

1 **PUBLIC EDUCATION BUDGET AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lyle W. Hillyard**

5 House Sponsor: Daniel McCay

7 **LONG TITLE**

8 **General Description:**

9 This bill supplements or reduces appropriations previously provided for the support and
10 operation of public education for the fiscal year beginning July 1, 2017, and ending
11 June 30, 2018, and for the fiscal year beginning July 1, 2018, and ending June 30, 2019.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides appropriations for the use and support of school districts, charter schools,
15 and state education agencies;
- 16 ▶ sets the value of the weighted pupil unit (WPU) at \$3,395 for fiscal year 2019;
- 17 ▶ adjusts the number of weighted pupil units to reflect anticipated student enrollment
18 in fall 2018;
- 19 ▶ amends provisions related to certain appropriations for public education, including
20 appropriations for:
 - 21 • adult education;
 - 22 • school nurses; and
 - 23 • the Enhancement for At-Risk Students Program;
- 24 ▶ repeals provisions related to grants for unsafe routes;
- 25 ▶ provides appropriations for other purposes as described;
- 26 ▶ provides intent language; and
- 27 ▶ makes technical and conforming changes.



28 **Money Appropriated in this Bill:**

29 This bill appropriates \$17,101,400 in operating and capital budgets for fiscal year 2018,
30 including:

- 31 ▶ \$150,000 from the General Fund;
- 32 ▶ \$3,099,100 from the Education Fund; and
- 33 ▶ \$13,852,300 from various sources as detailed in this bill.

34 This bill appropriates \$193,669,100 in operating and capital budgets for fiscal year
35 2019, including:

- 36 ▶ \$600,000 from the General Fund;
- 37 ▶ \$10,000,000 from the Uniform School Fund;
- 38 ▶ \$161,392,400 from the Education Fund; and
- 39 ▶ \$21,676,700 from various sources as detailed in this bill.

40 **Other Special Clauses:**

41 This bill provides a special effective date.

42 This bill provides a coordination clause.

43 **Utah Code Sections Affected:**

44 AMENDS:

- 45 **53F-2-401**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 46 **53F-2-402**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 47 **53F-2-406**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 48 **53F-2-410**, as renumbered and amended by Laws of Utah 2018, Chapter 2

49 REPEALS:

- 50 **53F-2-412**, as renumbered and amended by Laws of Utah 2018, Chapter 2

51 **Uncodified Material Affected:**

52 ENACTS UNCODIFIED MATERIAL

53 **Utah Code Sections Affected by Coordination Clause:**

- 54 **53F-2-414**, Utah Code Annotated 1953



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

57 Section 1. Section **53F-2-401** is amended to read:

58 **53F-2-401. Appropriation for adult education programs.**

59 (1) Money appropriated to the State Board of Education for adult education shall be
60 allocated to school districts for adult high school completion and adult basic skills programs.

61 (2) (a) The State Board of Education and the Department of Corrections, subject to
62 legislative appropriation, are responsible for providing the programs described in Subsection
63 (1) to individuals in the custody of the Department of Corrections.

64 (b) To fulfill the responsibility described in Subsection (2)(a), the State Board of
65 Education and the Department of Corrections shall, where feasible, contract with appropriate
66 private or public agencies to provide educational and related administrative services.

67 (c) The State Board of Education shall allocate at least 15% of the money appropriated
68 to the State Board of Education for adult education to support the programs for which the State
69 Board of Education and the Department of Corrections are responsible under this Subsection
70 (2).

71 [~~(2) Each~~] (3) (a) For money that is not allocated under Subsection (2)(c), each school
72 district shall receive a pro rata share of the appropriation for adult high school completion
73 programs based on the number of people in the school district listed in the latest official census
74 who are over 18 years of age and who do not have a high school diploma and prior year
75 participation or as approved by State Board of Education rule.

76 [~~(3)~~] (b) On February 1 of each school year, the State Board of Education shall
77 recapture money not used for an adult high school completion program described in Subsection
78 (3)(a) for reallocation to school districts that have implemented programs based on need and
79 effort as determined by the State Board of Education.

