

1                                   **LOCAL SCHOOL ENTITY AMENDMENTS**

2   2017 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Bruce R. Cutler**

5   Senate Sponsor: Jacob L. Anderegg

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7 **LONG TITLE**

8 **General Description:**

9           This bill modifies provisions relating to the Minimum School Program Act.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ amends certain references to education entities in Title 53A, Chapter 17a, Minimum
- 13 School Program Act;
- 14           ▶ repeals outdated language; and
- 15           ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 AMENDS:

- 22           **53A-1a-106**, as last amended by Laws of Utah 2012, Chapter 315
- 23           **53A-2-214**, as last amended by Laws of Utah 2011, Chapter 371
- 24           **53A-17a-103**, as last amended by Laws of Utah 2016, Chapter 367
- 25           **53A-17a-105**, as last amended by Laws of Utah 2016, Chapter 229
- 26           **53A-17a-105.5**, as last amended by Laws of Utah 2016, Chapter 200
- 27           **53A-17a-106**, as last amended by Laws of Utah 2001, Chapter 73
- 28           **53A-17a-107**, as last amended by Laws of Utah 2008, Chapter 382

- 29 **53A-17a-108**, as last amended by Laws of Utah 2010, Chapters 3 and 399
- 30 **53A-17a-109**, as last amended by Laws of Utah 2013, Chapter 106
- 31 **53A-17a-111**, as last amended by Laws of Utah 2011, Chapter 342
- 32 **53A-17a-111.5**, as last amended by Laws of Utah 2003, Chapter 221
- 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-116**, as last amended by Laws of Utah 2010, Chapter 3
- 36 **53A-17a-119**, as last amended by Laws of Utah 2010, Chapter 3
- 37 **53A-17a-124**, as last amended by Laws of Utah 2014, Chapter 346
- 38 **53A-17a-124.5**, as last amended by Laws of Utah 2016, Chapter 188
- 39 **53A-17a-125**, as last amended by Laws of Utah 2010, Chapter 3
- 40 **53A-17a-126**, as last amended by Laws of Utah 2016, Chapter 214
- 41 **53A-17a-127**, as last amended by Laws of Utah 2011, Chapters 366 and 371
- 42 **53A-17a-133**, as last amended by Laws of Utah 2016, Chapters 2, 350, and 367
- 43 **53A-17a-134**, as last amended by Laws of Utah 2013, Chapter 178
- 44 **53A-17a-135**, as last amended by Laws of Utah 2016, Chapter 2
- 45 **53A-17a-139**, as enacted by Laws of Utah 1991, Chapter 72
- 46 **53A-17a-140**, as enacted by Laws of Utah 1991, Chapter 72
- 47 **53A-17a-141**, as enacted by Laws of Utah 1991, Chapter 72
- 48 **53A-17a-143**, as last amended by Laws of Utah 2011, Chapter 371
- 49 **53A-17a-144**, as last amended by Laws of Utah 2011, Chapter 342
- 50 **53A-17a-145**, as last amended by Laws of Utah 2011, Chapter 371
- 51 **53A-17a-146**, as last amended by Laws of Utah 2011, Chapters 371 and 381
- 52 **53A-17a-150**, as last amended by Laws of Utah 2016, Chapter 188
- 53 **53A-17a-151**, as last amended by Laws of Utah 2011, Chapter 371
- 54 **53A-17a-153**, as last amended by Laws of Utah 2010, Chapter 3
- 55 **53A-17a-159**, as enacted by Laws of Utah 2008, Chapter 397

- 56 [53A-17a-165](#), as last amended by Laws of Utah 2015, Chapter 258
- 57 [53A-17a-166](#), as enacted by Laws of Utah 2011, Chapter 359
- 58 [53A-17a-167](#), as last amended by Laws of Utah 2015, Chapter 372
- 59 [53A-17a-171](#), as last amended by Laws of Utah 2016, Chapter 188
- 60 [63J-1-220](#), as enacted by Laws of Utah 2015, Chapter 407

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

63 Section 1. Section **53A-1a-106** is amended to read:

64 **53A-1a-106. School district and individual school powers -- Student**  
65 **education/occupation plan (SEOP) definition.**

66 (1) In order to acquire and develop the characteristics listed in Section [53A-1a-104](#),  
67 each school district and each public school within its respective district shall implement a  
68 comprehensive system of accountability in which students advance through public schools by  
69 demonstrating competency in required skills and mastery of required knowledge through the use  
70 of diverse assessment instruments such as authentic and criterion referenced tests, projects, and  
71 portfolios.

72 (2) (a) Each school district and public school shall:

73 (i) develop and implement programs integrating technology into the curriculum,  
74 instruction, and student assessment;

75 (ii) provide for teacher and parent involvement in policymaking at the school site;

76 (iii) implement a public school choice program to give parents, students, and teachers  
77 greater flexibility in designing and choosing among programs with different focuses through  
78 schools within the same district and other districts, subject to space availability, demographics,  
79 and legal and performance criteria;

80 (iv) establish strategic planning at both the district and school level and site-based  
81 decision making programs at the school level;

82 (v) provide opportunities for each student to acquire and develop academic and

83 occupational knowledge, skills, and abilities;

84 (vi) participate in ongoing research and development projects primarily at the school  
85 level aimed at improving the quality of education within the system; and

86 (vii) involve business and industry in the education process through the establishment of  
87 partnerships with the business community at the district and school level.

88 (b) (i) As used in this title, "student education/occupation plan" or "SEOP" means a  
89 plan developed by a student and the student's parent or guardian, in consultation with school  
90 counselors, teachers, and administrators that:

91 (A) is initiated at the beginning of grade 7;

92 (B) identifies a student's skills and objectives;

93 (C) maps out a strategy to guide a student's course selection; and

94 (D) links a student to post-secondary options, including higher education and careers.

95 (ii) Each local school board, in consultation with school personnel, parents, and school  
96 community councils or similar entities shall establish policies to provide for the effective  
97 implementation of a personalized student education plan (SEP) or student education/occupation  
98 plan (SEOP) for each student at the school site.

99 (iii) The policies shall include guidelines and expectations for:

100 (A) recognizing the student's accomplishments, strengths, and progress towards  
101 meeting student achievement standards as defined in U-PASS;

102 (B) planning, monitoring, and managing education and career development; and

103 (C) involving students, parents, and school personnel in preparing and implementing  
104 SEPs and SEOPs.

105 (iv) A parent may request conferences with school personnel in addition to SEP or  
106 SEOP conferences established by local school board policy.

107 (v) Time spent during the school day to implement SEPs and SEOPs is considered part  
108 of the school term referred to in Subsection [53A-17a-103](#)~~(4)~~(7).

109 (3) A school district or public school may submit proposals to modify or waive rules or

110 policies of a supervisory authority within the public education system in order to acquire or  
111 develop the characteristics listed in Section 53A-1a-104.

112 (4) (a) Each school district and public school shall make an annual report to its patrons  
113 on its activities under this section.

114 (b) The reporting process shall involve participation from teachers, parents, and the  
115 community at large in determining how well the district or school is performing.

116 Section 2. Section 53A-2-214 is amended to read:

117 **53A-2-214. Online students' participation in extracurricular activities.**

118 (1) As used in this section:

119 (a) "Online education" means the use of information and communication technologies  
120 to deliver educational opportunities to a student in a location other than a school.

121 (b) "Online student" means a student who:

122 (i) participates in an online education program sponsored or supported by the State  
123 Board of Education, a school district, or charter school; and

124 (ii) generates funding for the school district or school pursuant to Subsection  
125 53A-17a-103~~(4)~~(7) and rules of the State Board of Education.

126 (2) An online student is eligible to participate in extracurricular activities at:

127 (a) the school within whose attendance boundaries the student's custodial parent or  
128 legal guardian resides; or

129 (b) the public school from which the student withdrew for the purpose of participating  
130 in an online education program.

131 (3) A school other than a school described in Subsection (2)(a) or (b) may allow an  
132 online student to participate in extracurricular activities other than:

133 (a) interschool competitions of athletic teams sponsored and supported by a public  
134 school; or

135 (b) interschool contests or competitions for music, drama, or forensic groups or teams  
136 sponsored and supported by a public school.

137 (4) An online student is eligible for extracurricular activities at a public school  
138 consistent with eligibility standards as applied to full-time students of the public school.

139 (5) A school district or public school may not impose additional requirements on an  
140 online school student to participate in extracurricular activities that are not imposed on full-time  
141 students of the public school.

142 (6) (a) The State Board of Education shall make rules establishing fees for an online  
143 school student's participation in extracurricular activities at school district schools.

144 (b) The rules shall provide that:

145 (i) online school students pay the same fees as other students to participate in  
146 extracurricular activities;

147 (ii) online school students are eligible for fee waivers pursuant to Section [53A-12-103](#);

148 (iii) for each online school student who participates in an extracurricular activity at a  
149 school district school, the online school shall pay a share of the school district's costs for the  
150 extracurricular activity; and

151 (iv) an online school's share of the costs of an extracurricular activity shall reflect state  
152 and local tax revenues expended, except capital facilities expenditures, for an extracurricular  
153 activity in a school district or school divided by total student enrollment of the school district or  
154 school.

155 (c) In determining an online school's share of the costs of an extracurricular activity  
156 under Subsections (6)(b)(iii) and (iv), the State Board of Education may establish uniform fees  
157 statewide based on average costs statewide or average costs within a sample of school districts.

158 (7) When selection to participate in an extracurricular activity at a public school is made  
159 on a competitive basis, an online student is eligible to try out for and participate in the activity  
160 as provided in this section.

161 Section 3. Section **53A-17a-103** is amended to read:

162 **53A-17a-103. Definitions.**

163 As used in this chapter:

164 (1) "Basic state-supported school program" or "basic program" means public education  
165 programs for kindergarten, elementary, and secondary school students that are operated and  
166 maintained for the amount derived by multiplying the number of weighted pupil units for each  
167 school district or charter school by the value established each year in statute, except as  
168 otherwise provided in this chapter.

169 (2) (a) "Certified revenue levy" means a property tax levy that provides an amount of ad  
170 valorem property tax revenue equal to the sum of:

171 (i) the amount of ad valorem property tax revenue to be generated statewide in the  
172 previous year from imposing a minimum basic tax rate, as specified in Section 53A-17a-135;  
173 and

174 (ii) the product of:

175 (A) eligible new growth, as defined in Section 59-2-924 and rules of the State Tax  
176 Commission; and

177 (B) the minimum basic tax rate certified by the State Tax Commission for the previous  
178 year.

179 (b) For purposes of this Subsection (2), "ad valorem property tax revenue" does not  
180 include property tax revenue received statewide from personal property that is:

181 (i) assessed by a county assessor in accordance with Title 59, Chapter 2, Part 3, County  
182 Assessment; and

183 (ii) semiconductor manufacturing equipment.

184 (c) For purposes of calculating the certified revenue levy described in this Subsection  
185 (2), the State Tax Commission shall use:

186 (i) the taxable value of real property assessed by a county assessor contained on the  
187 assessment roll;

188 (ii) the taxable value of real and personal property assessed by the State Tax  
189 Commission; and

190 (iii) the taxable year end value of personal property assessed by a county assessor

191 contained on the prior year's assessment roll.

192 (3) "Charter school governing board" means the governing board, as defined in Section  
193 53A-1a-501.3, that governs a charter school.

194 (4) "Local education board" means a local school board or charter school governing  
195 board.

196 (5) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,  
197 Election of Members of Local Boards of Education.

198 [(3)] (6) "Pupil in average daily membership (ADM)" means a full-day equivalent pupil.

199 [(4)] (7) (a) "State-supported minimum school program" or "Minimum School  
200 Program" means public school programs for kindergarten, elementary, and secondary schools as  
201 described in this Subsection [(4)] (7).

202 (b) The minimum school program established in school districts and charter schools  
203 shall include the equivalent of a school term of nine months as determined by the State Board of  
204 Education.

205 (c) (i) The board shall establish the number of days or equivalent instructional hours  
206 that school is held for an academic school year.

207 (ii) Education, enhanced by utilization of technologically enriched delivery systems,  
208 when approved by [~~local school boards or charter school governing boards~~] a local education  
209 board, shall receive full support by the State Board of Education as it pertains to fulfilling the  
210 attendance requirements, excluding time spent viewing commercial advertising.

211 (d) (i) A local [~~school board or charter school governing~~] education board may  
212 reallocate up to 32 instructional hours or four school days established under Subsection [(4)]  
213 (7)(c) for teacher preparation time or teacher professional development.

