

**PUBLIC EDUCATION RECODIFICATION - FUNDING**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Val L. Peterson**

Senate Sponsor: Ann Millner

6	Cosponsors:	Eric K. Hutchings	V. Lowry Snow
7	LaVar Christensen	Bradley G. Last	Raymond P. Ward
8	Kim F. Coleman	Daniel McCay	Mark A. Wheatley
9	Bruce R. Cutler	Carol Spackman Moss	
10	Justin L. Fawson	Michael E. Noel	
11	Francis D. Gibson	Marie H. Poulson	

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

29 This bill provides a special effective date.

30 This bill provides revisor instructions.

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **53F-1-101**, Utah Code Annotated 1953

34 **53F-1-102**, Utah Code Annotated 1953

35 **53F-1-103**, Utah Code Annotated 1953

36 **53F-2-101**, Utah Code Annotated 1953

37 **53F-2-303**, Utah Code Annotated 1953

38 **53F-2-601**, Utah Code Annotated 1953

39 **53F-2-602**, Utah Code Annotated 1953

40 **53F-2-701**, Utah Code Annotated 1953

41 **53F-2-704**, Utah Code Annotated 1953

42 **53F-3-101**, Utah Code Annotated 1953

43 **53F-3-204**, Utah Code Annotated 1953

44 **53F-4-101**, Utah Code Annotated 1953

45 **53F-4-102**, Utah Code Annotated 1953

46 **53F-4-203**, Utah Code Annotated 1953

47 **53F-5-101**, Utah Code Annotated 1953

48 **53F-5-102**, Utah Code Annotated 1953

49 **53F-6-101**, Utah Code Annotated 1953

50 **53F-6-102**, Utah Code Annotated 1953

51 **53F-6-303**, Utah Code Annotated 1953

52 **53F-7-101**, Utah Code Annotated 1953

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

54 **53F-7-301**, Utah Code Annotated 1953

55 **53F-8-101**, Utah Code Annotated 1953

56 **53F-8-102**, Utah Code Annotated 1953

57 **53F-8-403**, Utah Code Annotated 1953

58 **53F-9-101**, Utah Code Annotated 1953

59 **53F-9-102**, Utah Code Annotated 1953

60 RENUMBERS AND AMENDS:

61 **53F-2-102**, (Renumbered from 53A-17a-103, as last amended by Laws of Utah 2017,  
62 Chapter 173)

63 **53F-2-103**, (Renumbered from 53A-17a-102, as renumbered and amended by Laws of  
64 Utah 1991, Chapter 72)

65 **53F-2-201**, (Renumbered from 53A-17a-136, as last amended by Laws of Utah 2011,  
66 Chapter 371)

67 **53F-2-202**, (Renumbered from 53A-17a-144, as last amended by Laws of Utah 2017,  
68 Chapter 173)

69 **53F-2-203**, (Renumbered from 53A-17a-146, as last amended by Laws of Utah 2017,  
70 Chapter 173)

71 **53F-2-204**, (Renumbered from 53A-17a-147, as last amended by Laws of Utah 2003,  
72 Chapter 221)

73 **53F-2-205**, (Renumbered from 53A-17a-105, as last amended by Laws of Utah 2017,  
74 Chapter 173)

75 **53F-2-206**, (Renumbered from 53A-17a-105.5, as last amended by Laws of Utah 2017,  
76 Chapter 173)

77 **53F-2-207**, (Renumbered from 53A-17a-139, as last amended by Laws of Utah 2017,  
78 Chapter 173)

79 **53F-2-301**, (Renumbered from 53A-17a-135, as last amended by Laws of Utah 2017,  
80 Chapters 6 and 173)

81 **53F-2-302**, (Renumbered from 53A-17a-106, as last amended by Laws of Utah 2017,  
82 Chapter 173)

83 **53F-2-304**, (Renumbered from 53A-17a-109, as last amended by Laws of Utah 2017,  
84 Chapters 173 and 316)

85           **53F-2-305**, (Renumbered from 53A-17a-107, as last amended by Laws of Utah 2017,  
86 Chapter 173)  
87           **53F-2-306**, (Renumbered from 53A-17a-108, as last amended by Laws of Utah 2017,  
88 Chapter 173)  
89           **53F-2-307**, (Renumbered from 53A-17a-111, as last amended by Laws of Utah 2017,  
90 Chapter 173)  
91           **53F-2-308**, (Renumbered from 53A-17a-112, as last amended by Laws of Utah 2017,  
92 Chapter 173)  
93           **53F-2-309**, (Renumbered from 53A-17a-112.1, as enacted by Laws of Utah 2016,  
94 Chapter 246)  
95           **53F-2-310**, (Renumbered from 53A-17a-158, as enacted by Laws of Utah 2008,  
96 Chapter 397)  
97           **53F-2-311**, (Renumbered from 53A-17a-113, as last amended by Laws of Utah 2017,  
98 Chapters 173 and 316)  
99           **53F-2-312**, (Renumbered from 53A-17a-124.5, as last amended by Laws of Utah 2017,  
100 Chapter 173)  
101           **53F-2-313**, (Renumbered from 53A-17a-116, as last amended by Laws of Utah 2017,  
102 Chapter 173)  
103           **53F-2-401**, (Renumbered from 53A-17a-119, as last amended by Laws of Utah 2017,  
104 Chapter 173)  
105           **53F-2-402**, (Renumbered from 53A-17a-126, as last amended by Laws of Utah 2017,  
106 Chapter 173)  
107           **53F-2-403**, (Renumbered from 53A-17a-127, as last amended by Laws of Utah 2017,  
108 Chapter 173)  
109           **53F-2-404**, (Renumbered from 53A-16-101.5, as last amended by Laws of Utah 2016,  
110 Chapter 172)  
111           **53F-2-405**, (Renumbered from 53A-17a-153, as last amended by Laws of Utah 2017,  
112 Chapters 173 and 372)

113           **53F-2-406**, (Renumbered from 53A-17a-154, as last amended by Laws of Utah 2010,  
114 Chapter 3)  
115           **53F-2-407**, (Renumbered from 53A-17a-155, as last amended by Laws of Utah 2010,  
116 Chapter 3)  
117           **53F-2-408**, (Renumbered from 53A-17a-165, as last amended by Laws of Utah 2017,  
118 Chapters 173 and 372)  
119           **53F-2-409**, (Renumbered from 53A-15-1707, as enacted by Laws of Utah 2016,  
120 Chapter 200)  
121           **53F-2-410**, (Renumbered from 53A-17a-166, as last amended by Laws of Utah 2017,  
122 Chapters 173, 372, and 378)  
123           **53F-2-411**, (Renumbered from 53A-17a-168, as last amended by Laws of Utah 2017,  
124 Chapter 372)  
125           **53F-2-412**, (Renumbered from 53A-17a-126.5, as enacted by Laws of Utah 2016,  
126 Chapter 214)  
127           **53F-2-413**, (Renumbered from 53A-17a-141, as last amended by Laws of Utah 2017,  
128 Chapter 173)  
129           **53F-2-501**, (Renumbered from 53A-15-102, as last amended by Laws of Utah 2017,  
130 Chapters 359 and 382)  
131           **53F-2-502**, (Renumbered from 53A-15-105, as enacted by Laws of Utah 2008, Chapter  
132 235)  
133           **53F-2-503**, (Renumbered from 53A-17a-150, as last amended by Laws of Utah 2017,  
134 Chapter 173)  
135           **53F-2-504**, (Renumbered from 53A-17a-156, as last amended by Laws of Utah 2017,  
136 Chapters 56 and 316)  
137           **53F-2-505**, (Renumbered from 53A-17a-159, as last amended by Laws of Utah 2017,  
138 Chapter 173)  
139           **53F-2-506**, (Renumbered from 53A-17a-162, as last amended by Laws of Utah 2016,  
140 Chapter 188)

141           **53F-2-507**, (Renumbered from 53A-17a-167, as last amended by Laws of Utah 2017,  
142 Chapter 173)  
143           **53F-2-508**, (Renumbered from 53A-17a-169, as last amended by Laws of Utah 2015,  
144 Chapter 456)  
145           **53F-2-509**, (Renumbered from 53A-17a-170, as enacted by Laws of Utah 2013,  
146 Chapter 381)  
147           **53F-2-510**, (Renumbered from 53A-1-1505, as enacted by Laws of Utah 2016, Chapter  
148 318)  
149           **53F-2-511**, (Renumbered from 53A-17a-174, as enacted by Laws of Utah 2017,  
150 Chapter 202)  
151           **53F-2-512**, (Renumbered from 53A-17a-112.2, as enacted by Laws of Utah 2017,  
152 Chapter 357)  
153           **53F-2-513**, (Renumbered from 53A-17a-173, as enacted by Laws of Utah 2017,  
154 Chapter 325 and last amended by Coordination Clause, Laws of Utah 2017, Chapter  
155 378)  
156           **53F-2-514**, (Renumbered from 53A-1a-601, as last amended by Laws of Utah 2015,  
157 Chapter 258)  
158           **53F-2-515**, (Renumbered from 53A-17a-143, as last amended by Laws of Utah 2017,  
159 Chapter 173)  
160           **53F-2-516**, (Renumbered from 53A-15-104, as last amended by Laws of Utah 2014,  
161 Chapter 63)  
162           **53F-2-517**, (Renumbered from 53A-17a-124, as last amended by Laws of Utah 2017,  
163 Chapter 173)  
164           **53F-2-518**, (Renumbered from 53A-17a-125, as last amended by Laws of Utah 2017,  
165 Chapter 173)  
166           **53F-2-702**, (Renumbered from 53A-1a-513, as last amended by Laws of Utah 2016,  
167 Chapter 229)  
168           **53F-2-703**, (Renumbered from 53A-1a-513.1, as enacted by Laws of Utah 2016,

169 Chapter 229)  
170 **53F-2-705**, (Renumbered from 53A-1a-513.5, as enacted by Laws of Utah 2012,  
171 Chapter 318)  
172 **53F-3-102**, (Renumbered from 53A-21-101.5, as last amended by Laws of Utah 2011,  
173 Chapter 371)  
174 **53F-3-201**, (Renumbered from 53A-21-102, as last amended by Laws of Utah 2008,  
175 Chapter 236)  
176 **53F-3-202**, (Renumbered from 53A-21-202, as last amended by Laws of Utah 2010,  
177 Chapter 185)  
178 **53F-3-203**, (Renumbered from 53A-21-302, as enacted by Laws of Utah 2008, Chapter  
179 236)  
180 **53F-4-201**, (Renumbered from 53A-1-606.7, as last amended by Laws of Utah 2015,  
181 Chapters 372 and 415)  
182 **53F-4-202**, (Renumbered from 53A-1-613, as last amended by Laws of Utah 2017,  
183 Chapter 378)  
184 **53F-4-204**, (Renumbered from 53A-1-415, as enacted by Laws of Utah 2017, Chapter  
185 350 and last amended by Coordination Clause, Laws of Utah 2017, Chapter 350)  
186 **53F-4-205**, (Renumbered from 53A-15-2003, as enacted by Laws of Utah 2017,  
187 Chapter 72)  
188 **53F-4-206**, (Renumbered from 53A-1a-110, as enacted by Laws of Utah 2012, Chapter  
189 412)  
190 **53F-4-301**, (Renumbered from 53A-1a-703, as last amended by Laws of Utah 2015,  
191 Chapter 374)  
192 **53F-4-301.5**, (Renumbered from 53A-1a-702, as enacted by Laws of Utah 2005,  
193 Chapter 35)  
194 **53F-4-302**, (Renumbered from 53A-1a-704, as last amended by Laws of Utah 2017,  
195 Chapter 43)  
196 **53F-4-303**, (Renumbered from 53A-1a-705, as last amended by Laws of Utah 2016,