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

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

85 (6) School districts shall spend money on adult basic skills programs according to
86 standards established by the State Board of Education.

87 Section 2. Section **53F-2-402** is amended to read:

88 **53F-2-402. State support of pupil transportation.**

89 (1) Money appropriated to the State Board of Education for state-supported

90 transportation of public school students shall be apportioned and distributed in accordance with
91 Section 53F-2-403, except as otherwise provided in this section [~~or Section 53F-2-412~~].

92 (2) (a) The Utah Schools for the Deaf and the Blind shall use an allocation of pupil
93 transportation money to pay for transportation of students based on current valid contractual
94 arrangements and best transportation options and methods as determined by the schools.

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

97 (3) (a) A local school board may only claim eligible transportation costs as legally
98 reported on the prior year's annual financial report submitted under Section 53G-4-404.

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

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

104 Section 3. Section 53F-2-406 is amended to read:

105 **53F-2-406. Appropriation for school nurses.**

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

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

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

110 (2) (a) A school district or charter school that is awarded a grant under this section
111 shall require each school nurse employed by the school district or charter school to complete
112 two hours of continuing nurse education on the emotional and mental health of students.

113 (b) The continuing nurse education described in Subsection (2)(a) shall include training
114 on:

115 (i) the awareness of, screening for, and triaging to appropriate treatment for mental
116 health problems;

117 (ii) trauma-informed care;

118 (iii) signs of mental illness;

119 (iv) alcohol and substance abuse;

120 (v) response to acute mental health crises; and

121 (vi) suicide prevention, including information about the 24-hour availability of the
 122 School Safety and Crisis Line established under Section 53E-10-502.

123 Section 4. Section **53F-2-410** is amended to read:

124 **53F-2-410. Enhancement for At-Risk Students Program.**

125 (1) (a) Subject to the requirements of Subsection (1)(b), the State Board of Education
 126 shall distribute money appropriated for the Enhancement for At-Risk Students Program to
 127 school districts and charter schools according to a formula adopted by the State Board of
 128 Education, after consultation with local education boards.

129 (b) (i) The State Board of Education shall appropriate ~~Ĥ~~→ ~~[\$1,200,000]~~ \$1,500,000 ←~~Ĥ~~
 129a from the
 130 appropriation for Enhancement for At-Risk Students for a gang prevention and intervention
 131 program designed to help students at-risk for gang involvement stay in school.

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

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

136 (a) low performance on statewide assessments described in Section [53E-4-301](#);

137 (b) poverty;

138 (c) mobility; [~~and~~]

139 (d) limited English proficiency[~~;~~]; and

140 (e) homelessness.

141 (3) A local education board shall use money distributed under this section to improve
 142 the academic achievement of students who are at risk of academic failure.

143 (4) The State Board of Education shall develop performance criteria to measure the
 144 effectiveness of the Enhancement for At-Risk Students Program.

145 (5) If a school district or charter school receives an allocation of less than \$10,000
 146 under this section, the school district or charter school may use the allocation as described in
 147 Section [53F-2-206](#).

148 Section 5. **Repealer.**

149 This bill repeals:

150 Section [53F-2-412](#), **Grants for unsafe routes.**

151 Section 6. **Fiscal year 2018 appropriations.**

152 The following sums of money are appropriated for the fiscal year beginning July 1,
 153 2017, and ending June 30, 2018. These are additions to amounts previously appropriated for
 154 fiscal year 2018.

155 Subsection 6(a). **Operating and Capital Budgets.**

156 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
 157 Legislature appropriates the following sums of money from the funds or accounts indicated for
 158 the use and support of the government of the state of Utah.

