

1 **MINIMUM SCHOOL PROGRAM ACT**

2 **AMENDMENTS**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Gordon E. Snow**

6 **This act modifies the State System of Public Education Code by providing funding for the**
7 **Minimum School Program and school building aid programs. This act establishes a**
8 **ceiling for the state contribution to the Minimum School Program for fiscal year 2003-04**
9 **of \$1,608,582,133, which includes a one-time appropriation of \$5,000,000 for classroom**
10 **supplies. This act establishes the value of the weighted pupil unit at \$2,150. This act**
11 **appropriates \$28,000,000 for school building aid programs. This act appropriates**
12 **\$8,000,000 for fiscal year 2002-03 and \$8,000,000 for fiscal year 2003-04 for the School**
13 **LAND Trust Program. This act provides an effective date. This act provides a**
14 **coordination clause**

15 This act affects sections of Utah Code Annotated 1953 as follows:

16 AMENDS:

17 **53A-1a-513**, as last amended by Chapter 313, Laws of Utah 2002

18 **53A-1a-515**, as last amended by Chapter 313, Laws of Utah 2002

19 **53A-2-206**, as last amended by Chapter 9, Laws of Utah 2001

20 **53A-16-101.5**, as last amended by Chapter 324, Laws of Utah 2002

21 **53A-17a-103**, as last amended by Chapter 279, Laws of Utah 2002

22 **53A-17a-104**, as last amended by Chapter 19, Laws of Utah 2002, Fifth Special Session

23 **53A-17a-111**, as last amended by Chapter 279, Laws of Utah 2002

24 **53A-17a-112**, as last amended by Chapter 279, Laws of Utah 2002

25 **53A-17a-113**, as last amended by Chapter 279, Laws of Utah 2002

26 **53A-17a-116**, as last amended by Chapter 279, Laws of Utah 2002

27 **53A-17a-119**, as last amended by Chapter 279, Laws of Utah 2002



- 28 **53A-17a-120**, as last amended by Chapters 258 and 279, Laws of Utah 2002
- 29 **53A-17a-121**, as last amended by Chapters 258, 279 and 299, Laws of Utah 2002
- 30 **53A-17a-123**, as last amended by Chapters 258 and 279, Laws of Utah 2002
- 31 **53A-17a-123.5**, as enacted by Chapter 279, Laws of Utah 2002
- 32 **53A-17a-124**, as last amended by Chapter 19, Laws of Utah 2002, Fifth Special Session
- 33 **53A-17a-124.5**, as last amended by Chapter 279, Laws of Utah 2002
- 34 **53A-17a-125**, as last amended by Chapters 250 and 279, Laws of Utah 2002
- 35 **53A-17a-126**, as last amended by Chapter 279, Laws of Utah 2002
- 36 **53A-17a-131.15**, as last amended by Chapter 279, Laws of Utah 2002
- 37 **53A-17a-131.17**, as last amended by Chapter 279, Laws of Utah 2002
- 38 **53A-17a-133**, as last amended by Chapter 279, Laws of Utah 2002
- 39 **53A-17a-135**, as last amended by Chapter 279, Laws of Utah 2002
- 40 **53A-17a-148**, as enacted by Chapter 279, Laws of Utah 2002
- 41 **53A-21-102**, as last amended by Chapter 234, Laws of Utah 2001
- 42 **53A-21-103**, as last amended by Chapter 234, Laws of Utah 2001
- 43 **53A-21-105**, as last amended by Chapters 258 and 279, Laws of Utah 2002
- 44 **59-2-906.1**, as last amended by Chapter 133, Laws of Utah 2001
- 45 **59-2-926**, as enacted by Chapter 271, Laws of Utah 1995

46 ENACTS:

- 47 **53A-21-103.5**, Utah Code Annotated 1953

48 REPEALS:

- 49 **53A-17a-131.2**, as last amended by Chapter 279, Laws of Utah 2002
- 50 **53A-17a-131.13**, as last amended by Chapter 279, Laws of Utah 2002
- 51 **53A-17a-131.19**, as last amended by Chapters 258 and 279, Laws of Utah 2002
- 52 **53A-17a-132**, as last amended by Chapter 279, Laws of Utah 2002
- 53 **53A-21-105**, as last amended by Chapters 258 and 279, Laws of Utah 2002

54 This act enacts uncodified material.

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

56 Section 1. Section **53A-1a-513** is amended to read:

57 **53A-1a-513. Funding for charter schools.**

58 [~~(1) (a) A student enrolled in a charter school is considered a resident student of the~~

59 school district in which the school is located for purposes of state funding, including, but not
 60 limited to, monies the student would generate as a result of qualifying for such programs as
 61 special education, students at risk, and gifted and talented.]

62 (1) (a) Charter schools shall receive funding as described in this section, except
 63 Subsections (2) through (7) do not apply to charter schools described in Subsection (1)(b).

64 (b) Charter schools sponsored by local school boards that are converted from district
 65 schools or operate in district facilities without paying reasonable rent shall receive funding as
 66 prescribed in Section 53A-1a-515.

67 (2) (a) Except as provided in Subsection (2)(b), a charter school shall receive state
 68 funds, as applicable, on the same basis as a school district receives funds.

69 (b) In distributing funds under Title 53A, Chapter 17a, Minimum School Program Act,
 70 to charter schools, charter school pupils shall be weighted, where applicable, as follows:

71 (i) .55 for kindergarten pupils;

72 (ii) .9 for pupils in grades 1-6;

73 (iii) .99 for pupils in grades 7-8; and

74 (iv) 1.2 for pupils in grades 9-12.

75 (c) The State Board of Education shall make rules in accordance with Title 63, Chapter
 76 46a, Utah Administrative Rulemaking Act, to administer Subsection (2)(b), including hold
 77 harmless provisions to maintain a charter elementary school's funding level for a period of two
 78 years after the effective date of the distribution formula.

79 (d) Subsection (2)(b) does not apply to funds appropriated to charter schools to replace
 80 local property tax revenues.

81 ~~[(b)(i)] (3) h [(a)] h~~ The State Board of Education shall adopt rules to provide h [:] h

82 ~~h [(A)] (i) that the school district in which a charter school student resides shall pay to~~
 83 ~~the school district in which the charter school is located 1/2 of the amount by which the~~
 84 ~~resident district's per student expenditure exceeds the value of the state funding under~~
 85 ~~Subsection [(1)(a)] (2)(a); and] h~~

86 ~~[(B)] h [(ii)] h~~ for the distribution of monies to charter schools under this section.

87 ~~h [(ii)] (b) The rules adopted pursuant to Subsection [(1)(b)(i)(A)] (3)(a) that require 1/2~~
 88 ~~rather than all of the amount take into account state school funding laws that require certain~~
 89 ~~local moneys to remain within the resident district.] h~~

90 ~~[(e)]~~ (4) The Legislature shall provide an appropriation for charter schools for each of
 91 their students ~~[equal to the lesser of 1/2 of the statewide school district average per student~~
 92 ~~expenditure in excess of state funding under Subsection (1)(a) or 1/2 of the amount by which~~
 93 ~~the resident district's per student expenditure exceeds the value of the state funding under~~
 94 ~~Subsection (1)(a) to supplement the local monies received by a charter school under Subsection~~
 95 ~~(1)(b)(i)(A).]~~ to replace some of the local property tax revenues that are not available to charter
 96 schools. The amount of money provided for each charter school student shall be determined
 97 by:

98 (a) calculating the sum of:

99 (i) school districts' operations and maintenance revenues derived from local property
 100 taxes, except revenues from imposing a minimum basic tax rate pursuant to Section
 101 53A-17a-135;

102 (ii) school districts' capital projects revenues derived from local property taxes; and

103 (iii) school districts' expenditures for interest on debt; ~~h~~ AND ~~h~~

104 (b) dividing the sum by the total average daily membership of the districts' schools ~~h~~ [; and] . ~~h~~
 105 ~~h~~ [(c) dividing the revenue per pupil amount determined under Subsection (4)(b) by two.] ~~h~~

106 ~~[(d) If a charter school is providing eligible programs or services to eligible students~~
 107 ~~funded by federal monies, any eligible student enrolled in a charter school in the school district~~
 108 ~~shall receive federal monies for the same level of service provided students in the schools~~
 109 ~~operated by the local school board.]~~

110 (5) Charter schools are eligible to receive federal funds if they meet all applicable
 111 federal requirements and comply with relevant federal regulations.

112 (6) The State Board of Education shall distribute funds for charter school students
 113 directly to the charter school.

114 (7) (a) Notwithstanding Subsection (2), a charter school is not eligible to receive state
 115 transportation funding.

116 ~~[(2)-(a)]~~ (b) The board shall also adopt rules relating to the transportation of students to
 117 and from charter schools, taking into account Sections 53A-2-210 and 53A-17a-127.

118 ~~[(b)]~~ (c) The governing body of the charter school may provide transportation through
 119 an agreement or contract with the local school board, a private provider, or with parents.

120 ~~[(3)]~~ (8) (a) (i) The state superintendent of public instruction may allocate grants for

121 both start-up and ongoing costs to eligible charter school applicants from monies appropriated
122 for the implementation of this part.

123 (ii) Applications for the grants shall be filed on a form determined by the state
124 superintendent and in conjunction with the application for a charter.

125 (iii) The amount of a grant may vary based upon the size, scope, and special
126 circumstances of the charter school.

127 (iv) The governing board of the charter school shall use the grant to meet the expenses
128 of the school as established in the school's charter.

129 (b) The State Board of Education shall coordinate the distribution of federal monies
130 appropriated to help fund costs for establishing and maintaining charter schools within the
131 state.

132 ~~[(4)]~~ (9) (a) A charter school may receive, hold, manage and use any devise, bequest,
133 grant, endowment, gift, or donation of any property made to the school for any of the purposes
134 of this part.

