PUBLICATION BUDGET AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore
House Sponsor: Steve Eliason

LONG TITLE

General Description:
This bill supplements or reduces appropriations otherwise provided for the support and
operation of public education for the fiscal year beginning July 1, 2021, and ending
June 30, 2022, and appropriates funds for the fiscal year beginning July 1, 2022, and
ending June 30, 2023.

Highlighted Provisions:
This bill:
- provides appropriations for the use and support of school districts, charter schools,
and state education agencies;
- sets the value of the weighted pupil unit (WPU) at $4,038 for fiscal year 2023;
- directs the State Board of Education on how to execute certain funding programs;
- provides teacher bonuses for certain teachers who accepted extra work assignments;
- permits the state board to use certain nonlapsing balances to provide grants for
  scholarships for certain school employees to become school-based mental health
  workers;
- changes the state contribution for transportation costs for school districts;
- changes the calculation of WPUs for foreign exchange students;
- amends the calculation of hold-harmless allocations to local education agencies for
  At-Risk WPUs;
- amends the growth formula for concurrent enrollment;
- provides appropriations for other purposes as described;
- transfers funding from the Uniform School Fund to various restricted funds and
accounts;
  ▶ reorganizes operating programs among line items at the State Board of Education;
  ▶ provides appropriations for other purposes as described;
  ▶ makes technical and conforming changes; and
  ▶ approves intent language.

Money Appropriated in this Bill:

This bill appropriates $496,787,400 in operating and capital budgets for fiscal year 2022, including:
  ▶ ($21,293,200) from the Uniform School Fund;
  ▶ ($807,600) from the Education Fund; and
  ▶ $518,888,200 from various sources as detailed in this bill.

This bill appropriates $21,293,200 in restricted fund and account transfers for fiscal year 2022, from the Uniform School Fund.

This bill appropriates $712,092,400 in operating and capital budgets for fiscal year 2023, including:
  ▶ $126,973,600 from the Uniform School Fund;
  ▶ $25,440,500 from the Education Fund; and
  ▶ $559,678,300 from various sources as detailed in this bill.

This bill appropriates $8,733,200 in restricted fund and account transfers for fiscal year 2023, from the Education Fund.

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

53F-2-301.5, as last amended by Laws of Utah 2021, Chapter 6
53F-2-303, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 14
53F-2-314, as enacted by Laws of Utah 2021, Chapter 319
53F-2-402, as last amended by Laws of Utah 2019, Chapter 186
53F-2-409, as last amended by Laws of Utah 2020, Chapters 220, 365, 378, and 408
53F-2-415, as last amended by Laws of Utah 2020, Chapters 202 and 408
63I-2-253, as last amended by Laws of Utah 2021, First Special Session, Chapter 14

ENACTS:

53F-2-524, Utah Code Annotated 1953

Utah Code Sections Affected by Coordination Clause:

53F-2-301.5, as last amended by Laws of Utah 2021, Chapter 6

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

Section 1. Section 53F-2-301.5 is amended to read:

53F-2-301.5. Minimum basic tax rate for a fiscal year that begins on July 1, 2018, 2019, 2020, 2021, or 2022.

(1) The provisions of this section are in effect for a fiscal year that begins before July 1, 2023.

(2) As used in this section:

(a) "Basic levy increment rate" means a tax rate that will generate an amount of revenue equal to $75,000,000.

(b) "Combined basic rate" means a rate that is the sum of:

(i) the rate floor; and

(ii) the WPU value rate.

(c) "Commission" means the State Tax Commission.

(d) "Equity pupil tax rate" means the tax rate that is:

(i) calculated by subtracting the minimum basic tax rate from the rate floor; or

(ii) zero, if the rate calculated in accordance with Subsection (2)(d)(i) is zero or less.

(e) "Minimum basic local amount" means an amount that is:

(i) equal to the sum of:

(A) the school districts' contribution to the basic school program the previous fiscal
(B) the amount generated by the basic levy increment rate; and
(C) the eligible new growth, as defined in Section 59-2-924 and rules of the State Tax Commission multiplied by the minimum basic tax rate; and
(ii) set annually by the Legislature in Subsection (3)(a).
(f) "Minimum basic tax rate" means a tax rate certified by the commission that will generate an amount of revenue equal to the minimum basic local amount described in Subsection (3)(a).
(g) "Rate floor" means a rate that is the greater of:
   (i) a .0016 tax rate; or
   (ii) the minimum basic tax rate.
(h) "Weighted pupil unit value" or "WPU value" means the amount established each year in the enacted public education budget that is multiplied by the number of weighted pupil units to yield the funding level for the basic school program.
(i) "WPU value amount" means an amount that is:
   (i) equal to the product of:
      (A) the WPU value increase limit; and
      (B) the percentage share of local revenue to the cost of the basic school program in the prior fiscal year; and
   (ii) set annually by the Legislature in Subsection (4)(a).
(j) "WPU value increase limit" means the lesser of:
   (i) the total cost to the basic school program to increase the WPU value over the WPU value in the prior fiscal year; or
   (ii) the total cost to the basic school program to increase the WPU value by 4% over the WPU value in the prior fiscal year.
(k) "WPU value rate" means a tax rate certified by the commission that will generate an amount of revenue equal to the WPU value amount described in Subsection (4)(a).
(3) (a) The minimum basic local amount for the fiscal year that begins on July 1,
(b) The preliminary estimate for the minimum basic tax rate for the fiscal year that begins on July 1, [2021, is .001554] 2022, is 0.001579.