159 PUBLIC EDUCATION

160 STATE BOARD OF EDUCATION - MINIMUM SCHOOL PROGRAM

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

162 From Education Fund, One-Time 8,000,000

163 Schedule of Programs:

164 Grades 1 - 12 8,000,000

165 ITEM 2 To State Board of Education - Minimum School Program - Related to Basic School

166 Programs

167 From Education Fund, One-Time 2,556,100

168 From Uniform School Fund Restricted - Trust Distribution Account,

169 One-Time 13,852,300

170 Schedule of Programs:

171 School LAND Trust Program 13,852,300

172 Educator Salary Adjustments 2,556,100

173 ITEM 3 To State Board of Education - Minimum School Program - Voted and Board Local

174 Levy Programs

175 From Education Fund, One-Time (8,000,000)

176 Schedule of Programs:

177 Voted Local Levy Program (4,000,000)

178 Board Local Levy Program (4,000,000)

179 STATE BOARD OF EDUCATION

180 ITEM 4 To State Board of Education - State Administrative Office

181 From General Fund, One-Time 150,000

182 From Education Fund, One-Time 543,000

183 Schedule of Programs:184 Board and Administration 543,000185 Student Advocacy Services 150,000186 **Section 7. Fiscal year 2019 appropriations -- Value of the weighted pupil unit.**187 (1) The following sums of money are appropriated for the fiscal year beginning July 1,
188 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for
189 fiscal year 2019.190 (2) The value of each weighted pupil unit (WPU) for fiscal year 2019 is increased from
191 the value of the WPU for fiscal year 2019 established in H.B. 1, Public Education Base Budget
192 Amendments, and set at \$3,395.193 **Subsection 7(a). Operating and Capital Budgets.**194 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
195 Legislature appropriates the following sums of money from the funds or accounts indicated for
196 the use and support of the government of the state of Utah.197 PUBLIC EDUCATION198 STATE BOARD OF EDUCATION - MINIMUM SCHOOL PROGRAM199 ITEM 5 To State Board of Education - Minimum School Program - Basic School Program200 From Education Fund 226,364,400201 From Education Fund, One-Time (10,000,000)202 From Uniform School Fund, One-Time 10,000,000203 Schedule of Programs:204 Kindergarten (-716 WPUs) (154,500)205 Grades 1 - 12 (5,830 WPUs) 60,126,600206 Foreign Exchange 27,600207 Necessarily Existent Small Schools (74 WPUs) 1,050,300208 Professional Staff (-263 WPUs) 3,795,000209 Administrative Costs (-60 WPUs) (72,200)210 Special Education - Add-On (2,092 WPUs) 13,843,400211 Special Education - Preschool (275 WPUs) 1,838,900212 Special Education - Self-Contained (26 WPUs) 1,259,600213 Special Education - Extended School Year

214	<u>(8 WPU)</u>	<u>64,100</u>	
215	<u>Special Education - Impact Aid (27 WPU)</u>	<u>256,800</u>	
216	<u>Special Education - Intensive Services (9 WPU)</u>	<u>95,100</u>	
217	<u>Special Education - Extended Year for Special</u>		
218	<u>Educators</u>	<u>76,400</u>	
219	<u>Career and Technical Education - Add-On</u>		
220	<u>(341 WPU)</u>	<u>3,550,000</u>	
221	<u>Class Size Reduction (41,416 WPU)</u>	<u>140,607,300</u>	
222	<u>ITEM 6 To State Board of Education - Minimum School Program - Related to Basic School</u>		
223	<u>Programs</u>		
224	<u>From Education Fund</u>		<u>(68,269,700)</u>
225	<u>From Education Fund Restricted - Charter School Levy Account</u>		<u>1,739,600</u>
226	<u>From Uniform School Fund Restricted - Trust Distribution Account</u>		<u>23,600,000</u>
227	<u>Schedule of Programs:</u>		
228	<u>To and From School - Pupil Transportation</u>	<u>3,606,000</u>	
229	<u>Flexible Allocation - WPU Distribution</u>	<u>(291,641,100)</u>	
230	<u>Enhancement for At-Risk Students</u>	<u>10,039,900</u>	
231	<u>Youth in Custody</u>	<u>1,995,900</u>	
232	<u>Adult Education</u>	<u>2,333,100</u>	
233	<u>Enhancement for Accelerated Students</u>	<u>186,700</u>	
234	<u>Concurrent Enrollment</u>	<u>400,100</u>	
235	<u>School LAND Trust Program</u>	<u>23,600,000</u>	
236	<u>Charter School Local Replacement</u>	<u>7,946,800</u>	
237	<u>Charter School Administration</u>	<u>155,000</u>	
238	<u>K-3 Reading Improvement</u>	<u>15,000,000</u>	
239	<u>Educator Salary Adjustments</u>	<u>173,645,500</u>	
240	<u>Matching Fund for School Nurses</u>	<u>1,002,000</u>	
241	<u>Critical Languages and Dual Immersion</u>	<u>450,000</u>	
242	<u>Teacher Supplies and Materials</u>	<u>500,000</u>	
243	<u>Beverley Taylor Sorenson Elementary Arts</u>		
244	<u>Learning Program</u>	<u>500,000</u>	

