

## HB0361S01 compared with HB0361

~~deleted text~~ shows text that was in HB0361 but was deleted in HB0361S01.

Inserted text shows text that was not in HB0361 but was inserted into HB0361S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Norman K Thurston proposes the following substitute bill:

### **BLOCK GRANT FUNDING AND STATUTORY EXEMPTION PROGRAM FOR PUBLIC EDUCATION**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K Thurston**

Senate Sponsor: \_\_\_\_\_

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#### **LONG TITLE**

##### **General Description:**

This bill requires the State Board of Education to design a block grant and statutory exemption program for local education agencies.

##### **Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ authorizes a local education agency that participates in a block grant program to comply with provisions related to block grant funding in place of other statutory requirements;
- ▶ requires the board to design a block grant program;

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- ▶ specifies the otherwise restricted money and statutory provisions that the board may include in a block grant program;
- ▶ requires the board to report to the Legislature;
- ▶ requires the board to make rules;
- ▶ requires the board to, beginning in the 2018-2019 school year, distribute certain money to a participating LEA as a block grant; and
- ▶ requires the board to, beginning in the 2018-2019 school year, grant a participating LEA an exemption from certain requirements related to employee evaluations.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**53A-17a-105**, as last amended by Laws of Utah 2016, Chapter 229

ENACTS:

**53A-8a-103**, Utah Code Annotated 1953

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

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

**53A-17a-303**, Utah Code Annotated 1953

**53A-17a-304**, Utah Code Annotated 1953

**53A-17a-305**, Utah Code Annotated 1953

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

Section 1. Section **53A-8a-103** is enacted to read:

**53A-8a-103. Applicability of part.**

(1) Except as provided in Subsection (2), a local school board shall comply with the provisions of this part.

(2) In accordance with Chapter 17a, Part 3, Block Grant Program, a school district that participates in a block grant program may receive an exemption from:

(a) Chapter 8a, Part 3, Employee Evaluations;

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(b) Chapter 8a, Part 4, Educator Evaluations;

(c) Chapter 8a, Part 6, Performance Compensation; or

(d) Chapter 8a, Part 7, Evaluation and Compensation of Administrators.

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

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

(1) For purposes of this section:

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

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

Sec. 6301 et seq.

(c) "LEA" means:

(i) a school district; or

(ii) a charter school.

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

(i) Basic Program;

(ii) Related to Basic Programs;

(iii) Voted and Board Levy Programs; or

(iv) Minimum School Program.

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

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

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

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

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established in Section 53A-17a-164, if:

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

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

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

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

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

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

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

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

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

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

(b) the number of weighted pupil units within school districts qualifying for a

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guarantee is underestimated.

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

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

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

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

(c) In addition to the reporting requirement described in Subsection [~~(9)~~] (10), the board shall report actions taken by the board under this Subsection (7) to the Executive Appropriations Committee.

(8) Money appropriated to the board is nonlapsing.

(9) (a) Except as provided in Subsection (9)(b), an LEA shall comply with statutory restrictions on the use of money received for a program described in this title.

(b) For money that an LEA receives as a block grant under Part 3, Block Grant Program, the LEA shall comply with the requirements placed on the block grant under Part 3, Block Grant Program, in place of the requirements otherwise described in this title.

~~(9)~~ (10) The board shall report actions taken by the board under [~~this section~~] Subsections (2) through (7) to the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and Budget.

Section 3. Section **53A-17a-301** is enacted to read:

### **Part 3. Block Grant Program**

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

As used in this part:

(1) "Block grant program" means a program designed by the board under Section 53A-17a-302 to:

(a) distribute otherwise restricted money to an LEA as a block grant; or

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(b) allow an LEA to be exempt from provisions related to employee evaluations.

(2) "Board" means the State Board of Education.

(3) "Local education agency" or "LEA" means:

(a) a school district; or

(b) a charter school.

(4) "Participating LEA" means an LEA that qualifies to receive:

(a) a block grant described in this part; or

(b) an exemption from statutory provisions described in Subsection

53A-17a-302(2)(b).

Section 4. Section **53A-17a-302** is enacted to read:

### **53A-17a-302. Board to design a block grant program -- Report to Legislature on block grant program design.**

(1) The board shall design a block grant program that provides an LEA the opportunity to:

(a) receive certain money, which is otherwise restricted, as a block grant; and

(b) be exempted from certain statutory provisions related to employee evaluations.