(4) (a) The WPU value amount for the fiscal year that begins on July 1, [2021, is $22,484,800] 2022, is $24,952,000 in revenue statewide.

(b) The preliminary estimate for the WPU value rate for the fiscal year that begins on July 1, [2021, is .000063] 2022, is 0.000061.

(5) (a) On or before June 22, the commission shall certify for the year:

(i) the minimum basic tax rate; and

(ii) the WPU value rate.

(b) The estimate of the minimum basic tax rate provided in Subsection (3)(b) and the estimate of the WPU value rate provided in Subsection (4)(b) is based on a forecast for property values for the next calendar year.

(c) The certified minimum basic tax rate described in Subsection (5)(a)(i) and the certified WPU value rate described in Subsection (5)(a)(ii) are based on property values as of January 1 of the current calendar year, except personal property, which is based on values from the previous calendar year.

(6) (a) To qualify for receipt of the state contribution toward the basic school program and as a school district's contribution toward the cost of the basic school program for the school district, a local school board shall impose the combined basic rate.

(b) (i) The state is not subject to the notice requirements of Section 59-2-926 before imposing the tax rates described in this Subsection (6).

(ii) The state is subject to the notice requirements of Section 59-2-926 if the state authorizes a tax rate that exceeds the tax rates described in this Subsection (6).

(7) (a) The state shall contribute to each school district toward the cost of the basic school program in the school district an amount of money that is the difference between the cost of the school district's basic school program and the sum of the revenue generated by the school district by the following:
(i) the minimum basic tax rate;
(ii) the basic levy increment rate;
(iii) the equity pupil tax rate; and
(iv) the WPU value rate.

(b) (i) If the difference described in Subsection (7)(a) equals or exceeds the cost of the basic school program in a school district, no state contribution shall be made to the basic school program for the school district.

(ii) The proceeds of the difference described in Subsection (7)(a) that exceed the cost of the basic school program shall be paid into the Uniform School Fund as provided by law and by the close of the fiscal year in which the proceeds were calculated.

(8) Upon appropriation by the Legislature, the Division of Finance shall deposit an amount equal to the proceeds generated statewide:

(a) by the basic levy increment rate into the Minimum Basic Growth Account created in Section 53F-9-302;

(b) by the equity pupil tax rate into the Local Levy Growth Account created in Section 53F-9-305; and

(c) by the WPU value rate into the Teacher and Student Success Account created in Section 53F-9-306.

Section 2. Section 53F-2-303 is amended to read:

53F-2-303. Foreign exchange student weighted pupil units.

(1) A school district or charter school may include foreign exchange students in the district's or school's membership and attendance count for the purpose of apportionment of state money, except as provided in Subsections (2) through (5).

(2) (a) Notwithstanding Section 53F-2-302, foreign exchange students may not be included in average daily membership for the purpose of determining the number of weighted pupil units in the grades 1-12 basic program.

(b) Subject to the limitation in Subsection (3), and except as provided in Subsection (5), the number of weighted pupil units in the grades 1-12 basic program attributed to foreign
exchange students shall be equal to the number of foreign exchange students who were:

(i) enrolled in a school district or charter school on October 1 of the previous fiscal year; and

(ii) sponsored by an agency approved by the district's local school board or charter school's governing board.

(3) (a) Except as provided in Subsection (5), the total number of foreign exchange students in the state that may be counted for the purpose of apportioning state money under Subsection (2) shall be the lesser of:

(i) \(0.0025\) of students enrolled in grades 10 through 12 in public schools in the state on October 1 of the previous fiscal year; or

(ii) 328 foreign exchange students.

(b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the cap on the number of foreign exchange students that may be counted for the purpose of apportioning state money under Subsection (2).

(4) Notwithstanding Section 53F-2-601, weighted pupil units in the grades 1-12 basic program for foreign exchange students, as determined by Subsections (2) and (3), may not be included for the purposes of determining a school district's state guarantee money under Section 53F-2-601.

(5) This section does not apply to the 2020-2021 academic year.

Section 3. Section 53F-2-314 is amended to read:

53F-2-314. Weighted pupil units for students who are at-risk.

(1) As used in this section:

(a) "At risk" means that a public education student:

(i) scores below proficient on a state board or LEA approved assessment; or

(ii) meets an LEA governing board's approved definition of an at-risk student.

(b) "Limited English proficiency" means that an English learner student received a score of 1-4 on an English language proficiency assessment.