197 Chapter 44)  
198 **53F-4-304**, (Renumbered from 53A-1a-706, as last amended by Laws of Utah 2015,  
199 Chapter 374)  
200 **53F-4-305**, (Renumbered from 53A-1a-707, as last amended by Laws of Utah 2008,  
201 Chapter 382)  
202 **53F-4-306**, (Renumbered from 53A-1a-708, as last amended by Laws of Utah 2015,  
203 Chapter 374)  
204 **53F-4-307**, (Renumbered from 53A-1a-709, as last amended by Laws of Utah 2015,  
205 Chapter 374)  
206 **53F-4-308**, (Renumbered from 53A-1a-710, as enacted by Laws of Utah 2005, Chapter  
207 35)  
208 **53F-4-401**, (Renumbered from 53A-1a-1001, as last amended by Laws of Utah 2017,  
209 Chapter 468)  
210 **53F-4-402**, (Renumbered from 53A-1a-1002, as last amended by Laws of Utah 2017,  
211 Chapter 468)  
212 **53F-4-403**, (Renumbered from 53A-1a-1003, as last amended by Laws of Utah 2017,  
213 Chapter 468)  
214 **53F-4-404**, (Renumbered from 53A-1a-1004, as last amended by Laws of Utah 2017,  
215 Chapter 468)  
216 **53F-4-405**, (Renumbered from 53A-1a-1005, as enacted by Laws of Utah 2008,  
217 Chapter 397)  
218 **53F-4-406**, (Renumbered from 53A-1a-1006, as enacted by Laws of Utah 2008,  
219 Chapter 397)  
220 **53F-4-407**, (Renumbered from 53A-1a-1007, as enacted by Laws of Utah 2008,  
221 Chapter 397)  
222 **53F-4-501**, (Renumbered from 53A-15-1202, as last amended by Laws of Utah 2012,  
223 Chapter 238)  
224 **53F-4-502**, (Renumbered from 53A-15-1203, as enacted by Laws of Utah 2011,



225 Chapter 419)  
226 **53F-4-503**, (Renumbered from 53A-15-1204, as last amended by Laws of Utah 2017,  
227 Chapter 444)  
228 **53F-4-504**, (Renumbered from 53A-15-1205, as last amended by Laws of Utah 2015,  
229 Chapter 404)  
230 **53F-4-505**, (Renumbered from 53A-15-1206, as last amended by Laws of Utah 2015,  
231 Chapter 415)  
232 **53F-4-506**, (Renumbered from 53A-15-1206.5, as enacted by Laws of Utah 2012,  
233 Chapter 238)  
234 **53F-4-507**, (Renumbered from 53A-15-1207, as last amended by Laws of Utah 2017,  
235 Chapter 472)  
236 **53F-4-508**, (Renumbered from 53A-15-1208, as last amended by Laws of Utah 2017,  
237 Chapter 444)  
238 **53F-4-509**, (Renumbered from 53A-15-1209, as last amended by Laws of Utah 2017,  
239 Chapter 444)  
240 **53F-4-510**, (Renumbered from 53A-15-1210, as enacted by Laws of Utah 2011,  
241 Chapter 419)  
242 **53F-4-511**, (Renumbered from 53A-15-1211, as last amended by Laws of Utah 2012,  
243 Chapter 238)  
244 **53F-4-512**, (Renumbered from 53A-15-1212, as last amended by Laws of Utah 2012,  
245 Chapter 238)  
246 **53F-4-513**, (Renumbered from 53A-15-1212.5, as enacted by Laws of Utah 2012,  
247 Chapter 238)  
248 **53F-4-514**, (Renumbered from 53A-15-1213, as enacted by Laws of Utah 2011,  
249 Chapter 419)  
250 **53F-4-515**, (Renumbered from 53A-15-1214, as enacted by Laws of Utah 2011,  
251 Chapter 419)  
252 **53F-4-516**, (Renumbered from 53A-15-1216, as enacted by Laws of Utah 2012,

253 Chapter 238)  
254 **53F-4-517**, (Renumbered from 53A-15-1217, as enacted by Laws of Utah 2012,  
255 Chapter 238)  
256 **53F-5-201**, (Renumbered from 53A-1-708, as last amended by Laws of Utah 2017,  
257 Chapters 30 and 378)  
258 **53F-5-202**, (Renumbered from 53A-6-114, as enacted by Laws of Utah 2016, Chapter  
259 217)  
260 **53F-5-203**, (Renumbered from 53A-15-106, as enacted by Laws of Utah 2015, Chapter  
261 431)  
262 **53F-5-204**, (Renumbered from 53A-15-1601, as enacted by Laws of Utah 2015,  
263 Chapter 149)  
264 **53F-5-205**, (Renumbered from 53A-6-802, as last amended by Laws of Utah 2010,  
265 Chapter 286)  
266 **53F-5-206**, (Renumbered from 53A-15-1303, as enacted by Laws of Utah 2017,  
267 Chapter 346)  
268 **53F-5-207**, (Renumbered from 53A-17a-171, as last amended by Laws of Utah 2017,  
269 Chapter 173)  
270 **53F-5-208**, (Renumbered from 53A-3-402.11, as last amended by Laws of Utah 2008,  
271 Chapter 382)  
272 **53F-5-301**, (Renumbered from 53A-1b-202, as enacted by Laws of Utah 2016, Chapter  
273 336)  
274 **53F-5-302**, (Renumbered from 53A-1b-203, as enacted by Laws of Utah 2016, Chapter  
275 336)  
276 **53F-5-303**, (Renumbered from 53A-1b-204, as enacted by Laws of Utah 2016, Chapter  
277 336)  
278 **53F-5-304**, (Renumbered from 53A-1b-205, as enacted by Laws of Utah 2016, Chapter  
279 336)  
280 **53F-5-305**, (Renumbered from 53A-1b-206, as enacted by Laws of Utah 2016, Chapter

281 336)  
282 **53F-5-306**, (Renumbered from 53A-1b-207, as enacted by Laws of Utah 2016, Chapter  
283 336)  
284 **53F-5-307**, (Renumbered from 53A-1b-208, as enacted by Laws of Utah 2016, Chapter  
285 336)  
286 **53F-5-401**, (Renumbered from 53A-4-302, as enacted by Laws of Utah 2016, Chapter  
287 331)  
288 **53F-5-402**, (Renumbered from 53A-4-303, as enacted by Laws of Utah 2016, Chapter  
289 331)  
290 **53F-5-403**, (Renumbered from 53A-4-304, as enacted by Laws of Utah 2016, Chapter  
291 331)  
292 **53F-5-404**, (Renumbered from 53A-4-305, as enacted by Laws of Utah 2016, Chapter  
293 331)  
294 **53F-5-405**, (Renumbered from 53A-4-306, as enacted by Laws of Utah 2016, Chapter  
295 331)  
296 **53F-5-406**, (Renumbered from 53A-4-307, as enacted by Laws of Utah 2016, Chapter  
297 331)  
298 **53F-5-501**, (Renumbered from 53A-15-1802, as enacted by Laws of Utah 2016,  
299 Chapter 347)  
300 **53F-5-502**, (Renumbered from 53A-15-1803, as enacted by Laws of Utah 2016,  
301 Chapter 347)  
302 **53F-5-503**, (Renumbered from 53A-15-1804, as enacted by Laws of Utah 2016,  
303 Chapter 347)  
304 **53F-5-504**, (Renumbered from 53A-15-1805, as enacted by Laws of Utah 2016,  
305 Chapter 347)  
306 **53F-5-505**, (Renumbered from 53A-15-1806, as enacted by Laws of Utah 2016,  
307 Chapter 347)  
308 **53F-5-506**, (Renumbered from 53A-15-1807, as enacted by Laws of Utah 2016,

309 Chapter 347)  
310 **53F-5-507**, (Renumbered from 53A-15-1808, as enacted by Laws of Utah 2016,  
311 Chapter 347)  
312 **53F-5-601**, (Renumbered from 53A-31-402, as enacted by Laws of Utah 2016, Chapter  
313 63)  
314 **53F-5-602**, (Renumbered from 53A-31-403, as last amended by Laws of Utah 2017,  
315 Chapter 317)  
316 **53F-5-603**, (Renumbered from 53A-31-404, as enacted by Laws of Utah 2016, Chapter  
317 63)  
318 **53F-5-604**, (Renumbered from 53A-31-405, as last amended by Laws of Utah 2017,  
319 Chapter 317)  
320 **53F-6-201**, (Renumbered from 53A-13-106.5, as enacted by Laws of Utah 2016,  
321 Chapter 169)  
322 **53F-6-202**, (Renumbered from 53A-1-709, as last amended by Laws of Utah 2015,  
323 Chapter 415)  
324 **53F-6-301**, (Renumbered from 53A-1b-102, as enacted by Laws of Utah 2014, Chapter  
325 304)  
326 **53F-6-302**, (Renumbered from 53A-1b-103, as enacted by Laws of Utah 2014, Chapter  
327 304)  
328 **53F-6-304**, (Renumbered from 53A-1b-105, as last amended by Laws of Utah 2016,  
329 Chapter 336)  
330 **53F-6-305**, (Renumbered from 53A-1b-106, as enacted by Laws of Utah 2014, Chapter  
331 304)  
332 **53F-6-306**, (Renumbered from 53A-1b-107, as enacted by Laws of Utah 2014, Chapter  
333 304)  
334 **53F-6-307**, (Renumbered from 53A-1b-108, as enacted by Laws of Utah 2014, Chapter  
335 304)  
336 **53F-6-308**, (Renumbered from 53A-1b-109, as enacted by Laws of Utah 2014, Chapter

337 304)  
338 **53F-6-309**, (Renumbered from 53A-1b-110, as enacted by Laws of Utah 2014, Chapter  
339 304)  
340 **53F-6-310**, (Renumbered from 53A-1b-111, as enacted by Laws of Utah 2014, Chapter  
341 304)  
342 **53F-7-201**, (Renumbered from 53A-13-206, as enacted by Laws of Utah 1988, Chapter  
343 2)  
344 **53F-8-201**, (Renumbered from 53A-16-106, as last amended by Laws of Utah 2016,  
345 Chapters 350 and 367)  
346 **53F-8-202**, (Renumbered from 53A-16-108, as last amended by Laws of Utah 1993,  
347 Chapter 227)  
348 **53F-8-203**, (Renumbered from 53A-16-109, as enacted by Laws of Utah 1988, Chapter  
349 2)  
350 **53F-8-301**, (Renumbered from 53A-17a-133, as last amended by Laws of Utah 2017,  
351 Chapter 173)  
352 **53F-8-302**, (Renumbered from 53A-17a-164, as last amended by Laws of Utah 2016,  
353 Chapters 229, 350, and 367)  
354 **53F-8-303**, (Renumbered from 53A-16-113, as last amended by Laws of Utah 2017,  
355 Chapter 181)  
356 **53F-8-401**, (Renumbered from 53A-16-107, as last amended by Laws of Utah 2014,  
357 Chapter 189)  
358 **53F-8-402**, (Renumbered from 53A-16-110, as last amended by Laws of Utah 2011,  
359 Chapter 371)  
360 **53F-8-404**, (Renumbered from 53A-17a-134, as last amended by Laws of Utah 2017,  
361 Chapter 173)  
362 **53F-8-405**, (Renumbered from 53A-17a-145, as last amended by Laws of Utah 2017,  
363 Chapter 173)  
364 **53F-8-406**, (Renumbered from 53A-17a-151, as last amended by Laws of Utah 2017,

365 Chapter 173)  
366 **53F-9-201**, (Renumbered from 53A-16-101, as last amended by Laws of Utah 2016,  
367 Chapter 172)  
368 **53F-9-202**, (Renumbered from 53A-16-103, as enacted by Laws of Utah 1988, Chapter  
369 2)  
370 **53F-9-203**, (Renumbered from 53A-1a-522, as enacted by Laws of Utah 2011, Chapter  
371 30)  
372 **53F-9-204**, (Renumbered from 53A-16-112, as enacted by Laws of Utah 2001, Chapter  
373 215)  
374 **53F-9-205**, (Renumbered from 53A-16-115, as enacted by Laws of Utah 2016, Chapter  
375 172)  
376 **53F-9-206**, (Renumbered from 53A-21-401, as last amended by Laws of Utah 2011,  
377 Chapters 30 and 303)  
378 **53F-9-301**, (Renumbered from 53A-1a-513.2, as enacted by Laws of Utah 2016,  
379 Chapter 229)  
380 **53F-9-302**, (Renumbered from 53A-17a-135.1, as enacted by Laws of Utah 2015,  
381 Chapter 287)  
382 **53F-9-303**, (Renumbered from 53A-20b-301, as enacted by Laws of Utah 2012,  
383 Chapter 201)  
384 **53F-9-304**, (Renumbered from 53A-13-114, as enacted by Laws of Utah 2017, Chapter  
385 455)  
386 **53F-9-401**, (Renumbered from 53A-1-304, as last amended by Laws of Utah 2011,  
387 Chapter 303)  
388 **53F-9-402**, (Renumbered from 53A-1b-104, as enacted by Laws of Utah 2014, Chapter  
389 304)  
390 **53F-9-501**, (Renumbered from 53A-15-207, as enacted by Laws of Utah 2017, Chapter  
391 166)  
392 REPEALS:

- 393            **53A-1-1502**, as enacted by Laws of Utah 2016, Chapter 318
- 394            **53A-1-1503**, as renumbered and amended by Laws of Utah 2016, Chapter 318
- 395            **53A-1-1504**, as enacted by Laws of Utah 2016, Chapter 318
- 396            **53A-1-1506**, as enacted by Laws of Utah 2016, Chapter 318
- 397            **53A-1-1507**, as enacted by Laws of Utah 2016, Chapter 318
- 398            **53A-6-801**, as enacted by Laws of Utah 2008, Chapter 144
- 399            **53A-6-901**, as last amended by Laws of Utah 2015, Chapter 1
- 400            **53A-15-1201.5**, as enacted by Laws of Utah 2012, Chapter 238
- 401            **53A-15-2002**, as enacted by Laws of Utah 2017, Chapter 72
- 402            **53A-17a-131.17**, as last amended by Laws of Utah 2015, Chapter 276
- 403            **53A-21-201**, as last amended by Laws of Utah 2010, Chapter 185
- 404            **53A-21-301**, as last amended by Laws of Utah 2010, Chapter 185

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

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

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

409    **CHAPTER 1. TITLE PROVISIONS**

410    **Part 1. General Provisions**

411            **53F-1-101. Title.**

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

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

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

415            **53F-1-102. Public education code definitions.**

416            The terms defined in Section **53E-1-102** apply to this title.

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

418            **53F-1-103. Title 53F definitions.**

419            Reserved

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

421 CHAPTER 2. STATE FUNDING -- MINIMUM SCHOOL PROGRAM

422 Part 1. General Provisions

423 53F-2-101. Title.

