

1 **PUBLIC EDUCATION RECODIFICATION - FUNDING**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Val L. Peterson**

5 Senate Sponsor: Ann Millner

7 **LONG TITLE**

8 **Committee Note:**

9 The Education Interim Committee recommended this bill.

10 **General Description:**

11 This bill reorganizes and renumbers certain provisions of the public education code
12 related to public education system funding.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ reorganizes and renumbers certain provisions of the public education code related to
- 16 public education system funding;
- 17 ▶ defines terms;
- 18 ▶ enacts provisions related to public education for organizational purposes;
- 19 ▶ reenacts provisions related to public education for organizational purposes;
- 20 ▶ repeals provisions related to public education for organizational purposes; and
- 21 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 This bill provides a special effective date.

26 This bill provides revisor instructions.

27 **Utah Code Sections Affected:**



28 ENACTS:

29 **53F-1-101**, Utah Code Annotated 1953

30 **53F-1-102**, Utah Code Annotated 1953

31 **53F-1-103**, Utah Code Annotated 1953

32 **53F-2-101**, Utah Code Annotated 1953

33 **53F-2-303**, Utah Code Annotated 1953

34 **53F-2-601**, Utah Code Annotated 1953

35 **53F-2-602**, Utah Code Annotated 1953

36 **53F-2-701**, Utah Code Annotated 1953

37 **53F-2-704**, Utah Code Annotated 1953

38 **53F-3-101**, Utah Code Annotated 1953

39 **53F-3-204**, Utah Code Annotated 1953

40 **53F-4-101**, Utah Code Annotated 1953

41 **53F-4-102**, Utah Code Annotated 1953

42 **53F-4-203**, Utah Code Annotated 1953

43 **53F-5-101**, Utah Code Annotated 1953

44 **53F-5-102**, Utah Code Annotated 1953

45 **53F-6-101**, Utah Code Annotated 1953

46 **53F-6-102**, Utah Code Annotated 1953

47 **53F-6-303**, Utah Code Annotated 1953

48 **53F-7-101**, Utah Code Annotated 1953

49 **53F-7-102**, Utah Code Annotated 1953

50 **53F-7-301**, Utah Code Annotated 1953

51 **53F-8-101**, Utah Code Annotated 1953

52 **53F-8-102**, Utah Code Annotated 1953

53 **53F-8-403**, Utah Code Annotated 1953

54 **53F-9-101**, Utah Code Annotated 1953

55 **53F-9-102**, Utah Code Annotated 1953

56 RENUMBERS AND AMENDS:

57 **53F-2-102**, (Renumbered from 53A-17a-103, as last amended by Laws of Utah 2017,

58 Chapter 173)

- 59 **53F-2-103**, (Renumbered from 53A-17a-102, as renumbered and amended by Laws of
- 60 Utah 1991, Chapter 72)
- 61 **53F-2-201**, (Renumbered from 53A-17a-136, as last amended by Laws of Utah 2011,
- 62 Chapter 371)
- 63 **53F-2-202**, (Renumbered from 53A-17a-144, as last amended by Laws of Utah 2017,
- 64 Chapter 173)
- 65 **53F-2-203**, (Renumbered from 53A-17a-146, as last amended by Laws of Utah 2017,
- 66 Chapter 173)
- 67 **53F-2-204**, (Renumbered from 53A-17a-147, as last amended by Laws of Utah 2003,
- 68 Chapter 221)
- 69 **53F-2-205**, (Renumbered from 53A-17a-105, as last amended by Laws of Utah 2017,
- 70 Chapter 173)
- 71 **53F-2-206**, (Renumbered from 53A-17a-105.5, as last amended by Laws of Utah 2017,
- 72 Chapter 173)
- 73 **53F-2-207**, (Renumbered from 53A-17a-139, as last amended by Laws of Utah 2017,
- 74 Chapter 173)
- 75 **53F-2-301**, (Renumbered from 53A-17a-135, as last amended by Laws of Utah 2017,
- 76 Chapters 6 and 173)
- 77 **53F-2-302**, (Renumbered from 53A-17a-106, as last amended by Laws of Utah 2017,
- 78 Chapter 173)
- 79 **53F-2-304**, (Renumbered from 53A-17a-109, as last amended by Laws of Utah 2017,
- 80 Chapters 173 and 316)
- 81 **53F-2-305**, (Renumbered from 53A-17a-107, as last amended by Laws of Utah 2017,
- 82 Chapter 173)
- 83 **53F-2-306**, (Renumbered from 53A-17a-108, as last amended by Laws of Utah 2017,
- 84 Chapter 173)
- 85 **53F-2-307**, (Renumbered from 53A-17a-111, as last amended by Laws of Utah 2017,
- 86 Chapter 173)
- 87 **53F-2-308**, (Renumbered from 53A-17a-112, as last amended by Laws of Utah 2017,
- 88 Chapter 173)
- 89 **53F-2-309**, (Renumbered from 53A-17a-112.1, as enacted by Laws of Utah 2016,

90 Chapter 246)
91 **53F-2-310**, (Renumbered from 53A-17a-158, as enacted by Laws of Utah 2008,
92 Chapter 397)
93 **53F-2-311**, (Renumbered from 53A-17a-113, as last amended by Laws of Utah 2017,
94 Chapters 173 and 316)
95 **53F-2-312**, (Renumbered from 53A-17a-124.5, as last amended by Laws of Utah 2017,
96 Chapter 173)
97 **53F-2-313**, (Renumbered from 53A-17a-116, as last amended by Laws of Utah 2017,
98 Chapter 173)
99 **53F-2-401**, (Renumbered from 53A-17a-119, as last amended by Laws of Utah 2017,
100 Chapter 173)
101 **53F-2-402**, (Renumbered from 53A-17a-126, as last amended by Laws of Utah 2017,
102 Chapter 173)
103 **53F-2-403**, (Renumbered from 53A-17a-127, as last amended by Laws of Utah 2017,
104 Chapter 173)
105 **53F-2-404**, (Renumbered from 53A-16-101.5, as last amended by Laws of Utah 2016,
106 Chapter 172)
107 **53F-2-405**, (Renumbered from 53A-17a-153, as last amended by Laws of Utah 2017,
108 Chapters 173 and 372)
109 **53F-2-406**, (Renumbered from 53A-17a-154, as last amended by Laws of Utah 2010,
110 Chapter 3)
111 **53F-2-407**, (Renumbered from 53A-17a-155, as last amended by Laws of Utah 2010,
112 Chapter 3)
113 **53F-2-408**, (Renumbered from 53A-17a-165, as last amended by Laws of Utah 2017,
114 Chapters 173 and 372)
115 **53F-2-409**, (Renumbered from 53A-15-1707, as enacted by Laws of Utah 2016,
116 Chapter 200)
117 **53F-2-410**, (Renumbered from 53A-17a-166, as last amended by Laws of Utah 2017,
118 Chapters 173, 372, and 378)
119 **53F-2-411**, (Renumbered from 53A-17a-168, as last amended by Laws of Utah 2017,
120 Chapter 372)

121 **53F-2-412**, (Renumbered from 53A-17a-126.5, as enacted by Laws of Utah 2016,
122 Chapter 214)
123 **53F-2-413**, (Renumbered from 53A-17a-141, as last amended by Laws of Utah 2017,
124 Chapter 173)
125 **53F-2-501**, (Renumbered from 53A-15-102, as last amended by Laws of Utah 2017,
126 Chapters 359 and 382)
127 **53F-2-502**, (Renumbered from 53A-15-105, as enacted by Laws of Utah 2008, Chapter
128 235)
129 **53F-2-503**, (Renumbered from 53A-17a-150, as last amended by Laws of Utah 2017,
130 Chapter 173)
131 **53F-2-504**, (Renumbered from 53A-17a-156, as last amended by Laws of Utah 2017,
132 Chapters 56 and 316)
133 **53F-2-505**, (Renumbered from 53A-17a-159, as last amended by Laws of Utah 2017,
134 Chapter 173)
135 **53F-2-506**, (Renumbered from 53A-17a-162, as last amended by Laws of Utah 2016,
136 Chapter 188)
137 **53F-2-507**, (Renumbered from 53A-17a-167, as last amended by Laws of Utah 2017,
138 Chapter 173)
139 **53F-2-508**, (Renumbered from 53A-17a-169, as last amended by Laws of Utah 2015,
140 Chapter 456)
141 **53F-2-509**, (Renumbered from 53A-17a-170, as enacted by Laws of Utah 2013,
142 Chapter 381)
143 **53F-2-510**, (Renumbered from 53A-1-1505, as enacted by Laws of Utah 2016, Chapter
144 318)
145 **53F-2-511**, (Renumbered from 53A-17a-174, as enacted by Laws of Utah 2017,
146 Chapter 202)
147 **53F-2-512**, (Renumbered from 53A-17a-112.2, as enacted by Laws of Utah 2017,
148 Chapter 357)
149 **53F-2-513**, (Renumbered from 53A-17a-173, as enacted by Laws of Utah 2017,
150 Chapter 325 and last amended by Coordination Clause, Laws of Utah 2017, Chapter
151 378)

152 **53F-2-514**, (Renumbered from 53A-1a-601, as last amended by Laws of Utah 2015,
153 Chapter 258)
154 **53F-2-515**, (Renumbered from 53A-17a-143, as last amended by Laws of Utah 2017,
155 Chapter 173)
156 **53F-2-516**, (Renumbered from 53A-15-104, as last amended by Laws of Utah 2014,
157 Chapter 63)
158 **53F-2-517**, (Renumbered from 53A-17a-124, as last amended by Laws of Utah 2017,
159 Chapter 173)
160 **53F-2-518**, (Renumbered from 53A-17a-125, as last amended by Laws of Utah 2017,
161 Chapter 173)
162 **53F-2-702**, (Renumbered from 53A-1a-513, as last amended by Laws of Utah 2016,
163 Chapter 229)
164 **53F-2-703**, (Renumbered from 53A-1a-513.1, as enacted by Laws of Utah 2016,
165 Chapter 229)
166 **53F-2-705**, (Renumbered from 53A-1a-513.5, as enacted by Laws of Utah 2012,
167 Chapter 318)
168 **53F-3-102**, (Renumbered from 53A-21-101.5, as last amended by Laws of Utah 2011,
169 Chapter 371)
170 **53F-3-201**, (Renumbered from 53A-21-102, as last amended by Laws of Utah 2008,
171 Chapter 236)
172 **53F-3-202**, (Renumbered from 53A-21-202, as last amended by Laws of Utah 2010,
173 Chapter 185)
174 **53F-3-203**, (Renumbered from 53A-21-302, as enacted by Laws of Utah 2008, Chapter
175 236)
176 **53F-4-201**, (Renumbered from 53A-1-606.7, as last amended by Laws of Utah 2015,
177 Chapters 372 and 415)
178 **53F-4-202**, (Renumbered from 53A-1-613, as last amended by Laws of Utah 2017,
179 Chapter 378)
180 **53F-4-204**, (Renumbered from 53A-1-415, as enacted by Laws of Utah 2017, Chapter
181 350 and last amended by Coordination Clause, Laws of Utah 2017, Chapter 350)
182 **53F-4-205**, (Renumbered from 53A-15-2003, as enacted by Laws of Utah 2017,

183 Chapter 72)
184 **53F-4-206**, (Renumbered from 53A-1a-110, as enacted by Laws of Utah 2012, Chapter
185 412)
186 **53F-4-301**, (Renumbered from 53A-1a-703, as last amended by Laws of Utah 2015,
187 Chapter 374)
188 **53F-4-301.5**, (Renumbered from 53A-1a-702, as enacted by Laws of Utah 2005,
189 Chapter 35)
190 **53F-4-302**, (Renumbered from 53A-1a-704, as last amended by Laws of Utah 2017,
191 Chapter 43)
192 **53F-4-303**, (Renumbered from 53A-1a-705, as last amended by Laws of Utah 2016,
193 Chapter 44)
194 **53F-4-304**, (Renumbered from 53A-1a-706, as last amended by Laws of Utah 2015,
195 Chapter 374)
196 **53F-4-305**, (Renumbered from 53A-1a-707, as last amended by Laws of Utah 2008,
197 Chapter 382)
198 **53F-4-306**, (Renumbered from 53A-1a-708, as last amended by Laws of Utah 2015,
199 Chapter 374)
200 **53F-4-307**, (Renumbered from 53A-1a-709, as last amended by Laws of Utah 2015,
201 Chapter 374)
202 **53F-4-308**, (Renumbered from 53A-1a-710, as enacted by Laws of Utah 2005, Chapter
203 35)
204 **53F-4-401**, (Renumbered from 53A-1a-1001, as last amended by Laws of Utah 2017,
205 Chapter 468)
206 **53F-4-402**, (Renumbered from 53A-1a-1002, as last amended by Laws of Utah 2017,
207 Chapter 468)
208 **53F-4-403**, (Renumbered from 53A-1a-1003, as last amended by Laws of Utah 2017,
209 Chapter 468)
210 **53F-4-404**, (Renumbered from 53A-1a-1004, as last amended by Laws of Utah 2017,
211 Chapter 468)
212 **53F-4-405**, (Renumbered from 53A-1a-1005, as enacted by Laws of Utah 2008,
213 Chapter 397)

214 **53F-4-406**, (Renumbered from 53A-1a-1006, as enacted by Laws of Utah 2008,
215 Chapter 397)
216 **53F-4-407**, (Renumbered from 53A-1a-1007, as enacted by Laws of Utah 2008,
217 Chapter 397)
218 **53F-4-501**, (Renumbered from 53A-15-1202, as last amended by Laws of Utah 2012,
219 Chapter 238)
220 **53F-4-502**, (Renumbered from 53A-15-1203, as enacted by Laws of Utah 2011,
221 Chapter 419)
222 **53F-4-503**, (Renumbered from 53A-15-1204, as last amended by Laws of Utah 2017,
223 Chapter 444)
224 **53F-4-504**, (Renumbered from 53A-15-1205, as last amended by Laws of Utah 2015,
225 Chapter 404)
226 **53F-4-505**, (Renumbered from 53A-15-1206, as last amended by Laws of Utah 2015,
227 Chapter 415)
228 **53F-4-506**, (Renumbered from 53A-15-1206.5, as enacted by Laws of Utah 2012,
229 Chapter 238)
230 **53F-4-507**, (Renumbered from 53A-15-1207, as last amended by Laws of Utah 2017,
231 Chapter 472)
232 **53F-4-508**, (Renumbered from 53A-15-1208, as last amended by Laws of Utah 2017,
233 Chapter 444)
234 **53F-4-509**, (Renumbered from 53A-15-1209, as last amended by Laws of Utah 2017,
235 Chapter 444)
236 **53F-4-510**, (Renumbered from 53A-15-1210, as enacted by Laws of Utah 2011,
237 Chapter 419)
238 **53F-4-511**, (Renumbered from 53A-15-1211, as last amended by Laws of Utah 2012,
239 Chapter 238)
240 **53F-4-512**, (Renumbered from 53A-15-1212, as last amended by Laws of Utah 2012,
241 Chapter 238)
242 **53F-4-513**, (Renumbered from 53A-15-1212.5, as enacted by Laws of Utah 2012,
243 Chapter 238)
244 **53F-4-514**, (Renumbered from 53A-15-1213, as enacted by Laws of Utah 2011,

245 Chapter 419)
246 **53F-4-515**, (Renumbered from 53A-15-1214, as enacted by Laws of Utah 2011,
247 Chapter 419)
248 **53F-4-516**, (Renumbered from 53A-15-1216, as enacted by Laws of Utah 2012,
249 Chapter 238)
250 **53F-4-517**, (Renumbered from 53A-15-1217, as enacted by Laws of Utah 2012,
251 Chapter 238)
252 **53F-5-201**, (Renumbered from 53A-1-708, as last amended by Laws of Utah 2017,
253 Chapters 30 and 378)
254 **53F-5-202**, (Renumbered from 53A-6-114, as enacted by Laws of Utah 2016, Chapter
255 217)
256 **53F-5-203**, (Renumbered from 53A-15-106, as enacted by Laws of Utah 2015, Chapter
257 431)
258 **53F-5-204**, (Renumbered from 53A-15-1601, as enacted by Laws of Utah 2015,
259 Chapter 149)
260 **53F-5-205**, (Renumbered from 53A-6-802, as last amended by Laws of Utah 2010,
261 Chapter 286)
262 **53F-5-206**, (Renumbered from 53A-15-1303, as enacted by Laws of Utah 2017,
263 Chapter 346)
264 **53F-5-207**, (Renumbered from 53A-17a-171, as last amended by Laws of Utah 2017,
265 Chapter 173)
266 **53F-5-208**, (Renumbered from 53A-3-402.11, as last amended by Laws of Utah 2008,
267 Chapter 382)
268 **53F-5-301**, (Renumbered from 53A-1b-202, as enacted by Laws of Utah 2016, Chapter
269 336)
270 **53F-5-302**, (Renumbered from 53A-1b-203, as enacted by Laws of Utah 2016, Chapter
271 336)
272 **53F-5-303**, (Renumbered from 53A-1b-204, as enacted by Laws of Utah 2016, Chapter
273 336)
274 **53F-5-304**, (Renumbered from 53A-1b-205, as enacted by Laws of Utah 2016, Chapter
275 336)

276 **53F-5-305**, (Renumbered from 53A-1b-206, as enacted by Laws of Utah 2016, Chapter
277 336)
278 **53F-5-306**, (Renumbered from 53A-1b-207, as enacted by Laws of Utah 2016, Chapter
279 336)
280 **53F-5-307**, (Renumbered from 53A-1b-208, as enacted by Laws of Utah 2016, Chapter
281 336)
282 **53F-5-401**, (Renumbered from 53A-4-302, as enacted by Laws of Utah 2016, Chapter
283 331)
284 **53F-5-402**, (Renumbered from 53A-4-303, as enacted by Laws of Utah 2016, Chapter
285 331)
286 **53F-5-403**, (Renumbered from 53A-4-304, as enacted by Laws of Utah 2016, Chapter
287 331)
288 **53F-5-404**, (Renumbered from 53A-4-305, as enacted by Laws of Utah 2016, Chapter
289 331)
290 **53F-5-405**, (Renumbered from 53A-4-306, as enacted by Laws of Utah 2016, Chapter
291 331)
292 **53F-5-406**, (Renumbered from 53A-4-307, as enacted by Laws of Utah 2016, Chapter
293 331)
294 **53F-5-501**, (Renumbered from 53A-15-1802, as enacted by Laws of Utah 2016,
295 Chapter 347)
296 **53F-5-502**, (Renumbered from 53A-15-1803, as enacted by Laws of Utah 2016,
297 Chapter 347)
298 **53F-5-503**, (Renumbered from 53A-15-1804, as enacted by Laws of Utah 2016,
299 Chapter 347)
300 **53F-5-504**, (Renumbered from 53A-15-1805, as enacted by Laws of Utah 2016,
301 Chapter 347)
302 **53F-5-505**, (Renumbered from 53A-15-1806, as enacted by Laws of Utah 2016,
303 Chapter 347)
304 **53F-5-506**, (Renumbered from 53A-15-1807, as enacted by Laws of Utah 2016,
305 Chapter 347)
306 **53F-5-507**, (Renumbered from 53A-15-1808, as enacted by Laws of Utah 2016,

307 Chapter 347)
308 **53F-5-601**, (Renumbered from 53A-31-402, as enacted by Laws of Utah 2016, Chapter
309 63)
310 **53F-5-602**, (Renumbered from 53A-31-403, as last amended by Laws of Utah 2017,
311 Chapter 317)
312 **53F-5-603**, (Renumbered from 53A-31-404, as enacted by Laws of Utah 2016, Chapter
313 63)
314 **53F-5-604**, (Renumbered from 53A-31-405, as last amended by Laws of Utah 2017,
315 Chapter 317)
316 **53F-6-201**, (Renumbered from 53A-13-106.5, as enacted by Laws of Utah 2016,
317 Chapter 169)
318 **53F-6-202**, (Renumbered from 53A-1-709, as last amended by Laws of Utah 2015,
319 Chapter 415)
320 **53F-6-301**, (Renumbered from 53A-1b-102, as enacted by Laws of Utah 2014, Chapter
321 304)
322 **53F-6-302**, (Renumbered from 53A-1b-103, as enacted by Laws of Utah 2014, Chapter
323 304)
324 **53F-6-304**, (Renumbered from 53A-1b-105, as last amended by Laws of Utah 2016,
325 Chapter 336)
326 **53F-6-305**, (Renumbered from 53A-1b-106, as enacted by Laws of Utah 2014, Chapter
327 304)
328 **53F-6-306**, (Renumbered from 53A-1b-107, as enacted by Laws of Utah 2014, Chapter
329 304)
330 **53F-6-307**, (Renumbered from 53A-1b-108, as enacted by Laws of Utah 2014, Chapter
331 304)
332 **53F-6-308**, (Renumbered from 53A-1b-109, as enacted by Laws of Utah 2014, Chapter
333 304)
334 **53F-6-309**, (Renumbered from 53A-1b-110, as enacted by Laws of Utah 2014, Chapter
335 304)
336 **53F-6-310**, (Renumbered from 53A-1b-111, as enacted by Laws of Utah 2014, Chapter
337 304)

338 **53F-7-201**, (Renumbered from 53A-13-206, as enacted by Laws of Utah 1988, Chapter
339 2)
340 **53F-8-201**, (Renumbered from 53A-16-106, as last amended by Laws of Utah 2016,
341 Chapters 350 and 367)
342 **53F-8-202**, (Renumbered from 53A-16-108, as last amended by Laws of Utah 1993,
343 Chapter 227)
344 **53F-8-203**, (Renumbered from 53A-16-109, as enacted by Laws of Utah 1988, Chapter
345 2)
346 **53F-8-301**, (Renumbered from 53A-17a-133, as last amended by Laws of Utah 2017,
347 Chapter 173)
348 **53F-8-302**, (Renumbered from 53A-17a-164, as last amended by Laws of Utah 2016,
349 Chapters 229, 350, and 367)
350 **53F-8-303**, (Renumbered from 53A-16-113, as last amended by Laws of Utah 2017,
351 Chapter 181)
352 **53F-8-401**, (Renumbered from 53A-16-107, as last amended by Laws of Utah 2014,
353 Chapter 189)
354 **53F-8-402**, (Renumbered from 53A-16-110, as last amended by Laws of Utah 2011,
355 Chapter 371)
356 **53F-8-404**, (Renumbered from 53A-17a-134, as last amended by Laws of Utah 2017,
357 Chapter 173)
358 **53F-8-405**, (Renumbered from 53A-17a-145, as last amended by Laws of Utah 2017,
359 Chapter 173)
360 **53F-8-406**, (Renumbered from 53A-17a-151, as last amended by Laws of Utah 2017,
361 Chapter 173)
362 **53F-9-201**, (Renumbered from 53A-16-101, as last amended by Laws of Utah 2016,
363 Chapter 172)
364 **53F-9-202**, (Renumbered from 53A-16-103, as enacted by Laws of Utah 1988, Chapter
365 2)
366 **53F-9-203**, (Renumbered from 53A-1a-522, as enacted by Laws of Utah 2011, Chapter
367 30)
368 **53F-9-204**, (Renumbered from 53A-16-112, as enacted by Laws of Utah 2001, Chapter

369 215)
370 **53F-9-205**, (Renumbered from 53A-16-115, as enacted by Laws of Utah 2016, Chapter
371 172)
372 **53F-9-206**, (Renumbered from 53A-21-401, as last amended by Laws of Utah 2011,
373 Chapters 30 and 303)
374 **53F-9-301**, (Renumbered from 53A-1a-513.2, as enacted by Laws of Utah 2016,
375 Chapter 229)
376 **53F-9-302**, (Renumbered from 53A-17a-135.1, as enacted by Laws of Utah 2015,
377 Chapter 287)
378 **53F-9-303**, (Renumbered from 53A-20b-301, as enacted by Laws of Utah 2012,
379 Chapter 201)
380 **53F-9-304**, (Renumbered from 53A-13-114, as enacted by Laws of Utah 2017, Chapter
381 455)
382 **53F-9-401**, (Renumbered from 53A-1-304, as last amended by Laws of Utah 2011,
383 Chapter 303)
384 **53F-9-402**, (Renumbered from 53A-1b-104, as enacted by Laws of Utah 2014, Chapter
385 304)
386 **53F-9-501**, (Renumbered from 53A-15-207, as enacted by Laws of Utah 2017, Chapter
387 166)
388 REPEALS:
389 **53A-1-1502**, as enacted by Laws of Utah 2016, Chapter 318
390 **53A-1-1503**, as renumbered and amended by Laws of Utah 2016, Chapter 318
391 **53A-1-1504**, as enacted by Laws of Utah 2016, Chapter 318
392 **53A-1-1506**, as enacted by Laws of Utah 2016, Chapter 318
393 **53A-1-1507**, as enacted by Laws of Utah 2016, Chapter 318
394 **53A-6-801**, as enacted by Laws of Utah 2008, Chapter 144
395 **53A-6-901**, as last amended by Laws of Utah 2015, Chapter 1
396 **53A-15-1201.5**, as enacted by Laws of Utah 2012, Chapter 238
397 **53A-15-2002**, as enacted by Laws of Utah 2017, Chapter 72
398 **53A-17a-131.17**, as last amended by Laws of Utah 2015, Chapter 276
399 **53A-21-201**, as last amended by Laws of Utah 2010, Chapter 185

400 [53A-21-301](#), as last amended by Laws of Utah 2010, Chapter 185



401
402 *Be it enacted by the Legislature of the state of Utah:*

403 Section 1. Section **53F-1-101** is enacted to read:

404 **TITLE 53F. PUBLIC EDUCATION SYSTEM -- FUNDING**

405 **CHAPTER 1. TITLE PROVISIONS**

406 **Part 1. General Provisions**

407 **53F-1-101. Title.**

408 (1) This title is known as "Public Education System -- Funding."

409 (2) This chapter is known as "Title Provisions."

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

411 **53F-1-102. Public education code definitions.**

412 The terms defined in Section [53E-1-102](#) apply to this title.

413 Section 3. Section **53F-1-103** is enacted to read:

414 **53F-1-103. Title 53F definitions.**

415 Reserved

416 Section 4. Section **53F-2-101** is enacted to read:

417 **CHAPTER 2. STATE FUNDING -- MINIMUM SCHOOL PROGRAM**

418 **Part 1. General Provisions**

419 **53F-2-101. Title.**

420 This chapter is known as "State Funding -- Minimum School Program."

421 Section 5. Section **53F-2-102**, which is renumbered from Section 53A-17a-103 is
422 renumbered and amended to read:

423 **[~~53A-17a-103~~]. 53F-2-102. Definitions.**

424 As used in this chapter:

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

430 (2) (a) "Certified revenue levy" means a property tax levy that provides an amount of

431 ad valorem property tax revenue equal to the sum of:

432 (i) the amount of ad valorem property tax revenue to be generated statewide in the
433 previous year from imposing a minimum basic tax rate, as specified in Section [~~53A-17a-135~~]
434 [53F-2-301](#); and

435 (ii) the product of:

436 (A) eligible new growth, as defined in Section [59-2-924](#) and rules of the State Tax
437 Commission; and

438 (B) the minimum basic tax rate certified by the State Tax Commission for the previous
439 year.

440 (b) For purposes of this Subsection (2), "ad valorem property tax revenue" does not
441 include property tax revenue received statewide from personal property that is:

442 (i) assessed by a county assessor in accordance with Title 59, Chapter 2, Part 3, County
443 Assessment; and

444 (ii) semiconductor manufacturing equipment.

445 (c) For purposes of calculating the certified revenue levy described in this Subsection
446 (2), the State Tax Commission shall use:

447 (i) the taxable value of real property assessed by a county assessor contained on the
448 assessment roll;

449 (ii) the taxable value of real and personal property assessed by the State Tax
450 Commission; and

451 (iii) the taxable year end value of personal property assessed by a county assessor
452 contained on the prior year's assessment roll.

453 (3) "Charter school governing board" means the governing board, as defined in Section
454 [~~53A-1a-501.3~~] [53G-5-102](#), that governs a charter school.

455 (4) "Local education board" means a local school board or charter school governing
456 board.

457 (5) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,
458 Election of Members of Local Boards of Education.

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

460 (7) (a) "State-supported minimum school program" or "Minimum School Program"
461 means public school programs for kindergarten, elementary, and secondary schools as

462 described in this Subsection (7).

463 (b) The minimum school program established in school districts and charter schools
464 shall include the equivalent of a school term of nine months as determined by the State Board
465 of Education.

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

468 (ii) Education, enhanced by utilization of technologically enriched delivery systems,
469 when approved by a local education board, shall receive full support by the State Board of
470 Education as it pertains to fulfilling the attendance requirements, excluding time spent viewing
471 commercial advertising.

472 (d) (i) A local education board may reallocate up to 32 instructional hours or four
473 school days established under Subsection (7)(c) for teacher preparation time or teacher
474 professional development.

475 (ii) A reallocation of instructional hours or school days under Subsection (7)(d)(i) is
476 subject to the approval of two-thirds of the members of a local education board voting in a
477 regularly scheduled meeting:

478 (A) at which a quorum of the local education board is present; and

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

480 (iii) If a local education board reallocates instructional hours or school days as
481 provided by this Subsection (7)(d), the school district or charter school shall notify students'
482 parents and guardians of the school calendar at least 90 days before the beginning of the school
483 year.

484 (iv) Instructional hours or school days reallocated for teacher preparation time or
485 teacher professional development pursuant to this Subsection (7)(d) is considered part of a
486 school term referred to in Subsection (7)(b).

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

489 (i) Basic School Program;

490 (ii) Related to Basic Programs;

491 (iii) Voted and Board Levy Programs; or

492 (iv) Minimum School Program.

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

496 Section 6. Section **53F-2-103**, which is renumbered from Section 53A-17a-102 is
 497 renumbered and amended to read:

498 ~~[53A-17a-102]~~. **53F-2-103. Purpose of chapter.**

499 (1) The purpose of this chapter is to provide a minimum school program for the state in
 500 accordance with the constitutional mandate. It recognizes that all children of the state are
 501 entitled to reasonably equal educational opportunities regardless of their place of residence in
 502 the state and of the economic situation of their respective school districts or other agencies.

503 (2) It further recognizes that although the establishment of an educational system is
 504 primarily a state function, school districts should be required to participate on a partnership
 505 basis in the payment of a reasonable portion of the cost of a minimum program.

506 (3) It is also the purpose of this chapter to describe the manner in which the state and
 507 the school districts shall pay their respective share of the costs of a minimum program. This
 508 chapter also recognizes that each locality should be empowered to provide educational facilities
 509 and opportunities beyond the minimum program and accordingly provide a method whereby
 510 that latitude of action is permitted and encouraged.

511 Section 7. Section **53F-2-201**, which is renumbered from Section 53A-17a-136 is
 512 renumbered and amended to read:

513 **Part 2. General Administration of the Minimum School Program**

514 ~~[53A-17a-136]~~. **53F-2-201. Cost of operation and maintenance of minimum
 515 school program -- Division between state and school districts.**

516 (1) The total cost of operation and maintenance of the minimum school program in the
 517 state is divided between the state and school districts as follows:

518 (a) Each school district shall impose a minimum basic tax rate on all taxable, tangible
 519 property in the school district and shall contribute the tax proceeds toward the cost of the basic
 520 program as provided in this chapter.

521 (b) Each school district may also impose a levy under Section 53F-8-301 or 53F-8-302
 522 for the purpose of participating in the respective levy programs provided in Section
 523 ~~[53A-17a-133]~~ 53F-2-601 or ~~[53A-17a-164]~~ 53F-2-602.

524 (c) The state shall contribute the balance of the total costs.

525 (2) The contributions by the school districts and by the state are computed separately
526 for the purpose of determining their respective contributions to the basic program and to the
527 levy programs provided in Section [~~53A-17a-133~~] [53F-2-601](#) or [~~53A-17a-164~~] [53F-2-602](#).

528 Section 8. Section **53F-2-202**, which is renumbered from Section 53A-17a-144 is
529 renumbered and amended to read:

530 [~~53A-17a-144~~]. **53F-2-202. Contribution of state to cost of minimum school**
531 **program -- Determination of amounts -- Levy on taxable property -- Disbursal --**
532 **Deficiency.**

533 The state's contribution to the total cost of the minimum school program is determined
534 and distributed as follows:

535 (1) The State Tax Commission shall levy an amount determined by the Legislature on
536 all taxable property of the state.

537 (a) This amount, together with other funds provided by law, is the state's contribution
538 to the minimum school program.

539 (b) The statewide levy is set at zero until changed by the Legislature.

540 (2) During the first week in November, the State Tax Commission shall certify to the
541 State Board of Education the amounts designated as state aid for each school district under
542 Section [59-2-902](#).

543 (3) (a) The actual amounts computed under Section [59-2-902](#) are the state's
544 contribution to the minimum school program of each school district.

545 (b) The State Board of Education shall provide each local education board with a
546 statement of the amount of state aid.

547 (4) Before the first day of each month, the state treasurer and the Division of Finance,
548 with the approval of the State Board of Education, shall disburse 1/12 of the state's contribution
549 to the cost of the minimum school program to each school district and each charter school.

550 (a) The State Board of Education may not make a disbursement to a school district or
551 charter school whose payments have been interrupted under Subsection (4)(d).

552 (b) Discrepancies between the monthly disbursements and the actual cost of the
553 program shall be adjusted in the final settlement under Subsection (5).

554 (c) If the monthly distributions overdraw the money in the Uniform School Fund, the

555 Division of Finance is authorized to run this fund in a deficit position.

556 (d) The State Board of Education may interrupt disbursements to a school district or
557 charter school if, in the judgment of the State Board of Education, the school district or charter
558 school is failing to comply with the minimum school program, is operating programs that are
559 not approved by the State Board of Education, or has not submitted reports required by law or
560 the State Board of Education.

561 (i) Disbursements shall be resumed upon request of the State Board of Education.

562 (ii) Back disbursements shall be included in the next regular disbursement, and the
563 amount disbursed certified to the State Division of Finance and state treasurer by the State
564 Board of Education.

565 (e) The State Board of Education may authorize exceptions to the 1/12 per month
566 disbursement formula for grant funds if the State Board of Education determines that a
567 different disbursement formula would better serve the purposes of the grant.

568 (5) (a) If money in the Uniform School Fund is insufficient to meet the state's
569 contribution to the minimum school program as appropriated, the amount of the deficiency thus
570 created shall be carried as a deficiency in the Uniform School Fund until the next session of the
571 Legislature, at which time the Legislature shall appropriate funds to cover the deficiency.

572 (b) If there is an operating deficit in public education Uniform School Fund
573 appropriations, the Legislature shall eliminate the deficit by:

574 (i) budget transfers or other legal means;

575 (ii) appropriating money from the Education Budget Reserve Account;

576 (iii) appropriating up to 25% of the balance in the General Fund Budget Reserve
577 Account; or

578 (iv) some combination of Subsections (5)(b)(i), (ii), and (iii).

579 (c) Nothing in Subsection (5)(b) precludes the Legislature from appropriating more
580 than 25% of the balance in the General Fund Budget Reserve Account to fund operating
581 deficits in public education appropriations.

582 Section 9. Section **53F-2-203**, which is renumbered from Section 53A-17a-146 is
583 renumbered and amended to read:

584 ~~[53A-17a-146]~~. **53F-2-203. Reduction of local education board allocation**
585 **based on insufficient revenues.**

586 (1) As used in this section, "Minimum School Program funds" means the total of state
587 and local funds appropriated for the minimum school program, excluding:

588 (a) the state-supported voted local levy program pursuant to Section [~~53A-17a-133~~]
589 [53F-2-601](#);

590 (b) the state-supported board local levy program pursuant to Section [~~53A-17a-164~~]
591 [53F-2-602](#); and

592 (c) the appropriation to charter schools to replace local property tax revenues pursuant
593 to Section [~~53A-1a-513~~] [53F-2-704](#).

594 (2) If the Legislature reduces appropriations made to support public schools under this
595 chapter because an Education Fund budget deficit, as defined in Section [63J-1-312](#), exists, the
596 State Board of Education, after consultation with each local education board, shall allocate the
597 reduction among school districts and charter schools in proportion to each school district's or
598 charter school's percentage share of Minimum School Program funds.

599 (3) Except as provided in Subsection (5) and subject to the requirements of Subsection
600 (7), a local education board shall determine which programs are affected by a reduction
601 pursuant to Subsection (2) and the amount each program is reduced.

602 (4) Except as provided in Subsections (5) and (6), the requirement to spend a specified
603 amount in any particular program is waived if reductions are made pursuant to Subsection (2).

604 (5) A local education board may not reduce or reallocate spending of funds distributed
605 to the school district or charter school for the following programs:

606 (a) educator salary adjustments provided in Section [~~53A-17a-153~~] [53F-2-405](#);

607 (b) the Teacher Salary Supplement Program provided in Section [~~53A-17a-156~~]
608 [53F-2-504](#);

609 (c) the extended year for special educators provided in Section [~~53A-17a-158~~]
610 [53F-2-310](#);

611 (d) USTAR centers provided in Section [~~53A-17a-159~~] [53F-2-505](#);

612 (e) the School LAND Trust Program created in Section [~~53A-16-101.5~~] [53F-2-404](#); or

613 (f) a special education program within the Basic School Program.

614 (6) A local education board may not reallocate spending of funds distributed to the
615 school district or charter school to a reserve account.

616 (7) A local education board that reduces or reallocates funds in accordance with this

617 section shall report all transfers into, or out of, Minimum School Program programs to the
618 State Board of Education as part of the school district or charter school's Annual Financial and
619 Program report.

620 Section 10. Section **53F-2-204**, which is renumbered from Section 53A-17a-147 is
621 renumbered and amended to read:

622 ~~[53A-17a-147]~~. **53F-2-204. Use of funds for approved programs --**
623 **Assessment of funded programs.**

624 (1) Funds appropriated under this chapter shall only be used for programs approved by
625 the State Board of Education.

626 (2) The State Board of Education shall assess the progress and degree of effectiveness
627 of all programs funded under this chapter.

628 Section 11. Section **53F-2-205**, which is renumbered from Section 53A-17a-105 is
629 renumbered and amended to read:

630 ~~[53A-17a-105]~~. **53F-2-205. Powers and duties of State Board of Education to**
631 **adjust Minimum School Program allocations -- Use of remaining funds at the end of a**
632 **fiscal year.**

633 (1) For purposes of this section:

634 (a) "Board" means the State Board of Education.

635 (b) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C.
636 Sec. 6301 et seq.

637 (c) "Program" means a program or allocation funded by a line item appropriation or
638 other appropriation designated as:

639 (i) Basic Program;

640 (ii) Related to Basic Programs;

641 (iii) Voted and Board Levy Programs; or

642 (iv) Minimum School Program.

643 (2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units
644 in a program is underestimated, the board shall reduce the value of the weighted pupil unit in
645 that program so that the total amount paid for the program does not exceed the amount
646 appropriated for the program.

647 (3) If the number of weighted pupil units in a program is overestimated, the board shall

648 spend excess money appropriated for the following purposes giving priority to the purpose
649 described in Subsection (3)(a):

650 (a) to support the value of the weighted pupil unit in a program within the basic
651 state-supported school program in which the number of weighted pupil units is underestimated;

652 (b) to support the state guarantee per weighted pupil unit provided under the voted
653 local levy program established in Section [~~53A-17a-133~~] 53F-2-601 or the board local levy
654 program established in Section [~~53A-17a-164~~] 53F-2-602, if:

655 (i) local contributions to the voted local levy program or board local levy program are
656 overestimated; or

657 (ii) the number of weighted pupil units within school districts qualifying for a
658 guarantee is underestimated;

659 (c) to support the state supplement to local property taxes allocated to charter schools,
660 if the state supplement is less than the amount prescribed by Section [~~53A-1a-513~~] 53F-2-704;
661 or

662 (d) to support a school district with a loss in student enrollment as provided in Section
663 [~~53A-17a-139~~] 53F-2-207.

664 (4) If local contributions from the minimum basic tax rate imposed under Section
665 [~~53A-17a-135~~] 53F-2-301 are overestimated, the board shall reduce the value of the weighted
666 pupil unit for all programs within the basic state-supported school program so the total state
667 contribution to the basic state-supported school program does not exceed the amount of state
668 funds appropriated.

669 (5) If local contributions from the minimum basic tax rate imposed under Section
670 [~~53A-17a-135~~] 53F-2-301 are underestimated, the board shall:

671 (a) spend the excess local contributions for the purposes specified in Subsection (3),
672 giving priority to supporting the value of the weighted pupil unit in programs within the basic
673 state-supported school program in which the number of weighted pupil units is underestimated;
674 and

675 (b) reduce the state contribution to the basic state-supported school program so the
676 total cost of the basic state-supported school program does not exceed the total state and local
677 funds appropriated to the basic state-supported school program plus the local contributions
678 necessary to support the value of the weighted pupil unit in programs within the basic

679 state-supported school program in which the number of weighted pupil units is underestimated.

680 (6) Except as provided in Subsection (3) or (5), the board shall reduce the guarantee
681 per weighted pupil unit provided under the voted local levy program established in Section
682 [~~53A-17a-133~~] [53F-2-601](#) or board local levy program established in Section [~~53A-17a-164~~]
683 [53F-2-602](#), if:

684 (a) local contributions to the voted local levy program or board local levy program are
685 overestimated; or

686 (b) the number of weighted pupil units within school districts qualifying for a
687 guarantee is underestimated.

688 (7) Money appropriated to the board is nonlapsing.

689 (8) The board shall report actions taken by the board under this section to the Office of
690 the Legislative Fiscal Analyst and the Governor's Office of Management and Budget.

691 Section 12. Section **53F-2-206**, which is renumbered from Section 53A-17a-105.5 is
692 renumbered and amended to read:

693 [~~53A-17a-105.5~~]. **53F-2-206. Flexibility in the use of certain related to basic**
694 **program funds.**

695 (1) As used in this section, "qualifying program" means:

696 (a) the Enhancement for At-Risk Students Program created in Section [~~53A-17a-166~~]
697 [53F-2-410](#);

698 (b) the Enhancement for Accelerated Students Program created in Section
699 [~~53A-17a-165~~] [53F-2-408](#); and

700 (c) the concurrent enrollment program established in Section [~~53A-15-1703~~]
701 [53E-10-302](#).

702 (2) If a school district or charter school receives an allocation of state funds for a
703 qualifying program that is less than \$10,000, the local education board of the receiving school
704 district or charter school may:

705 (a) (i) combine the funds with one or more qualifying program fund allocations each of
706 which is less than \$10,000; and

707 (ii) use the combined funds in accordance with the program requirements for any of the
708 qualifying programs that are combined; or

709 (b) (i) transfer the funds to a qualifying program for which the school district or charter

710 school received an allocation of funds that is greater than or equal to \$10,000; and

711 (ii) use the combined funds in accordance with the program requirements for the
712 qualifying program to which the funds are transferred.

713 Section 13. Section **53F-2-207**, which is renumbered from Section 53A-17a-139 is
714 renumbered and amended to read:

715 ~~[53A-17a-139]~~. **53F-2-207. Loss in student enrollment -- Board action.**

716 To avoid penalizing a school district financially for an excessive loss in student
717 enrollment due to factors beyond its control, the State Board of Education may allow a
718 percentage increase in units otherwise allowable during any year when a school district's
719 average daily membership drops more than 4% below the average for the highest two of the
720 preceding three years in the school district.

721 Section 14. Section **53F-2-301**, which is renumbered from Section 53A-17a-135 is
722 renumbered and amended to read:

723 **Part 3. Basic Program (Weighted Pupil Units)**

724 ~~[53A-17a-135]~~. **53F-2-301. Minimum basic tax rate -- Certified revenue levy.**

725 (1) As used in this section, "basic levy increment rate" means a tax rate that will
726 generate an amount of revenue equal to \$75,000,000.

727 (2) (a) To qualify for receipt of the state contribution toward the basic program and as a
728 school district's contribution toward the school district's costs of the basic program, each local
729 school board shall impose a minimum basic tax rate per dollar of taxable value that generates
730 \$399,041,300 in revenues statewide.

731 (b) The preliminary estimate for the 2017-18 minimum basic tax rate is .001596.

732 (c) The State Tax Commission shall certify on or before June 22 the rate that generates
733 \$399,041,300 in revenues statewide.

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

736 (3) The state shall contribute to each school district toward the cost of the basic
737 program in the school district that portion that exceeds the proceeds of the difference between:

738 (a) the minimum basic tax rate to be imposed under Subsection (2); and

739 (b) the basic levy increment rate.

740 (4) (a) If the difference described in Subsection (3) equals or exceeds the cost of the

741 basic program in a school district, no state contribution shall be made to the basic program.

742 (b) The proceeds of the difference described in Subsection (3) that exceed the cost of
743 the basic program shall be paid into the Uniform School Fund as provided by law.

744 (5) The State Board of Education shall:

745 (a) deduct from state funds that a school district is authorized to receive under this
746 chapter an amount equal to the proceeds generated within the school district by the basic levy
747 increment rate; and

748 (b) deposit the money described in Subsection (5)(a) into the Minimum Basic Growth
749 Account created in Section ~~[53A-17a-135.1]~~ 53F-9-302.

750 Section 15. Section **53F-2-302**, which is renumbered from Section 53A-17a-106 is
751 renumbered and amended to read:

752 ~~[53A-17a-106].~~ **53F-2-302. Determination of weighted pupil units.**

753 The number of weighted pupil units in the minimum school program for each year is
754 the total of the units for each school district and, subject to ~~[Section 53A-1a-513]~~ Subsection
755 (4), charter school, determined as follows:

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

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

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

765 (b) Upon local education board approval, the number of pupils in average daily
766 membership at the short-term kindergarten shall be counted for the purpose of determining the
767 number of units allowed in the same ratio as the number of days the short-term kindergarten is
768 held, not exceeding nine weeks, compared to the total number of days schools are held in that
769 school district or charter school in the regular school year.

770 (3) (a) The State Board of Education shall use prior year plus growth to determine
771 average daily membership in distributing money under the minimum school program where the

772 distribution is based on kindergarten through grade 12 ADMs or weighted pupil units.

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

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

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

- 781 (a) .55 for kindergarten pupils;
- 782 (b) .9 for pupils in grades 1 through 6;
- 783 (c) .99 for pupils in grades 7 through 8; and
- 784 (d) 1.2 for pupils in grades 9 through 12.

785 Section 16. Section **53F-2-303** is enacted to read:

786 **53F-2-303. Foreign exchange student weighted pupil units.**

787 (1) A school district or charter school may include foreign exchange students in the
788 district's or school's membership and attendance count for the purpose of apportionment of
789 state money, except as provided in Subsections (2) through (4).

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

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

- 796 (i) enrolled in a school district or charter school on October 1 of the previous fiscal
797 year; and
- 798 (ii) sponsored by an agency approved by the district's local school board or charter
799 school's governing board.

800 (3) (a) The total number of foreign exchange students in the state that may be counted
801 for the purpose of apportioning state money under Subsection (2) shall be the lesser of:

- 802 (i) the number of foreign exchange students enrolled in public schools in the state on

803 October 1 of the previous fiscal year; or

804 (ii) 328 foreign exchange students.

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

809 (4) Notwithstanding Sections 53F-2-601 and 53F-2-602, weighted pupil units in the
810 grades 1-12 basic program for foreign exchange students, as determined by Subsections (2) and
811 (3), may not be included for the purposes of determining a school district's state guarantee
812 money under the voted or board local levies.

813 Section 17. Section **53F-2-304**, which is renumbered from Section 53A-17a-109 is
814 renumbered and amended to read:

815 ~~[53A-17a-109].~~ **53F-2-304. Necessarily existent small schools -- Computing**
816 **additional weighted pupil units -- Consolidation of small schools.**

817 (1) As used in this section:

818 (a) "Board" means the State Board of Education.

819 (b) "Necessarily existent small schools funding balance" means the difference between:

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

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

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

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

829 (3) The board shall adopt standards and make rules, in accordance with Title 63G,
830 Chapter 3, Utah Administrative Rulemaking Act, to:

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

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

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

840 (5) The board shall prepare and publish objective standards and guidelines for
841 determining which small schools are necessarily existent after consultation with local school
842 boards.

843 (6) (a) Additional weighted pupil units for schools classified as necessarily existent
844 small schools shall be computed using regression formulas adopted by the board.

845 (b) The regression formulas establish the following maximum sizes for funding under
846 the necessarily existent small school program:

- | | |
|---|-----|
| 847 (i) an elementary school | 160 |
| 848 (ii) a one or two-year secondary school | 300 |
| 849 (iii) a three-year secondary school | 450 |
| 850 (iv) a four-year secondary school | 500 |
| 851 (v) a six-year secondary school | 600 |

852 (c) Schools with fewer than 10 students shall receive the same add-on weighted pupil
853 units as schools with 10 students.

854 (d) The board shall prepare and distribute an allocation table based on the regression
855 formula to each school district.

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

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

862 (8) Subject to legislative appropriation, the board shall give first priority from an
863 appropriation made under this section to funding an expense approved by the board as
864 described in Subsection [~~53A-2-204~~] [53G-6-305\(3\)\(a\)](#).

865 (9) (a) Subject to Subsection (9)(b) and after a distribution made under Subsection (8),
866 the board may distribute a portion of necessarily existent small schools funding in accordance
867 with a formula adopted by the board that considers the tax effort of a local school board.

868 (b) The amount distributed in accordance with Subsection (9)(a) may not exceed the
869 necessarily existent small schools fund in balance of the prior fiscal year.

870 (10) A local school board may use the money allocated under this section for
871 maintenance and operation of school programs or for other school purposes as approved by the
872 board.

873 Section 18. Section **53F-2-305**, which is renumbered from Section 53A-17a-107 is
874 renumbered and amended to read:

875 ~~[53A-17a-107]~~. **53F-2-305. Professional staff weighted pupil units.**

876 (1) Professional staff weighted pupil units are computed and distributed in accordance
877 with the following schedule:

878 (a) Professional Staff Cost Formula

	Years of Experience	Bachelor's Degree	Bachelor's +30 Qt. Hr.	Master's Degree	Master's +45 Qt. Hr.	Doctorate
880	1	1.00	1.05	1.10	1.15	1.20
881	2	1.05	1.10	1.15	1.20	1.25
882	3	1.10	1.15	1.20	1.25	1.30
883	4	1.15	1.20	1.25	1.30	1.35
884	5	1.20	1.25	1.30	1.35	1.40
885	6	1.25	1.30	1.35	1.40	1.45
886	7	1.30	1.35	1.40	1.45	1.50
887	8	1.35	1.40	1.45	1.50	1.55
888	9			1.50	1.55	1.60
889	10				1.60	1.65
890	11					1.70

891 (b) Multiply the number of full-time or equivalent professional personnel in each
892 applicable experience category in Subsection (1)(a) by the applicable weighting factor.

893 (c) Divide the total of Subsection (1)(b) by the number of professional personnel
894 included in Subsection (1)(b) and reduce the quotient by 1.00.

895 (d) Multiply the result of Subsection (1)(c) by 1/4 of the weighted pupil units computed
896 in accordance with Sections ~~[53A-17a-106]~~ 53F-2-302 and ~~[53A-17a-109]~~ 53F-2-304.

897 (2) The State Board of Education shall enact rules in accordance with Title 63G,
898 Chapter 3, Utah Administrative Rulemaking Act, that require a certain percentage of a school
899 district's or charter school's professional staff to be certified in the area in which the staff
900 teaches in order for the school district or charter school to receive full funding under the
901 schedule.

902 (3) If an individual's teaching experience is a factor in negotiating a contract of
903 employment to teach in the state's public schools, then the local education board is encouraged
904 to accept as credited experience all of the years the individual has taught in the state's public
905 schools.

906 Section 19. Section **53F-2-306**, which is renumbered from Section 53A-17a-108 is
907 renumbered and amended to read:

908 ~~[53A-17a-108]~~. **53F-2-306. Weighted pupil units for small school district**
909 **administrative costs -- Appropriation for charter school administrative costs.**

910 (1) Administrative costs weighted pupil units are computed for a small school district
911 and distributed to the small school district in accordance with the following schedule:

912 Administrative Costs Schedule

913 School District Enrollment as of October 1	Weighted Pupil Units
914 1 - 500 students	95
915 501 - 1,000 students	80
916 1,001 - 2,000 students	70
917 2,001 - 5,000 students	60

918 (2) (a) Except as provided in Subsection (2)(b), money appropriated to the State Board
919 of Education for charter school administrative costs shall be distributed to charter schools in
920 the amount of \$100 for each charter school student in enrollment.

921 (b) (i) If money appropriated for charter school administrative costs is insufficient to
922 provide the amount per student prescribed in Subsection (2)(a), the appropriation shall be

923 allocated among charter schools in proportion to each charter school's enrollment as a
924 percentage of the total enrollment in charter schools.

925 (ii) If the State Board of Education makes adjustments to Minimum School Program
926 allocations under Section [~~53A-17a-105~~] 53F-2-205, the allocation provided in Subsection
927 (2)(b)(i) shall be determined after adjustments are made under Section [~~53A-17a-105~~]
928 53F-2-205.

929 (c) Charter school governing boards are encouraged to identify and use cost-effective
930 methods of performing administrative functions, including contracting for administrative
931 services with the State Charter School Board as provided in Section [~~53A-1a-501.6~~]
932 53G-5-202.

933 (3) Charter schools are not eligible for funds for administrative costs under Subsection
934 (1).

935 Section 20. Section **53F-2-307**, which is renumbered from Section 53A-17a-111 is
936 renumbered and amended to read:

937 [~~53A-17a-111~~]. **53F-2-307. Weighted pupil units for programs for students**
938 **with disabilities -- Local school board allocation.**

939 (1) The number of weighted pupil units for students with disabilities shall reflect the
940 direct cost of programs for those students conducted in accordance with rules established by the
941 State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative
942 Rulemaking Act.

943 (2) Disability program money allocated to school districts or charter schools is
944 restricted and shall be spent for the education of students with disabilities but may include
945 expenditures for approved programs of services conducted for certified instructional personnel
946 who have students with disabilities in their classes.

947 (3) The State Board of Education shall establish and strictly interpret definitions and
948 provide standards for determining which students have disabilities and shall assist school
949 districts and charter schools in determining the services that should be provided to students
950 with disabilities.

951 (4) Each year the State Board of Education shall evaluate the standards and guidelines
952 that establish the identifying criteria for disability classifications to assure strict compliance
953 with those standards by the school districts and charter schools.

954 (5) (a) Money appropriated to the State Board of Education for add-on WPU for
955 students with disabilities enrolled in regular programs shall be allocated to school districts and
956 charter schools as provided in this Subsection (5).

957 (b) The State Board of Education shall use a school district's or charter school's average
958 number of special education add-on weighted pupil units determined by the previous five year's
959 average daily membership data as a foundation for the special education add-on appropriation.

960 (c) A school district's or charter school's special education add-on WPU for the
961 current year may not be less than the foundation special education add-on WPU.