(2) (a) Additional weighted pupil units for students who are at-risk are computed based
on the number of students within each LEA on October 1 of the previous school year as follows, added to a base of five WPUs for each LEA:

(i) for the fiscal year beginning on July 1, 2021:

(A) for each student who is eligible to receive free or reduced price lunch, .05 additional weighted pupil units; and

(B) for each student with limited English proficiency, .025 additional weighted pupil units; and

(ii) for each fiscal year after the fiscal year described in Subsection (2)(a)(i), the additional weighed pupil units shall increase, subject to the approval of the Executive Appropriations Committee, by amounts that the Public Education Appropriations Subcommittee recommends in the subcommittee's evaluation and recommendations described in Section 53E-1-202.2, up to:

(A) for each student who is eligible to receive free or reduced price lunch, .3 total weighted pupil units; and

(B) for each student with limited English proficiency, up to .1 total weighted pupil units.

(b) Funding for a student who falls within both Subsections (2)(a)(i)(A) and (B) shall be computed under both weighting factors.

(3) An LEA governing board shall use money distributed under this section to improve the academic achievement of students who are at-risk.

(4) For a year in which an allocation to an LEA under this section is less than the allocation to the LEA under the Enhancement for At-Risk Students Program in the 2021 fiscal year, the Executive Appropriations Committee shall include a one-time appropriation in the public education budget to supplement the difference between the two amounts, less any amount of state guarantee money that an LEA receives under Subsection 53F-2-601(2)(a), from weighted pupil units generated in Subsection (2).

(5) (a) Annually, an LEA shall provide the following information to the state board: 

(i) a report of the LEA's use of funds allocated under this section through the annual
financial reporting process; and
(ii) the LEA's outcome data or a report of intervention effectiveness related to the use of the LEA's use of funds allocated under this section.
(b) The state board shall monitor the learning outcomes resulting from the LEA's use of funds under this section.

Section 4. Section 53F-2-402 is amended to read:

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

(1) Money appropriated to the state board for state-supported transportation of public school students shall be apportioned and distributed in accordance with Section 53F-2-403, except as otherwise provided in this section.
(2) (a) The Utah Schools for the Deaf and the Blind shall use an allocation of pupil transportation money to pay for transportation of students based on current valid contractual arrangements and best transportation options and methods as determined by the schools.
(b) All student transportation costs of the schools shall be paid from the allocation of pupil transportation money specified in statute.
(3) (a) A local school board may only claim eligible transportation costs as legally reported on the prior year's annual financial report submitted under Section 53G-4-404.
(b) The state shall contribute up to 85% of approved transportation costs for each school district, subject to budget constraints.
(c) If in a fiscal year the total transportation allowance for all school districts exceeds the amount appropriated for that purpose, all allowances shall be reduced pro rata to equal not more than the amount appropriated.

Section 5. Section 53F-2-409 is amended to read:

53F-2-409. Concurrent enrollment funding.

(1) The terms defined in Section 53E-10-301 apply to this section.
(2) The state board shall allocate money appropriated for concurrent enrollment in accordance with this section.
(3) (a) The state board shall allocate money appropriated for concurrent enrollment in
proportion to the number of credit hours earned for courses taken for which:

(i) an LEA primarily bears the cost of instruction; and

(ii) an institution of higher education primarily bears the cost of instruction.

(b) From the money allocated under Subsection (3)(a)(i), the state board shall distribute:

(i) 60% of the money to LEAs; and

(ii) 40% of the money to the Utah Board of Higher Education.

c) From the money allocated under Subsection (3)(a), the state board shall distribute:

(i) 40% of the money to LEAs; and

(ii) 60% of the money to the Utah Board of Higher Education.

d) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing for the distribution of the money to LEAs under Subsections (3)(b)(i) and (3)(c)(i).

e) The Utah Board of Higher Education shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing for the distribution of the money allocated to institutions of higher education under Subsections (3)(b)(ii) and (3)(c)(ii).

(4) Subject to budget constraints, the Legislature shall annually [increase the] modify the amount of money appropriated for concurrent enrollment in proportion to the percentage increase or decrease over the previous school year in:

(a) concurrent enrollment; and

(b) the number of statewide course credits earned; and

(b) the value of the weighted pupil unit.

(5) (a) An LEA that receives money under this section may prioritize using the money to increase access to concurrent enrollment for groups of students who are underrepresented in concurrent enrollment.

(b) If an LEA receives an allocation of less than $10,000 under this section, the LEA may use the allocation as described in Section 53F-2-206.

Section 6. Section 53F-2-415 is amended to read:
53F-2-415. Student health and counseling support -- Qualifying personnel --
Distribution formula -- Rulemaking.

(1) As used in this section:

(a) "Qualifying personnel" means a school counselor or other counselor, school psychologist or other psychologist, school social worker or other social worker, or school nurse who:

(i) is licensed; and

(ii) collaborates with educators and a student's parent on:

(A) early identification and intervention of the student's academic and mental health needs; and

(B) removing barriers to learning and developing skills and behaviors critical for the student's academic achievement.

(b) "Telehealth services" means the same as that term is defined in Section 26-60-102.