214 (ii) A reallocation of instructional hours or school days under Subsection [(4)] (7)(d)(i)  
215 is subject to the approval of two-thirds of the members of a local [~~school board or charter~~  
216 ~~school governing~~] education board voting in a regularly scheduled meeting:

217 (A) at which a quorum of the local [~~school board or charter school governing~~]



218 education board is present; and

219 (B) held in compliance with Title 52, Chapter 4, Open and Public Meetings Act.

220 (iii) If a local [~~school board or charter school governing~~] education board reallocates  
221 instructional hours or school days as provided by this Subsection [~~(4)~~] (7)(d), the school district  
222 or charter school shall notify students' parents and guardians of the school calendar at least 90  
223 days before the beginning of the school year.

224 (iv) Instructional hours or school days reallocated for teacher preparation time or  
225 teacher professional development pursuant to this Subsection [~~(4)~~] (7)(d) is considered part of a  
226 school term referred to in Subsection [~~(4)~~] (7)(b).

227 (e) The Minimum School Program includes a program or allocation funded by a line  
228 item appropriation or other appropriation designated as follows:

- 229 (i) Basic School Program;
- 230 (ii) Related to Basic Programs;
- 231 (iii) Voted and Board Levy Programs; or
- 232 (iv) Minimum School Program.

233 [~~(5)~~] (8) "Weighted pupil unit or units or WPU or WPUs" means the unit of measure of  
234 factors that is computed in accordance with this chapter for the purpose of determining the  
235 costs of a program on a uniform basis for each school district or charter school.

236 Section 4. Section **53A-17a-105** is amended to read:

237 **53A-17a-105. Powers and duties of State Board of Education to adjust Minimum**  
238 **School Program allocations -- Use of remaining funds at the end of a fiscal year.**

239 (1) For purposes of this section:

- 240 (a) "Board" means the State Board of Education.
- 241 (b) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C.

242 Sec. 6301 et seq.

243 [~~(c) "LEA" means:]~~

244 [~~(i) a school district; or]~~

245 [~~(ii) a charter school.~~]

246 [~~(d)~~] (c) "Program" means a program or allocation funded by a line item appropriation  
247 or other appropriation designated as:

248 (i) Basic Program;

249 (ii) Related to Basic Programs;

250 (iii) Voted and Board Levy Programs; or

251 (iv) Minimum School Program.

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

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

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

261 (b) to support the state guarantee per weighted pupil unit provided under the voted  
262 local levy program established in Section 53A-17a-133 or the board local levy program  
263 established in Section 53A-17a-164, if:

264 (i) local contributions to the voted local levy program or board local levy program are  
265 overestimated; or

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

268 (c) to support the state supplement to local property taxes allocated to charter schools,  
269 if the state supplement is less than the amount prescribed by Section 53A-1a-513; or

270 (d) to support a school district with a loss in student enrollment as provided in Section  
271 53A-17a-139.

272 (4) If local contributions from the minimum basic tax rate imposed under Section  
273 53A-17a-135 are overestimated, the board shall reduce the value of the weighted pupil unit for  
274 all programs within the basic state-supported school program so the total state contribution to  
275 the basic state-supported school program does not exceed the amount of state funds  
276 appropriated.

277 (5) If local contributions from the minimum basic tax rate imposed under Section  
278 53A-17a-135 are underestimated, the board shall:

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

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

288 (6) Except as provided in Subsection (3) or (5), the board shall reduce the guarantee  
289 per weighted pupil unit provided under the voted local levy program established in Section  
290 53A-17a-133 or board local levy program established in Section 53A-17a-164, if:

291 (a) local contributions to the voted local levy program or board local levy program are  
292 overestimated; or

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

295 ~~[(7) (a) The board may use program funds as described in Subsection (7)(b) if:]~~

296 ~~[(i) the state loses flexibility due to the U.S. Department of Education's rejection of the  
297 state's renewal application for flexibility under the ESEA, and]~~

298 ~~[(ii) the state is required to fully implement the requirements of Title I of the ESEA, as~~

299 amended by the No Child Left Behind Act of 2001.]

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

306 [~~(c)~~ In addition to the reporting requirement described in Subsection (9), the board shall  
307 report actions taken by the board under this Subsection (7) to the Executive Appropriations  
308 Committee.]

309 [~~(8)~~ (7) Money appropriated to the board is nonlapsing.

310 [~~(9)~~ (8) The board shall report actions taken by the board under this section to the  
311 Office of the Legislative Fiscal Analyst and the Governor's Office of Management and Budget.

312 Section 5. Section **53A-17a-105.5** is amended to read:

313 **53A-17a-105.5. Flexibility in the use of program funds.**

314 (1) As used in this section, "qualifying program" means:

315 (a) the Enhancement for At-Risk Students Program created in Section [53A-17a-166](#);

316 (b) the Enhancement for Accelerated Students Program created in Section

317 [53A-17a-165](#); and

318 (c) the concurrent enrollment program established in Section [53A-15-1703](#).

319 (2) If a school district or charter school receives an allocation of state funds for a

320 qualifying program that is less than \$10,000, the [~~school district or charter school~~] local

321 education board of the receiving school district or charter school may:

322 (a) (i) combine the funds with one or more qualifying program fund allocations each of  
323 which is less than \$10,000; and

324 (ii) use the combined funds in accordance with the program requirements for any of the  
325 qualifying programs that are combined; or

326 (b) (i) transfer the funds to a qualifying program for which the school district or charter  
327 school received an allocation of funds that is greater than or equal to \$10,000; and

328 (ii) use the combined funds in accordance with the program requirements for the  
329 qualifying program to which the funds are transferred.

330 Section 6. Section **53A-17a-106** is amended to read:

331 **53A-17a-106. Determination of weighted pupil units.**

332 The number of weighted pupil units in the minimum school program for each year is the  
333 total of the units for each school district and, subject to Section 53A-1a-513, charter school,  
334 determined as follows:

335 (1) The number of units is computed by adding the average daily membership of all  
336 pupils of the school district or charter school attending schools, other than kindergarten and  
337 self-contained classes for children with a disability.

338 (2) The number of units is computed by adding the average daily membership of all  
339 pupils of the school district or charter school enrolled in kindergarten and multiplying the total  
340 by .55.

341 (a) In those school districts or charter schools that do not [~~elect to~~] hold kindergarten  
342 for a full nine-month term, the local school board or charter school governing board may  
343 approve a shorter term of nine weeks' duration.

344 (b) Upon local education board approval, the number of pupils in average daily  
345 membership at the short-term kindergarten shall be counted for the purpose of determining the  
346 number of units allowed in the same ratio as the number of days the short-term kindergarten is  
347 held, not exceeding nine weeks, compared to the total number of days schools are held in that  
348 school district or charter school in the regular school year.

349 (3) (a) The State Board of Education shall use prior year plus growth to determine  
350 average daily membership in distributing money under the minimum school program where the  
351 distribution is based on kindergarten through grade 12 ADMs or weighted pupil units.

352 (b) Under prior year plus growth, kindergarten through grade 12 average daily

353 membership for the current year is based on the actual kindergarten through grade 12 average  
354 daily membership for the previous year plus an estimated percentage growth factor.

355 (c) The growth factor is the percentage increase in total average daily membership on  
356 the first school day of October in the current year as compared to the total average daily  
357 membership on the first school day of October of the previous year.

358 Section 7. Section **53A-17a-107** is amended to read:

359 **53A-17a-107. Professional staff weighted pupil units.**

360 (1) Professional staff weighted pupil units are computed and distributed in accordance  
361 with the following schedule:

362 (a) Professional Staff Cost Formula

|     | Years of<br>Experience | Bachelor's<br>Degree | Bachelor's<br>+30 Qt. Hr. | Master's<br>Degree | Master's<br>+45 Qt. Hr. | Doctorate |
|-----|------------------------|----------------------|---------------------------|--------------------|-------------------------|-----------|
| 364 | 1                      | 1.00                 | 1.05                      | 1.10               | 1.15                    | 1.20      |
| 365 | 2                      | 1.05                 | 1.10                      | 1.15               | 1.20                    | 1.25      |
| 366 | 3                      | 1.10                 | 1.15                      | 1.20               | 1.25                    | 1.30      |
| 367 | 4                      | 1.15                 | 1.20                      | 1.25               | 1.30                    | 1.35      |
| 368 | 5                      | 1.20                 | 1.25                      | 1.30               | 1.35                    | 1.40      |
| 369 | 6                      | 1.25                 | 1.30                      | 1.35               | 1.40                    | 1.45      |
| 370 | 7                      | 1.30                 | 1.35                      | 1.40               | 1.45                    | 1.50      |
| 371 | 8                      | 1.35                 | 1.40                      | 1.45               | 1.50                    | 1.55      |
| 372 | 9                      |                      |                           | 1.50               | 1.55                    | 1.60      |
| 373 | 10                     |                      |                           |                    | 1.60                    | 1.65      |
| 374 | 11                     |                      |                           |                    |                         | 1.70      |

375 (b) Multiply the number of full-time or equivalent professional personnel in each  
376 applicable experience category in Subsection (1)(a) by the applicable weighting factor.

377 (c) Divide the total of Subsection (1)(b) by the number of professional personnel  
378 included in Subsection (1)(b) and reduce the quotient by 1.00.

379 (d) Multiply the result of Subsection (1)(c) by 1/4 of the weighted pupil units computed  
380 in accordance with Sections 53A-17a-106 and 53A-17a-109.

381 (2) The State Board of Education shall enact rules in accordance with Title 63G,  
382 Chapter 3, Utah Administrative Rulemaking Act, [which] that require a certain percentage of a  
383 school district's or charter school's professional staff to be certified in the area in which [they  
384 teach] the staff teaches in order for the school district or charter school to receive full funding  
385 under the schedule.

386 (3) If an individual's teaching experience is a factor in negotiating a contract of  
387 employment to teach in the state's public schools, then the local [school] education board is  
388 encouraged to accept as credited experience all of the years the individual has taught in the  
389 state's public schools.

390 Section 8. Section 53A-17a-108 is amended to read:

391 **53A-17a-108. Weighted pupil units for small school district administrative costs**  
392 **-- Appropriation for charter school administrative costs.**

393 (1) Administrative costs weighted pupil units are computed [~~and distributed to small~~  
394 ~~school districts~~] for a small school district and distributed to the small school district in  
395 accordance with the following schedule:

396 Administrative Costs Schedule

| School District Enrollment as of October 1 | Weighted Pupil Units |
|--|----------------------|
| 1 - 500 students                           | 95                   |
| 501 - 1,000 students                       | 80                   |
| 1,001 - 2,000 students                     | 70                   |
| 2,001 - 5,000 students                     | 60                   |

402 (2) (a) Except as provided in Subsection (2)(b), money appropriated to the State Board

403 of Education for charter school administrative costs shall be distributed to charter schools in the  
404 amount of \$100 for each charter school student in enrollment.

405 (b) (i) If money appropriated for charter school administrative costs is insufficient to  
406 provide the amount per student prescribed in Subsection (2)(a), the appropriation shall be  
407 allocated among charter schools in proportion to each charter school's enrollment as a  
408 percentage of the total enrollment in charter schools.

409 (ii) If the State Board of Education makes adjustments to Minimum School Program  
410 allocations under Section 53A-17a-105, the allocation provided in Subsection (2)(b)(i) shall be  
411 determined after adjustments are made under Section 53A-17a-105.

412 (c) Charter [~~schools~~] school governing boards are encouraged to identify and use  
413 cost-effective methods of performing administrative functions, including contracting for  
414 administrative services with the State Charter School Board as provided in Section  
415 53A-1a-501.6.

416 (3) Charter schools are not eligible for funds for administrative costs under Subsection  
417 (1).

418 Section 9. Section 53A-17a-109 is amended to read:

419 **53A-17a-109. Necessarily existent small schools -- Computing additional weighted**  
420 **pupil units -- Consolidation of small schools.**

421 (1) As used in this section:

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

423 (b) "Necessarily existent small schools funding balance" means the difference between:

424 (i) the amount appropriated for the necessarily existent small schools program in a fiscal  
425 year; and

426 (ii) the amount distributed to school districts for the necessarily existent small schools  
427 program in the same fiscal year.

428 (2) (a) Upon application by a [~~school district~~] local school board, the board shall, in  
429 consultation with the local school board, classify schools in the school district as necessarily



430 existent small schools, in accordance with this section and board rules adopted under ~~[this~~  
431 ~~section]~~ Subsection (3).

432 (b) An application must be submitted to the board before April 2, and the board must  
433 report a decision to a ~~[school-district]~~ local school board before June 2.