135 (b) It is unlawful for any person affiliated with a charter school to demand or request
136 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated
137 with the charter school as a condition for employment or enrollment at the school or continued
138 attendance at the school.

139 Section 2. Section **53A-1a-515** is amended to read:

140 **53A-1a-515. Charters sponsored by local school boards.**

141 (1) Individuals and entities identified in Section 53A-1a-504 may enter into an
142 agreement with a local school board to establish and operate a charter school within the
143 geographical boundaries of the school district administered by the board~~[-subject to the same~~
144 ~~requirements established in Sections 53A-1a-504 through 53A-1a-514, except as otherwise~~
145 ~~provided in this section].~~

146 (2) These schools are in addition to the limited number of charter schools authorized
147 under the sponsorship of the State Board of Education in Section 53a-1a-502.

148 (3) (a) An existing public school that converts to charter status under a charter granted
149 by a local school board may:

150 (i) continue to receive the same services from the school district that it received prior to
151 its conversion; or

152 (ii) contract out for some or all of those services with other public or private providers.
153 (b) Any other charter school sponsored by a local school board may contract with the
154 board to receive some or all of the services referred to in Subsection (3)(a).

155 (4) (a) (i) A public school that converts to a charter school under ~~[Subsection (3)(a)]~~ a
156 charter granted by a local school board shall receive funding:

157 (A) through the school district; and

158 (B) on the same basis as it did prior to its conversion to a charter school.

159 (ii) The school may also receive federal monies designated for charter schools under
160 any federal program.

161 ~~[(b)(i) Any other charter school sponsored by a local school board shall receive~~
162 ~~funding as provided under Subsection (4)(a), except as otherwise provided in Subsection~~
163 ~~(4)(b)(ii).]~~

164 ~~[(ii) (b) (i) [If the charter school is not operating out of] A local school~~
165 ~~board-sponsored charter school operating in a facility owned by the school district[, then the~~
166 ~~funding provisions of Section 53A-1a-513 apply.]~~ and not paying reasonable rent to the school
167 district shall receive funding:

168 (A) through the school district; and

169 (B) on the same basis that other district schools receive funding.

170 (ii) The school may also receive federal monies designated for charter schools under
171 any federal program.

172 (c) Any other charter school sponsored by a local school board shall receive funding as
173 provided in Section 53A-1a-513.

174 (5) (a) A local school board that receives an application for a charter school under this
175 section shall, within 45 days, either accept or reject the application.

176 (b) If the board rejects the application, it shall notify the applicant in writing of the
177 reason for the rejection.

178 (c) The applicant may submit a revised application for reconsideration by the board.

179 (d) If the local school board refuses to sponsor the applicant, the applicant may seek a
180 charter from the State Board of Education under Section 53A-1a-505.

181 (e) The local board's action under Subsection (5)(d) is final action subject to judicial
182 review.

183 (6) A local school board is limited in the number of charter schools it may sponsor
184 under this section as follows:

185 (a) there is no limitation on the number of existing public schools within a school
186 district that may convert to charter status under this section; and

187 (b) the number of charter schools not converted from existing public schools is limited
188 to an enrollment equal to 4% of the school district's student population as reported in the most
189 recent annual statistical report required under Section 53A-3-403.

190 (7) A local school board may terminate a charter school it sponsors under this section
191 for the same reasons and under the same procedures followed by the State Board of Education
192 under Subsection 53A-1a-509(3).

193 Section 3. Section **53A-2-206** is amended to read:

194 **53A-2-206. Exchange and interstate compact students -- Inclusion in attendance**
195 **count -- Annual report -- Requirements for exchange student agencies.**

196 (1) A school district may include membership and attendance of students for the
197 purpose of apportionment of state monies if:

198 (a) (i) the student is [am] a foreign exchange student sponsored by an agency approved
199 by the State Board of Education[~~,-and the enrollment is in compliance with rules and~~
200 ~~enrollment limits set by the state board; or]; and~~

201 (ii) the agency sponsoring the foreign exchange student is also sponsoring a resident
202 student of the district who is enrolled in a school in a foreign country;

203 (b) the student is enrolled under an interstate compact, established between the State
204 Board of Education and the state education authority of another state, under which a student
205 from one compact state would be permitted to enroll in a public school in the other compact
206 state on the same basis as a resident student of the receiving state; or

207 (c) the student is receiving services under the Compact on Placement of Children.

208 (2) The board shall make an annual report to the Legislature on the number of
209 exchange students and the number of interstate compact students sent to or received from
210 public schools outside the state.

211 (3) (a) The board shall require each approved exchange student agency to provide it
212 with a sworn affidavit of compliance prior to the beginning of each school year.

213 (b) The affidavit shall include the following assurances:

- 214 (i) that the agency has complied with all applicable rules of the board;
- 215 (ii) that a household study, including a background check of all adult residents, has
- 216 been made of each household where an exchange student is to reside, and that the study was of
- 217 sufficient scope to provide reasonable assurance that the exchange student will receive proper
- 218 care and supervision in a safe environment;
- 219 (iii) that host parents have received training appropriate to their positions, including
- 220 information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who
- 221 are in a position of special trust;
- 222 (iv) that a representative of the exchange student agency shall visit each student's place
- 223 of residence at least once each month during the student's stay in Utah;
- 224 (v) that the agency will cooperate with school and other public authorities to ensure
- 225 that no exchange student becomes an unreasonable burden upon the public schools or other
- 226 public agencies;
- 227 (vi) that each exchange student will be given in the exchange student's native language
- 228 names and telephone numbers of agency representatives and others who could be called at any
- 229 time if a serious problem occurs; and
- 230 (vii) that alternate placements are readily available so that no student is required to
- 231 remain in a household if conditions appear to exist which unreasonably endanger the student's
- 232 welfare.

233 (4) (a) The board shall provide each approved exchange student agency with a list of

234 names and telephone numbers of individuals not associated with the agency who could be

235 called by an exchange student in the event of a serious problem.

236 (b) The agency shall make a copy of the list available to each of its exchange students

237 in the exchange student's native language.

238 Section 4. Section **53A-16-101.5** is amended to read:

239 **53A-16-101.5. School LAND Trust Program -- Contents -- Purpose --**

240 **Distribution of funds -- School plans for use of funds.**

241 (1) There is established the School LAND (Learning And Nurturing Development)

242 Trust Program for the state's public schools to provide financial resources to enhance or

243 improve student academic achievement and implement a component of the school

244 improvement plan.

245 (2) (a) The program shall be funded each fiscal year from that portion of the Uniform
246 School Fund consisting of [~~all~~] the interest and dividends [~~on the~~] received in the immediately
247 preceding fiscal year from the investment of monies in the permanent State School Fund
248 ~~[remaining after the deduction of the amount retained in the State School Fund to protect the~~
249 ~~fund against losses due to inflation as prescribed by the Utah Constitution Article X, Section~~
250 ~~5].~~

251 (b) Notwithstanding Subsection (2)(a), for fiscal year 2002-03, the program may be
252 funded from that portion of the Uniform School Fund consisting of the interest and dividends
253 received in the current year from the investment of monies in the permanent State School Fund.

254 (c) For fiscal years 2002-03 and 2003-04 only, the program shall be funded as provided
255 in Subsections (2)(a) and (2)(b) up to a maximum of \$8,000,000 each fiscal year.

256 (3) (a) The State Board of Education shall allocate [~~all~~] the monies referred to in
257 Subsection (2) annually for the fiscal year beginning July 1, 2000, and for each fiscal year
258 thereafter as follows:

259 (i) school districts shall receive 10% of the funds on an equal basis; and

260 (ii) the remaining 90% of the funds shall be distributed on a per student basis, with
261 each district receiving its allocation on the number of students in the district as compared to the
262 state total.

263 (b) Each school district shall distribute its allocation under Subsection (3)(a) to each
264 school within the district on an equal per student basis.

265 (c) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
266 board may make rules regarding the time and manner in which the student count shall be made
267 for allocation of the monies.

268 (4) In order to receive its allocation under Subsection (3), a school shall have
269 established a school community council under Section 53A-1a-108.

270 (5) (a) The school community council or its subcommittee shall develop a program to
271 use its allocation under Subsection (3) to implement a component of the school's improvement
272 plan, including:

273 (i) the school's identified most critical academic needs;

274 (ii) a recommended course of action to meet the identified academic needs;

275 (iii) a specific listing of any programs, practices, materials, or equipment which the

276 school will need to implement a component of its school improvement plan to have a direct
277 impact on the instruction of students and result in measurable increased student performance;
278 and

279 (iv) how the school intends to spend its allocation of funds under this section to
280 enhance or improve academic excellence at the school.

281 (b) The school may develop a multiyear program, but the program shall be presented
282 and approved by the school community council and the local school board of the district in
283 which the school is located annually and as a prerequisite to receiving program funds allocated
284 under this section.

285 (6) (a) Each school shall:

286 (i) implement the program as approved by the school community council and approved
287 by the local school board;

288 (ii) provide ongoing support for the council's or its subcommittee's program;

289 (iii) meet school board reporting requirements regarding financial and performance
290 accountability of the program; and

291 (iv) publicize to its patrons and the general public on how the funds it received under
292 this section were used to enhance or improve academic excellence at the school and implement
293 a component of the school's improvement plan, including the results of those efforts.

294 (b) (i) Each school through its council or its subcommittee shall prepare and present an
295 annual report of the program to its local school board at the end of the school year.

296 (ii) The report shall detail the use of program funds received by the school under this
297 section and an assessment of the results obtained from the use of the funds.

298 Section 5. Section **53A-17a-103** is amended to read:

299 **53A-17a-103. Definitions.**

300 As used in this chapter:

301 (1) "Basic state-supported school program" or "basic program" means public education
302 programs for kindergarten, elementary, and secondary school students that are operated and
303 maintained for the amount derived by multiplying the number of weighted pupil units for each
304 district by [~~\$2,132~~] \$2,150, except as otherwise provided in this chapter.

305 (2) "Certified revenue levy" means a property tax levy that provides [~~the same~~] an
306 amount of ad valorem property tax revenue [~~as was collected for the prior year, plus new~~]

307 ~~growth, but exclusive of revenue from collections from redemptions, interest, and penalties.]~~
 308 equal to the sum of:

309 (a) the amount of property tax revenue to be generated statewide in the previous year
 310 from imposing a minimum basic tax rate, as specified in Subsection 53A-17a-135(1)(a); and

311 (b) the product of:

312 (i) new growth, as defined in Section 59-2-924 and rules of the State Tax Commission;
 313 and

314 (ii) the minimum basic tax rate certified by the State Tax Commission for the previous
 315 year.

316 (3) "Leeway program" or "leeway" means a state-supported voted leeway program or
 317 board leeway program authorized under Section 53A-17a-133 or 53A-17a-134.

318 (4) "Pupil in average daily membership (ADM)" means a full-day equivalent pupil.

319 (5) (a) "State-supported minimum school program" or "minimum school program"
 320 means public school programs for kindergarten, elementary, and secondary schools as
 321 described in this Subsection (5).

322 (b) The minimum school program established in the districts shall include the
 323 equivalent of a school term of nine months as determined by the State Board of Education.

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

326 (ii) Education, enhanced by utilization of technologically enriched delivery systems,
 327 when approved by local school boards, shall receive full support by the State Board of
 328 Education as it pertains to fulfilling the attendance requirements, excluding time spent viewing
 329 commercial advertising.

330 (d) The program ~~[shall be operated and maintained for]~~ includes the total of the
 331 following annual costs:

332 (i) the cost of a basic state-supported school program; and

333 (ii) other amounts appropriated in this chapter [~~17a~~] in addition to the basic program[;
 334 ~~and~~].

335 [~~(iii) school construction aid programs authorized under Title 53A, Chapter 21, Public~~
 336 ~~Education Capital Outlay Act.]~~

337 (6) "Weighted pupil unit or units or WPU or WPUs" means the unit of measure of

338 factors that is computed in accordance with this chapter for the purpose of determining the
339 costs of a program on a uniform basis for each district.

340 Section 6. Section **53A-17a-104** is amended to read:

341 **53A-17a-104. Amount of state's contribution toward minimum school program.**

342 (1) The total contribution of the state toward the cost of the [~~operation and~~
343 ~~maintenance portion of the~~] minimum school program may not exceed the sum of
344 [~~\$1,581,482,794~~] \$1,608,582,133 for the fiscal year beginning July 1, [~~2002~~] 2003, except as
345 otherwise provided by the Legislature through supplemental appropriations.

346 (2) [~~It is intended that the funds provided are~~] There is appropriated to the State Board
347 of Education for distribution to school districts and charter schools, in accordance with this
348 chapter, monies for the following purposes and in the following amounts:

	[Estimated State and]
	[Local Funds at]
[Estimated	\$2,132]
[Weighted Purpose	Per Weighted]
[Pupil Units State Contribution	Pupil Unit]
[20,097 Basic program - kindergarten.	\$42,846,804]
[429,871 Basic program - grades 1-12.	\$916,484,972]
[41,187 Basic program - professional staff.	\$87,810,684]
[1,655 Basic program - administrative costs.	\$3,528,460]
[7,386 Basic program - necessarily existent small	\$15,746,952]
[schools and units for consolidated schools:]	
[52,997 Special education - regular program	\$112,989,604]
[-add-on WPU's for students with disabilities:]	
[6,146 Preschool Special Education Program.	\$13,103,272]
[12,542 Self-contained regular WPU's.	\$26,739,544]
[238 Extended year program for severely disabled.	\$507,416]
[1,358 Special education - state programs.	\$2,895,256]
[23,566 Applied technology and technical education	\$50,242,712]
[district programs:]	
[995 Applied technology district set-aside.	\$2,121,340]

369	[29,757] Class size reduction.	\$63,441,924]
370	[627,795] TOTAL OF ALL ABOVE PROGRAMS	\$1,338,458,940]
371	[Social Security and retirement programs.	\$217,072,218]
372	[Pupil Transportation to and from school.	\$56,164,040]
373	[Guarantee Transportation Levy.	\$500,000]
374	[Local Discretionary Block Grant Program.	\$21,824,448]
375	[Interventions for Student Success Block]	
376	[Grant Program	\$15,553,062]
377	[Quality Teaching Block Grant Program	\$64,178,111]
378	[Math and Science - Beginning]	
379	[Teacher Recruitment.	\$500,000]
380	[Highly Impacted Schools.	\$5,123,207]
381	[At-risk Programs.	\$24,324,161]
382	[Adult Education.	\$8,431,047]
383	[Accelerated Learning Programs.	\$8,622,674]
384	[Experimental and Developmental Program.	\$602,369]
385	[Electronic High School.	\$400,000]
386	[School LAND Trust Program.	\$6,000,000]
387	[State-supported voted leeway.	\$141,682,087]
388	[State-supported board leeway.	\$41,465,445]
389	[Total estimated contributions to	\$1,950,901,809]
390	[school districts for all programs.]	
391	[Less estimated proceeds from	\$369,419,015]
392	[state-supported local levies.]	
393	[TOTAL STATE FUNDS	\$1,581,482,794]
394	(a) <u>basic program - kindergarten, \$43,930,950 (20,433 WPUs);</u>	
395	(b) <u>basic program - grades 1-12, ^h [\$930,883,350 (432,969 WPUs) \$930,195,350</u>	
395a	<u>(432,649 WPUS) ^h ;</u>	
396	(c) <u>basic program - professional staff, \$89,513,100 (41,634 WPUs);</u>	
397	(d) <u>basic program - administrative costs, \$3,558,250 (1,655 WPUs);</u>	
398	(e) <u>basic program - necessarily existent small schools and units for consolidated</u>	
399	<u>schools, \$16,269,050 (7,567 WPUs);</u>	

- 400 (f) special education - regular program - add-on WPU for students with disabilities,
 401 \$115,001,350 (53,489 WPUs);
- 402 (g) preschool special education program, \$13,478,350 (6,269 WPUs);
 403 (h) self-contained regular WPUs, \$26,696,550 (12,417 WPUs);
 404 (i) extended year program for severely disabled, \$690,150 (321 WPUs);
 405 (j) special education programs in state institutions and district impact aid, \$2,919,700
 406 (1,358 WPUs);
- 407 (k) applied technology and technical education district programs, \$48,742,650 (22,671
 408 WPUs) **h** , INCLUDING \$915,861 FOR SUMMER APPLIED TECHNOLOGY AGRICULTURE
 408a PROGRAMS **h** ;
- 409 (l) applied technology district set-aside, \$2,139,250 (995 WPUs);
 410 (m) class size reduction, \$63,977,550 (29,757 WPUs);
 411 (n) Social Security and retirement programs, \$232,825,870;
 412 (o) pupil transportation to and from school, \$56,245,567, of which not less than
 413 \$1,952,878 shall be allocated to the Utah Schools for the Deaf and Blind to pay for
 414 transportation costs of the schools' students;
- 415 (p) guarantee transportation levy, \$500,000;
 416 (q) Local Discretionary Block Grant Program, \$21,824,448;
 417 (r) Interventions for Student Success Block Grant Program, **h** [~~\$15,683,708~~] **\$15,308,708, OF**
 417a **WHICH \$400,000 SHALL BE USED FOR SPECIAL INTERVENTION SUMMER PROGRAMS **h** ;**
- 418 (s) Quality Teaching Block Grant Program, **h** [~~\$58,557,506~~] **\$57,675,508 **h** ;**
 419 (t) math and science - beginning teacher recruitment, \$600,000;
 420 (u) highly impacted schools, \$5,123,207;
 421 (v) at-risk programs, \$24,778,484;
 422 (w) adult education, \$5,976,333;
 423 (x) accelerated learning programs, \$8,695,104;
 424 (y) electronic high school, \$400,000;
- 424a **h** UNIVERSITY OF UTAH READING CLINIC, \$375,000; **h**
- 425 (z) School LAND Trust Program, \$8,000,000;
 426 (aa) state-supported voted leeway, \$149,234,487;
 427 (bb) state-supported board leeway, \$43,367,832; and
 428 (cc) charter schools **h** [~~-replacement of local revenue, \$1,495,174~~] , PURSUANT TO SECTION
 428a **53A-1a-513, \$2,377,172 **h** .**
- 429 Section 7. Section **53A-17a-111** is amended to read:
 430 **53A-17a-111. Weighted pupil units for programs for students with disabilities --**

431 **District allocation.**

432 ~~[(1) There is appropriated to the State Board of Education for the fiscal year beginning~~
 433 ~~July 1, 2002, \$156,235,092 (73,281 weighted pupil units) for allocation to local school board~~
 434 ~~programs for students with disabilities.]~~

435 ~~[(2) Included in the appropriation is \$112,989,604 for add-on WPU's for students with~~
 436 ~~disabilities enrolled in regular programs.]~~

437 ~~[(3)]~~ (1) The number of weighted pupil units for students with disabilities shall reflect
 438 the direct cost of programs for those students conducted in accordance with rules established by
 439 the State Board of Education in accordance with Title 63, Chapter 46a, Utah Administrative
 440 Rulemaking Act.

441 ~~[(4)]~~ (2) Disability program monies allocated to districts are restricted and shall be
 442 spent for the education of students with disabilities but may include expenditures for approved
 443 programs of services conducted for certified instructional personnel who have students with
 444 disabilities in their classes.

445 ~~[(5)]~~ (3) The State Board of Education shall establish and strictly interpret definitions
 446 and provide standards for determining which students have disabilities and shall assist districts
 447 in determining the services that should be provided to students with disabilities.

448 ~~[(6)]~~ (4) Each year the board shall evaluate the standards and guidelines that establish
 449 the identifying criteria for disability classifications to assure strict compliance with those
 450 standards by the districts.

451 ~~[(7)]~~ (5) (a) ~~[Each district shall receive its allocation of monies]~~ Monies appropriated
 452 ~~[in Subsection 53A-17a-111(2)]~~ to the State Board of Education in Section 53A-17a-104 for
 453 add-on WPU's for students with disabilities enrolled in regular programs shall be allocated to
 454 school districts as provided in this Subsection (5).

455 ~~[(a) The]~~ (b) Beginning on July 1, 2003, the State Board of Education shall:

456 (i) use [the total] a district's \hat{h} [average] \hat{h} number of special education add-on weighted
 457 pupil units [used to fund fiscal year 1989-90] \hat{h} [in the previous five years] **DETERMINED BY THE**
 457a **PREVIOUS FIVE YEAR'S AVERAGE DAILY MEMBERSHIP DATA** \hat{h} as a foundation for the
 458 special education add-on appropriation[-]; and

459 (ii) implement a hold harmless provision for up to three years as needed to accomplish
 460 a phase-in period for school districts to accommodate the change in the special education
 461 add-on WPU's foundation formula.

462 ~~[(b)]~~ (c) A district's special education add-on WPUs for the current year may not be
463 less than the foundation special education add-on WPUs.

464 ~~[(8)]~~ (d) ~~[When monies appropriated under this chapter fund the foundation weighted~~
465 ~~pupil units, as outlined in Subsection (7)(a), growth]~~ Growth WPUs shall be added to the prior
466 year special education add-on WPUs, and growth WPUs shall be determined as follows:

467 ~~[(a)]~~ (i) The special education student growth factor is calculated by comparing S-3
468 total special education ADM of two years previous to the current year to the S-3 total special
469 education ADM three years previous to the current year, not to exceed the official October total
470 district growth factor from the prior year.

471 ~~[(b)]~~ (ii) When calculating and applying the growth factor, a district's S-3 total special
472 education ADM for a given year is limited to 12.18% of the district's S-3 total student ADM
473 for the same year.

474 ~~[(c)]~~ (iii) Growth ADMs are calculated by applying the growth factor ~~[in Subsection~~
475 ~~(8)(a)]~~ to the S-3 total special education ADM of two years previous to the current year.

476 ~~[(d)]~~ (iv) Growth ADMs for each district ~~[in Subsection (8)(c)]~~ are multiplied by 1.53
477 weighted pupil units and added to the prior year special education add-on WPU to determine
478 each district's total allocation.

479 ~~[(9)]~~ (6) If monies appropriated under this chapter for programs for students with
480 disabilities do not meet the costs of districts for those programs, each district shall first receive
481 the amount generated for each student with a disability under the basic program.

482 Section 8. Section **53A-17a-112** is amended to read:

483 **53A-17a-112. Preschool special education appropriation -- Extended year**
484 **program appropriation -- Appropriation for special education programs in state**
485 **institutions.**

486 ~~[(1) Included in the \$156,235,092 appropriation under Section 53A-17a-111 is:]~~

487 ~~[(a) an amount of \$13,103,272 for preschool special education programs;]~~

488 ~~[(b) an amount of \$26,739,544 for self-contained regular WPU special education~~
489 ~~programs;]~~

490 ~~[(c) an amount of \$507,416 for extended year programs for the severely disabled; and]~~

491 ~~[(d) an amount of \$2,895,256 for special education programs in state institutions and~~
492 ~~for district impact aid.]~~

493 ~~[(2)]~~ (1) (a) ~~[The amount designated]~~ Money appropriated to the State Board of
 494 Education for the preschool special education program ~~[under Subsection (1)(a) is]~~ in Section
 495 53A-17a-104 shall be allocated to school districts to provide a free, appropriate public
 496 education to preschool students with a disability, ages three through five.

497 (b) The monies ~~[are]~~ shall be distributed on the basis of a school district's previous year
 498 December 1 disabled preschool child count as mandated by federal law.

499 (3) ~~[The]~~ Monies appropriated for the extended school year program for the severely
 500 disabled ~~[is]~~ in Section 53A-17a-104 shall be limited to students with severe disabilities with
 501 education program goals identifying significant regression and recoupment disability as
 502 approved by the State Board of Education.

503 (4) (a) ~~[The monies]~~ Monies appropriated in Section 53A-17a-104 for self-contained
 504 regular special education programs may not be used to supplement other school programs.

505 (b) Monies in any of the other restricted line item appropriations may not be reduced
 506 more than 2% to be used for purposes other than those specified by the appropriation, unless
 507 otherwise provided by law.

508 (5) (a) The State Board of Education shall compute preschool funding by a factor of
 509 1.47 times the current December 1 child count of eligible preschool aged three, four, and
 510 five-year-olds times the WPU value, limited to 8% growth over the prior year December 1
 511 count.

512 (b) The board shall develop guidelines to implement the funding formula for preschool
 513 special education, and establish prevalence limits for distribution of the monies.

514 Section 9. Section **53A-17a-113** is amended to read:

515 **53A-17a-113. Weighted pupil units for applied technology education programs --**
 516 **Funding of approved programs -- Performance measures -- Qualifying criteria.**

517 ~~[(1) (a) There is appropriated to the State Board of Education for the fiscal year~~
 518 ~~beginning July 1, 2002, \$50,242,712 (23,566 weighted pupil units) to pay for approved applied~~
 519 ~~technology education programs and the comprehensive guidance program.]~~

520 ~~[(b) Included in the appropriation is \$908,232 (426 weighted pupil units) for summer~~
 521 ~~applied technology agriculture programs.]~~

522 ~~[(c) The money appropriated in this Subsection (1):]~~

523 (1) (a) Money appropriated to the State Board of Education in Section 53A-17a-104 for

524 approved applied technology programs and the comprehensive guidance program:

525 (i) shall be allocated to eligible recipients as provided in Subsections (2), (3), and (4);

526 and

527 (ii) may not be used to fund programs below the ninth grade level.

528 (b) Subsection (1)(a)(ii) does not apply to the following programs:

529 (i) comprehensive guidance;

530 (ii) Technology-Life-Careers; and

531 (iii) work-based learning programs.

532 (2) (a) Weighted pupil units are computed for pupils in approved programs.

533 [~~(a)~~] (b) (i) The board shall fund approved programs based upon hours of membership
534 of 9th through 12th grade students.

535 (ii) Subsection (2)(b)(i) does not apply to the following programs:

536 (A) comprehensive guidance;

537 (B) Technology-Life-Careers; and

538 (C) work-based learning programs.

539 [~~(b)~~] (c) The board shall use an amount not to exceed 20% of the total appropriation
540 under this section to fund approved programs based on performance measures such as
541 placement and competency attainment defined in standards set by the board.

542 [~~(c)~~] (d) Leadership organization funds shall constitute an amount not to exceed 1% of
543 the total appropriation under this section, and shall be distributed to each local educational
544 agency sponsoring applied technology student leadership organizations based on the agency's
545 share of the state's total membership in those organizations.

546 [~~(d)~~] (e) The board shall make the necessary calculations for distribution of the
547 appropriation to school districts and may revise and recommend changes necessary for
548 achieving equity and ease of administration.

549 (3) (a) Twenty weighted pupil units shall be computed for applied technology
550 education administrative costs for each district, except 25 weighted pupil units may be
551 computed for each district that consolidates applied technology administrative services with
552 one or more other districts.

553 (b) Between 10 and 25 weighted pupil units shall be computed for each high school
554 conducting approved applied technology education programs in a district according to

555 standards established by the board.

556 (c) Forty weighted pupil units shall be computed for each district that operates an
557 approved district applied technology center.

558 (d) Between five and seven weighted pupil units shall be computed for each summer
559 applied technology agriculture program according to standards established by the board.

560 (e) The board shall, by rule, establish qualifying criteria for districts to receive
561 weighted pupil units under this Subsection (3).

562 (4) (a) Monies remaining after the allocations made under Subsections (2) and (3) shall
563 be allocated using average daily membership in approved programs for the previous year.

564 (b) A district that has experienced student growth in grades 9 through 12 for the
565 previous year shall have the growth factor applied to the previous year's weighted pupil units
566 when calculating the allocation of monies under this Subsection (4).

567 (5) (a) The board shall establish rules for the upgrading of high school applied
568 technology education programs.

569 (b) The rules shall reflect technical training and actual marketable job skills in society.

570 (c) The rules shall include procedures to assist school districts to convert existing
571 programs which are not preparing students for the job market into programs that will
572 accomplish that purpose.

573 (6) Programs that do not meet board standards may not be funded under this section.

574 Section 10. Section **53A-17a-116** is amended to read:

575 **53A-17a-116. Weighted pupil units for applied technology set-aside programs.**

576 [~~(1) There is appropriated to the State Board of Education for the fiscal year beginning~~
577 ~~July 1, 2002, \$2,121,340 (995 weighted pupil units) for an applied technology set-aside~~
578 ~~program.~~]

579 [~~(2)~~] (1) Each district shall receive a guaranteed minimum allocation from the monies
580 appropriated [~~in Subsection (1)~~] to the State Board of Education in Section 53A-17a-104 for an
581 applied technology set-aside program.

582 [~~(3)~~] (2) The set-aside funds remaining after the initial minimum payment allocation
583 are distributed by an RFP process to help pay for equipment costs necessary to initiate new
584 programs and for high priority programs as determined by labor market information.

585 Section 11. Section **53A-17a-119** is amended to read:

586 **53A-17a-119. Appropriation for adult education programs.**

587 (1) ~~[There is]~~ Money appropriated to the State Board of Education ~~[for the fiscal year~~
588 ~~beginning July 1, 2002, \$8,431,047 for allocation to local school boards]~~ in Section
589 53A-17a-104 for adult education ~~[programs, consisting of]~~ shall be allocated to local school
590 boards for adult high school completion and adult basic skills programs.

591 (2) Each district shall receive its pro rata share of the appropriation for adult high
592 school completion programs based on the number of people listed in the latest official census
593 who are over 18 years of age and who do not have a high school diploma and prior year
594 participation or as approved by board rule.

595 (3) On February 1 of each school year, the State Board of Education shall recapture
596 monies not used for an adult high school completion program for reallocation to districts that
597 have implemented programs based on need and effort as determined by the board.

598 (4) To the extent of monies available, school districts shall provide programs to adults
599 who do not have a diploma and who intend to graduate from high school, with particular
600 emphasis on homeless individuals who are seeking literacy and life skills.

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

603 (6) The board shall provide the Legislature with a recommendation as to if and when
604 any fees should be charged for participation in the adult high school completion programs
605 funded under this section.

606 (7) School districts shall spend money on adult basic skills programs according to
607 standards established by the board.

608 Section 12. Section **53A-17a-120** is amended to read:

609 **53A-17a-120. Appropriation for accelerated learning programs.**

610 (1) ~~[There is]~~ Money appropriated to the State Board of Education ~~[for the fiscal year~~
611 ~~beginning July 1, 2002, \$8,622,674 for allocation to local school boards]~~ in Section
612 53A-17a-104 for accelerated learning programs ~~[in grades one through 12, which include]~~ shall
613 be allocated to local school boards for the following programs:

614 (a) programs in grades 1-12 for the gifted and talented[;];

615 (b) concurrent enrollment[;]; and

616 (c) advanced placement.

617 (2) (a) A school participating in the concurrent enrollment programs offered under
618 Section 53A-15-101 shall receive on a per student basis up to \$33.33 per quarter hour or \$50
619 per semester hour for each hour of higher education course work undertaken at the school.

620 (b) Each year the amounts specified in Subsection (2)(a) shall be adjusted in proportion
621 to the increase in the value of the weighted pupil unit from the prior year established in
622 Subsection 53A-17a-103(1).

623 (3) (a) Districts shall spend monies for these programs according to rules established
624 by the State Board of Education in accordance with Title 63, Chapter 46a, Utah Administrative
625 Rulemaking Act.

626 (b) The State Board of Education shall develop uniform and consistent policies for
627 school districts to follow in utilizing advanced placement and concurrent enrollment monies.

628 Section 13. Section **53A-17a-121** is amended to read:

629 **53A-17a-121. Appropriation for at-risk programs.**

630 (1) [~~There is~~] Money appropriated to the State Board of Education [~~for the fiscal year~~
631 ~~beginning July 1, 2002, \$24,324,161 for allocation to local school boards]~~ in Section
632 53A-17a-104 for at-risk programs[~~, including~~] shall be allocated to local school boards for the
633 following programs:

634 (a) youth in custody;

635 (b) homeless and disadvantaged minority students;

636 (c) mathematics, engineering, and science achievement programs;

637 (d) gang prevention and intervention; and

638 (e) at-risk flow through.

639 (2) Districts shall spend monies for these programs according to rules established by
640 the State Board of Education in accordance with Title 63, Chapter 46a, Utah Administrative
641 Rulemaking Act.

642 (3) (a) From the amount appropriated for youth at risk programs, the board shall
643 allocate moneys to school districts for homeless and disadvantaged minority students.

644 (b) Each district shall receive its allocation on the basis of:

645 (i) the total number of homeless students in the district;

646 (ii) added to 50% of the number of disadvantaged minority students in the district;

647 (iii) multiplying the total of Subsections (3)(b)(i) and (ii) by the value of the weighted

648 pupil unit; and

649 (iv) prorating the amount under Subsection (3)(b)(iii) to the amount in Subsection
650 (3)(a).

651 (4) (a) From the amount appropriated for at-risk programs, the board shall allocate
652 monies for mathematics, engineering, and science achievement programs, MESA programs, in
653 the districts.

654 (b) The board shall make the distribution to school districts on a competitive basis by
655 application under guidelines established by the board.

656 (5) (a) From the amount appropriated for at-risk programs, the board shall distribute
657 moneys for gang prevention and intervention programs at the district or school level.

658 (b) The board shall make the distribution to school districts under guidelines
659 established by the board consistent with Section 53A-15-601.

660 (6) (a) From the amount appropriated for at-risk programs, the board shall distribute
661 moneys for programs for youth in custody.

662 (b) The board shall allocate these moneys to school districts which operate programs
663 for youth in custody in accordance with standards established by the board.

664 (7) From the amount appropriated for at-risk programs, the board shall allocate monies
665 based on:

666 (a) a formula which takes into account prior year WPU's per district and a district's low
667 income population; and

668 (b) a minimum base of no less than \$18,600 for small school districts.

669 Section 14. Section **53A-17a-123** is amended to read:

670 **53A-17a-123. Local Discretionary Block Grant Program -- State contribution.**

671 [~~(1) There is appropriated to the State Board of Education for the fiscal year beginning~~
672 ~~July 1, 2002, \$21,824,448 for the Local Discretionary Block Grant Program.]~~

673 [(~~2~~)] (1) The State Board of Education shall distribute [the] money appropriated [in
674 ~~Subsection (1)~~] for the Local Discretionary Block Grant Program in Section 53A-17a-104 to
675 school districts and charter schools according to a formula adopted by the board, after
676 consultation with school districts and charter schools, that allocates the funding in a fair and
677 equitable manner.

678 [(~~3~~)] (2) Schools districts and charter schools shall use Local Discretionary Block

679 Grant monies for:

- 680 (a) maintenance and operation costs;
- 681 (b) capital outlay; ~~and~~ or
- 682 (c) debt service.

683 Section 15. Section **53A-17a-123.5** is amended to read:

684 **53A-17a-123.5. Interventions for Student Success Block Grant Program -- State**
685 **contribution.**

686 ~~[(1) There is appropriated to the State Board of Education for the fiscal year beginning~~
687 ~~July 1, 2002, \$15,553,062 for the Interventions for Student Success Block Grant Program.]~~

688 ~~[(2)]~~ (1) The State Board of Education shall distribute ~~[the]~~ money appropriated ~~[in~~
689 ~~Subsection (1)]~~ for the Interventions for Student Success Block Grant Program in Section
690 53A-17a-104 to school districts and charter schools according to a formula adopted by the
691 board, after consultation with school districts and charter schools, that allocates the funding in
692 a fair and equitable manner.

693 ~~[(3)]~~ (2) Schools districts and charter schools shall use Interventions for Student
694 Success Block Grant monies to improve student academic success, with priority given to
695 interventions on behalf of students not performing to standards as determined by U-PASS test
696 results.

697 ~~[(4)]~~ (3) (a) Each school district shall develop a plan for the expenditure of
698 Interventions for Student Success Block Grant monies.

699 (b) The plan:

- 700 (i) shall specify anticipated results; and
 - 701 (ii) may include continuing existing programs to improve students' academic success
- 702 for which funds were appropriated before the establishment of the block grant.

703 (c) The local school board shall approve the plan for the expenditure of the block grant
704 monies in an open public meeting before the monies are spent.

705 Section 16. Section **53A-17a-124** is amended to read:

706 **53A-17a-124. Quality Teaching Block Grant Program -- State contributions.**

707 ~~[(1) There is appropriated to the State Board of Education for the fiscal year beginning~~
708 ~~July 1, 2002, \$64,178,111 for the Quality Teaching Block Grant Program.]~~

709 ~~[(2)]~~ (1) The State Board of Education shall distribute ~~[the]~~ money appropriated ~~[in~~

710 ~~Subsection (1)]~~ for the Quality Teaching Block Grant Program in Section 53A-17a-104 to
711 school districts and charter schools according to a formula adopted by the board, after
712 consultation with school districts and charter schools, that allocates the funding in a fair and
713 equitable manner.

714 ~~[(3)]~~ (2) (a) Schools districts and charter schools shall use Quality Teaching Block
715 Grant monies to implement school and school district comprehensive, long-term professional
716 development plans required by Section 53A-3-701.

717 (b) In recognition of exceptional quality teaching, Quality Teaching Block Grant
718 monies may be used for the award of individual Quality Teaching Bonuses for Exemplary
719 Teachers to recognize and reward excellence in classrooms as determined by school principals
720 in partnership with their school community councils.

721 ~~[(4)]~~ (3) Each local school board shall:

722 (a) as provided by Section 53A-3-701, review and either approve or recommend
723 modifications for each school's comprehensive, long-term professional development plan
724 within the district so that each school's plan is compatible with the district's comprehensive,
725 long-term professional development plan; and

726 (b) in an open public meeting, approve a plan to spend Quality Teaching Block Grant
727 monies to implement the school district's comprehensive, long-term professional development
728 plan.

729 Section 17. Section **53A-17a-124.5** is amended to read:

730 **53A-17a-124.5. Appropriation for class size reduction.**

731 (1) ~~[There is]~~ Money appropriated to the State Board of Education ~~[for the fiscal year~~
732 ~~beginning July 1, 2002, \$63,441,924 (29,757 weighted pupil units)]~~ in Section 53A-17a-104
733 for class size reduction shall be used to reduce the average class size in kindergarten through
734 the eighth grade in the state's public schools.

735 (2) Each district shall receive its allocation based upon prior year average daily
736 membership in kindergarten through grade eight plus growth as determined under Subsection
737 53A-17a-106(3) as compared to the state total.

738 (3) (a) A district may use its allocation to reduce class size in any one or all of the
739 grades referred to under this section, except as otherwise provided in Subsection (3)(b).

740 (b) (i) Each district shall use 50% of its allocation to reduce class size in any one or all

741 of grades kindergarten through grade two, with an emphasis on improving student reading
742 skills.

743 (ii) If a district's average class size is below 18 in grades kindergarten through two, it
744 may petition the state board for, and the state board may grant, a waiver to use its allocation
745 under Subsection (3)(b)(i) for class size reduction in the other grades.

746 (4) Schools may use nontraditional innovative and creative methods to reduce class
747 sizes with this appropriation and may use part of their allocation to focus on class size
748 reduction for specific groups, such as at risk students, or for specific blocks of time during the
749 school day.

750 (5) (a) A school district may use up to 20% of its allocation under Subsection (1) for
751 capital facilities projects if such projects would help to reduce class size.

752 (b) If a school district's student population increases by 5% or 700 students from the
753 previous school year, the school district may use up to 50% of any allocation it receives under
754 this section for classroom construction.

755 (6) This appropriation is to supplement any other appropriation made for class size
756 reduction.

757 (7) (a) The State Board of Education shall compile information on class size, both in
758 average student-teacher ratios and in actual number of students enrolled in each classroom by
759 grade level for elementary grades and by subject matter for secondary grades.

760 (b) The State Board of Education shall establish uniform class size reporting rules
761 among districts.

762 (c) Provisions may be made for explaining special circumstances where class size
763 exceeds or is below normal distributions.

764 (8) (a) Each school district shall provide annually to the state superintendent of public
765 instruction a summary report on the overall district plan for utilizing class size reduction funds
766 provided by the Legislature.

767 (b) If the district has received new additional class size reduction funds during the
768 previous year, the district shall report data identifying how:

769 (i) the use of the funds complies with legislative intent; and

770 (ii) the use of the funds supplements the district's class size reduction plan.

771 (9) The Legislature shall provide for an annual adjustment in the appropriation

772 authorized under this section in proportion to the increase in the number of students in the state
773 in kindergarten through grade eight.

774 Section 18. Section **53A-17a-125** is amended to read:

775 **53A-17a-125. Appropriation for retirement and Social Security.**

776 [~~(1) There is appropriated to the State Board of Education for the fiscal year beginning~~
777 ~~July 1, 2002, \$217,072,218 for retirement and social security costs.~~]

778 [~~(2)~~] (1) The employee's retirement contribution shall be 1% for employees who are
779 under the state's contributory retirement program.

780 [~~(3)~~] (2) The employer's contribution under the state's contributory retirement program
781 is determined under Section 49-12-301, subject to the 1% contribution under Subsection [~~(2)~~]
782 (1).

783 [~~(4)~~] (3) The employer-employee contribution rate for employees who are under the
784 state's noncontributory retirement program is determined under Section 49-13-301.

785 [~~(5)~~] (4) (a) [~~Each school district shall receive its share of~~] Money appropriated to the
786 State Board of Education in Section 53A-17a-104 for retirement and Social Security monies
787 shall be allocated to school districts based on [its] a district's total weighted pupil units
788 compared to the total weighted pupil units for all districts in the state.

789 (b) The monies needed to support retirement and Social Security shall be determined
790 by taking the district's prior year allocation and adjusting it for:

791 (i) student growth;

792 (ii) the percentage increase in the value of the weighted pupil unit; and

793 (iii) the effect of any change in the rates for retirement, Social Security, or both.

794 Section 19. Section **53A-17a-126** is amended to read:

795 **53A-17a-126. State support of pupil transportation.**

796 (1) [~~The state's contribution of \$56,164,040~~] Money appropriated to the State Board of
797 Education in Section 53A-17a-104 for state-supported transportation of public school students
798 [~~for the fiscal year beginning on July 1, 2002, is~~] shall be apportioned and distributed in
799 accordance with Section 53A-17a-127, except as otherwise provided in this section.

800 [~~(2)(a) Included in the appropriation under Subsection (1) is an amount not less than~~
801 ~~\$1,936,610 to be deducted prior to any other distribution under this section to school districts,~~
802 ~~and allocated to the Utah Schools for the Deaf and the Blind to pay transportation costs of the~~

803 schools' students.]

804 ~~[(b)]~~ (2) (a) The Utah Schools for the Deaf and the Blind shall ~~[utilize these funds]~~ use
805 money appropriated in Section 53A-17a-104 to pay for transportation of their students based on
806 current valid contractual arrangements and best transportation options and methods as
807 determined by the schools.

808 ~~[(c)]~~ (b) All student transportation costs of the schools shall be paid from the allocation
809 of pupil transportation monies received under ~~[Subsection (2)]~~ Section 53A-17a-104.

810 (3) Each district shall receive its approved transportation costs, except that if during the
811 fiscal year the total transportation allowance for all districts exceeds the amount appropriated,
812 all allowances shall be reduced pro rata to equal not more than that amount.

813 ~~[(4) Included in the appropriation under Subsection (1) is an amount of \$187,000 for~~
814 ~~transportation of students, as approved by the state board, for school districts that consolidate~~
815 ~~schools, implement double session programs at the elementary level, or utilize other~~
816 ~~alternatives to building construction that require additional student transportation.]~~

817 ~~[(5) (a) Part of the state's contribution for transportation, not to exceed \$200,000, may~~
818 ~~be used as an incentive for districts to increase economy and productivity in student~~
819 ~~transportation.]~~

820 ~~[(b) This amount is distributed on a pro rata basis among districts which have achieved~~
821 ~~the most efficiency according to the state formula.]~~

822 ~~[(c) Districts receiving the incentive funding may expend the monies at the discretion~~
823 ~~of the local school board.]~~

824 ~~[(6)]~~ (4) (a) Local school boards shall provide salary adjustments to employee groups
825 that work with the transportation of students comparable to those of classified employees
826 authorized under Section 53A-17a-137, when dividing the weighted pupil unit for salary
827 adjustment purposes.

828 (b) The State Board of Education shall conduct a study to evaluate the reimbursement
829 system of funding for pupil transportation with emphasis on looking at methodologies that will
830 provide incentives for districts that will encourage economical practices.

831 Section 20. Section **53A-17a-131.15** is amended to read:

832 **53A-17a-131.15. State contribution for the Electronic High School.**

833 ~~[The state's contribution of \$400,000 for the Electronic High School for the fiscal year~~

834 ~~beginning July 1, 2002, is] Money appropriated to the State Board of Education [for~~
835 ~~distribution] in Section 53A-17a-104 for the Electronic High School shall be distributed to the~~
836 school according to rules established by the board in accordance with Title 63, Chapter 46a,
837 Utah Administrative Rulemaking Act.

838 Section 21. Section **53A-17a-131.17** is amended to read:

839 **53A-17a-131.17. State contribution for School LAND Trust Program.**

840 (1) ~~[(a) Except as provided in Subsection (1)(b);]~~ Notwithstanding Section
841 53A-17a-104, there is appropriated ~~[\$6,000,000]~~ \$8,000,000 to the State Board of Education as
842 the state's contribution for the School LAND Trust Program for the fiscal year beginning July
843 1, 2002.

844 ~~[(b) If the amount of money in the Uniform School Fund described in Subsection~~
845 ~~53A-16-101.5(2) is less than or greater than \$6,000,000, the appropriation shall be equal to the~~
846 ~~amount of money in the Uniform School Fund described in Subsection 53A-16-101.5(2).]~~

847 (2) The State Board of Education shall distribute the money appropriated in Subsection
848 (1) in accordance with Section 53A-16-101.5 and rules established by the board in accordance
849 with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

850 Section 22. Section **53A-17a-133** is amended to read:

851 **53A-17a-133. State-supported voted leeway program authorized -- Election**
852 **requirements -- State guarantee -- Reconsideration of the program.**

853 (1) An election to consider adoption or modification of a voted leeway program is
854 required if initiative petitions signed by 10% of the number of electors who voted at the last
855 preceding general election are presented to the local school board or by action of the board.

856 (2) (a) (i) To establish a voted leeway program, a majority of the electors of a district
857 voting at an election in the manner set forth in Section 53A-16-110 must vote in favor of a
858 special tax.

859 (ii) The tax rate may not exceed .002 per dollar of taxable value.

860 (b) The district may maintain a school program which exceeds the cost of the program
861 referred to in Section 53A-17a-145 with this voted leeway.

862 (c) In order to receive state support the first year, a district must receive voter approval
863 no later than December 1 of the year prior to implementation.

864 ~~[(d) The additional program is the state-supported voted leeway program of the~~

865 district.]

866 (3) (a) Under the voted leeway program, the state shall contribute an amount sufficient
867 to guarantee \$17.14 per weighted pupil unit for each .0001 of the first .0016 per dollar of
868 taxable value.

869 (b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar
870 of taxable value under Subsection (3)(a) shall apply to the board-approved leeway authorized
871 in Section 53A-17a-134, so that the guarantee shall apply up to a total of .002 per dollar of
872 taxable value if a school district levies a tax rate under both programs.

873 (c) (i) Beginning July 1, [~~2003~~] 2004, the \$17.14 guarantee under Subsections (3)(a)
874 and (b) shall be indexed each year to the value of the weighted pupil unit by making the value
875 of the guarantee equal to .008544 times the value of the prior year's weighted pupil unit.

876 (ii) The guarantee shall increase by .0005 times the value of the prior year's weighted
877 pupil unit for each succeeding year until the guarantee is equal to .010544 times the value of
878 the prior year's weighted pupil unit.

879 (d) (i) The amount of state guarantee money to which a school district would otherwise
880 be entitled to under this Subsection (3) may not be reduced for the sole reason that the district's
881 levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924
882 pursuant to changes in property valuation.

883 (ii) Subsection (3)(d)(i) applies for a period of two years following any such change in
884 the certified tax rate.

885 (4) (a) An election to modify an existing voted leeway program is not a reconsideration
886 of the existing program unless the proposition submitted to the electors expressly so states.

887 (b) A majority vote opposing a modification does not deprive the district of authority to
888 continue an existing program.

889 (c) If adoption of a leeway program is contingent upon an offset reducing other local
890 school board levies, the board must allow the electors, in an election, to consider modifying or
891 discontinuing the program prior to a subsequent increase in other levies that would increase the
892 total local school board levy.

893 (d) Nothing contained in this section terminates, without an election, the authority of a
894 school district to continue an existing voted leeway program previously authorized by the
895 voters.

896 Section 23. Section **53A-17a-135** is amended to read:

897 **53A-17a-135. Minimum basic tax rate -- Certified revenue levy.**

898 (1) (a) In order to qualify for receipt of the state contribution toward the basic program
899 and as its contribution toward its costs of the basic program, each school district shall impose a
900 minimum basic tax rate per dollar of taxable value that generates [~~\$206,690,578~~] \$212,110,681
901 in revenues statewide.

902 (b) The preliminary estimate for the [~~2002-03~~] 2003-04 minimum basic tax rate is
903 [~~:001813~~] .001743.

904 (c) The State Tax Commission shall certify on or before June 22 the rate that generates
905 [~~\$206,690,578~~] \$212,110,681 in revenues statewide.

906 (d) If the minimum basic tax rate exceeds the certified revenue levy as defined in
907 Section [~~59-2-102~~] 53A-17a-103, the state is subject to the notice requirements of Section
908 59-2-926.

909 (2) (a) The state shall contribute to each district toward the cost of the basic program in
910 the district that portion which exceeds the proceeds of the levy authorized under Subsection
911 (1).

912 (b) In accord with the state strategic plan for public education and to fulfill its
913 responsibility for the development and implementation of that plan, the Legislature instructs
914 the State Board of Education, the governor, and the Office of Legislative Fiscal Analyst in each
915 of the coming five years to develop budgets that will fully fund student enrollment growth.

916 (3) (a) If the proceeds of the levy authorized under Subsection (1) equal or exceed the
917 cost of the basic program in a school district, no state contribution shall be made to the basic
918 program.

919 (b) The proceeds of the levy authorized under Subsection (1) which exceed the cost of
920 the basic program shall be paid into the Uniform School Fund as provided by law.

921 Section 24. Section **53A-17a-148** is amended to read:

922 **53A-17a-148. Use of nonlapsing balances.**

923 For the fiscal year beginning on July 1, [~~2002~~] 2003, the State Board of Education may
924 use up to \$300,000 of nonlapsing balances for the following:

925 (1) to stabilize the value of the weighted pupil unit;

926 (2) to maintain program levels in school districts that may experience unanticipated

927 and unforeseen losses of students;

928 (3) to equalize programs in school districts where a strict application of the law
929 provides inequity;

930 (4) to pay the added cost when students attend school out of state;

931 (5) to assist in the operation of the laboratory school at Utah State University, through
932 the allocation of monies for a career ladder program at the school; and

933 (6) other uses approved by the board.

934 Section 25. Section **53A-21-102** is amended to read:

935 **53A-21-102. Capital Outlay Foundation Program -- Enrollment Growth Program**
936 **-- Loan Program.**

937 (1) ~~[There is established a]~~ The Capital Outlay Foundation Program and the
938 Enrollment Growth Program are established to provide revenues to school districts for the
939 purposes of capital outlay bonding, construction, and renovation.

940 (2) ~~[There is established a]~~ The Capital Outlay Loan Program is established to provide
941 short-term help to school districts to meet district needs for school building construction and
942 renovation.

943 (3) School districts shall use the monies provided to them under the ~~[foundation and~~
944 ~~loan]~~ programs established by this section solely for school district capital outlay and debt
945 service purposes.

946 Section 26. Section **53A-21-103** is amended to read:

947 **53A-21-103. Qualifications for participation in the foundation program --**
948 **Distribution of monies -- Distribution formulas.**

949 (1) In order for a school district to qualify for monies under the Capital Outlay
950 Foundation Program established in Subsection 53A-21-102(1), a local school board must levy a
951 tax rate of up to .0024 per dollar of taxable value for capital outlay and debt service.

952 (2) ~~(a)~~ The State Board of Education shall adopt ~~[a rule]~~ rules in accordance with
953 Title 63, Chapter 46a, Utah Administrative Rulemaking Act, that ~~[allows]~~:

954 (a) allow a school district levying less than the full .0024 tax rate to receive
955 proportional funding under the foundation program based upon the percentage of the .0024 tax
956 rate levied by the district~~[-]; and~~

957 ~~[(b) The rules may include hold harmless provisions for up to two years.]~~

958 (b) maintain a school district's funding under the Capital Outlay Foundation Program
959 for up to two years if the school district's funding would otherwise be reduced as a consequence
960 of changes in the certified tax rate under Section 59-2-924 due to changes in property
961 valuation.

962 (3) The State Board of Education shall distribute monies in the Capital Outlay
963 Foundation Program in accordance with a formula developed by the state superintendent of
964 public instruction [~~based on a minimum guarantee per average daily membership as computed~~
965 ~~by the state superintendent using.~~] which guarantees that a tax rate of up to .0024 per dollar of
966 taxable value for capital outlay and debt service yields a minimum amount per pupil in average
967 daily membership.

968 [~~(a) available monies; and]~~

969 [~~(b) the assessed valuation per average daily membership in each school district.]~~

970 Section 27. Section **53A-21-103.5** is enacted to read:

971 **53A-21-103.5. Qualifications for participation in the Enrollment Growth Program**
972 **-- State Board of Education rules -- Distribution formula.**

973 (1) (a) In order to qualify for monies under the Enrollment Growth Program established
974 in Section 53A-21-102, a school district must be a recipient of monies distributed under the
975 Capital Outlay Foundation Program, except as provided in Subsection (1)(b).

976 (b) A school district that is not a recipient of Capital Outlay Foundation Program
977 monies in fiscal year 2003-04, fiscal year 2004-05, or both, may qualify for monies under the
978 Enrollment Growth Program if the school district received Capital Outlay Foundation Program
979 monies in fiscal year 2002-03.

980 (2) (a) The State Board of Education shall distribute monies in the Enrollment Growth
981 Program to qualifying school districts whose average net enrollment for the prior three years is
982 a net increase in enrollment.

983 (b) A school district that meets the criteria of Subsection (2)(a) shall receive
984 Enrollment Growth Program monies in the same proportion that the district's three-year
985 average net enrollment bears to the total three-year net enrollment of all the districts that meet
986 the criteria of Subsection (2)(a).

987 (c) The State Board of Education shall make rules in accordance with Title 63, Chapter
988 46a, Utah Administrative Rulemaking Act, to administer this section.

989 Section 28. Section **53A-21-105** is amended to read:

990 **53A-21-105. State contribution to capital outlay programs.**

991 (1) The state contribution toward the cost of the programs established under Section
992 53A-21-102 for the fiscal year beginning July 1, [~~2002~~] 2003, shall consist of an appropriation
993 totaling [~~\$28,358,000~~] \$28,000,000 to the State Board of Education from the Uniform School
994 Fund.

995 (2) Of the monies appropriated in Subsection (1), the State Board of Education shall
996 distribute:

997 (a) \$24,358,000 in accordance with the Capital Outlay Foundation Program described
998 in Section 53A-21-103; and

999 (b) \$3,642,000 in accordance with the Enrollment Growth Program described in
1000 Section 53A-21-103.5.

1001 Section 29. Section **59-2-906.1** is amended to read:

1002 **59-2-906.1. Property Tax Valuation Agency Fund -- Creation -- Statewide levy --**
1003 **Additional county levy permitted.**

1004 (1) (a) There is created the Property Tax Valuation Agency Fund, to be funded by a
1005 multicounty assessing and collecting levy not to exceed .0003 as provided in Subsection (2).

1006 (b) The multicounty assessing and collecting levy under Subsection (1)(a) shall be
1007 imposed annually by each county in the state.

1008 (c) The purpose of the multicounty assessing and collecting levy created under
1009 Subsection (1)(a) and the disbursement formulas established in Section 59-2-906.2 is to
1010 promote the accurate valuation of property, the establishment and maintenance of uniform
1011 assessment levels within and among counties, and the efficient administration of the property
1012 tax system, including the costs of assessment, collection, and distribution of property taxes.

1013 (d) Income derived from the investment of money in the fund created in this
1014 Subsection (1) shall be deposited in and become part of the fund.

1015 (2) (a) Except as authorized in Subsection (2)(b), beginning in fiscal year 1996-97 to
1016 fund the Property Tax Valuation Agency Fund the Legislature shall authorize the amount of the
1017 multicounty assessing and collecting levy, except that the multicounty assessing and collecting
1018 levy may not exceed the certified revenue levy as defined in Section [~~53A-17a-103~~] 59-2-102.

1019 (b) If the Legislature authorizes a multicounty assessing and collecting levy that

1020 exceeds the certified revenue levy, it is subject to the notice requirements of Section 59-2-926.

1021 (c) For the calendar year beginning on January 1, 1998, and ending December 31,
1022 1998, the certified revenue levy shall be increased by the amount necessary to offset the
1023 decrease in revenues from uniform fees on tangible personal property under Section 59-2-405
1024 as a result of the decrease in uniform fees on tangible personal property under Section 59-2-405
1025 enacted by the Legislature during the 1997 Annual General Session.

1026 (d) For the calendar year beginning on January 1, 1999, and ending on December 31,
1027 1999, the certified revenue levy shall be adjusted by the amount necessary to offset the
1028 adjustment in revenues from uniform fees on tangible personal property under Section
1029 59-2-405.1 as a result of the adjustment in uniform fees on tangible personal property under
1030 Section 59-2-405.1 enacted by the Legislature during the 1998 Annual General Session.