(2) (a) Subject to legislative appropriations, and in accordance with Subsection (2)(b), the state board shall distribute money appropriated under this section to LEAs to provide in a school targeted school-based mental health support, including clinical services and trauma-informed care, through:

(i) employing qualifying personnel; or

(ii) entering into contracts for services provided by qualifying personnel, including telehealth services.

(b) (i) The state board shall, after consulting with LEA governing boards, develop a formula to distribute money appropriated under this section to LEAs.

(ii) The state board shall ensure that the formula described in Subsection (2)(b)(i) incentivizes an LEA to provide school-based mental health support in collaboration with the local mental health authority of the county in which the LEA is located.

(3) To qualify for money under this section, an LEA shall submit to the state board a plan that includes:

(a) measurable goals approved by the LEA governing board on improving student
(b) how the LEA intends to meet the goals described in Subsection (3)(a) through the use of the money;
(c) how the LEA is meeting the requirements related to parent education described in Section 53G-9-703; and
(d) whether the LEA intends to provide school-based mental health support in collaboration with the local mental health authority of the county in which the LEA is located.

(4) The state board shall distribute money appropriated under this section to an LEA that qualifies under Subsection (3):
(a) based on the formula described in Subsection (2)(b); and
(b) if the state board approves the LEA's plan before April 1, 2020, in an amount of money that the LEA equally matches using local money, unrestricted state money, or money distributed to the LEA under Section 53G-7-1303.

(5) An LEA may not use money distributed by the state board under this section to supplant federal, state, or local money previously allocated to:
(a) employ qualifying personnel; or
(b) enter into contracts for services provided by qualified personnel, including telehealth services.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that establish:
(a) procedures for submitting a plan for and distributing money under this section;
(b) the formula the state board will use to distribute money to LEAs described in Subsection (2)(b); and
(c) in accordance with Subsection (7), annual reporting requirements for an LEA that receives money under this section.

(7) An LEA that receives money under this section shall submit an annual report to the state board, including:
(a) progress toward achieving the goals submitted under Subsection (3)(a);
(b) if the LEA discontinues a qualifying personnel position, the LEA’s reason for
 discontinuing the position; and

(c) how the LEA, in providing school-based mental health support, complies with the
 provisions of Section 53E-9-203.

(8) Beginning on or before July 1, 2019, the state board shall provide training that
 instructs school personnel on the impact of childhood trauma on student learning, including
 information advising educators against practicing medicine, giving a diagnosis, or providing
 treatment.

(9) The state board may use up to:

(a) 2% of an appropriation under this section for costs related to the administration of
 the provisions of this section[.]; and

(b) $1,500,000 in nonlapsing balances from fiscal year 2022 for the purposes described
 in this section to provide scholarships for up to four years to certain LEA employees, as defined
 by the state board, for education and training to become a school social worker, a school
 psychologist, or other school-based mental health worker.

(10) Notwithstanding the provisions of this section, money appropriated under this
 section may be used, as determined by the state board, for:

(a) the SafeUT Crisis Line described in Section 53B-17-1202; or

(b) youth suicide prevention programs described in Section 53G-9-702.

Section 7. Section 53F-2-524 is enacted to read:

53F-2-524. Teacher bonuses for extra assignments.

(1) Subject to legislative appropriations for this purpose, the state board shall provide
 grants to LEAs to compensate a teacher who accepted an additional work assignment to
 substitute for another teacher between December 2021, and May 2022.

(2) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
 Administrative Rulemaking Act, to establish for the grant described in this Subsection (2):

(a) eligibility criteria for a teacher to qualify for a grant up to $100 per additional work
 assignment;
(b) an application process; and
(c) a distribution formula.

Section 8. Section 63I-2-253 is amended to read:

63I-2-253. Repeal dates -- Titles 53 through 53G.

(1) Section 53-1-106.1 is repealed January 1, 2022.

(2) (a) Section 53-2a-217, regarding procurement during an epidemic or pandemic emergency, is repealed on December 31, 2021.

(b) When repealing Section 53-2a-217, the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

(3) Section 53-2a-219, in relation to termination of emergency powers pertaining to COVID-19, is repealed on July 1, 2021.

(4) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a technical college board of trustees, is repealed July 1, 2022.

(b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

(5) Section 53B-6-105.7 is repealed July 1, 2024.

(6) (a) Subsection 53B-7-705(6)(b)(iii)(A), the language that states "Except as provided in Subsection (6)(b)(iii)(B)," is repealed July 1, 2021.

(b) Subsection 53B-7-705(6)(b)(iii)(B), regarding comparing a technical college's change in performance with the technical college's average performance, is repealed July 1, 2021.

(7) (a) Subsection 53B-7-707(3)(a)(ii), the language that states "Except as provided in Subsection (3)(b)," is repealed July 1, 2021.

(b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

(8) Section 53B-7-707 regarding performance metrics for technical colleges is repealed
(9) Section 53B-8-114 is repealed July 1, 2024.

