or all of
335 the grades referred to under this section, except as otherwise provided in Subsection (3)(b).

336 (b) (i) Each school district or charter school shall use 50% of its allocation to reduce
337 class size in any one or all of grades kindergarten through grade 2, with an emphasis on

338 improving student reading skills.

339 (ii) If a school district's or charter school's average class size is below 18 in grades
340 kindergarten through grade 2, it may petition the state board for, and the state board may grant,
341 a waiver to use its allocation under Subsection (3)(b)(i) for class size reduction in the other
342 grades.

343 (4) [~~Schools~~] A school may use nontraditional innovative and creative methods to
344 reduce class sizes with this appropriation and may use part of their allocation to focus on class
345 size reduction for specific groups, such as at risk students, or for specific blocks of time during
346 the school day.

347 (5) (a) A school district or charter school may use up to 20% of its allocation under
348 Subsection (1) for capital facilities projects if such projects would help to reduce class size.

349 (b) If a school district's or charter school's student population increases by 5% or 700
350 students from the previous school year, the school district or charter school may use up to 50%
351 of any allocation it receives under this section for classroom construction.

352 (6) This appropriation is to supplement any other appropriation made for class size
353 reduction.

354 (7) The Legislature shall provide for an annual adjustment in the appropriation
355 authorized under this section in proportion to the increase in the number of students in the state
356 in kindergarten through grade eight.

357 (8) (a) To qualify for class size reduction money, a school district or charter school
358 shall submit:

359 (i) a plan for the use of the school district's or charter school's allocation of class size
360 reduction money to the State Board of Education; and

361 (ii) beginning with the 2014-15 school year, a report on the school district's or charter
362 school's use of class size reduction money in the prior school year.

363 (b) The plan and report required pursuant to Subsection (8)(a) shall include the
364 following information:

365 (i) (A) the number of teachers employed using class size reduction money;

366 (B) the amount of class size reduction money expended for teachers; and

367 (C) if supplemental school district or charter school funds are expended to pay for
368 teachers employed using class size reduction money, the amount of the supplemental money;

369 (ii) (A) the number of paraprofessionals employed using class size reduction money;
370 (B) the amount of class size reduction money expended for paraprofessionals; and
371 (C) if supplemental school district or charter school funds are expended to pay for
372 paraprofessionals employed using class size reduction money, the amount of the supplemental
373 money; and

374 (iii) the amount of class size reduction money expended for capital facilities.

375 (c) In addition to submitting a plan and report on the use of class size reduction money,
376 a school district or charter school shall annually submit a report to the State Board of Education
377 that includes the following information:

378 (i) the number of teachers employed using K-3 Reading Improvement Program money
379 received pursuant to Sections 53A-17a-150 and 53A-17a-151;

380 (ii) the amount of K-3 Reading Improvement Program money expended for teachers;

381 (iii) the number of teachers employed in kindergarten through grade 8 using Title I
382 money;

383 (iv) the amount of Title I money expended for teachers in kindergarten through grade
384 8; and

385 (v) a comparison of actual average class size by grade in grades kindergarten through 8
386 in the school district or charter school with what the average class size would be without the
387 expenditure of class size reduction, K-3 Reading Improvement Program, and Title I money.

388 (d) The information required to be reported in Subsections (8)(b)(i)(A) through (C),
389 (8)(b)(ii)(A) through (C), and (8)(c) shall be categorized by a teacher's or paraprofessional's
390 teaching assignment, such as the grade level, course, or subject taught.

391 (e) The State Board of Education may make rules specifying procedures and standards
392 for the submission of:

393 (i) a plan and a report on the use of class size reduction money as required by this
394 section; and

395 (ii) a report required under Subsection (8)(c).

396 (f) Based on the data contained in the class size reduction plans and reports submitted
397 by school districts and charter schools, and data on average class size, the State Board of
398 Education shall annually report to the Education Interim Committee on the impact of class size
399 reduction, K-3 Reading Improvement Program, and Title I money on class size.

400 (9) During the fiscal years that a school district or charter school receives state funding
401 under Part 3, Block Grant Funding Pilot Program, the school district or charter school:

- 402 (a) may use funds received under this section for any public education purpose; and
- 403 (b) is not subject to the requirements in Subsection (3), (5), or (8).

404 Section 8. Section **53A-17a-127** is amended to read:

405 **53A-17a-127. Eligibility for state-supported transportation -- Approved bus**
406 **routes -- Additional local tax.**

407 (1) A student eligible for state-supported transportation means:

408 (a) a student enrolled in kindergarten through grade six who lives at least 1-1/2 miles
409 from school;

410 (b) a student enrolled in grades seven through 12 who lives at least two miles from
411 school; and

412 (c) a student enrolled in a special program offered by a school district and approved by
413 the State Board of Education for trainable, motor, multiple-disability, or other students with
414 severe disabilities who are incapable of walking to school or where it is unsafe for students to
415 walk because of their disabling condition, without reference to distance from school.

416 (2) If a school district implements double sessions as an alternative to new building
417 construction, with the approval of the State Board of Education, those affected elementary
418 school students residing less than 1-1/2 miles from school may be transported one way to or
419 from school because of safety factors relating to darkness or other hazardous conditions as
420 determined by the local school board.

421 (3) (a) The State Board of Education shall distribute transportation money to school
422 districts based on:

- 423 (i) an allowance per mile for approved bus routes;
- 424 (ii) an allowance per hour for approved bus routes; and
- 425 (iii) a minimum allocation for each school district eligible for transportation funding.

426 (b) The State Board of Education shall distribute appropriated transportation funds
427 based on the prior year's eligible transportation costs as legally reported under Subsection
428 [53A-17a-126\(3\)](#).

429 (c) The State Board of Education shall annually review the allowance per mile and the
430 allowance per hour and adjust the allowances to reflect current economic conditions.

