

SB0107S01 compared with SB0107

~~{deleted text}~~ shows text that was in SB0107 but was deleted in SB0107S01.

inserted text shows text that was not in SB0107 but was inserted into SB0107S01.

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.

~~{IN-PERSON}~~ Senator Todd D. Weiler proposes the following substitute bill:

IN-PERSON INSTRUCTION PRIORITIZATION

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: ~~{Steve Eliason}~~ _____

LONG TITLE

General Description:

This bill ~~{addresses the use of allocated education funding to a local education agency that does not provide a broad-based in-person learning option for all students in kindergarten through grade 12 by a certain date}~~ requires the Department of Health to support widespread testing of a school's students for COVID-19 under certain conditions.

Highlighted Provisions:

This bill:

- ▶ requires the ~~{State Board of Education to reallocate an amount equivalent to a portion of a weighted pupil unit from}~~ Department of Health to provide support to a local education agency (LEA) that ~~{does not provide a broad-based in-person learning option for all students in kindergarten through grade 12 by a certain date to~~

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~~a different LEA in certain circumstances; and~~

- ~~requires an LEA that does not provide a broad-based in-person learning option for all students in kindergarten through grade 12 by a certain date to contract with a private school to provide certain funding in certain circumstances}~~ initiates widespread COVID-19 testing for a school (test to stay program);
- requires that guidance that the Department of Health provides to LEAs related to test to stay programs complies with certain statutory provisions;
- establishes the case threshold in a school above which the LEA initiates a "test to stay program" for the school; and
- enacts provisions related to a "test to stay program", including provisions related to parental consent for COVID-19 testing for the parent's student.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

~~{ This bill provides a coordination clause.~~

~~Utah Code Sections Affected:~~

~~{AMENDS}~~ ENACTS:

~~{53F-2-302, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 9~~

~~Utah Code Sections Affected by Coordination Clause:~~

~~53F-2-302.1}~~ 26-6-33, Utah Code Annotated 1953

53G-9-210, Utah Code Annotated 1953

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

Section 1. Section ~~{53F-2-302 is amended to read:~~

~~53F-2-302. Determination}~~ 26-6-33 is enacted to read:

26-6-33. Department support for local education agency test to stay programs --

Department guidance for local education agencies.

(1) As used in this section:

(a) "Case threshold" means the same as that term is defined in Section 53G-9-210.

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(b) "COVID-19" means the same as that term is defined in Section 53G-9-210.

(c) "Local education agency" or "LEA" means the same as that term is defined in Section 53G-9-210.

(d) "Test to stay program" means the same as that term is defined in Section 53G-9-210.

(2) In coordination with the State Board of Education, and at the request of an LEA, the department shall provide support for the LEA's test to stay program if a school in the LEA reaches the case threshold, including by providing:

(a) COVID-19 testing supplies;

(b) a mobile testing unit; and

(c) other support requested by the LEA related to the LEA's test to stay program.

(3) The department shall ensure that guidance the department provides to LEAs related to test to stay programs complies with Section 53G-9-210, including the determination of ~~weighted pupil units.~~

~~— The number of weighted pupil units in the Minimum School Program for each year is the total of the units for each school district and, subject to Subsection (4), charter school, determined as follows:~~

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

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

~~— (a) In those school districts or charter schools that do not hold kindergarten for a full nine-month term, the local school board or charter school governing board may approve a shorter term of nine weeks' duration:~~

~~— (b) Upon LEA governing board approval} whether a school meets a case threshold described in Subsection 53G-9-210(3).~~

Section 2. Section 53G-9-210 is enacted to read:

53G-9-210. Test to stay programs.

(1) As used in this section:

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(a) "Case threshold" means as applicable, the number of pupils in average daily membership at the short-term kindergarten shall be counted for the purpose of determining the number of units allowed in the same ratio as the number of days the short-term kindergarten is held, not exceeding nine weeks, compared to the total number of days schools are held in that school district or charter school in the regular school year.