(10) The following sections, regarding the Regents' scholarship program, are repealed on July 1, 2023:

(a) Section 53B-8-202;

(b) Section 53B-8-203;

(c) Section 53B-8-204; and

(d) Section 53B-8-205.

(11) Section 53B-10-101 is repealed on July 1, 2027.

(12) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is repealed July 1, 2023.

(13) Section 53E-1-202.2, regarding a Public Education Appropriations Subcommittee evaluation and recommendations, is repealed January 1, 2024.

(14) Section 53E-3-520 is repealed July 1, 2021.

(15) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed July 1, 2024.

(16) In Subsections 53F-2-205(4) and (5), regarding the State Board of Education's duties if contributions from the minimum basic tax rate are overestimated or underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

(17) Section 53F-2-209, regarding local education agency budgetary flexibility, is repealed July 1, 2024.

(18) Subsection 53F-2-301(1), relating to the years the section is not in effect, is repealed July 1, 2023.

(19) Section 53F-2-302.1, regarding the Enrollment Growth Contingency Program, is repealed July 1, 2023.

(20) Subsection 53F-2-314(4), relating to a one-time expenditure between the at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

(21) Section 53F-2-418, regarding the Supplemental Educator COVID-19 Stipend, is repealed July 1, 2021.
repealed January 1, 2022.

(22) Section 53F-2-524, regarding teacher bonuses for extra work assignments, is repealed July 1, 2024.

[(22)] (23) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

[(23)] (24) Section 53F-4-207 is repealed July 1, 2022.

[(24)] (25) Subsection 53F-4-401(3)(b), regarding a child enrolled or eligible for enrollment in kindergarten, is repealed July 1, 2022.

[(25)] (26) In Subsection 53F-4-404(4)(c), the language that states "Except as provided in Subsection (4)(d)" is repealed July 1, 2022.

[(26)] (27) Subsection 53F-4-404(4)(d) is repealed July 1, 2022.

[(27)] (28) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

[(28)] (29) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

[(29)] (30) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

[(30)] (31) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

[(31)] (32) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(6), related to the civics engagement pilot program, are repealed on July 1, 2023.

[(32)] (33) On July 1, 2023, when making changes in this section, the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections identified in this section are complete sentences and accurately reflect the office's perception of the Legislature's intent.

Section 9. Fiscal Year 2022 Appropriations.

The following sums of money are appropriated for the fiscal year beginning July 1,
2021, and ending on June 30, 2022. These are additions to amounts otherwise appropriated for fiscal year 2022.

Subsection 9(a). Operating and Capital Budgets.

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.

**PUBLIC EDUCATION**

**STATE BOARD OF EDUCATION - MINIMUM SCHOOL PROGRAM**

**ITEM 1**

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

From Uniform School Fund, One-Time (21,293,200)

From Federal Funds - American Rescue Plan Act, One-Time 10,000,000

From Closing Nonlapsing Balances 21,293,200

Schedule of Programs:

Teacher Bonuses for Extra Assignments 10,000,000

The Legislature intends that funds appropriated by this item from the American Rescue Plan Act of 2021 may only be expended or distributed for purposes that comply with the legal requirements and federal guidelines under the American Rescue Plan Act of 2021.

**ITEM 2**

To State Board of Education - Child Nutrition Programs

From Federal Funds, One-Time 140,628,300

Schedule of Programs:

Child Nutrition 140,628,300

**ITEM 3**

To State Board of Education - Child Nutrition - Federal Commodities
478 From Federal Funds, One-Time 11,112,100
479 Schedule of Programs:
480 Child Nutrition - Federal Commodities 11,112,100
481 ITEM 4
482 To State Board of Education - Contracted Initiatives and Grants
483 From Education Fund, One-Time (14,500)
484 Schedule of Programs:
485 Special Needs Opportunity Scholarship (14,500)
486 ITEM 5
487 To State Board of Education - MSP Categorical Program Administration
488 From Education Fund, One-Time (500,000)
489 Schedule of Programs:
490 Beverley Taylor Sorenson Elementary Arts (80,000)
491 Learning Program (80,000)
492 Dual Immersion (80,000)
493 Youth-in-Custody (80,000)
494 Early Literacy Program (80,000)
495 CTE Online Assessments (80,000)
496 State Safety and Support Program (100,000)
497 ITEM 6
498 To State Board of Education - Policy, Communication, and Oversight
499 From Education Fund, One-Time (293,100)
500 From Federal Funds, One-Time 329,135,200
501 From Transfer for COVID-19 Response, One-Time 210,900
502 Schedule of Programs:
503 Board and Administration 210,900
504 Financial Operations (293,100)
506 Special Education 81,047,400
507 Student Support Services 248,087,800

(1) The Legislature intends that funds appropriated under this item from the American Rescue Plan Act of 2021 may only be expended or distributed for purposes that comply with the legal requirements and federal guidelines under the American Rescue Plan Act of 2021.

(2) The Legislature intends that the agency administering these funds meet all compliance and reporting requirements associated with these funds, as directed by the Governor's Office of Planning and Budget.

