

PUBLIC EDUCATION BUDGET AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill supplements or reduces appropriations previously provided for school districts, charter schools, and certain state education agencies for the fiscal year beginning July 1, 2016, and ending June 30, 2017, and for the fiscal year beginning July 1, 2017, and ending June 30, 2018.

Highlighted Provisions:

This bill:

- ▶ enacts language directing the Legislature to adjust the appropriation for the Statewide Online Education Program based on certain factors;
- ▶ sets the value of the weighted pupil unit at \$3,311 for fiscal year 2018;
- ▶ adjusts the number of weighted pupil units to reflect anticipated student enrollment in fall 2017;
- ▶ repeals the Professional Practices Restricted Subfund and appropriates funding to pay teacher licensing fees;
- ▶ provides appropriations for other purposes as described;
- ▶ provides intent language; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates \$5,185,100 in operating and capital budgets for fiscal year 2017, including:



- 28 ▶ \$191,000 from the General Fund;
- 29 ▶ \$4,795,000 from the Education Fund; and
- 30 ▶ \$199,100 from various sources as detailed in this bill.

31 This bill appropriates \$232,661,300 in operating and capital budgets for fiscal year
 32 2018, including:

- 33 ▶ \$1,732,100 from the General Fund;
- 34 ▶ \$203,013,600 from the Education Fund; and
- 35 ▶ \$25,215,600 from various sources as detailed in this bill.

36 **Other Special Clauses:**

37 This bill provides a special effective date.

38 **Utah Code Sections Affected:**

39 AMENDS:

- 40 **53A-6-104.1**, as last amended by Laws of Utah 2015, Chapter 389
- 41 **53A-6-305**, as enacted by Laws of Utah 1999, Chapter 108
- 42 **53A-15-1207**, as last amended by Laws of Utah 2012, Chapter 238

43 REPEALS:

- 44 **53A-6-105**, as last amended by Laws of Utah 2016, Chapter 144

45 **Uncodified Material Affected:**

46 ENACTS UNCODIFIED MATERIAL



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

49 Section 1. Section **53A-6-104.1** is amended to read:

50 **53A-6-104.1. Reinstatement of a license.**

51 (1) An educator who previously held a license and whose license has expired may have
 52 the license reinstated by:

- 53 (a) filing an application with the board on the form prescribed by the board; and
- 54 ~~[(b) paying the fee required by Section **53A-6-105**; and]~~
- 55 ~~[(c)]~~ (b) submitting to a criminal background check as required by Section
 56 **53A-15-1504**.

57 (2) Upon successful completion of the criminal background check and verification that
 58 the applicant's previous license had not been revoked, suspended, or surrendered, the board

59 shall reinstate the license.

60 (3) An educator whose license is reinstated may not be required to obtain professional
61 development not required of other educators with the same number of years of experience,
62 except as provided in Subsection (4).

63 (4) The principal of the school at which an educator whose license is reinstated is
64 employed shall provide information and training, based on the educator's experience and
65 education, that will assist the educator in performing the educator's assigned position.

66 (5) The procedures for reinstating a license as provided in this section do not apply to
67 an educator's license that expires while the educator is employed in a position requiring the
68 license.

69 Section 2. Section **53A-6-305** is amended to read:

70 **53A-6-305. Meetings and expenses of UPPAC members.**

71 (1) UPPAC shall meet at least quarterly and at the call of the chair or of a majority of
72 the members.

73 (2) Members of UPPAC serve without compensation but are allowed reimbursement
74 for actual and necessary expenses under the rules of the Division of Finance.

75 (3) The board shall pay reimbursement to UPPAC members out of the [~~Professional~~
76 ~~Practices Restricted Subfund in the Uniform School Fund~~] Education Fund.

77 Section 3. Section **53A-15-1207** is amended to read:

78 **53A-15-1207. State Board of Education to deduct funds and make payments --**
79 **Plan for the payment of online courses taken by private and home school students.**

80 (1) For a fiscal year that begins on or after July 1, 2018, and subject to future budget
81 constraints, the Legislature shall adjust the appropriation for the Statewide Online Education
82 Program based on:

83 (a) the anticipated increase of eligible home school and private school students
84 enrolled in the Statewide Online Education Program; and

85 (b) the value of the weighted pupil unit.

86 [(+)] (2) (a) The State Board of Education shall deduct money from funds allocated to
87 the student's primary LEA of enrollment under Chapter 17a, Minimum School Program Act, to
88 pay for online course fees.

