

# HB0394S01 compared with HB0394

~~{deleted text}~~ shows text that was in HB0394 but was deleted in HB0394S01.

inserted text shows text that was not in HB0394 but was inserted into HB0394S01.

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~~{GRANT FUNDING FOR SUPPLEMENTAL EDUCATIONAL~~

~~OPPORTUNITIES}~~ Representative Karen M. Peterson proposes the following substitute bill:

## HOLD HARMLESS FOR PUBLIC EDUCATION ENROLLMENT

### DECLINE

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen M. Peterson**

Senate Sponsor: ~~{~~ Ann Millner

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#### LONG TITLE

##### General Description:

This bill ~~{establishes and}~~ contingently provides additional funding for the ~~{Boost Up Supplemental Grant}~~ Minimum School Program in certain fiscal years.

##### Highlighted Provisions:

This bill:

▶ ~~{defines terms;~~

→ ~~establishes and}~~ contingently provides additional funding for the ~~{Boost Up Supplemental Grant Program (program);~~

→ ~~provides requirements for program eligibility and the use of program funds;~~

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- requires the State Board of Education (state board) to:
- • administer the program, including facilitating payment to program service providers;
- • create an online platform to facilitate program services; and
- • annually report to the Public Education Appropriations Subcommittee regarding the program;} Minimum School Program in certain fiscal years:
  - ▶ subjects the provision of additional funding to a sunset review by a legislative committee; and
  - ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

- {This bill appropriates in fiscal year 2024:
- to the State Board of Education - Minimum School Program - Related to Basic School Programs, as an ongoing appropriation:
- • from the Uniform School Fund, \$12,000,000.} None

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

{ENACTS} AMENDS:

- {53F-5-701, Utah Code Annotated 1953
- 53F-5-702, Utah Code Annotated 1953
- 53F-5-703, Utah Code Annotated 1953
- 53F-5-704, Utah Code Annotated 1953
- 53F-5-705, Utah Code Annotated 1953
- 53F-5-706, Utah Code Annotated 1953} 53F-9-201.1, as last amended by Laws of Utah 2022, Chapter 456
- 63I-1-253, as last amended by Laws of Utah 2022, Chapters 10, 30, 31, 172, 173, 194, 218, 224, 229, 236, 254, 274, and 414

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

Section 1. Section {53F-5-701} 53F-9-201.1 is {enacted} amended to read:

{ — 53F-5-701} 53F-9-201. { Definitions:

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### 1. Appropriations to the Minimum School Program from the Uniform School Fund.

(1) As used in this ~~part~~:

~~(1) "Program" means the Boost Up Supplemental Grant Program established~~section:

~~(a) "Base budget" means the same as that term is defined in legislative rule.~~

~~(b) "Enrollment growth and inflation estimates" means the cost estimates regarding enrollment growth and inflation described~~ in Section ~~{53F-5-702}~~53F-2-208.

~~(2) "Program account" means an online account on a platform that the state board develops to facilitate the delivery of program services to students participating in the program.~~

~~(3) "Program expense" means an expenditure for a good or service from a program service provider that the program facilitates.~~

~~(4) "Program service provider" means an entity that~~

(2) Except as provided in Subsection 53F-9-204(3), for a fiscal year beginning on or after July 1, 2021, when preparing the Public Education Base Budget, the Office of the Legislative Fiscal Analyst shall include appropriations to the Minimum School Program from the Uniform School Fund, and, subject to Subsection 53F-9-204(3), the Public Education Economic Stabilization Restricted Account, in an amount that is greater than or equal to the sum of:

(a) the ongoing Income Tax Fund and Uniform School Fund appropriations to the Minimum School Program in the current fiscal year; and

(b) subject to Subsection 53F-9-204(3)(b)[-]:

(i) enrollment growth and inflation estimates[-]; and

(ii) an amount equal to a projected reduction in appropriations to the Minimum School Program from the Uniform School Fund for the given fiscal year related to a decline in student enrollment that the Office of the Legislative Fiscal Analyst recommends to the Executive Appropriations Committee, in consultation with the state board ~~{approves to provide a good or service to students participating in the program.}~~ and the Governor's Office of Planning and Budget:

(A) for the fiscal years beginning on July 1, 2025, 2026, 2027, 2028, and 2029; and

(B) if the Legislature amends the sunset date described in Section 63I-1-253 after a sunset review, for the fiscal years beginning on July 1, 2030, 2031, 2032, 2033, and 2034.