ITEM 7
To State Board of Education - System Standards and Accountability
From Dedicated Credits Revenue, One-Time 3,375,000
Schedule of Programs:
Assessment and Accountability 3,375,000

ITEM 8
To State Board of Education - Utah Schools for the Deaf and the Blind
From Dedicated Credits Revenue, One-Time 3,133,500
Schedule of Programs:
Administration 3,133,500

Subsection 9(b). Restricted Fund and Account Transfers.
The Legislature authorizes the State Division of Finance to transfer the following amounts between the following funds or accounts as indicated. Expenditures and outlays from the funds to which the money is transferred must be authorized by an appropriation.

PUBLIC EDUCATION

ITEM 9
To Uniform School Fund Restricted - Public Education Economic Stabilization
Restricted Account
From Uniform School Fund, One-Time 21,293,200
Schedule of Programs:
Section 10. **Fiscal Year 2023 Appropriations.**

(1) The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts otherwise appropriated for fiscal year 2023.

(2) Notwithstanding H.B. 1, Public Education Base Budget Amendments, the value of the weighted pupil unit for fiscal year 2023 is $4,038.

Subsection 10(a). **Operating and Capital Budgets.**

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.

**PUBLIC EDUCATION**

**STATE BOARD OF EDUCATION - MINIMUM SCHOOL PROGRAM**

**ITEM 10**

To State Board of Education - Minimum School Program - Basic School Program

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>From Uniform School Fund</td>
<td>109,659,900</td>
</tr>
<tr>
<td>From Public Education Economic Stabilization</td>
<td></td>
</tr>
<tr>
<td>Restricted Account, One-Time</td>
<td>3,600,000</td>
</tr>
<tr>
<td>From Local Revenue</td>
<td>8,733,200</td>
</tr>
</tbody>
</table>

Schedule of Programs:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kindergarten</td>
<td>3,466,700</td>
</tr>
<tr>
<td>Grades 1 - 12</td>
<td>79,631,400</td>
</tr>
<tr>
<td>Foreign Exchange (59 WPUs)</td>
<td>281,000</td>
</tr>
<tr>
<td>Necessarily Existent Small Schools</td>
<td>4,992,000</td>
</tr>
<tr>
<td>Professional Staff</td>
<td>7,460,300</td>
</tr>
<tr>
<td>Special Education - Add-on</td>
<td>11,734,400</td>
</tr>
<tr>
<td>Special Education - Self-Contained</td>
<td>1,454,600</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>562</td>
<td>Special Education - Preschool</td>
</tr>
<tr>
<td>563</td>
<td>Special Education - Extended School Year</td>
</tr>
<tr>
<td>564</td>
<td>Special Education - Impact Aid</td>
</tr>
<tr>
<td>565</td>
<td>Special Education - Extended Year for Special Educators</td>
</tr>
<tr>
<td>566</td>
<td>Career and Technical Education - Add-on</td>
</tr>
<tr>
<td>567</td>
<td>Class Size Reduction</td>
</tr>
<tr>
<td>568</td>
<td>Students At-Risk Add-on</td>
</tr>
<tr>
<td>ITEM 11</td>
<td>To State Board of Education - Minimum School Program - Basic School Program</td>
</tr>
<tr>
<td>572</td>
<td>From Uniform School Fund</td>
</tr>
<tr>
<td>573</td>
<td>Schedule of Programs:</td>
</tr>
<tr>
<td>574</td>
<td>Special Education - Add-on (1,033 WPUs)</td>
</tr>
<tr>
<td>575</td>
<td>The Legislature intends that the State Board of Education use funds appropriated by this item to implement the provisions of H.B. 113, Students with Disabilities Funding Revisions.</td>
</tr>
<tr>
<td>ITEM 12</td>
<td>To State Board of Education - Minimum School Program - Related to Basic School Programs</td>
</tr>
<tr>
<td>580</td>
<td>From Uniform School Fund</td>
</tr>
<tr>
<td>581</td>
<td>From Uniform School Fund, One-Time</td>
</tr>
<tr>
<td>582</td>
<td>From Public Education Economic Stabilization Restricted</td>
</tr>
<tr>
<td>583</td>
<td>Account, One-Time</td>
</tr>
<tr>
<td>584</td>
<td>From Teacher and Student Success Account</td>
</tr>
<tr>
<td>585</td>
<td>From Beginning Nonlapsing Balances</td>
</tr>
<tr>
<td>586</td>
<td>From Closing Nonlapsing Balances</td>
</tr>
<tr>
<td>587</td>
<td>Schedule of Programs:</td>
</tr>
<tr>
<td>588</td>
<td>Pupil Transportation To and From School</td>
</tr>
<tr>
<td>589</td>
<td>At-Risk Students - Gang Prevention and</td>
</tr>
</tbody>
</table>
The Legislature intends that the State Board of Education notify local education agencies that receive an allocation from the English Language Learner Software Program that beginning in fiscal year 2024, local education agencies will fund the agencies' software programs out of the agencies' Students At-Risk - WPU Add-on program allocation.