962 (d) Growth WPU shall be added to the prior year special education add-on WPU, and
963 growth WPU shall be determined as follows:

964 (i) The special education student growth factor is calculated by comparing S-3 total
965 special education ADM of two years previous to the current year to the S-3 total special
966 education ADM three years previous to the current year, not to exceed the official October total
967 school district growth factor from the prior year.

968 (ii) When calculating and applying the growth factor, a school district's S-3 total
969 special education ADM for a given year is limited to 12.18% of the school district's S-3 total
970 student ADM for the same year.

971 (iii) Growth ADMs are calculated by applying the growth factor to the S-3 total special
972 education ADM of two years previous to the current year.

973 (iv) Growth ADMs for each school district or each charter school are multiplied by
974 1.53 weighted pupil units and added to the prior year special education add-on WPU to
975 determine each school district's or each charter school's total allocation.

976 (6) If money appropriated under this chapter for programs for students with disabilities
977 does not meet the costs of school districts and charter schools for those programs, each school
978 district and each charter school shall first receive the amount generated for each student with a
979 disability under the basic program.

980 Section 21. Section **53F-2-308**, which is renumbered from Section 53A-17a-112 is
981 renumbered and amended to read:

982 ~~[53A-17a-112]~~. **53F-2-308. Preschool special education appropriation --**
983 **Extended year program appropriation -- Appropriation for special education programs**
984 **in state institutions -- Appropriations for stipends for special educators.**

985 (1) (a) Money appropriated to the State Board of Education for the preschool special
986 education program shall be allocated to school districts to provide a free, appropriate public
987 education to preschool students with a disability, ages three through five.

988 (b) The money shall be distributed on the basis of the school district's count of
989 preschool children with a disability for December 1 of the previous year, as mandated by
990 federal law.

991 (2) Money appropriated for the extended school year program for children with a
992 severe disability shall be limited to students with severe disabilities with education program
993 goals identifying significant regression and recoupment disability as approved by the State
994 Board of Education.

995 (3) (a) Money appropriated for self-contained regular special education programs may
996 not be used to supplement other school programs.

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

1000 (4) (a) The State Board of Education shall compute preschool funding by a factor of
1001 1.47 times the current December 1 child count of eligible preschool aged three, four, and
1002 five-year-olds times the WPU value, limited to 8% growth over the prior year December 1
1003 count.

1004 (b) The State Board of Education shall develop guidelines to implement the funding
1005 formula for preschool special education, and establish prevalence limits for distribution of the
1006 money.

1007 (5) Of the money appropriated for Special Education - State Programming, the State
1008 Board of Education shall distribute the revenue generated from 909 WPU's to school districts,
1009 charter schools, and the Utah Schools for the Deaf and the Blind for stipends to special
1010 educators for additional days of work pursuant to the requirements of Section [~~53A-17a-158~~]
1011 [53F-2-310](#).

1012 Section 22. Section ~~53F-2-309~~, which is renumbered from Section 53A-17a-112.1 is
1013 renumbered and amended to read:

1014 [~~53A-17a-112.1~~]. **53F-2-309. Appropriation for intensive special education**
1015 **costs.**

1016 (1) As used in this section:

1017 (a) "Board" means the State Board of Education.

1018 (b) "Local education agency" or "LEA" means:

1019 (i) a school district;

1020 (ii) a charter school; or

1021 (iii) the Utah Schools for the Deaf and the Blind.

1022 (2) (a) On or before February 1, 2017, the board shall, in accordance with Title 63G,

1023 Chapter 3, Utah Administrative Rulemaking Act, make rules establishing a distribution

1024 formula to allocate money appropriated to the board for Special Education -- Intensive Services

1025 that allocate to an LEA:

1026 (i) 50% of the appropriation based on the highest cost students with disabilities; and

1027 (ii) 50% of the appropriation based on the highest impact to an LEA due to high cost

1028 students with disabilities.

1029 (b) Beginning with the 2017-18 school year, the board shall allocate money

1030 appropriated to the board for Special Education -- Intensive Services in accordance with rules

1031 described in Subsection (2)(a).

1032 (3) Before initiating the rulemaking process under Subsection (2)(a), the board shall

1033 present the proposed rule to the Public Education Appropriations Subcommittee or Education

1034 Interim Committee.

1035 Section 23. Section **53F-2-310**, which is renumbered from Section 53A-17a-158 is

1036 renumbered and amended to read:

1037 ~~[53A-17a-158].~~ **53F-2-310. Stipends for special educators for additional days**

1038 **of work.**

1039 (1) As used in this section:

1040 (a) "IEP" means an individualized education program developed pursuant to the

1041 Individuals with Disabilities Education Improvement Act of 2004, as amended.

1042 (b) "Special education teacher" means a teacher whose primary assignment is the

1043 instruction of students with disabilities who are eligible for special education services.

1044 (c) "Special educator" means a person employed by a school district, charter school, or

1045 the Utah Schools for the Deaf and the Blind who holds:

1046 (i) a license issued under ~~[Title 53A, Chapter 6, Educator Licensing and Professional~~

1047 ~~Practices Act]~~ Title 53E, Chapter 6, Education Professional Licensure; and

1048 (ii) a position as a:

1049 (A) special education teacher; or

1050 (B) speech-language pathologist.

1051 (2) The Legislature shall annually appropriate money for stipends to special educators
1052 for additional days of work:

1053 (a) in recognition of the added duties and responsibilities assumed by special educators
1054 to comply with federal law regulating the education of students with disabilities and the need to
1055 attract and retain qualified special educators; and

1056 (b) subject to future budget constraints.

1057 (3) (a) The State Board of Education shall distribute money appropriated under this
1058 section to school districts, charter schools, and the Utah Schools for the Deaf and the Blind for
1059 stipends for special educators in the amount of \$200 per day for up to 10 additional working
1060 days.

1061 (b) Money distributed under this section shall include, in addition to the \$200 per day
1062 stipend, money for the following employer-paid benefits:

1063 (i) retirement;

1064 (ii) workers' compensation;

1065 (iii) Social Security; and

1066 (iv) Medicare.

1067 (4) A special educator receiving a stipend shall:

1068 (a) work an additional day beyond the number of days contracted with the special
1069 educator's school district or school for each daily stipend;

1070 (b) schedule the additional days of work before or after the school year; and

1071 (c) use the additional days of work to perform duties related to the IEP process,
1072 including:

1073 (i) administering student assessments;

1074 (ii) conducting IEP meetings;

1075 (iii) writing IEPs;

1076 (iv) conferring with parents; and

1077 (v) maintaining records and preparing reports.

- 1078 (5) A special educator may:
- 1079 (a) elect to receive a stipend for one to 10 days of additional work; or
- 1080 (b) elect to not receive a stipend.
- 1081 (6) A person who does not hold a full-time position as a special educator is eligible for
- 1082 a partial stipend equal to the percentage of a full-time special educator position the person
- 1083 assumes.

1084 Section 24. Section **53F-2-311**, which is renumbered from Section 53A-17a-113 is

1085 renumbered and amended to read:

1086 ~~[53A-17a-113]~~. **53F-2-311. Weighted pupil units for career and technical**

1087 **education programs -- Funding of approved programs -- Performance measures --**

1088 **Qualifying criteria.**

1089 (1) (a) Money appropriated to the State Board of Education for approved career and

1090 technical education programs and the comprehensive guidance program:

1091 (i) shall be allocated to eligible recipients as provided in Subsections (2), (3), and (4);

1092 and

1093 (ii) may not be used to fund programs below grade 9.

1094 (b) Subsection (1)(a)(ii) does not apply to the following programs:

1095 (i) comprehensive guidance;

1096 (ii) Technology-Life-Careers; and

1097 (iii) work-based learning programs.

1098 (2) (a) Weighted pupil units are computed for pupils in approved programs.

1099 (b) (i) The State Board of Education shall fund approved programs based upon hours of

1100 membership of grades 9 through 12 students.

1101 (ii) Subsection (2)(b)(i) does not apply to the following programs:

1102 (A) comprehensive guidance;

1103 (B) Technology-Life-Careers; and

1104 (C) work-based learning programs.

1105 (c) The State Board of Education shall use an amount not to exceed 20% of the total

1106 appropriation under this section to fund approved programs based on performance measures

1107 such as placement and competency attainment defined in standards set by the State Board of

1108 Education.

1109 (d) Leadership organization funds shall constitute an amount not to exceed 1% of the
1110 total appropriation under this section, and shall be distributed to each school district or each
1111 charter school sponsoring career and technical education student leadership organizations
1112 based on the agency's share of the state's total membership in those organizations.

1113 (e) The State Board of Education shall make the necessary calculations for distribution
1114 of the appropriation to a school district and charter school and may revise and recommend
1115 changes necessary for achieving equity and ease of administration.

1116 (3) (a) Twenty weighted pupil units shall be computed for career and technical
1117 education administrative costs for each school district, except 25 weighted pupil units may be
1118 computed for each school district that consolidates career and technical education
1119 administrative services with one or more other school districts.

1120 (b) Between 10 and 25 weighted pupil units shall be computed for each high school
1121 conducting approved career and technical education programs in a school district according to
1122 standards established by the State Board of Education.

1123 (c) Forty weighted pupil units shall be computed for each school district that operates
1124 an approved career and technical education center.

1125 (d) Between five and seven weighted pupil units shall be computed for each summer
1126 career and technical education agriculture program according to standards established by the
1127 State Board of Education.

1128 (e) The State Board of Education shall, by rule, establish qualifying criteria for a school
1129 district or charter school to receive weighted pupil units under this Subsection (3).

1130 (4) (a) Money remaining after the allocations made under Subsections (2) and (3) shall
1131 be allocated using average daily membership in approved programs for the previous year.

1132 (b) A school district or charter school that has experienced student growth in grades 9
1133 through 12 for the previous year shall have the growth factor applied to the previous year's
1134 weighted pupil units when calculating the allocation of money under this Subsection (4).

1135 (5) (a) The State Board of Education shall establish rules for upgrading high school
1136 career and technical education programs.

1137 (b) The rules shall reflect career and technical training and actual marketable job skills
1138 in society.

1139 (c) The rules shall include procedures to assist school districts and charter schools to

1140 convert existing programs that are not preparing students for the job market into programs that
1141 will accomplish that purpose.

1142 (6) Programs that do not meet State Board of Education standards may not be funded
1143 under this section.

1144 Section 25. Section **53F-2-312**, which is renumbered from Section 53A-17a-124.5 is
1145 renumbered and amended to read:

1146 ~~[53A-17a-124.5]~~. **53F-2-312. Appropriation for class size reduction.**

1147 (1) Money appropriated to the State Board of Education for class size reduction shall
1148 be used to reduce the average class size in kindergarten through the eighth grade in the state's
1149 public schools.

1150 (2) Each school district or charter school shall receive an allocation based upon the
1151 school district or charter school's prior year average daily membership in kindergarten through
1152 grade 8 plus growth as determined under Subsection ~~[53A-17a-106]~~ 53F-2-302(3) as compared
1153 to the total prior year average daily membership in kindergarten through grade 8 plus growth of
1154 school districts and charter schools that qualify for an allocation pursuant to Subsection (8).

1155 (3) (a) A local education board may use an allocation to reduce class size in any one or
1156 all of the grades referred to under this section, except as otherwise provided in Subsection
1157 (3)(b).

1158 (b) (i) Each local education board shall use 50% of an allocation to reduce class size in
1159 any one or all of grades kindergarten through grade 2, with an emphasis on improving student
1160 reading skills.

1161 (ii) If a school district's or charter school's average class size is below 18 in grades
1162 kindergarten through grade 2, a local education board may petition the State Board of
1163 Education for, and the State Board of Education may grant, a waiver to use an allocation under
1164 Subsection (3)(b)(i) for class size reduction in the other grades.

1165 (4) Schools may use nontraditional innovative and creative methods to reduce class
1166 sizes with this appropriation and may use part of an allocation to focus on class size reduction
1167 for specific groups, such as at risk students, or for specific blocks of time during the school
1168 day.

1169 (5) (a) A local education board may use up to 20% of an allocation under Subsection
1170 (1) for capital facilities projects if such projects would help to reduce class size.

1171 (b) If a school district's or charter school's student population increases by 5% or 700
1172 students from the previous school year, the local education board may use up to 50% of any
1173 allocation received by the respective school district or charter school under this section for
1174 classroom construction.

1175 (6) This appropriation is to supplement any other appropriation made for class size
1176 reduction.

1177 (7) The Legislature shall provide for an annual adjustment in the appropriation
1178 authorized under this section in proportion to the increase in the number of students in the state
1179 in kindergarten through grade eight.

1180 (8) (a) For a school district or charter school to qualify for class size reduction money,
1181 a local education board shall submit:

1182 (i) a plan for the use of the allocation of class size reduction money to the State Board
1183 of Education; and

1184 (ii) beginning with the 2014-15 school year, a report on the local education board's use
1185 of class size reduction money in the prior school year.

1186 (b) The plan and report required pursuant to Subsection (8)(a) shall include the
1187 following information:

1188 (i) (A) the number of teachers employed using class size reduction money;

1189 (B) the amount of class size reduction money expended for teachers; and

1190 (C) if supplemental school district or charter school funds are expended to pay for
1191 teachers employed using class size reduction money, the amount of the supplemental money;

1192 (ii) (A) the number of paraprofessionals employed using class size reduction money;

1193 (B) the amount of class size reduction money expended for paraprofessionals; and

1194 (C) if supplemental school district or charter school funds are expended to pay for
1195 paraprofessionals employed using class size reduction money, the amount of the supplemental
1196 money; and

1197 (iii) the amount of class size reduction money expended for capital facilities.

1198 (c) In addition to submitting a plan and report on the use of class size reduction money,
1199 a local education board shall annually submit a report to the State Board of Education that
1200 includes the following information:

1201 (i) the number of teachers employed using K-3 Reading Improvement Program money

1202 received pursuant to Sections [~~53A-17a-150~~] [53F-2-503](#) and [~~53A-17a-151~~] [53F-8-406](#);

1203 (ii) the amount of K-3 Reading Improvement Program money expended for teachers;

1204 (iii) the number of teachers employed in kindergarten through grade 8 using Title I
1205 money;

1206 (iv) the amount of Title I money expended for teachers in kindergarten through grade
1207 8; and

1208 (v) a comparison of actual average class size by grade in grades kindergarten through 8
1209 in the school district or charter school with what the average class size would be without the
1210 expenditure of class size reduction, K-3 Reading Improvement Program, and Title I money.

1211 (d) The information required to be reported in Subsections (8)(b)(i)(A) through (C),
1212 (8)(b)(ii)(A) through (C), and (8)(c) shall be categorized by a teacher's or paraprofessional's
1213 teaching assignment, such as the grade level, course, or subject taught.

1214 (e) The State Board of Education may make rules specifying procedures and standards
1215 for the submission of:

1216 (i) a plan and a report on the use of class size reduction money as required by this
1217 section; and

1218 (ii) a report required under Subsection (8)(c).

1219 (f) Based on the data contained in the class size reduction plans and reports submitted
1220 by local education boards, and data on average class size, the State Board of Education shall
1221 annually report to the Public Education Appropriations Subcommittee on the impact of class
1222 size reduction, K-3 Reading Improvement Program, and Title I money on class size.

1223 Section 26. Section **53F-2-313**, which is renumbered from Section 53A-17a-116 is
1224 renumbered and amended to read:

1225 ~~[53A-17a-116]~~. **53F-2-313. Weighted pupil units for career and technical**
1226 **education set-aside programs.**

1227 (1) Each school district and charter school shall receive a guaranteed minimum
1228 allocation from the money appropriated to the State Board of Education for a career and
1229 technical education set-aside program.

1230 (2) The set-aside funds remaining after the initial minimum payment allocation are
1231 distributed by a request for proposals process to help pay for equipment costs necessary to
1232 initiate new programs and for high priority programs as determined by labor market

1233 information.

1234 Section 27. Section **53F-2-401**, which is renumbered from Section 53A-17a-119 is
1235 renumbered and amended to read:

1236 **Part 4. Related to Basic Program -- Formula Programs**

1237 ~~[53A-17a-119]~~. **53F-2-401. Appropriation for adult education programs.**

1238 (1) Money appropriated to the State Board of Education for adult education shall be
1239 allocated to school districts for adult high school completion and adult basic skills programs.

1240 (2) Each school district shall receive a pro rata share of the appropriation for adult high
1241 school completion programs based on the number of people in the school district listed in the
1242 latest official census who are over 18 years of age and who do not have a high school diploma
1243 and prior year participation or as approved by State Board of Education rule.

1244 (3) On February 1 of each school year, the State Board of Education shall recapture
1245 money not used for an adult high school completion program for reallocation to school districts
1246 that have implemented programs based on need and effort as determined by the State Board of
1247 Education.

1248 (4) To the extent of money available, school districts shall provide program services to
1249 adults who do not have a diploma and who intend to graduate from high school, with particular
1250 emphasis on homeless individuals who are seeking literacy and life skills.

1251 (5) Overruns in adult education in any school district may not reduce the value of the
1252 weighted pupil unit for this program in another school district.

1253 (6) School districts shall spend money on adult basic skills programs according to
1254 standards established by the State Board of Education.

1255 Section 28. Section **53F-2-402**, which is renumbered from Section 53A-17a-126 is
1256 renumbered and amended to read:

1257 ~~[53A-17a-126]~~. **53F-2-402. State support of pupil transportation.**

1258 (1) Money appropriated to the State Board of Education for state-supported
1259 transportation of public school students shall be apportioned and distributed in accordance with
1260 Section ~~[53A-17a-127]~~ 53F-2-403, except as otherwise provided in this section or Section
1261 ~~[53A-17a-126.5]~~ 53F-2-412.

1262 (2) (a) The Utah Schools for the Deaf and the Blind shall use an allocation of pupil
1263 transportation money to pay for transportation of students based on current valid contractual

1264 arrangements and best transportation options and methods as determined by the schools.

1265 (b) All student transportation costs of the schools shall be paid from the allocation of
1266 pupil transportation money specified in statute.

1267 (3) (a) A local school board may only claim eligible transportation costs as legally
1268 reported on the prior year's annual financial report submitted under Section [~~53A-3-404~~]
1269 53G-4-404.

1270 (b) The state shall contribute 85% of approved transportation costs, subject to budget
1271 constraints.

1272 (c) If in a fiscal year the total transportation allowance for all school districts exceeds
1273 the amount appropriated for that purpose, all allowances shall be reduced pro rata to equal not
1274 more than the amount appropriated.

1275 Section 29. Section **53F-2-403**, which is renumbered from Section 53A-17a-127 is
1276 renumbered and amended to read:

1277 [~~53A-17a-127~~]. **53F-2-403. Eligibility for state-supported transportation --**
1278 **Approved bus routes.**

1279 (1) A student eligible for state-supported transportation means:

1280 (a) a student enrolled in kindergarten through grade six who lives at least 1-1/2 miles
1281 from school;

1282 (b) a student enrolled in grades seven through 12 who lives at least two miles from
1283 school; and

1284 (c) a student enrolled in a special program offered by a school district and approved by
1285 the State Board of Education for trainable, motor, multiple-disability, or other students with
1286 severe disabilities who are incapable of walking to school or where it is unsafe for students to
1287 walk because of their disabling condition, without reference to distance from school.

1288 (2) If a school district implements double sessions as an alternative to new building
1289 construction, with the approval of the State Board of Education, those affected elementary
1290 school students residing less than 1-1/2 miles from school may be transported one way to or
1291 from school because of safety factors relating to darkness or other hazardous conditions as
1292 determined by the local school board.

1293 (3) (a) The State Board of Education shall distribute transportation money to school
1294 districts based on:

- 1295 (i) an allowance per mile for approved bus routes;
1296 (ii) an allowance per hour for approved bus routes; and
1297 (iii) a minimum allocation for each school district eligible for transportation funding.

1298 (b) The State Board of Education shall distribute appropriated transportation funds
1299 based on the prior year's eligible transportation costs as legally reported under Subsection
1300 ~~[53A-17a-126]~~ 53F-2-402(3).

1301 (c) The State Board of Education shall annually review the allowance per mile and the
1302 allowance per hour and adjust the allowances to reflect current economic conditions.

1303 (4) (a) Approved bus routes for funding purposes shall be determined on fall data
1304 collected by October 1.

1305 (b) Approved route funding shall be determined on the basis of the most efficient and
1306 economic routes.

1307 (5) A Transportation Advisory Committee with representation from school district
1308 superintendents, business officials, school district transportation supervisors, and State Board
1309 of Education employees shall serve as a review committee for addressing school transportation
1310 needs, including recommended approved bus routes.

1311 (6) ~~[(a) Except as provided in Subsection (6)(c), a]~~ A local school board may provide
1312 for the transportation of students regardless of the distance from school, from~~[-(i)]~~ general
1313 funds of the school district~~[-and]~~.

1314 ~~[(ii) a tax rate not to exceed .0003 per dollar of taxable value levied by the local school~~
1315 ~~board.]~~

1316 ~~[(b) A local school board may use revenue from the tax described in Subsection~~
1317 ~~(6)(a)(ii) to pay for transporting students and for the replacement of school buses.]~~

1318 ~~[(c) (i) If a local school board levies a tax under Subsection (6)(a)(ii) of at least .0002,~~
1319 ~~the state may contribute an amount not to exceed 85% of the state average cost per mile,~~
1320 ~~contingent upon the Legislature appropriating funds for a state contribution.]~~

1321 ~~[(ii) The State Board of Education's employees shall distribute the state contribution~~
1322 ~~according to rules enacted by the State Board of Education.]~~

1323 ~~[(d) (i) The amount of state guarantee money that a school district would otherwise be~~
1324 ~~entitled to receive under Subsection (6)(c) may not be reduced for the sole reason that the~~
1325 ~~school district's levy is reduced as a consequence of changes in the certified tax rate under~~

1326 Section ~~59-2-924~~ due to changes in property valuation.]

1327 [(ii) Subsection (6)(d)(i) applies for a period of two years following the change in the
1328 certified tax rate.]

1329 [(e) Beginning January 1, 2012, a local school board may not impose a tax in
1330 accordance with this Subsection (6).]

1331 (7) (a) (i) If a local school board expends an amount of revenue equal to at least .0002
1332 per dollar of taxable value of the school district's board local levy imposed under Section
1333 ~~[53A-17a-164 for the uses described in Subsection (6)(b)]~~ 53F-8-302 to pay for transporting
1334 students and for the replacement of school buses, the state may contribute an amount not to
1335 exceed 85% of the state average cost per mile, contingent upon the Legislature appropriating
1336 funds for a state contribution.

1337 (ii) The State Board of Education's employees shall distribute the state contribution
1338 according to rules enacted by the State Board of Education.

1339 (b) (i) The amount of state guarantee money that a school district would otherwise be
1340 entitled to receive under Subsection (7)(a) may not be reduced for the sole reason that the
1341 school district's levy is reduced as a consequence of changes in the certified tax rate under
1342 Section ~~59-2-924~~ due to changes in property valuation.

1343 (ii) Subsection (7)(b)(i) applies for a period of two years following the change in the
1344 certified tax rate.

1345 Section 30. Section ~~53F-2-404~~, which is renumbered from Section 53A-16-101.5 is
1346 renumbered and amended to read:

1347 ~~[53A-16-101.5].~~ **53F-2-404. School LAND Trust Program -- Purpose --**
1348 **Distribution of funds -- School plans for use of funds.**

1349 (1) As used in this section:

1350 (a) "Charter agreement" means an agreement made in accordance with Section
1351 ~~[53A-1a-508]~~ 53G-5-303 that authorizes the operation of a charter school.

1352 (b) "Charter school authorizer" means the same as that term is defined in Section
1353 ~~[53A-1a-501.3]~~ 53G-5-102.

1354 (c) "Charter trust land council" means a council established by a charter school
1355 governing board under this section.

1356 (d) "Council" means a school community council or a charter trust land council.

1357 (e) "District school" means a public school under the control of a local school board
1358 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
1359 Boards.

1360 (f) "School community council" means a council established at a district school in
1361 accordance with Section ~~[53A-1a-108]~~ [53G-7-1202](#).

1362 (2) There is established the School LAND (Learning And Nurturing Development)
1363 Trust Program to:

1364 (a) provide financial resources to public schools to enhance or improve student
1365 academic achievement and implement a component of a district school's school improvement
1366 plan or a charter school's charter agreement; and

1367 (b) involve parents and guardians of a school's students in decision making regarding
1368 the expenditure of School LAND Trust Program money allocated to the school.

1369 (3) (a) The program shall be funded each fiscal year:

1370 (i) from the Trust Distribution Account created in Section ~~[53A-16-101]~~ [53F-9-201](#);
1371 and

1372 (ii) in the amount of the sum of the following:

1373 (A) the distributions from the investment of money in the permanent State School Fund
1374 deposited to the Trust Distribution Account on or about July 15 each year; and

1375 (B) interest accrued on the Trust Distribution Account in the immediately preceding
1376 fiscal year.

1377 (b) The program shall be funded as provided in Subsection (3)(a) up to an amount
1378 equal to 3% of the funds provided for the Minimum School Program, pursuant to ~~[Title 53A,
1379 Chapter 17a, Minimum School Program Act]~~ this chapter, each fiscal year.

1380 (c) (i) The Legislature shall annually allocate, through an appropriation to the State
1381 Board of Education, a portion of the Trust Distribution Account created in Section
1382 ~~[53A-16-101]~~ [53F-9-201](#) to be used for:

1383 (A) the administration of the School LAND Trust Program; and

1384 (B) the performance of duties described in Section ~~[53A-16-101.6]~~ [53E-3-514](#).

1385 (ii) Any unused balance remaining from an amount appropriated under Subsection
1386 (3)(c)(i) shall be deposited in the Trust Distribution Account for distribution to schools in the
1387 School LAND Trust Program.

1388 (4) (a) The State Board of Education shall allocate the money referred to in Subsection
1389 (3) annually as follows:

1390 (i) the Utah Schools for the Deaf and the Blind shall receive funding equal to the
1391 product of:

1392 (A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the
1393 Blind divided by enrollment on October 1 in the prior year in public schools statewide; and

1394 (B) the total amount available for distribution under Subsection (3);

1395 (ii) charter schools shall receive funding equal to the product of:

1396 (A) charter school enrollment on October 1 in the prior year, divided by enrollment on
1397 October 1 in the prior year in public schools statewide; and

1398 (B) the total amount available for distribution under Subsection (3); and

1399 (iii) of the funds available for distribution under Subsection (3) after the allocation of
1400 funds for the Utah Schools for the Deaf and the Blind and charter schools:

1401 (A) school districts shall receive 10% of the funds on an equal basis; and

1402 (B) the remaining 90% of the funds shall be distributed to school districts on a per
1403 student basis.

1404 (b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1405 the State Board of Education shall make rules specifying a formula to distribute the amount
1406 allocated under Subsection (4)(a)(ii) to charter schools.

1407 (ii) In making rules under Subsection (4)(b)(i), the State Board of Education shall:

1408 (A) consult with the State Charter School Board; and

1409 (B) ensure that the rules include a provision that allows a charter school in the charter
1410 school's first year of operations to receive funding based on projected enrollment, to be
1411 adjusted in future years based on actual enrollment.

1412 (c) A school district shall distribute its allocation under Subsection (4)(a)(iii) to each
1413 school within the school district on an equal per student basis.

1414 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1415 State Board of Education may make rules regarding the time and manner in which the student
1416 count shall be made for allocation of the money under Subsection (4)(a)(iii).

1417 (5) To receive its allocation under Subsection (4):

1418 (a) a district school shall have established a school community council in accordance

1419 with Section [~~53A-1a-108~~] [53G-7-1202](#);

1420 (b) a charter school shall have established a charter trust land council in accordance
1421 with Subsection (9); and

1422 (c) the school's principal shall provide a signed, written assurance that the school is in
1423 compliance with Subsection (5)(a) or (b).

1424 (6) (a) A council shall create a program to use its allocation under Subsection (4) to
1425 implement a component of the school's improvement plan or charter agreement, including:

1426 (i) the school's identified most critical academic needs;

1427 (ii) a recommended course of action to meet the identified academic needs;

1428 (iii) a specific listing of any programs, practices, materials, or equipment which the
1429 school will need to implement a component of its school improvement plan to have a direct
1430 impact on the instruction of students and result in measurable increased student performance;
1431 and

1432 (iv) how the school intends to spend its allocation of funds under this section to
1433 enhance or improve academic excellence at the school.

1434 (b) (i) A council shall create and vote to adopt a plan for the use of School LAND
1435 Trust Program money in a meeting of the council at which a quorum is present.

1436 (ii) If a majority of the quorum votes to adopt a plan for the use of School LAND Trust
1437 Program money, the plan is adopted.

1438 (c) A council shall:

1439 (i) post a plan for the use of School LAND Trust Program money that is adopted in
1440 accordance with Subsection (6)(b) on the School LAND Trust Program website; and

1441 (ii) include with the plan a report noting the number of council members who voted for
1442 or against the approval of the plan and the number of council members who were absent for the
1443 vote.

1444 (d) (i) The local school board of a district school shall approve or disapprove a plan for
1445 the use of School LAND Trust Program money.

1446 (ii) If a local school board disapproves a plan for the use of School LAND Trust
1447 Program money:

1448 (A) the local school board shall provide a written explanation of why the plan was
1449 disapproved and request the school community council who submitted the plan to revise the

1450 plan; and

1451 (B) the school community council shall submit a revised plan in response to a local
1452 school board's request under Subsection (6)(d)(ii)(A).

1453 (iii) Once a plan has been approved by a local school board, a school community
1454 council may amend the plan, subject to a majority vote of the school community council and
1455 local school board approval.

1456 (e) A charter trust land council's plan for the use of School LAND Trust Program
1457 money is subject to approval by the:

1458 (i) charter school governing board; and

1459 (ii) charter school's charter school authorizer.

1460 (7) (a) A district school or charter school shall:

1461 (i) implement the program as approved;

1462 (ii) provide ongoing support for the council's program; and

1463 (iii) meet State Board of Education reporting requirements regarding financial and
1464 performance accountability of the program.

1465 (b) (i) A district school or charter school shall prepare and post an annual report of the
1466 program on the School LAND Trust Program website each fall.

1467 (ii) The report shall detail the use of program funds received by the school under this
1468 section and an assessment of the results obtained from the use of the funds.

1469 (iii) A summary of the report shall be provided to parents or guardians of students
1470 attending the school.

1471 (8) On or before October 1 of each year, a school district shall record the amount of the
1472 program funds distributed to each school under Subsection (4)(c) on the School LAND Trust
1473 Program website to assist schools in developing the annual report described in Subsection
1474 (7)(b).

1475 (9) (a) The governing board of a charter school shall establish a council, which shall
1476 prepare a plan for the use of School LAND Trust Program money that includes the elements
1477 listed in Subsection (6).

1478 (b) (i) The membership of the council shall include parents or guardians of students
1479 enrolled at the school and may include other members.

1480 (ii) The number of council members who are parents or guardians of students enrolled

1481 at the school shall exceed all other members combined by at least two.

1482 (c) A charter school governing board may serve as the council that prepares a plan for
 1483 the use of School LAND Trust Program money if the membership of the charter school
 1484 governing board meets the requirements of Subsection (9)(b)(ii).

1485 (d) (i) Except as provided in Subsection (9)(d)(ii), council members who are parents or
 1486 guardians of students enrolled at the school shall be elected in accordance with procedures
 1487 established by the charter school governing board.

1488 (ii) Subsection (9)(d)(i) does not apply to a charter school governing board that serves
 1489 as the council that prepares a plan for the use of School LAND Trust Program money.

1490 (e) A parent or guardian of a student enrolled at the school shall serve as chair or
 1491 cochair of a council that prepares a plan for the use of School LAND Trust Program money.

1492 (10) The president or chair of a local school board or charter school governing board
 1493 shall ensure that the members of the local school board or charter school governing board are
 1494 provided with annual training on the requirements of this section.

1495 (11) If the amount of money prescribed for funding the School LAND Trust Program
 1496 under this section is less than or greater than the money appropriated for the School LAND
 1497 Trust Program, the appropriation shall be equal to the amount of money prescribed for funding
 1498 the School LAND Trust Program in this section, up to a maximum of an amount equal to 3%
 1499 of the funds provided for the Minimum School Program.

1500 (12) The State Board of Education shall distribute the money appropriated in
 1501 Subsection (11) in accordance with this section and rules established by the board in
 1502 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1503 Section 31. Section **53F-2-405**, which is renumbered from Section 53A-17a-153 is
 1504 renumbered and amended to read:

1505 ~~[53A-17a-153].~~ **53F-2-405. Educator salary adjustments.**

1506 (1) As used in this section, "educator" means a person employed by a school district,
 1507 charter school, or the Utah Schools for the Deaf and the Blind who holds:

1508 (a) a license issued under [~~Title 53A, Chapter 6, Educator Licensing and Professional~~
 1509 ~~Practices Act~~] Title 53E, Chapter 6, Education Professional Licensure; and

1510 (b) a position as a:

1511 (i) classroom teacher;

- 1512 (ii) speech pathologist;
- 1513 (iii) librarian or media specialist;
- 1514 (iv) preschool teacher;
- 1515 (v) mentor teacher;
- 1516 (vi) teacher specialist or teacher leader;
- 1517 (vii) guidance counselor;
- 1518 (viii) audiologist;
- 1519 (ix) psychologist; or
- 1520 (x) social worker.

1521 (2) In recognition of the need to attract and retain highly skilled and dedicated
1522 educators, the Legislature shall annually appropriate money for educator salary adjustments,
1523 subject to future budget constraints.

1524 (3) Money appropriated to the State Board of Education for educator salary
1525 adjustments shall be distributed to school districts, charter schools, and the Utah Schools for
1526 the Deaf and the Blind in proportion to the number of full-time-equivalent educator positions
1527 in a school district, a charter school, or the Utah Schools for the Deaf and the Blind as
1528 compared to the total number of full-time-equivalent educator positions in school districts,
1529 charter schools, and the Utah Schools for the Deaf and the Blind.

1530 (4) A school district, a charter school, or the Utah Schools for the Deaf and the Blind
1531 shall award bonuses to educators as follows:

1532 (a) the amount of the salary adjustment shall be the same for each full-time-equivalent
1533 educator position in the school district, charter school, or the Utah Schools for the Deaf and the
1534 Blind;

1535 (b) an individual who is not a full-time educator shall receive a partial salary adjustment
1536 based on the number of hours the individual works as an educator; and

1537 (c) a salary adjustment may be awarded only to an educator who has received a
1538 satisfactory rating or above on the educator's most recent evaluation.

1539 (5) The State Board of Education may make rules as necessary to administer this
1540 section, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1541 (6) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient
1542 money each year to:

1543 (i) maintain educator salary adjustments provided in prior years; and

1544 (ii) provide educator salary adjustments to new employees.

1545 (b) Money appropriated for educator salary adjustments shall include money for the
1546 following employer-paid benefits:

1547 (i) retirement;

1548 (ii) worker's compensation;

1549 (iii) social security; and

1550 (iv) Medicare.

1551 (7) (a) Subject to future budget constraints, the Legislature shall:

1552 (i) maintain the salary adjustments provided to school administrators in the 2007-08
1553 school year; and

1554 (ii) provide salary adjustments for new school administrators in the same amount as
1555 provided for existing school administrators.

1556 (b) The appropriation provided for educator salary adjustments shall include salary
1557 adjustments for school administrators as specified in Subsection (7)(a).

1558 (c) In distributing and awarding salary adjustments for school administrators, the State
1559 Board of Education, a school district, a charter school, or the Utah Schools for the Deaf and the
1560 Blind shall comply with the requirements for the distribution and award of educator salary
1561 adjustments as provided in Subsections (3) and (4).

1562 Section 32. Section **53F-2-406**, which is renumbered from Section 53A-17a-154 is
1563 renumbered and amended to read:

1564 ~~[53A-17a-154].~~ **53F-2-406. Appropriation for school nurses.**

1565 The State Board of Education shall distribute money appropriated for school nurses to
1566 award grants to school districts and charter schools that:

1567 (1) provide an equal amount of matching funds; and

1568 (2) do not supplant other money used for school nurses.

1569 Section 33. Section **53F-2-407**, which is renumbered from Section 53A-17a-155 is
1570 renumbered and amended to read:

1571 ~~[53A-17a-155].~~ **53F-2-407. Appropriation for library books and electronic**
1572 **resources.**

1573 (1) The State Board of Education shall distribute money appropriated for library books

1574 and electronic resources as follows:

1575 (a) 25% shall be divided equally among all public schools; and

1576 (b) 75% shall be divided among public schools based on each school's average daily
1577 membership as compared to the total average daily membership.

1578 (2) A school district or charter school may not use money distributed under Subsection
1579 (1) to supplant other money used to purchase library books or electronic resources.

1580 Section 34. Section **53F-2-408**, which is renumbered from Section 53A-17a-165 is
1581 renumbered and amended to read:

1582 ~~[53A-17a-165]~~. **53F-2-408. Enhancement for Accelerated Students Program.**

1583 (1) As used in this section, "eligible low-income student" means a student who:

1584 (a) takes an Advanced Placement test;

1585 (b) has applied for an Advanced Placement test fee reduction; and

1586 (c) qualifies for a free lunch or a lunch provided at reduced cost.

1587 (2) The State Board of Education shall distribute money appropriated for the

1588 Enhancement for Accelerated Students Program to school districts and charter schools

1589 according to a formula adopted by the State Board of Education, after consultation with local
1590 education boards.

1591 (3) A distribution formula adopted under Subsection (2) may include an allocation of
1592 money for:

1593 (a) Advanced Placement courses;

1594 (b) Advanced Placement test fees of eligible low-income students;

1595 (c) gifted and talented programs, including professional development for teachers of
1596 high ability students; and

1597 (d) International Baccalaureate programs.

1598 (4) The greater of 1.5% or \$100,000 of the appropriation for the Enhancement for
1599 Accelerated Students Program may be allowed for International Baccalaureate programs.

1600 (5) A school district or charter school shall use money distributed under this section to
1601 enhance the academic growth of students whose academic achievement is accelerated.

1602 (6) The State Board of Education shall develop performance criteria to measure the
1603 effectiveness of the Enhancement for Accelerated Students Program.

1604 (7) If a school district or charter school receives an allocation of less than \$10,000

1605 under this section, the school district or charter school may use the allocation as described in
 1606 Section 53F-2-206.

1607 Section 35. Section **53F-2-409**, which is renumbered from Section 53A-15-1707 is
 1608 renumbered and amended to read:

1609 ~~[53A-15-1707]~~. **53F-2-409. Concurrent enrollment funding.**

1610 (1) The terms defined in Section 53F-10-301 apply to this section.

1611 ~~[(1)]~~ (2) The State Board of Education shall allocate money appropriated for
 1612 concurrent enrollment in accordance with this section.

1613 ~~[(2)]~~ (3) (a) The State Board of Education shall allocate money appropriated for
 1614 concurrent enrollment in proportion to the number of credit hours earned for courses taken
 1615 where:

1616 (i) an LEA primarily bears the cost of instruction; and

1617 (ii) an institution of higher education primarily bears the cost of instruction.

1618 (b) From the money allocated under Subsection ~~[(2)]~~ (3)(a)(i), the State Board of
 1619 Education shall distribute:

1620 (i) 60% of the money to LEAs; and

1621 (ii) 40% of the money to the State Board of Regents.

1622 (c) From the money allocated under Subsection ~~[(2)]~~ (3)(a)(ii), the State Board of
 1623 Education shall distribute:

1624 (i) 40% of the money to LEAs; and

1625 (ii) 60% of the money to the State Board of Regents.

1626 (d) The State Board of Education shall make rules, in accordance with Title 63G,
 1627 Chapter 3, Utah Administrative Rulemaking Act, providing for the distribution of the money to
 1628 LEAs under Subsections ~~[(2)]~~ (3)(b)(i) and ~~[(2)]~~ (3)(c)(i).

1629 (e) The State Board of Regents shall make rules, in accordance with Title 63G, Chapter
 1630 3, Utah Administrative Rulemaking Act, providing for the distribution of the money allocated
 1631 to institutions of higher education under Subsections ~~[(2)]~~ (3)(b)(ii) and ~~[(2)]~~ (3)(c)(ii).

1632 ~~[(3)]~~ (4) Subject to budget constraints, the Legislature shall annually increase the
 1633 money appropriated for concurrent enrollment in proportion to the percentage increase over the
 1634 previous school year in:

1635 (a) kindergarten through grade 12 student enrollment; and

1636 (b) the value of the weighted pupil unit.

1637 (5) If an LEA receives an allocation of less than \$10,000 under this section, the LEA
1638 may use the allocation as described in Section 53F-2-206.

1639 Section 36. Section **53F-2-410**, which is renumbered from Section 53A-17a-166 is
1640 renumbered and amended to read:

1641 ~~[53A-17a-166].~~ **53F-2-410. Enhancement for At-Risk Students Program.**

1642 (1) (a) Subject to the requirements of Subsection (1)(b), the State Board of Education
1643 shall distribute money appropriated for the Enhancement for At-Risk Students Program to
1644 school districts and charter schools according to a formula adopted by the State Board of
1645 Education, after consultation with local education boards.

1646 (b) (i) The State Board of Education shall appropriate \$1,200,000 from the
1647 appropriation for Enhancement for At-Risk Students for a gang prevention and intervention
1648 program designed to help students at-risk for gang involvement stay in school.

1649 (ii) Money for the gang prevention and intervention program shall be distributed to
1650 school districts and charter schools through a request for proposals process.

1651 (2) In establishing a distribution formula under Subsection (1)(a), the State Board of
1652 Education shall use the following criteria:

1653 (a) low performance on statewide assessments described in Section ~~[53A-1-602]~~
1654 53E-4-301;

1655 (b) poverty;

1656 (c) mobility; and

1657 (d) limited English proficiency.

1658 (3) A local education board shall use money distributed under this section to improve
1659 the academic achievement of students who are at risk of academic failure.

1660 (4) The State Board of Education shall develop performance criteria to measure the
1661 effectiveness of the Enhancement for At-Risk Students Program.

1662 (5) If a school district or charter school receives an allocation of less than \$10,000
1663 under this section, the school district or charter school may use the allocation as described in
1664 Section 53F-2-206.

1665 Section 37. Section **53F-2-411**, which is renumbered from Section 53A-17a-168 is
1666 renumbered and amended to read:

1667 ~~[53A-17a-168]~~. **53F-2-411. Appropriation for Title 1 Schools in**
1668 **Improvement Paraeducators Program.**

1669 (1) As used in this section:

1670 (a) "Eligible school" means a Title 1 school that has not achieved adequate yearly
1671 progress, as defined in the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq. in
1672 the same subject area for two consecutive years.

1673 (b) "Paraeducator" means a school employee who:

1674 (i) delivers instruction under the direct supervision of a teacher; and

1675 (ii) meets the requirements under Subsection (3).

1676 (c) "Program" means the Title 1 Schools in Improvement Paraeducators Program
1677 created in this section.

1678 (2) The program is created to provide funding for eligible schools to hire paraeducators
1679 to provide additional instructional aid in the classroom to assist students in achieving academic
1680 success and assist the school in exiting Title 1 school improvement status.

1681 (3) A paraeducator who is funded under this section shall have:

1682 (a) earned a secondary school diploma or a recognized equivalent;

1683 (b) (i) completed at least two years with a minimum of 48 semester hours at an
1684 accredited higher education institution;

1685 (ii) obtained an associates or higher degree from an accredited higher education
1686 institution; or

1687 (iii) satisfied a rigorous state or local assessment about the individual's knowledge of,
1688 and ability to assist in instructing students in, reading, writing, and mathematics; and

1689 (c) received large group-, small group-, and individual-level professional development
1690 that is intensive and focused and covers curriculum, instruction, assessment, classroom and
1691 behavior management, and teaming.

1692 (4) The State Board of Education shall distribute money appropriated for the program
1693 to eligible schools, in accordance with rules adopted by the board.

1694 (5) Funds appropriated under the program may not be used to supplant other money
1695 used for paraeducators at eligible schools.

1696 Section 38. Section **53F-2-412**, which is renumbered from Section 53A-17a-126.5 is
1697 renumbered and amended to read:

- 1698 ~~[53A-17a-126.5]~~. **53F-2-412. Grants for unsafe routes.**
- 1699 (1) As used in this section:
- 1700 (a) "Board" means the State Board of Education.
- 1701 (b) "Transportation Advisory Committee" means the review committee for addressing
- 1702 school transportation needs described in Subsection ~~[53A-17a-127]~~ 53F-2-403(5).
- 1703 (c) "Unsafe route" means a route between a student's residence and school that is:
- 1704 (i) shorter than a distance described in:
- 1705 (A) Subsection ~~[53A-17a-127]~~ 53F-2-403(1)(a) for a student enrolled in kindergarten
- 1706 through grade 6; or
- 1707 (B) Subsection ~~[53A-17a-127]~~ 53F-2-403(1)(b) for a student enrolled in grades 7
- 1708 through 12; and
- 1709 (ii) due to a health or safety concern, dangerous for a student to walk.
- 1710 (2) Subject to legislative appropriations for grants for unsafe routes provided under this
- 1711 section, the board shall:
- 1712 (a) solicit proposals from school districts to receive a grant; and
- 1713 (b) award grants to school districts.
- 1714 (3) To receive a grant under this section, a school district shall submit a proposal to the
- 1715 board that:
- 1716 (a) describes an unsafe route for which the school district intends to receive a grant;
- 1717 (b) includes a written statement from the following describing why the route is unsafe:
- 1718 (i) the school district;
- 1719 (ii) local law enforcement; and
- 1720 (iii) the municipality or county in which the described route is located; and
- 1721 (c) includes other information as required by the board.
- 1722 (4) (a) The Transportation Advisory Committee shall:
- 1723 (i) evaluate a proposal submitted to the board under Subsection (3); and
- 1724 (ii) make recommendations to the board regarding whether to fund the proposal.
- 1725 (b) The board shall consider the recommendations of the Transportation Advisory
- 1726 Committee before awarding a grant described in Subsection (2)(b).
- 1727 (5) In awarding a grant under this section, the board may not:
- 1728 (a) contribute an amount exceeding 85% of the cost of an unsafe route funded by the

1729 grant; or

1730 (b) award more than 15% of the appropriation under this section to a particular school
1731 district.

1732 (6) The Transportation Advisory Committee shall:

1733 (a) review each year an unsafe route funded by a grant; and

1734 (b) make a recommendation to the board regarding whether the board, subject to
1735 legislative appropriations, should renew the grant.

1736 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1737 board shall make rules to implement the grant program described in this section.

1738 Section 39. Section **53F-2-413**, which is renumbered from Section 53A-17a-141 is
1739 renumbered and amended to read:

1740 ~~[53A-17a-141]~~. **53F-2-413. Alternative programs.**

1741 (1) Since the State Board of Education has adopted a policy that requires school
1742 districts and charter schools to grant credit for proficiency through alternative programs, school
1743 districts and charter schools are encouraged to continue and expand school district and charter
1744 school cooperation with accredited institutions through performance contracts for educational
1745 services, particularly where it is beneficial to students whose progress could be better served
1746 through alternative programs.

1747 (2) School districts and charter schools are encouraged to participate in programs that
1748 focus on increasing the number of ethnic minority and female students in the secondary schools
1749 who will go on to study mathematics, engineering, or related sciences at an institution of higher
1750 education.

1751 Section 40. Section **53F-2-501**, which is renumbered from Section 53A-15-102 is
1752 renumbered and amended to read:

Part 5. Related to Basic Program -- Grant Programs

1753 ~~[53A-15-102]~~. **53F-2-501. Early graduation incentives -- Incentive to school**
1754 **district -- Partial tuition scholarship for student -- Payments.**

1756 (1) A secondary public school student who has completed all required courses or
1757 demonstrated mastery of required skills and competencies may graduate at any time with the
1758 approval of:

1759 (a) the student;

1760 (b) the student's parent or guardian; and
1761 (c) a local school official who is authorized by the school's principal or director to
1762 approve early graduation.

1763 (2) The State Board of Education shall make a payment to a public high school in an
1764 amount equal to 1/2 of the scholarship awarded to each student under this section who
1765 graduates from the school at or before the conclusion of grade 11, or a proportionately lesser
1766 amount for a student who graduates after the conclusion of grade 11 but before the conclusion
1767 of grade 12.

1768 (3) (a) The State Board of Education shall award to each student who graduates from
1769 high school at or before the conclusion of grade 11 a centennial scholarship in the amount of
1770 the greater of 30% of the previous year's value of the weighted pupil unit[~~as defined in~~
1771 ~~Section 53A-1a-703;~~] or \$1,000, subject to this Subsection (3) through Subsection (6).

1772 (b) A student who is awarded a centennial scholarship may use the scholarship for full
1773 time enrollment at:

- 1774 (i) a Utah public college, university, or community college;
- 1775 (ii) a technical college described in Section 53B-2a-105; or
- 1776 (iii) any other institution in the state of Utah that:

1777 (A) is accredited by an accrediting organization recognized by the State Board of
1778 Regents; and

1779 (B) offers postsecondary courses of the student's choice.

1780 (c) Before making a payment of a centennial scholarship, the State Board of Education
1781 shall verify that the student has registered at an institution described in Subsection (3)(b):

- 1782 (i) during the fiscal year following the student's graduation from high school; or
- 1783 (ii) at the end of the student's deferral period, in accordance with Subsection (4).

1784 (d) If a student graduates after the conclusion of grade 11 but before the conclusion of
1785 grade 12, the State Board of Education shall award the student a centennial scholarship of a
1786 proportionately lesser amount than the scholarship amount described in Subsection (3)(a).

1787 (4) (a) A student who is eligible for a centennial scholarship under Subsection (3) may
1788 make a request to the State Board of Education that the State Board of Education defer
1789 consideration of the student for the scholarship for a set period of time.

1790 (b) A student who makes a request under Subsection (4)(a) shall state in the request the

1791 reason for which the student wishes not to be considered for the scholarship until the end of the
1792 deferral period, which may include:

1793 (i) health reasons;

1794 (ii) religious reasons;

1795 (iii) military service; or

1796 (iv) humanitarian service.

1797 (c) If a student makes a request under Subsection (4)(a), the State Board of Education
1798 shall:

1799 (i) (A) review the student's request; and

1800 (B) approve or reject the student's request; and

1801 (ii) if the State Board of Education approves the student's request, in consultation with
1802 the student, set the length of the deferral period, ensuring that the deferral period is sufficient to
1803 meet the student's needs under Subsection (4)(b).

1804 (d) At the end of the deferral period, and upon request of the student, the State Board
1805 of Education shall:

1806 (i) determine a student to be eligible for the scholarship if the student was eligible at
1807 the time of the student's request for deferral; and

1808 (ii) if found eligible, make a payment to the student in an amount equal to the amount
1809 described in Subsection (4)(e).

1810 (e) The amount of a student's deferred scholarship payment shall be determined by the
1811 State Board of Education based on the amount of the scholarship the student would have been
1812 entitled to as described in Subsection (3) and based on the fiscal year prior to the student's
1813 request for deferral.

1814 (5) Except as provided in Subsection (4)(b), the State Board of Education:

1815 (a) shall make the payments authorized in Subsections (2) and (3)(a) during the fiscal
1816 year that follows the student's graduation; and

1817 (b) may make the payments authorized in Subsection (3)(b) during the fiscal year:

1818 (i) in which the student graduates; or

1819 (ii) following the student's graduation.

1820 (6) Subject to future budget constraints, the Legislature shall adjust the appropriation
1821 for the Centennial Scholarship Program based on:

- 1822 (a) the anticipated increase of students awarded a centennial scholarship; and
- 1823 (b) the percent increase of the prior year's weighted pupil unit value, as provided in
- 1824 Subsection (3).

1825 Section 41. Section **53F-2-502**, which is renumbered from Section 53A-15-105 is

1826 renumbered and amended to read:

1827 ~~[53A-15-105].~~ **53F-2-502. Dual Language Immersion Program -- Pilot.**

1828 (1) Subject to funding for the program, the State Board of Education shall establish a

1829 pilot program for school districts and schools to initially participate in the Dual Language

1830 Immersion Program.

1831 (2) The program shall provide funds as an incentive to 15 qualifying schools for the

1832 following languages:

- 1833 (a) six pilots for Chinese;
- 1834 (b) six pilots for Spanish;
- 1835 (c) two pilots for French; and
- 1836 (d) one pilot for Navajo.

1837 (3) Subject to funding for the program, a qualifying school shall:

- 1838 (a) receive up to \$18,000 per year for up to six years;
- 1839 (b) establish an instructional model that uses 50% of instruction in English and 50% of
- 1840 instruction in another language; and
- 1841 (c) begin the instructional model described under Subsection (3)(b) in kindergarten or
- 1842 grade 1 and add an additional grade each year.

1843 Section 42. Section **53F-2-503**, which is renumbered from Section 53A-17a-150 is

1844 renumbered and amended to read:

1845 ~~[53A-17a-150].~~ **53F-2-503. K-3 Reading Improvement Program.**

1846 (1) As used in this section:

- 1847 (a) "Board" means the State Board of Education.
- 1848 (b) "Five domains of reading" include phonological awareness, phonics, fluency,
- 1849 comprehension, and vocabulary.
- 1850 (c) "Program" means the K-3 Reading Improvement Program.
- 1851 (d) "Program money" means:
- 1852 (i) school district revenue allocated to the program from other money available to the

1853 school district, except money provided by the state, for the purpose of receiving state funds
1854 under this section; and

1855 (ii) money appropriated by the Legislature to the program.

1856 (2) The K-3 Reading Improvement Program consists of program money and is created
1857 to supplement other school resources to achieve the state's goal of having third graders reading
1858 at or above grade level.

1859 (3) Subject to future budget constraints, the Legislature may annually appropriate
1860 money to the K-3 Reading Improvement Program.

1861 (4) (a) For a school district or charter school to receive program money, a local
1862 education board shall submit a plan to the board for reading proficiency improvement that
1863 incorporates the following components:

1864 (i) assessment;

1865 (ii) intervention strategies;

1866 (iii) professional development for classroom teachers in kindergarten through grade
1867 three;

1868 (iv) reading performance standards; and

1869 (v) specific measurable goals that include the following:

1870 (A) a growth goal for each school within a school district and each charter school
1871 based upon student learning gains as measured by benchmark assessments administered
1872 pursuant to Section [~~53A-1-606.6~~] [53E-4-307](#); and

1873 (B) a growth goal for each school district and charter school to increase the percentage
1874 of third grade students who read on grade level from year to year as measured by the third
1875 grade reading test administered pursuant to Section [~~53A-1-603~~] [53E-4-302](#).

1876 (b) The board shall provide model plans that a local education board may use, or the
1877 local education board may develop the local education board's own plan.

1878 (c) Plans developed by a local education board shall be approved by the board.

1879 (d) The board shall develop uniform standards for acceptable growth goals that a local
1880 education board adopts for a school district or charter school as described in this Subsection
1881 (4).