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(3) The total annual amount deposited into the Uniform School Fund, including the deposits through the distributions described in Sections 59-7-532 and 59-10-544, for a given fiscal year may not exceed the amount appropriated from the Uniform School Fund for that fiscal year.

Section 2. Section ~~{53F-5-702}~~63I-1-253 is ~~{enacted}~~amended to read:

~~{~~ **53F-5-702. Boost Up Supplemental Grant Program established -- Eligibility --**  
**Program expenses:**

- ~~\_\_\_\_\_~~ (1) (a) There is established the Boost Up Supplemental Grant Program:
- ~~\_\_\_\_\_~~ (b) The state board shall administer the program in accordance with this part:
- ~~\_\_\_\_\_~~ (2) (a) A student is eligible to participate in the program if:
  - ~~\_\_\_\_\_~~ (i) the student is:
    - ~~\_\_\_\_\_~~ (A) a resident of the state;
    - ~~\_\_\_\_\_~~ (B) eligible to attend any grade from kindergarten through grade 12 in the public education system, regardless of whether the student is enrolled in the public education system;
  - ~~\_\_\_\_\_~~ and
  - ~~\_\_\_\_\_~~ (ii) a parent of the student submits an application to the state board that demonstrates:
    - ~~\_\_\_\_\_~~ (A) the student's eligibility; and
    - ~~\_\_\_\_\_~~ (B) the parent's adjusted gross income for the previous tax year.
- ~~\_\_\_\_\_~~ (b) A student's participation in the program in a given year does not render the student eligible to participate or guarantee the student's participation in the program for a subsequent year.
- ~~\_\_\_\_\_~~ (3) (a) Beginning on or before January 1, 2024, the state board shall:
  - ~~\_\_\_\_\_~~ (i) accept applications for program participation and determine the eligibility of each applicant;
  - ~~\_\_\_\_\_~~ (ii) subject to legislative appropriations, establish a program account for eligible students in the following order:
    - ~~\_\_\_\_\_~~ (A) during the first 30 days of accepting applications, students with a family income at or below 130% of the federal poverty level;
    - ~~\_\_\_\_\_~~ (B) during the second 30-day period following the initial acceptance of applications, students with a family income at or below 185% of the federal poverty level; and
    - ~~\_\_\_\_\_~~ (C) following the two initial periods of accepting application described in this

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~~Subsection (3)(a)(ii), any eligible student in the order in which the state board receives the student's application:~~

~~—— (b) Subject to legislative appropriations, the state board shall provide program funds in the amount of \$1,000 for each program account.~~

~~—— (c) (i) A student's program account expires two years after the day of the account's creation:~~

~~—— (ii) Any funds remaining in a program account at the account's expiration shall revert to the program for redistribution to other students participating in the program:~~

~~—— (iii) If, upon application in a subsequent year, the state board awards program funds to a student with an existing program account, the state board shall award program funds to the student's program account in an amount that brings the account balance to \$1,000:~~

~~—— (4) (a) Using a student's program account on the online program platform described in Section 53F-5-705, the student's parent may obtain from program service providers goods or services that directly impact the student academically:~~

~~—— (b) The state board may not expend program funds to pay:~~

~~—— (i) the student's private school tuition;~~

~~—— (ii) the student's parent for the parent's time to homeschool or otherwise educate the student; or~~

~~—— (iii) for a good or service:~~

~~—— (A) that does not directly impact the student academically; or~~

~~—— (B) from a person or entity who is not a program service provider:~~

~~—— (c) The state board shall:~~

~~—— (i) facilitate direct payment of selected program expenses to program service providers; and~~

~~—— (ii) ensure that a student or parent does not directly receive program funds to pay for a an approved good or service:~~