1031 (3) (a) The multicounty assessing and collecting levy authorized by the Legislature
1032 under Subsection (2) shall be separately stated on the tax notice as a multicounty assessing and
1033 collecting levy.

1034 (b) The multicounty assessing and collecting levy authorized by the Legislature under
1035 Subsection (2) is:

1036 (i) exempt from the redevelopment provisions of Sections 17B-4-1003 and
1037 17B-4-1004;

1038 (ii) in addition to and exempt from the maximum levies allowable under Section
1039 59-2-908; and

1040 (iii) exempt from the notice requirements of Sections 59-2-918 and 59-2-919.

1041 (c) Each county shall transmit quarterly to the state treasurer the portion of the .0003
1042 multicounty assessing and collecting levy which is above the amount to which that county is
1043 entitled to under Section 59-2-906.2.

1044 (i) The revenue shall be transmitted no later than the tenth day of the month following
1045 the end of the quarter in which the revenue is collected.

1046 (ii) If revenue is transmitted after the tenth day of the month following the end of the
1047 quarter in which the revenue is collected, the county shall pay an interest penalty at the rate of
1048 10% each year until the revenue is transmitted.

1049 (d) The state treasurer shall deposit the revenue from the multicounty assessing and
1050 collecting levy, any interest accrued from that levy, and any penalties received under

1051 Subsection (3)(c) in the Property Tax Valuation Agency Fund.

1052 (4) Each county may levy an additional property tax up to .0002 per dollar of taxable
1053 value of taxable property as reported by each county. This levy shall be stated on the tax notice
1054 as a county assessing and collecting levy.

1055 (a) The purpose of the levy established in this Subsection (4) is to promote the accurate
1056 valuation of property, the establishment and maintenance of uniform assessment levels within
1057 and among counties, and the efficient administration of the property tax system, including the
1058 costs of assessment, collection, and distribution of property taxes.

1059 (b) Any levy established in Subsection (4)(a) is:

1060 (i) exempt from the redevelopment provisions of Sections 17B-4-1003 and
1061 17B-4-1004;

1062 (ii) in addition to and exempt from the maximum levies allowable under Section
1063 59-2-908; and

1064 (iii) is subject to the notice requirements of Sections 59-2-918 and 59-2-919.

1065 Section 30. Section **59-2-926** is amended to read:

1066 **59-2-926. Proposed tax increase by state -- Notice -- Contents -- Dates.**

1067 If the state authorizes a levy pursuant to Section 53A-17a-135 that exceeds the certified
1068 revenue levy as defined in Section 53A-17a-103 or authorizes a levy pursuant to Section
1069 59-2-906.1 that exceeds the certified revenue levy as defined in Section 59-2-102, the state
1070 shall publish a notice no later than ten days after the last day of the annual legislative general
1071 session that meets the following requirements:

1072 (1) The Office of the Legislative Fiscal Analyst shall advertise that the state authorized
1073 a levy that generates revenue in excess of the previous year's ad valorem tax revenue, plus new
1074 growth, but exclusive of revenue from collections from redemptions, interest, and penalties in a
1075 newspaper of general circulation in the state. The advertisement shall be no less than 1/4 page
1076 in size and the type used shall be no smaller than 18 point, and surrounded by a 1/4-inch
1077 border. The advertisement may not be placed in that portion of the newspaper where legal
1078 notices and classified advertisements appear. The advertisement shall be run once.

1079 (2) The form and content of the notice shall be substantially as follows:

1080 "NOTICE OF TAX INCREASE

1081 The state has budgeted an increase in its property tax revenue from \$_____ to

1082 \$_____ or ____%. The increase in property tax revenues will come from the following
1083 sources (include all of the following provisions):

1084 (a) \$_____ of the increase will come from (provide an explanation of the cause
1085 of adjustment or increased revenues, such as reappraisals or factoring orders);

1086 (b) \$_____ of the increase will come from natural increases in the value of the
1087 tax base due to (explain cause of new growth, such as new building activity, annexation, etc.);

1088 (c) a home valued at \$100,000 in the state of Utah which based on last year's (levy for
1089 the basic state-supported school program, levy for the Property Tax Valuation Agency Fund, or
1090 both) paid \$_____ in property taxes would pay the following:

1091 (i) \$_____ if the state of Utah did not budget an increase in property tax revenue
1092 exclusive of new growth; and

1093 (ii) \$_____ under the increased property tax revenues exclusive of new growth
1094 budgeted by the state of Utah.

1095 **Section 31. Repealer.**

1096 This act repeals:

1097 **Section 53A-17a-131.2, State contribution to highly impacted schools program.**

1098 **Section 53A-17a-131.13, State contribution to guarantee transportation levy.**

1099 **Section 53A-17a-131.19, State contribution to math and science beginning teacher
1100 recruitment program.**

1101 **Section 53A-17a-132, Experimental and developmental programs.**

1102 **Section 53A-21-105, State contribution to capital outlay programs.**

1103 **Section 32. One-time appropriation for classroom supplies.**

1104 (1) There is appropriated from the Uniform School Fund to the State Board of
1105 Education, for fiscal year 2003-04 only, \$5,000,000 for classroom supplies and materials.

1106 (2) (a) The board shall distribute the appropriation to classroom teachers in school
1107 districts, the Schools for the Deaf and the Blind, the Edith Bowen Laboratory School, and
1108 charter schools on the basis of the number of classroom teachers in each school as compared to
1109 the total number of classroom teachers.

1110 (b) Each teacher in grades kindergarten through six shall receive up to \$225 and each
1111 teacher in grades seven through 12 shall receive up to \$175 from this appropriation.

1112 (c) Teachers shall spend the money for school supplies, materials, or field trips under

1113 rules adopted by the State Board of Education.

1114 Section 33. **Applied technology study -- School LAND Trust Program study --**
1115 **Capital outlay funding study.**

1116 (1) It is the intent of the Legislature that the Office of the Legislative Fiscal Analyst, in
1117 conjunction with the Governor's Office of Planning and Budget, perform a study of overlapping
1118 applied technology education services of the Utah System of Higher Education, State System
1119 of Public Education, and Utah College of Applied Technology. It is further the intent of the
1120 Legislature that a written report be presented to the Executive Appropriations Committee by
1121 October 2003 and to the appropriate legislative appropriations subcommittees during the 2004
1122 General Session.

1123 (2) It is the intent of the Legislature that the Public Education Appropriations
1124 Subcommittee shall study during the interim the administration of the School LAND Trust
1125 Program, how funding is distributed, and the ongoing appropriation level for the program.

1126 (3) It is the intent of the Legislature that the Public Education Appropriations
1127 Subcommittee shall study during the interim the distribution of capital outlay funding.

1128 Section 34. **Effective date.**

1129 Sections 53A-16-101.5 and 53A-17a-131.17 take effect on May 5, 2003. The
1130 remaining sections take effect on July 1, 2003.

1131 Section 35. **Repeal date.**

1132 Section 53A-17a-131.17 amended by this act is repealed on July 1, 2003.

1133 Section 36. **Coordination clause.**

1134 If this bill and H.B. 92, School Funds Amendments, both pass, it is the intent of the
1135 Legislature that the amendments made to Section 53A-16-101.5 in this bill shall supercede the
1136 amendments made to Section 53A-16-101.5 in H.B. 92.

Legislative Review Note

as of 3-3-03 6:31 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**Minimum School Program Act Amendments**

03-Mar-03

Bill Number: HB00039:19 AM

This bill appropriates \$1,995,419,970 for the Minimum School Program of which \$1,608,582,133 is from the Uniform School Fund, and an estimated \$386,837,837 from Local property tax collections. The bill also appropriates \$28,000,000 in Uniform School Funds for School Building Programs. There is also appropriated a supplemental amount of \$2,000,000 for FY 2003 for the School Trust Land program. The bill allows use of non-lapsing balances in FY 2004 up to \$300,000 for certain purposes.

The bill contains an increase in the value of the Weighted Pupil Unit from \$2,132 to \$2,150 for a WPU equivalent increase of .84 percent. This amounts to approximately \$14,704,500.

The funding for the Minimum School Program for Fiscal Year 2004 is an increase of \$37,418,161 from the current 2003 Fiscal Year estimated base appropriation of \$1,958,001,809. The Uniform School Fund appropriation is \$27,799,339 more than the FY 2003 estimated funding and Local Funds are an increase of \$17,418,822. The Minimum School Program for FY 2004 is a 1.9 percent increase over Fiscal Year 2003 Funding. The Voted and Board Leeway programs were delayed in the implementation of automatic increases tied to the value of the weighted pupil unit and therefore were not increased by \$4,787,900. Some of the programs that were reduced to accommodate the sixth special session actions of the 2002 Legislature were: Quality Teaching Block Grant program, \$6,097,000; Adult Education, \$2,499,900; and Experimental/Developmental program, \$602,369.

The funding increases in the bill include: Student Growth, \$11,000,000; Retirement rate increase, \$12,700,000; WPU increase, \$14,704,500; School Trust Land program, \$2,000,000; Charter Schools, \$1,075,200; Voted and Board Leeway programs, \$9,454,800; and AT Risk Youth In Custody, \$250,000. The bill also appropriates \$5,000,000 one time funds for teacher supplies and materials.

The basic tax rate for local district participation in the State Supported Minimum School program has been adjusted from .001813 to .001743.

	<u>FY 03 Approp.</u>	<u>FY 03 Revenue</u>	<u>FY 04 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Approp.</u>	<u>FY 05 Revenue</u>
Uniform School Fund	\$2,000,000	\$0	\$1,636,582,133	\$0	\$0	\$0
Local Revenue	\$0	\$0	\$386,837,837	\$0	\$0	\$0
TOTAL	\$2,000,000	\$0	\$2,023,419,970	\$0	\$0	\$0

Individual and Business ImpactNone

Office of the Legislative Fiscal Analyst