1882 (5) (a) There is created within the K-3 Reading Achievement Program three funding
1883 programs:

- 1884 (i) the Base Level Program;
- 1885 (ii) the Guarantee Program; and
- 1886 (iii) the Low Income Students Program.

1887 (b) The board may use no more than \$7,500,000 from an appropriation described in
1888 Subsection (3) for computer-assisted instructional learning and assessment programs.

1889 (6) Money appropriated to the board for the K-3 Reading Improvement Program and
1890 not used by the board for computer-assisted instructional learning and assessments as described
1891 in Subsection (5)(b), shall be allocated to the three funding programs as follows:

- 1892 (a) 8% to the Base Level Program;
- 1893 (b) 46% to the Guarantee Program; and
- 1894 (c) 46% to the Low Income Students Program.

1895 (7) (a) For a school district or charter school to participate in the Base Level Program,
1896 the local education board shall submit a reading proficiency improvement plan to the board as
1897 provided in Subsection (4) and must receive approval of the plan from the board.

1898 (b) (i) The local school board of a school district qualifying for Base Level Program
1899 funds and the governing boards of qualifying elementary charter schools combined shall
1900 receive a base amount.

1901 (ii) The base amount for the qualifying elementary charter schools combined shall be
1902 allocated among each charter school in an amount proportionate to:

- 1903 (A) each existing charter school's prior year fall enrollment in grades kindergarten
1904 through grade three; and
- 1905 (B) each new charter school's estimated fall enrollment in grades kindergarten through
1906 grade three.

1907 (8) (a) A local school board that applies for program money in excess of the Base Level
1908 Program funds shall choose to first participate in either the Guarantee Program or the Low
1909 Income Students Program.

1910 (b) A school district must fully participate in either the Guarantee Program or the Low
1911 Income Students Program before the local school board may elect for the school district to
1912 either fully or partially participate in the other program.

1913 (c) For a school district to fully participate in the Guarantee Program, the local school
1914 board shall allocate to the program money available to the school district, except money

1915 provided by the state, equal to the amount of revenue that would be generated by a tax rate of
1916 .000056.

1917 (d) For a school district to fully participate in the Low Income Students Program, the
1918 local school board shall allocate to the program money available to the school district, except
1919 money provided by the state, equal to the amount of revenue that would be generated by a tax
1920 rate of .000065.

1921 (e) (i) The board shall verify that a local school board allocates the money required in
1922 accordance with Subsections (8)(c) and (d) before the local school board distributes funds in
1923 accordance with this section.

1924 (ii) The State Tax Commission shall provide the board the information the board needs
1925 in order to comply with Subsection (8)(e)(i).

1926 (9) (a) Except as provided in Subsection (9)(c), the local school board of a school
1927 district that fully participates in the Guarantee Program shall receive state funds in an amount
1928 that is:

1929 (i) equal to the difference between \$21 multiplied by the school district's total WPU's
1930 and the revenue the local school board is required to allocate under Subsection (8)(c) for the
1931 school district to fully participate in the Guarantee Program; and

1932 (ii) not less than \$0.

1933 (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive
1934 under the Guarantee Program an amount equal to \$21 times the elementary charter school's
1935 total WPU's.

1936 (c) The board may adjust the \$21 guarantee amount described in Subsections (9)(a) and
1937 (b) to account for actual appropriations and money used by the board for computer-assisted
1938 instructional learning and assessments.

1939 (10) The board shall distribute Low Income Students Program funds in an amount
1940 proportionate to the number of students in each school district or charter school who qualify for
1941 free or reduced price school lunch multiplied by two.

1942 (11) A school district that partially participates in the Guarantee Program or Low
1943 Income Students Program shall receive program funds based on the amount of school district
1944 revenue allocated to the program as a percentage of the amount of revenue that could have been
1945 allocated if the school district had fully participated in the program.

1946 (12) (a) A local education board shall use program money for reading proficiency
1947 improvement interventions in grades kindergarten through grade 3 that have proven to
1948 significantly increase the percentage of students reading at grade level, including:

1949 (i) reading assessments; and

1950 (ii) focused reading remediations that may include:

1951 (A) the use of reading specialists;

1952 (B) tutoring;

1953 (C) before or after school programs;

1954 (D) summer school programs; or

1955 (E) the use of reading software; or

1956 (F) the use of interactive computer software programs for literacy instruction and
1957 assessments for students.

1958 (b) A local education board may use program money for portable technology devices
1959 used to administer reading assessments.

1960 (c) Program money may not be used to supplant funds for existing programs, but may
1961 be used to augment existing programs.

1962 (13) (a) Each local education board shall annually submit a report to the board
1963 accounting for the expenditure of program money in accordance with its plan for reading
1964 proficiency improvement.

1965 (b) If a local education board uses program money in a manner that is inconsistent with
1966 Subsection (12), the school district or charter school is liable for reimbursing the board for the
1967 amount of program money improperly used, up to the amount of program money received from
1968 the board.

1969 (14) (a) The board shall make rules to implement the program.

1970 (b) (i) The rules under Subsection (14)(a) shall require each local education board to
1971 annually report progress in meeting goals stated in the school district's or charter school's plan
1972 for student reading proficiency.

1973 (ii) If a school does not meet or exceed the school's goals, the local education board
1974 shall prepare a new plan which corrects deficiencies.

1975 (iii) The new plan described in Subsection (14)(b)(ii) shall be approved by the board
1976 before the local education board receives an allocation for the next year.

1977 (15) (a) If for two consecutive school years, a school district fails to meet the school
 1978 district's goal to increase the percentage of third grade students who read on grade level as
 1979 measured by the third grade reading test administered pursuant to Section [~~53A-1-603~~]
 1980 [53E-4-302](#), the school district shall terminate any levy imposed under Section [~~53A-17a-151~~]
 1981 [53F-8-406](#) and may not receive money appropriated by the Legislature for the K-3 Reading
 1982 Improvement Program.

1983 (b) If for two consecutive school years, a charter school fails to meet the charter
 1984 school's goal to increase the percentage of third grade students who read on grade level as
 1985 measured by the third grade reading test administered pursuant to Section [~~53A-1-603~~]
 1986 [53E-4-302](#), the charter school may not receive money appropriated by the Legislature for the
 1987 K-3 Reading Improvement Program.

1988 (16) The board shall make an annual report to the Public Education Appropriations
 1989 Subcommittee that:

1990 (a) includes information on:

1991 (i) student learning gains in reading for the past school year and the five-year trend;

1992 (ii) the percentage of third grade students reading on grade level in the past school year
 1993 and the five-year trend;

1994 (iii) the progress of schools and school districts in meeting goals stated in a school
 1995 district's or charter school's plan for student reading proficiency; and

1996 (iv) the correlation between third grade students reading on grade level and results of
 1997 third grade language arts scores on a criterion-referenced test or computer adaptive test; and

1998 (b) may include recommendations on how to increase the percentage of third grade
 1999 students who read on grade level.

2000 Section 43. Section **53F-2-504**, which is renumbered from Section 53A-17a-156 is
 2001 renumbered and amended to read:

2002 [~~53A-17a-156~~]. **53F-2-504. Teacher Salary Supplement Program -- Appeal**
 2003 **process.**

2004 (1) As used in this section:

2005 (a) "Board" means the State Board of Education.

2006 (b) "Certificate teacher" means a teacher who holds a National Board certification.

2007 (c) "Eligible teacher" means a teacher who:

- 2008 (i) has an assignment to teach:
- 2009 (A) a secondary school level mathematics course;
- 2010 (B) integrated science in grade seven or eight;
- 2011 (C) chemistry;
- 2012 (D) physics; or
- 2013 (E) computer science;
- 2014 (ii) holds the appropriate endorsement for the assigned course;
- 2015 (iii) has qualifying educational background; and
- 2016 (iv) (A) is a new employee; or
- 2017 (B) received a satisfactory rating or above on the teacher's most recent evaluation.
- 2018 (d) "National Board certification" means the same as that term is defined in Section
- 2019 ~~[53A-6-103]~~ [53E-6-102](#).
- 2020 (e) "Qualifying educational background" means:
- 2021 (i) for a teacher who is assigned a secondary school level mathematics course:
- 2022 (A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or
- 2023 (B) a bachelor's degree major, master's degree, or doctoral degree that has course
- 2024 requirements that are substantially equivalent to the course requirements for a bachelor's degree
- 2025 major, master's degree, or doctoral degree in mathematics;
- 2026 (ii) for a teacher who is assigned a grade seven or eight integrated science course,
- 2027 chemistry course, or physics course, a bachelor's degree major, master's degree, or doctoral
- 2028 degree in:
- 2029 (A) integrated science;
- 2030 (B) chemistry;
- 2031 (C) physics;
- 2032 (D) physical science;
- 2033 (E) general science; or
- 2034 (F) a bachelor's degree major, master's degree, or doctoral degree that has course
- 2035 requirements that are substantially equivalent to the course requirements of those required for a
- 2036 degree listed in Subsections (1)(e)(ii)(A) through (E);
- 2037 (iii) for a teacher who is assigned a computer science course, a bachelor's degree major,
- 2038 master's degree, or doctoral degree in:

- 2039 (A) computer science;
- 2040 (B) computer information technology; or
- 2041 (C) a bachelor's degree major, master's degree, or doctoral degree that has course
2042 requirements that are substantially equivalent to the course requirements of those required for a
2043 degree listed in Subsections (1)(e)(iii)(A) and (B).
- 2044 (f) "Title I school" means a school that receives funds under the Elementary and
2045 Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.
- 2046 (g) "Title I school certificate teacher" means a certificate teacher who is assigned to
2047 teach at a Title I school.
- 2048 (2) (a) Subject to future budget constraints, the Legislature shall annually appropriate
2049 money to the Teacher Salary Supplement Program.
- 2050 (b) Money appropriated for the Teacher Salary Supplement Program shall include
2051 money for the following employer-paid benefits:
- 2052 (i) retirement;
- 2053 (ii) workers' compensation;
- 2054 (iii) Social Security; and
- 2055 (iv) Medicare.
- 2056 (3) (a) (i) The annual salary supplement for an eligible teacher who is assigned full
2057 time to teach one or more courses listed in Subsections (1)(c)(i)(A) through (E) is \$4,100.
- 2058 (ii) An eligible teacher who has a part-time assignment to teach one or more courses
2059 listed in Subsections (1)(c)(i)(A) through (E) shall receive a partial salary supplement based on
2060 the number of hours worked in a course assignment that meets the requirements of Subsections
2061 (1)(c)(ii) and (iii).
- 2062 (b) The annual salary supplement for a certificate teacher is \$750.
- 2063 (c) (i) The annual salary supplement for a Title I school certificate teacher is \$1,500.
- 2064 (ii) A certificate teacher who qualifies for a salary supplement under Subsections (3)(b)
2065 and (c) may only receive the salary supplement that is greater in value.
- 2066 (4) The board shall:
- 2067 (a) create an online application system for a teacher to apply to receive a salary
2068 supplement through the Teacher Salary Supplement Program;
- 2069 (b) determine if a teacher:

2070 (i) (A) is an eligible teacher; and
2071 (B) has a course assignment as listed in Subsections (1)(c)(i)(A) through (E);
2072 (ii) is a certificate teacher; or
2073 (iii) is a Title I school certificate teacher;
2074 (c) verify, as needed, the determinations made under Subsection (4)(b) with school
2075 district and school administrators; and
2076 (d) certify a list of eligible teachers, certificate teachers, and Title I school certificate
2077 teachers.
2078 (5) (a) An eligible teacher, a certificate teacher, or a Title I school certificate teacher
2079 shall apply with the board before the conclusion of a school year to receive the salary
2080 supplement authorized in this section.
2081 (b) An eligible teacher, a certificate teacher, or a Title I school certificate teacher may
2082 apply with the board, after verification that the requirements under this section have been
2083 satisfied, to receive a salary supplement after the completion of:
2084 (i) the school year as an annual award; or
2085 (ii) a semester or trimester as a partial award based on the portion of the school year
2086 that has been completed.
2087 (6) (a) The board shall establish and administer an appeal process for a teacher to
2088 follow if the teacher applies for the salary supplement and is not certified under Subsection (4).
2089 (b) (i) The appeal process established in Subsection (6)(a) shall allow a teacher to
2090 appeal eligibility as an eligible teacher on the basis that the teacher has a degree or degree
2091 major with course requirements that are substantially equivalent to the course requirements for
2092 a degree listed in:
2093 (A) Subsection (1)(e)(i)(A);
2094 (B) Subsections (1)(e)(ii)(A) through (E); or
2095 (C) Subsections (1)(e)(iii)(A) and (B).
2096 (ii) A teacher shall provide transcripts and other documentation to the board in order
2097 for the board to determine if the teacher has a degree or degree major with course requirements
2098 that are substantially equivalent to the course requirements for a degree listed in:
2099 (A) Subsection (1)(e)(i)(A);
2100 (B) Subsections (1)(e)(ii)(A) through (E); or

2101 (C) Subsections (1)(e)(iii)(A) and (B).
2102 (c) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
2103 appeal eligibility as a certificate teacher on the basis that the teacher holds a current certificate.
2104 (ii) A teacher shall provide to the board a certificate or other related documentation in
2105 order for the board to determine if the teacher holds a current certificate.
2106 (d) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
2107 appeal eligibility as a Title I school certificate teacher on the basis that the teacher:
2108 (A) holds a current certificate; and
2109 (B) is assigned to teach at a Title I school.
2110 (ii) A teacher shall provide to the board:
2111 (A) information described in Subsection (6)(c)(ii); and
2112 (B) verification that the teacher is assigned to teach at a Title I school.
2113 (7) (a) The board shall distribute money appropriated to the Teacher Salary
2114 Supplement Program to school districts and charter schools for the Teacher Salary Supplement
2115 Program in accordance with the provisions of this section.
2116 (b) The board shall include the employer-paid benefits described under Subsection
2117 (2)(b) in the amount of each salary supplement.
2118 (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the
2119 salary supplement limits described under Subsection (3).
2120 (8) (a) Money received from the Teacher Salary Supplement Program shall be used by
2121 a school district or charter school to provide a salary supplement equal to the amount specified
2122 in Subsection (3) for each eligible teacher, certificate teacher, or Title I school certificate
2123 teacher.
2124 (b) The salary supplement is part of the teacher's base pay, subject to the teacher's
2125 qualification as an eligible teacher, a certificate teacher, or a Title I school certificate teacher
2126 every year, semester, or trimester.
2127 (9) Notwithstanding the provisions of this section, if the appropriation for the program
2128 is insufficient to cover the costs associated with salary supplements, the board may limit or
2129 reduce the salary supplements.
2130 Section 44. Section **53F-2-505**, which is renumbered from Section 53A-17a-159 is
2131 renumbered and amended to read:

2132 ~~[53A-17a-159]~~. 53F-2-505. **Utah Science Technology and Research Initiative**
2133 **Centers Program.**

2134 (1) (a) The Utah Science Technology and Research Initiative (USTAR) Centers
2135 Program is created to provide a financial incentive for local education boards to adopt
2136 programs in respective charter schools and school districts that result in a more efficient use of
2137 human resources and capital facilities.

2138 (b) The potential benefits of the program include:

2139 (i) increased compensation for math and science teachers by providing opportunities
2140 for an expanded contract year which will enhance school districts' and charter schools' ability to
2141 attract and retain talented and highly qualified math and science teachers;

2142 (ii) increased capacity of school buildings by using buildings more hours of the day or
2143 more days of the year, resulting in reduced capital facilities costs;

2144 (iii) decreased class sizes created by expanding the number of instructional
2145 opportunities in a year;

2146 (iv) opportunities for earlier high school graduation;

2147 (v) improved student college preparation;

2148 (vi) increased opportunities to offer additional remedial and advanced courses in math
2149 and science;

2150 (vii) opportunities to coordinate high school and post-secondary math and science
2151 education; and

2152 (viii) the creation or improvement of science, technology, engineering, and math
2153 centers (STEM Centers).

2154 (2) From money appropriated for the USTAR Centers Program, the State Board of
2155 Education shall award grants to charter schools and school districts to pay for costs related to
2156 the adoption and implementation of the program.

2157 (3) The State Board of Education shall:

2158 (a) solicit proposals from the State Charter School Board and local school boards for
2159 the use of grant money to facilitate the adoption and implementation of the program; and

2160 (b) award grants on a competitive basis.

2161 (4) The State Charter School Board shall:

2162 (a) solicit proposals from charter school governing boards that may be interested in

2163 participating in the USTAR Centers Program;

2164 (b) prioritize and consolidate the proposals into the equivalent of a single school
2165 district request; and

2166 (c) submit the consolidated request to the State Board of Education.

2167 (5) In selecting a grant recipient, the State Board of Education shall consider:

2168 (a) the degree to which a charter school or school district's proposed adoption and
2169 implementation of an extended year for math and science teachers achieves the benefits
2170 described in Subsection (1);

2171 (b) the unique circumstances of different urban, rural, large, small, growing, and
2172 declining charter schools and school districts; and

2173 (c) providing pilot programs in as many different school districts and charter schools as
2174 possible.

2175 (6) (a) Except as provided in Subsection (6)(b), a school district or charter school may
2176 only use grant money to provide full year teacher contracts, part-time teacher contract
2177 extensions, or combinations of both, for math and science teachers.

2178 (b) Up to 5% of the grant money may be used to fund math and science field trips,
2179 textbooks, and supplies.

2180 (7) Participation in the USTAR Centers Program shall be:

2181 (a) voluntary for an individual teacher; and

2182 (b) voluntary for a charter school or school district.

2183 Section 45. Section **53F-2-506**, which is renumbered from Section 53A-17a-162 is
2184 renumbered and amended to read:

2185 ~~[53A-17a-162]~~. **53F-2-506. Beverley Taylor Sorenson Elementary Arts**
2186 **Learning Program.**

2187 (1) As used in this section:

2188 (a) "Endowed chair" means a person who holds an endowed position or administrator
2189 of an endowed program for the purpose of arts and integrated arts instruction at an endowed
2190 university.

2191 (b) "Endowed university" means an institution of higher education in the state that:

2192 (i) awards elementary education degrees in arts instruction;

2193 (ii) has received a major philanthropic donation for the purpose of arts and integrated

2194 arts instruction; and

2195 (iii) has created an endowed position as a result of a donation described in Subsection
2196 (1)(b)(ii).

2197 (c) "Integrated arts advocate" means a person who:

2198 (i) advocates for arts and integrated arts instruction in the state; and

2199 (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed
2200 chair.

2201 (d) "Local education agency" or "LEA" means:

2202 (i) a school district;

2203 (ii) a charter school; or

2204 (iii) the Utah Schools for the Deaf and the Blind.

2205 (2) The Legislature finds that a strategic placement of arts in elementary education can
2206 impact the critical thinking of students in other core subject areas, including mathematics,
2207 reading, and science.

2208 (3) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to
2209 enhance the social, emotional, academic, and arts learning of students in kindergarten through
2210 grade six by integrating arts teaching and learning into core subject areas and providing
2211 professional development for positions that support elementary arts and integrated arts
2212 education.

2213 (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
2214 Learning Program, and subject to Subsection (5), the State Board of Education shall, after
2215 consulting with endowed chairs and the integrated arts advocate and receiving their
2216 recommendations, administer a grant program to enable LEAs to:

2217 (a) hire highly qualified arts specialists, art coordinators, and other positions that
2218 support arts education and arts integration;

2219 (b) provide up to \$10,000 in one-time funds for each new school arts specialist
2220 described under Subsection (4)(a) to purchase supplies and equipment; and

2221 (c) engage in other activities that improve the quantity and quality of integrated arts
2222 education.

2223 (5) (a) An LEA that receives a grant under Subsection (4) shall provide matching funds
2224 of no less than 20% of the grant amount, including no less than 20% of the grant amount for

2225 actual salary and benefit costs per full-time equivalent position funded under Subsection (4)(a).

2226 (b) An LEA may not:

2227 (i) include administrative, facility, or capital costs to provide the matching funds

2228 required under Subsection (5)(a); or

2229 (ii) use funds from the Beverley Taylor Sorenson Elementary Arts Learning Program to
2230 supplant funds for existing programs.

2231 (6) An LEA that receives a grant under this section shall partner with an endowed chair
2232 to provide professional development in integrated elementary arts education.

2233 (7) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
2234 Learning Program, the State Board of Education shall administer a grant program to fund
2235 activities within arts and the integrated arts programs at an endowed university in the college
2236 where the endowed chair resides to:

2237 (a) provide high quality professional development in elementary integrated arts
2238 education in accordance with the professional learning standards in Section [~~53A-3-701~~]

2239 [53G-11-303](#) to LEAs that receive a grant under Subsection (4);

2240 (b) design and conduct research on:

2241 (i) elementary integrated arts education and instruction;

2242 (ii) implementation and evaluation of the Beverley Taylor Sorenson Elementary Arts
2243 Learning Program; and

2244 (iii) effectiveness of the professional development under Subsection (7)(a); and

2245 (c) provide the public with integrated elementary arts education resources.

2246 (8) The State Board of Education shall make rules in accordance with Title 63G,
2247 Chapter 3, Utah Administrative Rulemaking Act, to administer the Beverley Taylor Sorenson
2248 Elementary Arts Learning Program.

2249 Section 46. Section **53F-2-507**, which is renumbered from Section 53A-17a-167 is
2250 renumbered and amended to read:

2251 ~~[53A-17a-167]~~. **53F-2-507. Enhanced kindergarten early intervention**
2252 **program.**

2253 (1) The State Board of Education shall, as described in Subsection (4), distribute funds
2254 appropriated under this section for an enhanced kindergarten program described in Subsection

2255 (2), to school districts and charter schools that apply for the funds.

2256 (2) A local education board shall use funds appropriated in this section for a school
2257 district or charter school to offer an early intervention program, delivered through an enhanced
2258 kindergarten program that:

- 2259 (a) is an academic program focused on building age-appropriate literacy and numeracy
2260 skills;
- 2261 (b) uses an evidence-based early intervention model;
- 2262 (c) is targeted to at-risk students; and
- 2263 (d) is delivered through additional hours or other means.

2264 (3) A local education board may not require a student to participate in an enhanced
2265 kindergarten program described in Subsection (2).

2266 (4) The State Board of Education shall distribute funds appropriated under this section
2267 for an enhanced kindergarten program described in Subsection (2) as follows:

2268 (a) (i) the total allocation for charter schools shall be calculated by:

2269 (A) dividing the number of charter school students by the total number of students in
2270 the public education system in the prior school year; and

2271 (B) multiplying the resulting percentage by the total amount of available funds; and

2272 (ii) the amount calculated under Subsection (4)(a) shall be distributed to charter
2273 schools with the greatest need for an enhanced kindergarten program, as determined by the
2274 State Board of Education in consultation with the State Charter School Board;

2275 (b) each school district shall receive the amount calculated by:

2276 (i) multiplying the value of the weighted pupil unit by 0.45; and

2277 (ii) multiplying the result by 20; and

2278 (c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b)
2279 are made, shall be distributed to applicant school districts by:

2280 (i) determining the number of students eligible to receive free lunch in the prior school
2281 year for each school district; and

2282 (ii) prorating the remaining funds based on the number of students eligible to receive
2283 free lunch in each school district.

2284 ~~[(5) In addition to an enhanced kindergarten program described in Subsection (2), the~~
2285 ~~early intervention program includes a component to address early reading through the use of~~
2286 ~~early interactive reading software.]~~

2287 ~~[(6) (a) Subject to legislative appropriations, the State Board of Education shall select~~
2288 ~~and contract with one or more technology providers, through a request for proposals process, to~~
2289 ~~provide early interactive reading software for literacy instruction and assessments for students~~
2290 ~~in kindergarten through grade 3.]~~

2291 ~~[(b) By August 1 of each year, the State Board of Education shall distribute licenses for~~
2292 ~~early interactive reading software described in Subsection (6)(a) to the school districts and~~
2293 ~~charter schools of local education boards that apply for the licenses.]~~

2294 ~~[(c) Except as provided in Subsection (7)(c), a school district or charter school that~~
2295 ~~received a license described in Subsection (6)(b) during the prior year shall be given first~~
2296 ~~priority to receive an equivalent license during the current year.]~~

2297 ~~[(d) Licenses distributed to school districts and charter schools in addition to the~~
2298 ~~licenses described in Subsection (6)(c) shall be distributed through a competitive process.]~~

2299 ~~[(7) (a) As used in this Subsection (7), "dosage" means amount of instructional time.]~~

2300 ~~[(b) A public school that receives a license described in Subsection (6)(b) shall use the~~
2301 ~~license:]~~

2302 ~~[(i) for a student in kindergarten or grade 1:]~~

2303 ~~[(A) for intervention for the student if the student is reading below grade level; or]~~

2304 ~~[(B) for advancement beyond grade level for the student if the student is reading at or~~
2305 ~~above grade level;]~~

2306 ~~[(ii) for a student in grade 2 or 3, for intervention for the student if the student is~~
2307 ~~reading below grade level; and]~~

2308 ~~[(iii) in accordance with the technology provider's dosage recommendations.]~~

2309 ~~[(c) A public school that does not use the early interactive reading software in~~
2310 ~~accordance with the technology provider's dosage recommendations for two consecutive years~~
2311 ~~may not continue to receive a license.]~~

2312 ~~[(8) (a) On or before August 1 of each year, the State Board of Education shall select~~
2313 ~~and contract with an independent evaluator, through a request for proposals process, to act as~~
2314 ~~an independent contractor to evaluate early interactive reading software provided under this~~
2315 ~~section.]~~

2316 ~~[(b) The State Board of Education shall ensure that a contract with an independent~~
2317 ~~evaluator requires the independent evaluator to:]~~

2318 ~~[(i) evaluate a student's learning gains as a result of using early interactive reading~~
2319 ~~software provided under Subsection (6);]~~

2320 ~~[(ii) for the evaluation under Subsection (8)(b)(i), use an assessment that is not~~
2321 ~~developed by a provider of early interactive reading software; and]~~

2322 ~~[(iii) determine the extent to which a public school uses the early interactive reading~~
2323 ~~software in accordance with a technology provider's dosage recommendations under~~
2324 ~~Subsection (7).]~~

2325 ~~[(c) The State Board of Education and the independent evaluator selected under~~
2326 ~~Subsection (8)(a) shall report annually on the results of the evaluation to the Education Interim~~
2327 ~~Committee and the governor.]~~

2328 ~~[(d) The State Board of Education may use up to 4% of the appropriation provided~~
2329 ~~under Subsection (6)(a) to contract with an independent evaluator selected under Subsection~~
2330 ~~(8)(a).]~~

2331 Section 47. Section **53F-2-508**, which is renumbered from Section 53A-17a-169 is
2332 renumbered and amended to read:

2333 ~~[53A-17a-169].~~ **53F-2-508. Student Leadership Skills Development Program.**

2334 (1) For purposes of this section:

2335 (a) "Board" means the State Board of Education.

2336 (b) "Program" means the Student Leadership Skills Development Program created in
2337 Subsection (2).

2338 (2) There is created the Student Leadership Skills Development Program to develop
2339 student behaviors and skills that enhance a school's learning environment and are vital for
2340 success in a career, including:

2341 (a) communication skills;

2342 (b) teamwork skills;

2343 (c) interpersonal skills;

2344 (d) initiative and self-motivation;

2345 (e) goal setting skills;

2346 (f) problem solving skills; and

2347 (g) creativity.

2348 (3) (a) The board shall administer the program and award grants to elementary schools

2349 that apply for a grant on a competitive basis.

2350 (b) The board may award a grant of:

2351 (i) up to \$10,000 per school for the first year a school participates in the program; and

2352 (ii) up to \$20,000 per school for subsequent years a school participates in the program.

2353 (c) (i) After awarding a grant to a school for a particular year, the board may not

2354 change the grant amount awarded to the school for that year.

2355 (ii) The board may award a school a different amount in subsequent years.

2356 (4) An elementary school may participate in the program established under this section

2357 in accordance with State Board of Education rules, made in accordance with Title 63G,

2358 Chapter 3, Utah Administrative Rulemaking Act.

2359 (5) In selecting elementary schools to participate in the program, the board shall:

2360 (a) require a school in the first year the school participates in the program to provide
2361 matching funds or an in-kind contribution of goods or services in an amount equal to the grant
2362 the school receives from the board;

2363 (b) require a school to participate in the program for two years; and

2364 (c) give preference to Title I schools or schools in need of academic improvement.

2365 (6) The board shall make the following information related to the grants described in
2366 Subsection (3) publicly available on the board's website:

2367 (a) reimbursement procedures that clearly define how a school may spend grant money
2368 and how the board will reimburse the school;

2369 (b) the period of time a school is permitted to spend grant money;

2370 (c) criteria for selecting a school to receive a grant; and

2371 (d) a list of schools that receive a grant and the amount of each school's grant.

2372 (7) A school that receives a grant described in Subsection (3) shall:

2373 (a) (i) set school-wide goals for the school's student leadership skills development
2374 program; and

2375 (ii) require each student to set personal goals; and

2376 (b) provide the following to the board after the first school year of implementation of
2377 the program:

2378 (i) evidence that the grant money was used for the purpose of purchasing or developing
2379 the school's own student leadership skills development program; and

2380 (ii) a report on the effectiveness and impact of the school's student leadership skills
2381 development program on student behavior and academic results as measured by:
2382 (A) a reduction in truancy;
2383 (B) assessments of academic achievement;
2384 (C) a reduction in incidents of student misconduct or disciplinary actions; and
2385 (D) the achievement of school-wide goals and students' personal goals.
2386 (8) After participating in the program for two years, a school may not receive
2387 additional grant money in subsequent years if the school fails to demonstrate an improvement
2388 in student behavior and academic achievement as measured by the data reported under
2389 Subsection (7)(b).

2390 (9) (a) The board shall make a report on the program to the Education Interim
2391 Committee by the committee's October 2016 meeting.

2392 (b) The report shall include an evaluation of the program's success in enhancing a
2393 school's learning environment and improving academic achievement.

2394 Section 48. Section **53F-2-509**, which is renumbered from Section 53A-17a-170 is
2395 renumbered and amended to read:

2396 ~~[53A-17a-170].~~ **53F-2-509. Grants for field trips to the State Capitol.**

2397 (1) The State Board of Education may award grants to school districts and charter
2398 schools to take students on field trips to the State Capitol.

2399 (2) Grant money may be used to pay for transportation expenses related to a field trip
2400 to the State Capitol.

2401 (3) The State Board of Education shall make rules:

2402 (a) establishing procedures for applying for and awarding grants; and

2403 (b) specifying how grant money shall be allocated among school districts and charter
2404 schools.

2405 Section 49. Section **53F-2-510**, which is renumbered from Section 53A-1-1505 is
2406 renumbered and amended to read:

2407 ~~[53A-1-1505].~~ **53F-2-510. Digital Teaching and Learning Grant Program.**

2408 (1) As used in this section:

2409 (a) "Advisory committee" means the committee established by the board under
2410 Subsection (9)(b).

- 2411 (b) "Board" means the State Board of Education.
- 2412 (c) "Digital readiness assessment" means an assessment provided by the board that:
- 2413 (i) is completed by an LEA analyzing an LEA's readiness to incorporate comprehensive
- 2414 digital teaching and learning; and
- 2415 (ii) informs the preparation of an LEA's plan for incorporating comprehensive digital
- 2416 teaching and learning.
- 2417 (d) "High quality professional learning" means the professional learning standards
- 2418 described in Section [53G-11-303](#).
- 2419 (e) "Implementation assessment" means an assessment that analyzes an LEA's
- 2420 implementation of an LEA plan, including identifying areas for improvement, obstacles to
- 2421 implementation, progress toward the achievement of stated goals, and recommendations going
- 2422 forward.
- 2423 (f) "LEA plan" means an LEA's plan to implement a digital teaching and learning
- 2424 program that meets the requirements of this section and requirements set forth by the board and
- 2425 the advisory committee.
- 2426 (g) "Local education agency" or "LEA" means:
- 2427 (i) a school district;
- 2428 (ii) a charter school; or
- 2429 (iii) the Utah Schools for the Deaf and the Blind.
- 2430 (h) "Program" means the Digital Teaching and Learning Grant Program created and
- 2431 described in Subsections (8) through (13).
- 2432 (i) "Utah Education and Telehealth Network" or "UETN" means the Utah Education
- 2433 and Telehealth Network created in Section [53B-17-105](#).
- 2434 (2) (a) The board shall establish a digital teaching and learning task force to develop a
- 2435 funding proposal to present to the Legislature for digital teaching and learning in elementary
- 2436 and secondary schools.
- 2437 (b) The digital teaching and learning task force shall include representatives of:
- 2438 (i) the board;
- 2439 (ii) UETN;
- 2440 (iii) LEAs; and
- 2441 (iv) the Governor's Education Excellence Commission.

2442 (3) (a) The board, in consultation with the digital teaching and learning task force
2443 created in Subsection (2), shall create a funding proposal for a statewide digital teaching and
2444 learning program designed to:

2445 (i) improve student outcomes through the use of digital teaching and learning
2446 technology; and

2447 (ii) provide high quality professional learning for educators to improve student
2448 outcomes through the use of digital teaching and learning technology.

2449 (b) The board shall:

2450 (i) identify outcome based metrics to measure student achievement related to a digital
2451 teaching and learning program; and

2452 (ii) develop minimum benchmark standards for student achievement and school level
2453 outcomes to measure successful implementation of a digital teaching and learning program.

2454 (4) As funding allows, the board shall develop a master plan for a statewide digital
2455 teaching and learning program, including the following:

2456 (a) a statement of purpose that describes the objectives or goals the board will
2457 accomplish by implementing a digital teaching and learning program;

2458 (b) a forecast for fundamental components needed to implement a digital teaching and
2459 learning program, including a forecast for:

2460 (i) student and teacher devices;

2461 (ii) Wi-Fi and wireless compatible technology;

2462 (iii) curriculum software;

2463 (iv) assessment solutions;

2464 (v) technical support;

2465 (vi) change management of LEAs;

2466 (vii) high quality professional learning;

2467 (viii) Internet delivery and capacity; and

2468 (ix) security and privacy of users;

2469 (c) a determination of the requirements for:

2470 (i) statewide technology infrastructure; and

2471 (ii) local LEA technology infrastructure;

2472 (d) standards for high quality professional learning related to implementing and

- 2473 maintaining a digital teaching and learning program;
- 2474 (e) a statewide technical support plan that will guide the implementation and
- 2475 maintenance of a digital teaching and learning program, including standards and competency
- 2476 requirements for technical support personnel;
- 2477 (f) (i) a grant program for LEAs; or
- 2478 (ii) a distribution formula to fund LEA digital teaching and learning programs;
- 2479 (g) in consultation with UETN, an inventory of the state public education system's
- 2480 current technology resources and other items and a plan to integrate those resources into a
- 2481 digital teaching and learning program;
- 2482 (h) an ongoing evaluation process that is overseen by the board;
- 2483 (i) proposed rules that incorporate the principles of the master plan into the state's
- 2484 public education system as a whole; and
- 2485 (j) a plan to ensure long-term sustainability that:
- 2486 (i) accounts for the financial impacts of a digital teaching and learning program; and
- 2487 (ii) facilitates the redirection of LEA savings that arise from implementing a digital
- 2488 teaching and learning program.
- 2489 (5) UETN shall:
- 2490 (a) in consultation with the board, conduct an inventory of the state public education
- 2491 system's current technology resources and other items as determined by UETN, including
- 2492 software;
- 2493 (b) perform an engineering study to determine the technology infrastructure needs of
- 2494 the public education system to implement a digital teaching and learning program, including
- 2495 the infrastructure needed for the board, UETN, and LEAs; and
- 2496 (c) as funding allows, provide infrastructure and technology support for school districts
- 2497 and charter schools.
- 2498 (6) On or before December 1, 2015, the board and UETN shall present the funding
- 2499 proposal for a statewide digital teaching and learning program described in Subsection (3) to
- 2500 the Education Interim Committee and the Executive Appropriations Committee, including:
- 2501 (a) the board's progress on the development of a master plan described in Subsection
- 2502 (4); and
- 2503 (b) the progress of UETN on the inventory and study described in Subsection (5).

2504 (7) Beginning July 1, 2016, and ending July 1, 2021, each LEA, including each school
2505 within an LEA, shall annually complete a digital readiness assessment.

2506 [~~1~~] (8) There is created the Digital Teaching and Learning Grant Program to improve
2507 educational outcomes in public schools by effectively incorporating comprehensive digital
2508 teaching and learning technology.

2509 [~~2~~] (9) The board shall:

2510 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2511 adopt rules for the administration of the program, including rules requiring:

2512 (i) an LEA plan to include measures to ensure that the LEA monitors and implements
2513 technology with best practices, including the recommended use for effectiveness;

2514 (ii) an LEA plan to include robust goals for learning outcomes and appropriate
2515 measurements of goal achievement;

2516 (iii) an LEA to demonstrate that the LEA plan can be fully funded by grant funds or a
2517 combination of grant and local funds; and

2518 (iv) an LEA to report on funds from expenses previous to the implementation of the
2519 LEA plan that the LEA has redirected after implementation;

2520 (b) establish an advisory committee to make recommendations on the program and
2521 LEA plan requirements and report to the board; and

2522 (c) in accordance with this [~~part~~] section, approve LEA plans and award grants.

2523 [~~3~~] (10) (a) The board shall, subject to legislative appropriations, award a grant to an
2524 LEA:

2525 (i) that submits an LEA plan that meets the requirements described in Subsection [~~4~~]
2526 (11); and

2527 (ii) for which the LEA's leadership and management members have completed a digital
2528 teaching and learning leadership and implementation training as provided in Subsection [~~3~~]
2529 (10)(b).

2530 (b) The board or its designee shall provide the training described in Subsection [~~3~~]
2531 (10)(a)(ii).

2532 [~~4~~] (11) The board shall establish requirements of an LEA plan that shall include:

2533 (a) the results of the LEA's digital readiness assessment and a proposal to remedy an
2534 obstacle to implementation or other issues identified in the assessment;

2535 (b) a proposal to provide high quality professional learning for educators in the use of
2536 digital teaching and learning technology;

2537 (c) a proposal for leadership training and management restructuring, if necessary, for
2538 successful implementation;

2539 (d) clearly identified targets for improved student achievement, student learning, and
2540 college readiness through digital teaching and learning; and

2541 (e) any other requirement established by the board in rule in accordance with Title
2542 63G, Chapter 3, Utah Administrative Rulemaking Act, including an application process and
2543 metrics to analyze the quality of a proposed LEA plan.

2544 ~~[(5)]~~ (12) The board or the board's designee shall establish an interactive dashboard
2545 available to each LEA that is awarded a grant for the LEA to track and report the LEA's
2546 long-term, intermediate, and direct outcomes in realtime and for the LEA to use to create
2547 customized reports.

2548 ~~[(6)]~~ (13) (a) There is no federal funding, federal requirement, federal education
2549 agreement, or national program included or related to this state adopted program.

2550 (b) Any inclusion of federal funding, federal requirement, federal education agreement,
2551 or national program shall require separate express approval as provided in [~~Title 53A, Chapter~~
2552 ~~1, Part 9, Implementing Federal or National Education Programs Act~~] Title 53E, Chapter 3,
2553 Part 8, Implementing Federal or National Education Programs.

2554 (14) (a) An LEA that receives a grant as part of the program shall:

2555 (i) subject to Subsection (14)(b), complete an implementation assessment for each year
2556 that the LEA is expending grant money; and

2557 (ii) (A) report the findings of the implementation assessment to the board; and

2558 (B) submit to the board a plan to resolve issues raised in the implementation
2559 assessment.

2560 (b) Each school within the LEA shall:

2561 (i) complete an implementation assessment; and

2562 (ii) submit a compilation report that meets the requirements described in Subsections
2563 (14)(a)(ii)(A) and (B).

2564 (15) The board or the board's designee shall review an implementation assessment and
2565 review each participating LEA's progress from the previous year, as applicable.

- 2566 (16) The board shall establish interventions for an LEA that does not make progress on
2567 implementation of the LEA's implementation plan, including:
- 2568 (a) nonrenewal of, or time period extensions for, the LEA's grant;
2569 (b) reduction of funds; or
2570 (c) other interventions to assist the LEA.
- 2571 (17) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall
2572 contract with an independent evaluator to:
- 2573 (a) annually evaluate statewide direct and intermediate outcomes beginning the first
2574 year that grants are awarded, including baseline data collection for long-term outcomes;
2575 (b) in the fourth year after a grant is awarded, and each year thereafter, evaluate
2576 statewide long-term outcomes; and
2577 (c) report on the information described in Subsections (17)(a) and (b) to the board.
- 2578 (18) (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter
2579 6a, Utah Procurement Code, or other agreement with one or more providers of technology
2580 powered learning solutions and one or more providers of wireless networking solutions may be
2581 entered into by:
- 2582 (i) UETN, in cooperation with or on behalf of, as applicable, the board, the board's
2583 designee, or an LEA; or
2584 (ii) an LEA.
- 2585 (b) A contract or agreement entered into under Subsection (18)(a) may be a contract or
2586 agreement that:
- 2587 (i) UETN enters into with a provider and payment for services is directly appropriated
2588 by the Legislature, as funds are available, to UETN;
2589 (ii) UETN enters into with a provider and pays for the provider's services and is
2590 reimbursed for payments by an LEA that benefits from the services;
2591 (iii) UETN negotiates the terms of on behalf of an LEA that enters into the contract or
2592 agreement directly with the provider and the LEA pays directly for the provider's services; or
2593 (iv) an LEA enters into directly, pays a provider, and receives preapproved
2594 reimbursement from a UETN fund established for this purpose.
- 2595 (c) If an LEA does not reimburse UETN in a reasonable time for services received
2596 under a contract or agreement described in Subsection (18)(b), the board shall pay the balance

2597 due to UETN from the LEA's funds received under Title 53F, Chapter 2, State Funding --
 2598 Minimum School Program.

2599 (d) If UETN negotiates or enters into an agreement as described in Subsection
 2600 (18)(b)(ii) or (18)(b)(iii), and UETN enters into an additional agreement with an LEA that is
 2601 associated with the agreement described in Subsection (18)(b)(ii) or (18)(b)(iii), the associated
 2602 agreement may be treated by UETN and the LEA as a cooperative procurement, as that term is
 2603 defined in Section [63G-6a-103](#), regardless of whether the associated agreement satisfies the
 2604 requirements of Section [63G-6a-2105](#).

2605 Section 50. Section **53F-2-511**, which is renumbered from Section 53A-17a-174 is
 2606 renumbered and amended to read:

2607 ~~[53A-17a-174].~~ **53F-2-511. Reimbursement Program for Early Graduation**
 2608 **From Competency-Based Education.**

2609 (1) As used in this section:

2610 (a) "Board" means the State Board of Education.

2611 (b) "Cohort" means a group of students, defined by the year in which the group enters
 2612 grade 9.

2613 (c) "Eligible LEA" means an LEA that has demonstrated to the board that the LEA or,
 2614 for a school district, a school within the LEA, provides and facilitates competency-based
 2615 education that:

2616 (i) is based on the core principles described in Section [~~53A-15-1803~~] [53F-5-502](#); and

2617 (ii) meets other criteria established by the board in rule.

2618 (d) "Eligible student" means an individual who:

2619 (i) attended an eligible LEA and graduated by completing graduation requirements, as
 2620 described in Section [~~53A-13-108~~] [53E-4-204](#), earlier than that individual's cohort completed
 2621 graduation requirements because of the individual's participation in the eligible LEA's
 2622 competency-based education;

2623 (ii) no longer attends the eligible LEA; and

2624 (iii) is not included in the LEA's average daily membership under this chapter.

2625 (e) "Local education agency" or "LEA" means:

2626 (i) a school district;

2627 (ii) a charter school; or

2628 (iii) the Utah Schools for the Deaf and the Blind.

2629 (f) "Partial pupil" means if an eligible student attends less than a full year of
2630 membership, the number of days the student was in membership compared to a full
2631 membership year.

2632 (g) "Program" means the Reimbursement Program for Early Graduation From
2633 Competency-Based Education established in this section.

2634 (2) (a) There is established the Reimbursement Program for Early Graduation From
2635 Competency-Based Education.

2636 (b) Subject to future budget constraints, the Legislature may annually appropriate
2637 money to the Reimbursement Program for Early Graduation From Competency-Based
2638 Education.

2639 (3) An LEA may apply to the board to receive a reimbursement, as described in
2640 Subsection (5), for an eligible student.

2641 (4) The board shall approve a reimbursement to an LEA after the LEA demonstrates:

2642 (a) that the LEA is an eligible LEA; and

2643 (b) that the individual for whom the eligible LEA requests reimbursement is an eligible
2644 student.

2645 (5) (a) For each eligible student, the board shall only reimburse an eligible LEA:

2646 (i) if the eligible student attended the eligible LEA for less than a full school year
2647 before the eligible student's cohort graduated, up to the value of one weighted pupil unit pro
2648 rated based on the difference between:

2649 (A) the number of days of partial pupil in average daily membership earned by the
2650 eligible LEA while the eligible student was still in attendance; and

2651 (B) a full pupil in average daily membership; and

2652 (ii) the value of one weighted pupil unit for each full school year the eligible student
2653 graduated ahead of the eligible student's cohort.

2654 (b) The board shall:

2655 (i) use data from the prior year average daily membership to determine the number of
2656 eligible students; and

2657 (ii) reimburse the eligible LEA in the current school year.

2658 (6) The board shall in accordance with Title 63G, Chapter 3, Utah Administrative

2659 Rulemaking Act, adopt rules to administer the provisions of this section.

2660 Section 51. Section **53F-2-512**, which is renumbered from Section 53A-17a-112.2 is
2661 renumbered and amended to read:

2662 ~~[53A-17a-112.2]~~. **53F-2-512. Appropriation for accommodation plans for**
2663 **students with Section 504 accommodations.**

2664 (1) As used in this section:

2665 (a) "Board" means the State Board of Education.

2666 (b) "Local education agency" or "LEA" means:

2667 (i) a school district;

2668 (ii) a charter school; or

2669 (iii) the Utah Schools for the Deaf and the Blind.

2670 (c) "Section 504 accommodation plan" means an accommodation plan under Section
2671 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.

2672 (2) (a) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
2673 Administrative Rulemaking Act, that establish a reimbursement program that:

2674 (i) distributes any money appropriated to the board for Special Education -- Section
2675 504 Accommodations;

2676 (ii) allows an LEA to apply for reimbursement of the costs of services that:

2677 (A) an LEA renders to a student with a Section 504 accommodation plan; and

2678 (B) exceed 150% of the average cost of a general education student; and

2679 (iii) provides for a pro-rated reimbursement based on the amount of reimbursement
2680 applications received during a given fiscal year and the amount of money appropriated to the
2681 board that fiscal year.

2682 (b) Beginning with the 2018-19 school year, the board shall allocate money
2683 appropriated to the board for Special Education -- Section 504 Accommodations in accordance
2684 with the rules described in Subsection (2)(a).

2685 (3) On or before January 30, 2018, the board shall report to the Public Education
2686 Appropriations Subcommittee:

2687 (a) information collected regarding the number of students who qualify for a Section
2688 504 accommodation plan; and

2689 (b) if available, the estimated financial impact of providing Section 504

2690 accommodation services to the number of students described in Subsection (3)(a).

2691 Section 52. Section **53F-2-513**, which is renumbered from Section 53A-17a-173 is
2692 renumbered and amended to read:

2693 ~~[53A-17a-173]~~. **53F-2-513. Effective Teachers in High Poverty Schools**
2694 **Incentive Program -- Salary bonus -- Evaluation.**

2695 (1) As used in this section:

2696 (a) "Board" means the State Board of Education.

2697 (b) "Cohort" means a group of students, defined by the year in which the group enters
2698 grade 1.

2699 (c) "Eligible teacher" means a teacher who:

2700 (i) is employed as a teacher in a high poverty school at the time the teacher is
2701 considered by the board for a salary bonus; and

2702 (ii) achieves a median growth percentile of 70 or higher:

2703 (A) a full school year before the school year the eligible teacher is being considered by
2704 the board for a salary bonus under this section, regardless of whether the teacher was employed
2705 the previous school year by a high poverty school or a different public school; and

2706 (B) while teaching at any public school in the state a course for which a standards
2707 assessment is administered as described in Section ~~[53A-1-604]~~ [53E-4-303](#).

2708 (d) "High poverty school" means a public school:

2709 (i) in which:

2710 (A) more than 20% of the enrolled students are classified as children affected by
2711 intergenerational poverty; or

2712 (B) 70% or more of the enrolled students qualify for free or reduced lunch; or

2713 (ii) (A) that has previously met the criteria described in Subsection (1)(d)(i)(A) and for
2714 each school year since meeting that criteria at least 15% of the enrolled students at the public
2715 school have been classified as children affected by intergenerational poverty; or

2716 (B) that has previously met the criteria described in Subsection (1)(d)(i)(B) and for
2717 each school year since meeting that criteria at least 60% of the enrolled students at the public
2718 school have qualified for free or reduced lunch.

2719 (e) "Intergenerational poverty" means the same as that term is defined in Section
2720 [35A-9-102](#).

2721 (f) "Median growth percentile" means a number that describes the comparative
2722 effectiveness of a teacher in helping the teacher's students achieve growth in a year by
2723 identifying the median student growth percentile of all the students a teacher instructs.

2724 (g) "Program" means the Effective Teachers in High Poverty Schools Incentive
2725 Program created in Subsection (2).

2726 (h) "Student growth percentile" is a number that describes where a student ranks in
2727 comparison to the student's cohort.

2728 (2) (a) The Effective Teachers in High Poverty Schools Incentive Program is created to
2729 provide an annual salary bonus for an eligible teacher.

2730 (b) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
2731 Rulemaking Act, make rules for:

2732 (i) the administration of the program;

2733 (ii) payment of a salary bonus; and

2734 (iii) application requirements.

2735 (c) The board shall make an annual salary bonus payment in a fiscal year that begins on
2736 July 1, 2017, and each fiscal year thereafter in which money is appropriated for the program.

2737 (3) (a) Subject to future budget constraints, the Legislature shall annually appropriate
2738 money to fund the program.

2739 (b) Money appropriated for the program shall include money for the following
2740 employer-paid benefits:

2741 (i) social security; and

2742 (ii) Medicare.

2743 (4) (a) (i) A charter school or school district school shall annually apply to the board on
2744 behalf of an eligible teacher for an eligible teacher to receive an annual salary bonus each year
2745 that the teacher is an eligible teacher.

2746 (ii) A teacher need not be an eligible teacher in consecutive years to receive the
2747 increased annual salary bonus described in Subsection (4)(b).

2748 (b) The annual salary bonus for an eligible teacher is \$5,000.

2749 (c) A public school that applies on behalf of an eligible teacher under Subsection
2750 (4)(a)(i) shall pay half of the salary bonus described in Subsection (4)(b) each year the eligible
2751 teacher is awarded the salary bonus.

2752 (d) The board shall award a salary bonus to an eligible teacher based on the order that
2753 an application from a public school on behalf of the eligible teacher is received.

2754 (5) The board shall:

2755 (a) determine if a teacher is an eligible teacher; and

2756 (b) verify, as needed, the determinations made under Subsection (5)(a) with the school
2757 district and school district administrators.

2758 (6) The board shall:

2759 (a) distribute money from the program to school districts and charter schools in
2760 accordance with this section and board rule; and

2761 (b) include the employer-paid benefits described in Subsection (3)(b) in addition to the
2762 salary bonus amount described in Subsection (4)(b).

2763 (7) Money received from the program shall be used by a school district or charter
2764 school to provide an annual salary bonus equal to the amount specified in Subsection (4)(b) for
2765 each eligible teacher and to pay affiliated employer-paid benefits described in Subsection
2766 (3)(b).

2767 (8) (a) After the third year salary bonus payments are made, and each succeeding year,
2768 the board shall evaluate the extent to which a salary bonus described in this section improves
2769 recruitment and retention of effective teachers in high poverty schools by at least:

2770 (i) surveying teachers who receive the salary bonus; and

2771 (ii) examining turnover rates of teachers who receive the salary bonus compared to
2772 teachers who do not receive the salary bonus.

2773 (b) Each year that the board conducts an evaluation described in Subsection (8)(a), the
2774 board shall, in accordance with Section 68-3-14, submit a report on the results of the evaluation
2775 to the Education Interim Committee on or before November 30.

2776 (9) A public school shall annually notify a teacher:

2777 (a) of the teacher's median growth percentile; and

2778 (b) how the teacher's median growth percentile is calculated.

2779 (10) Notwithstanding this section, if the appropriation for the program is insufficient to
2780 cover the costs associated with salary bonuses, the board may limit or reduce a salary bonus.

2781 Section 53. Section 53F-2-514, which is renumbered from Section 53A-1a-601 is
2782 renumbered and amended to read:

2783 ~~[53A-1a-601].~~ **53F-2-514. Job enhancements for mathematics, science,**
2784 **technology, and special education training.**

2785 (1) As used in this ~~[part]~~ section, "special education teacher" includes occupational
2786 therapist.

2787 (2) The Public Education Job Enhancement Program is established to attract, train, and
2788 retain highly qualified:

2789 (a) secondary teachers with expertise in mathematics, physics, chemistry, physical
2790 science, learning technology, or information technology;

2791 (b) special education teachers; and

2792 (c) teachers in grades four through six with mathematics endorsements.

2793 (3) The program shall provide for the following:

2794 (a) application by a school district superintendent or the principal of a school on behalf
2795 of a qualified teacher;

2796 (b) an award of up to \$20,000 or a scholarship to cover the tuition costs for a master's
2797 degree, an endorsement, or graduate education in the areas identified in Subsection (2) to be
2798 given to selected public school teachers on a competitive basis:

2799 (i) whose applications are approved; and

2800 (ii) who teach in the state's public education system for four years in the areas
2801 identified in Subsection (2);

2802 (c) (i) as to the cash awards under Subsection (3)(b), payment of the award in two
2803 installments, with an initial payment of up to \$10,000 at the beginning of the term and up to
2804 \$10,000 at the conclusion of the term;

2805 (ii) repayment of a portion of the initial payment by the teacher if the teacher fails to
2806 complete two years of the four-year teaching term in the areas identified in Subsection (2) as
2807 provided by rule of the State Board of Education in accordance with Title 63G, Chapter 3, Utah
2808 Administrative Rulemaking Act, unless waived for good cause by the State Board of
2809 Education; and

2810 (iii) nonpayment of the second installment if the teacher fails to complete the four-year
2811 teaching term; and

2812 (d) (i) as to the scholarships awarded under Subsection (3)(b), provision for the
2813 providing institution to certify adequate performance in obtaining the master's degree,

2814 endorsement, or graduate education in order for the teacher to maintain the scholarship; and
2815 (ii) repayment by the teacher of a prorated portion of the scholarship, if the teacher fails
2816 to complete the authorized classes or program or to teach in the state system of public
2817 education in the areas identified in Subsection (2) for four years after obtaining the master's
2818 degree, the endorsement, or graduate education.