431 (4) (a) Approved bus routes for funding purposes shall be determined on fall data
432 collected by October 1.

433 (b) Approved route funding shall be determined on the basis of the most efficient and
434 economic routes.

435 (5) A transportation advisory committee with representation from local school
436 superintendents, business officials, school district transportation supervisors, and the state
437 superintendent's staff shall serve as a review committee for addressing school transportation
438 needs, including recommended approved bus routes.

439 (6) During the fiscal years that a school district or charter school receives state funding
440 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use
441 funding provided under this section for any public education purpose.

442 [~~(6)~~] (7) (a) Except as provided in Subsection [~~(6)~~] (7)(e), a local school board may
443 provide for the transportation of students regardless of the distance from school, from:

444 (i) general funds of the district; and

445 (ii) a tax rate not to exceed .0003 per dollar of taxable value imposed on the district.

446 (b) A local school board may use revenue from the tax described in Subsection [~~(6)~~]
447 (7)(a)(ii) to pay for transporting students and for the replacement of school buses.

448 (c) (i) If a local school board levies a tax under Subsection [~~(6)~~] (7)(a)(ii) of at least
449 .0002, the state may contribute an amount not to exceed 85% of the state average cost per mile,
450 contingent upon the Legislature appropriating funds for a state contribution.

451 (ii) The state superintendent's staff shall distribute the state contribution according to
452 rules enacted by the State Board of Education.

453 (d) (i) The amount of state guarantee money which a school district would otherwise be
454 entitled to receive under Subsection [~~(6)~~] (7)(c) may not be reduced for the sole reason that the
455 district's levy is reduced as a consequence of changes in the certified tax rate under Section
456 59-2-924 due to changes in property valuation.

457 (ii) Subsection [~~(6)~~] (7)(d)(i) applies for a period of two years following the change in
458 the certified tax rate.

459 (e) Beginning January 1, 2012, a local school board may not impose a tax in
460 accordance with this Subsection [~~(6)~~] (7).

461 [~~(7)~~] (8) (a) (i) If a local school board expends an amount of revenue equal to at least

462 .0002 per dollar of taxable value of the school district's board local levy imposed under Section
463 [53A-17a-164](#) for the uses described in Subsection [~~(6)~~] (7)(b), the state may contribute an
464 amount not to exceed 85% of the state average cost per mile, contingent upon the Legislature
465 appropriating funds for a state contribution.

466 (ii) The state superintendent's staff shall distribute the state contribution according to
467 rules enacted by the State Board of Education.

468 (b) (i) The amount of state guarantee money that a school district would otherwise be
469 entitled to receive under Subsection [~~(7)~~] (8)(a) may not be reduced for the sole reason that the
470 district's levy is reduced as a consequence of changes in the certified tax rate under Section
471 [59-2-924](#) due to changes in property valuation.

472 (ii) Subsection [~~(7)~~] (8)(b)(i) applies for a period of two years following the change in
473 the certified tax rate.

474 Section 9. Section **53A-17a-150** is amended to read:

475 **53A-17a-150. K-3 Reading Improvement Program.**

476 (1) As used in this section:

477 (a) "Board" means the State Board of Education.

478 (b) "Five domains of reading" include phonological awareness, phonics, fluency,
479 comprehension, and vocabulary.

480 (c) "Program" means the K-3 Reading Improvement Program.

481 (d) "Program money" means:

482 (i) school district revenue allocated to the program from other money available to the
483 school district, except money provided by the state, for the purpose of receiving state funds
484 under this section; and

485 (ii) money appropriated by the Legislature to the program.

486 (2) The K-3 Reading Improvement Program consists of program money and is created
487 to supplement other school resources to achieve the state's goal of having third graders reading
488 at or above grade level.

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

491 (4) (a) [~~Fø~~] Except as provided in Subsection (4)(e), to receive program money, a
492 school district or charter school [~~must~~] shall submit a plan to the board for reading proficiency

493 improvement that incorporates the following components:

494 (i) assessment;

495 (ii) intervention strategies;

496 (iii) professional development for classroom teachers in kindergarten through grade

497 three;

498 (iv) reading performance standards; and

499 (v) specific measurable goals that include the following:

500 (A) a growth goal for each school within a school district and each charter school

501 based upon student learning gains as measured by benchmark assessments administered

502 pursuant to Section 53A-1-606.6; and

503 (B) a growth goal for each school district and charter school to increase the percentage

504 of third grade students who read on grade level from year to year as measured by the third

505 grade reading test administered pursuant to Section 53A-1-603.

506 (b) The board shall provide model plans which a school district or charter school may

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

508 (c) Plans developed by a school district or charter school shall be approved by the

509 board.

510 (d) The board shall develop uniform standards for acceptable growth goals that a

511 school district or charter school adopts as described in this Subsection (4).

512 (e) During the fiscal years that a school district or charter school receives state funding

513 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may

514 receive funding under this section without:

515 (i) submitting a plan under Subsection (4)(a); or

516 (ii) receiving board approval of a plan.

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

518 programs:

519 (i) the Base Level Program;

520 (ii) the Guarantee Program; and

521 (iii) the Low Income Students Program.

522 (b) The board may use no more than \$7,500,000 from an appropriation described in

523 Subsection (3) for computer-assisted instructional learning and assessment programs.

524 (6) Money appropriated to the board for the K-3 Reading Improvement Program and
525 not used by the board for computer-assisted instructional learning and assessments as described
526 in Subsection (5)(b), shall be allocated to the three funding programs as follows:

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

530 (7) (a) ~~[(7)]~~ Except as provided in Subsection (7)(c), to participate in the Base Level
531 Program, a school district or charter school shall submit a reading proficiency improvement
532 plan to the board as provided in Subsection (4) and must receive approval of the plan from the
533 board.