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

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

427 ~~[53A-17a-103].~~ 53F-2-102. Definitions.

428 As used in this chapter:

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

434 (2) (a) "Certified revenue levy" means a property tax levy that provides an amount of  
435 ad valorem property tax revenue equal to the sum of:

436 (i) the amount of ad valorem property tax revenue to be generated statewide in the  
437 previous year from imposing a minimum basic tax rate, as specified in Section [~~53A-17a-135~~]  
438 53F-2-301; and

439 (ii) the product of:

440 (A) eligible new growth, as defined in Section 59-2-924 and rules of the State Tax  
441 Commission; and

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

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

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

448 (ii) semiconductor manufacturing equipment.



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

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

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

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

457 (3) "Charter school governing board" means the governing board, as defined in Section  
458 [~~53A-1a-501.3~~] 53G-5-102, that governs a charter school.

459 (4) "Local education board" means a local school board or charter school governing  
460 board.

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

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

464 (7) (a) "State-supported minimum school program" or "Minimum School Program"  
465 means public school programs for kindergarten, elementary, and secondary schools as  
466 described in this Subsection (7).

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

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

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

476 (d) (i) A local education board may reallocate up to 32 instructional hours or four

477 school days established under Subsection (7)(c) for teacher preparation time or teacher  
478 professional development.

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

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

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

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

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

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

493 (i) Basic School Program;

494 (ii) Related to Basic Programs;

495 (iii) Voted and Board Levy Programs; or

496 (iv) Minimum School Program.

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

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

502 ~~[53A-17a-102]~~. **53F-2-103. Purpose of chapter.**

503 (1) The purpose of this chapter is to provide a minimum school program for the state in  
504 accordance with the constitutional mandate. It recognizes that all children of the state are

505 entitled to reasonably equal educational opportunities regardless of their place of residence in  
506 the state and of the economic situation of their respective school districts or other agencies.

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

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

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

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

518 ~~[53A-17a-136]~~. **53F-2-201. Cost of operation and maintenance of minimum**  
519 **school program -- Division between state and school districts.**

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

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

525 (b) Each school district may also impose a levy under Section [53F-8-301](#) or [53F-8-302](#)  
526 for the purpose of participating in the respective levy programs provided in Section  
527 ~~[53A-17a-133]~~ [53F-2-601](#) or ~~[53A-17a-164]~~ [53F-2-602](#).

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

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

532 Section 8. Section **53F-2-202**, which is renumbered from Section 53A-17a-144 is

533 renumbered and amended to read:

534 ~~[53A-17a-144]~~. **53F-2-202. Contribution of state to cost of minimum school**  
535 **program -- Determination of amounts -- Levy on taxable property -- Disbursal --**  
536 **Deficiency.**

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

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

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

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

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

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

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

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

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

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

558 (c) If the monthly distributions overdraw the money in the Uniform School Fund, the  
559 Division of Finance is authorized to run this fund in a deficit position.

560 (d) The State Board of Education may interrupt disbursements to a school district or

561 charter school if, in the judgment of the State Board of Education, the school district or charter  
562 school is failing to comply with the minimum school program, is operating programs that are  
563 not approved by the State Board of Education, or has not submitted reports required by law or  
564 the State Board of Education.

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

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

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

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

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

578 (i) budget transfers or other legal means;

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

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

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

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

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

588 ~~[53A-17a-146]~~. **53F-2-203. Reduction of local education board allocation**

589 **based on insufficient revenues.**

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

592 (a) the state-supported voted local levy program pursuant to Section [~~53A-17a-133~~]  
593 [53F-2-601](#);

594 (b) the state-supported board local levy program pursuant to Section [~~53A-17a-164~~]  
595 [53F-2-602](#); and

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

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

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

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

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

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

611 (b) the Teacher Salary Supplement Program provided in Section [~~53A-17a-156~~]  
612 [53F-2-504](#);

613 (c) the extended year for special educators provided in Section [~~53A-17a-158~~]  
614 [53F-2-310](#);

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

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

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

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

620 (7) A local education board that reduces or reallocates funds in accordance with this  
621 section shall report all transfers into, or out of, Minimum School Program programs to the  
622 State Board of Education as part of the school district or charter school's Annual Financial and  
623 Program report.

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

626 ~~[53A-17a-147]~~. **53F-2-204. Use of funds for approved programs --**  
627 **Assessment of funded programs.**

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

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

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

634 ~~[53A-17a-105]~~. **53F-2-205. Powers and duties of State Board of Education to**  
635 **adjust Minimum School Program allocations -- Use of remaining funds at the end of a**  
636 **fiscal year.**

637 (1) For purposes of this section:

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

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

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

643 (i) Basic Program;

644 (ii) Related to Basic Programs;

645 (iii) Voted and Board Levy Programs; or

646 (iv) Minimum School Program.

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

651 (3) If the number of weighted pupil units in a program is overestimated, the board shall  
652 spend excess money appropriated for the following purposes giving priority to the purpose  
653 described in Subsection (3)(a):

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

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

659 (i) local contributions to the voted local levy program or board local levy program are  
660 overestimated; or

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

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

666 (d) to support a school district with a loss in student enrollment as provided in Section  
667 [~~53A-17a-139~~] 53F-2-207.

668 (4) If local contributions from the minimum basic tax rate imposed under Section  
669 [~~53A-17a-135~~] 53F-2-301 are overestimated, the board shall reduce the value of the weighted  
670 pupil unit for all programs within the basic state-supported school program so the total state  
671 contribution to the basic state-supported school program does not exceed the amount of state  
672 funds appropriated.



673 (5) If local contributions from the minimum basic tax rate imposed under Section  
674 ~~[53A-17a-135]~~ [53F-2-301](#) are underestimated, the board shall:

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

679 (b) reduce the state contribution to the basic state-supported school program so the  
680 total cost of the basic state-supported school program does not exceed the total state and local  
681 funds appropriated to the basic state-supported school program plus the local contributions  
682 necessary to support the value of the weighted pupil unit in programs within the basic  
683 state-supported school program in which the number of weighted pupil units is underestimated.

684 (6) Except as provided in Subsection (3) or (5), the board shall reduce the guarantee  
685 per weighted pupil unit provided under the voted local levy program established in Section  
686 ~~[53A-17a-133]~~ [53F-2-601](#) or board local levy program established in Section ~~[53A-17a-164]~~  
687 [53F-2-602](#), if:

688 (a) local contributions to the voted local levy program or board local levy program are  
689 overestimated; or

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

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

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

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

697 ~~[53A-17a-105.5]~~. **53F-2-206. Flexibility in the use of certain related to basic**  
698 **program funds.**

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

700 (a) the Enhancement for At-Risk Students Program created in Section ~~[53A-17a-166]~~

701 [53F-2-410](#);

702 (b) the Enhancement for Accelerated Students Program created in Section

703 [~~53A-17a-165~~] [53F-2-408](#); and

704 (c) the concurrent enrollment program established in Section [~~53A-15-1703~~]

705 [53E-10-302](#).

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

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

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

713 (b) (i) transfer the funds to a qualifying program for which the school district or charter  
714 school received an allocation of funds that is greater than or equal to \$10,000; and

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

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

719 [~~53A-17a-139~~]. **53F-2-207. Loss in student enrollment -- Board action.**

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

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

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

728 [~~53A-17a-135~~]. **53F-2-301. Minimum basic tax rate -- Certified revenue levy.**

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

731 (2) (a) To qualify for receipt of the state contribution toward the basic program and as a  
732 school district's contribution toward the school district's costs of the basic program, each local  
733 school board shall impose a minimum basic tax rate per dollar of taxable value that generates  
734 \$399,041,300 in revenues statewide.

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

736 (c) The State Tax Commission shall certify on or before June 22 the rate that generates  
737 \$399,041,300 in revenues statewide.

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

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

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

743 (b) the basic levy increment rate.

744 (4) (a) If the difference described in Subsection (3) equals or exceeds the cost of the  
745 basic program in a school district, no state contribution shall be made to the basic program.

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

748 (5) The State Board of Education shall:

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

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

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

756 [~~53A-17a-106~~]. **53F-2-302. Determination of weighted pupil units.**

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

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

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

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

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

774 (3) (a) The State Board of Education shall use prior year plus growth to determine  
775 average daily membership in distributing money under the minimum school program where the  
776 distribution is based on kindergarten through grade 12 ADMs or weighted pupil units.

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

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

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

- 785           (a) .55 for kindergarten pupils;  
786           (b) .9 for pupils in grades 1 through 6;  
787           (c) .99 for pupils in grades 7 through 8; and  
788           (d) 1.2 for pupils in grades 9 through 12.

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

790           **53F-2-303. Foreign exchange student weighted pupil units.**

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

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

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

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

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

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

806           (i) the number of foreign exchange students enrolled in public schools in the state on  
807 October 1 of the previous fiscal year; or

808           (ii) 328 foreign exchange students.

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

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

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

819 ~~[53A-17a-109].~~ **53F-2-304. Necessarily existent small schools -- Computing**  
820 **additional weighted pupil units -- Consolidation of small schools.**

821 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

- |     |   |     |
|-----|---|-----|
| 851 | (i) an elementary school                | 160 |
| 852 | (ii) a one or two-year secondary school | 300 |
| 853 | (iii) a three-year secondary school     | 450 |
| 854 | (iv) a four-year secondary school       | 500 |
| 855 | (v) a six-year secondary school         | 600 |

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

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

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

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

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

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

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

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

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

879 ~~[53A-17a-107]~~. **53F-2-305. Professional staff weighted pupil units.**

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

882 (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
884	1	1.00	1.05	1.10	1.15	1.20
885	2	1.05	1.10	1.15	1.20	1.25
886	3	1.10	1.15	1.20	1.25	1.30
887	4	1.15	1.20	1.25	1.30	1.35
888	5	1.20	1.25	1.30	1.35	1.40
889	6	1.25	1.30	1.35	1.40	1.45
890	7	1.30	1.35	1.40	1.45	1.50
891	8	1.35	1.40	1.45	1.50	1.55
892	9			1.50	1.55	1.60
893	10				1.60	1.65



894 11 1.70

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

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

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

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

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

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

912 [~~53A-17a-108~~]. **53F-2-306. Weighted pupil units for small school district**  
913 **administrative costs -- Appropriation for charter school administrative costs.**

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

916 Administrative Costs Schedule

917 School District Enrollment as of October 1	Weighted Pupil Units
918 1 - 500 students	95
919 501 - 1,000 students	80
920 1,001 - 2,000 students	70

921 2,001 - 5,000 students 60

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

925 (b) (i) If money appropriated for charter school administrative costs is insufficient to  
926 provide the amount per student prescribed in Subsection (2)(a), the appropriation shall be  
927 allocated among charter schools in proportion to each charter school's enrollment as a  
928 percentage of the total enrollment in charter schools.