89 (b) Money shall be deducted under Subsection [(+)] (2) in the amount and at the time

90 an online course provider qualifies to receive payment for an online course as provided in
91 Subsection 53A-15-1206(4).

92 ~~[(2)]~~ (3) From money deducted under Subsection ~~[(1)]~~ (2), the State Board of
93 Education shall make payments to the student's online course provider as provided in Section
94 53A-15-1206.

95 ~~[(3)]~~ (4) The Legislature shall establish a plan, which shall take effect beginning on
96 July 1, 2013, for the payment of online courses taken by a private school or home school
97 student.

98 Section 4. **Repealer.**

99 This bill repeals:

100 Section 53A-6-105, **Licensing fees -- Credit to subfund -- Payment of expenses.**

101 Section 5. **Appropriation for classroom supplies.**

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

104 (a) who are licensed personnel;

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

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

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

109 (2) (a) The State Board of Education shall distribute money appropriated for teacher
110 supplies and materials to classroom teachers in school districts, charter schools, and the Utah
111 Schools for the Deaf and the Blind based on the number of classroom teachers in each school
112 as compared to the total number of classroom teachers.

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

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

116 (ii) \$200 for a teacher on salary schedule steps one through three teaching in grades 7
117 through 12;

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

120 (iv) \$150 for a teacher on salary schedule step four or higher teaching in grades 7

121 through 12.

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

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

127 **Section 6. Operating and capital budgets -- FY 2017 appropriations for state**
 128 **education agencies, school districts, and charter schools.**

129 The following sums of money are appropriated for the fiscal year beginning July 1,
 130 2016, and ending June 30, 2017. These are additions to amounts previously appropriated for
 131 fiscal year 2017. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 132 Act, the Legislature appropriates the following sums of money from the funds or accounts
 133 indicated for the use and support of the government of the state of Utah.

134 STATE BOARD OF EDUCATION - MINIMUM SCHOOL PROGRAM

135 ITEM 1 To State Board of Education - Minimum School Program - Basic School Program

136 From Education Fund, One-time 10,000,000

137 Schedule of Programs:

138 Grades 1 - 12 10,000,000

139 ITEM 2 To State Board of Education - Minimum School Program - Related to Basic School
 140 Programs

141 From Education Fund, One-time (1,785,000)

142 Schedule of Programs:

143 Charter School Local Replacement (5,000,000)

144 Educator Salary Adjustments 3,995,000

145 Digital Teaching and Learning Program (780,000)

146 ITEM 3 To State Board of Education - Minimum School Program - Voted and Board Local
 147 Levy Programs

148 From Education Fund, One-time (5,000,000)

149 Schedule of Programs:

150 Voted Local Levy Program (2,500,000)

151 Board Local Levy Program (2,500,000)

152	STATE BOARD OF EDUCATION		
153	ITEM 4 To State Board of Education - State Administrative Office		
154	From Education Fund, One-time		800,000
155	From Revenue Transfers, One-time		888,800
156	Schedule of Programs:		
157	Board and Administration	888,800	
158	Business Services	800,000	
159	Notwithstanding the fees in H.B. 8 G.S. 2016, State Agency Fees and Internal Service		
160	Fund Rate Authorization and Appropriations, the Legislature intends that the State Board of		
161	Education is authorized to charge an indirect cost pool rate of up to 15% for restricted funds		
162	and up to 26% for unrestricted funds where possible for FY 2017.		
163	ITEM 5 To State Board of Education - Minimum School Program Categorical Program		
164	Administration		
165	From Education Fund, One-time		780,000
166	From Revenue Transfers, One-time		(287,200)
167	Schedule of Programs:		
168	CTE Comprehensive Guidance	(35,000)	
169	Enhancement for At-Risk Students	(50,000)	
170	Youth-in-Custody	(150,000)	
171	Adult Education	(22,200)	
172	Dual Immersion	(30,000)	
173	Digital Teaching and Learning	780,000	
174	Notwithstanding the fees in H.B. 8 G.S. 2016, State Agency Fees and Internal Service		
175	Fund Rate Authorization and Appropriations, the Legislature intends that the State Board of		
176	Education is authorized to charge an indirect cost pool rate of up to 15% for restricted funds		
177	and up to 26% for unrestricted funds where possible for FY 2017.		
178	ITEM 6 To State Board of Education - Initiative Programs		
179	From General Fund, One-time		191,000
180	From Revenue Transfers, One-time		(37,200)
181	Schedule of Programs:		
182	Contracts and Grants	191,000	