245	<u>Early Intervention</u>	<u>7,500,000</u>	
246	<u>Civics Education - State Capitol Field Trips</u>	<u>(150,000)</u>	
247	<u>ITEM 7 To State Board of Education - Minimum School Program - Voted and Board Local</u>		
248	<u>Levy Programs</u>		
249	<u>From Education Fund</u>		<u>4,950,400</u>
250	<u>Schedule of Programs:</u>		
251	<u>Voted Local Levy Program</u>	<u>6,782,600</u>	
252	<u>Board Local Levy Program</u>	<u>(1,832,200)</u>	
253	<u>STATE BOARD OF EDUCATION</u>		
254	<u>ITEM 8 To State Board of Education - Education Contracts</u>		
255	<u>From Education Fund</u>		<u>(3,142,900)</u>
256	<u>From Beginning Nonlapsing Balances</u>		<u>(362,000)</u>
257	<u>From Closing Nonlapsing Balances</u>		<u>362,000</u>
258	<u>Schedule of Programs:</u>		
259	<u>Corrections Institutions</u>	<u>(1,989,700)</u>	
260	<u>Youth Center</u>	<u>(1,153,200)</u>	
261	<u>ITEM 9 To State Board of Education - Educator Licensing</u>		
262	<u>From Beginning Nonlapsing Balances</u>		<u>500,000</u>
263	<u>From Closing Nonlapsing Balances</u>		<u>(500,000)</u>
264	<u>ITEM 10 To State Board of Education - Fine Arts Outreach</u>		
265	<u>From Education Fund</u>		<u>60,000</u>
266	<u>Schedule of Programs:</u>		
267	<u>Professional Outreach Programs in the Schools</u>	<u>60,000</u>	
268	<u>ITEM 11 To State Board of Education - Initiative Programs</u>		
269	<u>From General Fund</u>		<u>350,000</u>
270	<u>From Education Fund</u>		<u>9,600,000</u>
271	<u>From General Fund Restricted - Autism Awareness Account</u>		<u>11,700</u>
272	<u>From Beginning Nonlapsing Balances</u>		<u>14,500,000</u>
273	<u>From Closing Nonlapsing Balances</u>		<u>(14,500,000)</u>
274	<u>Schedule of Programs:</u>		
275	<u>Autism Awareness</u>	<u>11,700</u>	

276	<u>Carson Smith Scholarships</u>	<u>350,000</u>
277	<u>Early Intervention Reading Software</u>	<u>7,600,000</u>
278	<u>UPSTART</u>	<u>2,000,000</u>
279	<u>ITEM 12 To State Board of Education - MSP Categorical Program Administration</u>	
280	<u>From Education Fund</u>	<u>70,600</u>
281	<u>From Education Fund, One-Time</u>	<u>50,000</u>
282	<u>From Beginning Nonlapsing Balances</u>	<u>1,756,900</u>
283	<u>From Closing Nonlapsing Balances</u>	<u>(1,756,800)</u>
284	<u>Schedule of Programs:</u>	
285	<u>Adult Education</u>	<u>70,600</u>
286	<u>CTE Comprehensive Guidance</u>	<u>100</u>
287	<u>Beverley Taylor Sorenson Elementary Arts</u>	
288	<u>Learning Program</u>	<u>50,000</u>
289	<u>ITEM 13 To State Board of Education - Science Outreach</u>	
290	<u>From Education Fund</u>	<u>190,000</u>
291	<u>Schedule of Programs:</u>	
292	<u>Informal Science Education Enhancement</u>	<u>190,000</u>
293	<u>ITEM 14 To State Board of Education - State Administrative Office</u>	
294	<u>From Education Fund</u>	<u>569,600</u>
295	<u>From Education Fund Restricted - Underage Drinking Prevention</u>	
296	<u>Program Restricted Account</u>	<u>1,750,000</u>
297	<u>From Beginning Nonlapsing Balances</u>	<u>8,123,300</u>
298	<u>From Closing Nonlapsing Balances</u>	<u>(11,834,700)</u>
299	<u>Schedule of Programs:</u>	
300	<u>Board and Administration</u>	<u>543,000</u>
301	<u>Indirect Cost Pool</u>	<u>(3,711,400)</u>
302	<u>Statewide Online Education Program</u>	<u>26,600</u>
303	<u>Student Advocacy Services</u>	<u>1,750,000</u>
304	<u>(1) (a) The Legislature intends that the State Board of Education prioritize the</u>	
305	<u>expenditure of funds appropriated for Board and Administration between requested full-time</u>	
306	<u>equivalent positions and programmatic cost.</u>	

307 (b) The Legislature further intends that the State Board of Education report on or
 308 before July 31, 2018, to the Public Education Appropriations Subcommittee on the intended
 309 expenditure of the funds described in Subsection (1)(a) in fiscal year 2019.

310 (2) The Legislature intends that the State Board of Education use any nonlapsing
 311 balances generated from the licensing of Student Assessment of Growth and Excellence
 312 assessment questions to develop additional assessment questions, to provide professional
 313 learning for Utah educators, and for risk mitigation purposes.

314 ITEM 15 To State Board of Education - General System Support

315	<u>From General Fund, One-Time</u>	<u>250,000</u>
316	<u>From Education Fund Restricted - Underage Drinking Prevention</u>	
317	<u>Program Restricted Account</u>	<u>(1,750,000)</u>
318	<u>From Beginning Nonlapsing Balances</u>	<u>13,282,600</u>
319	<u>From Closing Nonlapsing Balances</u>	<u>(13,282,600)</u>
320	<u>Schedule of Programs:</u>	
321	<u>Teaching and Learning</u>	<u>(1,750,000)</u>
322	<u>Career and Technical Education</u>	<u>250,000</u>

323 ITEM 16 To State Board of Education - State Charter School Board

324	<u>From Beginning Nonlapsing Balances</u>	<u>1,570,000</u>
325	<u>From Closing Nonlapsing Balances</u>	<u>(1,570,000)</u>

326 ITEM 17 To State Board of Education - Utah Schools for the Deaf and the Blind

327	<u>From Education Fund</u>	<u>450,000</u>
328	<u>From Education Fund, One-Time</u>	<u>500,000</u>
329	<u>Schedule of Programs:</u>	
330	<u>Educational Services</u>	<u>950,000</u>

331 SCHOOL AND INSTITUTIONAL TRUST FUND OFFICE

332 ITEM 18 To School and Institutional Trust Fund Office

333	<u>From School and Institutional Trust Fund Management Account</u>	<u>36,700</u>
334	<u>Schedule of Programs:</u>	
335	<u>School and Institutional Trust Fund Office</u>	<u>36,700</u>

336 Section 8. **Effective date.**

337 (1) Except as provided in Subsection (2), this bill takes effect on July 1, 2018.

338 (2) If approved by two-thirds of all the members elected to each house, Section 6,
339 Fiscal year 2018 appropriations, takes effect upon approval by the governor, or the day
340 following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the
341 governor's signature, or in the case of a veto, the date of veto override.

342 Section 9. **Coordinating S.B. 2 with H.B. 230 -- Substantive amendments.**

343 If this S.B. 2 and H.B. 230, Related to Basic School Programs Review, both pass and
344 become law, it is the intent of the Legislature that on July 1, 2018, the Office of Legislative
345 Research and General Counsel, in preparing the Utah Code database for publication, delete
346 Subsection [53F-2-414\(3\)\(b\)](#).

Legislative Review Note
Office of Legislative Research and General Counsel