~~—— (5) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:~~

~~—— (a) establish the program application and application process;~~

~~—— (b) provide for the rolling application approval periods described in Subsection (3);~~

~~and~~

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~~(c) define criteria to determine whether a good or service directly impacts a student academically.~~

~~(6) The state board may use up to 5% of the money appropriated for the program in accordance with this section for administration and evaluation of the program.~~

~~Section 3. Section 53F-5-703 is enacted to read:~~

~~**53F-5-703. Parent advisory board.**~~

~~(1) The state board shall appoint seven members to a parent advisory board to make}~~

### **63I-1-253. Repeal dates: Titles 53 through 53G.**

(1) Section 53-2a-105, which creates the Emergency Management Administration Council, is repealed July 1, 2027.

(2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory Board, are repealed July 1, 2027.

(3) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed July 1, 2023.

(4) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is repealed July 1, 2024.

(5) Section 53B-7-709, regarding five-year performance goals for the Utah System of Higher Education is repealed July 1, 2027.

(6) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

(7) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is repealed January 1, 2025.

(8) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

(9) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells and other hydrologic studies in the West Desert, is repealed July 1, 2030.

(10) [Subsection] Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in custody, are repealed July 1, 2027.

(11) In relation to a standards review committee, on January 1, 2028:

(a) in Subsection 53E-4-202(8), the language "by a standards review committee and the recommendations ~~on the program, including:~~

~~(a) candidates for program service providers;~~

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- ~~—— (b) publicizing the program; and~~
- ~~—— (c) increasing parents access to the program;~~
- ~~—— (2) (a) An individual is eligible for appointment to the parent advisory board described in Subsection (1) if the individual is:~~
  - ~~—— (i) a resident of the state; and~~
  - ~~—— (ii) the parent of a child who is eligible to attend any grade from kindergarten through grade 12 in the public education system, regardless of whether the child is enrolled in the public education system;~~
- ~~—— (b) The state board shall:~~
  - ~~—— (i) ensure that the members of the parent advisory board represent a geographically diverse cross-section of the state;~~
  - ~~—— (ii) except as provided in Subsection (2)(b)(iii), appoint members to the parent advisory board for two-year staggered terms; and~~
  - ~~—— (iii) for initial appointments in 2023, appoint three members to one-year terms to ensure the staggering of terms described in Subsection (2)(b)(ii);~~
- ~~—— (3) A member of the parent advisory board is not eligible for compensation for the member's service on the parent advisory board.~~
- ~~—— (4) The state board may establish processes for the business of the parent advisory board;~~
- ~~—— Section 4. Section 53F-5-704 is enacted to read:~~
- ~~—— **53F-5-704. Program service providers:**~~
  - ~~—— (1) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:~~
    - ~~—— (a) establish a public and transparent process to evaluate and approve an entity as a program service provider;~~
    - ~~—— (b) establish criteria for evaluating a candidate to be a program service provider, including:~~
      - ~~—— (i) background checks and other parameters to ensure student safety;~~
      - ~~—— (ii) demonstrated ability to provide the proffered good or service, including any applicable credential or license;~~
      - ~~—— (iii) business and financial requirements;~~

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- ~~—— (iv) financial controls; and~~
- ~~—— (v) proposed academic outcomes of the provider's good or service;~~
- ~~—— (c) establish procedures to audit program service providers to ensure financial accountability and academic outcomes; and~~
- ~~—— (d) regulate the provision of goods and services to participating students through the program;~~
- ~~—— (2) The state board shall maintain on the state board's website a publicly available list of each program service provider that the state board approves in accordance with this section.~~
- ~~—— (3) (a) The state board may approve as a program service provider:~~
  - ~~—— (i) a public, private, or nonprofit vendor;~~
  - ~~—— (ii) a local education agency; or~~
  - ~~—— (iii) an institution of higher education described in Section 53B-2-101.~~
- ~~—— (b) If a public service provider described in Subsection (3)(a)(i) also offers goods or services that are not academic in nature, the state board shall ensure that program participants may only obtain goods or services that directly impact a student academically from the program service provider through the program.~~
- ~~—— (4) The state board may remove a program service provider from the program for:~~
  - ~~—— (a) a failure to achieve the proposed academic outcomes;~~
  - ~~—— (b) misuse of program funds; or~~
  - ~~—— (c) a violation of this part or a board rule.~~
- ~~—— (5) A program service provider may not charge a student participating in the program a different fee for a good or service than the provider charges a student who does not participate in the program for the same good or service.~~
- ~~—— Section 5. Section **53F-5-705** is enacted to read:~~
- ~~—— **53F-5-705. Online program platform.**~~
  - ~~—— (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board shall issue a request for proposals to create an online platform that:~~
    - ~~—— (a) allows a parent to apply to the program;~~
    - ~~—— (b) allows participating parent to obtain a program service that a program service provider offers;~~
    - ~~—— (c) allows a program service provider to offer program service to program participants;~~