~~—— (3) (a) The state board shall use prior year plus growth to determine average daily membership in distributing money under the Minimum School Program where the distribution is based on kindergarten through grade 12 ADMs or weighted pupil units.~~

~~—— (b) Under prior year plus growth, kindergarten through grade 12 average daily membership for the current year is based on the actual kindergarten through grade 12 average daily membership for the previous year plus an estimated percentage growth factor.~~

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

~~—— (4) In distributing funds to charter schools under this section, charter school pupils shall be weighted, where applicable, as follows:~~

~~—— (a) .55 for kindergarten pupils;~~

~~—— (b) .9 for pupils in grades 1 through 6;~~

~~—— (c) .99 for pupils in grades 7 through 8; and~~

~~—— (d) 1.2 for pupils in grades 9 through 12.~~

~~—— (5) Notwithstanding Subsection (3)(c):~~

~~—— (a) for the 2020-2021 school year the state board may use a count of average daily membership on any day or days of the current school year in 2020 to calculate a growth factor for the 2020-2021 school year; and~~

~~—— (b) when calculating the growth factor as } students in a school, or percentage of students in a school who meet the conditions described in Subsection (5)(a), the state board shall comply with all applicable federal requirements:~~

~~—— (6) (a) Notwithstanding Subsection (3), if an LEA } 3.~~

(b) "COVID-19" means:

(i) severe acute respiratory syndrome coronavirus 2; or

(ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

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(c) "Local Education Agency" or LEA means:

(i) a school district;

(ii) a charter school, other than an online-only charter school ~~that does not provide a broad-based in-person learning option for all students in kindergarten through grade 12 by February 8, 2021, for each student who was counted for the LEA in the enrollment count~~; or

(iii) the Utah Schools for the Deaf and the Blind.

(d) "Test to stay program" means a program through which an LEA provides testing for COVID-19 for students during an outbreak of COVID-19 at a school in order to:

(i) identify cases of COVID-19; and

(ii) allow individuals who test negative for COVID-19 to attend school in person.

(2) An LEA may allow a school that reaches the case threshold to continue to offer in-person instruction if the school initiates a test to stay program for the school.

(3) (a) For purposes of determining whether a school has reached the school's case threshold, a student is included in positive cases for the school if the student:

(i) tested positive for COVID-19 within the past 14 days;

(ii) contracted COVID-19 at school; and

(iii) did not receive the student's positive COVID-19 test results through regular periodic testing required to participate in LEA-sponsored athletics or another LEA-sponsored extracurricular activity.

(b) (i) A school with 1,500 or more students meets the case threshold if at least 2% of the school's students meet the conditions described in Subsection (3) ~~for the 2020-2021 academic year who leaves the LEA during the 2020-2021 academic year:~~

~~(i) if the student enrolls in a new LEA, the state board shall reallocate from the previous LEA to the new LEA, for the remainder of fiscal year 2021, an amount equivalent to .5 WPU's and an equivalent proportionate amount of per-student funding received from the Related to Basic School Program; and~~

~~(ii) if the student enrolls in a private school, the LEA shall contract with the private school to provide, during the 2020-2021 academic year and on behalf of the student, the greater of:~~

~~(A) 75% of the cost of the private school tuition; or~~

~~(B) an amount equivalent to three WPU's up to 100% of the cost of the private school~~

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tuition:

~~_____ (b) The amount;~~(a).

(ii) A school with fewer than 1,500 students meets the case threshold if 30 or more of the school's students meet the conditions described in Subsection ~~(6)~~3(a)~~(ii)(B) may not~~
exceed 100% of the cost of the private school tuition.

~~_____ Section 2;~~

(4) An LEA may seek advance consent from a student's parent for future testing for COVID-19.

Section 3. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

~~{ _____ Section 3. Coordinating S.B. 107 with S.B. 1 -- Substantive amendment.~~

~~_____ If this S.B. 107 and S.B. 1, Public Education Base Budget Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by enacting Subsection 53F-2-302.1(3) to read:~~

~~_____ "(3) Subject to legislative appropriations, the state board, in consultation with the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and Budget, shall use program funds to:~~

~~_____ (a) for fiscal years 2021 and 2022 and for an LEA that has declining enrollment, except for an LEA other than an online-only charter school that does not provide a broad-based in-person learning option for all students in kindergarten through grade 12 by February 8, 2021, pay costs associated with Subsection 53F-2-302(3) to hold LEA funding distributions at the prior year's average daily membership; and~~

~~_____ (b) for fiscal year 2022, fund ongoing impacts of student enrollment changes in the 2021-2022 academic year, including:~~

~~_____ (i) assigning additional weighted pupil units to an LEA experiencing a net growth in weight pupil units over the fiscal year 2022 base allocations associated with student enrollment increases following the student enrollment count;~~

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~~—— (ii) at the request of an LEA that experienced a significant decline in student enrollment during the 2020-2021 academic year, pre-fund significantly higher anticipated student enrollment growth before the student enrollment count; and~~

~~—— (iii) with any remaining weighted pupil units, pay other weighted pupil unit related costs in accordance with Section 53F-2-205."~~

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