2819 (4) An individual teaching in the public schools under a letter of authorization may
2820 participate in the cash award program if:

2821 (a) the individual has taught under the letter of authorization for at least one year in the
2822 areas referred to in Subsection (2); and

2823 (b) the application made under Subsection (3)(a) is based in large part upon the
2824 individual receiving a superior evaluation as a classroom teacher.

2825 (5) (a) The program may provide for the expenditure of up to \$1,000,000 of available
2826 money, if at least an equal amount of matching money becomes available, to provide
2827 professional development training to superintendents, administrators, and principals in the
2828 effective use of technology in public schools.

2829 (b) An award granted under this Subsection (5) shall be made in accordance with
2830 criteria developed and adopted by the State Board of Education and in accordance with Title
2831 63G, Chapter 3, Utah Administrative Rulemaking Act.

2832 (c) An amount up to \$120,000 of the \$1,000,000 authorized in Subsection (5)(a) may
2833 be expended, regardless of the matching money being available.

2834 Section 54. Section **53F-2-515**, which is renumbered from Section 53A-17a-143 is
2835 renumbered and amended to read:

2836 ~~[53A-17a-143]~~. **53F-2-515. Federal Impact Aid Program -- Offset for**
2837 **underestimated allocations from the Federal Impact Aid Program.**

2838 (1) In addition to the revenues received from the levy imposed by a local school board
2839 and authorized by the Legislature under Section ~~[53A-17a-135]~~ 53F-2-301, the Legislature
2840 shall provide an amount equal to the difference between the school district's anticipated
2841 receipts under the entitlement for the fiscal year from the Federal Impact Aid Program and the
2842 amount the school district actually received from this source for the next preceding fiscal year.

2843 (2) If at the end of a fiscal year the sum of the receipts of a school district from a
2844 distribution from the Legislature pursuant to Subsection (1) plus the school district's allocations

2845 from the Federal Impact Aid Program for that fiscal year exceeds the amount allocated to the
2846 school district from the Federal Impact Aid Program for the next preceding fiscal year, the
2847 excess funds are carried into the next succeeding fiscal year and become in that year a part of
2848 the school district's contribution to the school district's basic program for operation and
2849 maintenance under the state minimum school finance law.

2850 (3) During the next succeeding fiscal year described in Subsection (2), the school
2851 district's required tax rate for the basic program shall be reduced so that the yield from the
2852 reduced tax rate plus the carryover funds equal the school district's required contribution to the
2853 school district's basic program.

2854 (4) For the school district of a local school board that is required to reduce the school
2855 district's basic tax rate under this section, the school district shall receive state minimum school
2856 program funds as though the reduction in the tax rate had not been made.

2857 Section 55. Section **53F-2-516**, which is renumbered from Section 53A-15-104 is
2858 renumbered and amended to read:

2859 ~~[53A-15-104].~~ **53F-2-516. Critical Languages Program -- Pilot.**

2860 (1) (a) As used in this section, "critical languages" means those languages described in
2861 the federal National Security Language Initiative, including Chinese, Arabic, Russian, Farsi,
2862 Hindi, and Korean.

2863 (b) The Legislature recognizes:

2864 (i) the importance of students acquiring skills in foreign languages in order for them to
2865 successfully compete in a global society; and

2866 (ii) the academic, societal, and economic development benefits of the acquisition of
2867 critical languages.

2868 (2) (a) The State Board of Education, in consultation with the Utah Education and
2869 Telehealth Network, shall develop and implement courses of study in the critical languages.

2870 (b) A course may be taught:

2871 (i) over the state's two-way interactive video conferencing system for video and audio,
2872 to students in the state's public education system;

2873 (ii) through the Electronic High School;

2874 (iii) through traditional instruction; or

2875 (iv) by visiting guest teachers.

2876 (3) (a) The courses authorized in Subsection (2) may use paraprofessionals in the
2877 classroom who:

- 2878 (i) are fluent in the critical language being taught; and
- 2879 (ii) can provide reinforcement and tutoring to students on days and at times when they
2880 are not receiving instruction under Subsection (2)(b).

2881 (b) The State Board of Education, through the state superintendent of public
2882 instruction, shall ensure that the paraprofessionals are fluent in the critical languages.

2883 (4) The State Board of Education shall make rules on the critical languages courses
2884 authorized under this section in accordance with Title 63G, Chapter 3, Utah Administrative
2885 Rulemaking Act, to include:

- 2886 (a) notification to school districts on the times and places of the course offerings; and
- 2887 (b) instructional materials for the courses.

2888 (5) The State Board of Education shall track and monitor the Critical Languages
2889 Program and may expand the program to include more course offerings and other critical
2890 languages, subject to student demand for the courses and available resources.

2891 (6) (a) Subject to funding for the program, the State Board of Education shall establish
2892 a pilot program for school districts and schools to initially participate in the Critical Languages
2893 Program that provides:

- 2894 (i) up to \$6,000 per language per school, for up to 60 schools, for courses offered in
2895 critical languages;
- 2896 (ii) up to \$100 per student who completes a critical languages course; and
- 2897 (iii) up to an additional \$400 per foreign exchange student who completes a critical
2898 languages course.

2899 (b) If the available funding is insufficient to provide the amounts described under
2900 Subsection (6)(a), the amounts provided shall be reduced pro rata so that the total provided
2901 does not exceed the available funding.

2902 Section 56. Section **53F-2-517**, which is renumbered from Section 53A-17a-124 is
2903 renumbered and amended to read:

2904 ~~[53A-17a-124]~~. **53F-2-517. Quality Teaching Block Grant Program -- State**
2905 **contributions.**

2906 (1) The State Board of Education shall distribute money appropriated for the Quality

2907 Teaching Block Grant Program to school districts and charter schools according to a formula
2908 adopted by the State Board of Education, after consultation with local education boards, that
2909 allocates the funding in a fair and equitable manner.

2910 (2) Local education boards shall use Quality Teaching Block Grant money to
2911 implement professional learning that meets the standards specified in Section [~~53A-3-701~~]
2912 [53G-11-303](#).

2913 Section 57. Section **53F-2-518**, which is renumbered from Section 53A-17a-125 is
2914 renumbered and amended to read:

2915 [~~53A-17a-125~~]. **53F-2-518. Appropriation for retirement and social security.**

2916 (1) The employee's retirement contribution shall be 1% for employees who are under
2917 the state's contributory retirement program.

2918 (2) The employer's contribution under the state's contributory retirement program is
2919 determined under Section [49-12-301](#), subject to the 1% contribution under Subsection (1).

2920 (3) (a) The employer-employee contribution rate for employees who are under the
2921 state's noncontributory retirement program is determined under Section [49-13-301](#).

2922 (b) The same contribution rate used under Subsection (3)(a) shall be used to calculate
2923 the appropriation for charter schools described under Subsection (5).

2924 (4) (a) Money appropriated to the State Board of Education for retirement and social
2925 security money shall be allocated to school districts and charter schools based on a school
2926 district's or charter school's total weighted pupil units compared to the total weighted pupil
2927 units for all school districts and charter schools in the state.

2928 (b) Subject to budget constraints, money needed to support retirement and social
2929 security shall be determined by taking a school district's or charter school's prior year allocation
2930 and adjusting it for:

2931 (i) student growth;

2932 (ii) the percentage increase in the value of the weighted pupil unit; and

2933 (iii) the effect of any change in the rates for retirement, social security, or both.

2934 (5) A charter school governing board that makes an election of nonparticipation in the
2935 Utah State Retirement Systems in accordance with Section [~~53A-1a-512~~] [53G-5-407](#) and Title
2936 49, Utah State Retirement and Insurance Benefit Act, shall use the funds described under this
2937 section for retirement to provide the charter school's own compensation, benefit, and retirement

2938 programs.

2939 Section 58. Section **53F-2-601** is enacted to read:

2940 **Part 6. State Guarantee Funding**

2941 **53F-2-601. Voted local levy state guarantee.**

2942 (1) As used in this section, "voted and board local levy funding balance" means the
2943 difference between:

2944 (a) the amount appropriated for the voted and board local levy program in a fiscal year;
2945 and

2946 (b) the amount necessary to provide the state guarantee per weighted pupil unit as
2947 determined under this section and Section [53F-2-602](#) in the same fiscal year.

2948 (2) In addition to the revenue collected from the imposition of a levy pursuant to
2949 Section [53F-8-301](#), the state shall contribute an amount sufficient to guarantee \$35.55 per
2950 weighted pupil unit for each .0001 of the first .0016 per dollar of taxable value.

2951 (3) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar
2952 of taxable value under Subsection (2) shall apply to the portion of the board local levy
2953 authorized in Section [53F-8-302](#), so that the guarantee shall apply up to a total of .002 per
2954 dollar of taxable value if a local school board levies a tax rate under both programs.

2955 (4) (a) Beginning July 1, 2015, the \$35.55 guarantee under Subsections (2) and (3)
2956 shall be indexed each year to the value of the weighted pupil unit for the grades 1 through 12
2957 program by making the value of the guarantee equal to .011962 times the value of the prior
2958 year's weighted pupil unit for the grades 1 through 12 program.

2959 (b) The guarantee shall increase by .0005 times the value of the prior year's weighted
2960 pupil unit for the grades 1 through 12 program for each succeeding year subject to the
2961 Legislature appropriating funds for an increase in the guarantee.

2962 (5) (a) The amount of state guarantee money to which a school district would otherwise
2963 be entitled to receive under this section may not be reduced for the sole reason that the school
2964 district's levy is reduced as a consequence of changes in the certified tax rate under Section
2965 [59-2-924](#) pursuant to changes in property valuation.

2966 (b) Subsection (5)(a) applies for a period of five years following any such change in the
2967 certified tax rate.

2968 (6) The guarantee provided under this section does not apply to the portion of a voted

2969 local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal
 2970 year, unless an increase in the voted local levy rate was authorized in an election conducted on
 2971 or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

2972 (7) (a) If a voted and board local levy funding balance exists for the prior fiscal year,
 2973 the State Board of Education shall:

2974 (i) use the voted and board local levy funding balance to increase the value of the state
 2975 guarantee per weighted pupil unit described in Subsection (4) in the current fiscal year; and

2976 (ii) distribute the state contribution to the voted and board local levy programs to
 2977 school districts based on the increased value of the state guarantee per weighted pupil unit
 2978 described in Subsection (7)(a)(i).

2979 (b) The State Board of Education shall report action taken under this Subsection (7) to
 2980 the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and
 2981 Budget.

2982 Section 59. Section **53F-2-602** is enacted to read:

2983 **53F-2-602. Board local levy state guarantee.**

2984 (1) In addition to the revenue a school district collects from the imposition of a levy
 2985 pursuant to Section [53F-8-302](#), the state shall contribute an amount sufficient to guarantee that
 2986 each .0001 of the first .0004 per dollar of taxable value generates an amount equal to the state
 2987 guarantee per weighted pupil unit described in Section [53F-2-601](#).

2988 (2) (a) The amount of state guarantee money to which a school district would otherwise
 2989 be entitled to under this section may not be reduced for the sole reason that the district's levy is
 2990 reduced as a consequence of changes in the certified tax rate under Section [59-2-924](#) pursuant
 2991 to changes in property valuation.

2992 (b) Subsection (2)(a) applies for a period of five years following any changes in the
 2993 certified tax rate.

2994 Section 60. Section **53F-2-701** is enacted to read:

2995 **Part 7. Charter School Funding**

2996 **53F-2-701. Definitions.**

2997 The terms defined in Section [53G-5-102](#) apply to this part.

2998 Section 61. Section **53F-2-702**, which is renumbered from Section 53A-1a-513 is
 2999 renumbered and amended to read:

3000 ~~[53A-1a-513].~~ 53F-2-702. Funding for charter schools.

3001 ~~[(1) As used in this section:]~~

3002 ~~[(a) "Basic program" means the same as that term is defined in Section 53A-17a-103.]~~

3003 ~~[(b) "Charter school students' average local revenues" means the amount determined as~~

3004 ~~follows:]~~

3005 ~~[(i) for each student enrolled in a charter school on the previous October 1, calculate~~

3006 ~~the district per pupil local revenues of the school district in which the student resides;]~~

3007 ~~[(ii) sum the district per pupil local revenues for each student enrolled in a charter~~

3008 ~~school on the previous October 1; and]~~

3009 ~~[(iii) divide the sum calculated under Subsection (1)(b)(ii) by the number of students~~

3010 ~~enrolled in charter schools on the previous October 1.]~~

3011 ~~[(c) "Charter school levy per pupil revenues" means the same as that term is defined in~~

3012 ~~Section 53A-1a-513.1.]~~

3013 ~~[(d) "District local property tax revenues" means the sum of a school district's revenue~~

3014 ~~received from the following:]~~

3015 ~~[(i) a voted local levy imposed under Section 53A-17a-133;]~~

3016 ~~[(ii) a board local levy imposed under Section 53A-17a-164, excluding revenues~~

3017 ~~expended for:]~~

3018 ~~[(A) pupil transportation, up to the amount of revenue generated by a .0003 per dollar~~

3019 ~~of taxable value of the school district's board local levy; and]~~

3020 ~~[(B) the K-3 Reading Improvement Program, up to the amount of revenue generated by~~

3021 ~~a .000121 per dollar of taxable value of the school district's board local levy;]~~

3022 ~~[(iii) a capital local levy imposed under Section 53A-16-113; and]~~

3023 ~~[(iv) a guarantee described in Section 53A-17a-133, 53A-17a-164, 53A-21-202, or~~

3024 ~~53A-21-302.]~~

3025 ~~[(e) "District per pupil local revenues" means, using data from the most recently~~

3026 ~~published school district annual financial reports and state superintendent's annual report, an~~

3027 ~~amount equal to district local property tax revenues divided by the sum of:]~~

3028 ~~[(i) a school district's average daily membership; and]~~

3029 ~~[(ii) the average daily membership of a school district's resident students who attend~~

3030 ~~charter schools.]~~

3031 ~~[(f) "Resident student" means a student who is considered a resident of the school~~
 3032 ~~district under Title 53A, Chapter 2, Part 2, District of Residency.]~~

3033 ~~[(g) "Statewide average debt service revenues" means the amount determined as~~
 3034 ~~follows, using data from the most recently published state superintendent's annual report:]~~

3035 ~~[(i) sum the revenues of each school district from the debt service levy imposed under~~
 3036 ~~Section [11-14-310](#); and]~~

3037 ~~[(ii) divide the sum calculated under Subsection (1)(g)(i) by statewide school district~~
 3038 ~~average daily membership.]~~

3039 ~~[(2)] (1) (a) Charter schools shall receive funding as described in this section, except~~
 3040 ~~Subsections ~~[(3)]~~ (2) through ~~[(7)]~~ (6) do not apply to charter schools described in Subsection~~
 3041 ~~[(2)] (1)(b).~~

3042 (b) Charter schools authorized by local school boards that are converted from district
 3043 schools or operate in district facilities without paying reasonable rent shall receive funding as
 3044 prescribed in Section ~~[[53A-1a-515](#)]~~ [53G-5-305](#).

3045 ~~[(3)(a)] (2) Except as ~~[provided in Subsections (3)(b) and (3)(c)]~~ described in Section~~
 3046 ~~[53F-2-302](#), a charter school shall receive state funds, as applicable, on the same basis as a~~
 3047 ~~school district receives funds.~~

3048 ~~[(b) For the 2015-16 school year, the number of weighted pupil units assigned to a~~
 3049 ~~charter school for the kindergarten and grades 1 through 12 programs of the Basic School~~
 3050 ~~Program shall be:]~~

3051 ~~[(i) based on the higher of:]~~

3052 ~~[(A) October 1 enrollment in the current school year; or]~~

3053 ~~[(B) average daily membership in the prior school year plus growth as determined~~
 3054 ~~under Section [53A-17a-106](#); and]~~

3055 ~~[(ii) weighted as provided in Subsection (3)(c).]~~

3056 ~~[(c) In distributing funds under Chapter 17a, Minimum School Program Act, to charter~~
 3057 ~~schools, charter school pupils shall be weighted, where applicable, as follows:]~~

3058 ~~[(i) .55 for kindergarten pupils;]~~

3059 ~~[(ii) .9 for pupils in grades 1 through 6;]~~

3060 ~~[(iii) .99 for pupils in grades 7 through 8; and]~~

3061 ~~[(iv) 1.2 for pupils in grades 9 through 12.]~~

3062 ~~[(4)]~~ (3) (a) As described in Section ~~[53A-1a-513.1]~~ 53F-2-703, the State Board of
3063 Education shall distribute charter school levy per pupil revenues to charter schools.

3064 (b) ~~[(i) Subject]~~ As described in Section 53F-2-704, and subject to future budget
3065 constraints, the Legislature shall provide an appropriation for charter schools for each charter
3066 school student enrolled on October 1 to supplement the allocation of charter school levy per
3067 pupil revenues described in Subsection ~~[(4)]~~ (3)(a).

3068 ~~[(ii) Except as provided in Subsection (4)(b)(iii), the amount of money provided by the~~
3069 ~~state for a charter school student shall be the sum of:]~~

3070 ~~[(A) charter school students' average local revenues minus the charter school levy per~~
3071 ~~pupil revenues; and]~~

3072 ~~[(B) statewide average debt service revenues.]~~

3073 ~~[(iii) If the total of charter school levy per pupil revenues and the amount provided by~~
3074 ~~the state under Subsection (4)(b)(ii) is less than \$1,427, the state shall provide an additional~~
3075 ~~supplement so that a charter school receives at least \$1,427 per student under this Subsection~~
3076 ~~(4).]~~

3077 ~~[(iv) (A) If the appropriation provided under this Subsection (4)(b) is less than the~~
3078 ~~amount prescribed by Subsection (4)(b)(ii) or (4)(b)(iii), the appropriation shall be allocated~~
3079 ~~among charter schools in proportion to each charter school's enrollment as a percentage of the~~
3080 ~~total enrollment in charter schools.]~~

3081 ~~[(B) If the State Board of Education makes adjustments to Minimum School Program~~
3082 ~~allocations as provided under Section 53A-17a-105, the allocation provided in Subsection~~
3083 ~~(4)(b)(iv)(A) shall be determined after adjustments are made under Section 53A-17a-105.]~~

3084 ~~[(c) (i) Of the money provided to a charter school under this Subsection (4), 10% shall~~
3085 ~~be expended for funding school facilities only.]~~

3086 ~~[(ii) Subsection (4)(c)(i) does not apply to an online charter school.]~~

3087 ~~[(d) This Subsection (4) is effective July 1, 2017.]~~

3088 ~~[(5)]~~ (4) Charter schools are eligible to receive federal funds if they meet all applicable
3089 federal requirements and comply with relevant federal regulations.

3090 ~~[(6)]~~ (5) The State Board of Education shall distribute funds for charter school students
3091 directly to the charter school.

3092 ~~[(7)]~~ (6) (a) Notwithstanding Subsection ~~[(3)]~~ (2), a charter school is not eligible to

3093 receive state transportation funding.

3094 (b) The board shall also adopt rules relating to the transportation of students to and
 3095 from charter schools, taking into account Sections [~~53A-2-210 and 53A-17a-127~~] 53F-2-403
 3096 and 53G-6-405.

3097 (c) The governing board of the charter school may provide transportation through an
 3098 agreement or contract with the local school board, a private provider, or parents.

3099 [~~(8)~~] (7) (a) (i) In accordance with Section [~~53A-1a-513.5~~] 53F-2-705, the State
 3100 Charter School Board may allocate grants for start-up costs to charter schools from money
 3101 appropriated for charter school start-up costs.

3102 (ii) The governing board of a charter school that receives money from a grant under
 3103 Section [~~53A-1a-513.5~~] 53F-2-705 shall use the grant for expenses for planning and
 3104 implementation of the charter school.

3105 (b) The State Board of Education shall coordinate the distribution of federal money
 3106 appropriated to help fund costs for establishing and maintaining charter schools within the
 3107 state.

3108 [~~(9)~~] (8) (a) A charter school may receive, hold, manage and use any devise, bequest,
 3109 grant, endowment, gift, or donation of any property made to the school for any of the purposes
 3110 of [~~this part~~] Title 53G, Chapter 5, Charter Schools, or related provisions.

3111 (b) It is unlawful for any person affiliated with a charter school to demand or request
 3112 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated
 3113 with the charter school as a condition for employment or enrollment at the school or continued
 3114 attendance at the school.

3115 Section 62. Section **53F-2-703**, which is renumbered from Section 53A-1a-513.1 is
 3116 renumbered and amended to read:

3117 [~~53A-1a-513.1~~]. **53F-2-703. Charter school levy.**

3118 (1) As used in this section:

3119 (a) "Board" means the State Board of Education.

3120 (b) "Charter School Levy Account" means the Charter School Levy Account created in
 3121 Section [~~53A-1a-513.2~~] 53F-9-301.

3122 (c) "Charter school levy per district revenues" means the product of:

3123 (i) a school district's district per pupil local revenues; and

3124 (ii) the number of charter school students in the school district who are resident
3125 students.

3126 (d) "Charter school levy per pupil revenues" means an amount equal to the following:

3127 (i) charter school levy total local revenues for a given fiscal year, adjusted if necessary
3128 as described in Subsection (4); divided by

3129 (ii) the number of students enrolled in a charter school on October 1 of the prior school
3130 year.

3131 (e) "Charter school levy revenues" means the charter school levy revenues generated by
3132 a charter school levy rate described in Subsection (2)(b)(i).

3133 (f) "Charter school levy total local revenues" means the sum of charter school levy per
3134 district revenues for every school district in the state for the same given fiscal year.

3135 (g) "District per pupil local revenues" means the same as that term is defined in Section
3136 ~~[53A-1a-513]~~ 53F-2-704.

3137 (h) "Resident student" means the same as that term is defined in Section ~~[53A-1a-513]~~
3138 53F-2-704.

3139 (2) (a) Beginning with the taxable year beginning on January 1, 2017, the state shall
3140 annually impose a charter school levy as described in this Subsection (2).

3141 (b) (i) For each school district, before June 22, the State Tax Commission shall certify
3142 a rate for the charter school levy described in Subsection (2)(a) to generate an amount of
3143 revenue within a school district equal to 25% of the charter school levy per district revenues
3144 excluding the amount of revenues:

3145 (A) described in Subsection ~~[53A-1a-513(1)(d)(iv)]~~ 53F-2-704(1)(c)(iv); and

3146 (B) expended by the school district for recreational facilities and activities authorized
3147 under Title 11, Chapter 2, Playgrounds.

3148 (ii) To calculate a charter school levy rate for a school district, the State Tax
3149 Commission shall use the calculation method described in Subsection ~~59-2-924[(3)(c)(ii)]~~ (4).

3150 (c) The charter school levy shall be separately stated on a tax notice.

3151 (3) (a) A county treasurer shall collect the charter school levy revenues for all school
3152 districts located within the county treasurer's county and remit the money monthly to the state
3153 treasurer.

3154 (b) The state treasurer shall deposit the charter school levy revenues received from a

3155 county treasurer into the Charter School Levy Account.

3156 (4) (a) For each charter school student, the board shall distribute the charter school per
3157 pupil levy revenues from the Charter School Levy Account to the student's charter school in
3158 accordance with this Subsection (4).

3159 (b) For a given fiscal year, if the actual charter school levy total local revenues are
3160 more than the estimated charter school levy total local revenues the board shall:

3161 (i) deduct the amount of revenue that exceeds the estimated charter school levy total
3162 local revenues from the actual charter school levy total local revenues; and

3163 (ii) use the remaining amount to calculate the charter school per pupil levy revenues.

3164 (c) For a given fiscal year, if the actual charter school total local revenues are less than
3165 the estimated charter school levy total local revenues, the board shall:

3166 (i) if sufficient funds are available in the Charter School Levy Account, add an amount
3167 of funds from the Charter School Levy Account to the charter school levy total local revenues
3168 to equal the estimated charter school levy total local revenues; and

3169 (ii) if sufficient funds are not available in the Charter School Levy Account, calculate
3170 the charter school per pupil levy revenues using the actual amount of the charter school levy
3171 total local revenues.

3172 Section 63. Section **53F-2-704** is enacted to read:

3173 **53F-2-704. Charter school levy state guarantee.**

3174 (1) As used in this section:

3175 (a) "Charter school levy per pupil revenues" means the same as that term is defined in
3176 Section [53F-2-703](#).

3177 (b) "Charter school students' average local revenues" means the amount determined as
3178 follows:

3179 (i) for each student enrolled in a charter school on the previous October 1, calculate the
3180 district per pupil local revenues of the school district in which the student resides;

3181 (ii) sum the district per pupil local revenues for each student enrolled in a charter
3182 school on the previous October 1; and

3183 (iii) divide the sum calculated under Subsection (1)(a)(ii) by the number of students
3184 enrolled in charter schools on the previous October 1.

3185 (c) "District local property tax revenues" means the sum of a school district's revenue

3186 received from the following:

3187 (i) a voted local levy imposed under Section [53F-8-301](#);

3188 (ii) a board local levy imposed under Section [53F-8-302](#), excluding revenues expended

3189 for:

3190 (A) pupil transportation, up to the amount of revenue generated by a .0003 per dollar of
3191 taxable value of the school district's board local levy; and

3192 (B) the K-3 Reading Improvement Program, up to the amount of revenue generated by
3193 a .000121 per dollar of taxable value of the school district's board local levy;

3194 (iii) a capital local levy imposed under Section [53F-8-303](#); and

3195 (iv) a guarantee described in Section [53F-2-601](#), [53F-2-602](#), [53F-3-202](#), or [53F-3-203](#).

3196 (d) "District per pupil local revenues" means, using data from the most recently

3197 published school district annual financial reports and state superintendent's annual report, an

3198 amount equal to district local property tax revenues divided by the sum of:

3199 (i) a school district's average daily membership; and

3200 (ii) the average daily membership of a school district's resident students who attend
3201 charter schools.

3202 (e) "Resident student" means a student who is considered a resident of the school
3203 district under Title 53G, Chapter 6, Part 3, School District Residency.

3204 (f) "Statewide average debt service revenues" means the amount determined as
3205 follows, using data from the most recently published state superintendent's annual report:

3206 (i) sum the revenues of each school district from the debt service levy imposed under
3207 Section [11-14-310](#); and

3208 (ii) divide the sum calculated under Subsection (1)(f)(i) by statewide school district
3209 average daily membership.

3210 (2) (a) Subject to future budget constraints, the Legislature shall provide an
3211 appropriation for charter schools for each charter school student enrolled on October 1 to
3212 supplement the allocation of charter school levy per pupil revenues described in Subsection
3213 [53F-2-702\(3\)\(a\)](#).

3214 (b) Except as provided in Subsection (2)(c), the amount of money provided by the state
3215 for a charter school student shall be the sum of:

3216 (i) charter school students' average local revenues minus the charter school levy per

3217 pupil revenues; and

3218 (ii) statewide average debt service revenues.

3219 (c) If the total of charter school levy per pupil revenues distributed by the State Board
3220 of Education and the amount provided by the state under Subsection (2)(b) is less than \$1,427,
3221 the state shall provide an additional supplement so that a charter school receives at least \$1,427
3222 per student under Subsection 53F-2-702(3).

3223 (d) (i) If the appropriation provided under this Subsection (2) is less than the amount
3224 prescribed by Subsection (2)(b) or (c), the appropriation shall be allocated among charter
3225 schools in proportion to each charter school's enrollment as a percentage of the total enrollment
3226 in charter schools.

3227 (ii) If the State Board of Education makes adjustments to Minimum School Program
3228 allocations as provided under Section 53F-2-205, the allocation provided in Subsection
3229 (2)(d)(i) shall be determined after adjustments are made under Section 53F-2-205.

3230 (3) (a) Except as provided in Subsection (3)(b), of the money provided to a charter
3231 school under Subsection 53F-2-702(3), 10% shall be expended for funding school facilities
3232 only.

3233 (b) Subsection (3)(a) does not apply to an online charter school.

3234 Section 64. Section 53F-2-705, which is renumbered from Section 53A-1a-513.5 is
3235 renumbered and amended to read:

3236 **[53A-1a-513.5]. 53F-2-705. Grants for charter school start-up costs.**

3237 (1) (a) The State Charter School Board shall use money appropriated for charter school
3238 start-up costs to provide grants to charter schools to pay for expenses for the planning and
3239 implementation of a charter school.

3240 (b) The State Charter School Board:

3241 (i) may use up to 8% of the money appropriated for charter school start-up costs for
3242 financial monitoring of new charter schools and to provide professional development or
3243 technical assistance for governing board members and staff of new charter schools; and

3244 (ii) in accordance with rules adopted by the State Board of Education, may use up to
3245 \$200,000 of the money appropriated for charter school start-up costs for a mentoring program
3246 for new and existing charter schools.

3247 (2) The amount of a grant for charter school start-up costs shall be based on the

3248 authorized enrollment of the charter school.

3249 (3) The State Board of Education shall make rules consistent with this section
3250 specifying:

3251 (a) procedures for applying for and awarding grants for charter school start-up costs;

3252 (b) permitted uses of grant money; and

3253 (c) requirements for a charter school to submit the following to the State Charter

3254 School Board:

3255 (i) a budget for the grant money; and

3256 (ii) a final report on the expenditure of the grant money.

3257 (4) The State Board of Education shall make rules establishing a mentoring program
3258 for new and existing charter schools.

3259 Section 65. Section **53F-3-101** is enacted to read:

3260 **CHAPTER 3. STATE FUNDING -- CAPITAL OUTLAY PROGRAMS**

3261 **Part 1. General Provisions**

3262 **53F-3-101. Title.**

3263 This chapter is known as "State Funding -- Capital Outlay Programs."

3264 Section 66. Section **53F-3-102**, which is renumbered from Section 53A-21-101.5 is
3265 renumbered and amended to read:

3266 **[53A-21-101.5]. 53F-3-102. Definitions.**

3267 As used in this chapter:

3268 (1) "ADM" or "pupil in average daily membership" is as defined in Section

3269 [53A-17a-103] 53F-2-102.

3270 (2) "Base tax effort rate" means the average of:

3271 (a) the highest combined capital levy rate; and

3272 (b) the average combined capital levy rate for the school districts statewide.

3273 (3) "Combined capital levy rate" means a rate that includes the sum of the following
3274 property tax levies:

3275 (a) (i) the capital outlay levy authorized in Section [53A-16-107] 53F-8-401;

3276 (ii) the portion of the 10% of basic levy described in Section [53A-17a-145] 53F-8-405

3277 that is budgeted for debt service or capital outlay;

3278 (iii) the debt service levy authorized in Section 11-14-310; and

3279 (iv) the voted capital outlay leeway authorized in Section [~~53A-16-110~~] [53F-8-402](#); or
 3280 (b) (i) the capital local levy authorized in Section [~~53A-16-113~~] [53F-8-303](#); and
 3281 (ii) the debt service levy authorized in Section [11-14-310](#).

3282 (4) "Derived net taxable value" means the quotient of:

3283 (a) the total property tax collections from April 1 through the following March 31 for a
 3284 school district for the calendar year preceding the March 31 date; divided by

3285 (b) the school district's total tax rate for the calendar year preceding the March 31
 3286 referenced in Subsection (4)(a).

3287 (5) "Highest combined capital levy rate" means the highest combined capital levy rate
 3288 imposed by a school district within the state for a fiscal year.

3289 (6) "Property tax base per ADM" means the quotient of:

3290 (a) a school district's derived net taxable value; divided by

3291 (b) the school district's ADM.

3292 (7) "Property tax yield per ADM" means:

3293 (a) the product of:

3294 (i) a school district's derived net taxable value; and

3295 (ii) the base tax effort rate; divided by

3296 (b) the school district's ADM.

3297 (8) "Statewide average property tax base per ADM" means the quotient of:

3298 (a) the sum of all school districts' derived net taxable value; divided by

3299 (b) the sum of all school districts' ADM.

3300 Section 67. Section **53F-3-201**, which is renumbered from Section 53A-21-102 is
 3301 renumbered and amended to read:

Part 2. Capital Outlay Programs

3302 [~~53A-21-102~~]. **53F-3-201. Capital outlay programs -- Use of funds.**

3303 A school district may only use the money provided under this chapter for school district
 3304 capital outlay and debt service purposes.

3305 Section 68. Section **53F-3-202**, which is renumbered from Section 53A-21-202 is
 3306 renumbered and amended to read:

3307 [~~53A-21-202~~]. **53F-3-202. Capital Outlay Foundation Program created --**

3308 **Distribution formulas -- Allocations.**

3310 (1) As used in this section:

3311 (a) "Foundation guarantee level per ADM" means a minimum revenue amount per
3312 ADM generated by the base tax effort rate, including the following:

3313 (i) the revenue generated locally from a school district's combined capital levy rate; and

3314 (ii) the revenue allocated to a school district by the State Board of Education in
3315 accordance with Section [53F-3-202](#).

3316 (b) "Qualifying school district" means a school district with a property tax yield per
3317 ADM less than the foundation guarantee level per ADM.

3318 (c) "Small school district" means a school district that has fewer than 1,000 pupils in
3319 average daily membership.

3320 (2) There is created the Capital Outlay Foundation Program to provide capital outlay
3321 funding to a school district based on a district's local property tax effort and property tax yield
3322 per student compared to a foundation guarantee funding level.

3323 ~~[(1)]~~ (3) (a) The State Board of Education shall determine the foundation guarantee
3324 level per ADM that fully allocates the funds appropriated to the State Board of Education for
3325 distribution under this section.

3326 (b) In determining the foundation guarantee level per ADM and a school district's
3327 allocation of funds under this ~~[part]~~ section, the State Board of Education shall use data from
3328 the fiscal year that is two years prior to the fiscal year the school district receives the allocation,
3329 including the:

3330 (i) number of pupils in average daily membership;

3331 (ii) tax rates; and

3332 (iii) derived net taxable value.

3333 ~~[(2)]~~ (4) By June 1, a county treasurer shall report to the State Board of Education the
3334 actual collections of property taxes in the school districts located within the county treasurer's
3335 county for the period beginning April 1 through the following March 31 immediately preceding
3336 that June 1.

3337 ~~[(3)]~~ (5) If a qualifying school district imposes a combined capital levy rate that is
3338 greater than or equal to the base tax effort rate, the State Board of Education shall allocate to
3339 the qualifying school district an amount equal to the product of the following:

3340 (a) the qualifying school district's ADM; and

3341 (b) an amount equal to the difference between the following:

3342 (i) the foundation guarantee level per ADM, as determined in accordance with

3343 Subsection ~~[(1)]~~ (3); and

3344 (ii) the qualifying school district's property tax yield per ADM.

3345 ~~[(4)]~~ (6) If a qualifying school district imposes a combined capital levy rate less than

3346 the base tax effort rate, the State Board of Education shall allocate to the qualifying school

3347 district an amount equal to the product of the following:

3348 (a) the qualifying school district's ADM;

3349 (b) an amount equal to the difference between the following:

3350 (i) the foundation guarantee level per ADM; and

3351 (ii) the qualifying school district's property tax yield per ADM; and

3352 (c) a percentage equal to:

3353 (i) the qualifying school district's combined capital levy rate; divided by

3354 (ii) the base tax effort rate.

3355 ~~[(5)]~~ (7) (a) The State Board of Education shall allocate:

3356 (i) a minimum of \$200,000 to each small school district with a property tax base per

3357 ADM less than or equal to the statewide average property tax base per ADM;

3358 (ii) a minimum of \$100,000 to each small school district with a property tax base per

3359 ADM that is:

3360 (A) greater than the statewide average property tax base per ADM; and

3361 (B) less than or equal to two times the statewide average property tax base per ADM;

3362 and

3363 (iii) a minimum of \$50,000 to each small school district with a property tax base per

3364 ADM that is:

3365 (A) greater than two times the statewide average property tax base per ADM; and

3366 (B) less than or equal to five times the statewide average property tax base per ADM.

3367 (b) The State Board of Education shall incorporate the minimum allocations described

3368 in Subsection ~~[(5)]~~ (7)(a) in its calculation of the foundation guarantee level per ADM

3369 determined in accordance with Subsection ~~[(1)]~~ (3).

3370 Section 69. Section **53F-3-203**, which is renumbered from Section 53A-21-302 is

3371 renumbered and amended to read:

3372 ~~[53A-21-302]~~. 53F-3-203. Capital Outlay Enrollment Growth Program
3373 created -- Distribution formulas -- Allocations.

3374 (1) As used in this section:

3375 (a) "Average annual net enrollment increase" means the quotient of:

3376 (i) (A) enrollment in the prior fiscal year, based on October 1 enrollment counts; minus

3377 (B) enrollment in the year four years prior, based on October 1 enrollment counts;

3378 divided by

3379 (ii) three.

3380 (b) "Eligible district" or "eligible school district" means a school district that:

3381 (i) has an average annual net enrollment increase; and

3382 (ii) has a property tax base per ADM in the year two years prior that is less than two
3383 times the statewide average property tax base per ADM in the year two years prior.

3384 (2) There is created the Capital Outlay Enrollment Growth Program to provide capital
3385 outlay funding to school districts experiencing net enrollment increases.

3386 ~~[(+)]~~ (3) For fiscal years beginning on or after July 1, 2008, the State Board of
3387 Education shall annually allocate appropriated funds to eligible school districts in accordance
3388 with Subsection ~~[(2)]~~ (4).

3389 ~~[(2)]~~ (4) The State Board of Education shall allocate to an eligible school district an
3390 amount equal to the product of:

3391 (a) the quotient of:

3392 (i) the eligible school district's average annual net enrollment increase; divided by

3393 (ii) the sum of the average annual net enrollment increase in all eligible school
3394 districts; and

3395 (b) the total amount appropriated for the Capital Outlay Enrollment Growth Program in
3396 that fiscal year.

3397 Section 70. Section **53F-3-204** is enacted to read:

3398 **53F-3-204. School Building Revolving Account.**

3399 The School Building Revolving Account is created as described in Section [53F-9-206](#),
3400 to provide short-term help to school districts to meet district needs for school building
3401 construction and renovation.

3402 Section 71. Section **53F-4-101** is enacted to read:

3403 **CHAPTER 4. STATE FUNDING -- CONTRACTED INITIATIVES**3404 **Part 1. General Provisions**3405 **53F-4-101. Title.**3406 This chapter is known as "State Funding -- Contracted Initiatives."3407 Section 72. Section **53F-4-102** is enacted to read:3408 **53F-4-102. Definitions.**3409 Reserved3410 Section 73. Section **53F-4-201**, which is renumbered from Section 53A-1-606.7 is

3411 renumbered and amended to read:

3412 **Part 2. Contracts**3413 ~~[53A-1-606.7].~~ **53F-4-201. State Board of Education required to contract for**
3414 **a diagnostic assessment system for reading.**3415 (1) (a) As described in Section [53E-4-307](#), the State Board of Education shall approve
3416 a benchmark assessment for use statewide by school districts and charter schools.3417 ~~[(+)]~~ (b) The State Board of Education shall contract with one or more educational
3418 technology providers, selected through a request for proposals process, for a diagnostic
3419 assessment system for reading for students in kindergarten through grade three that meets the
3420 requirements of this section.3421 (2) Subject to legislative appropriations, a diagnostic assessment system for reading
3422 shall be made available to school districts and charter schools that apply to use a diagnostic
3423 assessment for reading beginning in the 2011-12 school year.3424 (3) A diagnostic assessment system for reading for students in kindergarten through
3425 grade three shall:

3426 (a) be in a digital format;

3427 (b) include benchmark assessments of reading proficiency to be administered at the
3428 beginning, in the middle, and at the end of kindergarten, grade one, grade two, and grade three;3429 (c) include formative assessments to be administered every two to four weeks for
3430 students who are at high risk of not attaining proficiency in reading;3431 (d) align with the language arts core standards for Utah public schools adopted by the
3432 State Board of Education; and

3433 (e) include a data analysis component hosted by the provider that:

- 3434 (i) has the capacity to generate electronic information immediately and produce
- 3435 individualized student progress reports, class summaries, and class groupings for instruction;
- 3436 (ii) may have the capability of identifying lesson plans that may be used to develop
- 3437 reading skills;
- 3438 (iii) enables teachers, administrators, and designated supervisors to access reports
- 3439 through a secured password system;
- 3440 (iv) produces electronic printable reports for parents and administrators; and
- 3441 (v) has the capability for principals to monitor usage by teachers.

3442 Section 74. Section **53F-4-202**, which is renumbered from Section 53A-1-613 is

3443 renumbered and amended to read:

3444 ~~**53A-1-613**~~. **53F-4-202. College readiness diagnostic tool.**

3445 (1) The board shall contract with a provider, selected through a request for proposals

3446 process, to provide an online college readiness diagnostic tool that is aligned with the college

3447 readiness assessment [~~that is most commonly submitted to local universities~~] described in

3448 Section [53E-4-305](#).

3449 (2) An online test preparation program described in Subsection (1):

- 3450 (a) (i) shall allow a student to independently access online materials and learn at the
- 3451 student's own pace; and
- 3452 (ii) may be used to provide classroom and teacher-assisted instruction;
- 3453 (b) shall provide online study materials, diagnostic exams, drills, and practice tests in
- 3454 an approach that is engaging to high school students;
- 3455 (c) shall enable electronic reporting of student progress to administrators, teachers,
- 3456 parents, and other facilitators;
- 3457 (d) shall record a student's progress in an online dashboard that provides diagnostic
- 3458 assessment of the content areas tested and identifies mastery of corresponding skill sets; and
- 3459 (e) shall provide training and professional development to personnel in school districts
- 3460 and charter schools on how to utilize the online test preparation program and provide
- 3461 teacher-assisted instruction to students.

3462 (3) The board, school districts, and charter schools shall make the online test

3463 preparation program available to a student:

- 3464 (a) beginning in the 2013-14 school year; and

3465 (b) for at least one full year.

3466 Section 75. Section **53F-4-203** is enacted to read:

3467 **53F-4-203. Early intervention interactive reading software -- Independent**
3468 **evaluator.**

3469 (1) In addition to an enhanced kindergarten program described in Section [53F-2-507](#),
3470 the early intervention program includes a component to address early reading through the use
3471 of early interactive reading software.

3472 (2) (a) Subject to legislative appropriations, the State Board of Education shall select
3473 and contract with one or more technology providers, through a request for proposals process, to
3474 provide early interactive reading software for literacy instruction and assessments for students
3475 in kindergarten through grade 3.

3476 (b) By August 1 of each year, the State Board of Education shall distribute licenses for
3477 early interactive reading software described in Subsection (2)(a) to the school districts and
3478 charter schools of local education boards that apply for the licenses.

3479 (c) Except as provided in Subsection (3)(c), a school district or charter school that
3480 received a license described in Subsection (2)(b) during the prior year shall be given first
3481 priority to receive an equivalent license during the current year.

3482 (d) Licenses distributed to school districts and charter schools in addition to the
3483 licenses described in Subsection (2)(c) shall be distributed through a competitive process.

3484 (3) (a) As used in this Subsection (3), "dosage" means amount of instructional time.

3485 (b) A public school that receives a license described in Subsection (2)(b) shall use the
3486 license:

3487 (i) for a student in kindergarten or grade 1:

3488 (A) for intervention for the student if the student is reading below grade level; or

3489 (B) for advancement beyond grade level for the student if the student is reading at or
3490 above grade level;

3491 (ii) for a student in grade 2 or 3, for intervention for the student if the student is reading
3492 below grade level; and

3493 (iii) in accordance with the technology provider's dosage recommendations.

3494 (c) A public school that does not use the early interactive reading software in
3495 accordance with the technology provider's dosage recommendations for two consecutive years

3496 may not continue to receive a license.

3497 (4) (a) On or before August 1 of each year, the State Board of Education shall select
3498 and contract with an independent evaluator, through a request for proposals process, to act as
3499 an independent contractor to evaluate early interactive reading software provided under this
3500 section.

3501 (b) The State Board of Education shall ensure that a contract with an independent
3502 evaluator requires the independent evaluator to:

3503 (i) evaluate a student's learning gains as a result of using early interactive reading
3504 software provided under Subsection (2);

3505 (ii) for the evaluation under Subsection (4)(b)(i), use an assessment that is not
3506 developed by a provider of early interactive reading software; and

3507 (iii) determine the extent to which a public school uses the early interactive reading
3508 software in accordance with a technology provider's dosage recommendations under
3509 Subsection (3).

3510 (c) The State Board of Education and the independent evaluator selected under
3511 Subsection (4)(a) shall report annually on the results of the evaluation to the Education Interim
3512 Committee and the governor.

3513 (d) The State Board of Education may use up to 4% of the appropriation provided
3514 under Subsection (2)(a) to contract with an independent evaluator selected under Subsection
3515 (4)(a).

3516 Section 76. Section **53F-4-204**, which is renumbered from Section 53A-1-415 is
3517 renumbered and amended to read:

3518 ~~[53A-1-415]~~. **53F-4-204. Student intervention early warning pilot**
3519 **program.**

3520 (1) As used in this section:

3521 (a) "Board" means the State Board of Education.

3522 (b) "Digital program" means a program that provides information for student early
3523 intervention as described in this section.

3524 (c) "Local education agency" or "LEA" means:

3525 (i) a district school;

3526 (ii) a charter school; or

- 3527 (iii) the Utah Schools for the Deaf and the Blind.
- 3528 (d) "Online data reporting tool" means a system described in Section [~~53A-1-605~~
3529 [53E-4-311](#)].
- 3530 (2) (a) The board shall, subject to legislative appropriations:
- 3531 (i) enhance the online data reporting tool and provide additional formative actionable
3532 data on student outcomes subject to Subsection (2)(c); and
- 3533 (ii) select through a competitive contract process a provider to provide to an LEA a
3534 digital program as described in this section.
- 3535 (b) The contract described in Subsection (2)(a)(ii) shall be for a two-year pilot
3536 program.
- 3537 (c) Information collected or used by the board for purposes of enhancing the online
3538 data reporting tool in accordance with this section may not identify a student individually.
- 3539 (3) The enhancement to the online data reporting tool and the digital program shall:
- 3540 (a) be designed with a user-appropriate interface for use by teachers, school
3541 administrators, and parents;
- 3542 (b) provide reports on a student's results at the student level on:
- 3543 (i) a national assessment;
- 3544 (ii) a local assessment; and
- 3545 (iii) a standards assessment described in Section [~~53A-1-604~~] [53E-4-303](#);
- 3546 (c) have the ability to provide data from aggregate student reports based on a student's:
- 3547 (i) teacher;
- 3548 (ii) school;
- 3549 (iii) school district, if applicable; or
- 3550 (iv) ethnicity;
- 3551 (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on
3552 a single computer screen;
- 3553 (e) have the ability to compare the performance of students, for each teacher, based on
3554 a student's:
- 3555 (i) gender;
- 3556 (ii) special needs, including primary exceptionality;
- 3557 (iii) English proficiency;

- 3558 (iv) economic status;
- 3559 (v) migrant status;
- 3560 (vi) ethnicity;
- 3561 (vii) response to tiered intervention;
- 3562 (viii) response to tiered-intervention enrollment date;
- 3563 (ix) absence rate;
- 3564 (x) feeder school;
- 3565 (xi) type of school, including primary or secondary, public or private, Title I, or other
- 3566 general school-type category;
- 3567 (xii) course failures; and
- 3568 (xiii) other criteria, as determined by the board; and
- 3569 (f) have the ability to load data from a local, national, or other assessment in the data's
- 3570 original format within a reasonable time.

3571 (4) Subject to legislative appropriations, the online data reporting tool and digital
3572 program shall:

3573 (a) integrate criteria for early warning indicators, including the following criteria:

- 3574 (i) discipline;
- 3575 (ii) attendance;
- 3576 (iii) behavior;
- 3577 (iv) course failures; and
- 3578 (v) other criteria as determined by a local school board or charter school governing
- 3579 board; and

3580 (b) provide a teacher or administrator the ability to view the early warning indicators
3581 described in Subsection (4)(a) with a student's assessment results described in Subsection
3582 (3)(b).

3583 (5) Subject to legislative appropriations, the online data reporting tool and the digital
3584 program shall:

- 3585 (a) provide data on response to intervention using existing assessments or measures
- 3586 that are manually added, including assessment and nonacademic measures;
- 3587 (b) provide a user the ability to share interventions within a reporting environment and
- 3588 add comments to inform other teachers, administrators, and parents or guardians;

3589 (c) save and share reports among different teachers and school administrators, subject
3590 to the student population information a teacher or administrator has the rights to access;

3591 (d) automatically flag a student profile when early warning thresholds are met so that a
3592 teacher can easily identify a student who may be in need of intervention;

3593 (e) incorporate a variety of algorithms to support student learning outcomes and
3594 provide student growth reporting by teacher;

3595 (f) integrate response to intervention tiers and activities as filters for the reporting of
3596 individual student data and aggregated data, including by ethnicity, school, or teacher;

3597 (g) have the ability to generate student parent or guardian communication to alert the
3598 parent or guardian of academic plans or interventions; and

3599 (h) configure alerts based upon student academic results, including a student's
3600 performance on the previous year standards assessment described in Section ~~[53A-1-604]~~
3601 53E-4-303.

3602 (6) (a) The board shall, subject to legislative appropriations, select an LEA to receive
3603 access to a digital program through a provider described in Subsection (2)(a)(ii).

3604 (b) An LEA that receives access to a digital program shall pay for 50% of the cost of
3605 the digital program.

3606 (c) An LEA that receives access to a digital program shall no later than one school year
3607 after accessing a digital program report to the board in a format required by the board on the
3608 effectiveness of the digital program, positive and negative attributes of the digital program,
3609 recommendations for improving the online data reporting tool, and any other information
3610 regarding a digital program requested by the board.

3611 (d) The board shall consider recommendations from an LEA for changes to the online
3612 data reporting tool.

3613 (7) Information described in this section shall be used in accordance with and provided
3614 subject to:

3615 ~~[(a) Chapter 1, Part 14, Student Data Protection Act;]~~

3616 ~~[(b) Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act; and]~~

3617 (a) Title 53E, Chapter 9, Student Privacy and Data Protection; and

3618 ~~[(c)]~~ (b) Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

3619 Section 77. Section ~~53F-4-205~~, which is renumbered from Section 53A-15-2003 is

3620 renumbered and amended to read:

3621 ~~[53A-15-2003]~~. **53F-4-205. Kindergarten supplemental enrichment program.**

3622 (1) As used in this section:

3623 (a) "Board" means the State Board of Education.

3624 (b) "Eligible school" means a charter or school district school in which:

3625 (i) at least 10% of the students experience intergenerational poverty; or

3626 (ii) 50% of students were eligible to receive free or reduced lunch in the previous
3627 school year.

3628 (c) "Intergenerational poverty" means the same as that term is defined in Section
3629 35A-9-102.

3630 (d) "Kindergarten supplemental enrichment program" means a program to improve the
3631 academic competency of kindergarten students that:

3632 (i) meets the criteria described in Subsection (4);

3633 (ii) receives funding from a grant program described in Subsection (3); and

3634 (iii) is administered by an eligible school.

3635 ~~[(+)]~~ (2) (a) In accordance with this section, the board shall distribute funds
3636 appropriated under this section to support kindergarten supplemental enrichment programs,
3637 giving priority first to awarding funds to an eligible school with at least 10% of the students
3638 experiencing intergenerational poverty and second priority to an eligible school in which 50%
3639 of students were eligible to receive free or reduced lunch in the previous school year.

3640 (b) The board shall develop kindergarten entry and exit assessments for use by a
3641 kindergarten supplemental enrichment program.

3642 ~~[(2)]~~ (3) (a) The board shall administer a qualifying grant program as described in this
3643 Subsection ~~[(2)]~~ (3) to distribute funds described in Subsection ~~[(+)]~~ (2)(a) to an eligible
3644 school:

3645 (i) that applies for a grant;

3646 (ii) that offers a kindergarten supplemental enrichment program that meets the
3647 requirements described in Subsection ~~[(3)]~~ (4);

3648 (iii) that has an overall need for a kindergarten supplemental enrichment program,
3649 based on the results of the eligible school's kindergarten entry and exit assessments described
3650 in Subsection ~~[(3)]~~ (4)(b)(ii);

3651 (iv) if the eligible school has previously established a kindergarten supplemental
3652 enrichment program under this section, that shows success of the eligible school's kindergarten
3653 supplemental enrichment program, based on the results of the eligible school's kindergarten
3654 entry and exit assessments described in Subsection [~~(3)~~] (4)(b)(ii); and

3655 (v) that proposes a kindergarten supplemental enrichment program that addresses the
3656 particular needs of students at risk of experiencing intergenerational poverty.

3657 (b) An eligible school shall include in a grant application a letter from the principal of
3658 the eligible school certifying that the eligible school's proposed kindergarten supplemental
3659 enrichment program will meet the needs of either children in intergenerational poverty or
3660 children who are eligible to receive free or reduced lunch as appropriate for the eligible school.

3661 [~~(3)~~] (4) An eligible school that receives a grant as described in Subsection [~~(2)~~] (3)
3662 shall:

3663 (a) use the grant money to offer a kindergarten supplemental enrichment program to:

3664 (i) target kindergarten students at risk for not meeting grade 3 core standards for Utah
3665 public schools, established by the board under Section [~~53A-1-402.6~~] 53E-4-202, by the end of
3666 each student's grade 3 year;

3667 (ii) use an evidence-based early intervention model;

3668 (iii) focus on academically improving age-appropriate literacy and numeracy skills;

3669 (iv) emphasize the use of live instruction;

3670 (v) administer the kindergarten entry and exit assessments described in Subsection

3671 [~~(1)(e)~~] (2)(b); and

3672 (vi) deliver the kindergarten supplemental enrichment program through additional
3673 hours or other means; and

3674 (b) report to the board annually regarding:

3675 (i) how the eligible school used grant money received under Subsection [~~(2)~~] (3);

3676 (ii) the results of the eligible school's kindergarten entry and exit assessments for the
3677 prior year;

3678 (iii) with assistance from board employees, the number of students served, including
3679 the number of students who are eligible for free or reduced lunch; and

3680 (iv) with assistance from board employees, student performance outcomes achieved by
3681 the eligible school's kindergarten supplemental enrichment program, disaggregated by

3682 economic and ethnic subgroups.

3683 ~~[(4)]~~ (5) An eligible school that receives a grant as described in Subsection ~~[(2)]~~ (3)
3684 may not receive funds appropriated under Section ~~[53A-17a-167]~~ [53F-2-507](#).

3685 ~~[(5)]~~ (6) A parent or legal guardian may decline participation of the parent or legal
3686 guardian's kindergarten student in an eligible school's kindergarten supplemental enrichment
3687 program.

3688 ~~[(6)]~~ (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3689 Act, the board shall make rules to establish reporting procedures and administer this section.

3690 Section 78. Section **53F-4-206**, which is renumbered from Section 53A-1a-110 is
3691 renumbered and amended to read:

3692 ~~[53A-1a-110]~~. **53F-4-206. Computer program for students with autism and**
3693 **other special needs.**

3694 (1) As used in this section, "board" means the State Board of Education.

3695 (2) To improve social skills and student achievement for students with autism and
3696 other special needs in pre-school through grade 2, the board shall contract with a provider,
3697 selected through a request for proposals process, to provide computer software programs and
3698 activity manuals.

3699 (3) In evaluating proposals submitted under Subsection (2), the board shall:

3700 (a) ensure that the board's evaluation criteria weighs heavily the proposer's ability and
3701 experience to provide computer software programs and activity manuals to improve social
3702 skills and student achievement for students with autism and other special needs in pre-school
3703 through grade 2;

3704 (b) consider, in evaluating the proposer's ability and experience, any quantitative and
3705 evaluative results from field testing, state tests, and other standardized achievement tests;

3706 (c) ensure that the board's evaluation criteria weighs heavily the proposer's ability to:

3707 (i) collect data from each computer using the computer software, regardless of where
3708 the computer is located;

3709 (ii) provide students access to the proposer's program from any computer with internet
3710 access;

3711 (iii) enable reporting of student progress to administrators, teachers, parents, and other
3712 facilitators; and

- 3713 (iv) record a student's progress in the computer software; and
 3714 (d) consider the extent to which the computer software program uses engaging
 3715 animation to teach students.
- 3716 (4) The board shall provide the computer software programs and activity manuals
 3717 procured under this section to school districts and charter schools that demonstrate a
 3718 commitment by the school principal and staff to implement the computer software programs
 3719 and activity manuals as prescribed by the provider.

3720 Section 79. Section **53F-4-301**, which is renumbered from Section 53A-1a-703 is
 3721 renumbered and amended to read:

3722 **Part 3. Carson Smith Scholarship Program**

3723 ~~[53A-1a-703].~~ **53F-4-301. Definitions.**

3724 As used in this part:

- 3725 (1) "Assessment team" means a team consisting of:
 3726 (a) the student's parent or guardian;
 3727 (b) the student's private school classroom teacher;
 3728 (c) special education personnel from the student's school district; and
 3729 (d) if available, special education personnel from the private school at which the
 3730 student is enrolled.
- 3731 (2) "Board" means the State Board of Education.
- 3732 (3) "Eligible private school" means a private school that meets the requirements of
 3733 Section ~~[53A-1a-705]~~ [53F-4-303](#).
- 3734 (4) "Individualized Education Program" or "IEP" means a written statement for a
 3735 student with a disability that is developed, reviewed, and revised in accordance with the
 3736 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- 3737 (5) "Local Education Agency" or "LEA" means:
 3738 (a) a school district; or
 3739 (b) a charter school.
- 3740 (6) "Preschool" means an education program for a student who:
 3741 (a) is age three, four, or five; and
 3742 (b) has not entered kindergarten.
- 3743 (7) "Scholarship student" means a student who receives a scholarship under this part.

3744 (8) "Value of the weighted pupil unit" means the amount established each year in
3745 statute that is multiplied by the number of weighted pupil units to yield the funding level for
3746 the basic state-supported school program.

3747 Section 80. Section **53F-4-301.5**, which is renumbered from Section 53A-1a-702 is
3748 renumbered and amended to read:

3749 ~~[53A-1a-702].~~ **53F-4-301.5. Findings and purpose.**

3750 The Legislature finds that:

3751 (1) the state system of public education as established and maintained under the state
3752 constitution shall be open to all children of the state;

3753 (2) students with disabilities have special needs that merit educational alternatives
3754 which will allow students to learn in an appropriate setting and manner;

3755 (3) those needs may include teachers trained in special teaching methods, small class
3756 sizes, and special materials, equipment, and classroom environments;

3757 (4) parents are best equipped to make decisions for their children, including the
3758 educational setting that will best serve the interests and educational needs of their children;

3759 (5) the establishment of this scholarship program is justified on the basis of funding the
3760 special needs of students with disabilities as with other programs similarly funded by the state
3761 for people with disabilities;

3762 (6) children, parents, and families are the primary beneficiaries of the scholarship
3763 program authorized in this part and any benefit to private schools, sectarian or otherwise, is
3764 purely incidental;

3765 (7) the scholarship program authorized in this part is:

3766 (a) enacted for the valid secular purpose of tailoring a student's education to that
3767 student's specific needs;

3768 (b) neutral with respect to religion;

3769 (c) provides limited assistance to citizens who are then able to direct their resources to
3770 religious and secular schools solely as a result of their genuine and independent private
3771 choices; and

3772 (d) in accordance with the best interests of the taxpayers and citizens of the state to
3773 encourage educational opportunities; and

3774 (8) nothing in this part shall be construed as a basis for granting vouchers or tuition tax

3775 credits for any other students, with or without disabilities.

3776 Section 81. Section **53F-4-302**, which is renumbered from Section 53A-1a-704 is
3777 renumbered and amended to read:

3778 ~~[53A-1a-704]~~. **53F-4-302. Scholarship program created -- Qualifications.**

3779 (1) The Carson Smith Scholarship Program is created to award scholarships to students
3780 with disabilities to attend a private school.

3781 (2) To qualify for a scholarship:

3782 (a) the student's custodial parent or legal guardian shall reside within Utah;

3783 (b) the student shall have one or more of the following disabilities:

3784 (i) an intellectual disability;

3785 (ii) deafness or being hard of hearing;

3786 (iii) a speech or language impairment;

3787 (iv) a visual impairment;

3788 (v) a serious emotional disturbance;

3789 (vi) an orthopedic impairment;

3790 (vii) autism;

3791 (viii) traumatic brain injury;

3792 (ix) other health impairment;

3793 (x) specific learning disabilities; or

3794 (xi) a developmental delay, provided the student is at least three years of age, pursuant
3795 to Subsection (2)(c), and is younger than eight years of age;

3796 (c) the student shall be at least three years of age before September 2 of the year in
3797 which admission to a private school is sought and under 19 years of age on the last day of the
3798 school year as determined by the private school, or, if the individual has not graduated from
3799 high school, will be under 22 years of age on the last day of the school year as determined by
3800 the private school; and

3801 (d) except as provided in Subsection (3), the student shall:

3802 (i) be enrolled in a Utah public school in the school year prior to the school year the
3803 student will be enrolled in a private school;

3804 (ii) have an IEP; and

3805 (iii) have obtained acceptance for admission to an eligible private school.

3806 (3) The requirements of Subsection (2)(d) do not apply in the following circumstances:

3807 (a) the student is enrolled or has obtained acceptance for admission to an eligible

3808 private school that has previously served students with disabilities; and

3809 (b) an assessment team is able to readily determine with reasonable certainty:

3810 (i) that the student has a disability listed in Subsection (2)(b) and would qualify for

3811 special education services, if enrolled in a public school; and

3812 (ii) for the purpose of establishing the scholarship amount, the appropriate level of

3813 special education services which should be provided to the student.

3814 (4) (a) To receive a full-year scholarship under this part, a parent of a student shall

3815 submit to the LEA where the student is enrolled an application on or before the August 15

3816 immediately preceding the first day of the school year for which the student would receive the

3817 scholarship.

3818 (b) The board may waive the full-year scholarship deadline described in Subsection

3819 (4)(a).

3820 (c) An application for a scholarship shall contain an acknowledgment by the parent that

3821 the selected school is qualified and capable of providing the level of special education services

3822 required for the student.

3823 (5) (a) The scholarship application form shall contain the following statement:

3824 "I acknowledge that:

3825 (1) A private school may not provide the same level of special education services that

3826 are provided in a public school;

3827 (2) I will assume full financial responsibility for the education of my scholarship

3828 student if I accept this scholarship;

3829 (3) Acceptance of this scholarship has the same effect as a parental refusal to consent

3830 to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20

3831 U.S.C. Sec. 1400 et seq.; and

3832 (4) My child may return to a public school at any time."

3833 (b) Upon acceptance of the scholarship, the parent assumes full financial responsibility

3834 for the education of the scholarship student.

3835 (c) Acceptance of a scholarship has the same effect as a parental refusal to consent to

3836 services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20

3837 U.S.C. Sec. 1400 et seq.

3838 (d) The creation of the scholarship program or granting of a scholarship does not:

3839 (i) imply that a public school did not provide a free and appropriate public education
3840 for a student; or

3841 (ii) constitute a waiver or admission by the state.

3842 (6) (a) A scholarship shall remain in force for three years.

3843 (b) A scholarship shall be extended for an additional three years, if:

3844 (i) the student is evaluated by an assessment team; and

3845 (ii) the assessment team determines that the student would qualify for special education
3846 services, if enrolled in a public school.

3847 (c) The assessment team shall determine the appropriate level of special education
3848 services which should be provided to the student for the purpose of setting the scholarship
3849 amount.

3850 (d) A scholarship shall be extended for successive three-year periods as provided in
3851 Subsections (6)(a) and (b):

3852 (i) until the student graduates from high school; or

3853 (ii) if the student does not graduate from high school, until the student is age 22.

3854 (7) A student's parent, at any time, may remove the student from a private school and
3855 place the student in another eligible private school and retain the scholarship.

3856 (8) A scholarship student may not participate in a dual enrollment program pursuant to
3857 Section [~~53A-11-102.5~~] [53G-6-702](#).

3858 (9) The parents or guardians of a scholarship student have the authority to choose the
3859 private school that will best serve the interests and educational needs of that student, which
3860 may be a sectarian or nonsectarian school, and to direct the scholarship resources available for
3861 that student solely as a result of their genuine and independent private choices.

3862 (10) (a) An LEA shall notify in writing the parents or guardians of students enrolled in
3863 the LEA who have an IEP of the availability of a scholarship to attend a private school through
3864 the Carson Smith Scholarship Program.

3865 (b) The notice described under Subsection (10)(a) shall:

3866 (i) be provided no later than 30 days after the student initially qualifies for an IEP;

3867 (ii) be provided annually no later than February 1 to all students who have an IEP; and

3868 (iii) include the address of the Internet website maintained by the board that provides
3869 prospective applicants with detailed program information and application forms for the Carson
3870 Smith Scholarship Program.

3871 (c) An LEA or school within an LEA that has an enrolled student who has an IEP shall
3872 post the address of the Internet website maintained by the board that provides prospective
3873 applicants with detailed program information and application forms for the Carson Smith
3874 Scholarship Program on the LEA's or school's website, if the LEA or school has one.

3875 Section 82. Section **53F-4-303**, which is renumbered from Section 53A-1a-705 is
3876 renumbered and amended to read:

3877 ~~[53A-1a-705]~~. **53F-4-303. Eligible private schools.**

3878 (1) To be eligible to enroll a scholarship student, a private school shall:

3879 (a) have a physical location in Utah where the scholarship students attend classes and
3880 have direct contact with the school's teachers;

3881 (b) (i) (A) obtain an audit and report from a licensed independent certified public
3882 accountant that conforms with the following requirements:

3883 (I) the audit shall be performed in accordance with generally accepted auditing
3884 standards;

3885 (II) the financial statements shall be presented in accordance with generally accepted
3886 accounting principles; and

3887 (III) the audited financial statements shall be as of a period within the last 12 months;

3888 or

3889 (B) contract with a licensed independent certified public accountant to perform an
3890 agreed upon procedure as follows:

3891 (I) the agreed upon procedure shall be to determine that the private school has adequate
3892 working capital to maintain operations for the first full year; and

3893 (II) working capital shall be calculated by subtracting current liabilities from current
3894 assets; and

3895 (ii) submit the audit report or report of the agreed upon procedure to the board when
3896 the private school applies to accept scholarship students;

3897 (c) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d;

3898 (d) meet state and local health and safety laws and codes;

- 3899 (e) disclose to the parent of each prospective student, before the student is enrolled, the
3900 special education services that will be provided to the student, including the cost of those
3901 services;
- 3902 (f) (i) administer an annual assessment of each scholarship student's academic
3903 progress;
- 3904 (ii) report the results of the assessment to the student's parent; and
- 3905 (iii) make the results available to the assessment team evaluating the student pursuant
3906 to Subsection [~~53A-1a-704~~] [53F-4-302\(6\)](#);
- 3907 (g) employ or contract with teachers who:
- 3908 (i) hold baccalaureate or higher degrees;
- 3909 (ii) have at least three years of teaching experience in public or private schools; or
- 3910 (iii) have the necessary special skills, knowledge, or expertise that qualifies them to
3911 provide instruction:
- 3912 (A) in the subjects taught; and
- 3913 (B) to the special needs students taught;
- 3914 (h) require the following individuals to submit to a nationwide, fingerprint-based
3915 criminal background check and ongoing monitoring, in accordance with Section
3916 [~~53A-15-1503~~] [53G-11-402](#), as a condition for employment or appointment, as authorized by
3917 the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248:
- 3918 (i) an employee who does not hold a current Utah educator license issued by the board
3919 under [~~Title 53A, Chapter 6, Educator Licensing and Professional Practices Act~~] [Title 53E,](#)
3920 [Chapter 6, Education Professional Licensure](#);
- 3921 (ii) a contract employee; and
- 3922 (iii) a volunteer who is given significant unsupervised access to a student in connection
3923 with the volunteer's assignment; and
- 3924 (i) provide to parents the relevant credentials of the teachers who will be teaching their
3925 students.
- 3926 (2) A private school is not eligible to enroll scholarship students if:
- 3927 (a) the audit report submitted under Subsection (1)(b) contains a going concern
3928 explanatory paragraph; or
- 3929 (b) the report of the agreed upon procedure submitted under Subsection (1)(b) shows

3930 that the private school does not have adequate working capital to maintain operations for the
3931 first full year, as determined under Subsection (1)(b).

3932 (3) A home school is not eligible to enroll scholarship students.

3933 (4) Residential treatment facilities licensed by the state are not eligible to enroll
3934 scholarship students.

3935 (5) A private school intending to enroll scholarship students shall submit an application
3936 to the board by May 1 of the school year preceding the school year in which it intends to enroll
3937 scholarship students.

3938 (6) The board shall:

3939 (a) approve a private school's application to enroll scholarship students, if the private
3940 school meets the eligibility requirements of this section; and

3941 (b) make available to the public a list of the eligible private schools.

3942 (7) An approved eligible private school that changes ownership shall submit a new
3943 application to the board and demonstrate that it continues to meet the eligibility requirements
3944 of this section.

3945 Section 83. Section **53F-4-304**, which is renumbered from Section 53A-1a-706 is
3946 renumbered and amended to read:

3947 ~~[53A-1a-706].~~ **53F-4-304. Scholarship payments.**

3948 (1) (a) Scholarships shall be awarded by the board subject to the availability of money
3949 appropriated by the Legislature for that purpose.

3950 (b) The Legislature shall annually appropriate money to the board from the General
3951 Fund to make scholarship payments.

3952 (c) Beginning with the 2013-14 school year, the Legislature shall annually increase the
3953 amount of money appropriated under Subsection (1)(b) by an amount equal to the product of:

3954 (i) the average scholarship amount awarded as of December 1 in the previous year; and

3955 (ii) the product of:

3956 (A) the number of students in preschool through grade 12 in public schools statewide
3957 who have an IEP on December 1 of the previous year; and

3958 (B) 0.0007.

3959 (d) If the number of scholarship students as of December 1 in any school year equals or
3960 exceeds 7% of the number of students in preschool through grade 12 in public schools

3961 statewide who have an IEP as of December 1 in the same school year, the Public Education
3962 Appropriations Subcommittee shall study the requirement to increase appropriations for
3963 scholarship payments as provided in this section.

3964 (e) (i) If money is not available to pay for all scholarships requested, the scholarships
3965 shall be allocated on a random basis except that preference shall be given to students who
3966 received scholarships in the previous school year.

3967 (ii) If money is insufficient in a school year to pay for all the continuing scholarships,
3968 new scholarships may not be awarded during that school year and the money available for
3969 scholarships shall be prorated among the eligible students who received scholarships in the
3970 previous year.

3971 (2) Full-year scholarships shall be awarded in the following amounts:

3972 (a) for a student who received an average of 180 minutes per day or more of special
3973 education services in a public school before transferring to a private school, an amount not to
3974 exceed the lesser of:

3975 (i) the value of the weighted pupil unit multiplied by 2.5; or

3976 (ii) the private school tuition and fees; and

3977 (b) for a student who received an average of less than 180 minutes per day of special
3978 education services in a public school before transferring to a private school, an amount not to
3979 exceed the lesser of:

3980 (i) the value of the weighted pupil unit multiplied by 1.5; or

3981 (ii) the private school tuition and fees.

3982 (3) The scholarship amount for a student enrolled in a half-day kindergarten or part-day
3983 preschool program shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.

3984 (4) (a) The scholarship amount for a student who receives a waiver under Subsection
3985 ~~[53A-1a-704]~~ [53F-4-302](#)(3) shall be based upon the assessment team's determination of the
3986 appropriate level of special education services to be provided to the student.

3987 (b) (i) If the student requires an average of 180 minutes per day or more of special
3988 education services, a full-year scholarship shall be equal to the amount specified in Subsection
3989 (2)(a).

3990 (ii) If the student requires less than an average of 180 minutes per day of special
3991 education services, a full-year scholarship shall be equal to the amount specified in Subsection

3992 (2)(b).

3993 (iii) If the student is enrolled in a half-day kindergarten or part-day preschool program,
3994 a full-year scholarship is equal to the amount specified in Subsection (3).

3995 (5) (a) Except as provided in Subsection (5)(b), upon review and receipt of
3996 documentation that verifies a student's admission to, or continuing enrollment and attendance
3997 at, a private school, the board shall make scholarship payments quarterly in four equal amounts
3998 in each school year in which a scholarship is in force.

3999 (b) In accordance with board rule, the board may make a scholarship payment before
4000 the first quarterly payment of the school year, if a private school requires partial payment of
4001 tuition before the start of the school year to reserve space for a student admitted to the school.

4002 (6) A parent of a scholarship student shall notify the board if the student does not have
4003 continuing enrollment and attendance at an eligible private school.

4004 (7) Before scholarship payments are made, the board shall cross-check enrollment lists
4005 of scholarship students, LEAs, and youth in custody to ensure that scholarship payments are
4006 not erroneously made.

4007 (8) (a) Scholarship payments shall be made by the board by individual warrant made
4008 payable to the student's parent and mailed by the board to the private school. The parent shall
4009 restrictively endorse the warrant to the private school for deposit into the account of the private
4010 school.

4011 (b) A person, on behalf of a private school, may not accept a power of attorney from a
4012 parent to sign a warrant referred to in Subsection (8)(a), and a parent of a scholarship student
4013 may not give a power of attorney designating a person, on behalf of a private school, as the
4014 parent's attorney-in-fact.

4015 Section 84. Section **53F-4-305**, which is renumbered from Section 53A-1a-707 is
4016 renumbered and amended to read:

4017 ~~[53A-1a-707]~~. **53F-4-305. Board to make rules.**

4018 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4019 board shall make rules consistent with this part establishing:

- 4020 (1) the eligibility of students to participate in the scholarship program; and
4021 (2) the application process for the scholarship program.

4022 Section 85. Section **53F-4-306**, which is renumbered from Section 53A-1a-708 is

4023 renumbered and amended to read:

4024 ~~[53A-1a-708].~~ **53F-4-306. Enforcement and penalties.**

4025 (1) (a) The board shall require a private school to submit a signed affidavit assuring the
4026 private school will comply with the requirements of this part.

4027 (b) If a school fails to submit a signed affidavit within 30 days of receiving notification
4028 that the school is an approved private school to receive the Carson Smith Scholarship, the
4029 board may:

4030 (i) deny the private school permission to enroll scholarship students; and

4031 (ii) interrupt disbursement of or withhold scholarship payments.

4032 (2) The board may investigate complaints and convene administrative hearings for an
4033 alleged violation of this part.

4034 (3) Upon a finding that this part was violated, the board may:

4035 (a) deny a private school permission to enroll scholarship students;

4036 (b) interrupt disbursement of or withhold scholarship payments; or

4037 (c) issue an order for repayment of scholarship payments fraudulently obtained.

4038 Section 86. Section **53F-4-307**, which is renumbered from Section 53A-1a-709 is
4039 renumbered and amended to read:

4040 ~~[53A-1a-709].~~ **53F-4-307. Limitation on regulation of private schools.**

4041 Nothing in this part grants additional authority to any state agency or LEA to regulate
4042 private schools except as expressly set forth in this part.

4043 Section 87. Section **53F-4-308**, which is renumbered from Section 53A-1a-710 is
4044 renumbered and amended to read:

4045 ~~[53A-1a-710].~~ **53F-4-308. Review by Legislative Auditor General.**

4046 The Legislative Auditor General shall conduct a review and issue a report on the
4047 Carson Smith Scholarship Program after the conclusion of the 2006-07 school year.

4048 Section 88. Section **53F-4-401**, which is renumbered from Section 53A-1a-1001 is
4049 renumbered and amended to read:

4050 **Part 4. UPSTART**

4051 ~~[53A-1a-1001].~~ **53F-4-401. Definitions.**

4052 As used in this part:

4053 (1) "Contractor" means the educational technology provider selected by the State Board

4054 of Education under Section [~~53A-1a-1002~~] [53F-4-402](#).

4055 (2) "Low income" means an income below 185% of the federal poverty guideline.

4056 (3) "Preschool children" means children who are:

4057 (a) age four or five; and

4058 (b) have not entered kindergarten.

4059 (4) "UPSTART" means the project established by Section [~~53A-1a-1002~~] [53F-4-402](#)

4060 that uses a home-based educational technology program to develop school readiness skills of
4061 preschool children.

4062 Section 89. Section **53F-4-402**, which is renumbered from Section 53A-1a-1002 is
4063 renumbered and amended to read:

4064 ~~[53A-1a-1002]~~. **53F-4-402**. **UPSTART program to develop school readiness**
4065 **skills of preschool children.**

4066 (1) UPSTART, a project that uses a home-based educational technology program to
4067 develop school readiness skills of preschool children, is established within the public education
4068 system.

4069 (2) UPSTART is created to:

4070 (a) evaluate the effectiveness of giving preschool children access, at home, to
4071 interactive individualized instruction delivered by computers and the Internet to prepare them
4072 academically for success in school; and

4073 (b) test the feasibility of scaling a home-based curriculum in reading, math, and science
4074 delivered by computers and the Internet to all preschool children in Utah.

4075 (3) (a) The State Board of Education shall contract with an educational technology
4076 provider, selected through a request for proposals process, for the delivery of a home-based
4077 educational technology program for preschool children that meets the requirements of
4078 Subsection (4).

4079 (b) (i) The State Board of Education shall, on or before July 1, 2019, issue a request for
4080 proposals for two-year pilot proposals from one or more educational technology providers that
4081 do not have an existing contract under this part with the state for the delivery of a home-based
4082 educational technology program for preschool children that meets the requirements of
4083 Subsection (4).

4084 (ii) After the two-year pilots described in Subsection (3)(b)(i), the State Board of

4085 Education may enter into a contract with one or more educational technology providers that
4086 have participated in a Utah pilot.

4087 (c) Every five years after July 1, 2021, the State Board of Education may issue a new
4088 request for proposals described in this section.

4089 (4) A home-based educational technology program for preschool children shall meet
4090 the following standards:

4091 (a) the contractor shall provide computer-assisted instruction for preschool children on
4092 a home computer connected by the Internet to a centralized file storage facility;

4093 (b) the contractor shall:

4094 (i) provide technical support to families for the installation and operation of the
4095 instructional software; and

4096 (ii) provide for the installation of computer and Internet access in homes of low income
4097 families that cannot afford the equipment and service;

4098 (c) the contractor shall have the capability of doing the following through the Internet:

4099 (i) communicating with parents;

4100 (ii) updating the instructional software;

4101 (iii) validating user access;

4102 (iv) collecting usage data;

4103 (v) storing research data; and

4104 (vi) producing reports for parents, schools, and the Legislature;

4105 (d) the program shall include the following components:

4106 (i) computer-assisted, individualized instruction in reading, mathematics, and science;

4107 (ii) a multisensory reading tutoring program; and

4108 (iii) a validated computer adaptive reading test that does not require the presence of
4109 trained adults to administer and is an accurate indicator of reading readiness of children who
4110 cannot read;

4111 (e) the contractor shall have the capability to quickly and efficiently modify, improve,
4112 and support the product;

4113 (f) the contractor shall work in cooperation with school district personnel who will
4114 provide administrative and technical support of the program as provided in Section

4115 [~~53A-1a-1003~~] [53F-4-403](#);

4116 (g) the contractor shall solicit families to participate in the program as provided in
4117 Section [~~53A-1a-1004~~] [53F-4-404](#); and

4118 (h) in implementing the home-based educational technology program, the contractor
4119 shall seek the advise and expertise of early childhood education professionals within the Utah
4120 System of Higher Education on issues such as:

- 4121 (i) soliciting families to participate in the program;
- 4122 (ii) providing training to families; and
- 4123 (iii) motivating families to regularly use the instructional software.

4124 (5) (a) The contract shall provide funding for a home-based educational technology
4125 program for preschool children, subject to the appropriation of money by the Legislature for
4126 UPSTART.

4127 (b) An appropriation for a request for proposals described in Subsection (3)(b)(i) shall
4128 be separate from an appropriation described in Subsection (5)(a).

4129 (6) The State Board of Education shall evaluate a proposal based on:

- 4130 (a) whether the home-based educational technology program meets the standards
4131 specified in Subsection (4);
- 4132 (b) the results of an independent evaluation of the home-based educational technology
4133 program;
- 4134 (c) the experience of the home-based educational technology program provider; and
- 4135 (d) the per pupil cost of the home-based educational technology program.

4136 Section 90. Section ~~53F-4-403~~, which is renumbered from Section 53A-1a-1003 is
4137 renumbered and amended to read:

4138 ~~[53A-1a-1003]~~. **53F-4-403. School district participation in UPSTART.**

4139 (1) A school district may participate in UPSTART if the local school board agrees to
4140 work in cooperation with the contractor to provide administrative and technical support for
4141 UPSTART.

4142 (2) Family participants in UPSTART shall be solicited from school districts that
4143 participate in UPSTART.

4144 (3) A school district that participates in UPSTART shall:

- 4145 (a) receive funding for:
 - 4146 (i) paraprofessional and technical support staff; and

- 4147 (ii) travel, materials, and meeting costs of the program;
4148 (b) participate in program training by the contractor; and
4149 (c) agree to adopt standardized policies and procedures in implementing UPSTART.

4150 Section 91. Section **53F-4-404**, which is renumbered from Section 53A-1a-1004 is
4151 renumbered and amended to read:

4152 ~~[53A-1a-1004]~~. **53F-4-404. Family participation in UPSTART -- Low income**
4153 **family verification.**

4154 (1) The contractor shall:

4155 (a) solicit families to participate in UPSTART through a public information campaign
4156 and referrals from participating school districts; and

4157 (b) work with the Department of Workforce Services and the State Board of Education
4158 to solicit participation from families of children experiencing intergenerational poverty, as
4159 defined in Section **35A-9-102**, to participate in UPSTART.

4160 (2) (a) Preschool children who participate in UPSTART shall:

4161 (i) be from families with diverse socioeconomic and ethnic backgrounds;

4162 (ii) reside in different regions of the state in both urban and rural areas; and

4163 (iii) be given preference to participate if the preschool child's family resides in a rural
4164 area with limited prekindergarten services.

4165 (b) (i) If the number of families who would like to participate in UPSTART exceeds
4166 the number of participants funded by the legislative appropriation, the contractor shall give
4167 priority to preschool children from low income families and preschool children who are
4168 English language learners.

4169 (ii) At least 30% of the preschool children who participate in UPSTART shall be from
4170 low income families.

4171 (3) A low income family that cannot afford a computer and Internet service to operate
4172 the instructional software may obtain a computer and peripheral equipment on loan and receive
4173 free Internet service for the duration of the family's participation in UPSTART.

4174 (4) (a) The contractor shall make the home-based educational technology program
4175 available to families at a cost agreed upon by the State Board of Education and the contractor if
4176 the number of families who would like to participate in UPSTART exceeds the number of
4177 participants funded by the legislative appropriation.

4178 (b) The State Board of Education and the contractor shall annually post on their
4179 websites information on purchasing a home-based educational technology program as provided
4180 in Subsection (4)(a).

4181 (5) (a) The contractor shall:

4182 (i) determine if a family is a low income family for purposes of this part; and

4183 (ii) use the same application form as described in Section 35A-9-401 or create an
4184 application form that requires an individual to provide and certify the information necessary for
4185 the contractor to make the determination described in Subsection (5)(a)(i).

4186 (b) The contractor may:

4187 (i) require an individual to submit supporting documentation; and

4188 (ii) create a deadline for an individual to submit an application, if necessary.

4189 Section 92. Section 53F-4-405, which is renumbered from Section 53A-1a-1005 is
4190 renumbered and amended to read:

4191 ~~53A-1a-1005~~. **53F-4-405. Purchase of equipment and service through**
4192 **cooperative purchasing contracts.**

4193 The State Board of Education or a school district may purchase computers, peripheral
4194 equipment, and Internet service for low income families who cannot afford them through
4195 cooperative purchasing contracts administered by the state Division of Purchasing and General
4196 Services.

4197 Section 93. Section 53F-4-406, which is renumbered from Section 53A-1a-1006 is
4198 renumbered and amended to read:

4199 ~~53A-1a-1006~~. **53F-4-406. Audit and evaluation.**

4200 (1) The state auditor shall:

4201 (a) conduct an annual audit of the contractor's use of funds for UPSTART; or

4202 (b) contract with an independent certified public accountant to conduct an annual audit.

4203 (2) The State Board of Education shall:

4204 (a) require by contract that the contractor will open its books and records relating to its
4205 expenditure of funds pursuant to the contract to the state auditor or the state auditor's designee;

4206 (b) reimburse the state auditor for the actual and necessary costs of the audit; and

4207 (c) contract with an independent, qualified evaluator, selected through a request for
4208 proposals process, to evaluate the home-based educational technology program for preschool

4209 children.

4210 (3) Of the money appropriated by the Legislature for UPSTART, excluding funds used
4211 to provide computers, peripheral equipment, and Internet service to families, no more than
4212 7.5% may be used for the evaluation of the program.

4213 Section 94. Section **53F-4-407**, which is renumbered from Section 53A-1a-1007 is
4214 renumbered and amended to read:

4215 ~~[53A-1a-1007]~~. **53F-4-407**. **Annual report.**

4216 (1) The State Board of Education shall make a report on UPSTART to the Education
4217 Interim Committee by November 30 each year.

4218 (2) The report shall:

4219 (a) address the extent to which UPSTART is accomplishing the purposes for which it
4220 was established as specified in Section ~~[53A-1a-1002]~~ 53F-4-402; and

4221 (b) include the following information:

4222 (i) the number of families:

4223 (A) volunteering to participate in the program;

4224 (B) selected to participate in the program;

4225 (C) requesting computers; and

4226 (D) furnished computers;

4227 (ii) the frequency of use of the instructional software;

4228 (iii) obstacles encountered with software usage, hardware, or providing technical
4229 assistance to families;

4230 (iv) student performance on pre-kindergarten and post-kindergarten assessments
4231 conducted by school districts and charter schools for students who participated in the
4232 home-based educational technology program and those who did not participate in the program;
4233 and

4234 (v) as available, the evaluation of the program conducted pursuant to Section
4235 ~~[53A-1a-1006]~~ 53F-4-406.

4236 Section 95. Section **53F-4-501**, which is renumbered from Section 53A-15-1202 is
4237 renumbered and amended to read:

4238 **Part 5. Statewide Online Education Program**

4239 ~~[53A-15-1202]~~. **53F-4-501**. **Definitions.**

4240 As used in this part:

4241 (1) "District school" means a public school under the control of a local school board
4242 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School
4243 Boards.

4244 (2) "Eligible student" means:

4245 (a) a student enrolled in a district school or charter school in Utah; or

4246 (b) beginning on July 1, 2013, a student:

4247 (i) who attends a private school or home school; and

4248 (ii) whose custodial parent or legal guardian is a resident of Utah.

4249 (3) "LEA" means a local education agency in Utah that has administrative control and
4250 direction for public education.

4251 (4) "Online course" means a course of instruction offered by the Statewide Online
4252 Education Program through the use of digital technology.

4253 (5) "Plan for college and career readiness" means the same as that term is defined in
4254 Section 53E-2-304.

4255 ~~[(5)]~~ (6) "Primary LEA of enrollment" means the LEA in which an eligible student is
4256 enrolled for courses other than online courses offered through the Statewide Online Education
4257 Program.

4258 ~~[(6)]~~ (7) "Released-time" means a period of time during the regular school day a
4259 student is excused from school at the request of the student's parent or guardian pursuant to
4260 rules of the State Board of Education.

4261 Section 96. Section **53F-4-502**, which is renumbered from Section 53A-15-1203 is
4262 renumbered and amended to read:

4263 ~~[53A-15-1203].~~ **53F-4-502. Statewide Online Education Program created --**
4264 **Designated as program of the public education system -- Purposes.**

4265 (1) The Statewide Online Education Program is created to enable an eligible student to
4266 earn high school graduation credit through the completion of publicly funded online courses.

4267 (2) Pursuant to Utah Constitution, Article X, Section 2, the Statewide Online
4268 Education Program is designated as a program of the public education system.

4269 (3) The purposes of an online school are to:

4270 (a) provide a student with access to online learning options regardless of where the

4271 student attends school, whether a public, private, or home school;

4272 (b) provide high quality learning options for a student regardless of language,
4273 residence, family income, or special needs;

4274 (c) provide online learning options to allow a student to acquire the knowledge and
4275 technology skills necessary in a digital world;

4276 (d) utilize the power and scalability of technology to customize education so that a
4277 student may learn in the student's own style preference and at the student's own pace;

4278 (e) utilize technology to remove the constraints of traditional classroom learning,
4279 allowing a student to access learning virtually at any time and in any place and giving the
4280 student the flexibility to take advantage of the student's peak learning time;

4281 (f) provide personalized learning, where a student can spend as little or as much time
4282 as the student needs to master the material;

4283 (g) provide greater access to self-paced programs enabling a high achieving student to
4284 accelerate academically, while a struggling student may have additional time and help to gain
4285 competency;

4286 (h) allow a student to customize the student's schedule to better meet the student's
4287 academic goals;

4288 (i) provide quality learning options to better prepare a student for post-secondary
4289 education and vocational or career opportunities; and

4290 (j) allow a student to have an individualized educational experience.

4291 (4) The program created under this part shall be known as the "Statewide Online
4292 Education Program."

4293 (5) The program name, "Statewide Online Education Program," shall be used in the
4294 dissemination of information on the program.

4295 Section 97. Section **53F-4-503**, which is renumbered from Section 53A-15-1204 is
4296 renumbered and amended to read:

4297 ~~[53A-15-1204]~~. **53F-4-503. Option to enroll in online courses offered**
4298 **through the Statewide Online Education Program.**

4299 (1) Subject to the course limitations provided in Subsection (2), an eligible student may
4300 enroll in an online course offered through the Statewide Online Education Program if:

4301 (a) the student meets the course prerequisites;

- 4302 (b) the course is open for enrollment;
- 4303 (c) the online course is aligned with the student's plan for college and career readiness;
- 4304 (d) the online course is consistent with the student's individual education plan (IEP), if
- 4305 the student has an IEP; and
- 4306 (e) the online course is consistent with the student's international baccalaureate
- 4307 program, if the student is participating in an international baccalaureate program.
- 4308 (2) An eligible student may enroll in online courses for no more than the following
- 4309 number of credits:
- 4310 (a) in the 2011-12 and 2012-13 school years, two credits;
- 4311 (b) in the 2013-14 school year, three credits;
- 4312 (c) in the 2014-15 school year, four credits;
- 4313 (d) in the 2015-16 school year, five credits; and
- 4314 (e) beginning with the 2016-17 school year, six credits.
- 4315 (3) Notwithstanding Subsection (2):
- 4316 (a) a student's primary LEA of enrollment may allow an eligible student to enroll in
- 4317 online courses for more than the number of credits specified in Subsection (2); or
- 4318 (b) upon the request of an eligible student, the State Board of Education may allow the
- 4319 student to enroll in online courses for more than the number of credits specified in Subsection
- 4320 (2), if the online courses better meet the academic goals of the student.
- 4321 (4) An eligible student's primary LEA of enrollment:
- 4322 (a) in conjunction with the student and the student's parent or legal guardian, is
- 4323 responsible for preparing and implementing a plan for college and career readiness for the
- 4324 eligible student, as provided in Section [~~53A-1a-106~~] [53F-2-304](#); and
- 4325 (b) shall assist an eligible student in scheduling courses in accordance with the
- 4326 student's plan for college and career readiness, graduation requirements, and the student's
- 4327 post-secondary plans.
- 4328 (5) An eligible student's primary LEA of enrollment may not:
- 4329 (a) impose restrictions on a student's selection of an online course that fulfills
- 4330 graduation requirements and is consistent with the student's plan for college and career
- 4331 readiness or post-secondary plans; or
- 4332 (b) give preference to an online course or online course provider.

4333 (6) The State Board of Education, including an employee of the State Board of
4334 Education, may not give preference to an online course or online course provider.

4335 (7) (a) Except as provided in Subsection (7)(b), a person may not provide an
4336 inducement or incentive to a public school student to participate in the Statewide Online
4337 Education Program.

4338 (b) For purposes of Subsection (7)(a):

4339 (i) "Inducement or incentive" does not mean:

4340 (A) instructional materials or software necessary to take an online course; or

4341 (B) access to a computer or digital learning device for the purpose of taking an online
4342 course.

4343 (ii) "Person" does not include a relative of the public school student.

4344 Section 98. Section **53F-4-504**, which is renumbered from Section 53A-15-1205 is
4345 renumbered and amended to read:

4346 ~~[53A-15-1205]~~. **53F-4-504. Authorized online course providers.**

4347 The following entities may offer online courses to eligible students through the
4348 Statewide Online Education Program:

4349 (1) a charter school or district school created exclusively for the purpose of serving
4350 students online;

4351 (2) an LEA program, approved by the LEA's governing board, that is created
4352 exclusively for the purpose of serving students online; and

4353 (3) a program of an institution of higher education listed in Section **53B-2-101** that:

4354 (a) offers secondary school level courses; and

4355 (b) is created exclusively for the purpose of serving students online.

4356 Section 99. Section **53F-4-505**, which is renumbered from Section 53A-15-1206 is
4357 renumbered and amended to read:

4358 ~~[53A-15-1206]~~. **53F-4-505. Payment for an online course.**

4359 (1) For the 2012-13 school year, the fee for a .5 credit online course or .5 credit of a 1
4360 credit online course is:

4361 (a) \$200 for the following courses, except a concurrent enrollment course:

4362 (i) financial literacy;

4363 (ii) health;

- 4364 (iii) fitness for life; and
- 4365 (iv) computer literacy;
- 4366 (b) \$200 for driver education;
- 4367 (c) \$250 for a course that meets core standards for Utah public schools in fine arts or
- 4368 career and technical education, except a concurrent enrollment course;
- 4369 (d) \$300 for the following courses:
- 4370 (i) a course that meets core standards for Utah public schools requirements in social
- 4371 studies, except a concurrent enrollment course; and
- 4372 (ii) a world language course, except a concurrent enrollment course;
- 4373 (e) \$350 for the following courses:
- 4374 (i) a course that meets core standards for Utah public schools requirements for
- 4375 language arts, mathematics, or science; and
- 4376 (ii) a concurrent enrollment course; and
- 4377 (f) \$250 for a course not described in Subsections (1)(a) through (e).
- 4378 (2) If a course meets the requirements of more than one course fee category described
- 4379 in Subsection (1), the course fee shall be the lowest of the applicable course fee categories.
- 4380 (3) Beginning with the 2013-14 school year, the online course fees described in
- 4381 Subsection (1) shall be adjusted each school year in accordance with the percentage change in
- 4382 value of the weighted pupil unit from the previous school year.
- 4383 (4) An online learning provider shall receive payment for an online course as follows:
- 4384 (a) for a .5 credit online course, 50% of the online course fee after the withdrawal
- 4385 period described in Section [~~53A-15-1206.5~~] [53F-4-506](#);
- 4386 (b) for a 1 credit online course, 25% of the online course fee after the withdrawal
- 4387 period described in Section [~~53A-15-1206.5~~] [53F-4-506](#) and 25% of the online course fee upon
- 4388 the beginning of the second .5 credit of the online course; and
- 4389 (c) if a student completes a 1 credit online course within 12 months or a .5 credit
- 4390 course within nine weeks following the end of a traditional semester, 50% of the online course
- 4391 fee.
- 4392 (5) (a) If a student fails to complete a 1 credit course within 12 months or a .5 credit
- 4393 course within nine weeks following the end of a traditional semester, the student may continue
- 4394 to be enrolled in the course until the student graduates from high school.

4395 (b) To encourage an online course provider to provide remediation to a student who
4396 remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the need for credit
4397 recovery, an online course provider shall receive a payment equal to 30% of the online course
4398 fee if the student completes the online course before the student graduates from high school.

4399 (6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a
4400 school district or charter school may:

4401 (a) negotiate a fee with an online course provider for an amount up to the amount
4402 prescribed in Subsections (1) through (3); and

4403 (b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).

4404 (7) An online course provider who contracts with a vendor for the acquisition of online
4405 course content or online course instruction may negotiate the payment for the vendor's service
4406 independent of the fees specified in Subsections (1) through (3).

4407 Section 100. Section **53F-4-506**, which is renumbered from Section 53A-15-1206.5 is
4408 renumbered and amended to read:

4409 ~~[53A-15-1206.5]~~. **53F-4-506. Withdrawal from an online course.**

4410 (1) An online course provider shall establish a start date for an online course, including
4411 a start date for the second .5 credit of a 1 credit online course.

4412 (2) Except as provided in Subsection (3), a student may withdraw from an online
4413 course:

4414 (a) within 20 school calendar days of the start date, if the student enrolls in an online
4415 course on or before the start date established pursuant to Subsection (1); or

4416 (b) within 20 school calendar days of enrolling in the online course, if the student
4417 enrolls in an online course after the start date established pursuant to Subsection (1).

4418 (3) (a) A student may withdraw from a 1 credit online course within 20 school calendar
4419 days of the start date of the second .5 credit of the online course.

4420 (b) An online course provider shall refund a payment received for the second .5 credit
4421 of an online course if a student withdraws from the online course pursuant to Subsection (3)(a).

4422 (c) If a student withdraws from a 1 credit online course as provided in Subsection
4423 (3)(a), the online course provider shall receive payment for the student's completion of .5 credit
4424 of the 1 credit course in the same manner as an online course provider receives payment for a
4425 student's completion of a .5 credit online course as described in Subsection ~~[53A-15-1206]~~

4426 [53F-4-505](#)(4).

4427 Section 101. Section **53F-4-507**, which is renumbered from Section 53A-15-1207 is
4428 renumbered and amended to read:

4429 ~~[53A-15-1207]~~. **53F-4-507. State Board of Education to deduct funds and**
4430 **make payments -- Plan for the payment of online courses taken by private and home**
4431 **school students.**

4432 (1) For a fiscal year that begins on or after July 1, 2018, and subject to future budget
4433 constraints, the Legislature shall adjust the appropriation for the Statewide Online Education
4434 Program based on:

4435 (a) the anticipated increase of eligible home school and private school students
4436 enrolled in the Statewide Online Education Program; and

4437 (b) the value of the weighted pupil unit.

4438 (2) (a) The State Board of Education shall deduct money from funds allocated to the
4439 student's primary LEA of enrollment under Chapter ~~[17a, Minimum School Program Act]~~ 2,
4440 State Funding -- Minimum School Program, to pay for online course fees.

4441 (b) Money shall be deducted under Subsection (2) in the amount and at the time an
4442 online course provider qualifies to receive payment for an online course as provided in
4443 Subsection ~~[53A-15-1206]~~ [53F-4-505](#)(4).

4444 (3) From money deducted under Subsection (2), the State Board of Education shall
4445 make payments to the student's online course provider as provided in Section ~~[53A-15-1206]~~
4446 [53F-4-505](#).

4447 (4) The Legislature shall establish a plan, which shall take effect beginning on July 1,
4448 2013, for the payment of online courses taken by a private school or home school student.

4449 Section 102. Section **53F-4-508**, which is renumbered from Section 53A-15-1208 is
4450 renumbered and amended to read:

4451 ~~[53A-15-1208]~~. **53F-4-508. Course credit acknowledgment.**

4452 (1) A student's primary LEA of enrollment and the student's online course provider
4453 shall enter into a course credit acknowledgment in which the primary LEA of enrollment and
4454 the online course provider acknowledge that the online course provider is responsible for the
4455 instruction of the student in a specified online course.

4456 (2) The terms of the course credit acknowledgment shall provide that:

4457 (a) the online course provider shall receive a payment in the amount provided under
4458 Section [~~53A-15-1206~~] [53F-4-505](#); and

4459 (b) the student's primary LEA of enrollment acknowledges that the State Board of
4460 Education will deduct funds allocated to the LEA under Chapter [~~17a, Minimum School~~
4461 ~~Program Act~~] 2, State Funding -- Minimum School Program, in the amount and at the time the
4462 online course provider qualifies to receive payment for the online course as provided in
4463 Subsection [~~53A-15-1206~~] [53F-4-505](#)(4).

4464 (3) (a) A course credit acknowledgment may originate with either an online course
4465 provider or primary LEA of enrollment.

4466 (b) The originating entity shall submit the course credit acknowledgment to the State
4467 Board of Education who shall forward it to the primary LEA of enrollment for course selection
4468 verification or the online course provider for acceptance.

4469 (c) (i) A primary LEA of enrollment may only reject a course credit acknowledgment
4470 if:

4471 (A) the online course is not aligned with the student's plan for college and career
4472 readiness;

4473 (B) the online course is not consistent with the student's IEP, if the student has an IEP;

4474 (C) the online course is not consistent with the student's international baccalaureate
4475 program, if the student participates in an international baccalaureate program; or

4476 (D) the number of online course credits exceeds the maximum allowed for the year as
4477 provided in Section [~~53A-15-1204~~] [53F-4-503](#).

4478 (ii) Verification of alignment of an online course with a student's plan for college and
4479 career readiness does not require a meeting with the student.

4480 (d) An online course provider may only reject a course credit acknowledgment if:

4481 (i) the student does not meet course prerequisites; or

4482 (ii) the course is not open for enrollment.

4483 (e) A primary LEA of enrollment or online course provider shall submit an acceptance
4484 or rejection of a course credit acknowledgment to the State Board of Education within 72
4485 business hours of the receipt of a course credit acknowledgment from the State Board of
4486 Education pursuant to Subsection (3)(b).

4487 (f) If an online course provider accepts a course credit acknowledgment, the online

4488 course provider shall forward to the primary LEA of enrollment the online course start date as
4489 established under Section [~~53A-15-1206.5~~] [53F-4-506](#).

4490 (g) If an online course provider rejects a course credit acknowledgment, the online
4491 course provider shall include an explanation which the State Board of Education shall forward
4492 to the primary LEA of enrollment for the purpose of assisting a student with future online
4493 course selection.

4494 (h) If a primary LEA of enrollment does not submit an acceptance or rejection of a
4495 course credit acknowledgment to the State Board of Education within 72 business hours of the
4496 receipt of a course credit acknowledgment from the State Board of Education pursuant to
4497 Subsection (3)(b), the State Board of Education shall consider the course credit
4498 acknowledgment accepted.

4499 (i) (i) Upon acceptance of a course credit acknowledgment, the primary LEA of
4500 enrollment shall notify the student of the acceptance and the start date for the online course as
4501 established under Section [~~53A-15-1206.5~~] [53F-4-506](#).

4502 (ii) Upon rejection of a course credit acknowledgment, the primary LEA of enrollment
4503 shall notify the student of the rejection and provide an explanation of the rejection.

4504 (j) If the online course student has an individual education plan (IEP) or 504
4505 accommodations, the primary LEA of enrollment shall forward the IEP or description of 504
4506 accommodations to the online course provider within 72 business hours after the primary LEA
4507 of enrollment receives notice that the online course provider accepted the course credit
4508 acknowledgment.

4509 (4) (a) A primary LEA of enrollment may not reject a course credit acknowledgment,
4510 because the LEA is negotiating, or intends to negotiate, an online course fee with the online
4511 course provider pursuant to Subsection [~~53A-15-1206~~] [53F-4-505](#)(6).

4512 (b) If a primary LEA of enrollment negotiates an online course fee with an online
4513 course provider before the start date of an online course, a course credit acknowledgment may
4514 be amended to reflect the negotiated online course fee.

4515 Section 103. Section **53F-4-509**, which is renumbered from Section 53A-15-1209 is
4516 renumbered and amended to read:

4517 [~~53A-15-1209~~]. **53F-4-509. Online course credit hours included in daily**
4518 **membership -- Limitation.**

4519 (1) Subject to Subsection (2), a student's primary LEA of enrollment shall include
4520 online course credit hours in calculating daily membership.

4521 (2) A student may not count as more than one FTE, unless the student intends to
4522 complete high school graduation requirements, and exit high school, early, in accordance with
4523 the student's plan for college and career readiness.

4524 (3) A student who enrolls in an online course may not be counted in membership for a
4525 released-time class, if counting the student in membership for a released-time class would
4526 result in the student being counted as more than one FTE.

4527 (4) Except as provided in Subsection (5), a student enrolled in an online course may
4528 earn no more credits in a year than the number of credits a student may earn in a year by taking
4529 a full course load during the regular school day in the student's primary LEA of enrollment.

4530 (5) A student enrolled in an online course may earn more credits in a year than the
4531 number of credits a student may earn in a year by taking a full course load during the regular
4532 school day in the student's primary LEA of enrollment:

4533 (a) if the student intends to complete high school graduation requirements, and exit
4534 high school, early, in accordance with the student's plan for college and career readiness; or

4535 (b) if allowed under local school board or charter school governing board policy.

4536 Section 104. Section **53F-4-510**, which is renumbered from Section 53A-15-1210 is
4537 renumbered and amended to read:

4538 ~~[53A-15-1210]~~. **53F-4-510. Administration of statewide assessments to**
4539 **students enrolled in online courses.**

4540 (1) A student enrolled in an online course that is a course for which a statewide
4541 assessment is administered under [~~Chapter 1, Part 6, Achievement Tests~~] Title 53E, Chapter 4,
4542 Part 3, Assessments, shall take the statewide assessment.

4543 (2) (a) The State Board of Education shall make rules providing for the administration
4544 of a statewide assessment to a student enrolled in an online course.

4545 (b) Rules made under Subsection (2)(a) shall:

4546 (i) provide for the administration of a statewide assessment upon a student completing
4547 an online course; and

4548 (ii) require an online course provider to proctor the statewide assessment.

4549 Section 105. Section **53F-4-511**, which is renumbered from Section 53A-15-1211 is

4550 renumbered and amended to read:

4551 ~~[53A-15-1211]~~. **53F-4-511. Report on performance of online course**
4552 **providers.**

4553 (1) The State Board of Education, in collaboration with online course providers, shall
4554 develop a report on the performance of online course providers, which may be used to evaluate
4555 the Statewide Online Education Program and assess the quality of an online course provider.

4556 (2) A report on the performance of an online course provider shall include:

4557 (a) scores aggregated by test on statewide assessments administered under [~~Chapter 1,~~
4558 ~~Part 6, Achievement Tests~~] Title 53E, Chapter 4, Part 3, Assessments, taken by students at the
4559 end of an online course offered through the Statewide Online Education Program;

4560 (b) the percentage of the online course provider's students who complete online courses
4561 within the applicable time period specified in Subsection [~~53A-15-1206~~] 53F-4-505(4)(c);

4562 (c) the percentage of the online course provider's students who complete online courses
4563 after the applicable time period specified in Subsection [~~53A-15-1206~~] 53F-4-505(4)(c) and
4564 before the student graduates from high school; and

4565 (d) the pupil-teacher ratio for the combined online courses of the online course
4566 provider.

4567 (3) The State Board of Education shall post a report on the performance of an online
4568 course provider on the Statewide Online Education Program's website.

4569 Section 106. Section ~~53F-4-512~~, which is renumbered from Section 53A-15-1212 is
4570 renumbered and amended to read:

4571 ~~[53A-15-1212]~~. **53F-4-512. Dissemination of information on the Statewide**
4572 **Online Education Program.**

4573 (1) The State Board of Education shall develop a website for the Statewide Online
4574 Education Program which shall include:

4575 (a) a description of the Statewide Online Education Program, including its purposes;

4576 (b) information on who is eligible to enroll, and how an eligible student may enroll, in
4577 an online course;

4578 (c) a directory of online course providers;

4579 (d) a link to a course catalog for each online course provider; and

4580 (e) a report on the performance of online course providers as required by Section

4581 ~~[53A-15-1211]~~ [53F-4-511](#).

4582 (2) An online course provider shall provide the following information on the online
4583 course provider's website:

4584 (a) a description of the Statewide Online Education Program, including its purposes;

4585 (b) information on who is eligible to enroll, and how an eligible student may enroll, in
4586 an online course;

4587 (c) a course catalog;

4588 (d) scores aggregated by test on statewide assessments administered under ~~[Chapter 1,~~
4589 ~~Part 6, Achievement Tests]~~ Title 53E, Chapter 4, Part 3, Assessments, taken by students at the
4590 end of an online course offered through the Statewide Online Education Program;

4591 (e) the percentage of an online course provider's students who complete online courses
4592 within the applicable time period specified in Subsection ~~[53A-15-1206]~~ [53F-4-505\(4\)\(c\)](#);

4593 (f) the percentage of an online course provider's students who complete online courses
4594 after the applicable time period specified in Subsection ~~[53A-15-1206]~~ [53F-4-505\(4\)\(c\)](#) and
4595 before the student graduates from high school; and

4596 (g) the online learning provider's pupil-teacher ratio for the online courses combined.

4597 Section 107. Section **53F-4-513**, which is renumbered from Section 53A-15-1212.5 is
4598 renumbered and amended to read:

4599 ~~[53A-15-1212.5]~~. **53F-4-513. Time period to enroll in an online course.**

4600 (1) To provide an LEA and online course providers with estimates of online course
4601 enrollment, a student should enroll in an online course, or declare an intention to enroll in an
4602 online course, during the high school course registration period designated by the LEA.

4603 (2) Notwithstanding Subsection (1) and except as provided in Subsection (3), a student
4604 may enroll in an online course at any time during a calendar year.

4605 (3) (a) A student may alter a course schedule by dropping a traditional classroom
4606 course and adding an online course consistent with course schedule alteration procedures
4607 adopted by the student's primary LEA of enrollment or high school.

4608 (b) A school district's or high school's deadline for dropping a traditional classroom
4609 course and adding an online course shall be the same deadline for dropping and adding a
4610 traditional classroom course.

4611 Section 108. Section **53F-4-514**, which is renumbered from Section 53A-15-1213 is

4612 renumbered and amended to read:

4613 ~~[53A-15-1213]~~. **53F-4-514. State Board of Education -- Rulemaking.**

4614 The State Board of Education shall make rules in accordance with this part and Title
4615 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

4616 (1) establish a course credit acknowledgement form and procedures for completing and
4617 submitting to the State Board of Education a course credit acknowledgement; and

4618 (2) establish procedures for the administration of a statewide assessment to a student
4619 enrolled in an online course.

4620 Section 109. Section **53F-4-515**, which is renumbered from Section 53A-15-1214 is
4621 renumbered and amended to read:

4622 ~~[53A-15-1214]~~. **53F-4-515. Review by legislative auditor general.**

4623 The legislative auditor general shall conduct a review and issue a report on the
4624 Statewide Online Education Program after the conclusion of the 2013-14 school year.

4625 Section 110. Section **53F-4-516**, which is renumbered from Section 53A-15-1216 is
4626 renumbered and amended to read:

4627 ~~[53A-15-1216]~~. **53F-4-516. Report of noncompliance -- Action to ensure
4628 compliance.**

4629 (1) The state superintendent shall report to the State Board of Education any report of
4630 noncompliance of this part made to a member of the staff of the State Board of Education.

4631 (2) The State Board of Education shall take appropriate action to ensure compliance
4632 with this part.

4633 Section 111. Section **53F-4-517**, which is renumbered from Section 53A-15-1217 is
4634 renumbered and amended to read:

4635 ~~[53A-15-1217]~~. **53F-4-517. Agreements for online instruction.**

4636 (1) In addition to offering online courses to students through the Statewide Online
4637 Education Program, a school district or charter school may enter into an agreement with
4638 another school district or charter school or a consortium of school districts or charter schools to
4639 provide online instruction to the school district's or charter school's students.

4640 (2) Online instruction offered pursuant to Subsection (1) is not subject to the
4641 requirements of this part.

4642 Section 112. Section **53F-5-101** is enacted to read:

4643 **CHAPTER 5. STATE FUNDING -- INITIATIVE GRANT PROGRAMS**4644 **Part 1. General Provisions**4645 **53F-5-101. Title.**4646 This chapter is known as "State Funding -- Initiative Grant Programs."4647 Section 113. Section **53F-5-102** is enacted to read:4648 **53F-5-102. Definitions.**4649 Reserved4650 Section 114. Section **53F-5-201**, which is renumbered from Section 53A-1-708 is

4651 renumbered and amended to read:

4652 **Part 2. Miscellaneous Grant Programs**4653 ~~[53A-1-708].~~ **53F-5-201. Grants for online delivery of statewide**4654 **assessments.**

4655 (1) As used in this section:

4656 (a) "Adaptive tests" means tests administered during the school year using an online
4657 adaptive test system.4658 (b) "Core standards for Utah public schools" means the standards established by the
4659 State Board of Education as described in Section [~~53A-1-402.6~~] 53E-4-202.4660 (c) "Statewide assessment" means the same as that term is defined in Section
4661 [~~53A-1-602~~] 53E-4-301.4662 (d) "Summative tests" means tests administered near the end of a course to assess
4663 overall achievement of course goals.4664 (e) "Uniform online summative test system" means a single system for the online
4665 delivery of summative tests required as statewide assessments that:

4666 (i) is coordinated by the State Board of Education;

4667 (ii) ensures the reliability and security of statewide assessments; and

4668 (iii) is selected through collaboration between the State Board of Education and school
4669 district representatives with expertise in technology, assessment, and administration.4670 (2) The State Board of Education may award grants to school districts and charter
4671 schools to implement:4672 (a) a uniform online summative test system to enable school staff and parents of
4673 students to review statewide assessment scores by the end of the school year; or

4674 (b) an online adaptive test system to enable parents of students and school staff to
4675 measure and monitor a student's academic progress during a school year.

4676 (3) (a) Grant money may be used to pay for any of the following, provided it is directly
4677 related to implementing a uniform online summative test system, an online adaptive test
4678 system, or both:

4679 (i) computer equipment and peripherals, including electronic data capture devices
4680 designed for electronic test administration and scoring;

4681 (ii) software;

4682 (iii) networking equipment;

4683 (iv) upgrades of existing equipment or software;

4684 (v) upgrades of existing physical plant facilities;

4685 (vi) personnel to provide technical support or coordination and management; and

4686 (vii) teacher professional development.

4687 (b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the
4688 online delivery of summative tests or adaptive tests required as statewide assessments, may be
4689 used for other purposes.

4690 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4691 State Board of Education shall make rules:

4692 (a) establishing procedures for applying for and awarding grants;

4693 (b) specifying how grant money is allocated among school districts and charter schools;

4694 (c) requiring reporting of grant money expenditures and evidence showing that the
4695 grant money has been used to implement a uniform online summative test system, an online
4696 adaptive test system, or both;

4697 (d) establishing technology standards for an online adaptive testing system;

4698 (e) requiring a school district or charter school that receives a grant under this section
4699 to implement, in compliance with [~~Part 14, Student Data Protection Act, and Chapter 13, Part~~

4700 ~~3, Utah Family Educational Rights and Privacy Act]~~ Title 53E, Chapter 9, Student Privacy and
4701 Data Protection, an online adaptive test system by the 2014-15 school year that:

4702 (i) meets the technology standards established under Subsection (4)(d); and

4703 (ii) is aligned with the core standards for Utah public schools;

4704 (f) requiring a school district or charter school to provide matching funds to implement

4705 a uniform online summative test system, an online adaptive test system, or both in an amount
 4706 that is greater than or equal to the amount of a grant received under this section; and

4707 (g) ensuring that student identifiable data is not released to any person, except as
 4708 provided by [~~Part 14, Student Data Protection Act, Chapter 13, Part 3, Utah Family~~
 4709 ~~Educational Rights and Privacy Act~~] Title 53E, Chapter 9, Student Privacy and Data
 4710 Protection, and rules of the State Board of Education adopted under the authority of those parts.

4711 (5) If a school district or charter school uses grant money for purposes other than those
 4712 stated in Subsection (3), the school district or charter school is liable for reimbursing the State
 4713 Board of Education in the amount of the grant money improperly used.

4714 (6) A school district or charter school may not use federal funds to provide the
 4715 matching funds required to receive a grant under this section.

4716 (7) A school district may not impose a tax rate above the certified tax rate for the
 4717 purpose of generating revenue to provide matching funds for a grant under this section.

4718 Section 115. Section **53F-5-202**, which is renumbered from Section 53A-6-114 is
 4719 renumbered and amended to read:

4720 ~~[53A-6-114]~~. **53F-5-202. National Board certification reimbursement.**

4721 (1) (a) The terms defined in Section 53E-6-102 apply to this section.

4722 ~~[(+)]~~ (b) As used in this section:

4723 ~~[(a)]~~ (i) "Eligible educator" means an educator who:

4724 ~~[(i)]~~ (A) holds a current National Board certification; and

4725 ~~[(ii)]~~ (B) is employed as an educator by an LEA.

4726 ~~[(b)]~~ (ii) "Local education agency" or "LEA" means:

4727 ~~[(i)]~~ (A) a school district;

4728 ~~[(ii)]~~ (B) a charter school; or

4729 ~~[(iii)]~~ (C) the Utah Schools for the Deaf and the Blind.

4730 (2) (a) Subject to legislative appropriations and Subsection (2)(b), the board shall
 4731 reimburse an eligible educator for the cost to attain or renew a National Board certification.

4732 (b) The board may only issue a reimbursement under Subsection (2)(a) for a
 4733 certification attained or renewed after July 1, 2016.

4734 (3) The board shall reimburse an eligible educator under this section on a first come,
 4735 first served basis.

4736 (4) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
4737 Administrative Rulemaking Act, specifying procedures and timelines for reimbursing costs
4738 under Subsection (2).

4739 Section 116. Section **53F-5-203**, which is renumbered from Section 53A-15-106 is
4740 renumbered and amended to read:

4741 ~~53A-15-106~~. **53F-5-203. Interventions for Reading Difficulties Pilot**
4742 **Program.**

4743 (1) As used in this section:

4744 (a) "Board" means the State Board of Education.

4745 (b) "Dyslexia" means a specific learning disability that is neurological in origin and
4746 characterized by difficulties with accurate or fluent word recognition and by poor spelling and
4747 decoding abilities that typically result from a deficit in the phonological component of language
4748 that is often unexpected in relation to other cognitive abilities and the provision of effective
4749 classroom instruction.

4750 (c) "Endorsement" means the same as that term is defined in Section ~~53A-6-103~~
4751 53E-6-102.

4752 (d) "Local education agency" or "LEA" means:

4753 (i) a school district;

4754 (ii) a charter school; or

4755 (iii) the Utah Schools for the Deaf and the Blind.

4756 (e) "Multi-Tier System of Supports" or "MTSS" means a framework integrating
4757 assessment and intervention that:

4758 (i) provides increasingly intensive interventions for students at risk for or experiencing
4759 reading difficulties, including:

4760 (A) tier II interventions that, in addition to standard classroom reading, provide
4761 supplemental and targeted small group instruction in reading using evidence-based curricula;
4762 and

4763 (B) tier III interventions that address the specific needs of students who are the most at
4764 risk or who have not responded to tier II interventions by providing frequent, intensive, and
4765 targeted small group instruction using evidence-based curricula; and

4766 (ii) is developed to:

- 4767 (A) maximize student achievement;
- 4768 (B) reduce behavior problems; and
- 4769 (C) increase long-term success.
- 4770 (f) "Program" means the Interventions for Reading Difficulties Pilot Program.
- 4771 (g) "Reading difficulty" means an impairment, including dyslexia, that negatively
- 4772 affects a student's ability to learn to read.
- 4773 (2) There is created the Interventions for Reading Difficulties Pilot Program to provide:
- 4774 (a) specific evidence-based literacy interventions using an MTSS for students in
- 4775 kindergarten through grade 5 who are at risk for or experiencing a reading difficulty, including
- 4776 dyslexia; and
- 4777 (b) professional development to educators who provide the literacy interventions
- 4778 described in Subsection (2)(a).
- 4779 (3) (a) An LEA may submit a proposal to the board to participate in the program.
- 4780 (b) An LEA proposal described in Subsection (3)(a) shall:
- 4781 (i) specify:
- 4782 (A) a range of current benchmark assessment in reading scores described in Section
- 4783 ~~[53A-1-606.6]~~ [53E-4-307](#) that the LEA will use to determine whether a student is at risk for a
- 4784 reading difficulty; and
- 4785 (B) other reading difficulty risk factors that the LEA will use to determine whether a
- 4786 student is at risk for a reading difficulty;
- 4787 (ii) describe the LEA's existing reading program;
- 4788 (iii) describe the LEA's MTSS approach; and
- 4789 (iv) include any other information requested by the board.
- 4790 (c) The board may:
- 4791 (i) specify the format for an LEA proposal; and
- 4792 (ii) set a deadline for an LEA to submit a proposal.
- 4793 (4) The board shall:
- 4794 (a) define criteria for selecting an LEA to participate in the program;
- 4795 (b) during fiscal year 2016, select five LEAs to participate in the program:
- 4796 (i) on a competitive basis; and
- 4797 (ii) using criteria described in Subsection (4)(a); and

4798 (c) provide each LEA, selected as described in Subsection (4)(b), up to \$30,000 per
4799 school within the LEA.

4800 (5) During fiscal years 2017, 2018, and 2019, if funding allows, the board may select
4801 additional LEAs to participate in the program.

4802 (6) An LEA that participates in the program:

4803 (a) shall, beginning with the 2016-17 school year, provide the interventions described
4804 in Subsection (7)(c) from the time the LEA is selected until the end of the 2018-19 school year;
4805 and

4806 (b) may provide the professional development described in Subsections (8)(a) and (b)
4807 beginning in fiscal year 2016.

4808 (7) An LEA that participates in the program shall:

4809 (a) select at least one school in the LEA to participate in the program;

4810 (b) identify students in kindergarten through grade 5 for participation in the program
4811 by:

4812 (i) using current benchmark assessment in reading scores as described in Section
4813 [\[53A-1-606.6\]](#) [53E-4-307](#); and

4814 (ii) considering other reading difficulty risk factors identified by the LEA;

4815 (c) provide interventions for each student participating in the program using an MTSS
4816 implemented by an educator trained in evidence-based interventions;

4817 (d) include the LEA's proposal submitted under Subsection (3)(b) in the reading
4818 achievement plan described in Section [\[53A-1-606.5\]](#) [53E-4-306](#) for each school in the LEA
4819 that participates in the program; and

4820 (e) report annually to the board on:

4821 (i) individual student outcomes in changes in reading ability;

4822 (ii) school level outcomes; and

4823 (iii) any other information requested by the board.

4824 (8) Subject to funding for the program, an LEA may use the funds described in
4825 Subsection (4)(c) for the following purposes:

4826 (a) to provide for ongoing professional development in evidence-based literacy
4827 interventions;

4828 (b) to support educators in earning a reading interventionist endorsement that prepares

4829 teachers to provide a student who is at risk for or experiencing reading difficulty, including
4830 dyslexia, with reading intervention that is:

- 4831 (i) explicit;
- 4832 (ii) systematic; and
- 4833 (iii) targeted to a student's specific reading difficulty; and
- 4834 (c) to implement the program.

4835 (9) The board shall contract with an independent evaluator to evaluate the program on:

4836 (a) whether the program improves reading outcomes for a student who receives the
4837 interventions described in Subsection (7)(c);

4838 (b) whether the program may reduce future special education costs; and

4839 (c) any other student or school achievement outcomes requested by the board.

4840 (10) (a) The board shall make a final report on the program to the Education Interim
4841 Committee on or before November 1, 2018.

4842 (b) In the final report described in Subsection (10)(a), the board shall include the
4843 results of the evaluation described in Subsection (9).

4844 Section 117. Section **53F-5-204**, which is renumbered from Section 53A-15-1601 is
4845 renumbered and amended to read:

4846 ~~[53A-15-1601]~~. **53F-5-204**. **Initiative to strengthen college and career**
4847 **readiness.**

4848 (1) As used in this section:

4849 (a) "College and career counseling" means:

4850 (i) nurturing college and career aspirations;

4851 (ii) assisting students in planning an academic program that connects to college and
4852 career goals;

4853 (iii) providing early and ongoing exposure to information necessary to make informed
4854 decisions when selecting a college and career;

4855 (iv) promoting participation in college and career assessments;

4856 (v) providing financial aid information; and

4857 (vi) increasing understanding about college admission processes.

4858 (b) "LEA" or "local education agency" means a school district or charter school.

4859 (2) There is created the Strengthening College and Career Readiness Program, a grant

4860 program for LEAs, to improve students' college and career readiness through enhancing the
4861 skill level of school counselors to provide college and career counseling.

4862 (3) The State Board of Education shall:

4863 (a) on or before August 1, 2015, collaborate with the State Board of Regents, and
4864 business, community, and education stakeholders to develop a certificate for school counselors
4865 that:

4866 (i) certifies that a school counselor is highly skilled at providing college and career
4867 counseling; and

4868 (ii) is aligned with the Utah Comprehensive Counseling and Guidance Program as
4869 defined in rules established by the State Board of Education;

4870 (b) subject to legislative appropriations, award grants to LEAs, on a competitive basis,
4871 for payment of course fees for courses required to earn the certificate developed by the State
4872 Board of Education under Subsection (3)(a); and

4873 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4874 make rules specifying:

4875 (i) procedures for applying for and awarding grants under this section;

4876 (ii) criteria for awarding grants; and

4877 (iii) reporting requirements for grantees.

4878 (4) An LEA that receives a grant under this section shall use the grant for payment of
4879 course fees for courses required to attain the certificate as determined by the State Board of
4880 Education under Subsection (3)(a).

4881 (5) The State Board of Education shall report to the Education Interim Committee on
4882 the status of the Strengthening College and Career Readiness Program on or before:

4883 (a) November 1, 2016; and

4884 (b) November 1, 2017.

4885 Section 118. Section **53F-5-205**, which is renumbered from Section 53A-6-802 is
4886 renumbered and amended to read:

4887 ~~[53A-6-802]~~. **53F-5-205. Paraeducator to Teacher Scholarship Program --**

4888 **Grants for math teacher training programs.**

4889 (1) (a) The terms defined in Section [53E-6-102](#) apply to this section.

4890 (b) As used in this section, "paraeducator" means a school employee who:

4891 (i) delivers instruction under the direct supervision of a teacher; and
4892 (ii) works in an area where there is a shortage of qualified teachers, such as special
4893 education, Title I, ESL, reading remediation, math, or science.

4894 [~~(1)~~] (2) The Paraeducator to Teacher Scholarship Program is created to award
4895 scholarships to paraeducators for education and training to become licensed teachers.

4896 [~~(2)~~] (3) The State Board of Education shall use money appropriated for the
4897 Paraeducator to Teacher Scholarship Program to award scholarships of up to \$5,000 to
4898 paraeducators employed by school districts and charter schools who are pursuing an associate's
4899 degree or bachelor's degree program to become a licensed teacher.

4900 [~~(3)~~] (4) A paraeducator is eligible to receive a scholarship if:

4901 (a) the paraeducator is employed by a school district or charter school;

4902 (b) is admitted to, or has made an application to, an associate's degree program or
4903 bachelor's degree program that will prepare the paraeducator for teacher licensure; and

4904 (c) the principal at the school where the paraeducator is employed has nominated the
4905 paraeducator for a scholarship.

4906 [~~(4)~~] (5) (a) The State Board of Education shall establish a committee to select
4907 scholarship recipients from nominations submitted by school principals.

4908 (b) The committee shall include representatives of the State Board of Education, State
4909 Board of Regents, and the general public, excluding school district and charter school
4910 employees.

4911 (c) A member may not receive compensation or benefits for the member's service, but
4912 may receive per diem and travel expenses in accordance with:

4913 (i) Section 63A-3-106;

4914 (ii) Section 63A-3-107; and

4915 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4916 63A-3-107.

4917 (d) The committee shall select scholarship recipients based on the following criteria:

4918 (i) test scores, grades, or other evidence demonstrating the applicant's ability to
4919 successfully complete a teacher education program; and

4920 (ii) the applicant's record of success as a paraeducator.

4921 [~~(5)~~] (6) The maximum scholarship amount is \$5,000.

4922 [~~(6)~~] (7) Scholarship money may only be used to pay for tuition costs:
4923 (a) of:
4924 (i) an associate's degree program that fulfills credit requirements for the first two years
4925 of a bachelor's degree program leading to teacher licensure; or
4926 (ii) the first two years of a bachelor's degree program leading to teacher licensure; and
4927 (b) at a higher education institution:
4928 (i) located in Utah; and
4929 (ii) accredited by the Northwest Commission on Colleges and Universities.

4930 [~~(7)~~] (8) A scholarship recipient must be continuously employed as a paraeducator by a
4931 school district or charter school while pursuing a degree using scholarship money.

4932 [~~(8)~~] (9) The State Board of Education shall make rules in accordance with this section
4933 and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the Paraeducator
4934 to Teacher Scholarship Program, including rules establishing:
4935 (a) scholarship application procedures;
4936 (b) the number of, and qualifications for, committee members who select scholarship
4937 recipients; and
4938 (c) procedures for distributing scholarship money.

4939 (10) If the state obtains matching funds of equal sums from private contributors, the
4940 board may award grants to institutions of higher education or nonprofit educational
4941 organizations for programs that provide:
4942 (a) mentoring and training leading to a secondary education license with an
4943 endorsement in mathematics for an individual who:
4944 (i) is not a teacher in a public or private school;
4945 (ii) does not have a teaching license;
4946 (iii) has a bachelor's degree or higher; and
4947 (iv) demonstrates a high level of mathematics competency by:
4948 (A) successfully completing substantial course work in mathematics; and
4949 (B) passing a mathematics content exam; or
4950 (b) a stipend, professional development, and leadership opportunities to an experienced
4951 mathematics teacher who demonstrates high content knowledge and exemplary teaching and
4952 leadership skills to assist the teacher in becoming a teacher leader.

4953 (11) (a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
4954 Administrative Rulemaking Act, that establish criteria for awarding grants under this section.

4955 (b) In awarding grants, the board shall consider the amount or percent of matching
4956 funds provided by the grant recipient.

4957 Section 119. Section **53F-5-206**, which is renumbered from Section 53A-15-1303 is
4958 renumbered and amended to read:

4959 ~~[53A-15-1303].~~ **53F-5-206. Grant awards for elementary suicide prevention**
4960 **programs.**

4961 (1) To foster peer-to-peer suicide prevention, resiliency, and anti-bullying programs in
4962 elementary schools, the public education suicide prevention coordinator, described in Section
4963 ~~[53A-15-1301]~~ [53G-9-702](#), shall, subject to legislative appropriations, award grants to
4964 elementary schools.

4965 (2) A grant award may not exceed \$500 per school per year.

4966 (3) The application for a grant shall contain:

4967 (a) a requested award amount;

4968 (b) a budget; and

4969 (c) a narrative plan of the peer-to-peer suicide prevention, resiliency, or anti-bullying
4970 program.

4971 (4) When awarding a grant under this section, the public education suicide prevention
4972 coordinator shall consider:

4973 (a) the content of a grant application; and

4974 (b) whether an application is submitted in the manner and form prescribed.

4975 Section 120. Section **53F-5-207**, which is renumbered from Section 53A-17a-171 is
4976 renumbered and amended to read:

4977 ~~[53A-17a-171].~~ **53F-5-207. Intergenerational Poverty Interventions Grant**
4978 **Program -- Definitions -- Grant requirements -- Reporting requirements.**

4979 (1) As used in this section:

4980 (a) "Board" means the State Board of Education.

4981 (b) "Eligible student" means a student who is classified as a child affected by
4982 intergenerational poverty.

4983 (c) "Intergenerational poverty" has the same meaning as in Section [35A-9-102](#).

4984 (d) "Local Education Agency" or "LEA" means a school district or charter school.

4985 (e) "Program" means the Intergenerational Poverty Interventions Grant Program
4986 created in Subsection (2).

4987 (2) The Intergenerational Poverty Interventions Grant Program is created to provide
4988 grants to eligible LEAs to fund additional educational opportunities at eligible LEAs, for
4989 eligible students, outside of the regular school day offerings.

4990 (3) Subject to future budget constraints, the board shall distribute to LEAs money
4991 appropriated for the program in accordance with this section.

4992 (4) The board shall:

4993 (a) solicit proposals from local education boards to receive money under the program;
4994 and

4995 (b) award grants to a local education board on behalf of an LEA based on criteria
4996 described in Subsection (5).

4997 (5) In awarding a grant under Subsection (4), the board shall consider:

4998 (a) the percentage of an LEA's students that are classified as children affected by
4999 intergenerational poverty;

5000 (b) the level of administrative support and leadership at an eligible LEA to effectively
5001 implement, monitor, and evaluate the program; and

5002 (c) an LEA's commitment and ability to work with the Department of Workforce
5003 Services, the Department of Health, the Department of Human Services, and the juvenile courts
5004 to provide services to the LEA's eligible students.

5005 (6) To receive a grant under the program on behalf of an LEA, a local education board
5006 shall submit a proposal to the board detailing:

5007 (a) the LEA's strategy to implement the program, including the LEA's strategy to
5008 improve the academic achievement of children affected by intergenerational poverty;

5009 (b) the LEA's strategy for coordinating with and engaging the Department of
5010 Workforce Services to provide services for the LEA's eligible students;

5011 (c) the number of students the LEA plans to serve, categorized by age and
5012 intergenerational poverty status;

5013 (d) the number of students, eligible students, and schools the LEA plans to fund with
5014 the grant money; and

5015 (e) the estimated cost per student.

5016 (7) (a) The board shall annually report to the Utah Intergenerational Welfare Reform
5017 Commission, created in Section [35A-9-301](#), by November 30 of each year, on:

5018 (i) the progress of LEA programs using grant money;

5019 (ii) the progress of LEA programs in improving the academic achievement of children
5020 affected by intergenerational poverty; and

5021 (iii) the LEA's coordination efforts with the Department of Workforce Services, the
5022 Department of Health, the Department of Human Services, and the juvenile courts.

5023 (b) The board shall provide the report described in Subsection (7)(a) to the Education
5024 Interim Committee upon request.

5025 (c) An LEA that receives grant money pursuant to this section shall provide to the
5026 board information that is necessary for the board's report described in Subsection (7)(a).

5027 Section 121. Section **53F-5-208**, which is renumbered from Section 53A-3-402.11 is
5028 renumbered and amended to read:

5029 ~~[53A-3-402.11].~~ **53F-5-208. Reading Performance Improvement Scholarship**
5030 **Program.**

5031 (1) There is established a Reading Performance Improvement Scholarship Program to
5032 assist selected elementary teachers in obtaining a reading endorsement so that they may help
5033 improve the reading performance of students in their classes.

5034 (2) The State Board of Education shall award scholarships of up to \$500 to each
5035 recipient under the program.

5036 (3) The board shall give weighted consideration to scholarship applicants who:

5037 (a) teach in grades kindergarten through three;

5038 (b) are designated by their schools as, or are seeking the designation of, reading
5039 specialist; and

5040 (c) teach in a rural area of the state.

5041 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5042 board shall provide by rule for:

5043 (a) the application procedure for the scholarship; and

5044 (b) what constitutes a reading specialist at the elementary school level.

5045 Section 122. Section **53F-5-301**, which is renumbered from Section 53A-1b-202 is

5046 renumbered and amended to read:

5047 **Part 3. High Quality School Readiness Program**

5048 ~~[53A-1b-202]~~. **53F-5-301. Definitions.**

5049 As used in this part:

5050 (1) "Board" means the State Board of Education.

5051 (2) "Child Development Associate Credential" means a credential in early childhood
5052 education that is:

5053 (a) based on a core set of competency standards; and

5054 (b) nationally recognized.

5055 (3) "Department" means the Department of Workforce Services.

5056 (4) "Economically disadvantaged child" means a child who:

5057 (a) is in a family that is eligible for assistance through TANF; or

5058 (b) is eligible for free or reduced lunch.

5059 (5) "Eligible home-based technology provider" means a provider that offers a
5060 home-based educational technology program to develop the school readiness skills of an
5061 eligible student.

5062 (6) "Eligible private provider" means the same as that term is defined in Section
5063 ~~[53A-1b-102]~~ 53F-6-301.

5064 (7) "Eligible student" means an individual who:

5065 (a) will be four years of age on or before September 2 of the school year in which the
5066 individual intends to participate in a school readiness program;

5067 (b) has not entered kindergarten; and

5068 (c) (i) is experiencing intergenerational poverty, as determined by the department; or

5069 (ii) (A) is an economically disadvantaged child; and

5070 (B) is at risk for not meeting grade 3 core standards for Utah public schools,
5071 established by the State Board of Education under Section ~~[53A-1-402.6]~~ 53E-4-202, by the
5072 end of the individual's grade 3 year, as determined by an assessment.

5073 (8) "High quality school readiness program" means a school readiness program that:

5074 (a) is provided by an LEA, eligible private provider, or eligible home-based technology
5075 provider; and

5076 (b) meets the elements of a high quality school readiness program described in Section

5077 ~~[53A-1b-105]~~ [53F-6-304](#) as determined by the board or the department under Section
 5078 ~~[53A-1b-204]~~ [53F-5-303](#), ~~[53A-1b-205]~~ [53F-5-304](#), or ~~[53A-1b-206]~~ [53F-5-305](#).

5079 (9) "Intergenerational poverty" means the same as that term is defined in Section
 5080 [35A-9-102](#).

5081 (10) "Intergenerational poverty scholarship" or "IGP scholarship" means a scholarship
 5082 to attend a high quality school readiness program for an eligible student who is experiencing
 5083 intergenerational poverty.

5084 (11) "Local education agency" or "LEA" means a:

5085 (a) school district; or

5086 (b) charter school.

5087 (12) "TANF" means Temporary Assistance for Needy Families, described in 42 U.S.C.
 5088 Sec. 601 et seq.

5089 Section 123. Section **53F-5-302**, which is renumbered from Section 53A-1b-203 is
 5090 renumbered and amended to read:

5091 ~~[53A-1b-203]~~. **53F-5-302. Administration of programs.**

5092 (1) The State Board of Education, in collaboration with the department, shall:

5093 (a) administer the grant program described in Section ~~[53A-1b-204]~~ [53F-5-303](#) for
 5094 LEAs;

5095 (b) administer the grant program for eligible home-based technology providers
 5096 described in Section ~~[53A-1b-205]~~ [53F-5-304](#); and

5097 (c) oversee the evaluation described in Section ~~[53A-1b-208]~~ [53F-5-307](#).

5098 (2) The department, in collaboration with the board, shall administer:

5099 (a) the grant program described in Section ~~[53A-1b-204]~~ [53F-5-303](#) for eligible private
 5100 providers;

5101 (b) the Intergenerational Poverty School Readiness Scholarship Program described in
 5102 Section ~~[53A-1b-206]~~ [53F-5-305](#); and

5103 (c) early childhood teacher training described in Section ~~[53A-1b-207]~~ [53F-5-306](#).

5104 Section 124. Section **53F-5-303**, which is renumbered from Section 53A-1b-204 is
 5105 renumbered and amended to read:

5106 ~~[53A-1b-204]~~. **53F-5-303. Student Access to High Quality School Readiness**
 5107 **Programs Grant Program -- Determination of high quality school readiness program--**

5108 **Reporting requirement -- Fees.**

5109 (1) There is created the Student Access to High Quality School Readiness Programs
5110 Grant Program to expand access to high quality school readiness programs for eligible students
5111 through:

- 5112 (a) grants for LEAs administered by the board; and
- 5113 (b) grants for eligible private providers administered by the department.

5114 (2) The board, in coordination with the department, shall develop a tool to determine
5115 whether a school readiness program is a high quality school readiness program.

5116 (3) (a) The board shall solicit proposals from LEAs to fund increases in the number of
5117 eligible students high quality school readiness programs can serve.

5118 (b) The department shall solicit proposals from eligible private providers to fund
5119 increases in the number of eligible students high quality school readiness programs can serve.

5120 (4) (a) Except as provided in Subsection (4)(c), a respondent shall submit a proposal
5121 that includes the information described in Subsection (4)(b):

- 5122 (i) to the board, for a respondent that is an LEA; or
- 5123 (ii) to the department, for a respondent that is an eligible private provider.

5124 (b) A respondent's proposal for the grant solicitation described in Subsection (3) shall
5125 include:

5126 (i) the respondent's existing and proposed school readiness program, including:

5127 (A) the number of students served by the respondent's school readiness program;

5128 (B) the respondent's policies and procedures for admitting students into the school
5129 readiness program;

5130 (C) the estimated cost per student; and

5131 (D) any fees the respondent charges to a parent or legal guardian for the school
5132 readiness program;

5133 (ii) the respondent's plan to use funding sources, in addition to a grant described in this
5134 section, including:

5135 (A) federal funding; or

5136 (B) private grants or donations;

5137 (iii) existing or planned partnerships between the respondent and an LEA, eligible

5138 private provider, or eligible home-based technology provider to increase access to high quality

5139 school readiness programs for eligible students;

5140 (iv) how the respondent would use a grant to:

5141 (A) expand the number of eligible students served by the respondent's school readiness

5142 program; and

5143 (B) target the funding toward the highest risk students, including addressing the

5144 particular needs of children at risk of experiencing intergenerational poverty;

5145 (v) how the respondent's school readiness program is a high quality school readiness

5146 program; and

5147 (vi) the results of any evaluations of the respondent's school readiness program.

5148 (c) In addition to the requirements described in Subsection (4)(b), a respondent that is

5149 an LEA shall describe in the respondent's proposal the percentage of the respondent's

5150 kindergarten through grade 12 students who are economically disadvantaged children.

5151 (5) (a) For each LEA proposal received in response to the solicitation described in

5152 Subsection (3)(a), the board shall determine if the LEA school readiness program is a high

5153 quality school readiness program by:

5154 (i) applying the tool described in Subsection (2); and

5155 (ii) conducting at least one site visit to the program.

5156 (b) For each eligible private provider proposal received in response to the solicitation

5157 described in Subsection (3)(b), the department shall determine if the school readiness program

5158 is a high quality school readiness program by:

5159 (i) applying the tool described in Subsection (2); and

5160 (ii) conducting at least one site visit to the program.

5161 (6) (a) Subject to legislative appropriations and Subsection (6)(b), the board shall

5162 award grants, on a competitive basis, to respondents that are LEAs.

5163 (b) The board may only award a grant to an LEA if:

5164 (i) the LEA submits a proposal that includes the information required under Subsection

5165 (4);

5166 (ii) the board determines that the LEA's program is a high quality school readiness

5167 program as described in Subsection (5); and

5168 (iii) the LEA agrees to the evaluation requirements described in Section [~~53A-1b-208~~]

5169 [53F-5-307](#).

5170 (7) (a) Subject to legislative appropriations and Subsection (7)(b), the department shall
5171 award grants, on a competitive basis, to respondents that are eligible private providers.

5172 (b) The department may only award a grant to a respondent if:

5173 (i) the respondent submits a proposal that includes the information required under
5174 Subsection (4);

5175 (ii) the department determines that the respondent's school readiness program is a high
5176 quality school readiness program as described in Subsection (5); and

5177 (iii) the respondent agrees to the evaluation requirements described in Section

5178 ~~[53A-1b-208]~~ [53F-5-307](#).

5179 (8) In evaluating a proposal received in response to the solicitation described in
5180 Subsection (3), the board and the department shall consider:

5181 (a) the number and percent of students in the respondent's high quality school readiness
5182 program that are eligible students at the highest risk;

5183 (b) geographic diversity, including whether the respondent is urban or rural;

5184 (c) the extent to which the respondent intends to participate in a partnership with an
5185 LEA, eligible private provider, or eligible home-based technology provider; and

5186 (d) the respondent's level of administrative support and leadership to effectively
5187 implement, monitor, and evaluate the program.

5188 (9) (a) The board shall ensure that an LEA that receives a grant under this section
5189 funded by TANF funds uses the grant to provide a high quality school readiness program for
5190 eligible students who are eligible to receive assistance through TANF.

5191 (b) The department shall ensure that a private provider that receives a grant under this
5192 section funded by TANF funds uses the grant to provide a high quality school readiness
5193 program for eligible students who are eligible to receive assistance through TANF.

5194 (10) A respondent that receives a grant under this section shall:

5195 (a) use the grant to expand access for eligible students to high quality school readiness
5196 programs by enrolling eligible students in a high quality school readiness program;

5197 (b) report to the board annually regarding:

5198 (i) how the respondent used the grant awarded under Subsection (6) or (7);

5199 (ii) participation in any partnerships between an LEA, eligible private provider, or
5200 eligible home-based technology provider; and

- 5201 (iii) the results of any evaluations;
- 5202 (c) allow classroom or other visits by an independent evaluator selected by the board
5203 under Section [~~53A-1b-208~~] [53F-5-307](#); and
- 5204 (d) for a respondent that is an LEA, notify a parent or legal guardian who expresses
5205 interest in enrolling the parent or legal guardian's child in the LEA's high quality school
5206 readiness program of each state-funded high quality school readiness program operating within
5207 the LEA's geographic boundaries.
- 5208 (11) An LEA that receives a grant under this section may charge a student fee to
5209 participate in an LEA's school readiness program if:
- 5210 (a) the LEA's local school board or charter school governing board approves the fee;
- 5211 (b) the fee for a student does not exceed the actual cost of providing the high quality
5212 school readiness program to the student; and
- 5213 (c) the fee structure for the program is designed on a sliding scale, based on household
5214 income.
- 5215 (12) (a) The board shall establish interventions for a grantee that is an LEA that fails to
5216 comply with the requirements described in this section.
- 5217 (b) The department shall establish interventions for a grantee that is an eligible private
5218 provider that fails to comply with the requirements described in this section.
- 5219 (c) An intervention under this Subsection (12) may include discontinuing or reducing
5220 funding.
- 5221 (13) Subject to legislative appropriations, the board and the department shall give first
5222 priority in awarding grants to a respondent that has previously received a grant under this
5223 section if the respondent:
- 5224 (a) makes the annual report described in Subsection (9)(b);
- 5225 (b) participates in the annual evaluation described in Section [~~53A-1b-208~~] [53F-5-307](#);
5226 and
- 5227 (c) continues to offer a high quality school readiness program as determined during an
5228 annual site visit by:
- 5229 (i) the board, for an LEA; or
- 5230 (ii) the department, for an eligible private provider.
- 5231 (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

- 5232 (a) the board shall make rules to:
- 5233 (i) implement the tool described in Subsection (2); and
- 5234 (ii) administer the grant program for LEAs described in this section; and
- 5235 (b) the department shall make rules to administer the grant program for eligible private
- 5236 providers described in this section.

5237 Section 125. Section **53F-5-304**, which is renumbered from Section 53A-1b-205 is

5238 renumbered and amended to read:

5239 ~~53A-1b-205~~. **53F-5-304. Home-based technology high quality school**

5240 **readiness program.**

5241 (1) (a) The board shall offer a home-based technology high quality school readiness

5242 program to eligible students by awarding contracts to one or more home-based technology

5243 providers, as described in this section.

5244 (b) The board shall solicit proposals from eligible home-based technology providers to

5245 provide high quality school readiness programs for eligible students to participate in:

- 5246 (i) at home;
- 5247 (ii) as part of a school readiness program offered by an LEA or private provider; or
- 5248 (iii) in any other setting where Internet access is available, such as a library.

5249 (c) The home-based technology high quality school readiness program described in this

5250 section is established in the public education system.

5251 (2) An eligible home-based technology provider that responds to the solicitation

5252 described in Subsection (1) shall submit a proposal describing:

5253 (a) how the home-based technology provider's school readiness program meets the

5254 elements of a high quality school readiness program described in Subsection [~~53A-1b-105~~]

5255 53F-6-304(2);

5256 (b) how the home-based technology provider intends to target the home-based

5257 technology provider's school readiness program to eligible students who are at the highest risk,

5258 as determined by the board;

5259 (c) the cost of the program per student;

5260 (d) the cost of a statewide license;

5261 (e) existing or planned partnerships between the home-based technology provider and

5262 an LEA or eligible private provider; and

- 5263 (f) the results of all evaluations of the home-based technology provider's school
5264 readiness program.
- 5265 (3) For each proposal received under Subsection (2), the board shall:
- 5266 (a) determine if the program is a high quality school readiness program using the tool
5267 described in Subsection [~~53A-1b-204~~] [53F-5-303](#)(2); and
- 5268 (b) receive a demonstration of the home-based technology.
- 5269 (4) (a) Subject to legislative appropriations, and in accordance with Title 63G, Chapter
5270 6a, Utah Procurement Code, the board shall award contracts to one or more home-based
5271 technology providers to provide home-based school readiness programs.
- 5272 (b) The board may only award a contract to a home-based technology provider if the
5273 home-based technology provider:
- 5274 (i) submits a proposal that includes the information described in Subsection (2);
5275 (ii) offers a high quality school readiness program; and
5276 (iii) agrees to the evaluation requirements described in Section [~~53A-1b-208~~]
5277 [53F-5-307](#).
- 5278 (5) In evaluating a proposal received under Subsection (2), the board shall consider:
- 5279 (a) the number and percent of eligible students that the respondent intends to serve;
5280 (b) the extent to which the respondent intends to participate in a partnership with an
5281 LEA or eligible private provider;
- 5282 (c) the extent to which the respondent is able to reach students who do not have access
5283 to other high quality school readiness programs; and
- 5284 (d) the cost per student.
- 5285 (6) A home-based technology provider that receives a contract under this section:
- 5286 (a) shall use the funding to provide a high quality school readiness program to eligible
5287 students; and
- 5288 (b) may use the funding for the installation of computer or Internet access in homes of
5289 eligible students whose families cannot afford the equipment or services.
- 5290 (7) The board shall ensure that a home-based technology provider that receives a grant
5291 under this section funded by TANF funds uses the grant to provide a home-based high quality
5292 school readiness program to eligible students who are eligible to receive TANF funded
5293 assistance.

5294 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5295 board shall make rules to implement this section.

5296 Section 126. Section **53F-5-305**, which is renumbered from Section 53A-1b-206 is
5297 renumbered and amended to read:

5298 ~~53A-1b-206~~. **53F-5-305. Intergenerational Poverty School Readiness**
5299 **Scholarship Program.**

5300 (1) There is created the Intergenerational Poverty School Readiness Scholarship
5301 Program to provide an eligible student experiencing intergenerational poverty access to a high
5302 quality school readiness program.

5303 (2) The department shall, in accordance with Section 35A-9-401:

- 5304 (a) determine if an individual is eligible for an IGP scholarship; and
- 5305 (b) award an IGP scholarship.

5306 (3) (a) (i) An LEA or home-based technology provider may apply to the board to
5307 receive a designation as a high quality school readiness program.

5308 (ii) The board shall determine if an LEA or home-based technology provider offers a
5309 high quality school readiness program using the tool described in Subsection [~~53A-1b-204~~]
5310 53F-5-303(2).

5311 (b) (i) An eligible private provider may apply to the department to receive a
5312 designation as a high quality school readiness program.

5313 (ii) The department shall determine if an eligible private provider offers a high quality
5314 school readiness program using the tool described in Subsection [~~53A-1b-204~~] 53F-5-303(2).

5315 (4) (a) The department and the board shall coordinate to assist a parent or legal
5316 guardian of a recipient of an IGP scholarship to enroll the IGP scholarship recipient in a high
5317 quality school readiness program:

5318 (i) offered by an LEA, eligible private provider, or eligible home-based technology
5319 provider; and

5320 (ii) of the parent or legal guardian's choice.

5321 (b) The department shall pay the scholarship amount directly to a high quality school
5322 readiness program in which an IGP scholarship recipient enrolls.

5323 (5) (a) Except as provided in Subsection (5)(b), the department may not provide an
5324 individual's IGP scholarship to an LEA, eligible private provider, or eligible home-based

5325 technology provider unless the LEA, eligible private provider, or eligible home-based
5326 technology provider offers a high quality school readiness program, as determined by the board
5327 or the department under Subsection (3).

5328 (b) An LEA, eligible private provider, or eligible home-based technology provider that
5329 receives a determination as a high quality school readiness program under Section
5330 ~~[53A-1b-204]~~ [53F-5-303](#) or ~~[53A-1b-206]~~ [53F-5-305](#) may enroll an IGP scholarship recipient.

5331 Section 127. Section **53F-5-306**, which is renumbered from Section 53A-1b-207 is
5332 renumbered and amended to read:

5333 ~~[53A-1b-207]~~. **53F-5-306. Early childhood teacher training.**

5334 (1) Subject to legislative appropriations, the department shall provide training to early
5335 childhood teachers by providing:

5336 (a) a scholarship for individuals who intend to receive a Child Development Associate
5337 Credential; and

5338 (b) consulting services to assist individuals to complete a Child Development
5339 Associate Credential.

5340 (2) The department shall conduct an annual needs assessment to determine the number
5341 of scholarships to award each year.

5342 (3) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
5343 Administrative Rulemaking Act, to implement this section.

5344 Section 128. Section **53F-5-307**, which is renumbered from Section 53A-1b-208 is
5345 renumbered and amended to read:

5346 ~~[53A-1b-208]~~. **53F-5-307. Evaluation -- Reporting requirements.**

5347 (1) In accordance with this section, the board, in coordination with the department,
5348 shall oversee the ongoing review and evaluation by an independent evaluator for each school
5349 year of:

5350 (a) the Student Access to High Quality School Readiness Programs Grant Program
5351 described in Section ~~[53A-1b-204]~~ [53F-5-303](#);

5352 (b) the home-based technology high quality school readiness program described in
5353 Section ~~[53A-1b-205]~~ [53F-5-304](#);

5354 (c) the Intergenerational Poverty School Readiness Scholarship Program described in
5355 Section ~~[53A-1b-206]~~ [53F-5-305](#); and

5356 (d) early childhood teacher training described in Section [~~53A-16-207~~] [53F-5-306](#).

5357 (2) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board
5358 shall enter into a contract with an independent evaluator to assist the board in the evaluation
5359 process.

5360 (b) In selecting an independent evaluator, the board shall select an evaluator that:

5361 (i) has the capacity to meet the requirements described in Subsection (3);

5362 (ii) has a background in designing and conducting rigorous evaluations;

5363 (iii) has a demonstrated ability to monitor and evaluate a program over an extended
5364 period of time;

5365 (iv) is independent from agencies or providers implementing high quality school
5366 readiness programs funded under this part; and

5367 (v) has experience in early childhood education or early childhood education
5368 evaluation.

5369 (c) The board may not enter into a contract with an independent evaluator without
5370 obtaining approval from the department.

5371 (3) Under the direction of the board, with input from the department, the independent
5372 evaluator selected under Subsection (2) shall:

5373 (a) design an evaluation methodology that:

5374 (i) assesses the effects of a high quality school readiness program on an eligible
5375 student's:

5376 (A) readiness for kindergarten, using a uniform assessment methodology that includes
5377 a pre- and post-test chosen in coordination with the board;

5378 (B) ability, as determined by following the student longitudinally, to meet grade 3 core
5379 standards for Utah public schools, established by the board under Section [~~53A-1-402.6~~]

5380 [53E-4-202](#), by the end of the student's grade 3 year; and

5381 (C) attainment of a high school diploma or other completion certificate, as determined
5382 by following the student longitudinally; and

5383 (ii) allows for comparisons between students with similar demographic characteristics
5384 who complete a high quality school readiness program and students who do not; and

5385 (b) conduct an annual evaluation of the programs described in Subsection (1).

5386 (4) To assist the independent evaluator selected under Subsection (2) in completing the

5387 evaluation required under Subsection (3):

5388 (a) an LEA that receives a grant under Section [~~53A-1b-204~~] [53F-5-303](#), or enrolls an
5389 IGP scholarship recipient under Section [~~53A-1b-206~~] [53F-5-305](#), shall assign a statewide
5390 unique student identifier to each student who participates in the LEA's school readiness
5391 program;

5392 (b) an eligible private provider that receives a grant described in Section [~~53A-1b-204~~]
5393 [53F-5-303](#) or an eligible home-based technology provider that receives a contract described in
5394 Section [~~53A-1b-205~~] [53F-5-304](#) shall work in conjunction with the board to assign a statewide
5395 unique student identifier to each student who is enrolled in the provider's school readiness
5396 program in the student's last year before kindergarten; and

5397 (c) an eligible private provider or eligible home-based technology provider that
5398 receives an IGP scholarship under Section [~~53A-1b-206~~] [53F-5-305](#) shall work in conjunction
5399 with the board to assign a statewide unique student identifier to each student who is funded by
5400 an IGP scholarship.

5401 (5) The board and the department shall report annually, on or before November 1, to
5402 the Education Interim Committee on the results of an evaluation conducted under this section.

5403 Section 129. Section **53F-5-401**, which is renumbered from Section 53A-4-302 is
5404 renumbered and amended to read:

5405 **Part 4. Partnerships for Student Success Grant Program**

5406 [~~53A-4-302~~]. **53F-5-401. Definitions.**

5407 As used in this part:

5408 (1) "Board" means the State Board of Education.

5409 (2) "Eligible elementary school" or "eligible junior high school" means a district school
5410 or charter school that has at least 50% of the school's students with a family income at or below
5411 185% of the federal poverty level.

5412 (3) "Eligible partnership" means a partnership that:

5413 (a) includes at least:

5414 (i) a local education agency that has designated an eligible school feeder pattern;

5415 (ii) a local nonprofit organization;

5416 (iii) a private business;

5417 (iv) a municipality or county in which the eligible school feeder pattern is located;

- 5418 (v) an institution of higher education within the state;
- 5419 (vi) a state or local government agency that provides services to students attending
- 5420 schools within the eligible school feeder pattern;
- 5421 (vii) a local philanthropic organization; and
- 5422 (viii) a local health care organization; and
- 5423 (b) has designated a local education agency or local nonprofit organization to act as
- 5424 lead applicant for a grant described in this part.

5425 (4) "Eligible school feeder pattern" means the succession of schools that a student

5426 enrolls in as the student progresses from kindergarten through grade 12 that includes, as

5427 designated by a local education agency:

- 5428 (a) a high school;
- 5429 (b) an eligible junior high school that:
 - 5430 (i) is a district school within the geographic boundary of the high school described in
 - 5431 Subsection (4)(a); or
 - 5432 (ii) is a charter school that sends at least 50% of the charter school's students to the
 - 5433 high school described in Subsection (4)(a); and
 - 5434 (c) an eligible elementary school that:
 - 5435 (i) is a district school within the geographic boundary of the high school described in
 - 5436 Subsection (4)(a); or
 - 5437 (ii) is a charter school that sends at least 50% of the charter school's students to the
 - 5438 junior high school described in Subsection (4)(b).

5439 (5) "Local education agency" means a school district or charter school.

5440 Section 130. Section **53F-5-402**, which is renumbered from Section 53A-4-303 is

5441 renumbered and amended to read:

5442 ~~**[53A-4-303].**~~ **53F-5-402. Partnerships for Student Success Grant Program**

5443 **established.**

5444 (1) There is created the Partnerships for Student Success Grant Program to improve

5445 educational outcomes for low income students through the formation of cross sector

5446 partnerships that use data to align and improve efforts focused on student success.

5447 (2) Subject to legislative appropriations, the board shall award grants to eligible

5448 partnerships that enter into a memorandum of understanding between the members of the

- 5449 eligible partnership to plan or implement a partnership that:
- 5450 (a) establishes shared goals, outcomes, and measurement practices based on unique
- 5451 community needs and interests that:
- 5452 (i) are aligned with the recommendations of the five- and ten-year plan to address
- 5453 intergenerational poverty described in Section [35A-9-303](#); and
- 5454 (ii) address, for students attending a school within an eligible school feeder pattern:
- 5455 (A) kindergarten readiness;
- 5456 (B) grade 3 mathematics and reading proficiency;
- 5457 (C) grade 8 mathematics and reading proficiency;
- 5458 (D) high school graduation;
- 5459 (E) postsecondary education attainment;
- 5460 (F) physical and mental health; and
- 5461 (G) development of career skills and readiness;
- 5462 (b) coordinates and aligns services to:
- 5463 (i) students attending schools within an eligible school feeder pattern; and
- 5464 (ii) the families and communities of the students within an eligible school feeder
- 5465 pattern;
- 5466 (c) implements a system for:
- 5467 (i) sharing data to monitor and evaluate shared goals and outcomes, in accordance with
- 5468 state and federal law; and
- 5469 (ii) accountability for shared goals and outcomes; and
- 5470 (d) commits to providing matching funds as described in Section [~~53A-4-304~~]
- 5471 [53F-5-403](#).
- 5472 (3) In making grant award determinations, the board shall prioritize funding for an
- 5473 eligible partnership that:
- 5474 (a) includes a low performing school as determined by the board; or
- 5475 (b) addresses parent and community engagement.
- 5476 (4) In awarding grants under this part, the board:
- 5477 (a) shall distribute funds to the lead applicant designated by the eligible partnership as
- 5478 described in Section [~~53A-4-302~~] [53F-5-401](#); and
- 5479 (b) may not award more than \$500,000 per fiscal year to an eligible partnership.

5480 Section 131. Section **53F-5-403**, which is renumbered from Section 53A-4-304 is
5481 renumbered and amended to read:

5482 ~~[53A-4-304]~~. **53F-5-403. Matching funds -- Grantee requirements.**

5483 (1) (a) The board may not award a grant to an eligible partnership unless the eligible
5484 partnership provides matching funds equal to two times the amount of the grant.

5485 (b) The board shall ensure that at least half of the matching funds provided under
5486 Subsection (1)(a) are provided by a local education agency.

5487 (c) Matching funds may include cash or an in-kind contribution.

5488 (2) A partnership that receives a grant under this part shall:

5489 (a) select and contract with a technical assistance provider identified by the board as
5490 described in Section ~~[53A-4-305]~~ [53F-5-404](#);

5491 (b) continually assess progress toward reaching shared goals and outcomes;

5492 (c) publish results of the continual assessment described in Subsection (2)(b) on an
5493 annual basis;

5494 (d) regularly report to the board in accordance with rules established by the board
5495 under Section ~~[53A-4-307]~~ [53F-5-406](#); and

5496 (e) as requested, share information and data with the third party evaluator described in
5497 Section ~~[53A-4-306]~~ [53F-5-405](#), in accordance with state and federal law.

5498 (3) A partnership that receives a grant under this part may use grant funds only for the
5499 following purposes:

5500 (a) to contract with a technical assistance provider identified by the board as described
5501 in Section ~~[53A-4-305]~~ [53F-5-404](#); and

5502 (b) to plan or implement a partnership, including:

5503 (i) for project management;

5504 (ii) for planning and adaptation of services and strategies;

5505 (iii) to coordinate services;

5506 (iv) to establish and implement shared measurement practices;

5507 (v) to produce communication materials and conduct outreach activities to build public
5508 support;

5509 (vi) to establish data privacy and sharing agreements, in accordance with state and
5510 federal law;

5511 (vii) to purchase infrastructure, hardware, and software to collect and store data; or
 5512 (viii) to analyze data.

5513 (4) (a) The board shall establish interventions for a partnership that:

5514 (i) fails to comply with the requirements described in this section; or

5515 (ii) is not making progress toward reaching the shared goals and outcomes established
 5516 by the partnership as described in Section [~~53A-4-303~~] 53F-5-402.

5517 (b) An intervention under Subsection (4)(a) may include discontinuing or reducing
 5518 funding.

5519 Section 132. Section **53F-5-404**, which is renumbered from Section 53A-4-305 is
 5520 renumbered and amended to read:

5521 ~~[53A-4-305]~~. **53F-5-404. Technical assistance.**

5522 (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall
 5523 identify two or more technical assistance providers that a partnership may select from to assist
 5524 the partnership in:

5525 (a) establishing shared goals, outcomes, and measurement practices;

5526 (b) creating the capabilities to achieve shared goals and outcomes that may include
 5527 providing leadership development training to members of the partnership; and

5528 (c) using data to align and improve efforts focused on student success.

5529 (2) In identifying technical assistance providers under this section the board shall
 5530 identify providers that have a credible track record of providing technical assistance as
 5531 described in Subsection (1).

5532 Section 133. Section **53F-5-405**, which is renumbered from Section 53A-4-306 is
 5533 renumbered and amended to read:

5534 ~~[53A-4-306]~~. **53F-5-405. Independent evaluation -- Reporting.**

5535 (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall
 5536 contract with an independent evaluator to annually evaluate a partnership that receives a grant
 5537 under this part.

5538 (2) The evaluation described in Subsection (1) shall:

5539 (a) assess implementation of a partnership, including the extent to which members of a
 5540 partnership:

5541 (i) share data to align and improve efforts focused on student success; and

5542 (ii) meet regularly and communicate authentically; and
 5543 (b) assess the impact of a partnership on student outcomes using appropriate statistical
 5544 evaluation methods.

5545 (3) In identifying an independent evaluator under Subsection (1), the board shall
 5546 identify an evaluator that:

5547 (a) has a credible track record of conducting evaluations as described in Subsection (2);
 5548 and

5549 (b) is independent of any member of the partnership and does not otherwise have a
 5550 vested interest in the outcome of the evaluation.

5551 (4) Beginning in the 2017-18 school year, the board shall ensure that the independent
 5552 evaluator:

5553 (a) prepares an annual written report of an evaluation conducted under this section; and

5554 (b) annually submits the report to the Education Interim Committee.