929 (ii) If the State Board of Education makes adjustments to Minimum School Program  
930 allocations under Section [~~53A-17a-105~~] [53F-2-205](#), the allocation provided in Subsection  
931 (2)(b)(i) shall be determined after adjustments are made under Section [~~53A-17a-105~~]  
932 [53F-2-205](#).

933 (c) Charter school governing boards are encouraged to identify and use cost-effective  
934 methods of performing administrative functions, including contracting for administrative  
935 services with the State Charter School Board as provided in Section [~~53A-1a-501.6~~]  
936 [53G-5-202](#).

937 (3) Charter schools are not eligible for funds for administrative costs under Subsection  
938 (1).

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

941 [~~53A-17a-111~~]. **53F-2-307. Weighted pupil units for programs for students**  
942 **with disabilities -- Local school board allocation.**

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

947 (2) Disability program money allocated to school districts or charter schools is  
948 restricted and shall be spent for the education of students with disabilities but may include

949 expenditures for approved programs of services conducted for certified instructional personnel  
950 who have students with disabilities in their classes.

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

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

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

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

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

966 (d) Growth WPUs shall be added to the prior year special education add-on WPUs, and  
967 growth WPUs shall be determined as follows:

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

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

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

977 (iv) Growth ADMs for each school district or each charter school are multiplied by  
978 1.53 weighted pupil units and added to the prior year special education add-on WPU to  
979 determine each school district's or each charter school's total allocation.

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

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

986 ~~[53A-17a-112]~~. **53F-2-308. Preschool special education appropriation --**  
987 **Extended year program appropriation -- Appropriation for special education programs**  
988 **in state institutions -- Appropriations for stipends for special educators.**

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

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

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

999 (3) (a) Money appropriated for self-contained regular special education programs may  
1000 not be used to supplement other school programs.

1001 (b) Money in any of the other restricted line item appropriations may not be reduced  
1002 more than 2% to be used for purposes other than those specified by the appropriation, unless  
1003 otherwise provided by law.

1004 (4) (a) The State Board of Education shall compute preschool funding by a factor of

1005 1.47 times the current December 1 child count of eligible preschool aged three, four, and  
1006 five-year-olds times the WPU value, limited to 8% growth over the prior year December 1  
1007 count.

1008 (b) The State Board of Education shall develop guidelines to implement the funding  
1009 formula for preschool special education, and establish prevalence limits for distribution of the  
1010 money.

1011 (5) Of the money appropriated for Special Education - State Programming, the State  
1012 Board of Education shall distribute the revenue generated from 909 WPUs to school districts,  
1013 charter schools, and the Utah Schools for the Deaf and the Blind for stipends to special  
1014 educators for additional days of work pursuant to the requirements of Section [~~53A-17a-158~~]  
1015 [53F-2-310](#).

1016 Section 22. Section **53F-2-309**, which is renumbered from Section 53A-17a-112.1 is  
1017 renumbered and amended to read:

1018 [~~53A-17a-112.1~~]. **53F-2-309**. **Appropriation for intensive special education**  
1019 **costs.**

1020 (1) As used in this section:

1021 (a) "Board" means the State Board of Education.

1022 (b) "Local education agency" or "LEA" means:

1023 (i) a school district;

1024 (ii) a charter school; or

1025 (iii) the Utah Schools for the Deaf and the Blind.

1026 (2) (a) On or before February 1, 2017, the board shall, in accordance with Title 63G,  
1027 Chapter 3, Utah Administrative Rulemaking Act, make rules establishing a distribution  
1028 formula to allocate money appropriated to the board for Special Education -- Intensive Services  
1029 that allocate to an LEA:

1030 (i) 50% of the appropriation based on the highest cost students with disabilities; and

1031 (ii) 50% of the appropriation based on the highest impact to an LEA due to high cost  
1032 students with disabilities.

1033 (b) Beginning with the 2017-18 school year, the board shall allocate money  
1034 appropriated to the board for Special Education -- Intensive Services in accordance with rules  
1035 described in Subsection (2)(a).

1036 (3) Before initiating the rulemaking process under Subsection (2)(a), the board shall  
1037 present the proposed rule to the Public Education Appropriations Subcommittee or Education  
1038 Interim Committee.

1039 Section 23. Section **53F-2-310**, which is renumbered from Section 53A-17a-158 is  
1040 renumbered and amended to read:

1041 ~~[53A-17a-158].~~ **53F-2-310. Stipends for special educators for additional days**  
1042 **of work.**

1043 (1) As used in this section:

1044 (a) "IEP" means an individualized education program developed pursuant to the  
1045 Individuals with Disabilities Education Improvement Act of 2004, as amended.

1046 (b) "Special education teacher" means a teacher whose primary assignment is the  
1047 instruction of students with disabilities who are eligible for special education services.

1048 (c) "Special educator" means a person employed by a school district, charter school, or  
1049 the Utah Schools for the Deaf and the Blind who holds:

1050 (i) a license issued under [~~Title 53A, Chapter 6, Educator Licensing and Professional~~  
1051 ~~Practices Act~~] Title 53E, Chapter 6, Education Professional Licensure; and

1052 (ii) a position as a:

1053 (A) special education teacher; or

1054 (B) speech-language pathologist.

1055 (2) The Legislature shall annually appropriate money for stipends to special educators  
1056 for additional days of work:

1057 (a) in recognition of the added duties and responsibilities assumed by special educators  
1058 to comply with federal law regulating the education of students with disabilities and the need to  
1059 attract and retain qualified special educators; and

1060 (b) subject to future budget constraints.

1061 (3) (a) The State Board of Education shall distribute money appropriated under this  
1062 section to school districts, charter schools, and the Utah Schools for the Deaf and the Blind for  
1063 stipends for special educators in the amount of \$200 per day for up to 10 additional working  
1064 days.

1065 (b) Money distributed under this section shall include, in addition to the \$200 per day  
1066 stipend, money for the following employer-paid benefits:

- 1067 (i) retirement;
- 1068 (ii) workers' compensation;
- 1069 (iii) Social Security; and
- 1070 (iv) Medicare.

1071 (4) A special educator receiving a stipend shall:

1072 (a) work an additional day beyond the number of days contracted with the special  
1073 educator's school district or school for each daily stipend;

1074 (b) schedule the additional days of work before or after the school year; and

1075 (c) use the additional days of work to perform duties related to the IEP process,  
1076 including:

- 1077 (i) administering student assessments;
- 1078 (ii) conducting IEP meetings;
- 1079 (iii) writing IEPs;
- 1080 (iv) conferring with parents; and
- 1081 (v) maintaining records and preparing reports.

1082 (5) A special educator may:

1083 (a) elect to receive a stipend for one to 10 days of additional work; or

1084 (b) elect to not receive a stipend.

1085 (6) A person who does not hold a full-time position as a special educator is eligible for  
1086 a partial stipend equal to the percentage of a full-time special educator position the person  
1087 assumes.

1088 Section 24. Section **53F-2-311**, which is renumbered from Section 53A-17a-113 is

1089 renumbered and amended to read:

1090 ~~[53A-17a-113]~~. 53F-2-311. **Weighted pupil units for career and technical**  
1091 **education programs -- Funding of approved programs -- Performance measures --**  
1092 **Qualifying criteria.**

1093 (1) (a) Money appropriated to the State Board of Education for approved career and  
1094 technical education programs and the comprehensive guidance program:

1095 (i) shall be allocated to eligible recipients as provided in Subsections (2), (3), and (4);

1096 and

1097 (ii) may not be used to fund programs below grade 9.

1098 (b) Subsection (1)(a)(ii) does not apply to the following programs:

1099 (i) comprehensive guidance;

1100 (ii) Technology-Life-Careers; and

1101 (iii) work-based learning programs.

1102 (2) (a) Weighted pupil units are computed for pupils in approved programs.

1103 (b) (i) The State Board of Education shall fund approved programs based upon hours of  
1104 membership of grades 9 through 12 students.

1105 (ii) Subsection (2)(b)(i) does not apply to the following programs:

1106 (A) comprehensive guidance;

1107 (B) Technology-Life-Careers; and

1108 (C) work-based learning programs.

1109 (c) The State Board of Education shall use an amount not to exceed 20% of the total  
1110 appropriation under this section to fund approved programs based on performance measures  
1111 such as placement and competency attainment defined in standards set by the State Board of  
1112 Education.

1113 (d) Leadership organization funds shall constitute an amount not to exceed 1% of the  
1114 total appropriation under this section, and shall be distributed to each school district or each  
1115 charter school sponsoring career and technical education student leadership organizations  
1116 based on the agency's share of the state's total membership in those organizations.



1117 (e) The State Board of Education shall make the necessary calculations for distribution  
1118 of the appropriation to a school district and charter school and may revise and recommend  
1119 changes necessary for achieving equity and ease of administration.

1120 (3) (a) Twenty weighted pupil units shall be computed for career and technical  
1121 education administrative costs for each school district, except 25 weighted pupil units may be  
1122 computed for each school district that consolidates career and technical education  
1123 administrative services with one or more other school districts.

1124 (b) Between 10 and 25 weighted pupil units shall be computed for each high school  
1125 conducting approved career and technical education programs in a school district according to  
1126 standards established by the State Board of Education.

1127 (c) Forty weighted pupil units shall be computed for each school district that operates  
1128 an approved career and technical education center.

1129 (d) Between five and seven weighted pupil units shall be computed for each summer  
1130 career and technical education agriculture program according to standards established by the  
1131 State Board of Education.

1132 (e) The State Board of Education shall, by rule, establish qualifying criteria for a school  
1133 district or charter school to receive weighted pupil units under this Subsection (3).

1134 (4) (a) Money remaining after the allocations made under Subsections (2) and (3) shall  
1135 be allocated using average daily membership in approved programs for the previous year.

1136 (b) A school district or charter school that has experienced student growth in grades 9  
1137 through 12 for the previous year shall have the growth factor applied to the previous year's  
1138 weighted pupil units when calculating the allocation of money under this Subsection (4).

1139 (5) (a) The State Board of Education shall establish rules for upgrading high school  
1140 career and technical education programs.

1141 (b) The rules shall reflect career and technical training and actual marketable job skills  
1142 in society.

1143 (c) The rules shall include procedures to assist school districts and charter schools to  
1144 convert existing programs that are not preparing students for the job market into programs that

1145 will accomplish that purpose.

1146 (6) Programs that do not meet State Board of Education standards may not be funded  
1147 under this section.

1148 Section 25. Section **53F-2-312**, which is renumbered from Section 53A-17a-124.5 is  
1149 renumbered and amended to read:

1150 ~~[53A-17a-124.5]~~. **53F-2-312. Appropriation for class size reduction.**

1151 (1) Money appropriated to the State Board of Education for class size reduction shall  
1152 be used to reduce the average class size in kindergarten through the eighth grade in the state's  
1153 public schools.

1154 (2) Each school district or charter school shall receive an allocation based upon the  
1155 school district or charter school's prior year average daily membership in kindergarten through  
1156 grade 8 plus growth as determined under Subsection ~~[53A-17a-106]~~ 53F-2-302(3) as compared  
1157 to the total prior year average daily membership in kindergarten through grade 8 plus growth of  
1158 school districts and charter schools that qualify for an allocation pursuant to Subsection (8).

1159 (3) (a) A local education board may use an allocation to reduce class size in any one or  
1160 all of the grades referred to under this section, except as otherwise provided in Subsection  
1161 (3)(b).

1162 (b) (i) Each local education board shall use 50% of an allocation to reduce class size in  
1163 any one or all of grades kindergarten through grade 2, with an emphasis on improving student  
1164 reading skills.

1165 (ii) If a school district's or charter school's average class size is below 18 in grades  
1166 kindergarten through grade 2, a local education board may petition the State Board of  
1167 Education for, and the State Board of Education may grant, a waiver to use an allocation under  
1168 Subsection (3)(b)(i) for class size reduction in the other grades.

1169 (4) Schools may use nontraditional innovative and creative methods to reduce class  
1170 sizes with this appropriation and may use part of an allocation to focus on class size reduction  
1171 for specific groups, such as at risk students, or for specific blocks of time during the school  
1172 day.

1173 (5) (a) A local education board may use up to 20% of an allocation under Subsection  
1174 (1) for capital facilities projects if such projects would help to reduce class size.