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

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

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

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

542 (c) During the fiscal years that a school district or charter school receives state funding
543 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may
544 participate in the Base Level Program without:

- 545 (i) submitting a reading improvement plan to the board; or
- 546 (ii) receiving board approval of a reading improvement plan.

547 (8) (a) A school district that applies for program money in excess of the Base Level
548 Program funds shall choose to first participate in either the Guarantee Program or the Low
549 Income Students Program.

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

553 (c) To fully participate in the Guarantee Program, a school district shall allocate to the
554 program money available to the school district, except money provided by the state, equal to

555 the amount of revenue that would be generated by a tax rate of .000056.

556 (d) To fully participate in the Low Income Students Program, a school district shall
557 allocate to the program money available to the school district, except money provided by the
558 state, equal to the amount of revenue that would be generated by a tax rate of .000065.

559 (e) (i) The board shall verify that a school district allocates the money required in
560 accordance with Subsections (8)(c) and (d) before it distributes funds in accordance with this
561 section.

562 (ii) The State Tax Commission shall provide the board the information the board needs
563 in order to comply with Subsection (8)(e)(i).

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

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

569 (ii) not less than \$0.

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

572 (c) The board may adjust the \$21 guarantee amount described in Subsections (9)(a) and
573 (b) to account for actual appropriations and money used by the board for computer-assisted
574 instructional learning and assessments.

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

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

582 (12) (a) [A] Except as provided in Subsection (12)(d), a school district or charter
583 school shall use program money for reading proficiency improvement interventions in grades
584 kindergarten through grade 3 that have proven to significantly increase the percentage of
585 students reading at grade level, including:

586 (i) reading assessments; and
587 (ii) focused reading remediations that may include:
588 (A) the use of reading specialists;
589 (B) tutoring;
590 (C) before or after school programs;
591 (D) summer school programs; or
592 (E) the use of reading software; or
593 (F) the use of interactive computer software programs for literacy instruction and
594 assessments for students.

595 (b) A school district or charter school may use program money for portable technology
596 devices used to administer reading assessments.

597 (c) Program money may not be used to supplant funds for existing programs, but may
598 be used to augment existing programs.

599 (d) During the fiscal years that a school district or charter school receives state funding
600 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use
601 funds appropriated under this section for any public education purpose.

602 (13) (a) Each school district and charter school shall annually submit a report to the
603 board accounting for the expenditure of program money in accordance with its plan for reading
604 proficiency improvement.

605 (b) On or before the November meeting of the Education Interim Committee of each
606 year, the board shall report a summary of the reading improvement program expenditures of
607 each school district and charter school.

608 (c) [H] Except as provided in Subsection (13)(d), if a school district or charter school
609 uses program money in a manner that is inconsistent with Subsection (12), the school district or
610 charter school is liable for reimbursing the board for the amount of program money improperly
611 used, up to the amount of program money received from the board.

612 (d) During the fiscal years that a school district or charter school receives state funding
613 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use
614 funds appropriated under this section for any public education purpose.

615 (14) (a) The board shall make rules to implement the program.

616 (b) (i) The rules under Subsection (14)(a) shall require each school district or charter

617 school to annually report progress in meeting school and school district goals stated in the
618 school district's or charter school's plan for student reading proficiency.

619 (ii) If a school does not meet or exceed the school's goals, the school district or charter
620 school shall prepare a new plan [~~which~~] that corrects deficiencies. [~~The~~]

621 (iii) Except as provided in Subsection (14)(b)(iv), the new plan must be approved by
622 the board before the school district or charter school receives an allocation for the next year.

623 (iv) During the fiscal years that a school district or charter school receives state funding
624 under Part 3, Block Grant Funding Pilot Program, the school district or charter school shall
625 receive an allocation for the next year without approval of a new plan.

626 (15) (a) [~~H~~] Except as provided in Subsection (15)(b), if for two consecutive school
627 years, a school district fails to meet its goal to increase the percentage of third grade students
628 who read on grade level as measured by the third grade reading test administered pursuant to
629 Section 53A-1-603, the school district shall terminate any levy imposed under Section
630 53A-17a-151 and may not receive money appropriated by the Legislature for the K-3 Reading
631 Improvement Program.

632 (b) During the fiscal years that a school district or charter school receives state funding
633 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may
634 receive funds appropriated under this section if the school district or charter school fails to
635 meet the school district's or charter school's goal under Subsection (15)(a).

636 [~~b~~] (c) If for two consecutive school years, a charter school fails to meet its goal to
637 increase the percentage of third grade students who read on grade level as measured by the
638 third grade reading test administered pursuant to Section 53A-1-603, the charter school may
639 not receive money appropriated by the Legislature for the K-3 Reading Improvement Program.

640 (16) The board shall make an annual report to the Public Education Appropriations
641 Subcommittee that:

642 (a) includes information on:

643 (i) student learning gains in reading for the past school year and the five-year trend;

644 (ii) the percentage of third grade students reading on grade level in the past school year
645 and the five-year trend;

646 (iii) the progress of schools and school districts in meeting goals stated in a school
647 district's or charter school's plan for student reading proficiency; and

648 (iv) the correlation between third grade students reading on grade level and results of
649 third grade language arts scores on a criterion-referenced test or computer adaptive test; and

650 (b) may include recommendations on how to increase the percentage of third grade
651 students who read on grade level.

652 Section 10. Section **53A-17a-154** is amended to read:

653 **53A-17a-154. Appropriation for school nurses.**

654 (1) The State Board of Education shall distribute money appropriated for school nurses
655 to award grants to school districts and charter schools that:

656 [~~(1)~~] (a) provide an equal amount of matching funds; and

657 [~~(2)~~] (b) do not supplant other money used for school nurses.

658 (2) During the fiscal years that a school district or charter school receives state funding
659 as a block grant under Part 3, Block Grant Funding Pilot Program, the school district or charter
660 school may use the funding described in this section for any public education purpose.

661 Section 11. Section **53A-17a-155** is amended to read:

662 **53A-17a-155. Appropriation for library books and electronic resources.**

663 (1) The State Board of Education shall distribute money appropriated for library books
664 and electronic resources as follows:

665 (a) 25% shall be divided equally among all public schools; and

666 (b) 75% shall be divided among public schools based on each school's average daily
667 membership as compared to the total average daily membership.

668 (2) A school district or charter school may not use money distributed under Subsection
669 (1) to supplant other money used to purchase library books or electronic resources.

670 (3) During the fiscal years that a school district or charter school receives state funding
671 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use
672 funds appropriated under this section for any public education purpose.

673 Section 12. Section **53A-17a-159** is amended to read:

674 **53A-17a-159. Utah Science Technology and Research Initiative Centers**
675 **Program.**

676 (1) (a) The Utah Science Technology and Research Initiative (USTAR) Centers
677 Program is created to provide a financial incentive for charter schools and school districts to
678 adopt programs that result in a more efficient use of human resources and capital facilities.

- 679 (b) The potential benefits of the USTAR Centers Program include:
- 680 (i) increased compensation for math and science teachers by providing opportunities
681 for an expanded contract year which will enhance school districts' and charter schools' ability to
682 attract and retain talented and highly qualified math and science teachers;
- 683 (ii) increased capacity of school buildings by using buildings more hours of the day or
684 more days of the year, resulting in reduced capital facilities costs;
- 685 (iii) decreased class sizes created by expanding the number of instructional
686 opportunities in a year;
- 687 (iv) opportunities for earlier high school graduation;
- 688 (v) improved student college preparation;
- 689 (vi) increased opportunities to offer additional remedial and advanced courses in math
690 and science;
- 691 (vii) opportunities to coordinate high school and post-secondary math and science
692 education; and
- 693 (viii) the creation or improvement of science, technology, engineering, and math
694 centers (STEM Centers).
- 695 (2) ~~[From]~~ (a) Except as provided in Subsection (2)(b), from money appropriated for
696 the USTAR Centers Program, the State Board of Education shall award grants to charter
697 schools and school districts to pay for costs related to the adoption and implementation of the
698 program.
- 699 (b) During the fiscal years that a school district or charter school receives state funding
700 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use
701 funds appropriated under this section for any public education purpose.
- 702 (3) The State Board of Education shall:
- 703 (a) solicit proposals from the State Charter School Board and school districts for the
704 use of grant money to facilitate the adoption and implementation of the program; and
- 705 (b) award grants on a competitive basis.
- 706 (4) The State Charter School Board shall:
- 707 (a) solicit proposals from charter schools that may be interested in participating in the
708 USTAR Centers Program;
- 709 (b) prioritize the charter school proposals and consolidate them into the equivalent of a

710 single school district request; and

711 (c) submit the consolidated request to the State Board of Education.

712 (5) In selecting a grant recipient, the State Board of Education shall consider:

713 (a) the degree to which a charter school or school district's proposed adoption and
714 implementation of an extended year for math and science teachers achieves the benefits
715 described in Subsection (1);

716 (b) the unique circumstances of different urban, rural, large, small, growing, and
717 declining charter schools and school districts; and

718 (c) providing pilot programs in as many different school districts and charter schools as
719 possible.

720 (6) (a) Except as provided in ~~Subsection~~ Subsections (6)(b) and (c), a school district
721 or charter school may only use grant money to provide full year teacher contracts, part-time
722 teacher contract extensions, or combinations of both, for math and science teachers.

723 (b) Up to 5% of the grant money may be used to fund math and science field trips,
724 textbooks, and supplies.

725 (c) During the fiscal years that a school district or charter school receives state funding
726 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use
727 USTAR grant money appropriated under this section for any public education purpose.

728 (7) Participation in the USTAR Centers Program shall be:

729 (a) voluntary for an individual teacher; and

730 (b) voluntary for a charter school or school district.

731 (8) The State Board of Education shall make an annual report during the 2009, 2010,
732 and 2011 interims to the Public Education Appropriations Subcommittee describing the
733 program's impact on students and its effectiveness at achieving the benefits described in
734 Subsection (1).

735 Section 13. Section **53A-17a-162** is amended to read:

736 **53A-17a-162. Beverley Taylor Sorenson Elementary Arts Learning Program.**

737 (1) As used in this section:

738 (a) "Endowed chair" means a person who holds an endowed position or administrator
739 of an endowed program for the purpose of arts and integrated arts instruction at an endowed
740 university.

741 (b) "Endowed university" means an institution of higher education in the state that:

742 (i) awards elementary education degrees in arts instruction;

743 (ii) has received a major philanthropic donation for the purpose of arts and integrated
744 arts instruction; and

745 (iii) has created an endowed position as a result of a donation described in Subsection
746 (1)(b)(ii).

747 (c) "Integrated arts advocate" means a person who:

748 (i) advocates for arts and integrated arts instruction in the state; and

749 (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed
750 chair.

751 (d) "Local education agency" or "LEA" means:

752 (i) a school district;

753 (ii) a charter school; or

754 (iii) the Utah Schools for the Deaf and the Blind.

755 (2) The Legislature finds that a strategic placement of arts in elementary education can
756 impact the critical thinking of students in other core subject areas, including mathematics,
757 reading, and science.

758 (3) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to
759 enhance the social, emotional, academic, and arts learning of students in kindergarten through
760 grade six by integrating arts teaching and learning into core subject areas and providing
761 professional development for positions that support elementary arts and integrated arts
762 education.

763 (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
764 Learning Program, and subject to Subsection (5), the State Board of Education shall, after
765 consulting with endowed chairs and the integrated arts advocate and receiving their
766 recommendations, administer a grant program to enable LEAs to:

767 (a) hire highly qualified arts specialists, art coordinators, and other positions that
768 support arts education and arts integration;

769 (b) provide up to \$10,000 in one-time funds for each new school arts specialist
770 described under Subsection (4)(a) to purchase supplies and equipment; and

771 (c) engage in other activities that improve the quantity and quality of integrated arts

772 education.