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~~— (d) markets the program to parents and students; and~~

~~— (e) provides parents with customer support.~~

~~— (2) On or before January 1, 2024, the state board shall ensure that the online platform described in Subsection (1) is operational and accepting applications.~~

~~— Section 6. Section 53F-5-706 is enacted to read:~~

~~— **53F-5-706. Program evaluation -- Reports.**~~

~~— (1) Beginning July 1, 2025, the state board shall, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, contract with an independent third-party certified public accountant to conduct an annual audit and additional random audits of the program, including program accounts and program service providers.~~

~~— (2) The state board shall report to the Public Education Appropriations Subcommittee before November 1 of each year regarding:~~

~~— (a) the number of students participating in the program;~~

~~— (b) the number of applicants for participation in the program;~~

~~— (c) trends in program participation, expenses, and outcomes;~~

~~— (d) the most frequently selected program expenses; and~~

~~— (e) any additional information regarding student outcomes from program participation.~~

~~— Section 7. **Appropriation:**~~

~~— The following sums of money are appropriated for the fiscal year beginning July 1, 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for fiscal year 2024. 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 Uniform School Fund~~

~~12,000,000~~

~~— Schedule of Programs:~~

~~— Boost Up Supplemental Grant Program 12,000,000~~

~~— Section 8} of a standards review committee established under Section 53E-4-203" is repealed; and~~

~~(b) Section 53E-4-203 is repealed.~~

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(12) Section 53E-4-402, which creates the State Instructional Materials Commission, is repealed July 1, 2027.

(13) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed July 1, 2023.

(14) Section 53F-2-420, which creates the Intensive Services Special Education Pilot Program, is repealed July 1, 2024.

(15) Section 53F-5-203 is repealed July 1, 2024.

(16) Section 53F-5-213 is repealed July 1, 2023.

(17) Section 53F-5-214, in relation to a grant for professional learning, is repealed July 1, 2025.

(18) Section 53F-5-215, in relation to an elementary teacher preparation grant, is repealed July 1, 2025.

(19) Section 53F-5-219, which creates the Local INnovations Civics Education Pilot Program, is repealed on July 1, 2025.

(20) (a) Subsection 53F-9-201.1(2)(b)(ii), in relation to the use of funds from a loss in enrollment for certain fiscal years, is repealed on July 1, 2030.

(b) On July 1, 2030, the Office of Legislative Research and General Counsel shall renumber the remaining subsections accordingly.

~~[(20)]~~ (21) Subsection 53F-9-203(7), which creates the Charter School Revolving Account Committee, is repealed July 1, 2024.

~~[(21)]~~ (22) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety Commission, are repealed January 1, 2025.

~~[(22)]~~ (23) Subsection 53G-8-211(5), regarding referrals of a minor to court for a class C misdemeanor, is repealed July 1, 2027.

~~[(23)]~~ (24) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.

~~[(24)]~~ (25) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed July 1, 2027.

### Section 3. Effective date.

This bill takes effect on ~~July 1, 2023.~~

~~July 1, 2025, if the amendment to the Utah Constitution proposed by S.J.R. 10, Proposal~~

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to Amend Utah Constitution - Income Tax, 2023 General Session, passes the Legislature and is approved by a majority of those voting on it at the next regular general election.