1175 (b) If a school district's or charter school's student population increases by 5% or 700  
1176 students from the previous school year, the local education board may use up to 50% of any  
1177 allocation received by the respective school district or charter school under this section for  
1178 classroom construction.

1179 (6) This appropriation is to supplement any other appropriation made for class size  
1180 reduction.

1181 (7) The Legislature shall provide for an annual adjustment in the appropriation  
1182 authorized under this section in proportion to the increase in the number of students in the state  
1183 in kindergarten through grade eight.

1184 (8) (a) For a school district or charter school to qualify for class size reduction money,  
1185 a local education board shall submit:

1186 (i) a plan for the use of the allocation of class size reduction money to the State Board  
1187 of Education; and

1188 (ii) beginning with the 2014-15 school year, a report on the local education board's use  
1189 of class size reduction money in the prior school year.

1190 (b) The plan and report required pursuant to Subsection (8)(a) shall include the  
1191 following information:

1192 (i) (A) the number of teachers employed using class size reduction money;

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

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

1196 (ii) (A) the number of paraprofessionals employed using class size reduction money;

1197 (B) the amount of class size reduction money expended for paraprofessionals; and

1198 (C) if supplemental school district or charter school funds are expended to pay for  
1199 paraprofessionals employed using class size reduction money, the amount of the supplemental  
1200 money; and

1201 (iii) the amount of class size reduction money expended for capital facilities.

1202 (c) In addition to submitting a plan and report on the use of class size reduction money,  
1203 a local education board shall annually submit a report to the State Board of Education that  
1204 includes the following information:

1205 (i) the number of teachers employed using K-3 Reading Improvement Program money  
1206 received pursuant to Sections [~~53A-17a-150~~] 53F-2-503 and [~~53A-17a-151~~] 53F-8-406;

1207 (ii) the amount of K-3 Reading Improvement Program money expended for teachers;

1208 (iii) the number of teachers employed in kindergarten through grade 8 using Title I  
1209 money;

1210 (iv) the amount of Title I money expended for teachers in kindergarten through grade  
1211 8; and

1212 (v) a comparison of actual average class size by grade in grades kindergarten through 8  
1213 in the school district or charter school with what the average class size would be without the  
1214 expenditure of class size reduction, K-3 Reading Improvement Program, and Title I money.

1215 (d) The information required to be reported in Subsections (8)(b)(i)(A) through (C),  
1216 (8)(b)(ii)(A) through (C), and (8)(c) shall be categorized by a teacher's or paraprofessional's  
1217 teaching assignment, such as the grade level, course, or subject taught.

1218 (e) The State Board of Education may make rules specifying procedures and standards  
1219 for the submission of:

1220 (i) a plan and a report on the use of class size reduction money as required by this  
1221 section; and

1222 (ii) a report required under Subsection (8)(c).

1223 (f) Based on the data contained in the class size reduction plans and reports submitted  
1224 by local education boards, and data on average class size, the State Board of Education shall  
1225 annually report to the Public Education Appropriations Subcommittee on the impact of class  
1226 size reduction, K-3 Reading Improvement Program, and Title I money on class size.

1227 Section 26. Section **53F-2-313**, which is renumbered from Section 53A-17a-116 is  
1228 renumbered and amended to read:

1229            ~~[53A-17a-116]~~.            **53F-2-313. Weighted pupil units for career and technical**  
1230 **education set-aside programs.**

1231            (1) Each school district and charter school shall receive a guaranteed minimum  
1232 allocation from the money appropriated to the State Board of Education for a career and  
1233 technical education set-aside program.

1234            (2) The set-aside funds remaining after the initial minimum payment allocation are  
1235 distributed by a request for proposals process to help pay for equipment costs necessary to  
1236 initiate new programs and for high priority programs as determined by labor market  
1237 information.

1238            Section 27. Section **53F-2-401**, which is renumbered from Section 53A-17a-119 is  
1239 renumbered and amended to read:

1240                            **Part 4. Related to Basic Program -- Formula Programs**

1241            ~~[53A-17a-119]~~.            **53F-2-401. Appropriation for adult education programs.**

1242            (1) Money appropriated to the State Board of Education for adult education shall be  
1243 allocated to school districts for adult high school completion and adult basic skills programs.

1244            (2) Each school district shall receive a pro rata share of the appropriation for adult high  
1245 school completion programs based on the number of people in the school district listed in the  
1246 latest official census who are over 18 years of age and who do not have a high school diploma  
1247 and prior year participation or as approved by State Board of Education rule.

1248            (3) On February 1 of each school year, the State Board of Education shall recapture  
1249 money not used for an adult high school completion program for reallocation to school districts  
1250 that have implemented programs based on need and effort as determined by the State Board of  
1251 Education.

1252            (4) To the extent of money available, school districts shall provide program services to  
1253 adults who do not have a diploma and who intend to graduate from high school, with particular  
1254 emphasis on homeless individuals who are seeking literacy and life skills.

1255            (5) Overruns in adult education in any school district may not reduce the value of the  
1256 weighted pupil unit for this program in another school district.

1257 (6) School districts shall spend money on adult basic skills programs according to  
1258 standards established by the State Board of Education.

1259 Section 28. Section **53F-2-402**, which is renumbered from Section 53A-17a-126 is  
1260 renumbered and amended to read:

1261 ~~[53A-17a-126].~~ **53F-2-402. State support of pupil transportation.**

1262 (1) Money appropriated to the State Board of Education for state-supported  
1263 transportation of public school students shall be apportioned and distributed in accordance with  
1264 Section ~~[53A-17a-127]~~ 53F-2-403, except as otherwise provided in this section or Section  
1265 ~~[53A-17a-126.5]~~ 53F-2-412.

1266 (2) (a) The Utah Schools for the Deaf and the Blind shall use an allocation of pupil  
1267 transportation money to pay for transportation of students based on current valid contractual  
1268 arrangements and best transportation options and methods as determined by the schools.

1269 (b) All student transportation costs of the schools shall be paid from the allocation of  
1270 pupil transportation money specified in statute.

1271 (3) (a) A local school board may only claim eligible transportation costs as legally  
1272 reported on the prior year's annual financial report submitted under Section ~~[53A-3-404]~~  
1273 53G-4-404.

1274 (b) The state shall contribute 85% of approved transportation costs, subject to budget  
1275 constraints.

1276 (c) If in a fiscal year the total transportation allowance for all school districts exceeds  
1277 the amount appropriated for that purpose, all allowances shall be reduced pro rata to equal not  
1278 more than the amount appropriated.

1279 Section 29. Section **53F-2-403**, which is renumbered from Section 53A-17a-127 is  
1280 renumbered and amended to read:

1281 ~~[53A-17a-127].~~ **53F-2-403. Eligibility for state-supported transportation --**  
1282 **Approved bus routes.**

1283 (1) A student eligible for state-supported transportation means:

1284 (a) a student enrolled in kindergarten through grade six who lives at least 1-1/2 miles

1285 from school;

1286 (b) a student enrolled in grades seven through 12 who lives at least two miles from  
1287 school; and

1288 (c) a student enrolled in a special program offered by a school district and approved by  
1289 the State Board of Education for trainable, motor, multiple-disability, or other students with  
1290 severe disabilities who are incapable of walking to school or where it is unsafe for students to  
1291 walk because of their disabling condition, without reference to distance from school.

1292 (2) If a school district implements double sessions as an alternative to new building  
1293 construction, with the approval of the State Board of Education, those affected elementary  
1294 school students residing less than 1-1/2 miles from school may be transported one way to or  
1295 from school because of safety factors relating to darkness or other hazardous conditions as  
1296 determined by the local school board.

1297 (3) (a) The State Board of Education shall distribute transportation money to school  
1298 districts based on:

1299 (i) an allowance per mile for approved bus routes;

1300 (ii) an allowance per hour for approved bus routes; and

1301 (iii) a minimum allocation for each school district eligible for transportation funding.

1302 (b) The State Board of Education shall distribute appropriated transportation funds  
1303 based on the prior year's eligible transportation costs as legally reported under Subsection  
1304 ~~[53A-17a-126]~~ [53F-2-402\(3\)](#).

1305 (c) The State Board of Education shall annually review the allowance per mile and the  
1306 allowance per hour and adjust the allowances to reflect current economic conditions.

1307 (4) (a) Approved bus routes for funding purposes shall be determined on fall data  
1308 collected by October 1.

1309 (b) Approved route funding shall be determined on the basis of the most efficient and  
1310 economic routes.

1311 (5) A Transportation Advisory Committee with representation from school district  
1312 superintendents, business officials, school district transportation supervisors, and State Board

1313 of Education employees shall serve as a review committee for addressing school transportation  
1314 needs, including recommended approved bus routes.

1315 (6) ~~[(a) Except as provided in Subsection (6)(e), a]~~ A local school board may provide  
1316 for the transportation of students regardless of the distance from school, from~~[(i)]~~ general  
1317 funds of the school district~~[, and]~~.

1318 ~~[(ii) a tax rate not to exceed .0003 per dollar of taxable value levied by the local school~~  
1319 ~~board.]~~

1320 ~~[(b) A local school board may use revenue from the tax described in Subsection~~  
1321 ~~(6)(a)(ii) to pay for transporting students and for the replacement of school buses.]~~

1322 ~~[(c) (i) If a local school board levies a tax under Subsection (6)(a)(ii) of at least .0002,~~  
1323 ~~the state may contribute an amount not to exceed 85% of the state average cost per mile,~~  
1324 ~~contingent upon the Legislature appropriating funds for a state contribution.]~~

1325 ~~[(ii) The State Board of Education's employees shall distribute the state contribution~~  
1326 ~~according to rules enacted by the State Board of Education.]~~

1327 ~~[(d) (i) The amount of state guarantee money that a school district would otherwise be~~  
1328 ~~entitled to receive under Subsection (6)(c) may not be reduced for the sole reason that the~~  
1329 ~~school district's levy is reduced as a consequence of changes in the certified tax rate under~~  
1330 ~~Section [59-2-924](#) due to changes in property valuation.]~~

1331 ~~[(ii) Subsection (6)(d)(i) applies for a period of two years following the change in the~~  
1332 ~~certified tax rate.]~~

1333 ~~[(e) Beginning January 1, 2012, a local school board may not impose a tax in~~  
1334 ~~accordance with this Subsection (6).]~~

1335 (7) (a) (i) If a local school board expends an amount of revenue equal to at least .0002  
1336 per dollar of taxable value of the school district's board local levy imposed under Section  
1337 [\[53A-17a-164](#) for the uses described in Subsection (6)(b)] [53F-8-302](#) to pay for transporting  
1338 students and for the replacement of school buses, the state may contribute an amount not to  
1339 exceed 85% of the state average cost per mile, contingent upon the Legislature appropriating  
1340 funds for a state contribution.



1341 (ii) The State Board of Education's employees shall distribute the state contribution  
1342 according to rules enacted by the State Board of Education.

1343 (b) (i) The amount of state guarantee money that a school district would otherwise be  
1344 entitled to receive under Subsection (7)(a) may not be reduced for the sole reason that the  
1345 school district's levy is reduced as a consequence of changes in the certified tax rate under  
1346 Section [59-2-924](#) due to changes in property valuation.

1347 (ii) Subsection (7)(b)(i) applies for a period of two years following the change in the  
1348 certified tax rate.

1349 Section 30. Section **53F-2-404**, which is renumbered from Section 53A-16-101.5 is  
1350 renumbered and amended to read:

1351 ~~**[53A-16-101.5].**~~ **53F-2-404. School LAND Trust Program -- Purpose --**  
1352 **Distribution of funds -- School plans for use of funds.**

1353 (1) As used in this section:

1354 (a) "Charter agreement" means an agreement made in accordance with Section  
1355 ~~[53A-1a-508]~~ [53G-5-303](#) that authorizes the operation of a charter school.

1356 (b) "Charter school authorizer" means the same as that term is defined in Section  
1357 ~~[53A-1a-501.3]~~ [53G-5-102](#).

1358 (c) "Charter trust land council" means a council established by a charter school  
1359 governing board under this section.

1360 (d) "Council" means a school community council or a charter trust land council.

1361 (e) "District school" means a public school under the control of a local school board  
1362 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School  
1363 Boards.

1364 (f) "School community council" means a council established at a district school in  
1365 accordance with Section ~~[53A-1a-108]~~ [53G-7-1202](#).