434 (3) The board shall adopt standards and make rules, in accordance with Title 63G,  
435 Chapter 3, Utah Administrative Rulemaking Act, to:

436 (a) govern the approval of necessarily existent small schools consistent with principles  
437 of efficiency and economy ~~[and which shall]~~ that serve the purpose of eliminating schools where  
438 consolidation is feasible by participation in special school units; and

439 (b) ensure that school districts are not building secondary schools in close proximity to  
440 one another where economy and efficiency would be better served by one school meeting the  
441 needs of secondary students in a designated geographical area.

442 (4) A one or two-year secondary school that has received necessarily existent small  
443 school money under this section prior to July 1, 2000, may continue to receive such money in  
444 subsequent years ~~[under board rule]~~.

445 (5) The board shall prepare and publish objective standards and guidelines for  
446 determining which small schools are necessarily existent after consultation with local school  
447 boards.

448 (6) (a) Additional weighted pupil units for schools classified as necessarily existent  
449 small schools shall be computed using regression formulas adopted by the board.

450 (b) The regression formulas establish the following maximum sizes for funding under  
451 the necessarily existent small school program:

- 452 (i) an elementary school 160
- 453 (ii) a one or two-year secondary school 300
- 454 (iii) a three-year secondary school 450
- 455 (iv) a four-year secondary school 500
- 456 (v) a six-year secondary school 600

457 (c) Schools with fewer than 10 students shall receive the same add-on weighted pupil  
458 units as schools with 10 students.

459 (d) The board shall prepare and distribute an allocation table based on the regression  
460 formula to each school district.

461 (7) (a) To avoid penalizing a school district financially for consolidating [~~its~~] the school  
462 district's small schools, additional weighted pupil units may be allowed a school district each  
463 year, not to exceed two years.

464 (b) The additional weighted pupil units may not exceed the difference between what the  
465 school district receives for a consolidated school and what [~~it~~] the school district would have  
466 received for the small schools had [~~they~~] the small schools not been consolidated.

467 (8) (a) Subject to Subsection (8)(b), the board may distribute a portion of necessarily  
468 existent small schools funding in accordance with a formula adopted by the board that considers  
469 the tax effort of a local school board.

470 (b) The amount distributed in accordance with Subsection (8)(a) may not exceed the  
471 necessarily existent small schools fund in balance of the prior fiscal year.

472 (9) A [~~district~~] local school board may use the money allocated under this section for  
473 maintenance and operation of school programs or for other school purposes as approved by the  
474 board.

475 Section 10. Section **53A-17a-111** is amended to read:

476 **53A-17a-111. Weighted pupil units for programs for students with disabilities --**  
477 **Local school board allocation.**

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

482 (2) Disability program money allocated to school districts or charter schools is  
483 restricted and shall be spent for the education of students with disabilities but may include

484 expenditures for approved programs of services conducted for certified instructional personnel  
485 who have students with disabilities in their classes.

486 (3) The State Board of Education shall establish and strictly interpret definitions and  
487 provide standards for determining which students have disabilities and shall assist school  
488 districts and charter schools in determining the services that should be provided to students with  
489 disabilities.

490 (4) Each year the [~~board~~] State Board of Education shall evaluate the standards and  
491 guidelines that establish the identifying criteria for disability classifications to assure strict  
492 compliance with those standards by the school districts and charter schools.

493 (5) (a) Money appropriated to the State Board of Education for add-on WPU's for  
494 students with disabilities enrolled in regular programs shall be allocated to school districts and  
495 charter schools as provided in this Subsection (5).

496 (b) [~~Beginning on July 1, 2003, the~~] The State Board of Education shall[:(i)] use a  
497 school district's or charter school's average number of special education add-on weighted pupil  
498 units determined by the previous five year's average daily membership data as a foundation for  
499 the special education add-on appropriation[~~;~~ and].

500 [~~(ii) implement a hold harmless provision for up to three years as needed to accomplish~~  
501 ~~a phase-in period for school districts to accommodate the change in the special education~~  
502 ~~add-on WPU's foundation formula.]~~

503 (c) A school district's or charter school's special education add-on WPU's for the current  
504 year may not be less than the foundation special education add-on WPU's.

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

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

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

514 (iii) Growth ADMs are calculated by applying the growth factor to the S-3 total special  
515 education ADM of two years previous to the current year.

516 (iv) Growth ADMs for each school district or each charter school are multiplied by 1.53  
517 weighted pupil units and added to the prior year special education add-on WPU to determine  
518 each school district's or each charter school's total allocation.

519 (6) If money appropriated under this chapter for programs for students with disabilities  
520 does not meet the costs of school districts and charter schools for those programs, each school  
521 district and each charter school shall first receive the amount generated for each student with a  
522 disability under the basic program.

523 Section 11. Section **53A-17a-111.5** is amended to read:

524 **53A-17a-111.5. School districts to provide class space for deaf and blind**  
525 **programs.**

526 (1) [~~School districts~~] A school district with students who reside within [~~their~~] the school  
527 district's boundaries and are served by the Schools for the Deaf and the Blind shall:

- 528 (a) furnish the schools with space required for their programs; or
- 529 (b) help pay for the cost of leasing classroom space in other school districts.

530 (2) A [~~district's~~] school district's participation in the program under Subsection (1) is  
531 based upon the number of students who are served by the Schools for the Deaf and the Blind  
532 and who reside within the school district as compared to the state total of students who are  
533 served by the schools.

534 Section 12. Section **53A-17a-112** is amended to read:

535 **53A-17a-112. Preschool special education appropriation -- Extended year**  
536 **program appropriation -- Appropriation for special education programs in state**  
537 **institutions -- Appropriations for stipends for special educators.**

538 (1) (a) Money appropriated to the State Board of Education for the preschool special  
539 education program shall be allocated to school districts to provide a free, appropriate public  
540 education to preschool students with a disability, ages three through five.

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

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

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

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

553 (4) (a) The State Board of Education shall compute preschool funding by a factor of  
554 1.47 times the current December 1 child count of eligible preschool aged three, four, and  
555 five-year-olds times the WPU value, limited to 8% growth over the prior year December 1  
556 count.

557 (b) The ~~board~~ State Board of Education shall develop guidelines to implement the  
558 funding formula for preschool special education, and establish prevalence limits for distribution  
559 of the money.

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

564 Section 13. Section **53A-17a-113** is amended to read:

565           **53A-17a-113. Weighted pupil units for career and technical education programs**

566 **-- Funding of approved programs -- Performance measures -- Qualifying criteria.**

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

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

571           (ii) may not be used to fund programs below [~~the ninth grade level~~] grade 9.

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

573           (i) comprehensive guidance;

574           (ii) Technology-Life-Careers; and

575           (iii) work-based learning programs.

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

577           (b) (i) The [~~board~~] State Board of Education shall fund approved programs based upon  
578 hours of membership of [~~9th~~] grades 9 through [~~+12th grade~~] 12 students.

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

580           (A) comprehensive guidance;

581           (B) Technology-Life-Careers; and

582           (C) work-based learning programs.

583           (c) The [~~board~~] State Board of Education shall use an amount not to exceed 20% of the  
584 total appropriation under this section to fund approved programs based on performance  
585 measures such as placement and competency attainment defined in standards set by the [~~board~~]  
586 State Board of Education.

587           (d) Leadership organization funds shall constitute an amount not to exceed 1% of the  
588 total appropriation under this section, and shall be distributed to each [~~local educational agency~~]  
589 school district or each charter school sponsoring career and technical education student  
590 leadership organizations based on the agency's share of the state's total membership in those  
591 organizations.

592 (e) The ~~[board]~~ State Board of Education shall make the necessary calculations for  
593 distribution of the appropriation to a school ~~[districts]~~ district and charter school and may revise  
594 and recommend changes necessary for achieving equity and ease of administration.

595 (3) (a) Twenty weighted pupil units shall be computed for career and technical  
596 education administrative costs for each school district, except 25 weighted pupil units may be  
597 computed for each school district that consolidates career and technical education  
598 administrative services with one or more other school districts.

599 (b) Between 10 and 25 weighted pupil units shall be computed for each high school  
600 conducting approved career and technical education programs in a school district according to  
601 standards established by the ~~[board]~~ State Board of Education.

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

604 (d) Between five and seven weighted pupil units shall be computed for each summer  
605 career and technical education agriculture program according to standards established by the  
606 ~~[board]~~ State Board of Education.

607 (e) The ~~[board]~~ State Board of Education shall, by rule, establish qualifying criteria for  
608 ~~[districts]~~ a school district or charter school to receive weighted pupil units under this  
609 Subsection (3).

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

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

615 (5) Of the money allocated to comprehensive guidance programs pursuant to ~~[board~~  
616 rules] State Board of Education rule, \$1,000,000 in grants shall be awarded to school districts  
617 or charter schools that:

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

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

620 (6) (a) The [~~board~~] State Board of Education shall establish rules for [~~the~~] upgrading  
621 [~~of~~] high school career and technical education programs.

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

624 (c) The rules shall include procedures to assist school districts and charter schools to  
625 convert existing programs [~~which~~] that are not preparing students for the job market into  
626 programs that will accomplish that purpose.

627 (7) Programs that do not meet [~~board~~] State Board of Education standards may not be  
628 funded under this section.

629 Section 14. Section **53A-17a-116** is amended to read:

630 **53A-17a-116. Weighted pupil units for career and technical education set-aside**  
631 **programs.**

632 (1) Each school district and charter school shall receive a guaranteed minimum  
633 allocation from the money appropriated to the State Board of Education for a career and  
634 technical education set-aside program.

635 (2) The set-aside funds remaining after the initial minimum payment allocation are  
636 distributed by [~~an RFP~~] a request for proposals process to help pay for equipment costs  
637 necessary to initiate new programs and for high priority programs as determined by labor  
638 market information.

639 Section 15. Section **53A-17a-119** is amended to read:

640 **53A-17a-119. Appropriation for adult education programs.**

641 (1) Money appropriated to the State Board of Education for adult education shall be  
642 allocated to [~~local school boards~~] school districts for adult high school completion and adult  
643 basic skills programs.

644 (2) Each school district shall receive [~~its~~] a pro rata share of the appropriation for adult  
645 high school completion programs based on the number of people in the school district listed in



646 the latest official census who are over 18 years of age and who do not have a high school  
647 diploma and prior year participation or as approved by [board] State Board of Education rule.

648 (3) On February 1 of each school year, the State Board of Education shall recapture  
649 money not used for an adult high school completion program for reallocation to school districts  
650 that have implemented programs based on need and effort as determined by the [board] State  
651 Board of Education.

652 (4) To the extent of money available, school districts shall provide [~~programs~~] program  
653 services to adults who do not have a diploma and who intend to graduate from high school,  
654 with particular emphasis on homeless individuals who are seeking literacy and life skills.

655 (5) Overruns in adult education in any school district may not reduce the value of the  
656 weighted pupil unit for this program in another school district.

657 (6) School districts shall spend money on adult basic skills programs according to  
658 standards established by the [board] State Board of Education.

659 Section 16. Section **53A-17a-124** is amended to read:

660 **53A-17a-124. Quality Teaching Block Grant Program -- State contributions.**

661 (1) The State Board of Education shall distribute money appropriated for the Quality  
662 Teaching Block Grant Program to school districts and charter schools according to a formula  
663 adopted by the [board] State Board of Education, after consultation with [~~school districts and~~  
664 ~~charter schools~~] local education boards, that allocates the funding in a fair and equitable manner.

665 (2) [~~School districts and charter schools~~] Local education boards shall use Quality  
666 Teaching Block Grant money to implement professional learning that meets the standards  
667 specified in Section **53A-3-701**.

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

669 **53A-17a-124.5. Appropriation for class size reduction.**

670 (1) Money appropriated to the State Board of Education for class size reduction shall  
671 be used to reduce the average class size in kindergarten through the eighth grade in the state's  
672 public schools.

673 (2) Each school district or charter school shall receive ~~[its]~~ an allocation based upon the  
674 school district or charter school's prior year average daily membership in kindergarten through  
675 grade 8 plus growth as determined under Subsection 53A-17a-106(3) as compared to the total  
676 prior year average daily membership in kindergarten through grade 8 plus growth of school  
677 districts and charter schools that qualify for an allocation pursuant to Subsection (8).

678 (3) (a) A ~~[district]~~ local education board may use ~~[its]~~ an allocation to reduce class size  
679 in any one or all of the grades referred to under this section, except as otherwise provided in  
680 Subsection (3)(b).

681 (b) (i) Each ~~[district or charter school]~~ local education board shall use 50% of ~~[its]~~ an  
682 allocation to reduce class size in any one or all of grades kindergarten through grade 2, with an  
683 emphasis on improving student reading skills.