183	Carson Smith Scholarships	(22,400)
184	Partnerships for Student Success	(14,800)
185	Notwithstanding the fees in H.B. 8 G.S. 2016, State Agency Fees and Internal Service	
186	Fund Rate Authorization and Appropriations, the Legislature intends that the State Board of	
187	Education is authorized to charge an indirect cost pool rate of up to 15% for restricted funds	
188	and up to 26% for unrestricted funds where possible for FY 2017.	
189	ITEM 7 To State Board of Education - State Charter School Board	
190	From Revenue Transfers, One-time	(147,900)
191	Schedule of Programs:	
192	State Charter School Board	(147,900)
193	Notwithstanding the fees in H.B. 8 G.S. 2016, State Agency Fees and Internal Service	
194	Fund Rate Authorization and Appropriations, the Legislature intends that the State Board of	
195	Education is authorized to charge an indirect cost pool rate of up to 15% for restricted funds	
196	and up to 26% for unrestricted funds where possible for FY 2017.	
197	ITEM 8 To State Board of Education - Educator Licensing	
198	From Professional Practices Restricted Subfund, One-time	199,100
199	From Revenue Transfers, One-time	(213,900)
200	Schedule of Programs:	
201	Educator Licensing	(14,800)
202	Notwithstanding the fees in H.B. 8 G.S. 2016, State Agency Fees and Internal Service	
203	Fund Rate Authorization and Appropriations, the Legislature intends that the State Board of	
204	Education is authorized to charge an indirect cost pool rate of up to 15% for restricted funds	
205	and up to 26% for unrestricted funds where possible for FY 2017.	
206	ITEM 9 To State Board of Education - Child Nutrition	
207	From Revenue Transfers, One-time	(153,900)
208	Schedule of Programs:	
209	Child Nutrition	(153,900)
210	Notwithstanding the fees in H.B. 8 G.S. 2016, State Agency Fees and Internal Service	
211	Fund Rate Authorization and Appropriations, the Legislature intends that the State Board of	
212	Education is authorized to charge an indirect cost pool rate of up to 15% for restricted funds	
213	and up to 26% for unrestricted funds where possible for FY 2017.	

214	ITEM 10 To State Board of Education - Education Contracts	
215	From Revenue Transfers, One-time	(23,500)
216	Schedule of Programs:	
217	Corrections Institutions	(23,500)
218	Notwithstanding the fees in H.B. 8 G.S. 2016, State Agency Fees and Internal Service	
219	Fund Rate Authorization and Appropriations, the Legislature intends that the State Board of	
220	Education is authorized to charge an indirect cost pool rate of up to 15% for restricted funds	
221	and up to 26% for unrestricted funds where possible for FY 2017.	
222	ITEM 11 To State Board of Education - Teaching and Learning	
223	From Revenue Transfers, One-time	(25,200)
224	Schedule of Programs:	
225	Student Access to High Quality School	
226	Readiness Programs	(25,200)
227	Section 6. Operating and capital budgets -- FY 2018 appropriations for state	
228	education agencies, school districts, and charter schools.	
229	<u>(1) The following sums of money are appropriated for the fiscal year beginning July 1,</u>	
230	<u>2017, and ending June 30, 2018. These are additions to amounts previously appropriated for</u>	
231	<u>fiscal year 2018. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures</u>	
232	<u>Act, the Legislature appropriates the following sums of money from the funds or accounts</u>	
233	<u>indicated for the use and support of the government of the state of Utah.</u>	
234	<u>(2) The value of each weighted pupil unit (WPU) for fiscal year 2018 is increased from</u>	
235	<u>the value of the WPU for fiscal year 2018 established in S.B. 1, Public Education Base Budget</u>	
236	<u>Amendments, and set at \$3,311.</u>	
237	STATE BOARD OF EDUCATION - MINIMUM SCHOOL PROGRAM	
238	ITEM 12 To State Board of Education - Minimum School Program - Basic School Program	
239	From Education Fund	153,982,900
240	Schedule of Programs:	
241	Kindergarten (-430 WPUs)	2,072,500
242	Grades 1 - 12 (11,299 WPUs)	103,838,500
243	Foreign Exchange	41,600
244	Necessarily Existent Small Schools	1,208,300