1366 (2) There is established the School LAND (Learning And Nurturing Development)  
1367 Trust Program to:

1368 (a) provide financial resources to public schools to enhance or improve student

1369 academic achievement and implement a component of a district school's school improvement  
1370 plan or a charter school's charter agreement; and

1371 (b) involve parents and guardians of a school's students in decision making regarding  
1372 the expenditure of School LAND Trust Program money allocated to the school.

1373 (3) (a) The program shall be funded each fiscal year:

1374 (i) from the Trust Distribution Account created in Section [~~53A-16-101~~] [53F-9-201](#);

1375 and

1376 (ii) in the amount of the sum of the following:

1377 (A) the distributions from the investment of money in the permanent State School Fund  
1378 deposited to the Trust Distribution Account on or about July 15 each year; and

1379 (B) interest accrued on the Trust Distribution Account in the immediately preceding  
1380 fiscal year.

1381 (b) The program shall be funded as provided in Subsection (3)(a) up to an amount  
1382 equal to 3% of the funds provided for the Minimum School Program, pursuant to [~~Title 53A,~~  
1383 ~~Chapter 17a, Minimum School Program Act~~] this chapter, each fiscal year.

1384 (c) (i) The Legislature shall annually allocate, through an appropriation to the State  
1385 Board of Education, a portion of the Trust Distribution Account created in Section  
1386 [~~53A-16-101~~] [53F-9-201](#) to be used for:

1387 (A) the administration of the School LAND Trust Program; and

1388 (B) the performance of duties described in Section [~~53A-16-101.6~~] [53E-3-514](#).

1389 (ii) Any unused balance remaining from an amount appropriated under Subsection  
1390 (3)(c)(i) shall be deposited in the Trust Distribution Account for distribution to schools in the  
1391 School LAND Trust Program.

1392 (4) (a) The State Board of Education shall allocate the money referred to in Subsection  
1393 (3) annually as follows:

1394 (i) the Utah Schools for the Deaf and the Blind shall receive funding equal to the  
1395 product of:

1396 (A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the

1397 Blind divided by enrollment on October 1 in the prior year in public schools statewide; and  
1398 (B) the total amount available for distribution under Subsection (3);  
1399 (ii) charter schools shall receive funding equal to the product of:  
1400 (A) charter school enrollment on October 1 in the prior year, divided by enrollment on  
1401 October 1 in the prior year in public schools statewide; and  
1402 (B) the total amount available for distribution under Subsection (3); and  
1403 (iii) of the funds available for distribution under Subsection (3) after the allocation of  
1404 funds for the Utah Schools for the Deaf and the Blind and charter schools:  
1405 (A) school districts shall receive 10% of the funds on an equal basis; and  
1406 (B) the remaining 90% of the funds shall be distributed to school districts on a per  
1407 student basis.  
1408 (b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1409 the State Board of Education shall make rules specifying a formula to distribute the amount  
1410 allocated under Subsection (4)(a)(ii) to charter schools.  
1411 (ii) In making rules under Subsection (4)(b)(i), the State Board of Education shall:  
1412 (A) consult with the State Charter School Board; and  
1413 (B) ensure that the rules include a provision that allows a charter school in the charter  
1414 school's first year of operations to receive funding based on projected enrollment, to be  
1415 adjusted in future years based on actual enrollment.  
1416 (c) A school district shall distribute its allocation under Subsection (4)(a)(iii) to each  
1417 school within the school district on an equal per student basis.  
1418 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1419 State Board of Education may make rules regarding the time and manner in which the student  
1420 count shall be made for allocation of the money under Subsection (4)(a)(iii).  
1421 (5) To receive its allocation under Subsection (4):  
1422 (a) a district school shall have established a school community council in accordance  
1423 with Section [~~53A-1a-108~~] [53G-7-1202](#);  
1424 (b) a charter school shall have established a charter trust land council in accordance

1425 with Subsection (9); and

1426 (c) the school's principal shall provide a signed, written assurance that the school is in  
1427 compliance with Subsection (5)(a) or (b).

1428 (6) (a) A council shall create a program to use its allocation under Subsection (4) to  
1429 implement a component of the school's improvement plan or charter agreement, including:

1430 (i) the school's identified most critical academic needs;

1431 (ii) a recommended course of action to meet the identified academic needs;

1432 (iii) a specific listing of any programs, practices, materials, or equipment which the  
1433 school will need to implement a component of its school improvement plan to have a direct  
1434 impact on the instruction of students and result in measurable increased student performance;  
1435 and

1436 (iv) how the school intends to spend its allocation of funds under this section to  
1437 enhance or improve academic excellence at the school.

1438 (b) (i) A council shall create and vote to adopt a plan for the use of School LAND  
1439 Trust Program money in a meeting of the council at which a quorum is present.

1440 (ii) If a majority of the quorum votes to adopt a plan for the use of School LAND Trust  
1441 Program money, the plan is adopted.

1442 (c) A council shall:

1443 (i) post a plan for the use of School LAND Trust Program money that is adopted in  
1444 accordance with Subsection (6)(b) on the School LAND Trust Program website; and

1445 (ii) include with the plan a report noting the number of council members who voted for  
1446 or against the approval of the plan and the number of council members who were absent for the  
1447 vote.

1448 (d) (i) The local school board of a district school shall approve or disapprove a plan for  
1449 the use of School LAND Trust Program money.

1450 (ii) If a local school board disapproves a plan for the use of School LAND Trust  
1451 Program money:

1452 (A) the local school board shall provide a written explanation of why the plan was

1453 disapproved and request the school community council who submitted the plan to revise the  
1454 plan; and

1455 (B) the school community council shall submit a revised plan in response to a local  
1456 school board's request under Subsection (6)(d)(ii)(A).

1457 (iii) Once a plan has been approved by a local school board, a school community  
1458 council may amend the plan, subject to a majority vote of the school community council and  
1459 local school board approval.

1460 (e) A charter trust land council's plan for the use of School LAND Trust Program  
1461 money is subject to approval by the:

1462 (i) charter school governing board; and

1463 (ii) charter school's charter school authorizer.

1464 (7) (a) A district school or charter school shall:

1465 (i) implement the program as approved;

1466 (ii) provide ongoing support for the council's program; and

1467 (iii) meet State Board of Education reporting requirements regarding financial and  
1468 performance accountability of the program.

1469 (b) (i) A district school or charter school shall prepare and post an annual report of the  
1470 program on the School LAND Trust Program website each fall.

1471 (ii) The report shall detail the use of program funds received by the school under this  
1472 section and an assessment of the results obtained from the use of the funds.

1473 (iii) A summary of the report shall be provided to parents or guardians of students  
1474 attending the school.

1475 (8) On or before October 1 of each year, a school district shall record the amount of the  
1476 program funds distributed to each school under Subsection (4)(c) on the School LAND Trust  
1477 Program website to assist schools in developing the annual report described in Subsection  
1478 (7)(b).

1479 (9) (a) The governing board of a charter school shall establish a council, which shall  
1480 prepare a plan for the use of School LAND Trust Program money that includes the elements

1481 listed in Subsection (6).

1482 (b) (i) The membership of the council shall include parents or guardians of students  
1483 enrolled at the school and may include other members.

1484 (ii) The number of council members who are parents or guardians of students enrolled  
1485 at the school shall exceed all other members combined by at least two.

1486 (c) A charter school governing board may serve as the council that prepares a plan for  
1487 the use of School LAND Trust Program money if the membership of the charter school  
1488 governing board meets the requirements of Subsection (9)(b)(ii).

1489 (d) (i) Except as provided in Subsection (9)(d)(ii), council members who are parents or  
1490 guardians of students enrolled at the school shall be elected in accordance with procedures  
1491 established by the charter school governing board.

1492 (ii) Subsection (9)(d)(i) does not apply to a charter school governing board that serves  
1493 as the council that prepares a plan for the use of School LAND Trust Program money.

1494 (e) A parent or guardian of a student enrolled at the school shall serve as chair or  
1495 cochair of a council that prepares a plan for the use of School LAND Trust Program money.

1496 (10) The president or chair of a local school board or charter school governing board  
1497 shall ensure that the members of the local school board or charter school governing board are  
1498 provided with annual training on the requirements of this section.

1499 (11) If the amount of money prescribed for funding the School LAND Trust Program  
1500 under this section is less than or greater than the money appropriated for the School LAND  
1501 Trust Program, the appropriation shall be equal to the amount of money prescribed for funding  
1502 the School LAND Trust Program in this section, up to a maximum of an amount equal to 3%  
1503 of the funds provided for the Minimum School Program.

1504 (12) The State Board of Education shall distribute the money appropriated in  
1505 Subsection (11) in accordance with this section and rules established by the board in  
1506 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1507 Section 31. Section **53F-2-405**, which is renumbered from Section 53A-17a-153 is  
1508 renumbered and amended to read:

1509            ~~[53A-17a-153].~~        **53F-2-405. Educator salary adjustments.**

1510            (1) As used in this section, "educator" means a person employed by a school district,

1511 charter school, or the Utah Schools for the Deaf and the Blind who holds:

1512            (a) a license issued under [~~Title 53A, Chapter 6, Educator Licensing and Professional~~

1513 ~~Practices Act~~] Title 53E, Chapter 6, Education Professional Licensure; and

1514            (b) a position as a:

1515            (i) classroom teacher;

1516            (ii) speech pathologist;

1517            (iii) librarian or media specialist;

1518            (iv) preschool teacher;

1519            (v) mentor teacher;

1520            (vi) teacher specialist or teacher leader;

1521            (vii) guidance counselor;

1522            (viii) audiologist;

1523            (ix) psychologist; or

1524            (x) social worker.

1525            (2) In recognition of the need to attract and retain highly skilled and dedicated

1526 educators, the Legislature shall annually appropriate money for educator salary adjustments,

1527 subject to future budget constraints.

1528            (3) Money appropriated to the State Board of Education for educator salary

1529 adjustments shall be distributed to school districts, charter schools, and the Utah Schools for

1530 the Deaf and the Blind in proportion to the number of full-time-equivalent educator positions

1531 in a school district, a charter school, or the Utah Schools for the Deaf and the Blind as

1532 compared to the total number of full-time-equivalent educator positions in school districts,

1533 charter schools, and the Utah Schools for the Deaf and the Blind.

1534            (4) A school district, a charter school, or the Utah Schools for the Deaf and the Blind

1535 shall award bonuses to educators as follows:

1536            (a) the amount of the salary adjustment shall be the same for each full-time-equivalent

1537 educator position in the school district, charter school, or the Utah Schools for the Deaf and the  
1538 Blind;

1539 (b) an individual who is not a full-time educator shall receive a partial salary adjustment  
1540 based on the number of hours the individual works as an educator; and

1541 (c) a salary adjustment may be awarded only to an educator who has received a  
1542 satisfactory rating or above on the educator's most recent evaluation.

1543 (5) The State Board of Education may make rules as necessary to administer this  
1544 section, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1545 (6) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient  
1546 money each year to:

1547 (i) maintain educator salary adjustments provided in prior years; and

1548 (ii) provide educator salary adjustments to new employees.

1549 (b) Money appropriated for educator salary adjustments shall include money for the  
1550 following employer-paid benefits:

1551 (i) retirement;

1552 (ii) worker's compensation;

1553 (iii) social security; and

1554 (iv) Medicare.

1555 (7) (a) Subject to future budget constraints, the Legislature shall:

1556 (i) maintain the salary adjustments provided to school administrators in the 2007-08  
1557 school year; and

1558 (ii) provide salary adjustments for new school administrators in the same amount as  
1559 provided for existing school administrators.

1560 (b) The appropriation provided for educator salary adjustments shall include salary  
1561 adjustments for school administrators as specified in Subsection (7)(a).

1562 (c) In distributing and awarding salary adjustments for school administrators, the State  
1563 Board of Education, a school district, a charter school, or the Utah Schools for the Deaf and the  
1564 Blind shall comply with the requirements for the distribution and award of educator salary



1565 adjustments as provided in Subsections (3) and (4).

1566 Section 32. Section **53F-2-406**, which is renumbered from Section 53A-17a-154 is  
1567 renumbered and amended to read:

1568 ~~[53A-17a-154]~~. **53F-2-406. Appropriation for school nurses.**

1569 The State Board of Education shall distribute money appropriated for school nurses to  
1570 award grants to school districts and charter schools that:

- 1571 (1) provide an equal amount of matching funds; and
- 1572 (2) do not supplant other money used for school nurses.

1573 Section 33. Section **53F-2-407**, which is renumbered from Section 53A-17a-155 is  
1574 renumbered and amended to read:

1575 ~~[53A-17a-155]~~. **53F-2-407. Appropriation for library books and electronic**  
1576 **resources.**

1577 (1) The State Board of Education shall distribute money appropriated for library books  
1578 and electronic resources as follows:

- 1579 (a) 25% shall be divided equally among all public schools; and
- 1580 (b) 75% shall be divided among public schools based on each school's average daily  
1581 membership as compared to the total average daily membership.

1582 (2) A school district or charter school may not use money distributed under Subsection  
1583 (1) to supplant other money used to purchase library books or electronic resources.

1584 Section 34. Section **53F-2-408**, which is renumbered from Section 53A-17a-165 is  
1585 renumbered and amended to read:

1586 ~~[53A-17a-165]~~. **53F-2-408. Enhancement for Accelerated Students Program.**

1587 (1) As used in this section, "eligible low-income student" means a student who:

- 1588 (a) takes an Advanced Placement test;
- 1589 (b) has applied for an Advanced Placement test fee reduction; and
- 1590 (c) qualifies for a free lunch or a lunch provided at reduced cost.

1591 (2) The State Board of Education shall distribute money appropriated for the  
1592 Enhancement for Accelerated Students Program to school districts and charter schools

1593 according to a formula adopted by the State Board of Education, after consultation with local  
1594 education boards.

1595 (3) A distribution formula adopted under Subsection (2) may include an allocation of  
1596 money for:

1597 (a) Advanced Placement courses;

1598 (b) Advanced Placement test fees of eligible low-income students;

1599 (c) gifted and talented programs, including professional development for teachers of  
1600 high ability students; and

1601 (d) International Baccalaureate programs.

1602 (4) The greater of 1.5% or \$100,000 of the appropriation for the Enhancement for  
1603 Accelerated Students Program may be allowed for International Baccalaureate programs.

1604 (5) A school district or charter school shall use money distributed under this section to  
1605 enhance the academic growth of students whose academic achievement is accelerated.

1606 (6) The State Board of Education shall develop performance criteria to measure the  
1607 effectiveness of the Enhancement for Accelerated Students Program.

1608 (7) If a school district or charter school receives an allocation of less than \$10,000  
1609 under this section, the school district or charter school may use the allocation as described in  
1610 Section [53F-2-206](#).

1611 Section 35. Section **53F-2-409**, which is renumbered from Section 53A-15-1707 is  
1612 renumbered and amended to read:

1613 ~~[53A-15-1707]~~. **53F-2-409. Concurrent enrollment funding.**

1614 (1) The terms defined in Section [53F-10-301](#) apply to this section.

1615 ~~[(1)]~~ (2) The State Board of Education shall allocate money appropriated for  
1616 concurrent enrollment in accordance with this section.

1617 ~~[(2)]~~ (3) (a) The State Board of Education shall allocate money appropriated for  
1618 concurrent enrollment in proportion to the number of credit hours earned for courses taken  
1619 where:

1620 (i) an LEA primarily bears the cost of instruction; and

1621 (ii) an institution of higher education primarily bears the cost of instruction.

1622 (b) From the money allocated under Subsection [~~(2)~~] (3)(a)(i), the State Board of

1623 Education shall distribute:

1624 (i) 60% of the money to LEAs; and

1625 (ii) 40% of the money to the State Board of Regents.

1626 (c) From the money allocated under Subsection [~~(2)~~] (3)(a)(ii), the State Board of

1627 Education shall distribute:

1628 (i) 40% of the money to LEAs; and

1629 (ii) 60% of the money to the State Board of Regents.

1630 (d) The State Board of Education shall make rules, in accordance with Title 63G,

1631 Chapter 3, Utah Administrative Rulemaking Act, providing for the distribution of the money to

1632 LEAs under Subsections [~~(2)~~] (3)(b)(i) and [~~(2)~~] (3)(c)(i).

1633 (e) The State Board of Regents shall make rules, in accordance with Title 63G, Chapter

1634 3, Utah Administrative Rulemaking Act, providing for the distribution of the money allocated

1635 to institutions of higher education under Subsections [~~(2)~~] (3)(b)(ii) and [~~(2)~~] (3)(c)(ii).

1636 [~~(3)~~] (4) Subject to budget constraints, the Legislature shall annually increase the

1637 money appropriated for concurrent enrollment in proportion to the percentage increase over the

1638 previous school year in:

1639 (a) kindergarten through grade 12 student enrollment; and

1640 (b) the value of the weighted pupil unit.

1641 (5) If an LEA receives an allocation of less than \$10,000 under this section, the LEA

1642 may use the allocation as described in Section [53F-2-206](#).

1643 Section 36. Section **53F-2-410**, which is renumbered from Section 53A-17a-166 is

1644 renumbered and amended to read:

1645 ~~[53A-17a-166].~~ **53F-2-410. Enhancement for At-Risk Students Program.**

1646 (1) (a) Subject to the requirements of Subsection (1)(b), the State Board of Education

1647 shall distribute money appropriated for the Enhancement for At-Risk Students Program to

1648 school districts and charter schools according to a formula adopted by the State Board of

1649 Education, after consultation with local education boards.

1650 (b) (i) The State Board of Education shall appropriate \$1,200,000 from the  
1651 appropriation for Enhancement for At-Risk Students for a gang prevention and intervention  
1652 program designed to help students at-risk for gang involvement stay in school.

1653 (ii) Money for the gang prevention and intervention program shall be distributed to  
1654 school districts and charter schools through a request for proposals process.

1655 (2) In establishing a distribution formula under Subsection (1)(a), the State Board of  
1656 Education shall use the following criteria:

1657 (a) low performance on statewide assessments described in Section [~~53A-1-602~~]  
1658 [53E-4-301](#);

1659 (b) poverty;

1660 (c) mobility; and

1661 (d) limited English proficiency.

1662 (3) A local education board shall use money distributed under this section to improve  
1663 the academic achievement of students who are at risk of academic failure.

1664 (4) The State Board of Education shall develop performance criteria to measure the  
1665 effectiveness of the Enhancement for At-Risk Students Program.

1666 (5) If a school district or charter school receives an allocation of less than \$10,000  
1667 under this section, the school district or charter school may use the allocation as described in  
1668 Section [53F-2-206](#).

1669 Section 37. Section **53F-2-411**, which is renumbered from Section 53A-17a-168 is  
1670 renumbered and amended to read:

1671 [~~53A-17a-168~~]. **53F-2-411. Appropriation for Title I Schools in**  
1672 **Improvement Paraeducators Program.**

1673 (1) As used in this section:

1674 (a) "Eligible school" means a Title I school that has not achieved adequate yearly  
1675 progress, as defined in the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq. in  
1676 the same subject area for two consecutive years.

- 1677 (b) "Paraeducator" means a school employee who:  
1678 (i) delivers instruction under the direct supervision of a teacher; and  
1679 (ii) meets the requirements under Subsection (3).  
1680 (c) "Program" means the Title I Schools in Improvement Paraeducators Program  
1681 created in this section.
- 1682 (2) The program is created to provide funding for eligible schools to hire paraeducators  
1683 to provide additional instructional aid in the classroom to assist students in achieving academic  
1684 success and assist the school in exiting Title I school improvement status.
- 1685 (3) A paraeducator who is funded under this section shall have:  
1686 (a) earned a secondary school diploma or a recognized equivalent;  
1687 (b) (i) completed at least two years with a minimum of 48 semester hours at an  
1688 accredited higher education institution;  
1689 (ii) obtained an associates or higher degree from an accredited higher education  
1690 institution; or  
1691 (iii) satisfied a rigorous state or local assessment about the individual's knowledge of,  
1692 and ability to assist in instructing students in, reading, writing, and mathematics; and  
1693 (c) received large group-, small group-, and individual-level professional development  
1694 that is intensive and focused and covers curriculum, instruction, assessment, classroom and  
1695 behavior management, and teaming.
- 1696 (4) The State Board of Education shall distribute money appropriated for the program  
1697 to eligible schools, in accordance with rules adopted by the board.
- 1698 (5) Funds appropriated under the program may not be used to supplant other money  
1699 used for paraeducators at eligible schools.
- 1700 Section 38. Section **53F-2-412**, which is renumbered from Section 53A-17a-126.5 is  
1701 renumbered and amended to read:
- 1702 ~~[53A-17a-126.5].~~ **53F-2-412. Grants for unsafe routes.**
- 1703 (1) As used in this section:  
1704 (a) "Board" means the State Board of Education.

1705 (b) "Transportation Advisory Committee" means the review committee for addressing  
1706 school transportation needs described in Subsection [~~53A-17a-127~~] 53F-2-403(5).

1707 (c) "Unsafe route" means a route between a student's residence and school that is:

1708 (i) shorter than a distance described in:

1709 (A) Subsection [~~53A-17a-127~~] 53F-2-403(1)(a) for a student enrolled in kindergarten  
1710 through grade 6; or

1711 (B) Subsection [~~53A-17a-127~~] 53F-2-403(1)(b) for a student enrolled in grades 7  
1712 through 12; and

1713 (ii) due to a health or safety concern, dangerous for a student to walk.

1714 (2) Subject to legislative appropriations for grants for unsafe routes provided under this  
1715 section, the board shall:

1716 (a) solicit proposals from school districts to receive a grant; and

1717 (b) award grants to school districts.

1718 (3) To receive a grant under this section, a school district shall submit a proposal to the  
1719 board that:

1720 (a) describes an unsafe route for which the school district intends to receive a grant;

1721 (b) includes a written statement from the following describing why the route is unsafe:

1722 (i) the school district;

1723 (ii) local law enforcement; and

1724 (iii) the municipality or county in which the described route is located; and

1725 (c) includes other information as required by the board.

1726 (4) (a) The Transportation Advisory Committee shall:

1727 (i) evaluate a proposal submitted to the board under Subsection (3); and

1728 (ii) make recommendations to the board regarding whether to fund the proposal.

1729 (b) The board shall consider the recommendations of the Transportation Advisory  
1730 Committee before awarding a grant described in Subsection (2)(b).

1731 (5) In awarding a grant under this section, the board may not:

1732 (a) contribute an amount exceeding 85% of the cost of an unsafe route funded by the

1733 grant; or

1734 (b) award more than 15% of the appropriation under this section to a particular school  
1735 district.

1736 (6) The Transportation Advisory Committee shall:

1737 (a) review each year an unsafe route funded by a grant; and

1738 (b) make a recommendation to the board regarding whether the board, subject to  
1739 legislative appropriations, should renew the grant.

1740 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1741 board shall make rules to implement the grant program described in this section.

1742 Section 39. Section **53F-2-413**, which is renumbered from Section 53A-17a-141 is  
1743 renumbered and amended to read:

1744 ~~[53A-17a-141].~~ **53F-2-413. Alternative programs.**

1745 (1) Since the State Board of Education has adopted a policy that requires school  
1746 districts and charter schools to grant credit for proficiency through alternative programs, school  
1747 districts and charter schools are encouraged to continue and expand school district and charter  
1748 school cooperation with accredited institutions through performance contracts for educational  
1749 services, particularly where it is beneficial to students whose progress could be better served  
1750 through alternative programs.

1751 (2) School districts and charter schools are encouraged to participate in programs that  
1752 focus on increasing the number of ethnic minority and female students in the secondary schools  
1753 who will go on to study mathematics, engineering, or related sciences at an institution of higher  
1754 education.

1755 Section 40. Section **53F-2-501**, which is renumbered from Section 53A-15-102 is  
1756 renumbered and amended to read:

1757 **Part 5. Related to Basic Program -- Grant Programs**

1758 ~~[53A-15-102].~~ **53F-2-501. Early graduation incentives -- Incentive to school**  
1759 **district -- Partial tuition scholarship for student -- Payments.**

1760 (1) A secondary public school student who has completed all required courses or

1761 demonstrated mastery of required skills and competencies may graduate at any time with the  
1762 approval of:

- 1763 (a) the student;
- 1764 (b) the student's parent or guardian; and
- 1765 (c) a local school official who is authorized by the school's principal or director to  
1766 approve early graduation.

1767 (2) The State Board of Education shall make a payment to a public high school in an  
1768 amount equal to 1/2 of the scholarship awarded to each student under this section who  
1769 graduates from the school at or before the conclusion of grade 11, or a proportionately lesser  
1770 amount for a student who graduates after the conclusion of grade 11 but before the conclusion  
1771 of grade 12.