684 (ii) If a school district's or charter school's average class size is below 18 in grades  
685 kindergarten through grade 2, ~~[it]~~ a local education board may petition the ~~[state board]~~ State  
686 Board of Education for, and the ~~[state board]~~ State Board of Education may grant, a waiver to  
687 use ~~[its]~~ an allocation under Subsection (3)(b)(i) for class size reduction in the other grades.

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

692 (5) (a) A ~~[school district or charter school]~~ local education board may use up to 20% of  
693 ~~[its]~~ an allocation under Subsection (1) for capital facilities projects if such projects would help  
694 to reduce class size.

695 (b) If a school district's or charter school's student population increases by 5% or 700  
696 students from the previous school year, the ~~[school district or charter school]~~ local education  
697 board may use up to 50% of any allocation ~~[it receives]~~ received by the respective school  
698 district or charter school under this section for classroom construction.

699 (6) This appropriation is to supplement any other appropriation made for class size

700 reduction.

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

704 (8) (a) ~~For a school district or charter school to~~ qualify for class size reduction  
705 money, a ~~school district or charter school~~ local education board shall submit:

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

708 (ii) beginning with the 2014-15 school year, a report on the ~~school district's or charter~~  
709 ~~school's~~ local education board's use of class size reduction money in the prior school year.

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

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

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

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

716 (ii) (A) the number of paraprofessionals employed using class size reduction money;

717 (B) the amount of class size reduction money expended for paraprofessionals; and

718 (C) if supplemental school district or charter school funds are expended to pay for  
719 paraprofessionals employed using class size reduction money, the amount of the supplemental  
720 money; and

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

722 (c) In addition to submitting a plan and report on the use of class size reduction money,  
723 a ~~school district or charter school~~ local education board shall annually submit a report to the  
724 State Board of Education that includes the following information:

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

727 (ii) the amount of K-3 Reading Improvement Program money expended for teachers;  
728 (iii) the number of teachers employed in kindergarten through grade 8 using Title I  
729 money;  
730 (iv) the amount of Title I money expended for teachers in kindergarten through grade 8;  
731 and  
732 (v) a comparison of actual average class size by grade in grades kindergarten through 8  
733 in the school district or charter school with what the average class size would be without the  
734 expenditure of class size reduction, K-3 Reading Improvement Program, and Title I money.  
735 (d) The information required to be reported in Subsections (8)(b)(i)(A) through (C),  
736 (8)(b)(ii)(A) through (C), and (8)(c) shall be categorized by a teacher's or paraprofessional's  
737 teaching assignment, such as the grade level, course, or subject taught.  
738 (e) The State Board of Education may make rules specifying procedures and standards  
739 for the submission of:  
740 (i) a plan and a report on the use of class size reduction money as required by this  
741 section; and  
742 (ii) a report required under Subsection (8)(c).  
743 (f) Based on the data contained in the class size reduction plans and reports submitted  
744 by ~~[school districts and charter schools]~~ local education boards, and data on average class size,  
745 the State Board of Education shall annually report to the Public Education Appropriations  
746 Subcommittee on the impact of class size reduction, K-3 Reading Improvement Program, and  
747 Title I money on class size.  
748 Section 18. Section **53A-17a-125** is amended to read:  
749 **53A-17a-125. Appropriation for retirement and social security.**  
750 (1) The employee's retirement contribution shall be 1% for employees who are under  
751 the state's contributory retirement program.  
752 (2) The employer's contribution under the state's contributory retirement program is  
753 determined under Section [49-12-301](#), subject to the 1% contribution under Subsection (1).

754 (3) (a) The employer-employee contribution rate for employees who are under the  
755 state's noncontributory retirement program is determined under Section 49-13-301.

756 (b) The same contribution rate used under Subsection (3)(a) shall be used to calculate  
757 the appropriation for charter schools described under Subsection (5).

758 (4) (a) Money appropriated to the State Board of Education for retirement and social  
759 security money shall be allocated to school districts and charter schools based on a [~~district's~~]  
760 school district's or charter school's total weighted pupil units compared to the total weighted  
761 pupil units for all school districts and charter schools in the state.

762 (b) Subject to budget constraints, money needed to support retirement and social  
763 security shall be determined by taking [~~the~~] a school district's or charter school's prior year  
764 allocation and adjusting it for:

765 (i) student growth;

766 (ii) the percentage increase in the value of the weighted pupil unit; and

767 (iii) the effect of any change in the rates for retirement, social security, or both.

768 (5) A charter school governing board that [~~has made~~] makes an election of  
769 nonparticipation in the Utah State Retirement Systems in accordance with Section 53A-1a-512  
770 and Title 49, Utah State Retirement and Insurance Benefit Act, shall use the funds described  
771 under this section for retirement to provide [~~its~~] the charter school's own compensation, benefit,  
772 and retirement programs.

773 Section 19. Section 53A-17a-126 is amended to read:

774 **53A-17a-126. State support of pupil transportation.**

775 (1) Money appropriated to the State Board of Education for state-supported  
776 transportation of public school students shall be apportioned and distributed in accordance with  
777 Section 53A-17a-127, except as otherwise provided in this section or Section 53A-17a-126.5.

778 (2) (a) The Utah Schools for the Deaf and the Blind shall use [~~its~~] an allocation of pupil  
779 transportation money to pay for transportation of [~~their~~] students based on current valid  
780 contractual arrangements and best transportation options and methods as determined by the

781 schools.

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

784 (3) (a) A [~~school district~~] local school board may only claim eligible transportation  
785 costs as legally reported on the prior year's annual financial report submitted under Section  
786 [53A-3-404](#).

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

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

792 Section 20. Section **53A-17a-127** is amended to read:

793 **53A-17a-127. Eligibility for state-supported transportation -- Approved bus**  
794 **routes -- Additional local tax.**

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

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

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

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

804 (2) If a school district implements double sessions as an alternative to new building  
805 construction, with the approval of the State Board of Education, those affected elementary  
806 school students residing less than 1-1/2 miles from school may be transported one way to or  
807 from school because of safety factors relating to darkness or other hazardous conditions as

808 determined by the local school board.

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

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

814 (b) The State Board of Education shall distribute appropriated transportation funds  
815 based on the prior year's eligible transportation costs as legally reported under Subsection  
816 [53A-17a-126\(3\)](#).

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

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

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

823 (5) A Transportation Advisory Committee with representation from ~~[local]~~ school  
824 district superintendents, business officials, school district transportation supervisors, and ~~[the~~  
825 ~~state superintendent's staff]~~ State Board of Education employees shall serve as a review  
826 committee for addressing school transportation needs, including recommended approved bus  
827 routes.

828 (6) (a) Except as provided in Subsection (6)(e), a local school board may provide for the  
829 transportation of students regardless of the distance from school, from:

- 830 (i) general funds of the school district; and
- 831 (ii) a tax rate not to exceed .0003 per dollar of taxable value ~~[imposed on the district.]~~  
832 levied by the local school board.

833 (b) A local school board may use revenue from the tax described in Subsection (6)(a)(ii)  
834 to pay for transporting students and for the replacement of school buses.

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

838 (ii) The [~~state superintendent's staff~~] State Board of Education's employees shall  
839 distribute the state contribution according to rules enacted by the State Board of Education.

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

844 (ii) Subsection (6)(d)(i) applies for a period of two years following the change in the  
845 certified tax rate.

846 (e) Beginning January 1, 2012, a local school board may not impose a tax in accordance  
847 with this Subsection (6).

848 (7) (a) (i) If a local school board expends an amount of revenue equal to at least .0002  
849 per dollar of taxable value of the school district's board local levy imposed under Section  
850 53A-17a-164 for the uses described in Subsection (6)(b), the state may contribute an amount  
851 not to exceed 85% of the state average cost per mile, contingent upon the Legislature  
852 appropriating funds for a state contribution.

853 (ii) The [~~state superintendent's staff~~] State Board of Education's employees shall  
854 distribute the state contribution according to rules enacted by the State Board of Education.

855 (b) (i) The amount of state guarantee money that a school district would otherwise be  
856 entitled to receive under Subsection (7)(a) may not be reduced for the sole reason that the  
857 school district's levy is reduced as a consequence of changes in the certified tax rate under  
858 Section 59-2-924 due to changes in property valuation.

859 (ii) Subsection (7)(b)(i) applies for a period of two years following the change in the  
860 certified tax rate.

861 Section 21. Section **53A-17a-133** is amended to read:



862           **53A-17a-133. State-supported voted local levy authorized -- Election**  
863 **requirements -- State guarantee -- Reconsideration of the program.**

864           (1) As used in this section, "voted and board local levy funding balance" means the  
865 difference between:

866           (a) the amount appropriated for the voted and board local levy program in a fiscal year;  
867 and

868           (b) the amount necessary to provide the state guarantee per weighted pupil unit as  
869 determined under this section and Section 53A-17a-164 in the same fiscal year.

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

873           (3) (a) (i) To impose a voted local levy, a majority of the electors of a school district  
874 voting at an election in the manner set forth in Subsections (9) and (10) must vote in favor of a  
875 special tax.

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

877           (b) Except as provided in Subsection (3)(c), in order to receive state support the first  
878 year, a school district [~~must~~] shall receive voter approval no later than December 1 of the year  
879 prior to implementation.

880           (c) Beginning on or after January 1, 2012, a school district may receive state support in  
881 accordance with Subsection (4) without complying with the requirements of Subsection (3)(b) if  
882 the local school board imposed a tax in accordance with this section during the taxable year  
883 beginning on January 1, 2011 and ending on December 31, 2011.

884           (4) (a) In addition to the revenue [~~a school district collects~~] collected from the  
885 imposition of a levy pursuant to this section, the state shall contribute an amount sufficient to  
886 guarantee \$35.55 per weighted pupil unit for each .0001 of the first .0016 per dollar of taxable  
887 value.

888           (b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar

889 of taxable value under Subsection (4)(a) shall apply to the portion of the board local levy  
890 authorized in Section 53A-17a-164, so that the guarantee shall apply up to a total of .002 per  
891 dollar of taxable value if a [~~school district~~] local school board levies a tax rate under both  
892 programs.

893 (c) (i) Beginning July 1, 2015, the \$35.55 guarantee under Subsections (4)(a) and (b)  
894 shall be indexed each year to the value of the weighted pupil unit for the grades 1 through 12  
895 program by making the value of the guarantee equal to .011962 times the value of the prior  
896 year's weighted pupil unit for the grades 1 through 12 program.

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

900 (d) (i) The amount of state guarantee money to which a school district would otherwise  
901 be entitled to receive under this Subsection (4) may not be reduced for the sole reason that the  
902 school district's levy is reduced as a consequence of changes in the certified tax rate under  
903 Section 59-2-924 pursuant to changes in property valuation.

904 (ii) Subsection (4)(d)(i) applies for a period of five years following any such change in  
905 the certified tax rate.

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

910 (f) (i) If a voted and board local levy funding balance exists for the prior fiscal year, the  
911 State Board of Education shall:

912 (A) use the voted and board local levy funding balance to increase the value of the state  
913 guarantee per weighted pupil unit described in Subsection (4)(c) in the current fiscal year; and

914 (B) distribute the state contribution to the voted and board local levy programs to  
915 school districts based on the increased value of the state guarantee per weighted pupil unit

916 described in Subsection (4)(f)(i)(A).

917 (ii) The State Board of Education shall report action taken under this Subsection (4)(f)  
918 to the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and  
919 Budget.

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

922 (b) A majority vote opposing a modification does not deprive the [~~district~~] local school  
923 board of authority to continue the levy.

924 (c) If adoption of a voted local levy is contingent upon an offset reducing other local  
925 school board levies, the local school board [~~must~~] shall allow the electors, in an election, to  
926 consider modifying or discontinuing the imposition of the levy prior to a subsequent increase in  
927 other levies that would increase the total local school board levy.

928 (d) Nothing contained in this section terminates, without an election, the authority of a  
929 [~~school district~~] local school board to continue imposing an existing voted local levy previously  
930 authorized by the voters as a voted leeway program.

931 (6) Notwithstanding Section 59-2-919, a [~~school district~~] local school board may  
932 budget an increased amount of ad valorem property tax revenue derived from a voted local levy  
933 imposed under this section in addition to revenue from eligible new growth as defined in Section  
934 59-2-924, without having to comply with the notice requirements of Section 59-2-919, if:

935 (a) the voted local levy is approved:

936 (i) in accordance with Subsections (9) and (10) on or after January 1, 2003; and

937 (ii) within the four-year period immediately preceding the year in which the [~~school~~  
938 ~~district~~] local school board seeks to budget an increased amount of ad valorem property tax  
939 revenue derived from the voted local levy; and

940 (b) for a voted local levy approved or modified in accordance with this section on or  
941 after January 1, 2009, the [~~school district~~] local school board complies with the requirements of  
942 Subsection (8).