STATE BOARD OF EDUCATION

ITEM 13

To State Board of Education - Child Nutrition Programs

From Federal Funds 166,669,100

Schedule of Programs:

Child Nutrition 136,397,700

Federal Commodities 30,271,400

ITEM 14

To State Board of Education - Child Nutrition - Federal Commodities

From Federal Funds (19,159,300)

Schedule of Programs:

Child Nutrition - Federal Commodities (19,159,300)
To State Board of Education - Educator Licensing

From Education Fund 175,000

Schedule of Programs:

Educator Licensing 175,000

To State Board of Education - Fine Arts Outreach

From Education Fund 500,000

Schedule of Programs:

Professional Outreach Programs in the Schools 465,000
Provisional Program 35,000

(1) The Legislature intends that the State Board of Education distribute, at the beginning of fiscal year 2023, nonlapsing balances remaining in the Fine Arts Outreach line item at the end of fiscal year 2022 to the contracted organizations participating in the Professional Outreach Programs in the Schools (POPS).

(2) The Legislature intends that the amount the state board allocates under Subsection (1):

(a) be proportional to each organization's contracted share of ongoing appropriations;

and

(b) not include a private match requirement.

To State Board of Education - Contracted Initiatives and Grants

From Education Fund (489,400)
From Education Fund, One-Time 13,610,200
From Public Education Economic Stabilization
Restricted Account, One-Time 7,500,000
From Revenue Transfers 38,900
From Beginning Nonlapsing Balances (7,330,900)
646  From Closing Nonlapsing Balances  10,263,300
647  Schedule of Programs:
648      Computer Science Initiatives  8,000,000
649      Contracts and Grants  9,210,200
650      Software Licenses for Early Literacy  2,000,000
651      Early Warning Pilot Program  450,000
652      Kindergarten Supplement Enrichment Program  (25,100)
653  School Turnaround and Leadership Development
654      Act  (4,043,000)
655      UPSTART  8,000,000
656  ITEM 18
657  To State Board of Education - MSP Categorical Program Administration
658      From Education Fund  (58,300)
659      From Revenue Transfers  (25,300)
660  From Beginning Nonlapsing Balances  108,800
661  From Closing Nonlapsing Balances  (78,000)
662  Schedule of Programs:
663      Adult Education  (29,000)
664      Dual Immersion  (30,000)
665      Youth-in-Custody  (104,000)
666      Early Literacy Program  (29,000)
667      CTE Student Organizations  (29,000)
668      State Safety and Support Program  (29,000)
669      Early Intervention  197,200
670  ITEM 19
671  To State Board of Education - Science Outreach
672      From Education Fund  500,000
673  Schedule of Programs:
ITEM 20

To State Board of Education - Policy, Communication, & Oversight

From General Fund (200)
From Education Fund (5,926,400)
From Federal Funds (83,939,500)
From Federal Funds, One-Time 39,490,500
From General Fund Restricted - Mineral Lease (1,148,800)
From General Fund Restricted - Land Exchange
Distribution Account (16,200)
From General Fund Restricted - School Readiness Account (65,500)
From Revenue Transfers (4,483,400)
From Uniform School Fund Restricted - Trust Distribution Account (752,400)
From Beginning Nonlapsing Balances (14,191,000)
From Closing Nonlapsing Balances (1,643,300)
From Lapsing Balance 64,500

Schedule of Programs:

Board and Administration (5,312,300)
Data and Statistics (2,413,500)
Financial Operations (4,106,200)
Indirect Cost Pool (8,107,900)
Information Technology (14,277,700)
Teacher Retention in Indigenous Schools Grants 501,400
Policy and Communication 180,000
School Trust (697,000)
Special Education (81,912,000)
ITEM 21

To State Board of Education - System Standards & Accountability

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>From Education Fund</td>
<td>(580,200)</td>
</tr>
<tr>
<td>From Federal Funds</td>
<td>82,184,200</td>
</tr>
<tr>
<td>From Federal Funds, One-Time</td>
<td>31,393,100</td>
</tr>
<tr>
<td>From Dedicated Credits Revenue</td>
<td>85,000</td>
</tr>
<tr>
<td>From Revenue Transfers</td>
<td>(541,200)</td>
</tr>
<tr>
<td>From Beginning Nonlapsing Balances</td>
<td>197,900</td>
</tr>
<tr>
<td>From Closing Nonlapsing Balances</td>
<td>(30,100)</td>
</tr>
</tbody>
</table>

Schedule of Programs:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment and Accountability</td>
<td>(180,000)</td>
</tr>
<tr>
<td>Teacher Retention in Indigenous Schools Grants</td>
<td>(501,400)</td>
</tr>
<tr>
<td>Special Education</td>
<td>113,305,100</td>
</tr>
<tr>
<td>RTC Fees</td>
<td>85,000</td>
</tr>
</tbody>
</table>

(1) The Legislature intends that the State Board of Education use $1,796,600 one-time from the Readiness Improvement Success Empowerment (RISE) assessment settlement funds to cover costs associated with a new contract for the RISE assessment.