245	Professional Staff (231 WPU)	7,823,100	
246	Administrative Costs (75 WPU)	437,500	
247	Special Education - Add-on (2,736 WPU)	18,903,200	
248	Special Education - Preschool (539 WPU)	3,084,800	
249	Special Education - Self-contained (4 WPU)	1,783,600	
250	Special Education - Extended School Year		
251	(10 WPU)	87,600	
252	Special Education - Impact Aid (-28 WPU)	165,200	
253	Special Education - Intensive Services		
254	(372 WPU)	1,282,200	
255	Special Education - Extended Year		
256	for Special Educators	115,400	
257	Career and Technical Education - Add-on		
258	(440 WPU)	5,017,900	
259	Class Size Reduction (919 WPU)	8,121,500	
260	ITEM 13 To State Board of Education - Minimum School Program - Related to Basic School		
261	Programs		
262	From Education Fund		32,652,300
263	From Education Fund Restricted - Charter School Levy Account		22,100,000
264	From Uniform School Fund Restricted Trust Distribution Account		50,400,000
265	From Interest and Dividends Account		(45,000,000)
266	Schedule of Programs:		
267	To and From School - Pupil Transportation	4,464,900	
268	Enhancement for At-Risk Students	1,495,100	
269	Youth in Custody	1,211,200	
270	Adult Education	595,100	
271	Enhancement for Accelerated Students	268,400	
272	Concurrent Enrollment	575,100	
273	School LAND Trust Program	5,400,000	
274	Charter School Local Replacement	35,223,200	
275	Charter School Administration	361,900	

276	Educator Salary Adjustments	3,995,000	
277	USFR Teacher Salary Supplement		
278	Restricted Account	(6,799,900)	
279	Critical Languages and Dual Immersion	600,000	
280	Teacher Supplies and Materials	5,000,000	
281	Beverly Taylor Sorenson Elementary Arts	1,000,000	
282	Civics Education - State Capitol Field Trips	150,000	
283	Digital Teaching and Learning Program	(187,600)	
284	Teacher Salary Supplement	6,799,900	
285	The Legislature intends that the Division of Finance transfer the fund balance in the		
286	Uniform School Fund Restricted - Teacher Salary Supplement Restricted Account to the		
287	Teacher Salary Supplement Program in the Minimum School Program - Related to Basic		
288	School Program when the fund is closed as provided in H.B. 35, Minimum School Program		
289	Amendments.		
290	The Legislature intends that the Division of Finance transfer the fund balance in the		
291	Interest and Dividends Account to the Trust Distribution Account on July 1, 2017, pursuant to		
292	the Laws of Utah 2016, Volume 1, Chapter 172.		
293	ITEM 14 To State Board of Education - Minimum School Program - Voted and Board Local		
294	Levy Programs		
295	From Education Fund		373,900
296	Schedule of Programs:		
297	Voted Local Levy Program	1,048,100	
298	Board Local Levy Program	(674,200)	
299	STATE BOARD OF EDUCATION		
300	ITEM 15 To State Board of Education - State Administrative Office		
301	From Education Fund		2,145,000
302	From Education Fund, One-time		400,000
303	From Uniform School Fund Restricted Trust Distribution Account		701,600
304	From Interest and Dividends Account		(635,100)
305	From Beginning Nonlapsing Balances		16,044,400
306	From Closing Nonlapsing Balances		(16,044,400)

307	Schedule of Programs:	
308	Assessment and Accountability	2,220,000
309	Business Services	329,000
310	Career and Technical Education	(50,000)
311	Math Teacher Training	(500,000)
312	School Trust	66,500
313	Teaching and Learning	375,000
314	Student Advocacy Services	171,000

315 The Legislature intends that the State Board of Education use \$150,000 one-time of the
 316 funds appropriated in this line item for a dropout prevention program that utilizes a curriculum
 317 consisting of character development and enhancement of life skills delivered by certified
 318 trainers and is targeted at students who are at risk of dropping out.

319 The Legislature intends that the Division of Finance transfer the fund balance in the
 320 Interest and Dividends Account to the Trust Distribution Account on July 1, 2017, pursuant to
 321 the Laws of Utah 2016, Volume 1, Chapter 172.

322 The Legislature intends that the State Board of Education use any nonlapsing balances
 323 generated from the licensing of Student Assessment of Growth and Excellence (SAGE)
 324 assessment questions to develop additional assessment questions, to provide professional
 325 learning for Utah educators, and for risk mitigation expenditures.

