

Representative Bruce R. Cutler proposes the following substitute bill:

MINIMUM SCHOOL PROGRAM AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bruce R. Cutler

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the Minimum School Program.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to a local school board paying for a student to attend a school district outside of the state;
- ▶ amends funding requirements for comprehensive guidance programs;
- ▶ repeals the Teacher Salary Supplement Restricted Account; and
- ▶ gives rulemaking authority.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53A-2-204, as enacted by Laws of Utah 1988, Chapter 2

53A-17a-105, as last amended by Laws of Utah 2015, Chapter 449

53A-17a-113, as last amended by Laws of Utah 2010, Chapter 3



26 **53A-17a-156**, as last amended by Laws of Utah 2015, Chapter 122

27 REPEALS:

28 **53A-17a-157**, as last amended by Laws of Utah 2015, Chapter 122



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

31 Section 1. Section **53A-2-204** is amended to read:

32 **53A-2-204. District paying tuition -- Effect on state aid.**

33 (1) A local school board may by written agreement pay the tuition of a child attending
34 school in a district outside the state. Both districts shall approve the agreement and file it with
35 the State Board of Education.

36 (2) The average daily membership of the child may be added to that of other eligible
37 children attending schools within the district of residence for the purpose of apportionment of
38 state funds.

39 (3) ~~[The]~~ (a) Except as provided in Subsection (3)(b), the district of residence shall
40 bear any excess tuition costs over the state's contribution for attendance in the district of
41 residence [unless otherwise approved in advance by the State Board of Education].

42 (b) If excess money described in Subsection **53A-17a-105**(3) is available, the State
43 Board of Education may reimburse a school district for excess tuition costs described in
44 Subsection (3)(a).

45 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
46 State Board of Education may make rules regarding out of state tuition payments.

47 Section 2. Section **53A-17a-105** is amended to read:

48 **53A-17a-105. Powers and duties of State Board of Education to adjust Minimum**
49 **School Program allocations -- Use of remaining funds at the end of a fiscal year.**

50 (1) For purposes of this section:

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

52 (b) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C.

53 Sec. 6301 et seq.

54 (c) "LEA" means:

55 (i) a school district; or

56 (ii) a charter school.

57 (d) "Program" means a program or allocation funded by a line item appropriation or
58 other appropriation designated as:

- 59 (i) Basic Program;
- 60 (ii) Related to Basic Programs;
- 61 (iii) Voted and Board Levy Programs; or
- 62 (iv) Minimum School Program.

63 (2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units
64 in a program is underestimated, the board shall reduce the value of the weighted pupil unit in
65 that program so that the total amount paid for the program does not exceed the amount
66 appropriated for the program.

67 (3) If the number of weighted pupil units in a program is overestimated, the board shall
68 spend excess money appropriated for the following purposes giving priority to the purpose
69 described in Subsection (3)(a):

70 (a) to support the value of the weighted pupil unit in a program within the basic
71 state-supported school program in which the number of weighted pupil units is underestimated;

72 (b) to support the state guarantee per weighted pupil unit provided under the voted
73 local levy program established in Section [53A-17a-133](#) or the board local levy program
74 established in Section [53A-17a-164](#), if:

75 (i) local contributions to the voted local levy program or board local levy program are
76 overestimated; or

77 (ii) the number of weighted pupil units within school districts qualifying for a
78 guarantee is underestimated;

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

81 (d) to support a school district with a loss in student enrollment as provided in Section
82 [53A-17a-139](#)[~~;~~]; or

83 (e) to reimburse a school district for excess tuition costs for a student who attends
84 school outside the state, as described in Section [53A-2-204](#).

85 (4) If local contributions from the minimum basic tax rate imposed under Section
86 [53A-17a-135](#) are overestimated, the board shall reduce the value of the weighted pupil unit for
87 all programs within the basic state-supported school program so the total state contribution to

88 the basic state-supported school program does not exceed the amount of state funds
89 appropriated.

90 (5) If local contributions from the minimum basic tax rate imposed under Section
91 53A-17a-135 are underestimated, the board shall:

92 (a) spend the excess local contributions for the purposes specified in Subsection (3),
93 giving priority to supporting the value of the weighted pupil unit in programs within the basic
94 state-supported school program in which the number of weighted pupil units is underestimated;
95 and

96 (b) reduce the state contribution to the basic state-supported school program so the
97 total cost of the basic state-supported school program does not exceed the total state and local
98 funds appropriated to the basic state-supported school program plus the local contributions
99 necessary to support the value of the weighted pupil unit in programs within the basic
100 state-supported school program in which the number of weighted pupil units is underestimated.