943 (7) Notwithstanding Section 59-2-919, a ~~[school district]~~ local school board may levy a  
944 tax rate under this section that exceeds the certified tax rate without having to comply with the  
945 notice requirements of Section 59-2-919 if:

946 (a) the levy exceeds the certified tax rate as the result of a ~~[school district]~~ local school  
947 board budgeting an increased amount of ad valorem property tax revenue derived from a voted  
948 local levy imposed under this section;

949 (b) the voted local levy was approved:

950 (i) in accordance with Subsections (9) and (10) on or after January 1, 2003; and

951 (ii) within the four-year period immediately preceding the year in which the ~~[school~~  
952 ~~district]~~ local school board seeks to budget an increased amount of ad valorem property tax  
953 revenue derived from the voted local levy; and

954 (c) for a voted local levy approved or modified in accordance with this section on or  
955 after January 1, 2009, the ~~[school district]~~ local school board complies with requirements of  
956 Subsection (8).

957 (8) For purposes of Subsection (6)(b) or (7)(c), the proposition submitted to the  
958 electors regarding the adoption or modification of a voted local levy shall contain the following  
959 statement:

960 "A vote in favor of this tax means that ~~[(name of the school district)]~~ the local school  
961 board of [name of the school district] may increase revenue from this property tax without  
962 advertising the increase for the next five years."

963 (9) (a) Before ~~[imposing]~~ a local school board may impose a property tax levy pursuant  
964 to this section, a ~~[school district]~~ local school board shall submit an opinion question to the  
965 school district's registered voters voting on the imposition of the tax rate so that each registered  
966 voter has the opportunity to express the registered voter's opinion on whether the tax rate  
967 should be imposed.

968 (b) The election required by this Subsection (9) shall be held:

969 (i) at a regular general election conducted in accordance with the procedures and

970 requirements of Title 20A, Election Code, governing regular elections;

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

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

975 (c) Notwithstanding the requirements of Subsections (9)(a) and (b), beginning on or  
976 after January 1, 2012, a ~~[school district]~~ local school board may levy a tax rate in accordance  
977 with this section without complying with the requirements of Subsections (9)(a) and (b) if the  
978 ~~[school district]~~ local school board imposed a tax in accordance with this section at any time  
979 during the taxable year beginning on January 1, 2011, and ending on December 31, 2011.

980 (10) If a ~~[school district]~~ local school board determines that a majority of the school  
981 district's registered voters voting on the imposition of the tax rate have voted in favor of the  
982 imposition of the tax rate in accordance with Subsection (9), the ~~[school district]~~ local school  
983 board may impose the tax rate.

984 Section 22. Section 53A-17a-134 is amended to read:

985 **53A-17a-134. Board-approved leeway -- Purpose -- State support -- Disapproval.**

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

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

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

995 (c) a ~~[district]~~ local school board may not use the money for other school purposes  
996 under Subsection (1)(b) until ~~[it]~~ the local school board has certified in writing that ~~[its]~~ the

997 local school board's class size needs are already being met and the local school board has  
998 identified the other school purposes for which the money will be used to the State Board of  
999 Education and the [~~state board~~] State Board of Education has approved [~~their~~] the local school  
1000 board's use for other school purposes.

1001 (2) (a) The state shall contribute an amount sufficient to guarantee \$27.36 per weighted  
1002 pupil unit for each .0001 per dollar of taxable value.

1003 (b) The guarantee shall increase in the same manner as provided for the voted local levy  
1004 guarantee in Subsection 53A-17a-133(4)(c).

1005 (c) (i) The amount of state guarantee money to which a school district would otherwise  
1006 be entitled to under this Subsection (2) may not be reduced for the sole reason that the school  
1007 district's levy is reduced as a consequence of changes in the certified tax rate under Section  
1008 59-2-924 pursuant to changes in property valuation.

1009 (ii) Subsection (2)(c)(i) applies for a period of five years following any such change in  
1010 the certified tax rate.

1011 (d) The guarantee provided under this section does not apply to:

1012 (i) a board-authorized leeway in the first fiscal year the [~~leeway~~] levy is in effect, unless  
1013 the [~~leeway~~] levy was approved by voters pursuant to Subsections (4) through (6); or

1014 (ii) the portion of a board-authorized [~~leeway~~] levy rate that is in excess of the  
1015 board-authorized leeway rate that was in effect for the previous fiscal year.

1016 (3) The levy authorized under this section is not in addition to the maximum rate of  
1017 .002 authorized in Section 53A-17a-133, but is a board-authorized component of the total tax  
1018 rate under that section.

1019 (4) As an exception to Section 53A-17a-133, the board-authorized levy does not  
1020 require voter approval, but the local school board may require voter approval if requested by a  
1021 majority of the local school board.

1022 (5) An election to consider disapproval of the board-authorized levy is required, if  
1023 within 60 days after the levy is established by the local school board, referendum petitions

1024 signed by the number of legal voters required in Section 20A-7-301, who reside within the  
1025 school district, are filed with the [~~school district~~] local school board.

1026 (6) (a) A local school board shall establish its board-approved levy by April 1 to have  
1027 the levy apply to the fiscal year beginning July 1 in that same calendar year except that if an  
1028 election is required under this section, the levy applies to the fiscal year beginning July 1 of the  
1029 next calendar year.

1030 (b) (i) The approval and disapproval votes authorized in Subsections (4) and (5) shall  
1031 occur at a general election in even-numbered years, except that a vote required under this  
1032 section in odd-numbered years shall occur at a special election held on a day in odd-numbered  
1033 years that corresponds to the general election date.

1034 (ii) The school district shall pay for the cost of a special election.

1035 (7) (a) Modification or termination of a voter-approved leeway rate authorized under  
1036 this section is governed by Section 53A-17a-133.

1037 (b) A board-authorized [~~leeway~~] levy rate may be modified or terminated by a majority  
1038 vote of the local school board subject to disapproval procedures specified in this section.

1039 (8) A board-authorized levy election does not require publication of a voter information  
1040 pamphlet.

1041 (9) Beginning January 1, 2012, a local school board may not levy a tax in accordance  
1042 with this section.

1043 Section 23. Section 53A-17a-135 is amended to read:

1044 **53A-17a-135. Minimum basic tax rate -- Certified revenue levy.**

1045 (1) As used in this section, "basic levy increment rate" means a tax rate that will  
1046 generate an amount of revenue equal to \$75,000,000.

1047 (2) (a) [~~In order to~~] To qualify for receipt of the state contribution toward the basic  
1048 program and as [~~its~~] a school district's contribution toward [~~its~~] the school district's costs of the  
1049 basic program, each [~~school district~~] local school board shall impose a minimum basic tax rate  
1050 per dollar of taxable value that generates \$392,266,800 in revenues statewide.

1051 (b) The preliminary estimate for the 2016-17 minimum basic tax rate is .001695.

1052 (c) The State Tax Commission shall certify on or before June 22 the rate that generates  
1053 \$392,266,800 in revenues statewide.

1054 (d) If the minimum basic tax rate exceeds the certified revenue levy as defined in  
1055 Section 53A-17a-103, the state is subject to the notice requirements of Section 59-2-926.

1056 (3) [(a)] The state shall contribute to each school district toward the cost of the basic  
1057 program in the school district that portion [~~which~~] that exceeds the proceeds of the difference  
1058 between:

1059 [(i)] (a) the minimum basic tax rate to be imposed under Subsection (2); and

1060 [(ii)] (b) the basic levy increment rate.

1061 [~~(b) In accordance with the state strategic plan for public education and to fulfill its  
1062 responsibility for the development and implementation of that plan, the Legislature instructs the  
1063 State Board of Education, the governor, and the Office of Legislative Fiscal Analyst in each of  
1064 the coming five years to develop budgets that will fully fund student enrollment growth.]~~

1065 (4) (a) If the difference described in Subsection (3)[(a)] equals or exceeds the cost of  
1066 the basic program in a school district, no state contribution shall be made to the basic program.

1067 (b) The proceeds of the difference described in Subsection (3)[(a)] that exceed the cost  
1068 of the basic program shall be paid into the Uniform School Fund as provided by law.

1069 (5) The State Board of Education shall:

1070 (a) deduct from state funds that a school district is authorized to receive under this  
1071 chapter an amount equal to the proceeds generated within the school district by the basic levy  
1072 increment rate; and

1073 (b) deposit the money described in Subsection (5)(a) into the Minimum Basic Growth  
1074 Account created in Section 53A-17a-135.1.

1075 Section 24. Section 53A-17a-139 is amended to read:

1076 **53A-17a-139. Loss in student enrollment -- Board action.**

1077 To avoid penalizing a school district financially for an excessive loss in student



1078 enrollment due to factors beyond its control, the State Board of Education may allow a  
1079 percentage increase in units otherwise allowable during any year when a school district's  
1080 average daily membership drops more than 4% below the average for the highest two of the  
1081 preceding three years in the school district.

1082 Section 25. Section **53A-17a-140** is amended to read:

1083 **53A-17a-140. Contracts with teachers.**

1084 A school district may not enter into contracts with teachers that would prevent the  
1085 school district from paying differential salaries or putting limitations on an individual salary paid  
1086 in order to fill a shortage in specific teaching areas.

1087 Section 26. Section **53A-17a-141** is amended to read:

1088 **53A-17a-141. Alternative programs.**

1089 (1) Since the State Board of Education has adopted a policy that requires school  
1090 districts and charter schools to grant credit for proficiency through alternative programs, school  
1091 districts and charter schools are encouraged to continue and expand [~~their~~] school district and  
1092 charter school cooperation with accredited institutions through performance contracts for  
1093 educational services, particularly where it is beneficial to students whose progress could be  
1094 better served through alternative programs.

1095 (2) School districts and charter schools are encouraged to participate in programs that  
1096 focus on increasing the number of ethnic minority and female students in the secondary schools  
1097 who will go on to study mathematics, engineering, or related sciences at an institution of higher  
1098 education.

1099 Section 27. Section **53A-17a-143** is amended to read:

1100 **53A-17a-143. Federal Impact Aid Program -- Offset for underestimated**  
1101 **allocations from the Federal Impact Aid Program.**

1102 (1) In addition to the revenues received from the levy imposed by [~~each school district~~]  
1103 a local school board and authorized by the Legislature under Section **53A-17a-135**, the  
1104 Legislature shall provide an amount equal to the difference between the school district's

1105 anticipated receipts under the entitlement for the fiscal year from the Federal Impact Aid  
1106 Program and the amount the school district actually received from this source for the next  
1107 preceding fiscal year.

1108 (2) If at the end of a fiscal year the sum of the receipts of a school district from a  
1109 distribution from the Legislature pursuant to Subsection (1) plus the school district's allocations  
1110 from the Federal Impact Aid Program for that fiscal year exceeds the amount allocated to the  
1111 school district from the Federal Impact Aid Program for the next preceding fiscal year, the  
1112 excess funds are carried into the next succeeding fiscal year and become in that year a part of  
1113 the school district's contribution to [its] the school district's basic program for operation and  
1114 maintenance under the state minimum school finance law.

1115 (3) During [~~that year~~] the next succeeding fiscal year described in Subsection (2), the  
1116 school district's required tax rate for the basic program shall be reduced so that the yield from  
1117 the reduced tax rate plus the carryover funds equal the school district's required contribution to  
1118 [its] the school district's basic program.

1119 (4) [~~A district that reduces its~~] For the school district of a local school board that is  
1120 required to reduce the school district's basic tax rate under this section, the school district shall  
1121 receive state minimum school program funds as though the reduction in the tax rate had not  
1122 been made.

1123 Section 28. Section **53A-17a-144** is amended to read:

1124 **53A-17a-144. Contribution of state to cost of minimum school program --**  
1125 **Determination of amounts -- Levy on taxable property -- Disbursal -- Deficiency.**

1126 The state's contribution to the total cost of the minimum school program is determined  
1127 and distributed as follows:

1128 (1) The State Tax Commission shall levy an amount determined by the Legislature on  
1129 all taxable property of the state.

1130 (a) This amount, together with other funds provided by law, is the state's contribution  
1131 to the minimum school program.