5555 Section 134. Section **53F-5-406**, which is renumbered from Section 53A-4-307 is
 5556 renumbered and amended to read:

5557 ~~[53A-4-307]~~. **53F-5-406. Rules.**

5558 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 5559 board shall make rules to administer the Partnerships for Student Success Grant Program in
 5560 accordance with this part.

5561 Section 135. Section **53F-5-501**, which is renumbered from Section 53A-15-1802 is
 5562 renumbered and amended to read:

Part 5. Competency-Based Education Grants Program

5564 ~~[53A-15-1802]~~. **53F-5-501. Definitions.**

5565 As used in this part:

5566 (1) "Blended learning" means a formal education program in which a student learns:

5567 (a) at least in part, through online learning with some element of student control over
 5568 time, place, path, and pace;

5569 (b) at least in part, in a supervised brick-and-mortar location away from home; and

5570 (c) in a program in which the modalities along each student's learning path within a
 5571 course or subject are connected to provide an integrated learning experience.

5572 (2) "Board" means the State Board of Education.

5573 (3) "Competency-Based education" means a system where a student advances to higher
5574 levels of learning when the student demonstrates competency of concepts and skills regardless
5575 of time, place, or pace.

5576 (4) "Extended learning" means learning opportunities outside of a traditional school
5577 structure, including:

5578 (a) online learning available anywhere, anytime;

5579 (b) career-based experiences, including internships and job shadowing;

5580 (c) community-based projects; and

5581 (d) off-site postsecondary learning.

5582 (5) "Grant program" means the Competency-Based Education Grants Program created
5583 in this part.

5584 (6) "Institution of higher education" means an institution listed in Section [53B-1-102](#).

5585 (7) "Local education agency" or "LEA" means:

5586 (a) a school district;

5587 (b) a charter school; or

5588 (c) the Utah Schools for the Deaf and the Blind.

5589 (8) "Review committee" means the committee established under Section
5590 ~~[53A-15-1803]~~ [53F-5-502](#).

5591 (9) "STEM" means science, technology, engineering, and mathematics.

5592 Section 136. Section **53F-5-502**, which is renumbered from Section 53A-15-1803 is
5593 renumbered and amended to read:

5594 ~~[53A-15-1803]~~. **53F-5-502. Competency-Based Education Grants Program --**
5595 **Board duties -- Review committee -- Technical assistance training.**

5596 (1) There is created the Competency-Based Education Grants Program consisting of
5597 the grants created in this part to improve educational outcomes in public schools by advancing
5598 student mastery of concepts and skills through the following core principles:

5599 (a) student advancement upon mastery of a concept or skill;

5600 (b) competencies that include explicit, measurable, and transferable learning objectives
5601 that empower a student;

5602 (c) assessment that is meaningful and provides a positive learning experience for a
5603 student;

5604 (d) timely, differentiated support based on a student's individual learning needs; and
5605 (e) learning outcomes that emphasize competencies that include application and
5606 creation of knowledge along with the development of important skills and dispositions.

5607 (2) The grant program shall incentivize an LEA to establish competency-based
5608 education within the LEA through the use of:

- 5609 (a) personalized learning;
- 5610 (b) blended learning;
- 5611 (c) extended learning;
- 5612 (d) educator professional learning in competency-based education; or
- 5613 (e) any other method that emphasizes the core principles described in Subsection (1).

5614 (3) The board shall:

5615 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5616 adopt rules:

- 5617 (i) for the administration of the grant program and awarding of grants; and
- 5618 (ii) to define outcome-based measures appropriate to the type of grant for an LEA that
5619 is awarded a grant under this part to use to measure the performance of the LEA's plan or
5620 program;

5621 (b) establish a grant application process;

5622 (c) in accordance with Subsection (4), establish a review committee to make
5623 recommendations to the board for:

- 5624 (i) metrics to analyze the quality of a grant application; and
- 5625 (ii) approval of a grant application; and
- 5626 (d) with input from the review committee, adopt metrics to analyze the quality of a
5627 grant application.

5628 (4) (a) The review committee shall consist of STEM and blended learning experts,
5629 current and former school administrators, current and former teachers, and at least one former
5630 school district superintendent, in addition to other staff designated by the board.

5631 (b) The review committee shall:

- 5632 (i) review a grant application submitted by an LEA;
- 5633 (ii) make recommendations to the LEA to modify the application, if necessary; and
- 5634 (iii) make recommendations to the board regarding the final disposition of an

5635 application.

5636 (5) (a) The board shall provide technical assistance training to assist an LEA with a
5637 grant application under this part.

5638 (b) An LEA may not apply for a grant under this part unless:

5639 (i) a representative of the LEA attends the technical assistance training before the LEA
5640 submits a grant application; and

5641 (ii) the representative is a superintendent, principal, or a person in a leadership position
5642 within the LEA.

5643 (c) The technical assistance training shall include:

5644 (i) instructions on completing a grant application, including grant application
5645 requirements;

5646 (ii) information on the scoring metrics used to review a grant application; and

5647 (iii) information on competency-based education.

5648 (6) The board may use up to 5% of an appropriation provided to fund this part for
5649 administration of the grant program.

5650 Section 137. Section **53F-5-503**, which is renumbered from Section 53A-15-1804 is
5651 renumbered and amended to read:

5652 ~~[53A-15-1804]~~. **53F-5-503. Planning grants -- Requirements.**

5653 (1) (a) The board shall, subject to legislative appropriations, award a planning grant to,
5654 subject to Subsection (1)(c), an LEA:

5655 (i) that submits a planning grant application that meets the requirements established by
5656 the board, subject to Subsection (2);

5657 (ii) if an LEA designee has attended the technical assistance training described in
5658 Section ~~[53A-15-1803]~~ [53F-5-502](#); and

5659 (iii) if the LEA planning grant application has been recommended by the review
5660 committee.

5661 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds
5662 no later than one calendar year after receiving the funds.

5663 (c) The board may not select more than three LEAs to award planning grants to under
5664 this section.

5665 (2) (a) A planning grant application shall include evidence that the LEA:

- 5666 (i) can provide a general description of the program the LEA would like to plan;
- 5667 (ii) is intending to plan for:
 - 5668 (A) schoolwide implementation; or
 - 5669 (B) if the LEA intends to implement initially with a population smaller than
 - 5670 schoolwide, phasing the plan in schoolwide or districtwide over a specified period of time;
 - 5671 (iii) can describe the types of partners that will help with the plan and, eventually,
 - 5672 implement the program;
 - 5673 (iv) planning activities and program will focus on:
 - 5674 (A) implementation of the core principles described in Section [~~53A-15-1803~~]
 - 5675 [53F-5-502](#);
 - 5676 (B) use of the methods, as applicable, described in Section [~~53A-15-1803~~] [53F-5-502](#);
 - 5677 and
 - 5678 (C) the outcome-based measures adopted by the board under Section [~~53A-15-1803~~]
 - 5679 [53F-5-502](#);
 - 5680 (v) has:
 - 5681 (A) the capacity, qualifications, local governing body support, and time to successfully
 - 5682 plan the program; and
 - 5683 (B) an intentional and feasible planning process;
 - 5684 (vi) will align the LEA's budget as necessary with the planning process; and
 - 5685 (vii) will communicate and promote the plan with parents, teachers, and members of
 - 5686 the community.
 - 5687 (b) The board may adopt other requirements in addition to the requirements in
 - 5688 Subsection (2)(a).

5689 Section 138. Section **53F-5-504**, which is renumbered from Section 53A-15-1805 is
 5690 renumbered and amended to read:

5691 [~~53A-15-1805~~]. **53F-5-504. Implementation grants -- Requirements.**

- 5692 (1) (a) The board shall, subject to legislative appropriations, award an implementation
- 5693 grant to, subject to Subsection (1)(c), an LEA:
 - 5694 (i) that submits an implementation grant application that meets the requirements
 - 5695 established by the board, subject to Subsection (2);
 - 5696 (ii) if an LEA designee has attended the technical assistance training described in

5697 Section [~~53A-15-1803~~] [53F-5-502](#); and
5698 (iii) if the LEA implementation grant application has been recommended by the review
5699 committee.
5700 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds
5701 no later than two calendar years after receiving the funds.
5702 (c) An LEA is not eligible to receive an implementation grant under this section unless
5703 the board has previously awarded the LEA a planning grant under Section [~~53A-15-1804~~]
5704 [53F-5-503](#).
5705 (2) (a) An implementation grant application shall include evidence that the LEA:
5706 (i) can logically articulate the proposed program's mission, theory of change, and the
5707 program's intended goals and outcomes;
5708 (ii) (A) program will have schoolwide implementation; or
5709 (B) if the LEA intends to implement initially with a population smaller than
5710 schoolwide, program includes steps to phase the program in schoolwide or districtwide over a
5711 specified period of time;
5712 (iii) has an understanding of similar programs and can use this knowledge to strengthen
5713 the LEA's program implementation;
5714 (iv) program will focus on:
5715 (A) direct alignment with the core principles described in Section [~~53A-15-1803~~]
5716 [53F-5-502](#);
5717 (B) use of the methods, as applicable, described in Section [~~53A-15-1803~~] [53F-5-502](#);
5718 and
5719 (C) the outcome based measures adopted by the board under Section [~~53A-15-1803~~]
5720 [53F-5-502](#);
5721 (v) program will address a need, determined by data, in the LEA or community;
5722 (vi) has a strong evaluation plan that will clearly measure the success of the LEA's
5723 program against the stated goals and objectives;
5724 (vii) has a list of signatures of key stakeholders and partners who are committed to
5725 implementing the program;
5726 (viii) has the capacity, qualifications, local governing body support, and time to
5727 successfully implement this program;

5728 (ix) has an intentional and feasible scope of work to implement the program;
5729 (x) will align the LEA's budget as necessary with the planning process; and
5730 (xi) will communicate and promote the plan with parents, teachers, and members of the
5731 community.

5732 (b) The board may adopt other requirements in addition to the requirements in
5733 Subsection (2)(a).

5734 (3) A program under this section may include:

5735 (a) a waiver, subject to Section [~~53A-15-1807~~] [53F-5-506](#), of required school hours
5736 attended or traditional school calendar scheduling; and

5737 (b) an adjustment of educator compensation to reflect the implementation of a waiver
5738 under Subsection (3)(a).

5739 Section 139. Section **53F-5-505**, which is renumbered from Section 53A-15-1806 is
5740 renumbered and amended to read:

5741 ~~[53A-15-1806]~~. **53F-5-505. Expansion grants -- Requirements.**

5742 (1) (a) The board shall, subject to legislative appropriations and to expand an existing
5743 LEA program schoolwide or districtwide, award a grant to, subject to Subsection (1)(c), an
5744 LEA:

5745 (i) that submits an expansion grant application that meets the requirements established
5746 by the board, subject to Subsection (2);

5747 (ii) if an LEA designee has attended the technical assistance training described in
5748 Section [~~53A-15-1803~~] [53F-5-502](#); and

5749 (iii) if the LEA expansion grant application has been recommended by the review
5750 committee.

5751 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds
5752 no later than two calendar years after receiving the funds.

5753 (c) An LEA is not eligible to receive an expansion grant under this section unless the
5754 board has previously awarded the LEA an implementation grant under Section [~~53A-15-1805~~]
5755 [53F-5-504](#).

5756 (2) (a) An expansion grant application shall include evidence that the LEA:

5757 (i) has an established program that:

5758 (A) has successfully met previous goals;

- 5759 (B) has shown outcomes that are in alignment with the core principles described in
5760 Section [~~53A-15-1803~~] [53F-5-502](#) and used methods, as applicable, described in Section
5761 [~~53A-15-1803~~] [53F-5-502](#);
- 5762 (C) is supported by LEA management and leadership;
- 5763 (D) is suitable for expansion schoolwide or districtwide; and
- 5764 (E) is the program, with any necessary modifications, that the LEA plans to expand if
5765 awarded the expansion grant;
- 5766 (ii) can logically articulate the LEA's program mission, theory of change, and the
5767 program's intended goals and outcomes;
- 5768 (iii) program as proposed for expansion is focused on:
- 5769 (A) direct alignment with the core principles identified in Section [~~53A-15-1803~~]
5770 [53F-5-502](#);
- 5771 (B) use of the methods, as applicable, described in Section [~~53A-15-1803~~] [53F-5-502](#);
5772 and
- 5773 (C) the outcome based measures adopted by the board under Section [~~53A-15-1803~~]
5774 [53F-5-502](#);
- 5775 (iv) that the program will directly address a need, determined by data, in the LEA or
5776 community;
- 5777 (v) has clearly articulated core components that ensure, when expanded, the program
5778 will yield positive outcomes;
- 5779 (vi) has a strong evaluation plan that will clearly measure the success of the LEA's
5780 program against the stated goals and objectives;
- 5781 (vii) has a list of signatures of key stakeholders and partners who are committed to
5782 expanding the program;
- 5783 (viii) has the capacity, qualifications, local governing body support, and time to
5784 successfully expand the program;
- 5785 (ix) has an intentional and feasible scope of work to expand the program;
- 5786 (x) has a strategic budget that is aligned with the LEA's scope of work; and
- 5787 (xi) will communicate and promote the plan with parents, teachers, and members of the
5788 community.
- 5789 (b) The board may adopt other requirements in addition to the requirements in

5790 Subsection (2)(a).

5791 (3) A program under this section may include:

5792 (a) a waiver, subject to Section [~~53A-15-1807~~] [53F-5-506](#), of required school hours
5793 attended or traditional school calendar scheduling; and

5794 (b) an adjustment of educator compensation to reflect the implementation of a waiver
5795 under Subsection (3)(a).

5796 Section 140. Section **53F-5-506**, which is renumbered from Section 53A-15-1807 is
5797 renumbered and amended to read:

5798 ~~[53A-15-1807]~~. **53F-5-506. Waiver from board rule -- Board recommended**
5799 **statutory changes.**

5800 (1) An LEA may apply to the board in a grant application submitted under this part for
5801 a waiver of a board rule that inhibits or hinders the LEA from accomplishing its goals set out in
5802 its grant application.

5803 (2) The board may grant the waiver, unless:

5804 (a) the waiver would cause the LEA to be in violation of state or federal law; or

5805 (b) the waiver would threaten the health, safety, or welfare of students in the LEA.

5806 (3) If the board denies the waiver, the board shall provide in writing the reason for the
5807 denial to the waiver applicant.

5808 (4) (a) The board shall request from each LEA that receives a grant under this part for
5809 each year the LEA receives funds:

5810 (i) information on a state statute that hinders an LEA from fully implementing the
5811 LEA's program; and

5812 (ii) suggested changes to the statute.

5813 (b) The board shall, in a written report, provide any information received from an LEA
5814 under Subsection (4)(a) and the board's recommendations to the Legislature no later than
5815 November 30 of each year.

5816 Section 141. Section **53F-5-507**, which is renumbered from Section 53A-15-1808 is
5817 renumbered and amended to read:

5818 ~~[53A-15-1808]~~. **53F-5-507. Cooperation of institutions of higher education --**
5819 **Transferring students not to be penalized.**

5820 (1) An institution of higher education:

5821 (a) shall recognize and accept on equal footing as a traditional high school diploma a
 5822 high school diploma awarded to a student who successfully completes an educational program
 5823 that uses, in whole or in part, competency-based education; and

5824 (b) cooperate with an LEA:

5825 (i) as applicable, to facilitate the advancement of a student who attends a
 5826 competency-based education program; and

5827 (ii) as requested, in the development of an LEA plan or program under this part.

5828 (2) If a student attending an LEA that establishes competency-based education within
 5829 the LEA transfers to another school within the LEA or to another LEA entirely that does not
 5830 have a competency-based education program, the student may not be penalized by being
 5831 required to repeat course work that the student has successfully completed, changing the
 5832 student's grade, or receive any other penalty related to the student's previous attendance in the
 5833 competency-based education program.

5834 Section 142. Section **53F-5-601**, which is renumbered from Section 53A-31-402 is
 5835 renumbered and amended to read:

5836 **Part 6. American Indian and Alaskan Native Education State Plan Pilot Program**

5837 ~~[53A-31-402]~~. **53F-5-601. Definitions.**

5838 (1) The terms defined in Section [53E-10-401](#) apply to this section.

5839 (2) As used in this part:

5840 ~~[(1)]~~ (a) "American Indian and Alaskan Native concentrated school" means a school
 5841 where at least 29% of its students are American Indian or Alaskan Native.

5842 ~~[(2)]~~ (b) "Board" means the State Board of Education.

5843 ~~[(3)]~~ (c) "Teacher" means an individual employed by a school district or charter school
 5844 who is required to hold an educator license issued by the board and who has an assignment to
 5845 teach in a classroom.

5846 Section 143. Section **53F-5-602**, which is renumbered from Section 53A-31-403 is
 5847 renumbered and amended to read:

5848 ~~[53A-31-403]~~. **53F-5-602. Pilot programs created.**

5849 (1) (a) ~~[Beginning]~~ In addition to the state plan described in Title 53E, Chapter 10, Part
 5850 4, American Indian-Alaskan Native Education State Plan, beginning with fiscal year

5851 2016-2017, there is created a five-year pilot program administered by the board to provide

5852 grants targeted to address the needs of American Indian and Alaskan Native students.

5853 (b) The pilot program shall consist of a grant program to school districts and charter
5854 schools to be used to fund stipends, recruitment, retention, and professional development of
5855 teachers who teach in American Indian and Alaskan Native concentrated schools.

5856 (2) (a) Beginning with fiscal year 2017-2018, there is created a four-year pilot program
5857 administered by the board to provide grants targeted to address the needs of American Indian
5858 and Alaskan Native students.

5859 (b) The pilot program shall consist of a grant program to school districts and charter
5860 schools to be used to fund stipends, recruitment, retention, and professional development of
5861 teachers who teach in American Indian and Alaskan Native concentrated schools.

5862 (c) In determining grant recipients under this Subsection (2), the board shall give
5863 priority to American Indian and Alaskan Native concentrated schools located in a county of the
5864 fourth, fifth, or sixth class with significant populations of American Indians and Alaskan
5865 Natives.

5866 (3) Up to 3% of the money appropriated to a grant program under this part may be used
5867 by the board for costs in implementing the pilot program.

5868 Section 144. Section **53F-5-603**, which is renumbered from Section 53A-31-404 is
5869 renumbered and amended to read:

5870 ~~[53A-31-404].~~ **53F-5-603. Grant program to school districts and charter**
5871 **schools.**

5872 (1) From money appropriated to the grant program, the board shall distribute grant
5873 money on a competitive basis to a school district or charter school that applies for a grant and:

5874 (a) (i) has within the school district one or more American Indian and Alaskan Native
5875 concentrated schools; or

5876 (ii) is an American Indian and Alaskan Native concentrated school; and

5877 (b) has a program to fund stipends, recruitment, retention, and professional
5878 development of teachers who teach at American Indian and Alaskan Native concentrated
5879 schools.

5880 (2) The grant money distributed under this section may only be expended to fund a
5881 program described in Subsection (1)(b).

5882 (3) (a) If a school district or charter school obtains a grant under this section, by no

5883 later than two years from the date the school district or charter school obtains the grant, the
 5884 board shall review the implementation of the program described in Subsection (1)(b) to
 5885 determine whether:

5886 (i) the program is effective in addressing the need to retain teachers at American Indian
 5887 and Alaskan Native concentrated schools; and

5888 (ii) the money is being spent for a purpose not covered by the program described in
 5889 Subsection (1)(b).

5890 (b) If the board determines that the program is not effective or that the money is being
 5891 spent for a purpose not covered by the program described in Subsection (1)(b), the board may
 5892 terminate the grant money being distributed to the school district or charter school.

5893 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 5894 board may make rules providing:

5895 (a) criteria for evaluating grant applications; and

5896 (b) procedures for:

5897 (i) a school district to apply to the board to receive grant money under this section; and

5898 (ii) the review of the use of grant money described in Subsection (3).

5899 (5) The grant money is intended to supplement and not replace existing money
 5900 supporting American Indian and Alaskan Native concentrated schools.

5901 Section 145. Section **53F-5-604**, which is renumbered from Section 53A-31-405 is
 5902 renumbered and amended to read:

5903 ~~[53A-31-405]~~. **53F-5-604. Reporting -- Meeting.**

5904 (1) The liaison shall annually report to the Native American Legislative Liaison
 5905 Committee during the term of a pilot program under this part regarding:

5906 (a) what entities receive a grant under this part;

5907 (b) the effectiveness of the expenditures of grant money; and

5908 (c) recommendations, if any, for additional legislative action.

5909 (2) The Native American Legislative Liaison Committee shall annually schedule at
 5910 least one meeting at which education is discussed with selected stakeholders.

5911 Section 146. Section **53F-6-101** is enacted to read:

5912 **CHAPTER 6. STATE FUNDING -- PROGRAMS ADMINISTERED**
 5913 **BY OTHER AGENCIES**

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Part 1. General Provisions

53F-6-101. Title.

This chapter is known as "State Funding -- Programs Administered by Other Agencies."

Section 147. Section **53F-6-102** is enacted to read:

53F-6-102. Definitions.

Reserved

Section 148. Section **53F-6-201**, which is renumbered from Section 53A-13-106.5 is renumbered and amended to read:

Part 2. Miscellaneous Programs

~~[53A-13-106.5].~~ **53F-6-201. Firearm Safety and Violence Prevention Pilot Program.**

(1) As used in this section:

(a) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

(b) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle, or short barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.

(c) "Pilot program" means the Firearm Safety and Violence Prevention Pilot Program created under Subsection (2).

(2) There is created a Firearm Safety and Violence Prevention Pilot Program to provide instruction that a public school may offer to a student in any of grades 5 through 12 on:

(a) firearm safety, including:

(i) developing the knowledge, habits, skills, and attitudes necessary for the safe handling of firearms; and

(ii) teaching a student that to avoid injury when the student finds a firearm the student should:

(A) not touch the firearm;

(B) tell an adult about finding the firearm and the location of the firearm; and

(C) share the information described in Subsection (2)(a)(ii)(A) and (B) with any other minors who are with the student when the student finds the firearm; and

- 5945 (b) what to do if the student becomes aware of a threat against the school.
- 5946 (3) The instruction described in Subsection (2):
- 5947 (a) may be delivered:
- 5948 (i) in a public school using live instruction or a video or online materials; or
- 5949 (ii) at home using a video or online materials; and
- 5950 (b) shall be neutral of political statements on guns.
- 5951 (4) The Office of the Attorney General, in collaboration with the State Board of
- 5952 Education, shall select one or more providers, through the standard procurement process or an
- 5953 exception to the standard procurement process as described in Title 63G, Chapter 6a, Utah
- 5954 Procurement Code, to supply materials and curriculum for the pilot program.
- 5955 (5) (a) A district school or charter school may participate in the pilot program, subject
- 5956 to approval by the district school's local school board or charter school's charter school
- 5957 governing board.
- 5958 (b) A district school or charter school that chooses to participate in the pilot program:
- 5959 (i) shall use the materials and curriculum supplied by the provider selected under
- 5960 Subsection (4);
- 5961 (ii) may permit the following to provide instruction on a voluntary basis:
- 5962 (A) the Division of Wildlife Resources;
- 5963 (B) a local law enforcement agency;
- 5964 (C) a peace officer, as defined in Section 53-13-102; or
- 5965 (D) another certified firearms safety instructor, as defined in rules made by the State
- 5966 Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 5967 Act; and
- 5968 (iii) shall ensure that a firearm is not used in providing the instruction.
- 5969 (c) A student may not be given the instruction described in Subsection (2) unless the
- 5970 student's parent or legal guardian has given prior written consent.
- 5971 (6) The Office of the Attorney General, in collaboration with the State Board of
- 5972 Education, shall evaluate the pilot program and report to the Law Enforcement and Criminal
- 5973 Justice Interim Committee on or before December 1, 2018.
- 5974 Section 149. Section **53F-6-202**, which is renumbered from Section 53A-1-709 is
- 5975 renumbered and amended to read:

5976 ~~[53A-1-709]~~. 53F-6-202. Smart School Technology Program.

5977 (1) As used in this section, "program" means the Smart School Technology Program.

5978 (2) The Smart School Technology Program is created to encourage the deployment of
5979 whole-school one-to-one mobile device technology in public schools.

5980 (3) The Board of Business and Economic Development with input from an
5981 independent evaluating committee, shall issue a request for proposals for the development and
5982 implementation of a whole-school one-to-one mobile device technology deployment plan for
5983 schools.

5984 (4) From recommendations submitted by an independent evaluating committee, the
5985 Board of Business and Economic Development shall select a single education technology
5986 provider with integrated whole-school technology deployment experience through the request
5987 for proposals process.

5988 (5) (a) An independent evaluating committee shall be established to:

5989 (i) advise the Board of Business and Economic Development in issuing a request for
5990 proposals under Subsection (3);

5991 (ii) evaluate proposals submitted through a request for proposals issued under
5992 Subsection (3); and

5993 (iii) advise the State Board of Education on selecting schools to participate in the
5994 program.

5995 (b) The membership of the independent evaluating committee shall include:

5996 (i) three members of the State Board of Education appointed by the chair of the State
5997 Board of Education;

5998 (ii) the state chief information officer;

5999 (iii) two members appointed by the executive director of the Governor's Office of
6000 Economic Development; and

6001 (iv) the governor's education director.

6002 (c) The independent evaluating committee shall evaluate a proposal on:

6003 (i) a provider's experience with integrated whole-school technology deployment; and

6004 (ii) the components of a whole-school technology deployment plan.

6005 (6) An educational technology provider selected under Subsection (4) shall develop a
6006 customized whole-school one-to-one mobile device technology deployment plan for each

6007 school participating in the program.

6008 (7) The whole-school technology deployment plan shall be based on submitted
6009 proposals to the committee and may include the following components:

6010 (a) a personal mobile learning device for each student;

6011 (b) desktop or laptop computers for each classroom;

6012 (c) peripherals and networking equipment, including a wireless network that is not
6013 self-interfering;

6014 (d) wireless audio equipment in each classroom;

6015 (e) digital projectors or televisions with wireless device mirroring technology;

6016 (f) on and off campus Internet filtering;

6017 (g) operating software for the technology system, including software that connects
6018 personal mobile learning devices among students and a teacher to facilitate classroom
6019 interaction;

6020 (h) curriculum and instructional software purchase credits per device to be used toward
6021 improving student outcomes with respect to the core standards for Utah public schools and
6022 skill building on the use of technology;

6023 (i) device repair and replacement criteria;

6024 (j) professional development for educators and technology specialists on:

6025 (i) the operation and use of the technology equipment; and

6026 (ii) accessing and using online content; and

6027 (k) ongoing technical support.

6028 (8) (a) A school within a school district, with the approval of the local school board, or
6029 a charter school, may submit an application to the State Board of Education to participate in the
6030 program.

6031 (b) With input from the independent evaluating committee established under
6032 Subsection (5), the State Board of Education shall select schools to participate in the program.

6033 (c) In selecting schools, the State Board of Education shall seek to include in the
6034 program schools:

6035 (i) from different regions of the state;

6036 (ii) from urban and rural areas;

6037 (iii) with a variety of economic and demographic characteristics; and

6038 (iv) with documented technology implementation plans, including a plan for the use of:

6039 (A) instructional software that improves student outcomes with respect to the core
6040 standards for Utah public schools; and

6041 (B) software that provides students with skill building on the use of technology.

6042 (d) The State Board of Education shall make rules:

6043 (i) specifying procedures and criteria to be used for selecting schools that may
6044 participate in the program; and

6045 (ii) requiring selected schools to provide matching funds to participate in the program.

6046 (9) (a) The State Board of Education, in collaboration with the education technology
6047 provider and the schools participating in the program, shall evaluate the program and submit a
6048 report on the evaluation to the Governor's Office of Economic Development and the Education
6049 Interim Committee by the committee's October meetings in 2013 and 2014.

6050 (b) The State Board of Education may contract with an independent evaluator to
6051 conduct the evaluation required in Subsection (9)(a).

6052 (c) The evaluation shall be based on the following criteria:

6053 (i) technology system functionality;

6054 (ii) school level outcomes;

6055 (iii) teacher instruction and outcomes; and

6056 (iv) student engagement and outcomes.

6057 Section 150. Section **53F-6-301**, which is renumbered from Section 53A-1b-102 is
6058 renumbered and amended to read:

6059 **Part 3. School Readiness Initiative**

6060 ~~[53A-1b-102]~~. **53F-6-301. Definitions.**

6061 As used in this part:

6062 (1) "Board" means the School Readiness Board, created in Section [~~53A-1b-103~~]
6063 53F-6-302.

6064 (2) "Economically disadvantaged" means a student who:

6065 (a) is eligible to receive free lunch;

6066 (b) is eligible to receive reduced price lunch; or

6067 (c) (i) is not otherwise accounted for in Subsection (2)(a) or (b); and

6068 (ii) (A) is enrolled in a Provision 2 or Provision 3 school, as defined by the United

6069 States Department of Agriculture;

6070 (B) has a Declaration of Household Income on file;

6071 (C) is eligible for a fee waiver; or

6072 (D) is enrolled at a school that does not offer a lunch program and is a sibling of a

6073 student accounted for in Subsection (2)(a) or (b).

6074 (3) "Eligible home-based educational technology provider" means a provider that

6075 intends to offer a home-based educational technology program.

6076 (4) "Eligible LEA" means an LEA that has a data system capacity to collect

6077 longitudinal academic outcome data, including special education use by student, by identifying

6078 each student with a statewide unique student identifier.

6079 (5) (a) "Eligible private provider" means a child care program that:

6080 (i) (A) except as provided in Subsection (5)(b), is licensed under Title 26, Chapter 39,

6081 Utah Child Care Licensing Act; or

6082 (B) is exempt from licensure under Section 26-39-403; and

6083 (ii) meets other criteria as established by the board, consistent with Utah Constitution,

6084 Article X, Section 1.

6085 (b) "Eligible private provider" does not include residential child care, as defined in

6086 Section 26-39-102.

6087 (6) "Eligible student" means a student who is economically disadvantaged.

6088 (7) "Local Education Agency" or "LEA" means a school district or charter school.

6089 (8) "Performance outcome measure" means a cost avoidance in special education use

6090 for a student at-risk for later special education placement in kindergarten through grade 12 who

6091 receives preschool education funded pursuant to a results-based school readiness contract.

6092 (9) (a) "Private entity" means a private investor or investors that enter into a

6093 results-based school readiness contract.

6094 (b) "Private entity" includes an authorized representative of the private investor or

6095 investors.

6096 (10) "Results-based school readiness contract" means a contract entered into by the

6097 board, a private entity, and a provider of early childhood education that may result in

6098 repayment to a private entity if certain performance outcome measures are achieved.

6099 (11) "Student at-risk for later special education placement" means a preschool student

6100 who, at preschool entry, scores at or below two standard deviations below the mean on the
6101 assessment selected by the board under Section [~~53A-1b-110~~] [53F-6-309](#).

6102 Section 151. Section **53F-6-302**, which is renumbered from Section 53A-1b-103 is
6103 renumbered and amended to read:

6104 ~~[53A-1b-103]~~. **53F-6-302. Establishment of the School Readiness Board --**
6105 **Membership.**

6106 (1) There is created a School Readiness Board within the Governor's Office of
6107 Management and Budget composed of:

- 6108 (a) the director of the Department of Workforces Services or the director's designee;
- 6109 (b) one member appointed by the State Board of Education;
- 6110 (c) one member appointed by the chair of the State Charter School Board;
- 6111 (d) one member appointed by the speaker of the House of Representatives; and
- 6112 (e) one member appointed by the president of the Senate.

6113 (2) (a) A member described in Subsections (1)(c), (d), and (e) shall serve for a term of
6114 two years.

6115 (b) If a vacancy occurs for a member described in Subsection (1)(c), (d), or (e), the
6116 person appointing the member shall appoint a replacement to serve the remainder of the
6117 member's term.

6118 (3) A member may not receive compensation or benefits for the member's service.

6119 (4) Upon request, the Governor's Office of Management and Budget shall provide staff
6120 support to the board.

6121 (5) (a) The board members shall elect a chair of the board from the board's
6122 membership.

6123 (b) The board shall meet upon the call of the chair or a majority of the board members.

6124 Section 152. Section **53F-6-303** is enacted to read:

6125 **53F-6-303. School Readiness Restricted Account.**

6126 As described in Section [53F-9-402](#), the School Readiness Restricted Account provides
6127 funding for this part.

6128 Section 153. Section **53F-6-304**, which is renumbered from Section 53A-1b-105 is
6129 renumbered and amended to read:

6130 ~~[53A-1b-105]~~. **53F-6-304. Elements of a high quality school readiness**

6131 **program.**

6132 (1) A high quality school readiness program run by an eligible LEA or eligible private
6133 provider shall include the following components:

6134 (a) an evidence-based curriculum that is aligned with all of the developmental domains
6135 and academic content areas defined in the Utah Early Childhood Standards adopted by the
6136 State Board of Education, and incorporates intentional and differentiated instruction in whole
6137 group, small group, and child-directed learning, including the following academic content
6138 areas:

6139 (i) oral language and listening comprehension;

6140 (ii) phonological awareness and prereading;

6141 (iii) alphabet and word knowledge;

6142 (iv) prewriting;

6143 (v) book knowledge and print awareness;

6144 (vi) numeracy;

6145 (vii) creative arts;

6146 (viii) science and technology; and

6147 (ix) social studies, health, and safety;

6148 (b) ongoing, focused, and intensive professional development for staff of the school
6149 readiness program;

6150 (c) ongoing assessment of a student's educational growth and developmental progress
6151 to inform instruction;

6152 (d) a pre- and post-assessment of each student whose parent or legal guardian consents
6153 to the assessment that, for a school readiness program receiving funding under this part, is
6154 selected by the board in accordance with Section [~~53A-1b-110~~] [53F-6-309](#);

6155 (e) for a preschool program run by an eligible LEA, a class size that does not exceed 20
6156 students, with one adult for every 10 students in the class;

6157 (f) ongoing program evaluation and data collection to monitor program goal
6158 achievement and implementation of required program components;

6159 (g) family engagement, including ongoing communication between home and school,
6160 and parent education opportunities based on each family's circumstances;

6161 (h) for a preschool program run by an eligible LEA, each teacher having at least

6162 obtained:

- 6163 (i) the minimum standard of a child development associate certification; or
- 6164 (ii) an associate or bachelor's degree in an early childhood education related field; and

6165 (i) for a preschool program run by an eligible private provider, by a teacher's second
6166 year, each teacher having at least obtained:

- 6167 (i) the minimum standard of a child development associate certification; or
- 6168 (ii) an associate or bachelor's degree in an early childhood education related field.

6169 (2) A high quality school readiness program run by a home-based educational
6170 technology provider shall:

6171 (a) be an evidence-based and age appropriate individualized interactive instruction
6172 assessment and feedback technology program that teaches eligible students early learning skills
6173 needed to be successful upon entry into kindergarten;

6174 (b) require regular parental engagement with the student in the student's use of the
6175 home-based educational technology program;

6176 (c) be aligned with the Utah early childhood core standards;

6177 (d) require the administration of a pre- and post-assessment of each student whose
6178 parent or legal guardian consents to the assessment that, for a home-based technology program
6179 that receives funding under this part, is designated by the board in accordance with Section
6180 ~~[53A-1b-110]~~ [53F-6-309](#); and

6181 (e) require technology providers to ensure successful implementation and utilization of
6182 the technology program.

6183 Section 154. Section **53F-6-305**, which is renumbered from Section 53A-1b-106 is
6184 renumbered and amended to read:

6185 ~~[53A-1b-106]~~. **53F-6-305. High Quality School Readiness Grant Program.**

6186 (1) The High Quality School Readiness Grant Program is created to provide grants to
6187 the following, in order to upgrade an existing preschool or home-based technology program to
6188 a high quality school readiness program:

- 6189 (a) an eligible private provider;
- 6190 (b) an eligible LEA; or
- 6191 (c) an eligible home-based educational technology provider.

6192 (2) The State Board of Education shall:

- 6193 (a) solicit proposals from eligible LEAs; and
- 6194 (b) make recommendations to the board to award grants to respondents based on
6195 criteria described in Subsection (5).
- 6196 (3) The Department of Workforce Services shall:
- 6197 (a) solicit proposals from eligible private providers and eligible home-based
6198 educational technology providers; and
- 6199 (b) make recommendations to the board to award grants to respondents based on
6200 criteria described in Subsection (5).
- 6201 (4) Subject to legislative appropriations, the board shall award grants to respondents
6202 based on:
- 6203 (a) the recommendations of the State Board of Education;
- 6204 (b) the recommendations of the Department of Workforce Services; and
- 6205 (c) the criteria described in Subsection (5).
- 6206 (5) (a) In awarding a grant under Subsection (4), the State Board of Education,
6207 Department of Workforce Services, and the board shall consider:
- 6208 (i) a respondent's capacity to effectively implement the components described in
6209 Section [~~53A-1b-105~~] [53F-6-304](#);
- 6210 (ii) the percentage of a respondent's students who are economically disadvantaged; and
- 6211 (iii) the level of administrative support and leadership at a respondent's program to
6212 effectively implement, monitor, and evaluate the program.
- 6213 (b) The board may not award a grant to an LEA without obtaining approval from the
6214 State Board of Education to award the grant to the LEA.
- 6215 (6) To receive a grant under this section, a respondent that is an eligible LEA shall
6216 submit a proposal to the State Board of Education detailing:
- 6217 (a) the respondent's strategy to implement the high quality components described in
6218 Subsection [~~53A-1b-105~~] [53F-6-304](#)(1);
- 6219 (b) the number of students the respondent plans to serve, categorized by age and
6220 economically disadvantaged status;
- 6221 (c) the number of high quality preschool classrooms the respondent plans to operate;
6222 and
- 6223 (d) the estimated cost per student.

6224 (7) To receive a grant under this section, a respondent that is an eligible private
6225 provider or an eligible home-based educational technology provider shall submit a proposal to
6226 the Department of Workforce Services detailing:

6227 (a) the respondent's strategy to implement the high quality components described in
6228 Section [~~53A-1b-105~~] [53F-6-304](#);

6229 (b) the number of students the respondent plans to serve, categorized by age and
6230 economically disadvantaged status;

6231 (c) for a respondent that is an eligible private provider, the number of high quality
6232 preschool classrooms the respondent plans to operate; and

6233 (d) the estimated cost per student.

6234 (8) All recipients of grants under this section shall establish a preschool or home-based
6235 educational technology program with the components described in Section [~~53A-1b-105~~]
6236 [53F-6-304](#).

6237 (9) (a) A grant recipient shall allow classroom or other visits by an independent
6238 evaluator chosen by the board in accordance with Section [~~53A-1b-110~~] [53F-6-309](#).

6239 (b) The independent evaluator shall:

6240 (i) determine whether a grant recipient has effectively implemented the components
6241 described in Section [~~53A-1b-105~~] [53F-6-304](#); and

6242 (ii) report the independent evaluator's findings to the board.

6243 (10) (a) A grant recipient that is an eligible LEA shall assign a statewide unique
6244 student identifier to each eligible student funded pursuant to a grant received under this section.

6245 (b) A grant recipient that is an eligible private provider or an eligible home-based
6246 educational technology provider shall work in conjunction with the State Board of Education to
6247 assign a statewide unique student identifier to each eligible student funded pursuant to a grant
6248 received under this section.

6249 (11) A grant recipient that is an LEA shall report annually to the board and the State
6250 Board of Education the following:

6251 (a) number of students served by the preschool, reported by economically
6252 disadvantaged status;

6253 (b) attendance;

6254 (c) cost per student; and

6255 (d) assessment results.

6256 (12) A grant recipient that is an eligible private provider or an eligible home-based
6257 educational technology provider shall report annually to the board and the Department of
6258 Workforce Services the following:

6259 (a) number of students served by the preschool or program, reported by economically
6260 disadvantaged status;

6261 (b) attendance;

6262 (c) cost per student; and

6263 (d) assessment results.

6264 (13) The State Board of Education and the Department of Workforce Services shall
6265 make rules to effectively administer and monitor the High Quality School Readiness Grant
6266 Program, including:

6267 (a) requiring grant recipients to use the pre- and post-assessment selected by the board
6268 in accordance with Section [~~53A-1b-110~~] [53F-6-309](#); and

6269 (b) establishing reporting requirements for grant recipients.

6270 (14) At the request of the board, the State Board of Education and the Department of
6271 Workforce Services shall annually share the information received from grant recipients
6272 described in Subsections (11) and (12) with the board.

6273 Section 155. Section **53F-6-306**, which is renumbered from Section 53A-1b-107 is
6274 renumbered and amended to read:

6275 [~~53A-1b-107~~]. **53F-6-306. High quality preschool programs for eligible**
6276 **LEAs.**

6277 (1) To receive funding pursuant to a results-based contract awarded under Section
6278 [~~53A-1b-110~~] [53F-6-309](#), an eligible LEA shall establish or currently operate a high quality
6279 preschool with the components described in Subsection [~~53A-1b-105~~] [53F-6-304](#)(1).

6280 (2) An eligible LEA shall assign a statewide unique student identifier to each eligible
6281 student funded pursuant to a results-based contract issued under this part.

6282 (3) An eligible LEA may not use funds awarded pursuant to a results-based contract to
6283 supplant funds for an existing high quality preschool program, but may use the funds to
6284 supplement an existing high quality preschool program.

6285 (4) If permitted under Title 1 of the No Child Left Behind Act of 2001, 20 U.S.C. Sec.

6286 6301-6578, an LEA may charge a sliding scale fee to a student participating in a high quality
6287 preschool program under this section, based on household income.

6288 (5) An LEA that receives funds under this section shall report annually to the board the
6289 de-identified information described in Section [~~53A-1b-111~~] [53F-6-310](#).

6290 (6) (a) An eligible LEA may contract with an eligible private provider to provide the
6291 high quality preschool program to a portion of the LEA's eligible students funded by a
6292 results-based contract.

6293 (b) The board shall determine in a results-based contract the portion of an LEA's
6294 eligible students funded by the results-based contract to be served by an eligible private
6295 provider.

6296 (7) To receive funding pursuant to a results-based contract, an eligible private provider
6297 shall:

6298 (a) offer a preschool program that contains the components described in Subsection
6299 [~~53A-1b-105~~] [53F-6-304](#)(1);

6300 (b) allow classroom visits by the evaluator chosen in accordance with Section
6301 [~~53A-1b-110~~] [53F-6-309](#) and the private entity, to ensure the components described in this
6302 section are implemented;

6303 (c) allow the evaluator chosen in accordance with Section [~~53A-1b-110~~] [53F-6-309](#) to
6304 administer the required pre- and post-assessments to eligible students funded under this part;
6305 and

6306 (d) report the information described in Section [~~53A-1b-111~~] [53F-6-310](#) to the board
6307 and the contracting LEA.

6308 (8) An LEA may provide the eligible private provider with:

6309 (a) professional development;

6310 (b) staffing or staff support;

6311 (c) materials; and

6312 (d) assessments.

6313 (9) (a) If permitted under Title 1 of the No Child Left Behind Act of 2001, 20 U.S.C.
6314 Sec. 6301-6578, an eligible private provider may charge a sliding scale fee to a student
6315 participating in a high quality preschool program under this section, based on household
6316 income.

6317 (b) The eligible private provider may use grants, scholarships, or other funds to help
6318 fund the preschool program.

6319 (10) A contractual partnership established under Subsection (6) shall be consistent with
6320 Utah Constitution, Article X, Section 1.

6321 (11) The evaluator selected pursuant to Section [~~53A-1b-110~~] 53F-6-309 shall annually
6322 evaluate:

6323 (a) the quality and outcomes of the high quality preschool program funded by a
6324 results-based contract between a private entity and the board, including:

6325 (i) adherence to required components described in Subsection [~~53A-1b-105~~]
6326 53F-6-304(1); and

6327 (ii) the pre- and post-assessment results of the assessment, designated by the board
6328 under Section [~~53A-1b-110~~] 53F-6-309, of eligible students in the high quality preschool
6329 program; and

6330 (b) whether the performance outcome measures set in the results-based contract have
6331 been met, using de-identified data reported in Section [~~53A-1b-111~~] 53F-6-310.

6332 Section 156. Section **53F-6-307**, which is renumbered from Section 53A-1b-108 is
6333 renumbered and amended to read:

6334 [~~53A-1b-108~~]. **53F-6-307. High quality preschool programs for eligible**
6335 **private providers.**

6336 (1) To receive funding pursuant to a results-based contract awarded under Section
6337 [~~53A-1b-110~~] 53F-6-309, an eligible private provider shall:

6338 (a) establish or currently operate a high quality preschool with the components
6339 described in Subsection [~~53A-1b-105~~] 53F-6-304(1);

6340 (b) allow classroom visits by the evaluator chosen in accordance with Section
6341 [~~53A-1b-110~~] 53F-6-309 and the private entity, to ensure the components described in
6342 Subsection [~~53A-1b-105~~] 53F-6-304(1) are being implemented; and

6343 (c) allow the evaluator chosen in accordance with Section [~~53A-1b-110~~] 53F-6-309 to
6344 administer the required pre- and post-assessments to eligible students funded under this part.

6345 (2) An eligible private provider shall work in conjunction with the State Board of
6346 Education to assign a statewide unique student identifier to each eligible student funded
6347 pursuant to a results-based contract.

6348 (3) An eligible private provider may not use funds awarded pursuant to a results-based
6349 contract to supplant funds for an existing high quality preschool program, but may use the
6350 funds to supplement an existing high quality preschool program.

6351 (4) (a) If permitted under Title 1 of the No Child Left Behind Act of 2001, 20 U.S.C.
6352 Sec. 6301-6578, an eligible private provider may charge a sliding scale fee to a student
6353 participating in a high quality preschool program under this section, based on household
6354 income.

6355 (b) The eligible private provider may use grants, scholarships, or other funds to help
6356 fund the preschool program.

6357 (5) An eligible private provider that receives funds under this section shall report
6358 annually to the board the de-identified information described in Section [~~53A-1b-111~~]
6359 [53F-6-310](#).

6360 (6) The State Board of Education shall annually share with the board aggregated
6361 longitudinal data on eligible students currently receiving funding under this section and any
6362 eligible students who previously received funding under this section, including:

6363 (a) academic achievement outcomes;

6364 (b) special education use; and

6365 (c) English language learner services.

6366 (7) The evaluator selected pursuant to Section [~~53A-1b-110~~] [53F-6-309](#) shall annually
6367 evaluate:

6368 (a) the quality and outcomes of a high quality preschool program funded by a
6369 results-based contract between a private entity and the board, including:

6370 (i) adherence to required components described in Subsection [~~53A-1b-105~~]

6371 [53F-6-304](#)(1); and

6372 (ii) the pre- and post-assessment results of the assessment, designated by the board
6373 under Section [~~53A-1b-110~~] [53F-6-309](#), of eligible students in the high quality preschool
6374 program; and

6375 (b) whether the performance outcome measures set in the results-based contract have
6376 been met, using de-identified or aggregated data reported in Subsections (5) and (6).

6377 Section 157. Section **53F-6-308**, which is renumbered from Section 53A-1b-109 is
6378 renumbered and amended to read:

6379 ~~[53A-1b-109]~~. 53F-6-308. **Home-based educational technology for school**
6380 **readiness.**

6381 (1) To receive funding pursuant to a results-based contract awarded under Section
6382 ~~[53A-1b-110]~~ 53F-6-309, an eligible home-based educational technology provider shall
6383 administer a home-based educational technology program designed to prepare eligible students
6384 for kindergarten.

6385 (2) An eligible home-based educational technology provider described in Subsection
6386 (1) shall establish or currently operate a high quality school readiness program with the
6387 components described in Subsection ~~[53A-1b-105]~~ 53F-6-304(2).

6388 (3) An eligible home-based educational technology provider shall work in conjunction
6389 with the State Board of Education to assign a statewide unique student identifier to each
6390 eligible student funded pursuant to a results-based contract.

6391 (4) An eligible home-based educational technology provider that receives funds under
6392 this section shall report annually to the board the following de-identified information for
6393 eligible students funded in whole or in part pursuant to a results-based contract:

6394 (a) number of eligible students served by the home-based educational technology
6395 program, reported by economically disadvantaged status and English language learner status;

6396 (b) average time, and range of time usage, an eligible student spent using the program
6397 per week;

6398 (c) cost per eligible student;

6399 (d) assessment results of the pre- and post-assessments selected by the board; and

6400 (e) number of eligible students served by the home-based educational technology
6401 program who participated in any other public or private preschool program, including the type
6402 of preschool attended.

6403 (5) The State Board of Education shall annually share with the board aggregated
6404 longitudinal data on eligible students currently receiving funding under this section and any
6405 eligible students who previously received funding under this section, including:

6406 (a) academic achievement outcomes;

6407 (b) special education use; and

6408 (c) English language learner services.

6409 (6) The evaluator selected pursuant to Section ~~[53A-1b-110]~~ 53F-6-309 shall annually

6410 evaluate:

6411 (a) the quality and outcomes of a home-based educational technology program funded
6412 by a results-based contract between a private entity and the board, including the pre- and
6413 post-assessment results, on the assessment designated by the board under Section

6414 [~~53A-1b-110~~] [53F-6-309](#), of eligible students in the program; and

6415 (b) whether the performance outcome measures set in the results-based contract have
6416 been met, using de-identified or aggregated data reported in Subsections (4) and (5).

6417 Section 158. Section **53F-6-309**, which is renumbered from Section 53A-1b-110 is
6418 renumbered and amended to read:

6419 ~~[53A-1b-110]~~. **53F-6-309. Results-based school readiness contracts -- Board**
6420 **duties -- Independent evaluator.**

6421 (1) (a) The board may negotiate and enter into a results-based contract with a private
6422 entity, selected through a competitive process, to fund:

6423 (i) a high quality preschool program described in Section [~~53A-1b-107~~] [53F-6-306](#);

6424 (ii) a high quality preschool program described in Section [~~53A-1b-108~~] [53F-6-307](#); or

6425 (iii) a home-based education technology program described in Section [~~53A-1b-109~~]

6426 [53F-6-308](#).

6427 (b) The board may not issue a results-based contract if the total outstanding obligations
6428 of results-based contracts issued by the board under this part would exceed \$15,000,000 at any
6429 one time.

6430 (c) The board may provide for a repayment to a private entity to include a return of
6431 investment and an additional return on investment, dependent on achievement of specific
6432 performance outcome measures set in the results-based contract.

6433 (d) The additional return on investment described in Subsection (1)(c) may not exceed
6434 5% above the current Municipal Market Data General Obligation Bond AAA scale for a 10
6435 year maturity at the time of the issuance of the results-based school readiness contract.

6436 (e) Funding obtained for an early education program under this part is not a
6437 procurement item under Section [63G-6a-103](#).

6438 (2) A contract shall include:

6439 (a) a requirement that the repayment to the private entity be conditioned on specific
6440 performance outcome measures set in the results-based contract;

6441 (b) a requirement for an independent evaluator to determine whether the performance
6442 outcomes have been achieved;

6443 (c) a provision that repayment to the private entity is:

6444 (i) based upon available money in the School Readiness Restricted Account; and

6445 (ii) subject to legislative appropriation; and

6446 (d) that the private entity is not eligible to receive or view any personally identifiable
6447 student data of students funded through a results-based contract.

6448 (3) The board shall select an independent, nationally recognized early childhood
6449 education evaluator, selected through a request for proposals process, to annually evaluate:

6450 (a) performance outcome measures set in a results-based contract of the board; and

6451 (b) a High Quality School Readiness Grant Program recipient's program.

6452 (4) The board shall select a uniform assessment of age-appropriate cognitive or
6453 language skills that:

6454 (a) is nationally norm-referenced;

6455 (b) has established reliability;

6456 (c) has established validity with other similar measures and with later school outcomes;

6457 and

6458 (d) has strong psychometric characteristics.

6459 (5) (a) At the end of each year of a results-based contract after a student funded through
6460 a results-based contract completes kindergarten, the independent evaluator shall determine
6461 whether the performance outcome measures set in the results-based contract have been met.

6462 (b) If the independent evaluator determines under Subsection (5)(a) that the
6463 performance outcome measures have been met, the board may pay the private entity according
6464 to the terms of the results-based contract.

6465 (6) (a) The board shall ensure that a parent or guardian of an eligible student
6466 participating in a program funded pursuant to a results-based contract has given permission and
6467 signed an acknowledgment that the student's data may be shared with an independent evaluator
6468 for research and evaluation purposes.

6469 (b) The board shall maintain documentation of parental permission required in
6470 Subsection (6)(a).

6471 Section 159. Section **53F-6-310**, which is renumbered from Section 53A-1b-111 is

6472 renumbered and amended to read:

6473 ~~[53A-1b-111]~~. **53F-6-310. Reporting requirements for recipients of a**
6474 **results-based school readiness contract -- Reporting requirements for the School**
6475 **Readiness Board.**

6476 (1) An eligible LEA, eligible private provider, or eligible home-based educational
6477 technology provider that receives funds pursuant to a results-based contract under this part
6478 shall report annually to the board the following de-identified information for eligible students
6479 funded in whole or in part pursuant to a results-based contract:

6480 (a) number of eligible students served by the recipient's preschool or home-based
6481 educational technology program, reported by economically disadvantaged status and English
6482 language learner status;

6483 (b) attendance;

6484 (c) cost per eligible student;

6485 (d) assessment results of the pre- and post-assessments selected by the board; and

6486 (e) aggregated longitudinal data on eligible students currently receiving funding under
6487 this part and any eligible students who previously received funding under this part, including:

6488 (i) academic achievement outcomes;

6489 (ii) special education use; and

6490 (iii) English language learner services.

6491 (2) For each year of a results-based contract, the board shall report to the Education
6492 Interim Committee the following:

6493 (a) information collected under Subsection (1) for each participating LEA, private
6494 provider, and home-based educational technology provider; and

6495 (b) the terms of the results-based contract, including:

6496 (i) the name of each private entity and funding source;

6497 (ii) the amount of money each private entity has invested;

6498 (iii) the performance outcome measures set in the results-based contract by which
6499 repayment will be determined; and

6500 (iv) the repayment schedule to the private entity if the performance outcomes are met.

6501 Section 160. Section **53F-7-101** is enacted to read:

6502 **CHAPTER 7. STATE FUNDING -- EDUCATION ADMINISTRATION**

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Part 1. General Provisions

53F-7-101. Title.

This chapter is known as "State Funding -- Education Administration."

Section 161. Section **53F-7-102** is enacted to read:

53F-7-102. Definitions.

Reserved

Section 162. Section **53F-7-201**, which is renumbered from Section 53A-13-206 is renumbered and amended to read:

~~[53A-13-206].~~ **53F-7-201. Appropriations from Automobile Driver Education Tax Account.**

There is appropriated to the State Board of Education from the Automobile Driver Education Tax Account, annually, all money in the account, in excess of the expense of administering the collection of the tax, for use and distribution in the administration and maintenance of driver education classes and programs with respect to classes offered in the school district and the establishment of experimental programs, including the purchasing of equipment, by the board.

Section 163. Section **53F-7-301** is enacted to read:

Part 3. Utah Schools for the Deaf and the Blind

53F-7-301. Annual salary adjustments for USDB educators -- Legislative appropriation.

Subject to future budget constraints, the Legislature shall annually appropriate money to the board for the salary adjustments described in Section [53E-8-302](#), including step and lane changes.

Section 164. Section **53F-8-101** is enacted to read:

CHAPTER 8. LOCAL FUNDING

Part 1. General Provisions

53F-8-101. Title.

This chapter is known as "Local Funding."

Section 165. Section **53F-8-102** is enacted to read:

53F-8-102. Definitions.

Reserved

6534 Section 166. Section **53F-8-201**, which is renumbered from Section 53A-16-106 is
6535 renumbered and amended to read:

6536 **Part 2. General Tax Provisions**

6537 ~~[53A-16-106].~~ **53F-8-201. Annual certification of tax rate proposed by local**
6538 **school board -- Inclusion of school district budget -- Modified filing date.**

6539 (1) Prior to June 22 of each year, each local school board shall certify to the county
6540 legislative body in which the district is located, on forms prescribed by the State Tax
6541 Commission, the proposed tax rate approved by the local school board.

6542 (2) A copy of the district's budget, including items under Section ~~[53A-19-101]~~
6543 [53G-7-302](#), and a certified copy of the local school board's resolution which approved the
6544 budget and set the tax rate for the subsequent school year beginning July 1 shall accompany the
6545 tax rate.

6546 (3) If the tax rate approved by the board is in excess of the certified tax rate, as defined
6547 in Section [59-2-924](#), the date for filing the tax rate and budget adopted by the board shall be
6548 that established under Section [59-2-919](#).

6549 Section 167. Section **53F-8-202**, which is renumbered from Section 53A-16-108 is
6550 renumbered and amended to read:

6551 ~~[53A-16-108].~~ **53F-8-202. Levy of tax -- Collection and deposit.**

6552 (1) After the valuation of property has been extended on the assessment rolls, the
6553 county legislative body shall levy a tax on the taxable property in the respective school districts
6554 at the rate submitted by each local school board under Section ~~[53A-16-106]~~ [53F-8-201](#).

6555 (2) These taxes shall be collected by the county officers in the same manner as other
6556 taxes are collected.

6557 (3) The county treasurer shall pay the tax revenues to the respective district's business
6558 administrator who shall hold the tax revenue subject to the order of the local school board.

6559 Section 168. Section **53F-8-203**, which is renumbered from Section 53A-16-109 is
6560 renumbered and amended to read:

6561 ~~[53A-16-109].~~ **53F-8-203. Payment out of tax money by county treasurer.**

6562 (1) Each county treasurer shall pay the appropriate proportionate share of delinquent
6563 taxes, together with interest and costs on all tax sales, to each affected school district.

6564 (2) The treasurer shall make payment as quickly as possible after collection or

6565 realization.

6566 Section 169. Section **53F-8-301**, which is renumbered from Section 53A-17a-133 is
6567 renumbered and amended to read:

6568 **Part 3. Local Levies**

6569 ~~[53A-17a-133].~~ **53F-8-301. State-supported voted local levy authorized --**
6570 **Election requirements -- Reconsideration of the program.**

6571 ~~[(1) As used in this section, "voted and board local levy funding balance" means the~~
6572 ~~difference between:]~~

6573 ~~[(a) the amount appropriated for the voted and board local levy program in a fiscal~~
6574 ~~year; and]~~

6575 ~~[(b) the amount necessary to provide the state guarantee per weighted pupil unit as~~
6576 ~~determined under this section and Section 53A-17a-164 in the same fiscal year.]~~

6577 (1) The terms defined in Section 53F-2-102 apply to this section.

6578 (2) An election to consider adoption or modification of a voted local levy is required if
6579 initiative petitions signed by 10% of the number of electors who voted at the last preceding
6580 general election are presented to the local school board or by action of the local school board.

6581 (3) (a) (i) To impose a voted local levy, a majority of the electors of a school district
6582 voting at an election in the manner set forth in Subsections ~~[(9) and (10)]~~ (8) and (9) must vote
6583 in favor of a special tax.

6584 (ii) The tax rate may not exceed .002 per dollar of taxable value.

6585 (b) Except as provided in Subsection (3)(c), in order to receive state support in
6586 accordance with Section 53F-2-601 the first year, a school district shall receive voter approval
6587 no later than December 1 of the year prior to implementation.

6588 (c) Beginning on or after January 1, 2012, a school district may receive state support in
6589 accordance with ~~[Subsection (4)]~~ Section 53F-2-601 without complying with the requirements
6590 of Subsection (3)(b) if the local school board imposed a tax in accordance with this section
6591 during the taxable year beginning on January 1, 2011 and ending on December 31, 2011.

6592 ~~[(4) (a) In addition to the revenue collected from the imposition of a levy pursuant to~~
6593 ~~this section, the state shall contribute an amount sufficient to guarantee \$35.55 per weighted~~
6594 ~~pupil unit for each .0001 of the first .0016 per dollar of taxable value.]~~

6595 ~~[(b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar~~

6596 of taxable value under Subsection (4)(a) shall apply to the portion of the board local levy
6597 authorized in Section ~~53A-17a-164~~, so that the guarantee shall apply up to a total of .002 per
6598 dollar of taxable value if a local school board levies a tax rate under both programs.]

6599 [~~(c) (i) Beginning July 1, 2015, the \$35.55 guarantee under Subsections (4)(a) and (b)~~
6600 ~~shall be indexed each year to the value of the weighted pupil unit for the grades 1 through 12~~
6601 ~~program by making the value of the guarantee equal to .011962 times the value of the prior~~
6602 ~~year's weighted pupil unit for the grades 1 through 12 program.]~~

6603 [~~(ii) The guarantee shall increase by .0005 times the value of the prior year's weighted~~
6604 ~~pupil unit for the grades 1 through 12 program for each succeeding year subject to the~~
6605 ~~Legislature appropriating funds for an increase in the guarantee.]~~

6606 [~~(d) (i) The amount of state guarantee money to which a school district would~~
6607 ~~otherwise be entitled to receive under this Subsection (4) may not be reduced for the sole~~
6608 ~~reason that the school district's levy is reduced as a consequence of changes in the certified tax~~
6609 ~~rate under Section ~~59-2-924~~ pursuant to changes in property valuation.]~~

6610 [~~(ii) Subsection (4)(d)(i) applies for a period of five years following any such change in~~
6611 ~~the certified tax rate.]~~

6612 [~~(e) The guarantee provided under this section does not apply to the portion of a voted~~
6613 ~~local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal~~
6614 ~~year, unless an increase in the voted local levy rate was authorized in an election conducted on~~
6615 ~~or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.]~~

6616 [~~(f) (i) If a voted and board local levy funding balance exists for the prior fiscal year,~~
6617 ~~the State Board of Education shall:]~~

6618 [~~(A) use the voted and board local levy funding balance to increase the value of the~~
6619 ~~state guarantee per weighted pupil unit described in Subsection (4)(c) in the current fiscal year;~~
6620 ~~and]~~

6621 [~~(B) distribute the state contribution to the voted and board local levy programs to~~
6622 ~~school districts based on the increased value of the state guarantee per weighted pupil unit~~
6623 ~~described in Subsection (4)(f)(i)(A).]~~

6624 [~~(ii) The State Board of Education shall report action taken under this Subsection (4)(f)~~
6625 ~~to the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and~~
6626 ~~Budget.]~~

6627 [~~(5)~~] (4) (a) An election to modify an existing voted local levy is not a reconsideration
6628 of the existing authority unless the proposition submitted to the electors expressly so states.

6629 (b) A majority vote opposing a modification does not deprive the local school board of
6630 authority to continue the levy.

6631 (c) If adoption of a voted local levy is contingent upon an offset reducing other local
6632 school board levies, the local school board shall allow the electors, in an election, to consider
6633 modifying or discontinuing the imposition of the levy prior to a subsequent increase in other
6634 levies that would increase the total local school board levy.

6635 (d) Nothing contained in this section terminates, without an election, the authority of a
6636 local school board to continue imposing an existing voted local levy previously authorized by
6637 the voters as a voted leeway program.

6638 [~~(6)~~] (5) Notwithstanding Section 59-2-919, a local school board may budget an
6639 increased amount of ad valorem property tax revenue derived from a voted local levy imposed
6640 under this section in addition to revenue from eligible new growth as defined in Section
6641 59-2-924, without having to comply with the notice requirements of Section 59-2-919, if:

6642 (a) the voted local levy is approved:

6643 (i) in accordance with Subsections [~~(9) and (10)~~] (8) and (9) on or after January 1,
6644 2003; and

6645 (ii) within the four-year period immediately preceding the year in which the local
6646 school board seeks to budget an increased amount of ad valorem property tax revenue derived
6647 from the voted local levy; and

6648 (b) for a voted local levy approved or modified in accordance with this section on or
6649 after January 1, 2009, the local school board complies with the requirements of Subsection
6650 [~~(8)~~] (7).

6651 [~~(7)~~] (6) Notwithstanding Section 59-2-919, a local school board may levy a tax rate
6652 under this section that exceeds the certified tax rate without having to comply with the notice
6653 requirements of Section 59-2-919 if:

6654 (a) the levy exceeds the certified tax rate as the result of a local school board budgeting
6655 an increased amount of ad valorem property tax revenue derived from a voted local levy
6656 imposed under this section;

6657 (b) the voted local levy was approved:

6658 (i) in accordance with Subsections ~~[(9) and (10)]~~ (8) and (9) on or after January 1,
6659 2003; and

6660 (ii) within the four-year period immediately preceding the year in which the local
6661 school board seeks to budget an increased amount of ad valorem property tax revenue derived
6662 from the voted local levy; and

6663 (c) for a voted local levy approved or modified in accordance with this section on or
6664 after January 1, 2009, the local school board complies with requirements of Subsection ~~[(8)]~~
6665 (7).

6666 ~~[(8)]~~ (7) For purposes of Subsection ~~[(6)]~~ (5)(b) or ~~[(7)]~~ (6)(c), the proposition
6667 submitted to the electors regarding the adoption or modification of a voted local levy shall
6668 contain the following statement:

6669 "A vote in favor of this tax means that the local school board of [name of the school
6670 district] may increase revenue from this property tax without advertising the increase for the
6671 next five years."

6672 ~~[(9)]~~ (8) (a) Before a local school board may impose a property tax levy pursuant to
6673 this section, a local school board shall submit an opinion question to the school district's
6674 registered voters voting on the imposition of the tax rate so that each registered voter has the
6675 opportunity to express the registered voter's opinion on whether the tax rate should be imposed.

6676 (b) The election required by this Subsection ~~[(9)]~~ (8) shall be held:

6677 (i) at a regular general election conducted in accordance with the procedures and
6678 requirements of Title 20A, Election Code, governing regular elections;

6679 (ii) at a municipal general election conducted in accordance with the procedures and
6680 requirements of Section [20A-1-202](#); or

6681 (iii) at a local special election conducted in accordance with the procedures and
6682 requirements of Section [20A-1-203](#).

6683 (c) Notwithstanding the requirements of Subsections ~~[(9)]~~ (8)(a) and (b), beginning on
6684 or after January 1, 2012, a local school board may levy a tax rate in accordance with this
6685 section without complying with the requirements of Subsections ~~[(9)]~~ (8)(a) and (b) if the local
6686 school board imposed a tax in accordance with this section at any time during the taxable year
6687 beginning on January 1, 2011, and ending on December 31, 2011.

6688 ~~[(10)]~~ (9) If a local school board determines that a majority of the school district's

6689 registered voters voting on the imposition of the tax rate have voted in favor of the imposition
 6690 of the tax rate in accordance with Subsection ~~[(9)]~~ (8), the local school board may impose the
 6691 tax rate.

6692 Section 170. Section **53F-8-302**, which is renumbered from Section 53A-17a-164 is
 6693 renumbered and amended to read:

6694 ~~[53A-17a-164]~~. **53F-8-302. Board local levy.**

6695 (1) The terms defined in Section 53F-2-102 apply to this section.

6696 ~~[(1)]~~ (2) Subject to the other requirements of this section, for a calendar year beginning
 6697 on or after January 1, 2012, a local school board may levy a tax to fund the school district's
 6698 general fund.

6699 ~~[(2)]~~ (3) (a) For purposes of this Subsection ~~[(2)]~~ (3), "combined rate" means the sum
 6700 of:

6701 (i) the rate imposed by a local school board under Subsection ~~[(1)]~~ (2); and

6702 (ii) the charter school levy rate, described in Section ~~[53A-1a-513.1]~~ 53F-2-703, for the
 6703 local school board's school district.

6704 (b) Except as provided in Subsection ~~[(2)]~~ (3)(c), beginning on January 1, 2017, a
 6705 school district's combined rate may not exceed .0018 per dollar of taxable value in any calendar
 6706 year.

6707 (c) Beginning on January 1, 2017, a school district's combined rate may not exceed
 6708 .0025 per dollar of taxable value in any calendar year if, during the calendar year beginning on
 6709 January 1, 2011, the school district's total tax rate for the following levies was greater than
 6710 .0018 per dollar of taxable value:

6711 (i) a recreation levy imposed under Section 11-2-7;

6712 (ii) a transportation levy imposed under Section ~~[53A-17a-127]~~ 53F-8-403;

6713 (iii) a board-authorized levy imposed under Section ~~[53A-17a-134]~~ 53F-8-404;

6714 (iv) an impact aid levy imposed under Section ~~[53A-17a-143]~~ 53F-2-515;

6715 (v) the portion of a 10% of basic levy imposed under Section ~~[53A-17a-145]~~
 6716 53F-8-405 that is budgeted for purposes other than capital outlay or debt service;

6717 (vi) a reading levy imposed under Section ~~[53A-17a-151]~~ 53F-8-406; and

6718 (vii) a tort liability levy imposed under Section 63G-7-704.

6719 ~~[(3)-(a)]~~ (4) In addition to the revenue a school district collects from the imposition of a

6720 levy pursuant to this section, the state shall contribute an amount [sufficient to guarantee that
6721 each .0001 of the first .0004 per dollar of taxable value generates an amount equal to the state
6722 guarantee per weighted pupil unit described in Subsection ~~53A-17a-133~~(4)] as described in
6723 Section 53F-2-602.

6724 [(b)(i) The amount of state guarantee money to which a school district would
6725 otherwise be entitled to under this Subsection (3) may not be reduced for the sole reason that
6726 the district's levy is reduced as a consequence of changes in the certified tax rate under Section
6727 ~~59-2-924~~ pursuant to changes in property valuation.]

6728 [(ii) Subsection (3)(b)(i) applies for a period of five years following any changes in the
6729 certified tax rate.]

6730 [(4)] (5) (a) For a calendar year beginning on or after January 1, 2017, the State Tax
6731 Commission shall adjust a board local levy rate imposed by a local school board under this
6732 section by the amount necessary to offset the change in revenues from the charter school levy
6733 imposed under Section [~~53A-1a-513.1~~] 53F-2-703.

6734 (b) A local school board is not required to comply with the notice and public hearing
6735 requirements of Section ~~59-2-919~~ for an offset described in Subsection [(4)] (5)(a) to the
6736 change in revenues from the charter school levy imposed under Section [~~53A-1a-513.1~~]
6737 53F-2-703.

6738 (c) A local school board may not increase a board local levy rate under this section
6739 before December 31, 2016, if the local school board did not give public notice on or before
6740 March 4, 2016, of the local school board's intent to increase the board local levy rate.

6741 (d) So long as the charter school levy rate does not exceed 25% of the charter school
6742 levy per district revenues, a local school board may not increase a board local levy rate under
6743 this section if the purpose of increasing the board local levy rate is to capture the revenues
6744 assigned to the charter school levy through the adjustment in a board local levy rate under
6745 Subsection [(4)] (5)(a).

6746 (e) Before a local school board takes action to increase a board local levy rate under
6747 this section, the local school board shall:

6748 (i) prepare a written statement that attests that the local school board is in compliance
6749 with Subsection [(4)] (5)(d);

6750 (ii) read the statement described in Subsection [(4)] (5)(e)(i) during a local school

6751 board public meeting where the local school board discusses increasing the board local levy
6752 rate; and

6753 (iii) send a copy of the statement described in Subsection [~~(4)~~] (5)(e)(i) to the State Tax
6754 Commission.

6755 Section 171. Section **53F-8-303**, which is renumbered from Section 53A-16-113 is
6756 renumbered and amended to read:

6757 ~~[53A-16-113]~~. **53F-8-303. Capital local levy -- First class county required**
6758 **levy -- Allowable uses of collected revenue.**

6759 (1) (a) Subject to the other requirements of this section, a local school board may levy a
6760 tax to fund the school district's capital projects.

6761 (b) A tax rate imposed by a school district pursuant to this section may not exceed
6762 .0030 per dollar of taxable value in any calendar year.

6763 (2) A school district that imposes a capital local levy in the calendar year beginning on
6764 January 1, 2012, is exempt from the public notice and hearing requirements of Section
6765 [59-2-919](#) if the school district budgets an amount of ad valorem property tax revenue equal to
6766 or less than the sum of the following amounts:

6767 (a) the amount of revenue generated during the calendar year beginning on January 1,
6768 2011, from the sum of the following levies of a school district:

6769 (i) a capital outlay levy imposed under Section [~~53A-16-107~~] [53F-8-401](#); and

6770 (ii) the portion of the 10% of basic levy described in Section [~~53A-17a-145~~] [53F-8-405](#)
6771 that is budgeted for debt service or capital outlay; and

6772 (b) revenue from eligible new growth as defined in Section [59-2-924](#).

6773 (3) (a) Subject to Subsections (3)(b), (c), and (d), for fiscal year 2013-14, a local school
6774 board may utilize the proceeds of a maximum of .0024 per dollar of taxable value of the local
6775 school board's annual capital local levy for general fund purposes if the proceeds are not
6776 committed or dedicated to pay debt service or bond payments.

6777 (b) If a local school board uses the proceeds described in Subsection (3)(a) for general
6778 fund purposes, the local school board shall notify the public of the local school board's use of
6779 the capital local levy proceeds for general fund purposes:

6780 (i) before the local school board's budget hearing in accordance with the notification
6781 requirements described in Section [~~53A-19-102~~] [53G-7-303](#); and

6782 (ii) at a budget hearing required in Section [~~53A-19-102~~] [53G-7-303](#).

6783 (c) A local school board may not use the proceeds described in Subsection (3)(a) to
6784 fund the following accounting function classifications as provided in the Financial Accounting
6785 for Local and State School Systems guidelines developed by the National Center for Education
6786 Statistics:

6787 (i) 2300 Support Services - General District Administration; or

6788 (ii) 2500 Support Services - Central Services.

6789 Section 172. Section **53F-8-401**, which is renumbered from Section 53A-16-107 is
6790 renumbered and amended to read:

6791 **Part 4. Obsolete Tax Levies**

6792 ~~[53A-16-107]~~. **53F-8-401. Capital outlay levy -- Authority to use proceeds**
6793 **of .0002 tax rate for maintenance of school facilities -- Restrictions and procedure --**
6794 **Limited authority to use proceeds for general fund purposes -- Notification required**
6795 **when using proceeds for general fund purposes -- Authority for small school districts to**
6796 **use levy proceeds for operation and maintenance of plant services.**

6797 (1) Subject to Subsection (3) and except as provided in Subsections (2), (5), (6), and
6798 (7), a local school board may annually impose a capital outlay levy not to exceed .0024 per
6799 dollar of taxable value to be used for:

6800 (a) capital outlay; or

6801 (b) debt service.

6802 (2) (a) A local school board with an enrollment of 2,500 students or more may utilize
6803 the proceeds of a maximum of .0002 per dollar of taxable value of the local school board's
6804 annual capital outlay levy for the maintenance of school facilities in the school district.

6805 (b) A local school board that uses the option provided under Subsection (2)(a) shall:

6806 (i) maintain the same level of expenditure for maintenance in the current year as it did
6807 in the preceding year, plus the annual average percentage increase applied to the maintenance
6808 and operation budget for the current year; and

6809 (ii) identify the expenditure of capital outlay funds for maintenance by a district project
6810 number to ensure that the funds are expended in the manner intended.

6811 (c) The State Board of Education shall establish by rule the expenditure classification
6812 for maintenance under this program using a standard classification system.

6813 (3) Beginning January 1, 2009, and through the taxable year beginning January 1,
6814 2011, in order to qualify for receipt of the state contribution toward the minimum school
6815 program, a local school board in a county of the first class shall impose a capital outlay levy of
6816 at least .0006 per dollar of taxable value.

6817 (4) (a) The county treasurer of a county of the first class shall distribute revenues
6818 generated by the .0006 portion of the capital outlay levy required in Subsection (3) to school
6819 districts within the county in accordance with Section [53A-16-114](#).

6820 (b) (i) Except as provided in Subsection (4)(b)(ii), if a school district in a county of the
6821 first class imposes a capital outlay levy pursuant to this section which exceeds .0006 per dollar
6822 of taxable value, the county treasurer of a county of the first class shall distribute revenues
6823 generated by the portion of the capital outlay levy which exceeds .0006 to the school district
6824 imposing the levy.

6825 (ii) If a new district and a remaining district are required to impose property tax levies
6826 pursuant to Subsection [~~53A-2-118.4~~] [53G-3-304](#)(2), the county treasurer shall distribute
6827 revenues of the new district or remaining district generated by the portion of a capital outlay
6828 levy that exceeds .0006 in accordance with Section [~~53A-2-118.4~~] [53G-3-304](#).

6829 (5) (a) Notwithstanding Subsections (1)(a) and (b) and subject to Subsections (5)(b),
6830 (c), and (d), for fiscal years 2010-11 and 2011-12, a local school board may use the proceeds of
6831 the local school board's capital outlay levy for general fund purposes if the proceeds are not
6832 committed or dedicated to pay debt service or bond payments.

6833 (b) If a local school board uses the proceeds described in Subsection (5)(a) for general
6834 fund purposes, the local school board shall notify the public of the local school board's use of
6835 the capital outlay levy proceeds for general fund purposes:

6836 (i) prior to the board's budget hearing in accordance with the notification requirements
6837 described in Section [~~53A-19-102~~] [53G-7-303](#); and

6838 (ii) at a budget hearing required in Section [~~53A-19-102~~] [53G-7-303](#).

6839 (c) A local school board may not use the proceeds described in Subsection (5)(a) to
6840 fund the following accounting function classifications as provided in the Financial Accounting
6841 for Local and State School Systems guidelines developed by the National Center for Education
6842 Statistics:

6843 (i) 2300 Support Services - General District Administration; or

6844 (ii) 2500 Support Services - Central Services.

6845 (d) A local school board may not use the proceeds from a distribution described in
6846 Section [53A-16-114](#) for general fund purposes.

6847 (6) (a) In addition to the uses described in Subsection (1), a local school board of a
6848 school district with an enrollment of fewer than 2,500 students, may use the proceeds of the
6849 local school board's capital outlay levy, in fiscal years 2011-12, 2012-13, and 2013-14, for
6850 expenditures made within the accounting function classification 2600, Operation and
6851 Maintenance of Plant Services, of the Financial Accounting for Local and State School
6852 Systems guidelines developed by the National Center for Education Statistics, excluding
6853 expenditures for mobile phone service and vehicle operation and maintenance.

6854 (b) If a local school board of a school district with an enrollment of fewer than 2,500
6855 students uses the proceeds of a capital outlay levy for the operation and maintenance of plant
6856 services as described in Subsection (6)(a), the local school board shall notify the public of the
6857 local school board's use of the capital outlay levy proceeds for operation and maintenance of
6858 plant services:

6859 (i) prior to the board's budget hearing in accordance with the notification requirements
6860 described in Section [~~53A-19-102~~] [53G-7-303](#); and

6861 (ii) at a budget hearing required in Section [~~53A-19-102~~] [53G-7-303](#).

6862 (7) Beginning January 1, 2012, a local school board may not levy a tax in accordance
6863 with this section.

6864 Section 173. Section **53F-8-402**, which is renumbered from Section 53A-16-110 is
6865 renumbered and amended to read:

6866 ~~[53A-16-110]~~. **53F-8-402. Special tax to buy school building sites, build and**
6867 **furnish schoolhouses, or improve school property.**

6868 (1) (a) Except as provided in Subsection (6), a local school board may, by following
6869 the process for special elections established in Sections [20A-1-203](#) and [20A-1-204](#), call a
6870 special election to determine whether a special property tax should be levied for one or more
6871 years to buy building sites, build and furnish schoolhouses, or improve the school property
6872 under its control.

6873 (b) The tax may not exceed .2% of the taxable value of all taxable property in the
6874 district in any one year.

6875 (2) The board shall give reasonable notice of the election and follow the same
6876 procedure used in elections for the issuance of bonds.

6877 (3) If a majority of those voting on the proposition vote in favor of the tax, it is levied
6878 in addition to a levy authorized under Section [~~53A-17a-145~~] [53F-8-405](#) and computed on the
6879 valuation of the county assessment roll for that year.

6880 (4) (a) Within 20 days after the election, the board shall certify the amount of the
6881 approved tax to the governing body of the county in which the school district is located.

6882 (b) The governing body shall acknowledge receipt of the certification and levy and
6883 collect the special tax.

6884 (c) It shall then distribute the collected taxes to the business administrator of the school
6885 district at the end of each calendar month.

6886 (5) The special tax becomes due and delinquent and attaches to and becomes a lien on
6887 real and personal property at the same time as state and county taxes.

6888 (6) Notwithstanding Subsections (3) and (4), beginning January 1, 2012, a local school
6889 board may not levy a tax in accordance with this section.

6890 Section 174. Section **53F-8-403** is enacted to read:

6891 **53F-8-403. School transportation levy.**

6892 (1) Except as provided in Subsection (5), a local school board may provide for the
6893 transportation of students regardless of the distance from school, from a tax rate not to exceed
6894 .0003 per dollar of taxable value levied by the local school board.

6895 (2) A local school board may use revenue from the tax described in Subsection (1) to
6896 pay for transporting students and for the replacement of school buses.

6897 (3) (a) If a local school board levies a tax under Subsection (1) of at least .0002, the
6898 state may contribute an amount not to exceed 85% of the state average cost per mile,
6899 contingent upon the Legislature appropriating funds for a state contribution.

6900 (b) The State Board of Education's employees shall distribute the state contribution
6901 according to rules enacted by the State Board of Education.

6902 (4) (a) The amount of state guarantee money that a school district would otherwise be
6903 entitled to receive under Subsection (3) may not be reduced for the sole reason that the school
6904 district's levy is reduced as a consequence of changes in the certified tax rate under Section
6905 [59-2-924](#) due to changes in property valuation.

6906 (b) Subsection (4)(a) applies for a period of two years following the change in the
6907 certified tax rate.

6908 (5) Beginning January 1, 2012, a local school board may not impose a tax in
6909 accordance with this section.

6910 (6) The terms defined in Section 53F-2-102 apply to this section.

6911 Section 175. Section **53F-8-404**, which is renumbered from Section 53A-17a-134 is
6912 renumbered and amended to read:

6913 ~~[53A-17a-134].~~ **53F-8-404. Board-approved leeway -- Purpose -- State**
6914 **support -- Disapproval.**

6915 (1) Except as provided in Subsection (9), a local school board may levy a tax rate of up
6916 to .0004 per dollar of taxable value to maintain a school program above the cost of the basic
6917 school program as follows:

6918 (a) a local school board shall use the money generated by the tax for class size
6919 reduction within the school district;

6920 (b) if a local school board determines that the average class size in the school district is
6921 not excessive, the local school board may use the money for other school purposes but only if
6922 the local school board has declared the use for other school purposes in a public meeting prior
6923 to levying the tax rate; and

6924 (c) a local school board may not use the money for other school purposes under
6925 Subsection (1)(b) until the local school board has certified in writing that the local school
6926 board's class size needs are already being met and the local school board has identified the
6927 other school purposes for which the money will be used to the State Board of Education and
6928 the State Board of Education has approved the local school board's use for other school
6929 purposes.

6930 (2) (a) The state shall contribute an amount sufficient to guarantee \$27.36 per weighted
6931 pupil unit for each .0001 per dollar of taxable value.

6932 (b) The guarantee shall increase in the same manner as provided for the voted local
6933 levy guarantee in ~~[Subsection 53A-17a-133(4)(c)]~~ Section 53F-2-601.

6934 (c) (i) The amount of state guarantee money to which a school district would otherwise
6935 be entitled to under this Subsection (2) may not be reduced for the sole reason that the school
6936 district's levy is reduced as a consequence of changes in the certified tax rate under Section

6937 [59-2-924](#) pursuant to changes in property valuation.

6938 (ii) Subsection (2)(c)(i) applies for a period of five years following any such change in
6939 the certified tax rate.

6940 (d) The guarantee provided under this section does not apply to:

6941 (i) a board-authorized leeway in the first fiscal year the levy is in effect, unless the levy
6942 was approved by voters pursuant to Subsections (4) through (6); or

6943 (ii) the portion of a board-authorized levy rate that is in excess of the board-authorized
6944 leeway rate that was in effect for the previous fiscal year.

6945 (3) The levy authorized under this section is not in addition to the maximum rate of
6946 .002 authorized in Section [~~53A-17a-133~~] [53F-8-301](#), but is a board-authorized component of
6947 the total tax rate under that section.

6948 (4) As an exception to Section [~~53A-17a-133~~] [53F-8-301](#), the board-authorized levy
6949 does not require voter approval, but the local school board may require voter approval if
6950 requested by a majority of the local school board.

6951 (5) An election to consider disapproval of the board-authorized levy is required, if
6952 within 60 days after the levy is established by the local school board, referendum petitions
6953 signed by the number of legal voters required in Section [20A-7-301](#), who reside within the
6954 school district, are filed with the local school board.

6955 (6) (a) A local school board shall establish its board-approved levy by April 1 to have
6956 the levy apply to the fiscal year beginning July 1 in that same calendar year except that if an
6957 election is required under this section, the levy applies to the fiscal year beginning July 1 of the
6958 next calendar year.

6959 (b) (i) The approval and disapproval votes authorized in Subsections (4) and (5) shall
6960 occur at a general election in even-numbered years, except that a vote required under this
6961 section in odd-numbered years shall occur at a special election held on a day in odd-numbered
6962 years that corresponds to the general election date.

6963 (ii) The school district shall pay for the cost of a special election.

6964 (7) (a) Modification or termination of a voter-approved leeway rate authorized under
6965 this section is governed by Section [~~53A-17a-133~~] [53F-8-301](#).

6966 (b) A board-authorized levy rate may be modified or terminated by a majority vote of
6967 the local school board subject to disapproval procedures specified in this section.

6968 (8) A board-authorized levy election does not require publication of a voter
6969 information pamphlet.

6970 (9) Beginning January 1, 2012, a local school board may not levy a tax in accordance
6971 with this section.

6972 (10) The terms defined in Section [53F-2-102](#) apply to this section.

6973 Section 176. Section **53F-8-405**, which is renumbered from Section 53A-17a-145 is
6974 renumbered and amended to read:

6975 ~~[53A-17a-145]~~. **53F-8-405. Additional levy by local school board for debt**
6976 **service, school sites, buildings, buses, textbooks, and supplies.**

6977 (1) Except as provided in Subsection (5), a local school board may elect to increase the
6978 school district's tax rate by up to 10% of the cost of the basic program.

6979 (2) The proceeds from the increase may only be used for debt service, the construction
6980 or remodeling of school buildings, or the purchase of school sites, buses, equipment, textbooks,
6981 and supplies.

6982 (3) This section does not prohibit a school district or local school board from
6983 exercising the authority granted by other laws relating to tax rates.

6984 (4) This increase in the tax rate is not included in determining the apportionment of the
6985 State School Fund, and is in addition to other tax rates authorized by law.

6986 (5) Beginning January 1, 2012, a local school board may not:

6987 (a) levy a tax rate in accordance with this section; or

6988 (b) increase its tax rate as described in Subsection (1).

6989 (6) The terms defined in Section [53F-2-102](#) apply to this section.

6990 Section 177. Section **53F-8-406**, which is renumbered from Section 53A-17a-151 is
6991 renumbered and amended to read:

6992 ~~[53A-17a-151]~~. **53F-8-406. Board leeway for reading improvement.**

6993 (1) Except as provided in Subsection (4), a local school board may levy a tax rate of up
6994 to .000121 per dollar of taxable value for funding the school district's K-3 Reading
6995 Improvement Program created under Section ~~[53A-17a-150]~~ [53F-2-503](#).

6996 (2) The levy authorized under this section:

6997 (a) is in addition to any other levy or maximum rate;

6998 (b) does not require voter approval; and

6999 (c) may be modified or terminated by a majority vote of the local school board.

7000 (3) A local school board shall establish a local school board-approved levy under this
7001 section by June 1 to have the levy apply to the fiscal year beginning July 1 in that same
7002 calendar year.

7003 (4) Beginning January 1, 2012, a local school board may not levy a tax in accordance
7004 with this section.

7005 (5) The terms defined in Section 53F-2-102 apply to this section.

7006 Section 178. Section **53F-9-101** is enacted to read:

7007 **CHAPTER 9. FUNDS AND ACCOUNTS**

7008 **Part 1. General Provisions**

7009 **53F-9-101. Title.**

7010 This chapter is known as "Funds and Accounts."

7011 Section 179. Section **53F-9-102** is enacted to read:

7012 **53F-9-102. Definitions.**

7013 Reserved

7014 Section 180. Section **53F-9-201**, which is renumbered from Section 53A-16-101 is
7015 renumbered and amended to read:

7016 **Part 2. Uniform School Fund**

7017 ~~[53A-16-101].~~ **53F-9-201. Uniform School Fund -- Contents -- Trust**

7018 **Distribution Account.**

7019 (1) The Uniform School Fund, a special revenue fund within the Education Fund,
7020 established by Utah Constitution, Article X, Section 5, consists of:

7021 (a) distributions derived from the investment of money in the permanent State School
7022 Fund established by Utah Constitution, Article X, Section 5;

7023 (b) money transferred to the fund pursuant to Title 67, Chapter 4a, Revised Uniform
7024 Unclaimed Property Act; and

7025 (c) all other constitutional or legislative allocations to the fund, including revenues
7026 received by donation.

7027 (2) (a) There is created within the Uniform School Fund a restricted account known as
7028 the Trust Distribution Account.

7029 (b) The Trust Distribution Account consists of the average of:

7030 (i) 4% of the average market value of the permanent State School Fund based on an
7031 annual review each July of the past 12 consecutive quarters; and

7032 (ii) the prior year's distribution from the Trust Distribution Account as described in
7033 Section ~~[53A-16-101.5]~~ 53F-2-404, increased by prior year changes in the percentage of
7034 student enrollment growth and in the consumer price index.

7035 (3) Notwithstanding Subsection (2)(b), the distribution may not exceed 4% of the
7036 average market value of the permanent State School Fund over the past 12 consecutive
7037 quarters.

7038 (4) The School and Institutional Trust Fund Board of Trustees created in Section
7039 53D-1-301 shall:

7040 (a) annually review distribution of the Trust Distribution Account; and

7041 (b) make recommendations, if necessary, to the Legislature for changes to the formula
7042 described in Subsection (2)(b).

7043 (5) (a) Upon appropriation by the Legislature, the director of the School and
7044 Institutional Trust Fund Office created in Section 53D-1-201 shall place in the Trust
7045 Distribution Account funds for:

7046 (i) the administration of the School LAND Trust Program as provided in Section
7047 ~~[53A-16-101.5]~~ 53F-2-404;

7048 (ii) the performance of duties described in Section ~~[53A-16-101.6]~~ 53E-3-514;

7049 (iii) the School and Institutional Trust Fund Office; and

7050 (iv) the School and Institutional Trust Fund Board of Trustees created in Section
7051 53D-1-301.

7052 (b) The Legislature may appropriate any remaining balance for the support of the
7053 public education system.

7054 Section 181. Section **53F-9-202**, which is renumbered from Section 53A-16-103 is
7055 renumbered and amended to read:

7056 ~~[53A-16-103]~~. **53F-9-202. Duty of Division of Finance -- Apportionment of**
7057 **fund by state board -- Certification of apportionments.**

7058 (1) The Division of Finance shall give the state superintendent, upon request, a written
7059 accounting of the current balance in the Uniform School Fund.

7060 (2) The State Board of Education shall apportion the fund among the several school

7061 districts.

7062 (3) The state superintendent shall certify the apportionments to the Division of Finance
7063 and draws warrants on the state treasurer in favor of the school districts.

7064 Section 182. Section **53F-9-203**, which is renumbered from Section 53A-1a-522 is
7065 renumbered and amended to read:

7066 ~~[53A-1a-522]~~. **53F-9-203. Charter School Revolving Account.**

7067 (1) (a) The terms defined in Section [53G-5-102](#) apply to this section.

7068 ~~[(+)]~~ (b) As used in this section, "account" means the Charter School Revolving
7069 Account.

7070 (2) (a) There is created within the Uniform School Fund a restricted account known as
7071 the "Charter School Revolving Account" to provide assistance to charter schools to:

7072 (i) meet school building construction and renovation needs; and

7073 (ii) pay for expenses related to the start up of a new charter school or the expansion of
7074 an existing charter school.

7075 (b) The State Board of Education, in consultation with the State Charter School Board,
7076 shall administer the Charter School Revolving Account in accordance with rules adopted by the
7077 State Board of Education.

7078 (3) The Charter School Revolving Account shall consist of:

7079 (a) money appropriated to the account by the Legislature;

7080 (b) money received from the repayment of loans made from the account; and

7081 (c) interest earned on money in the account.

7082 (4) The state superintendent of public instruction shall make loans to charter schools
7083 from the account to pay for the costs of:

7084 (a) planning expenses;

7085 (b) constructing or renovating charter school buildings;

7086 (c) equipment and supplies; or

7087 (d) other start-up or expansion expenses.

7088 (5) Loans to new charter schools or charter schools with urgent facility needs may be
7089 given priority.

7090 (6) (a) The State Board of Education shall establish a committee to:

7091 (i) review requests by charter schools for loans under this section; and

7092 (ii) make recommendations regarding approval or disapproval of the loan applications
7093 to the State Charter School Board and the State Board of Education.

7094 (b) (i) A committee established under Subsection (6)(a) shall include individuals who
7095 have expertise or experience in finance, real estate, or charter school administration.

7096 (ii) Of the members appointed to a committee established under Subsection (6)(a):

7097 (A) one member shall be nominated by the governor; and

7098 (B) the remaining members shall be selected from a list of nominees submitted by the
7099 State Charter School Board.

7100 (c) If the committee recommends approval of a loan application under Subsection
7101 (6)(a)(ii), the committee's recommendation shall include:

7102 (i) the recommended amount of the loan;

7103 (ii) the payback schedule; and

7104 (iii) the interest rate to be charged.

7105 (d) A committee member may not:

7106 (i) be a relative, as defined in Section [~~53A-1a-518~~] [53G-5-409](#), of a loan applicant; or

7107 (ii) have a pecuniary interest, directly or indirectly, with a loan applicant or any person
7108 or entity that contracts with a loan applicant.

7109 (7) A loan under this section may not be made unless the State Board of Education, in
7110 consultation with the State Charter School Board, approves the loan.

7111 (8) The term of a loan to a charter school under this section may not exceed five years.

7112 (9) The State Board of Education may not approve loans to charter schools under this
7113 section that exceed a total of \$2,000,000 in any fiscal year.

7114 (10) (a) On March 16, 2011, the assets of the Charter School Building Subaccount
7115 administered by the State Board of Education shall be deposited into the Charter School
7116 Revolving Account.

7117 (b) Beginning on March 16, 2011, loan payments for loans made from the Charter
7118 School Building Subaccount shall be deposited into the Charter School Revolving Account.

7119 Section 183. Section **53F-9-204**, which is renumbered from Section 53A-16-112 is
7120 renumbered and amended to read:

7121 ~~[53A-16-112]~~. **53F-9-204. Growth in Student Population Restricted**
7122 **Account.**

7123 (1) There is created within the Uniform School Fund a restricted account known as the
7124 "Growth in Student Population Restricted Account."

7125 (2) The account shall be funded from the following revenue sources:

7126 (a) any voluntary contributions received to help alleviate the anticipated surge in
7127 student growth in public elementary and secondary schools during the early part of the 21st
7128 Century; and

7129 (b) appropriations made to the fund by the Legislature.

7130 (3) The account shall be used to help school districts meet the challenges created by
7131 anticipated significant increases in student growth in the state's public schools.

7132 (4) (a) The account shall earn interest.

7133 (b) All interest earned on account money shall be deposited in the account.

7134 Section 184. Section **53F-9-205**, which is renumbered from Section 53A-16-115 is
7135 renumbered and amended to read:

7136 ~~[53A-16-115].~~ **53F-9-205. Invest More for Education Account.**

7137 (1) There is created within the Uniform School Fund a restricted account known as the
7138 Invest More for Education Account.

7139 (2) The account shall be funded by contributions deposited into the restricted account
7140 in accordance with Section [59-10-1318](#).

7141 (3) The account shall earn interest.

7142 (4) Interest earned on the account shall be deposited into the account.

7143 (5) The Legislature may appropriate money from the account for the support of the
7144 public education system.

7145 Section 185. Section **53F-9-206**, which is renumbered from Section 53A-21-401 is
7146 renumbered and amended to read:

7147 ~~[53A-21-401].~~ **53F-9-206. School Building Revolving Account -- Access to**
7148 **the account.**

7149 (1) (a) There is created within the Uniform School Fund a restricted account known as
7150 the "School Building Revolving Account" to provide short-term help to school districts to meet
7151 district needs for school building construction and renovation.

7152 (b) The state superintendent of public instruction shall administer the School Building
7153 Revolving Account in accordance with Chapter 3, State Funding -- Capital Outlay Programs,

7154 and rules adopted by the State Board of Education.

7155 (2) The State Board of Education may not allocate funds from the School Building
7156 Revolving Account that exceed a school district's bonding limit minus its outstanding bonds.

7157 (3) In order to receive money from the School Building Revolving Account, a school
7158 district shall:

7159 (a) levy a combined capital levy rate of at least .0024;

7160 (b) contract with the state superintendent of public instruction to repay the money, with
7161 interest at a rate established by the state superintendent, within five years of receipt, using
7162 future state capital outlay allocations, local revenues, or both;

7163 (c) levy sufficient ad valorem taxes under Section 11-14-310 to guarantee annual loan
7164 repayments, unless the state superintendent of public instruction alters the payment schedule to
7165 improve a hardship situation; and

7166 (d) meet any other condition established by the State Board of Education pertinent to
7167 the loan.

7168 (4) (a) The state superintendent shall establish a committee, including representatives
7169 from state and local education entities, to:

7170 (i) review requests by school districts for loans under this section; and

7171 (ii) make recommendations regarding approval or disapproval of the loan applications
7172 to the state superintendent.

7173 (b) If the committee recommends approval of a loan application under Subsection
7174 (4)(a)(ii), the committee's recommendation shall include:

7175 (i) the recommended amount of the loan;

7176 (ii) the payback schedule; and

7177 (iii) the interest rate to be charged.

7178 Section 186. Section 53F-9-301, which is renumbered from Section 53A-1a-513.2 is
7179 renumbered and amended to read:

7180 **Part 3. Education Fund**

7181 ~~53A-1a-513.2~~. **53F-9-301. Charter School Levy Account.**

7182 (1) (a) The terms defined in Section 53G-5-102 apply to this section.

7183 ~~(b)~~ (b) As used in this section, "account" means the Charter School Levy Account
7184 created in this section.

7185 (2) There is created within the Education Fund a restricted account known as the
7186 "Charter School Levy Account."

7187 (3) The account shall be funded by amounts deposited into the account in accordance
7188 with Section [~~53A-1a-513.1~~] [53F-2-703](#).

7189 (4) Upon appropriation from the Legislature, the State Board of Education shall
7190 distribute funds from the account as described in Section [~~53A-1a-513.1~~] [53F-2-703](#).

7191 (5) The account shall earn interest.

7192 (6) Interest earned on the account shall be deposited into the account.

7193 (7) Funds in the account are nonlapsing.

7194 Section 187. Section **53F-9-302**, which is renumbered from Section 53A-17a-135.1 is
7195 renumbered and amended to read:

7196 [~~53A-17a-135.1~~]. **53F-9-302. Minimum Basic Growth Account.**

7197 (1) As used in this section, "account" means the Minimum Basic Growth Account
7198 created in this section.

7199 (2) There is created within the Education Fund a restricted account known as the
7200 "Minimum Basic Growth Account."

7201 (3) The account shall be funded by amounts deposited into the account in accordance
7202 with Section [~~53A-17a-135~~] [53F-2-301](#).

7203 (4) The account shall earn interest.

7204 (5) Interest earned on the account shall be deposited into the account.

7205 (6) Upon appropriation by the Legislature:

7206 (a) 75% of the money from the account shall be used to fund the state's contribution to
7207 the voted levy guarantee described in [~~Subsection 53A-17a-133(4)~~] [Section 53F-2-601](#);

7208 (b) 20% of the money from the account shall be used to fund the Capital Outlay
7209 Foundation Program as provided in [~~Title 53A, Chapter 21, Part 2, Capital Outlay Foundation~~
7210 ~~Program~~] [Section 53F-3-203](#); and

7211 (c) 5% of the money from the account shall be used to fund the Capital Outlay
7212 Enrollment Growth Program as provided in [~~Title 53A, Chapter 21, Part 3, Capital Outlay~~
7213 ~~Enrollment Growth Program~~] [Section 53F-3-203](#).

7214 Section 188. Section **53F-9-303**, which is renumbered from Section 53A-20b-301 is
7215 renumbered and amended to read:

7216 ~~[53A-20b-301]~~. **53F-9-303. Charter School Reserve Account.**
7217 (1) The terms defined in Section [53G-5-601](#) apply to this section.
7218 ~~[(1)]~~ (2) There is created within the Education Fund a restricted account known as the
7219 "Charter School Reserve Account."
7220 ~~[(2)]~~ (3) The reserve account consists of:
7221 (a) money credited to the account pursuant to Section ~~[53A-20b-202]~~ [53G-5-607](#);
7222 (b) money appropriated to the account by the Legislature;
7223 (c) all income and interest derived from the deposit and investment of money in the
7224 account;
7225 (d) federal grants; and
7226 (e) private donations.
7227 ~~[(3)]~~ (4) Money in the reserve account may be appropriated by the Legislature to:
7228 (a) restore amounts on deposit in a debt service reserve fund of a qualifying charter
7229 school to the debt service reserve fund requirement;
7230 (b) pay fees and expenses of the authority;
7231 (c) pay the principal of and interest on bonds issued for a qualifying charter school; or
7232 (d) otherwise provide financial assistance to a qualifying charter school.
7233 Section 189. Section **53F-9-304**, which is renumbered from Section 53A-13-114 is
7234 renumbered and amended to read:
7235 ~~[53A-13-114]~~. **53F-9-304. Underage Drinking Prevention Program**
7236 **Restricted Account.**
7237 (1) As used in this section, "account" means the Underage Drinking Prevention
7238 Program Restricted Account created in this section.
7239 (2) There is created within the Education Fund a restricted account known as the
7240 "Underage Drinking Prevention Program Restricted Account."
7241 (3) (a) Before the Department of Alcoholic Beverage Control remits any portion of the
7242 markup collected under Section [32B-2-304](#) to the State Tax Commission, the department shall
7243 deposit into the account:
7244 (i) for the fiscal year that begins July 1, 2017, \$1,750,000; or
7245 (ii) for each fiscal year that begins on or after July 1, 2018, an amount equal to the
7246 amount that the department deposited into the account during the preceding fiscal year

7247 increased or decreased by a percentage equal to the percentage difference between the
7248 Consumer Price Index for the preceding calendar year and the Consumer Price Index for
7249 calendar year 2017.

7250 (b) For purposes of this Subsection (3), the department shall calculate the Consumer
7251 Price Index in accordance with 26 U.S.C. Secs. 1(f)(4) and 1(f)(5).

7252 (4) The account shall be funded:

7253 (a) in accordance with Subsection (3);

7254 (b) by appropriations made to the account by the Legislature; and

7255 (c) by interest earned on money in the account.

7256 (5) The State Board of Education shall use money in the account for the Underage
7257 Drinking Prevention Program described in Section ~~[53A-13-113]~~ [53G-10-406](#).

7258 Section 190. Section **53F-9-401**, which is renumbered from Section 53A-1-304 is
7259 renumbered and amended to read:

7260 **Part 4. General Fund**

7261 ~~[53A-1-304]~~. **53F-9-401. Autism Awareness Restricted Account.**

7262 (1) There is created in the General Fund a restricted account known as the "Autism
7263 Awareness Restricted Account."

7264 (2) The account shall be funded by:

7265 (a) contributions deposited into the account in accordance with Section [41-1a-422](#);

7266 (b) private contributions; and

7267 (c) donations or grants from public or private entities.

7268 (3) Upon appropriation by the Legislature, the superintendent shall distribute funds in
7269 the account to one or more charitable organizations that:

7270 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

7271 (b) promote access to resources and responsible information for individuals of all ages
7272 who have, or are affected by, autism or related conditions;

7273 (c) is an independent organization that has representation from state agencies and
7274 private providers serving individuals with autism spectrum disorder and their families in the
7275 state;

7276 (d) includes representation of:

7277 (i) national and local autism advocacy groups, as available; and

7278 (ii) interested parents and professionals; and
 7279 (e) does not endorse any specific treatment, therapy, or intervention used for autism.
 7280 (4) (a) An organization described in Subsection (3) may apply to the superintendent to
 7281 receive a distribution in accordance with Subsection (3).

7282 (b) An organization that receives a distribution from the superintendent in accordance
 7283 with Subsection (3) shall expend the distribution only to:

7284 (i) pay for autism education and public awareness of programs and related services in
 7285 the state;

7286 (ii) enhance programs designed to serve individuals with autism;

7287 (iii) provide support to caregivers providing services for individuals with autism;

7288 (iv) pay for academic scholarships and research efforts in the area of autism spectrum
 7289 disorder; and

7290 (v) pay the costs of issuing or reordering Autism Awareness Support special group
 7291 license plate decals.

7292 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 7293 State Board of Education may make rules providing procedures for an organization to apply to
 7294 the superintendent to receive a distribution under Subsection (3).

7295 Section 191. Section **53F-9-402**, which is renumbered from Section 53A-1b-104 is
 7296 renumbered and amended to read:

7297 ~~53A-1b-104~~. **53F-9-402. School Readiness Restricted Account -- Creation**
 7298 **-- Funding -- Distribution of funds.**

7299 (1) The terms defined in Section [53F-6-301](#) apply to this section.

7300 ~~(1)~~ (2) There is created in the General Fund a restricted account known as the
 7301 "School Readiness Restricted Account" to fund:

7302 (a) the High Quality School Readiness Grant Program described in Section
 7303 ~~53A-1b-106~~ [53F-6-305](#); and

7304 (b) results-based school readiness contracts for eligible students to participate in:

7305 (i) a high quality preschool program described in:

7306 (A) Section ~~53A-1b-107~~ [53F-6-306](#); or

7307 (B) Section ~~53A-1b-108~~ [53F-6-307](#); or

7308 (ii) an eligible home-based educational technology program described in Section

7309 [~~53A-1b-109~~] [53F-6-308](#).

7310 [~~(2)~~] (3) The restricted account consists of:

7311 (a) money appropriated to the restricted account by the Legislature;

7312 (b) all income and interest derived from the deposit and investment of money in the
7313 account;

7314 (c) federal grants; and

7315 (d) private donations.

7316 [~~(3)~~] (4) Subject to legislative appropriations, money in the restricted account may be
7317 used for the following purposes:

7318 (a) to award grants under the High Quality School Readiness Grant Program described
7319 in Section [~~53A-1b-106~~] [53F-6-305](#);

7320 (b) to contract with an independent evaluator as required in Subsection [~~53A-1b-110~~]
7321 [53F-6-309](#)(3);

7322 (c) in accordance with Section [~~53A-1b-110~~] [53F-6-309](#), to make payments to one or
7323 more private entities that the board has entered into a results-based contract with if the
7324 independent evaluator selected by the board determines that the performance-based results
7325 have been met; and

7326 (d) for administration costs and to monitor the programs described in this part.

7327 Section 192. Section **53F-9-501**, which is renumbered from Section 53A-15-207 is
7328 renumbered and amended to read:

7329 **Part 5. Miscellaneous Revenue**

7330 [~~53A-15-207~~]. **53F-9-501. Hospitality and Tourism Management Education**
7331 **Account -- Uses -- Costs.**

7332 (1) There is created an expendable special revenue fund known as the "Hospitality and
7333 Tourism Management Education Account," which the State Board of Education shall use to
7334 fund the Hospitality and Tourism Management Career and Technical Education Pilot Program
7335 created in Section [~~53A-15-206~~] [53E-3-515](#).

7336 (2) The account consists of:

7337 (a) distributions to the account under Section [59-28-103](#);

7338 (b) interest earned on the account;

7339 (c) appropriations made by the Legislature; and

7340 (d) private donations, grants, gifts, bequests, or money made available from any other
7341 source to implement ~~[this part]~~ Section [53E-3-507](#) or [53E-3-515](#).

7342 (3) The State Board of Education shall administer the account.

7343 (4) The cost of administering the account shall be paid from money in the account.

7344 (5) Interest accrued from investment of money in the account shall remain in the
7345 account.

7346 Section 193. **Repealer.**

7347 This bill repeals:

7348 Section [53A-1-1502](#), **Definitions.**

7349 Section [53A-1-1503](#), **Digital teaching and learning program task force -- Funding
7350 proposal for a program -- Master plan -- Reporting requirements.**

7351 Section [53A-1-1504](#), **Readiness assessments.**

7352 Section [53A-1-1506](#), **Implementation assessment -- Board intervention.**

7353 Section [53A-1-1507](#), **Procurement -- Independent evaluator.**

7354 Section [53A-6-801](#), **Definition.**

7355 Section [53A-6-901](#), **Grants for math teacher training programs.**

7356 Section [53A-15-1201.5](#), **Program name.**

7357 Section [53A-15-2002](#), **Definitions.**

7358 Section [53A-17a-131.17](#), **State contribution for School LAND Trust Program.**

7359 Section [53A-21-201](#), **Capital Outlay Foundation Program -- Creation --**

7360 **Definitions.**

7361 Section [53A-21-301](#), **Capital Outlay Enrollment Growth Program -- Definitions.**

7362 Section 194. **Effective date.**

7363 If approved by two-thirds of all the members elected to each house, this bill takes effect
7364 upon approval by the governor, or the day following the constitutional time limit of Utah
7365 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
7366 the date of veto override.

7367 Section 195. **Revisor instructions.**

7368 The Legislature intends that the Office of Legislative Research and General Counsel, in
7369 preparing the Utah Code database for publication, not enroll this bill if any of the following
7370 bills do not pass:

- 7371 (1) H.B. 10, Public Education Recodification - State System;
7372 (2) S.B. 11, Public Education Recodification - Local System; or
7373 (3) S.B. 12, Public Education Recodification - Cross References and Repeals.
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Legislative Review Note
Office of Legislative Research and General Counsel