101 (6) Except as provided in Subsection (3) or (5), the board shall reduce the guarantee
102 per weighted pupil unit provided under the voted local levy program established in Section
103 53A-17a-133 or board local levy program established in Section 53A-17a-164, if:

104 (a) local contributions to the voted local levy program or board local levy program are
105 overestimated; or

106 (b) the number of weighted pupil units within school districts qualifying for a
107 guarantee is underestimated.

108 (7) (a) The board may use program funds as described in Subsection (7)(b) if:

109 (i) the state loses flexibility due to the U.S. Department of Education's rejection of the
110 state's renewal application for flexibility under the ESEA; and

111 (ii) the state is required to fully implement the requirements of Title I of the ESEA, as
112 amended by the No Child Left Behind Act of 2001.

113 (b) Subject to the requirements of Subsections (7)(a) and (c), for fiscal year 2016, after
114 any transfers or adjustments described in Subsections (2) through (6) are made, the board may
115 use up to \$15,000,000 of excess money appropriated to a program, remaining at the end of
116 fiscal year 2015, to mitigate a budgetary impact to an LEA due to the LEA's loss of flexibility
117 related to implementing the requirements of Title I of the ESEA, as amended by the No Child
118 Left Behind Act of 2001.

119 (c) In addition to the reporting requirement described in Subsection (9), the board shall
120 report actions taken by the board under this Subsection (7) to the Executive Appropriations
121 Committee.

122 (8) Money appropriated to the board is nonlapsing.

123 (9) The board shall report actions taken by the board under this section to the Office of
124 the Legislative Fiscal Analyst and the Governor's Office of Management and Budget.

125 Section 3. Section **53A-17a-113** is amended to read:

126 **53A-17a-113. Weighted pupil units for career and technical education programs**
127 **-- Funding of approved programs -- Performance measures -- Qualifying criteria.**

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

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

132 (ii) may not be used to fund programs below the ninth grade level.

133 (b) Subsection (1)(a)(ii) does not apply to the following programs:

134 (i) comprehensive guidance;

135 (ii) Technology-Life-Careers; and

136 (iii) work-based learning programs.

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

138 (b) (i) The board shall fund approved programs based upon hours of membership of
139 9th through 12th grade students.

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

141 (A) comprehensive guidance;

142 (B) Technology-Life-Careers; and

143 (C) work-based learning programs.

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

147 (d) Leadership organization funds shall constitute an amount not to exceed 1% of the
148 total appropriation under this section, and shall be distributed to each local educational agency
149 sponsoring career and technical education student leadership organizations based on the

150 agency's share of the state's total membership in those organizations.

151 (e) The board shall make the necessary calculations for distribution of the
152 appropriation to school districts and may revise and recommend changes necessary for
153 achieving equity and ease of administration.

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

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

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

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

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

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

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

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

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

176 ~~[(b) do not supplant other funds used for comprehensive guidance programs.]~~

177 ~~[(6)]~~ (5) (a) The board shall establish rules for the upgrading of high school career and
178 technical education programs.

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

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

184 [~~(7)~~] (6) Programs that do not meet board standards may not be funded under this
185 section.

186 Section 4. Section **53A-17a-156** is amended to read:

187 **53A-17a-156. Teacher Salary Supplement Program -- Appeal process.**

188 (1) As used in this section:

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

190 (b) "Eligible teacher" means a teacher who:

191 (i) has an assignment to teach:

192 (A) a secondary school level mathematics course;

193 (B) integrated science in grade seven or eight;

194 (C) chemistry;

195 (D) physics; or

196 (E) computer science;

197 (ii) holds the appropriate endorsement for the assigned course;

198 (iii) has qualifying educational background; and

199 (iv) (A) is a new employee; or

200 (B) received a satisfactory rating or above on the teacher's most recent evaluation.

201 (c) "Qualifying educational background" means:

202 (i) for a teacher who is assigned a secondary school level mathematics course:

203 (A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or

204 (B) a bachelor's degree major, master's degree, or doctoral degree that has course

205 requirements that are substantially equivalent to the course requirements for a bachelor's degree
206 major, master's degree, or doctoral degree in mathematics;

207 (ii) for a teacher who is assigned a grade seven or eight integrated science course,
208 chemistry course, or physics course, a bachelor's degree major, master's degree, or doctoral
209 degree in:

210 (A) integrated science;

211 (B) chemistry;