(2) The Legislature intends that the State Board of Education use any revenue or nonlapsing balances generated from the licensing of Readiness Improvement Success Empowerment (RISE) questions to develop additional assessment questions for all state assessments, provide professional learning for Utah educators, and for risk mitigation purposes.

ITEM 22

To State Board of Education - State Charter School Board

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>From Education Fund</td>
<td>(200,000)</td>
</tr>
<tr>
<td>From Education Fund, One-Time</td>
<td>(199,500)</td>
</tr>
</tbody>
</table>
Schedule of Programs:

State Charter School Board (399,500)

ITEM 23

To State Board of Education - Teaching and Learning

From Education Fund (171,700)
From Revenue Transfers 22,200
From Beginning Nonlapsing Balances (22,600)

Schedule of Programs:

Student Access to High Quality School Readiness Programs (172,100)

ITEM 24

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

From Education Fund 700,000
From Education Fund, One-Time 500,000
From Dedicated Credits Revenue 3,133,500

Schedule of Programs:

Administration 3,833,500
Utah State Instructional Materials Access Center 500,000

(1) The Legislature intends that the State Board of Education monitor the implementation of one-time funds appropriated to the Schools for the Deaf and the Blind in fiscal year 2022 and fiscal year 2023 to ensure these funds are not used for ongoing purposes.

(2) The Legislature intends that the State Board of Education:

(a) conduct a cost benefit analysis on maintaining the Utah State Instructional Materials Access Center as a state level function or contracting with a private provider for relevant instructional materials; and

(b) report to the Public Education Appropriations Subcommittee by October 1, 2022.

ITEM 25

To State Board of Education - Statewide Online Education Costs for Non-Public
Students

From Education Fund 377,000
From Education Fund, One-Time 3,177,800

Schedule of Programs:
Statewide Online Education Program 3,554,800

ITEM 26

To State Board of Education - State Board and Administrative Operations

From General Fund 200
From Education Fund 13,526,000
From Federal Funds 1,755,300
From Federal Funds, One-Time 300,000,000
From General Fund Restricted - Mineral Lease 1,148,800
From General Fund Restricted - Land Exchange
Distribution Account 16,200
From General Fund Restricted - School Readiness Account 65,500
From Revenue Transfers 4,988,800
From Uniform School Fund Restricted - Trust Distribution Account 752,400
From Beginning Nonlapsing Balances 21,237,800
From Closing Nonlapsing Balances (8,511,900)
From Lapsing Balance (64,500)

Schedule of Programs:
Financial Operations 4,106,200
Information Technology 14,277,700
Inter Cost Pool 8,107,900
Data and Statistics 2,413,500
School Trust 697,000
Board and Administration 5,312,300
Federal Coronavirus Relief for Public Education 300,000,000

(1) The Legislature intends that funds appropriated under this item from the American Rescue Plan Act of 2021 may only be expended or distributed for purposes that comply with the legal requirements and federal guidelines under the American Rescue Plan Act of 2021.

(2) The Legislature further intends that the agency administering these funds meet all compliance and reporting requirements associated with these funds, as directed by the Governor's Office of Planning and Budget.

(3) Notwithstanding the intent language associated with items 24, 28, 29, 31 through 39, and 41 of H.B. 1, Public Education Base Budget Amendments, the Legislature intends that the State Board Education:
   (a) not use previously identified performance measures;
   (b) continue to develop the system performance measures and recommend new performance measures to be included in the 2024 base budget; and
   (c) provide to the Public Education Appropriations Subcommittee, with performance measures, initial performance targets, and up to five years of historic performance data where available:
      (i) a status report by June 1, 2022; and
      (ii) a final report by October 1, 2022.

Subsection 10(b). Restricted Fund and Account Transfers.
The Legislature authorizes the State Division of Finance to transfer the following amounts between the following funds or accounts as indicated. Expenditures and outlays from the funds to which the money is transferred must be authorized by an appropriation.

PUBLIC EDUCATION

ITEM 27

To Teacher and Student Success Account

From Education Fund 8,733,200

Schedule of Programs:

Teacher and Student Success Account 8,733,200
Section 11. Effective date.

(1) Except as provided in Subsection (2), 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.

(2) The following sections of this bill take effect on July 1, 2022:

(a) Section 53F-2-301.5;
(b) Section 53F-2-303;
(c) Section 53F-2-314;
(d) Section 53F-2-402;
(e) Section 53F-2-409;
(f) Section 53F-2-415;
(g) Section 63I-2-253;
(h) Section 10, Fiscal Year 2023 Appropriations;
(i) Subsection 10(a), Operating and Capital Budgets; and
(j) Subsection 10(b), Restricted Fund and Account Transfers.


If this S.B. 2 and H.B. 1, Public Education Base Budget Amendments, both pass and become law, it is the intent of the Legislature that the amendments to Section 53F-2-301.5 in this bill supersede the amendments to Section 53F-2-301.5 in H.B. 1 when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication.