

HB0434S01 compared with HB0434

~~deleted text~~ shows text that was in HB0434 but was deleted in HB0434S01.

inserted text shows text that was not in HB0434 but was inserted into HB0434S01.

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 Derrin R. Owens proposes the following substitute bill:

FUNDING FOR NECESSARILY EXISTENT SMALL SCHOOLS AND RURAL SCHOOLS AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to formulas for funding for necessarily existent small schools and creates a process to reimburse rural schools for expenses related to extracurricular activities.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions related to formulas for funding for necessarily existent small schools;
- ▶ creates a process to reimburse rural schools for expenses related to extracurricular

HB0434S01 compared with HB0434

activities approved by the State Board of Education; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

~~{None}~~ This bill appropriates:

- ▶ to State Board of Education -- Minimum School Program -- Related to Basic School Programs, as an ongoing appropriation:
 - from the Education Fund, \$100,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53F-2-102, as last amended by Laws of Utah 2019, Chapter 186

53F-2-304, as last amended by Laws of Utah 2019, Chapter 186

ENACTS:

53F-5-214, Utah Code Annotated 1953

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

Section 1. Section **53F-2-102** is amended to read:

53F-2-102. Definitions.

As used in this chapter:

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

(2) "LEA governing board" means a local school board or charter school governing board.

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

(4) (a) "Minimum School Program" means the state-supported public school programs for kindergarten, elementary, and secondary schools as described in this Subsection (4).

HB0434S01 compared with HB0434

(b) The Minimum School Program established in school districts and charter schools shall include the equivalent of a school term of nine months as determined by the state board.

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

(ii) Education, enhanced by utilization of technologically enriched delivery systems, when approved by an LEA governing board, shall receive full support by the state board as it pertains to fulfilling the attendance requirements, excluding time spent viewing commercial advertising.

(d) (i) An LEA governing board may reallocate up to 32 instructional hours or four school days established under Subsection (4)(c) for teacher preparation time or teacher professional development.

(ii) A reallocation of instructional hours or school days under Subsection (4)(d)(i) is subject to the approval of two-thirds of the members of an LEA governing board voting in a regularly scheduled meeting:

(A) at which a quorum of the LEA governing board is present; and

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

(iii) If an LEA governing board reallocates instructional hours or school days as provided by this Subsection (4)(d), the school district or charter school shall notify students' parents of the school calendar at least 90 days before the beginning of the school year.

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

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

(i) Basic School Program;

(ii) Related to Basic Programs;

(iii) Voted and Board Levy Programs; or

(iv) Minimum School Program.

(5) "Weighted pupil unit or units or WPU or WPU's" means the unit of measure of factors that is computed in accordance with this chapter for the purpose of determining the costs of a program on a uniform basis for each school district or charter school.

HB0434S01 compared with HB0434

Section 2. Section 53F-2-304 is amended to read:

53F-2-304. Necessarily existent small schools -- Computing additional weighted pupil units -- Consolidation of small schools.

(1) As used in this section, "necessarily existent small schools funding balance" means the difference between:

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

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

(2) (a) Upon application by a local school board, the state board shall, in consultation with the local school board, classify schools in the school district as necessarily existent small schools, in accordance with this section and state board rules adopted under Subsection (3).

(b) An application must be submitted to the state board before April 2, and the state board must report a decision to a local school board before June 2.

(3) The state board shall adopt standards and make rules to:

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

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

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

~~[(5)]~~ (4) The state board shall prepare and publish objective standards and guidelines for determining which small schools are necessarily existent after consultation with local school boards.

~~[(6)]~~ (5) (a) Additional weighted pupil units for schools classified as necessarily existent small schools shall be computed using [~~regression~~] distribution formulas adopted by the state board.

(b) The [~~regression~~] distribution formulas establish the following maximum sizes for

HB0434S01 compared with HB0434

funding under the necessarily existent small school program:

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

(c) ~~[Schools]~~ An elementary school with fewer than 10 students shall receive the same add-on weighted pupil units as ~~[schools]~~ an elementary school with 10 students.

(d) A secondary school with fewer than 15 students shall receive the same add-on weighted pupil units as a secondary school with 15 students.

(e) If a necessarily existent small school generates ADM in both elementary and secondary grades, the state board may divide the school's ADM between an elementary and secondary distribution formula.

~~[(d)]~~ (f) The state board shall prepare and distribute an allocation table based on the ~~[regression]~~ distribution formula to each school district.

~~[(7)]~~ (6) (a) To avoid penalizing a school district financially for consolidating the school district's small schools, additional weighted pupil units may be allowed a school district each year, not to exceed two years.

(b) The additional weighted pupil units may not exceed the difference between what the school district receives for a consolidated school and what the school district would have received for the small schools had the small schools not been consolidated.

~~[(8)]~~ (7) Subject to legislative appropriation, the state board shall give first priority from an appropriation made under this section to funding an expense approved by the state board as described in Subsection 53G-6-305(3)(a).

~~[(9)]~~ (8) (a) Subject to Subsection ~~[(9)]~~ (8)(b) and after a distribution made under Subsection ~~[(8)]~~ (7), the state board may distribute a portion of necessarily existent small schools funding:

(i) in accordance with a formula adopted by the state board that considers the tax effort of a local school board[-]; or

(ii) to isolated small schools, as identified by the state board.

(b) The amount distributed in accordance with Subsection ~~[(9)]~~ (8)(a) may not exceed

HB0434S01 compared with HB0434

the necessarily existent small schools fund in balance of the prior fiscal year.

~~[(10)]~~ (9) A local school board may use the money allocated under this section for maintenance and operation of school programs or for other school purposes as approved by the state board.

Section 3. Section **53F-5-214** is enacted to read:

53F-5-214. Rural school extracurricular activities reimbursement.

(1) As used in this section:

(a) "Approved extracurricular activity" means an extracurricular activity as that term is defined in Section 53G-7-501, that is approved by the state board in accordance with this section.

(b) "Eligible LEA" means an LEA in a county of the fourth, fifth, or sixth class, as defined in Section 17-50-501.

(c) "LEA governing board" means:

(i) the local school board of a school district that is an eligible LEA; or

(ii) the charter school governing board of a charter school that is an eligible LEA.

(2) (a) An LEA governing board may annually submit a request to the state board to receive reimbursement for an expense related to an approved extracurricular activity incurred by the eligible LEA, including transportation expenses.

(b) The state board may approve a request for reimbursement in accordance with criteria established by the state board under Subsection (4).

(3) (a) Subject to appropriations of the Legislature for this purpose, and except as provided in Subsection (3)(b), the state board shall reimburse an eligible LEA for expenses related to an approved extracurricular activity in accordance with this section and rules made by the state board under Subsection (4).

(b) If the appropriation of the Legislature for this section is insufficient to reimburse an expense in a request received under Subsection (2), the state board may reduce an eligible LEA's reimbursement in accordance with rules made by the state board under Subsection (4).

(4) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:

(a) an approved extracurricular activity;

(b) requirements for information an LEA governing board shall submit in a request

HB0434S01 compared with HB0434

described in Subsection (2):

(c) a deadline by which an LEA governing board shall submit a request described in Subsection (2);

(d) criteria for approving a request for reimbursement;

(e) a formula for reducing an eligible LEA's reimbursement under Subsection (3); and

(f) a process for distributing reimbursement to an eligible LEA.

(5) In making the rules described in Subsection (4)(a), the state board shall prioritize extracurricular activities that promote heritage, arts, and cultural education.

Section 4. Appropriation.

The following sums of money are appropriated for the fiscal year beginning July 1, 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To State Board of Education -- Minimum School Program -- Related to Basic School Programs

From Education Fund, Ongoing \$100,000

Schedule of Programs:

Rural school extracurricular activities reimbursement \$100,000

The Legislature intends that the State Board of Education use the appropriation described in this section to reimburse an eligible local education agency for expenses related to an approved extracurricular activity in accordance with Section 53F-5-214.