- 212 (C) physics;
- 213 (D) physical science;
- 214 (E) general science; or
- 215 (F) a bachelor's degree major, master's degree, or doctoral degree that has course
- 216 requirements that are substantially equivalent to the course requirements of those required for a
- 217 degree listed in Subsections (1)(c)(ii)(A) through (E);
- 218 (iii) for a teacher who is assigned a computer science course, a bachelor's degree major,
- 219 master's degree, or doctoral degree in:
 - 220 (A) computer science;
 - 221 (B) computer information technology; or
 - 222 (C) a bachelor's degree major, master's degree, or doctoral degree that has course
 - 223 requirements that are substantially equivalent to the course requirements of those required for a
 - 224 degree listed in Subsections (1)(c)(iii)(A) and (B).
- 225 (2) (a) Subject to future budget constraints, the Legislature shall annually appropriate
- 226 money to the [~~Teacher Salary Supplement Restricted Account established in Section~~
- 227 ~~53A-17a-157 to fund the~~] Teacher Salary Supplement Program.
- 228 (b) Money appropriated for the Teacher Salary Supplement Program shall include
- 229 money for the following employer-paid benefits:
 - 230 (i) retirement;
 - 231 (ii) workers' compensation;
 - 232 (iii) social security; and
 - 233 (iv) Medicare.
- 234 (3) (a) The annual salary supplement for an eligible teacher who is assigned full time to
- 235 teach one or more courses listed in Subsections (1)(b)(i)(A) through (E) is \$4,100.
- 236 (b) An eligible teacher who has a part-time assignment to teach one or more courses
- 237 listed in Subsections (1)(b)(i)(A) through (E) shall receive a partial salary supplement based on
- 238 the number of hours worked in a course assignment that meets the requirements of Subsections
- 239 (1)(b)(ii) and (iii).
- 240 (4) The board shall:
 - 241 (a) create an online application system for a teacher to apply to receive a salary
 - 242 supplement through the Teacher Salary Supplement Program;

243 (b) determine if a teacher:
244 (i) is an eligible teacher; and
245 (ii) has a course assignment as listed in Subsections (1)(b)(i)(A) through (E); and
246 (c) verify, as needed, the determinations made under Subsection (4)(b) with school
247 district and school administrators.

248 (5) (a) An eligible teacher shall apply with the board before the conclusion of a school
249 year to receive the salary supplement authorized in this section.

250 (b) An eligible teacher may apply with the board, after verification that the
251 requirements under this section have been satisfied, to receive a salary supplement after the
252 completion of:

253 (i) the school year as an annual award; or
254 (ii) a semester or trimester as a partial award based on the portion of the school year
255 that has been completed.

256 (6) (a) The board shall establish and administer an appeal process for a teacher to
257 follow if the teacher applies for the salary supplement and is not certified under Subsection (4).

258 (b) (i) The appeal process established in Subsection (6)(a) shall allow a teacher to
259 appeal on the basis that the teacher has a degree or degree major with course requirements that
260 are substantially equivalent to the course requirements for a degree listed in:

261 (A) Subsection (1)(c)(i)(A);
262 (B) Subsections (1)(c)(ii)(A) through (E); or
263 (C) Subsections (1)(c)(iii)(A) and (B).

264 (ii) A teacher shall provide transcripts and other documentation to the board in order
265 for the board to determine if the teacher has a degree or degree major with course requirements
266 that are substantially equivalent to the course requirements for a degree listed in:

267 (A) Subsection (1)(c)(i)(A);
268 (B) Subsections (1)(c)(ii)(A) through (E); or
269 (C) Subsections (1)(c)(iii)(A) and (B).

270 (7) (a) The board shall distribute money ~~[from]~~ appropriated to the Teacher Salary
271 Supplement ~~[Restricted Account]~~ Program to school districts and charter schools for the
272 Teacher Salary Supplement Program in accordance with the provisions of this section.

273 (b) The board shall include the employer-paid benefits described under Subsection

274 (2)(b) in the amount of each salary supplement.

275 (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the
276 salary supplement limits described under Subsection (3).

277 (8) (a) Money received from the Teacher Salary Supplement [~~Restricted Account~~]
278 Program shall be used by a school district or charter school to provide a salary supplement
279 equal to the amount specified in Subsection (3) for each eligible teacher.

280 (b) The salary supplement is part of the teacher's base pay, subject to the teacher's
281 qualification as an eligible teacher every year, semester, or trimester.

282 (9) Notwithstanding the provisions of this section, if the appropriation for the program
283 is insufficient to cover the costs associated with salary supplements, the board may limit or
284 reduce the salary supplements.

285 Section 5. **Repealer.**

286 This bill repeals:

287 Section **53A-17a-157, Teacher Salary Supplement Restricted Account.**

288 Section 6. **Effective date.**

289 This bill takes effect on July 1, 2016.