326 ITEM 16 To State Board of Education - MSP Categorical Program Administration

327	From Education Fund	707,600
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328	Schedule of Programs:	
329	Digital Teaching and Learning	487,600
330	Special Education State Programs	220,000

331 The Legislature intends that the State Board of Education use \$300,000 of the funds
 332 appropriated for Digital Teaching & Learning Administration to hire two full-time equivalent
 333 employees to provide program monitoring, evaluation, coaching for approved programs, and
 334 implementing the Board's Digital Teaching & Learning master plan.

335 ITEM 17 To State Board of Education - Initiative Programs

336	From General Fund	1,732,100
337	From Education Fund	5,797,400

338	From Education Fund, One-time	250,000
339	From General Fund Restricted - Autism Awareness Account	29,000
340	From Beginning Nonlapsing Balances	16,888,300
341	From Closing Nonlapsing Balances	(16,888,300)
342	Schedule of Programs:	
343	Electronic High School	(2,600)
344	UPSTART Early Childhood Education	1,500,000
345	ProStart Culinary Arts Program	250,000
346	General Financial Literacy	200,000
347	Carson Smith Scholarships	1,732,100
348	Autism Awareness	29,000
349	Early Intervention	3,000,000
350	Peer Assistance	(400,000)
351	IT Academy	500,000
352	Partnerships for Student Success	1,000,000
353	ITEM 18 To State Board of Education - State Charter School Board	
354	From Beginning Nonlapsing Balances	1,237,100
355	From Closing Nonlapsing Balances	(1,237,100)
356	ITEM 19 To State Board of Education - Educator Licensing	
357	From Education Fund	2,600,000
358	From Professional Practices Restricted Subfund	(2,400,900)
359	Schedule of Programs:	
360	Educator Licensing	199,100
361	The Legislature intends that the Division of Finance close the Professional Practices	
362	Restricted Subfund on June 30, 2018, and transfer any remaining balances to the Uniform	
363	School Fund.	
364	ITEM 20 To State Board of Education - Fine Arts Outreach	
365	From Education Fund	700,000
366	Schedule of Programs:	
367	Professional Outreach Programs	700,000
368	ITEM 21 To State Board of Education - Science Outreach	

369	From Education Fund		360,000
370	Schedule of Programs:		
371	Informal Science Education Enhancement	410,000	
372	Integrated Student and New Facility Learning	(50,000)	
373	The Legislature intends that the State Board of Education combine the grant awards for		
374	the Informal Science Education Enhancement (iSEE) program and the Integrated Student and		
375	New Facility Learning program into one grant for those organizations that participate in both		
376	grant programs.		
377	ITEM 22 To State Board of Education - Education Contracts		
378	From Beginning Nonlapsing Balances		185,600
379	From Closing Nonlapsing Balances		(185,600)
380	ITEM 23 To State Board of Education - Utah Schools for the Deaf and the Blind		
381	From Education Fund		1,084,500
382	From Education Fund, One-time		(40,000)
383	Schedule of Programs:		
384	Educational Services	1,044,500	
385	ITEM 24 To State Board of Education - Regional Service Centers		
386	From Education Fund		2,000,000
387	Schedule of Programs:		
388	Regional Service Centers	2,000,000	
389	SCHOOL AND INSTITUTIONAL TRUST FUND OFFICE		
390	ITEM 25 To School and Institutional Trust Fund Office		
391	From School and Institutional Trust Fund Management Account		21,000
392	Schedule of Programs:		
393	School and Institutional Trust Fund Office	21,000	
394	Section 7. Effective date.		
395	<u>(1) Except as provided in Subsections (2) and (3), this bill takes effect on July 1, 2017.</u>		
396	<u>(2) On July 1, 2018:</u>		
397	<u>(a) Sections 53A-6-104.1 and 53A-6-305 take effect; and</u>		
398	<u>(b) Section 53A-6-105 is repealed.</u>		
399	<u>(3) If approved by two-thirds of all the members elected to each house, Section 5,</u>		

400 One-time appropriation for classroom supplies, takes effect upon approval by the governor, or
401 the day following the constitutional time limit of Utah Constitution, Article VII, Section 8,
402 without the governor's signature, or in the case of a veto, the date of veto override.

Legislative Review Note
Office of Legislative Research and General Counsel