773 (5) (a) ~~[An]~~ Except as provided in Subsection (7), an LEA that receives a grant under
774 Subsection (4) shall provide matching funds of no less than 20% of the grant amount, including
775 no less than 20% of the grant amount for actual salary and benefit costs per full-time equivalent
776 position funded under Subsection (4)(a).

777 (b) An LEA may not:

778 (i) include administrative, facility, or capital costs to provide the matching funds
779 required under Subsection (5)(a); or

780 (ii) use funds from the Beverley Taylor Sorenson Elementary Arts Learning Program to
781 supplant funds for existing programs.

782 (6) An LEA that receives a grant under this section shall partner with an endowed chair
783 to provide professional development in integrated elementary arts education.

784 (7) During the fiscal years that an LEA receives state funding under Part 3, Block
785 Grant Funding Pilot Program, the LEA:

786 (a) may use funds awarded under this section for any public education purpose; and

787 (b) is not required to partner with an endowed chair as provided in Subsection (6).

788 ~~[(7)]~~ (8) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
789 Learning Program, the State Board of Education shall administer a grant program to fund
790 activities within arts and the integrated arts programs at an endowed university in the college
791 where the endowed chair resides to:

792 (a) provide high quality professional development in elementary integrated arts
793 education in accordance with the professional learning standards in Section 53A-3-701 to
794 LEAs that receive a grant under Subsection (4);

795 (b) design and conduct research on:

796 (i) elementary integrated arts education and instruction;

797 (ii) implementation and evaluation of the Beverley Taylor Sorenson Elementary Arts
798 Learning Program; and

799 (iii) effectiveness of the professional development under Subsection ~~[(7)]~~ (8)(a); and

800 (c) provide the public with integrated elementary arts education resources.

801 ~~[(8)]~~ (9) The State Board of Education shall:

802 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

803 Rulemaking Act, to administer the Beverley Taylor Sorenson Elementary Arts Learning
804 Program; and

805 (b) after consultation with endowed chairs and the integrated arts advocate, submit an
806 annual written report to the Education Interim Committee describing the program's impact on
807 students in kindergarten through grade six.

808 Section 14. Section **53A-17a-165** is amended to read:

809 **53A-17a-165. Enhancement for Accelerated Students Program.**

810 (1) As used in this section, "eligible low-income student" means a student who:

811 (a) takes an Advanced Placement test;

812 (b) has applied for an Advanced Placement test fee reduction; and

813 (c) qualifies for a free lunch or a lunch provided at reduced cost.

814 (2) The State Board of Education shall distribute money appropriated for the
815 Enhancement for Accelerated Students Program to school districts and charter schools
816 according to a formula adopted by the State Board of Education, after consultation with school
817 districts and charter schools.

818 (3) A distribution formula adopted under Subsection (2) may include an allocation of
819 money for:

820 (a) Advanced Placement courses;

821 (b) Advanced Placement test fees of eligible low-income students;

822 (c) gifted and talented programs, including professional development for teachers of
823 high ability students; and

824 (d) International Baccalaureate programs.

825 (4) The greater of 1.5% or \$100,000 of the appropriation for the Enhancement for
826 Accelerated Students Program may be allowed for International Baccalaureate programs.

827 (5) (a) ~~[A]~~ Except as provided in Subsection (5)(b), a school district or charter school
828 shall use money distributed under this section to enhance the academic growth of students
829 whose academic achievement is accelerated.

830 (b) During the fiscal years that a school district or charter school receives state funding
831 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use
832 funds appropriated under this section for any public education purpose.

833 (6) (a) The State Board of Education shall develop performance criteria to measure the

834 effectiveness of the Enhancement for Accelerated Students Program and make an annual report
835 to the Public Education Appropriations Subcommittee on the effectiveness of the program.

836 (b) In the report required by Subsection (6)(a), the State Board of Education shall
837 include data showing the use and impact of money allocated for Advanced Placement test fees
838 of eligible low-income students.

839 Section 15. Section **53A-17a-166** is amended to read:

840 **53A-17a-166. Enhancement for At-Risk Students Program.**

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

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

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

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

852 (a) low performance on U-PASS tests;

853 (b) poverty;

854 (c) mobility; and

855 (d) limited English proficiency.

856 (3) ~~[(A)]~~ Except as provided in Subsection (4), a school district or charter school shall
857 use money distributed under this section to improve the academic achievement of students who
858 are at risk of academic failure.

859 (4) During the fiscal years that a school district or charter school receives state funding
860 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use
861 funds appropriated under this section for any public education purpose.

862 ~~[(4)]~~ (5) The State Board of Education shall develop performance criteria to measure
863 the effectiveness of the Enhancement for At-Risk Students Program and make an annual report
864 to the Public Education Appropriations Subcommittee on the effectiveness of the program.

865 Section 16. Section ~~53A-17a-167~~ is amended to read:

866 **53A-17a-167. Early intervention program -- Enhanced kindergarten program --**
867 **Educational technology.**

868 (1) The State Board of Education shall, as described in Subsection [~~(4)~~] (5), distribute
869 funds appropriated under this section for an enhanced kindergarten program described in
870 Subsection (2), to school districts and charter schools that apply for the funds.

871 (2) A school district or charter school shall use funds appropriated in this section to
872 offer an early intervention program, delivered through an enhanced kindergarten program that:

873 (a) is an academic program focused on building age-appropriate literacy and numeracy
874 skills;

875 (b) uses an evidence-based early intervention model;

876 (c) is targeted to at-risk students; and

877 (d) is delivered through additional hours or other means.