- 1132 (b) The statewide levy is set at zero until changed by the Legislature.
- 1133 (2) During the first week in November, the State Tax Commission shall certify to the  
1134 State Board of Education the amounts designated as state aid for each school district under  
1135 Section 59-2-902.
- 1136 (3) (a) The actual amounts computed under Section 59-2-902 are the state's  
1137 contribution to the minimum school program of each school district.
- 1138 (b) The ~~[state board]~~ State Board of Education shall provide each ~~[district]~~ local  
1139 education board with a statement of the amount of state aid.
- 1140 (4) ~~[Prior to]~~ Before the first day of each month, the state treasurer and the Division of  
1141 Finance, with the approval of the State Board of Education, shall disburse 1/12 of the state's  
1142 contribution to the cost of the minimum school program to each school district and each charter  
1143 school.
- 1144 (a) ~~[A disbursement may not be made to a district]~~ The State Board of Education may  
1145 not make a disbursement to a school district or charter school whose payments have been  
1146 interrupted under Subsection (4)(d).
- 1147 (b) Discrepancies between the monthly disbursements and the actual cost of the  
1148 program shall be adjusted in the final settlement under Subsection (5).
- 1149 (c) If the monthly distributions overdraw the money in the Uniform School Fund, the  
1150 Division of Finance is authorized to run this fund in a deficit position.
- 1151 (d) The ~~[state board]~~ State Board of Education may interrupt disbursements to a school  
1152 district or charter school if, in the judgment of the ~~[board]~~ State Board of Education, the school  
1153 district or charter school is failing to comply with the minimum school program, is operating  
1154 programs that are not approved by the ~~[state board]~~ State Board of Education, or has not  
1155 submitted reports required by law or the ~~[state board]~~ State Board of Education.
- 1156 (i) Disbursements shall be resumed upon request of the ~~[state board]~~ State Board of  
1157 Education.
- 1158 (ii) Back disbursements shall be included in the next regular disbursement, and the

1159 amount disbursed certified to the State Division of Finance and state treasurer by the [state  
1160 board] State Board of Education.

1161 (e) The State Board of Education may authorize exceptions to the 1/12 per month  
1162 disbursement formula for grant funds if the [board] State Board of Education determines that a  
1163 different disbursement formula would better serve the purposes of the grant.

1164 (5) (a) If money in the Uniform School Fund is insufficient to meet the state's  
1165 contribution to the minimum school program as appropriated, the amount of the deficiency thus  
1166 created shall be carried as a deficiency in the Uniform School Fund until the next session of the  
1167 Legislature, at which time the Legislature shall appropriate funds to cover the deficiency.

1168 (b) If there is an operating deficit in public education Uniform School Fund  
1169 appropriations, the Legislature shall eliminate the deficit by:

1170 (i) budget transfers or other legal means;

1171 (ii) appropriating money from the Education Budget Reserve Account;

1172 (iii) appropriating up to 25% of the balance in the General Fund Budget Reserve  
1173 Account; or

1174 (iv) some combination of Subsections (5)(b)(i), (ii), and (iii).

1175 (c) Nothing in Subsection (5)(b) precludes the Legislature from appropriating more  
1176 than 25% of the balance in the General Fund Budget Reserve Account to fund operating deficits  
1177 in public education appropriations.

1178 Section 29. Section **53A-17a-145** is amended to read:

1179 **53A-17a-145. Additional levy by local school board for debt service, school sites,**  
1180 **buildings, buses, textbooks, and supplies.**

1181 (1) Except as provided in Subsection (5), a [~~school district~~] local school board may  
1182 elect to increase [its] the school district's tax rate by up to 10% of the cost of the basic program.

1183 (2) The proceeds from the increase may only be used for debt service, the construction  
1184 or remodeling of school buildings, or the purchase of school sites, buses, equipment, textbooks,  
1185 and supplies.

1186 (3) This section does not prohibit a school district or local school board from exercising  
1187 the authority granted by other laws relating to tax rates.

1188 (4) This increase in the tax rate is not included in determining the apportionment of the  
1189 State School Fund, and is in addition to other tax rates authorized by law.

1190 (5) Beginning January 1, 2012, a local school [~~district~~] board may not:

1191 (a) levy a tax rate in accordance with this section; or

1192 (b) increase its tax rate as described in Subsection (1).

1193 Section 30. Section **53A-17a-146** is amended to read:

1194 **53A-17a-146. Reduction of local education board allocation based on insufficient**  
1195 **revenues.**

1196 (1) As used in this section, "Minimum School Program funds" means the total of state  
1197 and local funds appropriated for the minimum school program, excluding:

1198 (a) the state-supported voted local levy program pursuant to Section [53A-17a-133](#);

1199 (b) the state-supported board local levy program pursuant to Section [53A-17a-164](#); and

1200 (c) the appropriation to charter schools to replace local property tax revenues pursuant  
1201 to Section [53A-1a-513](#).

1202 (2) If the Legislature reduces appropriations made to support public schools under this  
1203 chapter because an Education Fund budget deficit, as defined in Section [63J-1-312](#), exists, the  
1204 State Board of Education, after consultation with each [~~school district and charter school~~] local  
1205 education board, shall allocate the reduction among school districts and charter schools in  
1206 proportion to each school district's or charter school's percentage share of Minimum School  
1207 Program funds.

1208 (3) Except as provided in Subsection (5) and subject to the requirements of Subsection  
1209 (7), a [~~school district or charter school~~] local education board shall determine which programs  
1210 are affected by a reduction pursuant to Subsection (2) and the amount each program is reduced.

1211 (4) Except as provided in Subsections (5) and (6), the requirement to spend a specified  
1212 amount in any particular program is waived if reductions are made pursuant to Subsection (2).

1213 (5) A [~~school district or charter school~~] local education board may not reduce or  
1214 reallocate spending of funds distributed to the school district or charter school for the following  
1215 programs:

- 1216 (a) educator salary adjustments provided in Section 53A-17a-153;
- 1217 (b) the Teacher Salary Supplement Program provided in Section 53A-17a-156;
- 1218 (c) the extended year for special educators provided in Section 53A-17a-158;
- 1219 (d) USTAR centers provided in Section 53A-17a-159;
- 1220 (e) the School LAND Trust Program created in Section 53A-16-101.5; or
- 1221 (f) a special education program within the Basic School Program.

1222 (6) A [~~school district or charter school~~] local education board may not reallocate  
1223 spending of funds distributed to the school district or charter school to a reserve account.

1224 (7) A [~~school district or charter school~~] local education board that reduces or  
1225 reallocates funds in accordance with this section shall report all transfers into, or out of,  
1226 Minimum School Program programs to the State Board of Education as part of the school  
1227 district or charter school's Annual Financial and Program report.

1228 Section 31. Section 53A-17a-150 is amended to read:

1229 **53A-17a-150. K-3 Reading Improvement Program.**

1230 (1) As used in this section:

- 1231 (a) "Board" means the State Board of Education.
- 1232 (b) "Five domains of reading" include phonological awareness, phonics, fluency,  
1233 comprehension, and vocabulary.

1234 (c) "Program" means the K-3 Reading Improvement Program.

1235 (d) "Program money" means:

- 1236 (i) school district revenue allocated to the program from other money available to the  
1237 school district, except money provided by the state, for the purpose of receiving state funds  
1238 under this section; and
- 1239 (ii) money appropriated by the Legislature to the program.

1240 (2) The K-3 Reading Improvement Program consists of program money and is created  
1241 to supplement other school resources to achieve the state's goal of having third graders reading  
1242 at or above grade level.

1243 (3) Subject to future budget constraints, the Legislature may annually appropriate  
1244 money to the K-3 Reading Improvement Program.

1245 (4) (a) ~~[For]~~ For a school district or charter school to receive program money, a ~~[school~~  
1246 ~~district or charter school must]~~ local education board shall submit a plan to the board for  
1247 reading proficiency improvement that incorporates the following components:

1248 (i) assessment;

1249 (ii) intervention strategies;

1250 (iii) professional development for classroom teachers in kindergarten through grade  
1251 three;

1252 (iv) reading performance standards; and

1253 (v) specific measurable goals that include the following:

1254 (A) a growth goal for each school within a school district and each charter school based  
1255 upon student learning gains as measured by benchmark assessments administered pursuant to  
1256 Section [53A-1-606.6](#); and

1257 (B) a growth goal for each school district and charter school to increase the percentage  
1258 of third grade students who read on grade level from year to year as measured by the third  
1259 grade reading test administered pursuant to Section [53A-1-603](#).

1260 (b) The board shall provide model plans ~~[which a school district or charter school]~~ that  
1261 a local education board may use, or the ~~[school district or charter school]~~ local education board  
1262 may develop ~~[its]~~ the local education board's own plan.

1263 (c) Plans developed by a ~~[school district or charter school]~~ local education board shall  
1264 be approved by the board.

1265 (d) The board shall develop uniform standards for acceptable growth goals that a  
1266 ~~[school district or charter school]~~ local education board adopts for a school district or charter

1267 school as described in this Subsection (4).

1268 (5) (a) There is created within the K-3 Reading Achievement Program three funding  
1269 programs:

- 1270 (i) the Base Level Program;
- 1271 (ii) the Guarantee Program; and
- 1272 (iii) the Low Income Students Program.

1273 (b) The board may use no more than \$7,500,000 from an appropriation described in  
1274 Subsection (3) for computer-assisted instructional learning and assessment programs.

1275 (6) Money appropriated to the board for the K-3 Reading Improvement Program and  
1276 not used by the board for computer-assisted instructional learning and assessments as described  
1277 in Subsection (5)(b), shall be allocated to the three funding programs as follows:

- 1278 (a) 8% to the Base Level Program;
- 1279 (b) 46% to the Guarantee Program; and
- 1280 (c) 46% to the Low Income Students Program.

1281 (7) (a) ~~[To]~~ For a school district or charter school to participate in the Base Level  
1282 Program, [a school district or charter school] the local education board shall submit a reading  
1283 proficiency improvement plan to the board as provided in Subsection (4) and must receive  
1284 approval of the plan from the board.

1285 (b) (i) ~~[Each]~~ The local school board of a school district qualifying for Base Level  
1286 Program funds and the governing boards of qualifying elementary charter schools combined  
1287 shall receive a base amount.

1288 (ii) The base amount for the qualifying elementary charter schools combined shall be  
1289 allocated among each charter school in an amount proportionate to:

- 1290 (A) each existing charter school's prior year fall enrollment in grades kindergarten  
1291 through grade three; and
- 1292 (B) each new charter school's estimated fall enrollment in grades kindergarten through  
1293 grade three.



1294 (8) (a) A ~~[school district]~~ local school board that applies for program money in excess  
1295 of the Base Level Program funds shall choose to first participate in either the Guarantee  
1296 Program or the Low Income Students Program.

1297 (b) A school district must fully participate in either the Guarantee Program or the Low  
1298 Income Students Program before ~~[it]~~ the local school board may elect for the school district to  
1299 either fully or partially participate in the other program.

1300 (c) ~~[For]~~ For a school district to fully participate in the Guarantee Program, ~~[a school~~  
1301 ~~district]~~ the local school board shall allocate to the program money available to the school  
1302 district, except money provided by the state, equal to the amount of revenue that would be  
1303 generated by a tax rate of .000056.

1304 (d) ~~[For]~~ For a school district to fully participate in the Low Income Students Program,  
1305 ~~[a school district]~~ the local school board shall allocate to the program money available to the  
1306 school district, except money provided by the state, equal to the amount of revenue that would  
1307 be generated by a tax rate of .000065.

1308 (e) (i) The board shall verify that a ~~[school district]~~ local school board allocates the  
1309 money required in accordance with Subsections (8)(c) and (d) before ~~[it]~~ the local school board  
1310 distributes funds in accordance with this section.

1311 (ii) The State Tax Commission shall provide the board the information the board needs  
1312 in order to comply with Subsection (8)(e)(i).

1313 (9) (a) Except as provided in Subsection (9)(c), the local school board of a school  
1314 district that fully participates in the Guarantee Program shall receive state funds in an amount  
1315 that is:

1316 (i) equal to the difference between \$21 ~~[times the]~~ multiplied by the school district's  
1317 total WPU's and the revenue the ~~[school district]~~ local school board is required to allocate under  
1318 Subsection (8)(c) for the school district to fully participate in the Guarantee Program; and

1319 (ii) not less than \$0.

1320 (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive

1321 under the Guarantee Program an amount equal to \$21 times the elementary charter school's  
1322 total WPUs.

1323 (c) The board may adjust the \$21 guarantee amount described in Subsections (9)(a) and  
1324 (b) to account for actual appropriations and money used by the board for computer-assisted  
1325 instructional learning and assessments.

1326 (10) The board shall distribute Low Income Students Program funds in an amount  
1327 proportionate to the number of students in each school district or charter school who qualify for  
1328 free or reduced price school lunch multiplied by two.

1329 (11) A school district that partially participates in the Guarantee Program or Low  
1330 Income Students Program shall receive program funds based on the amount of school district  
1331 revenue allocated to the program as a percentage of the amount of revenue that could have been  
1332 allocated if the school district had fully participated in the program.

1333 (12) (a) A [~~school district or charter school~~] local education board shall use program  
1334 money for reading proficiency improvement interventions in grades kindergarten through grade  
1335 3 that have proven to significantly increase the percentage of students reading at grade level,  
1336 including:

- 1337 (i) reading assessments; and
- 1338 (ii) focused reading remediations that may include:
  - 1339 (A) the use of reading specialists;
  - 1340 (B) tutoring;
  - 1341 (C) before or after school programs;
  - 1342 (D) summer school programs; or
  - 1343 (E) the use of reading software; or
  - 1344 (F) the use of interactive computer software programs for literacy instruction and  
1345 assessments for students.

1346 (b) A [~~school district or charter school~~] local education board may use program money  
1347 for portable technology devices used to administer reading assessments.

1348 (c) Program money may not be used to supplant funds for existing programs, but may  
1349 be used to augment existing programs.

1350 (13) (a) Each [~~school district and charter school~~] local education board shall annually  
1351 submit a report to the board accounting for the expenditure of program money in accordance  
1352 with its plan for reading proficiency improvement.

1353 (b) If a [~~school district or charter school~~] local education board uses program money in  
1354 a manner that is inconsistent with Subsection (12), the school district or charter school is liable  
1355 for reimbursing the board for the amount of program money improperly used, up to the amount  
1356 of program money received from the board.

1357 (14) (a) The board shall make rules to implement the program.

1358 (b) (i) The rules under Subsection (14)(a) shall require each [~~school district or charter~~  
1359 ~~school~~] local education board to annually report progress in meeting [~~school and school district~~]  
1360 goals stated in the school district's or charter school's plan for student reading proficiency.

1361 (ii) If a school does not meet or exceed the school's goals, the [~~school district or charter~~  
1362 ~~school~~] local education board shall prepare a new plan which corrects deficiencies.

1363 (iii) The new plan [~~must~~] described in Subsection (14)(b)(ii) shall be approved by the  
1364 board before the [~~school district or charter school~~] local education board receives an allocation  
1365 for the next year.

1366 (15) (a) If for two consecutive school years, a school district fails to meet [~~its~~] the  
1367 school district's goal to increase the percentage of third grade students who read on grade level  
1368 as measured by the third grade reading test administered pursuant to Section 53A-1-603, the  
1369 school district shall terminate any levy imposed under Section 53A-17a-151 and may not  
1370 receive money appropriated by the Legislature for the K-3 Reading Improvement Program.

1371 (b) If for two consecutive school years, a charter school fails to meet [~~its~~] the charter  
1372 school's goal to increase the percentage of third grade students who read on grade level as  
1373 measured by the third grade reading test administered pursuant to Section 53A-1-603, the  
1374 charter school may not receive money appropriated by the Legislature for the K-3 Reading

1375 Improvement Program.

1376 (16) The board shall make an annual report to the Public Education Appropriations  
1377 Subcommittee that:

1378 (a) includes information on:

1379 (i) student learning gains in reading for the past school year and the five-year trend;

1380 (ii) the percentage of third grade students reading on grade level in the past school year  
1381 and the five-year trend;

1382 (iii) the progress of schools and school districts in meeting goals stated in a school  
1383 district's or charter school's plan for student reading proficiency; and

1384 (iv) the correlation between third grade students reading on grade level and results of  
1385 third grade language arts scores on a criterion-referenced test or computer adaptive test; and

1386 (b) may include recommendations on how to increase the percentage of third grade  
1387 students who read on grade level.

1388 Section 32. Section **53A-17a-151** is amended to read:

1389 **53A-17a-151. Board leeway for reading improvement.**

1390 (1) Except as provided in Subsection (4), a local school board may levy a tax rate of up  
1391 to .000121 per dollar of taxable value for funding the school district's K-3 Reading  
1392 Improvement Program created under Section **53A-17a-150**.

1393 (2) The levy authorized under this section:

1394 (a) is in addition to any other levy or maximum rate;

1395 (b) does not require voter approval; and

1396 (c) may be modified or terminated by a majority vote of the local school board.

1397 (3) A local school board shall establish [~~its~~] a local school board-approved levy under  
1398 this section by June 1 to have the levy apply to the fiscal year beginning July 1 in that same  
1399 calendar year.

1400 (4) Beginning January 1, 2012, a local school board may not levy a tax in accordance  
1401 with this section.

1402 Section 33. Section **53A-17a-153** is amended to read:

1403 **53A-17a-153. Educator salary adjustments.**

1404 (1) As used in this section, "educator" means a person employed by a school district,  
1405 charter school, or the Utah Schools for the Deaf and the Blind who holds:

1406 (a) a license issued under Title 53A, Chapter 6, Educator Licensing and Professional  
1407 Practices Act; and

1408 (b) a position as a:

1409 (i) classroom teacher;

1410 (ii) speech pathologist;

1411 (iii) librarian or media specialist;

1412 (iv) preschool teacher;

1413 (v) mentor teacher;

1414 (vi) teacher specialist or teacher leader;

1415 (vii) guidance counselor;

1416 (viii) audiologist;

1417 (ix) psychologist; or

1418 (x) social worker.

1419 (2) In recognition of the need to attract and retain highly skilled and dedicated  
1420 educators, the Legislature shall annually appropriate money for educator salary adjustments,  
1421 subject to future budget constraints.

1422 (3) Money appropriated to the State Board of Education for educator salary  
1423 adjustments shall be distributed to school districts, charter schools, and the Utah Schools for the  
1424 Deaf and the Blind in proportion to the number of full-time-equivalent educator positions in a  
1425 school district, a charter school, or the Utah Schools for the Deaf and the Blind as compared to  
1426 the total number of full-time-equivalent educator positions in school districts, charter schools,  
1427 and the Utah Schools for the Deaf and the Blind.

1428 (4) School districts, charter schools, and the Utah Schools for the Deaf and the Blind

1429 shall award bonuses to educators as follows:

1430 (a) the amount of the salary adjustment shall be the same for each full-time-equivalent  
1431 educator position in the school district, charter school, or the Utah Schools for the Deaf and the  
1432 Blind;

1433 (b) a person who is not a full-time educator shall receive a partial salary adjustment  
1434 based on the number of hours the person works as an educator; and

1435 (c) salary adjustments may be awarded only to educators who have received a  
1436 satisfactory rating or above on their most recent evaluation.

1437 (5) (a) Each [~~school district and charter school~~] local education board and the Utah  
1438 Schools for the Deaf and the Blind shall submit a report to the State Board of Education on  
1439 how the money for salary adjustments was spent, including the amount of the salary adjustment  
1440 and the number of full and partial salary adjustments awarded.

1441 (b) The State Board of Education shall compile the information reported under  
1442 Subsection (5) and submit it to the Public Education Appropriations Subcommittee by  
1443 November 30 each year.

1444 (6) The State Board of Education may make rules as necessary to administer this  
1445 section, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1446 (7) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient  
1447 money each year to:

1448 (i) maintain educator salary adjustments provided in prior years; and  
1449 (ii) provide educator salary adjustments to new employees.

1450 (b) Money appropriated for educator salary adjustments shall include money for the  
1451 following employer-paid benefits:

1452 (i) retirement;  
1453 (ii) worker's compensation;  
1454 (iii) Social Security; and  
1455 (iv) Medicare.

- 1456 (8) (a) Subject to future budget constraints, the Legislature shall:
- 1457 (i) maintain the salary adjustments provided to school administrators in the 2007-08
- 1458 school year; and
- 1459 (ii) provide salary adjustments for new school administrators in the same amount as
- 1460 provided for existing school administrators.
- 1461 (b) The appropriation provided for educator salary adjustments shall include salary
- 1462 adjustments for school administrators as specified in Subsection (8)(a).
- 1463 (c) In distributing and awarding salary adjustments for school administrators, the State
- 1464 Board of Education, school districts, charter schools, and the Utah Schools for the Deaf and the
- 1465 Blind shall comply with the requirements for the distribution and award of educator salary
- 1466 adjustments as provided in Subsections (3) and (4).

1467 Section 34. Section **53A-17a-159** is amended to read:

1468 **53A-17a-159. Utah Science Technology and Research Initiative Centers**

1469 **Program.**

- 1470 (1) (a) The Utah Science Technology and Research Initiative (USTAR) Centers
- 1471 Program is created to provide a financial incentive for [~~charter schools and school districts~~]
- 1472 local education boards to adopt programs in respective charter schools and school districts that
- 1473 result in a more efficient use of human resources and capital facilities.
- 1474 (b) The potential benefits of the program include:
- 1475 (i) increased compensation for math and science teachers by providing opportunities for
- 1476 an expanded contract year which will enhance school districts' and charter schools' ability to
- 1477 attract and retain talented and highly qualified math and science teachers;
- 1478 (ii) increased capacity of school buildings by using buildings more hours of the day or
- 1479 more days of the year, resulting in reduced capital facilities costs;
- 1480 (iii) decreased class sizes created by expanding the number of instructional
- 1481 opportunities in a year;
- 1482 (iv) opportunities for earlier high school graduation;

- 1483 (v) improved student college preparation;
- 1484 (vi) increased opportunities to offer additional remedial and advanced courses in math  
1485 and science;
- 1486 (vii) opportunities to coordinate high school and post-secondary math and science  
1487 education; and
- 1488 (viii) the creation or improvement of science, technology, engineering, and math centers  
1489 (STEM Centers).
- 1490 (2) From money appropriated for the USTAR Centers Program, the State Board of  
1491 Education shall award grants to charter schools and school districts to pay for costs related to  
1492 the adoption and implementation of the program.
- 1493 (3) The State Board of Education shall:
- 1494 (a) solicit proposals from the State Charter School Board and [~~school districts~~] local  
1495 school boards for the use of grant money to facilitate the adoption and implementation of the  
1496 program; and
- 1497 (b) award grants on a competitive basis.
- 1498 (4) The State Charter School Board shall:
- 1499 (a) solicit proposals from charter [~~schools~~] school governing boards that may be  
1500 interested in participating in the USTAR Centers Program;
- 1501 (b) prioritize [~~the charter school proposals and consolidate them~~] and consolidate the  
1502 proposals into the equivalent of a single school district request; and
- 1503 (c) submit the consolidated request to the State Board of Education.
- 1504 (5) In selecting a grant recipient, the State Board of Education shall consider:
- 1505 (a) the degree to which a charter school or school district's proposed adoption and  
1506 implementation of an extended year for math and science teachers achieves the benefits  
1507 described in Subsection (1);
- 1508 (b) the unique circumstances of different urban, rural, large, small, growing, and  
1509 declining charter schools and school districts; and



1510 (c) providing pilot programs in as many different school districts and charter schools as  
1511 possible.

1512 (6) (a) Except as provided in Subsection (6)(b), a school district or charter school may  
1513 only use grant money to provide full year teacher contracts, part-time teacher contract  
1514 extensions, or combinations of both, for math and science teachers.

1515 (b) Up to 5% of the grant money may be used to fund math and science field trips,  
1516 textbooks, and supplies.

1517 (7) Participation in the USTAR Centers Program shall be:

1518 (a) voluntary for an individual teacher; and

1519 (b) voluntary for a charter school or school district.

1520 ~~[(8) The State Board of Education shall make an annual report during the 2009, 2010,~~  
1521 ~~and 2011 interims to the Public Education Appropriations Subcommittee describing the~~  
1522 ~~program's impact on students and its effectiveness at achieving the benefits described in~~  
1523 ~~Subsection (1).]~~

1524 Section 35. Section **53A-17a-165** is amended to read:

1525 **53A-17a-165. Enhancement for Accelerated Students Program.**

1526 (1) As used in this section, "eligible low-income student" means a student who:

1527 (a) takes an Advanced Placement test;

1528 (b) has applied for an Advanced Placement test fee reduction; and

1529 (c) qualifies for a free lunch or a lunch provided at reduced cost.

1530 (2) The State Board of Education shall distribute money appropriated for the  
1531 Enhancement for Accelerated Students Program to school districts and charter schools  
1532 according to a formula adopted by the State Board of Education, after consultation with ~~[school~~  
1533 ~~districts and charter schools]~~ local education boards.

1534 (3) A distribution formula adopted under Subsection (2) may include an allocation of  
1535 money for:

1536 (a) Advanced Placement courses;

1537 (b) Advanced Placement test fees of eligible low-income students;  
1538 (c) gifted and talented programs, including professional development for teachers of  
1539 high ability students; and

1540 (d) International Baccalaureate programs.

1541 (4) The greater of 1.5% or \$100,000 of the appropriation for the Enhancement for  
1542 Accelerated Students Program may be allowed for International Baccalaureate programs.