(2) (a) In designing a block grant program, the board may only include in the program design ~~for~~ money appropriated for:

(i) within the state-supported Minimum School Program described in Part 1, Minimum School Program Act, the purposes described in:

(A) Section ~~{53A-17a-111}~~53A-17a-124.5;

(B) Section ~~{53A-17a-112}~~53A-17a-127;

(C) Section ~~{53A-17a-113}~~53A-17a-150;

(D) Section ~~{53A-17a-124.5}~~53A-17a-154;

(E) Section ~~{53A-17a-127}~~53A-17a-155;

(F) Section ~~{53A-17a-150}~~53A-17a-159;

(G) Section ~~{53A-17a-154}~~53A-17a-162;

(H) Section ~~{53A-17a-155}~~53A-17a-165;

(I) Section ~~{53A-17a-159}~~53A-17a-166;

(J) Section ~~{53A-17a-162}~~53A-17a-167;

(K) Section ~~{53A-17a-165}~~53A-17a-168; or

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~~(L) Section 53A-17a-166;~~

~~(M) Section 53A-17a-167;~~

~~(N) Section 53A-17a-168; or~~

~~(O) Section 53A-17a-170;~~

~~(ii) the Capital Outlay Foundation Program described in Chapter 21, Part 2, Capital Outlay Foundation Program;~~

~~(iii) the Capital Outlay Enrollment Growth Program described in Chapter 21, Part 3, Capital Outlay Enrollment Growth Program;~~

~~(iv) 53A-17a-170;~~

(ii) the Critical Languages Program described in Section 53A-15-104;

(~~iv~~)iii the Dual Language Immersion Program described in Section 53A-15-105;

(~~vi~~)iv the Digital Teaching and Learning Program described in Chapter 1, Part 15, Digital Teaching and Learning Grant Program; or

(~~vii~~)v the concurrent enrollment program described in Chapter 15, Part 17, Concurrent Enrollment.

(b) In the design of the block grant program, the board may include a provision for a participating LEA to receive an exemption from:

(i) Chapter 8a, Part 3, Employee Evaluations;

(ii) Chapter 8a, Part 4, Educator Evaluations;

(iii) Chapter 8a, Part 6, Performance Compensation; or

(iv) Chapter 8a, Part 7, Evaluation and Compensation of Administrators.

(3) On or before the Education Interim Committee's November 2017 meeting, the board shall report to the Education Interim Committee and the Public Education Appropriations Subcommittee on the design of the block grant program, including:

(a) subject to Subsection (2):

(i) the specific otherwise restricted money that an LEA may apply to the board to receive as a block grant; and

(ii) statutory restrictions from which an LEA may apply to the board for an exemption as part of the block grant program;

(b) requirements for an LEA's application to participate in the block grant program;

(c) the objective criteria the board will use to determine if an LEA qualifies to receive

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money as a block grant;

(d) how the board will determine the amount of money to distribute to a participating LEA as a block grant;

(e) the potential administrative cost to the board of distributing money to a participating LEA as a block grant;

(f) the outcome measures the board will use to evaluate the block grant program; and

(g) the number of years an LEA may participate in the block grant program and the conditions under which an LEA's participation in the block grant program ends.

Section 5. Section **53A-17a-303** is enacted to read:

### **53A-17a-303. Rulemaking.**

After reporting to the Legislature as described in Section 53A-1a-302, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules that:

(1) establish the block grant program;

(2) describe the specific otherwise restricted money an LEA may request to have included in a block grant;

(3) describe the process for an LEA to apply for a block grant or statutory exemption;

(4) establish objective criteria for the board to use in determining if an LEA qualifies for a block grant; and

(5) establish goals, outcome measures, and reporting requirements for a participating LEA.

Section 6. Section **53A-17a-304** is enacted to read:

### **53A-17a-304. Selection of participating LEAs.**

Beginning in the 2018-2019 school year, the board shall select participating LEAs and implement the block grant program designed by the board under Section 53A-17a-302.

Section 7. Section **53A-17a-305** is enacted to read:

### **53A-17a-305. Reporting requirements.**

(1) Each year that an LEA participates in the block grant program, the board shall report to the Education Interim Committee about the block grant program on or before November 1.

(2) The board shall ensure that the report includes:



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(a) a summary of accounting for each participating LEA, if applicable;

(b) an evaluation of how well each participating LEA is meeting the participating LEA's goals and outcome measures;

(c) problems or difficulties with the program that the board identifies;

(d) recommendations for statutory changes; and

(e) a recommendation about whether the block grant program should be maintained, eliminated, or expanded.

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**Legislative Review Note**

**Office of Legislative Research and General Counsel**