878 (3) During the fiscal years that a school district or charter school receives state funding
879 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use
880 funds appropriated under this section for any public education purpose.

881 [~~(3)~~] (4) A school district or charter school may not require a student to participate in
882 an enhanced kindergarten program described in Subsection (2).

883 [~~(4)~~] (5) The State Board of Education shall distribute funds appropriated under this
884 section for an enhanced kindergarten program described in Subsection (2) as follows:

885 (a) (i) the total allocation for charter schools shall be calculated by:

886 (A) dividing the number of charter school students by the total number of students in
887 the public education system in the prior school year; and

888 (B) multiplying the resulting percentage by the total amount of available funds; and

889 (ii) the amount calculated under Subsection [~~(4)~~] (5)(a) shall be distributed to charter
890 schools with the greatest need for an enhanced kindergarten program, as determined by the
891 State Board of Education in consultation with the State Charter School Board;

892 (b) each school district shall receive the amount calculated by:

893 (i) multiplying the value of the weighted pupil unit by 0.45; and

894 (ii) multiplying the result by 20; and

895 (c) the remaining funds, after the allocations described in Subsections [~~(4)~~] (5)(a) and

896 [~~(4)~~] (5)(b) are made, shall be distributed to applicant school districts by:

897 (i) determining the number of students eligible to receive free lunch in the prior school
898 year for each school district; and

899 (ii) prorating the remaining funds based on the number of students eligible to receive
900 free lunch in each district.

901 [~~(5)~~] (6) In addition to an enhanced kindergarten program described in Subsection (2),
902 the early intervention program includes a component to address early reading through the use
903 of early interactive reading software.

904 [~~(6)~~] (7) (a) Subject to legislative appropriations, the State Board of Education shall
905 select and contract with one or more technology providers, through a request for proposals
906 process, to provide early interactive reading software for literacy instruction and assessments
907 for students in kindergarten through grade 3.

908 (b) By August 1 of each year, the State Board of Education shall distribute licenses for
909 early interactive reading software described in Subsection [~~(6)~~] (7)(a) to school districts and
910 charter schools that apply for the licenses.

911 (c) Except as provided in Subsection [~~(7)~~] (8)(c), a school district or charter school that
912 received a license described in Subsection [~~(6)~~] (7)(b) during the prior year shall be given first
913 priority to receive an equivalent license during the current year.

914 (d) Licenses distributed to school districts and charter schools in addition to the
915 licenses described in Subsection [~~(6)~~] (7)(c) shall be distributed through a competitive process.

916 [~~(7)~~] (8) (a) As used in this Subsection [~~(7)~~] (8), "dosage" means amount of
917 instructional time.

918 (b) A public school that receives a license described in Subsection [~~(6)~~] (7)(b) shall use
919 the license:

920 (i) for a student in kindergarten or grade 1:

921 (A) for intervention for the student if the student is reading below grade level; or

922 (B) for advancement beyond grade level for the student if the student is reading at or
923 above grade level;

924 (ii) for a student in grade 2 or 3, for intervention for the student if the student is reading
925 below grade level; and

926 (iii) in accordance with the technology provider's dosage recommendations.

927 (c) A public school that does not use the early interactive reading software in
928 accordance with the technology provider's dosage recommendations for two consecutive years
929 may not continue to receive a license.

930 ~~[(8)]~~ (9) (a) On or before August 1 of each year, the State Board of Education shall
931 select and contract with an independent evaluator, through a request for proposals process, to
932 act as an independent contractor to evaluate early interactive reading software provided under
933 this section.

934 (b) The State Board of Education shall ensure that a contract with an independent
935 evaluator requires the independent evaluator to:

936 (i) evaluate a student's learning gains as a result of using early interactive reading
937 software provided under Subsection ~~[(6)]~~ (7);

938 (ii) for the evaluation under Subsection ~~[(8)]~~ (9)(b)(i), use an assessment that is not
939 developed by a provider of early interactive reading software; and

940 (iii) determine the extent to which a public school uses the early interactive reading
941 software in accordance with a technology provider's dosage recommendations under
942 Subsection ~~[(7)]~~ (8).

943 (c) The State Board of Education and the independent evaluator selected under
944 Subsection ~~[(8)]~~ (9)(a) shall report annually on the results of the evaluation to the Education
945 Interim Committee and the governor.

946 (d) The State Board of Education may use up to 4% of the appropriation provided
947 under Subsection ~~[(6)]~~ (7)(a) to contract with an independent evaluator selected under
948 Subsection ~~[(8)]~~ (9)(a).

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

950 **53A-17a-168. Appropriation for Title 1 Schools in Improvement Paraeducators**
951 **Program.**

952 (1) As used in this section:

953 (a) "Eligible school" means a Title 1 school that has not achieved adequate yearly
954 progress, as defined in the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq., in
955 the same subject area for two consecutive years.

956 (b) "Paraeducator" means a school employee who:

957 (i) delivers instruction under the direct supervision of a teacher; and

958 (ii) meets the requirements under Subsection (3).

959 (c) "Program" means the Title 1 Schools in Improvement Paraeducators Program
960 created in this section.

961 (2) The program is created to provide funding for eligible schools to hire paraeducators
962 to provide additional instructional aid in the classroom to assist students in achieving academic
963 success and assist the school in exiting Title 1 school improvement status.

964 (3) A paraeducator who is funded under this section shall have:

965 (a) earned a secondary school diploma or a recognized equivalent;

966 (b) (i) completed at least two years with a minimum of 48 semester hours at an
967 accredited higher education institution;

968 (ii) obtained an associates or higher degree from an accredited higher education
969 institution; or

970 (iii) satisfied a rigorous state or local assessment about the individual's knowledge of,
971 and ability to assist in instructing students in reading, writing, and mathematics; and

972 (c) received large group-, small group-, and individual-level professional development
973 that is intensive and focused and covers curriculum, instruction, assessment, classroom and
974 behavior management, and teaming.

975 (4) The State Board of Education shall distribute money appropriated for the program
976 to eligible schools, in accordance with rules adopted by the board.

977 (5) During the fiscal years that a school district or charter school receives state funding
978 as a block grant under Part 3, Block Grant Funding Pilot Program, the school district or charter
979 school may use the funding described in Subsections (2) and (4) for any public education
980 purpose.

981 [~~5~~] (6) Funds appropriated under the program may not be used to supplant other
982 money used for paraeducators at eligible schools.

983 [~~6~~] (7) The State Board of Education shall submit an annual report to the
984 Legislature's Public Education Appropriations Subcommittee that includes information on:

985 (a) the amount of money distributed to each eligible school under this section;

986 (b) how many paraeducators were hired at each eligible school with program money;

987 (c) additional funding eligible schools used to supplement program money in hiring
988 paraeducators; and

989 (d) accountability measures, including test scores of students served by the program.

990 Section 18. Section **53A-17a-170** is amended to read:

991 **53A-17a-170. Grants for field trips to the State Capitol.**

992 (1) The State Board of Education may award grants to school districts and charter
993 schools to take students on field trips to the State Capitol.

994 (2) Grant money may be used to pay for transportation expenses related to a field trip
995 to the State Capitol.

996 (3) The State Board of Education shall make rules:

997 (a) establishing procedures for applying for and awarding grants; and

998 (b) specifying how grant money shall be allocated among school districts and charter
999 schools.

1000 (4) During the fiscal years that a school district or charter school receives state funding
1001 under Part 3, Block Grant Funding Pilot Program, the school district or charter school may use
1002 funds appropriated under this section for any public education purpose.

1003 Section 19. Section **53A-17a-301** is enacted to read:

1004 **Part 3. Block Grant Funding Pilot Program**

1005 **53A-17a-301. Definitions.**

1006 As used in this part:

1007 (1) "Board" means the State Board of Education.

1008 (2) "Local Education Agency" or "LEA" means:

1009 (a) a school district; or

1010 (b) a charter school.

1011 (3) "Pilot LEA" means an LEA chosen by the board to participate in the program.

1012 (4) "Program" means the Block Grant Funding Pilot Program.

1013 Section 20. Section **53A-17a-302** is enacted to read:

1014 **53A-17a-302. Block Grant Funding Pilot Program -- Creation -- Administration --**
1015 **Evaluation.**

1016 (1) There is created the Block Grant Funding Pilot Program to give an LEA flexibility
1017 in administering programs by providing state funding to the LEA as a block grant.

1018 (2) (a) Except as provided in Subsections (2)(b) and (c), and subject to Subsection (7),
1019 a pilot LEA shall:

- 1020 (i) receive, as a block grant to be used for any public education purpose, funding
1021 appropriated through:
- 1022 (A) the state-supported Minimum School Program described in Part 1, Minimum
1023 School Program;
- 1024 (B) the Capital Outlay Foundation Program described in Chapter 21, Part 2, Capital
1025 Outlay Foundation Program; and
- 1026 (C) the Critical Languages Program described in Section 53A-15-104; and
1027 (ii) be exempt from program implementation and reporting requirements for each
1028 program for which funding is received as a block grant.
- 1029 (b) The following funding sources are not included in a block grant described in
1030 Subsection (2)(a):
- 1031 (i) the School LAND Trust Program described in Section 53A-16-101.5;
1032 (ii) Educator Salary Adjustments described in Section 53A-17a-153; and
1033 (iii) the Teacher Salary Supplement Program described in Section 53A-17a-156.
- 1034 (c) For funding that is eligible to be received as part of a block grant described in
1035 Subsection (2)(a), a pilot LEA, may, with the approval of the board:
- 1036 (i) restrict the use of the funding to the funding's original programmatic purpose; and
1037 (ii) adhere to program requirements associated with the funding.
- 1038 (3) At the request of a pilot LEA, the board may exempt a pilot LEA from:
- 1039 (a) Chapter 8a, Part 3, Employee Evaluations;
1040 (b) Chapter 8a, Part 4, Educator Evaluations;
1041 (c) Chapter 8a, Part 6, Performance Compensation;
1042 (d) Chapter 8a, Part 7, Evaluation and Compensation of Administrators; or
1043 (e) Chapter 8a, Part 8, Peer Assistance and Review Pilot Program.
- 1044 (4) On a competitive basis, an LEA may apply to the board to be selected as a pilot
1045 LEA.
- 1046 (5) The board shall:
- 1047 (a) determine requirements for an LEA's application to participate in the program;
1048 (b) on or before November 1, 2016, select two or more qualified pilot LEAs to
1049 participate in the program;
- 1050 (c) determine the total funding a pilot LEA would receive under the regular funding

- 1051 formula for the programs described in Subsection (2)(a) for each year of the program;
1052 (d) provide funding described in Subsection (5)(c) to a pilot LEA as a block grant;
1053 (e) work with a pilot LEA to develop goals for using the block grant and assess
1054 progress toward those goals; and
1055 (f) determine reporting requirements for a pilot LEA.
1056 (6) The board shall begin distributing funding as a block grant to a pilot LEA
1057 beginning in the 2017-18 school year or the 2018-19 school year, and continue the block grant
1058 funding for a minimum of three consecutive school years, except as provided in Subsection
1059 (10).
1060 (7) A pilot LEA may not spend funds provided through the block grant in a way that
1061 violates federal law or regulations.
1062 (8) For each pilot LEA, the board shall determine:
1063 (a) a formula that determines the amount of funding a pilot LEA receives for each year
1064 based on:
1065 (i) funding the LEA would have received through the funding sources described in
1066 Subsection (2)(a);
1067 (ii) anticipated growth in the pilot LEA in a program year; and
1068 (iii) any other factor the board determines is appropriate; and
1069 (b) performance information that the board requires a pilot LEA to report, including:
1070 (i) goals for the program;
1071 (ii) progress toward the goals; and
1072 (iii) the impacts of the program on students and teachers.
1073 (9) The board shall, as possible, exempt a pilot LEA from financial reporting
1074 requirements.
1075 (10) (a) The board may cancel a pilot LEA's participation in the program before the end
1076 of the program for good cause.
1077 (b) The board shall cancel a pilot LEA's participation in the program before the end of
1078 the program if the pilot LEA requests removal from the program.
1079 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1080 the board shall make rules to administer the program.
1081 (12) (a) On or before November 1, 2016, and each year of the program, the board shall

1082 report to the Education Interim Committee on the status of the program.

1083 (b) The annual report to the Education Interim Committee described in Subsection

1084 (12)(a) shall include a summary of accounting for each pilot LEA.

1085 Section 21. Section **53A-21-202** is amended to read:

1086 **53A-21-202. Capital Outlay Foundation Program -- Distribution formulas --**

1087 **Allocations.**

1088 (1) (a) The State Board of Education shall determine the foundation guarantee level per

1089 ADM that fully allocates the funds appropriated to the State Board of Education for

1090 distribution under this section.

1091 (b) In determining the foundation guarantee level per ADM and a school district's

1092 allocation of funds under this part, the State Board of Education shall use data from the fiscal

1093 year that is two years prior to the fiscal year the school district receives the allocation,

1094 including the:

1095 (i) number of pupils in average daily membership;

1096 (ii) tax rates; and

1097 (iii) derived net taxable value.

1098 (2) By June 1, a county treasurer shall report to the State Board of Education the actual

1099 collections of property taxes in the school districts located within the county treasurer's county

1100 for the period beginning April 1 through the following March 31 immediately preceding that

1101 June 1.

1102 (3) If a qualifying school district imposes a combined capital levy rate that is greater

1103 than or equal to the base tax effort rate, the State Board of Education shall allocate to the

1104 qualifying school district an amount equal to the product of the following:

1105 (a) the qualifying school district's ADM; and

1106 (b) an amount equal to the difference between the following:

1107 (i) the foundation guarantee level per ADM, as determined in accordance with

1108 Subsection (1); and

1109 (ii) the qualifying school district's property tax yield per ADM.

1110 (4) If a qualifying school district imposes a combined capital levy rate less than the

1111 base tax effort rate, the State Board of Education shall allocate to the qualifying school district

1112 an amount equal to the product of the following:

- 1113 (a) the qualifying school district's ADM;
- 1114 (b) an amount equal to the difference between the following:
- 1115 (i) the foundation guarantee level per ADM; and
- 1116 (ii) the qualifying school district's property tax yield per ADM; and
- 1117 (c) a percentage equal to:
- 1118 (i) the qualifying school district's combined capital levy rate; divided by
- 1119 (ii) the base tax effort rate.
- 1120 (5) (a) The State Board of Education shall allocate:
- 1121 (i) a minimum of \$200,000 to each small school district with a property tax base per
- 1122 ADM less than or equal to the statewide average property tax base per ADM;
- 1123 (ii) a minimum of \$100,000 to each small school district with a property tax base per
- 1124 ADM that is:
- 1125 (A) greater than the statewide average property tax base per ADM; and
- 1126 (B) less than or equal to two times the statewide average property tax base per ADM;
- 1127 and
- 1128 (iii) a minimum of \$50,000 to each small school district with a property tax base per
- 1129 ADM that is:
- 1130 (A) greater than two times the statewide average property tax base per ADM; and
- 1131 (B) less than or equal to five times the statewide average property tax base per ADM.
- 1132 (b) The State Board of Education shall incorporate the minimum allocations described
- 1133 in Subsection (5)(a) in its calculation of the foundation guarantee level per ADM determined in
- 1134 accordance with Subsection (1).
- 1135 (6) During the fiscal years that a school district or charter school receives state funding
- 1136 as a block grant under Chapter 17a, Part 3, Block Grant Funding Pilot Program, the school
- 1137 district or charter school may use funding allocated under this section for any public education
- 1138 purpose.
- 1139 Section 22. Section **63I-1-253** is amended to read:
- 1140 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**
- 1141 The following provisions are repealed on the following dates:
- 1142 [~~(1) Section 53-3-232, Conditional license, is repealed July 1, 2015.~~]
- 1143 [~~(2)~~] (1) Subsection 53-10-202(18) is repealed July 1, 2018.

- 1144 [~~3~~] (2) Section [53-10-202.1](#) is repealed July 1, 2018.
- 1145 [~~4~~] (3) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is
- 1146 repealed July 1, 2020.
- 1147 [~~5~~] (4) The State Instructional Materials Commission, created in Section [53A-14-101](#),
- 1148 is repealed July 1, 2016.
- 1149 [~~6~~] (5) Section [53A-15-106](#) is repealed July 1, 2019.
- 1150 [~~7~~] (6) Subsections [53A-16-113](#)(3) and (4) are repealed December 31, 2016.
- 1151 [~~8~~] (7) Section [53A-16-114](#) is repealed December 31, 2016.
- 1152 [~~9~~] (8) Section [53A-17a-163](#), Performance-based Compensation Pilot Program is
- 1153 repealed July 1, 2016.
- 1154 (9) Title 53A, Chapter 17a, Part 3, Block Grant Funding Pilot Program, is repealed July
- 1155 1, 2021.
- 1156 (10) Section [53B-24-402](#), Rural residency training program, is repealed July 1, 2020.
- 1157 (11) Subsection [53C-3-203](#)(4)(b)(vii), which provides for the distribution of money
- 1158 from the Land Exchange Distribution Account to the Geological Survey for test wells, other
- 1159 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.

Legislative Review Note
Office of Legislative Research and General Counsel