1543 (5) A school district or charter school shall use money distributed under this section to  
1544 enhance the academic growth of students whose academic achievement is accelerated.

1545 (6) (a) The State Board of Education shall develop performance criteria to measure the  
1546 effectiveness of the Enhancement for Accelerated Students Program and make an annual report  
1547 to the Public Education Appropriations Subcommittee on the effectiveness of the program.

1548 (b) In the report required by Subsection (6)(a), the State Board of Education shall  
1549 include data showing the use and impact of money allocated for Advanced Placement test fees  
1550 of eligible low-income students.

1551 Section 36. Section **53A-17a-166** is amended to read:

1552 **53A-17a-166. Enhancement for At-Risk Students Program.**

1553 (1) (a) Subject to the requirements of Subsection (1)(b), the State Board of Education  
1554 shall distribute money appropriated for the Enhancement for At-Risk Students Program to  
1555 school districts and charter schools according to a formula adopted by the State Board of  
1556 Education, after consultation with [~~school districts and charter schools~~] local education boards.

1557 (b) (i) The State Board of Education shall appropriate \$1,200,000 from the  
1558 appropriation for Enhancement for At-Risk Students for a gang prevention and intervention  
1559 program designed to help students at-risk for gang involvement stay in school.

1560 (ii) Money for the gang prevention and intervention program shall be distributed to  
1561 school districts and charter schools through a request for proposals process.

1562 (2) In establishing a distribution formula under Subsection (1)(a), the State Board of  
1563 Education shall use the following criteria:

- 1564 (a) low performance on U-PASS tests;
- 1565 (b) poverty;
- 1566 (c) mobility; and
- 1567 (d) limited English proficiency.

1568 (3) A [~~school district or charter school~~] local education board shall use money  
1569 distributed under this section to improve the academic achievement of students who are at risk  
1570 of academic failure.

1571 (4) The State Board of Education shall develop performance criteria to measure the  
1572 effectiveness of the Enhancement for At-Risk Students Program and make an annual report to  
1573 the Public Education Appropriations Subcommittee on the effectiveness of the program.

1574 Section 37. Section **53A-17a-167** is amended to read:

1575 **53A-17a-167. Early intervention program -- Enhanced kindergarten program --**  
1576 **Educational technology.**

1577 (1) The State Board of Education shall, as described in Subsection (4), distribute funds  
1578 appropriated under this section for an enhanced kindergarten program described in Subsection  
1579 (2), to school districts and charter schools that apply for the funds.

1580 (2) A [~~school district or charter school~~] local education board shall use funds  
1581 appropriated in this section for a school district or charter school to offer an early intervention  
1582 program, delivered through an enhanced kindergarten program that:

- 1583 (a) is an academic program focused on building age-appropriate literacy and numeracy  
1584 skills;
- 1585 (b) uses an evidence-based early intervention model;
- 1586 (c) is targeted to at-risk students; and
- 1587 (d) is delivered through additional hours or other means.

1588 (3) A [~~school district or charter school~~] local education board may not require a student  
1589 to participate in an enhanced kindergarten program described in Subsection (2).

1590 (4) The State Board of Education shall distribute funds appropriated under this section

1591 for an enhanced kindergarten program described in Subsection (2) as follows:

1592 (a) (i) the total allocation for charter schools shall be calculated by:

1593 (A) dividing the number of charter school students by the total number of students in  
1594 the public education system in the prior school year; and

1595 (B) multiplying the resulting percentage by the total amount of available funds; and

1596 (ii) the amount calculated under Subsection (4)(a) shall be distributed to charter schools  
1597 with the greatest need for an enhanced kindergarten program, as determined by the State Board  
1598 of Education in consultation with the State Charter School Board;

1599 (b) each school district shall receive the amount calculated by:

1600 (i) multiplying the value of the weighted pupil unit by 0.45; and

1601 (ii) multiplying the result by 20; and

1602 (c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b)  
1603 are made, shall be distributed to applicant school districts by:

1604 (i) determining the number of students eligible to receive free lunch in the prior school  
1605 year for each school district; and

1606 (ii) prorating the remaining funds based on the number of students eligible to receive  
1607 free lunch in each school district.

1608 (5) In addition to an enhanced kindergarten program described in Subsection (2), the  
1609 early intervention program includes a component to address early reading through the use of  
1610 early interactive reading software.

1611 (6) (a) Subject to legislative appropriations, the State Board of Education shall select  
1612 and contract with one or more technology providers, through a request for proposals process,  
1613 to provide early interactive reading software for literacy instruction and assessments for  
1614 students in kindergarten through grade 3.

1615 (b) By August 1 of each year, the State Board of Education shall distribute licenses for  
1616 early interactive reading software described in Subsection (6)(a) to the school districts and  
1617 charter schools of local education boards that apply for the licenses.

1618 (c) Except as provided in Subsection (7)(c), a school district or charter school that  
1619 received a license described in Subsection (6)(b) during the prior year shall be given first priority  
1620 to receive an equivalent license during the current year.

1621 (d) Licenses distributed to school districts and charter schools in addition to the licenses  
1622 described in Subsection (6)(c) shall be distributed through a competitive process.

1623 (7) (a) As used in this Subsection (7), "dosage" means amount of instructional time.

1624 (b) A public school that receives a license described in Subsection (6)(b) shall use the  
1625 license:

1626 (i) for a student in kindergarten or grade 1:

1627 (A) for intervention for the student if the student is reading below grade level; or

1628 (B) for advancement beyond grade level for the student if the student is reading at or  
1629 above grade level;

1630 (ii) for a student in grade 2 or 3, for intervention for the student if the student is reading  
1631 below grade level; and

1632 (iii) in accordance with the technology provider's dosage recommendations.

1633 (c) A public school that does not use the early interactive reading software in  
1634 accordance with the technology provider's dosage recommendations for two consecutive years  
1635 may not continue to receive a license.

1636 (8) (a) On or before August 1 of each year, the State Board of Education shall select  
1637 and contract with an independent evaluator, through a request for proposals process, to act as  
1638 an independent contractor to evaluate early interactive reading software provided under this  
1639 section.

1640 (b) The State Board of Education shall ensure that a contract with an independent  
1641 evaluator requires the independent evaluator to:

1642 (i) evaluate a student's learning gains as a result of using early interactive reading  
1643 software provided under Subsection (6);

1644 (ii) for the evaluation under Subsection (8)(b)(i), use an assessment that is not

1645 developed by a provider of early interactive reading software; and  
1646 (iii) determine the extent to which a public school uses the early interactive reading  
1647 software in accordance with a technology provider's dosage recommendations under Subsection  
1648 (7).

1649 (c) The State Board of Education and the independent evaluator selected under  
1650 Subsection (8)(a) shall report annually on the results of the evaluation to the Education Interim  
1651 Committee and the governor.

1652 (d) The State Board of Education may use up to 4% of the appropriation provided  
1653 under Subsection (6)(a) to contract with an independent evaluator selected under Subsection  
1654 (8)(a).

1655 Section 38. Section **53A-17a-171** is amended to read:

1656 **53A-17a-171. Intergenerational Poverty Interventions Grant Program --**  
1657 **Definitions -- Grant requirements -- Reporting requirements.**

1658 (1) As used in this section:

1659 (a) "Board" means the State Board of Education.

1660 (b) "Eligible student" means a student who is classified as a child affected by  
1661 intergenerational poverty.

1662 (c) "Intergenerational poverty" has the same meaning as in Section [35A-9-102](#).

1663 (d) "Local Education Agency" or "LEA" means a school district or charter school.

1664 (e) "Program" means the Intergenerational Poverty Interventions Grant Program  
1665 created in Subsection (2).

1666 (2) The Intergenerational Poverty Interventions Grant Program is created to provide  
1667 grants to eligible LEAs to fund additional educational opportunities at eligible LEAs, for eligible  
1668 students, outside of the regular school day offerings.

1669 (3) Subject to future budget constraints, the board shall distribute to LEAs money  
1670 appropriated for the program in accordance with this section.

1671 (4) The board shall:

1672 (a) solicit proposals from [~~LEAs~~] local education boards to receive money under the  
1673 program; and

1674 (b) award grants to [~~LEAs~~] a local education board on behalf of an LEA based on  
1675 criteria described in Subsection (5).

1676 (5) In awarding a grant under Subsection (4), the board shall consider:

1677 (a) the percentage of an LEA's students that are classified as children affected by  
1678 intergenerational poverty;

1679 (b) the level of administrative support and leadership at an eligible LEA to effectively  
1680 implement, monitor, and evaluate the program; and

1681 (c) an LEA's commitment and ability to work with the Department of Workforce  
1682 Services, the Department of Health, the Department of Human Services, and the juvenile courts  
1683 to provide services to the LEA's eligible students.

1684 (6) To receive a grant under the program[~~, an LEA~~] on behalf of an LEA, a local  
1685 education board shall submit a proposal to the board detailing:

1686 (a) the LEA's strategy to implement the program, including the LEA's strategy to  
1687 improve the academic achievement of children affected by intergenerational poverty;

1688 (b) the LEA's strategy for coordinating with and engaging the Department of  
1689 Workforce Services to provide services for the LEA's eligible students;

1690 (c) the number of students the LEA plans to serve, categorized by age and  
1691 intergenerational poverty status;

1692 (d) the number of students, eligible students, and schools the LEA plans to fund with  
1693 the grant money; and

1694 (e) the estimated cost per student.

1695 (7) (a) The board shall annually report to the Utah Intergenerational Welfare Reform  
1696 Commission, created in Section [35A-9-301](#), by November 30 of each year, on:

1697 (i) the progress of LEA programs using grant money;

1698 (ii) the progress of LEA programs in improving the academic achievement of children

1699 affected by intergenerational poverty; and

1700 (iii) the LEA's coordination efforts with the Department of Workforce Services, the  
1701 Department of Health, the Department of Human Services, and the juvenile courts.

1702 (b) The board shall provide the report described in Subsection (7)(a) to the Education  
1703 Interim Committee upon request.

1704 (c) [~~LEAs that receive~~] An LEA that receives grant money pursuant to this section shall  
1705 provide to the board information that is necessary for the board's report described in Subsection  
1706 (7)(a).

1707 Section 39. Section **63J-1-220** is amended to read:

1708 **63J-1-220. Reporting related to pass through money distributed by state**  
1709 **agencies.**

1710 (1) As used in this section:

1711 (a) "Local government entity" means a county, municipality, school district, local  
1712 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special  
1713 service district under Title 17D, Chapter 1, Special Service District Act, or any other political  
1714 subdivision of the state.

1715 (b) (i) "Pass through funding" means money appropriated by the Legislature to a state  
1716 agency that is intended to be passed through the state agency to one or more:

1717 (A) local government entities;

1718 (B) private organizations, including not-for-profit organizations; or

1719 (C) persons in the form of a loan or grant.

1720 (ii) "Pass through funding" may be:

1721 (A) general funds, dedicated credits, or any combination of state funding sources; and

1722 (B) ongoing or one-time.

1723 (c) "Recipient entity" means a local government entity or private entity, including a  
1724 nonprofit entity, that receives money by way of pass through funding from a state agency.

1725 (d) "State agency" means a department, commission, board, council, agency, institution,



1726 officer, corporation, fund, division, office, committee, authority, laboratory, library, unit,  
1727 bureau, panel, or other administrative unit of the executive branch of the state.

1728 (e) (i) "State money" means money that is owned, held, or administered by a state  
1729 agency and derived from state fees or tax revenues.

1730 (ii) "State money" does not include contributions or donations received by a state  
1731 agency.

1732 (2) A state agency may not provide a recipient entity state money through pass through  
1733 funding unless:

1734 (a) the state agency enters into a written agreement with the recipient entity; and

1735 (b) the written agreement described in Subsection (2)(a) requires the recipient entity to  
1736 provide the state agency:

1737 (i) a written description and an itemized report at least annually detailing the  
1738 expenditure of the state money, or the intended expenditure of any state money that has not  
1739 been spent; and

1740 (ii) a final written itemized report when all the state money is spent.

1741 (3) A state agency shall provide to the Governor's Office of Management and Budget a  
1742 copy of a written description or itemized report received by the state agency under Subsection  
1743 (2).

1744 (4) Notwithstanding Subsection (2), a state agency is not required to comply with this  
1745 section to the extent that the pass through funding is issued:

1746 (a) under a competitive award process;

1747 (b) in accordance with a formula enacted in statute;

1748 (c) in accordance with a state program under parameters in statute or rule that guides  
1749 the distribution of the pass through funding; or

1750 (d) under the authority of the minimum school program, as defined in Subsection

1751 [53A-17a-103](#)~~(4)~~(7)(e).