1772 (3) (a) The State Board of Education shall award to each student who graduates from  
1773 high school at or before the conclusion of grade 11 a centennial scholarship in the amount of  
1774 the greater of 30% of the previous year's value of the weighted pupil unit[, as defined in  
1775 ~~Section 53A-1a-703~~;] or \$1,000, subject to this Subsection (3) through Subsection (6).

1776 (b) A student who is awarded a centennial scholarship may use the scholarship for full  
1777 time enrollment at:

- 1778 (i) a Utah public college, university, or community college;
- 1779 (ii) a technical college described in Section 53B-2a-105; or
- 1780 (iii) any other institution in the state of Utah that:

1781 (A) is accredited by an accrediting organization recognized by the State Board of  
1782 Regents; and

1783 (B) offers postsecondary courses of the student's choice.

1784 (c) Before making a payment of a centennial scholarship, the State Board of Education  
1785 shall verify that the student has registered at an institution described in Subsection (3)(b):

- 1786 (i) during the fiscal year following the student's graduation from high school; or
- 1787 (ii) at the end of the student's deferral period, in accordance with Subsection (4).

1788 (d) If a student graduates after the conclusion of grade 11 but before the conclusion of



1789 grade 12, the State Board of Education shall award the student a centennial scholarship of a  
1790 proportionately lesser amount than the scholarship amount described in Subsection (3)(a).

1791 (4) (a) A student who is eligible for a centennial scholarship under Subsection (3) may  
1792 make a request to the State Board of Education that the State Board of Education defer  
1793 consideration of the student for the scholarship for a set period of time.

1794 (b) A student who makes a request under Subsection (4)(a) shall state in the request the  
1795 reason for which the student wishes not to be considered for the scholarship until the end of the  
1796 deferral period, which may include:

1797 (i) health reasons;

1798 (ii) religious reasons;

1799 (iii) military service; or

1800 (iv) humanitarian service.

1801 (c) If a student makes a request under Subsection (4)(a), the State Board of Education  
1802 shall:

1803 (i) (A) review the student's request; and

1804 (B) approve or reject the student's request; and

1805 (ii) if the State Board of Education approves the student's request, in consultation with  
1806 the student, set the length of the deferral period, ensuring that the deferral period is sufficient to  
1807 meet the student's needs under Subsection (4)(b).

1808 (d) At the end of the deferral period, and upon request of the student, the State Board  
1809 of Education shall:

1810 (i) determine a student to be eligible for the scholarship if the student was eligible at  
1811 the time of the student's request for deferral; and

1812 (ii) if found eligible, make a payment to the student in an amount equal to the amount  
1813 described in Subsection (4)(e).

1814 (e) The amount of a student's deferred scholarship payment shall be determined by the  
1815 State Board of Education based on the amount of the scholarship the student would have been  
1816 entitled to as described in Subsection (3) and based on the fiscal year prior to the student's

1817 request for deferral.

1818 (5) Except as provided in Subsection (4)(b), the State Board of Education:

1819 (a) shall make the payments authorized in Subsections (2) and (3)(a) during the fiscal  
1820 year that follows the student's graduation; and

1821 (b) may make the payments authorized in Subsection (3)(b) during the fiscal year:

1822 (i) in which the student graduates; or

1823 (ii) following the student's graduation.

1824 (6) Subject to future budget constraints, the Legislature shall adjust the appropriation  
1825 for the Centennial Scholarship Program based on:

1826 (a) the anticipated increase of students awarded a centennial scholarship; and

1827 (b) the percent increase of the prior year's weighted pupil unit value, as provided in  
1828 Subsection (3).

1829 Section 41. Section **53F-2-502**, which is renumbered from Section 53A-15-105 is  
1830 renumbered and amended to read:

1831 ~~**53A-15-105**~~. **53F-2-502. Dual Language Immersion Program -- Pilot.**

1832 (1) Subject to funding for the program, the State Board of Education shall establish a  
1833 pilot program for school districts and schools to initially participate in the Dual Language  
1834 Immersion Program.

1835 (2) The program shall provide funds as an incentive to 15 qualifying schools for the  
1836 following languages:

1837 (a) six pilots for Chinese;

1838 (b) six pilots for Spanish;

1839 (c) two pilots for French; and

1840 (d) one pilot for Navajo.

1841 (3) Subject to funding for the program, a qualifying school shall:

1842 (a) receive up to \$18,000 per year for up to six years;

1843 (b) establish an instructional model that uses 50% of instruction in English and 50% of  
1844 instruction in another language; and

1845 (c) begin the instructional model described under Subsection (3)(b) in kindergarten or  
1846 grade 1 and add an additional grade each year.

1847 Section 42. Section **53F-2-503**, which is renumbered from Section 53A-17a-150 is  
1848 renumbered and amended to read:

1849 ~~**53A-17a-150**~~. **53F-2-503. K-3 Reading Improvement Program.**

1850 (1) As used in this section:

1851 (a) "Board" means the State Board of Education.

1852 (b) "Five domains of reading" include phonological awareness, phonics, fluency,  
1853 comprehension, and vocabulary.

1854 (c) "Program" means the K-3 Reading Improvement Program.

1855 (d) "Program money" means:

1856 (i) school district revenue allocated to the program from other money available to the  
1857 school district, except money provided by the state, for the purpose of receiving state funds  
1858 under this section; and

1859 (ii) money appropriated by the Legislature to the program.

1860 (2) The K-3 Reading Improvement Program consists of program money and is created  
1861 to supplement other school resources to achieve the state's goal of having third graders reading  
1862 at or above grade level.

1863 (3) Subject to future budget constraints, the Legislature may annually appropriate  
1864 money to the K-3 Reading Improvement Program.

1865 (4) (a) For a school district or charter school to receive program money, a local  
1866 education board shall submit a plan to the board for reading proficiency improvement that  
1867 incorporates the following components:

1868 (i) assessment;

1869 (ii) intervention strategies;

1870 (iii) professional development for classroom teachers in kindergarten through grade  
1871 three;

1872 (iv) reading performance standards; and

1873 (v) specific measurable goals that include the following:

1874 (A) a growth goal for each school within a school district and each charter school  
1875 based upon student learning gains as measured by benchmark assessments administered  
1876 pursuant to Section [~~53A-1-606.6~~] 53E-4-307; and

1877 (B) a growth goal for each school district and charter school to increase the percentage  
1878 of third grade students who read on grade level from year to year as measured by the third  
1879 grade reading test administered pursuant to Section [~~53A-1-603~~] 53E-4-302.

1880 (b) The board shall provide model plans that a local education board may use, or the  
1881 local education board may develop the local education board's own plan.

1882 (c) Plans developed by a local education board shall be approved by the board.

1883 (d) The board shall develop uniform standards for acceptable growth goals that a local  
1884 education board adopts for a school district or charter school as described in this Subsection  
1885 (4).

1886 (5) (a) There is created within the K-3 Reading Achievement Program three funding  
1887 programs:

1888 (i) the Base Level Program;

1889 (ii) the Guarantee Program; and

1890 (iii) the Low Income Students Program.

1891 (b) The board may use no more than \$7,500,000 from an appropriation described in  
1892 Subsection (3) for computer-assisted instructional learning and assessment programs.

1893 (6) Money appropriated to the board for the K-3 Reading Improvement Program and  
1894 not used by the board for computer-assisted instructional learning and assessments as described  
1895 in Subsection (5)(b), shall be allocated to the three funding programs as follows:

1896 (a) 8% to the Base Level Program;

1897 (b) 46% to the Guarantee Program; and

1898 (c) 46% to the Low Income Students Program.

1899 (7) (a) For a school district or charter school to participate in the Base Level Program,  
1900 the local education board shall submit a reading proficiency improvement plan to the board as

1901 provided in Subsection (4) and must receive approval of the plan from the board.

1902 (b) (i) The local school board of a school district qualifying for Base Level Program  
1903 funds and the governing boards of qualifying elementary charter schools combined shall  
1904 receive a base amount.

1905 (ii) The base amount for the qualifying elementary charter schools combined shall be  
1906 allocated among each charter school in an amount proportionate to:

1907 (A) each existing charter school's prior year fall enrollment in grades kindergarten  
1908 through grade three; and

1909 (B) each new charter school's estimated fall enrollment in grades kindergarten through  
1910 grade three.

1911 (8) (a) A local school board that applies for program money in excess of the Base Level  
1912 Program funds shall choose to first participate in either the Guarantee Program or the Low  
1913 Income Students Program.

1914 (b) A school district must fully participate in either the Guarantee Program or the Low  
1915 Income Students Program before the local school board may elect for the school district to  
1916 either fully or partially participate in the other program.

1917 (c) For a school district to fully participate in the Guarantee Program, the local school  
1918 board shall allocate to the program money available to the school district, except money  
1919 provided by the state, equal to the amount of revenue that would be generated by a tax rate of  
1920 .000056.

1921 (d) For a school district to fully participate in the Low Income Students Program, the  
1922 local school board shall allocate to the program money available to the school district, except  
1923 money provided by the state, equal to the amount of revenue that would be generated by a tax  
1924 rate of .000065.

1925 (e) (i) The board shall verify that a local school board allocates the money required in  
1926 accordance with Subsections (8)(c) and (d) before the local school board distributes funds in  
1927 accordance with this section.

1928 (ii) The State Tax Commission shall provide the board the information the board needs

1929 in order to comply with Subsection (8)(e)(i).

1930 (9) (a) Except as provided in Subsection (9)(c), the local school board of a school  
1931 district that fully participates in the Guarantee Program shall receive state funds in an amount  
1932 that is:

1933 (i) equal to the difference between \$21 multiplied by the school district's total WPU's  
1934 and the revenue the local school board is required to allocate under Subsection (8)(c) for the  
1935 school district to fully participate in the Guarantee Program; and

1936 (ii) not less than \$0.

1937 (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive  
1938 under the Guarantee Program an amount equal to \$21 times the elementary charter school's  
1939 total WPU's.

1940 (c) The board may adjust the \$21 guarantee amount described in Subsections (9)(a) and  
1941 (b) to account for actual appropriations and money used by the board for computer-assisted  
1942 instructional learning and assessments.

1943 (10) The board shall distribute Low Income Students Program funds in an amount  
1944 proportionate to the number of students in each school district or charter school who qualify for  
1945 free or reduced price school lunch multiplied by two.

1946 (11) A school district that partially participates in the Guarantee Program or Low  
1947 Income Students Program shall receive program funds based on the amount of school district  
1948 revenue allocated to the program as a percentage of the amount of revenue that could have been  
1949 allocated if the school district had fully participated in the program.

1950 (12) (a) A local education board shall use program money for reading proficiency  
1951 improvement interventions in grades kindergarten through grade 3 that have proven to  
1952 significantly increase the percentage of students reading at grade level, including:

1953 (i) reading assessments; and

1954 (ii) focused reading remediations that may include:

1955 (A) the use of reading specialists;

1956 (B) tutoring;

1957 (C) before or after school programs;  
1958 (D) summer school programs; or  
1959 (E) the use of reading software; or  
1960 (F) the use of interactive computer software programs for literacy instruction and  
1961 assessments for students.  
1962 (b) A local education board may use program money for portable technology devices  
1963 used to administer reading assessments.  
1964 (c) Program money may not be used to supplant funds for existing programs, but may  
1965 be used to augment existing programs.  
1966 (13) (a) Each local education board shall annually submit a report to the board  
1967 accounting for the expenditure of program money in accordance with its plan for reading  
1968 proficiency improvement.  
1969 (b) If a local education board uses program money in a manner that is inconsistent with  
1970 Subsection (12), the school district or charter school is liable for reimbursing the board for the  
1971 amount of program money improperly used, up to the amount of program money received from  
1972 the board.  
1973 (14) (a) The board shall make rules to implement the program.  
1974 (b) (i) The rules under Subsection (14)(a) shall require each local education board to  
1975 annually report progress in meeting goals stated in the school district's or charter school's plan  
1976 for student reading proficiency.  
1977 (ii) If a school does not meet or exceed the school's goals, the local education board  
1978 shall prepare a new plan which corrects deficiencies.  
1979 (iii) The new plan described in Subsection (14)(b)(ii) shall be approved by the board  
1980 before the local education board receives an allocation for the next year.  
1981 (15) (a) If for two consecutive school years, a school district fails to meet the school  
1982 district's goal to increase the percentage of third grade students who read on grade level as  
1983 measured by the third grade reading test administered pursuant to Section [~~53A-1-603~~]  
1984 [53E-4-302](#), the school district shall terminate any levy imposed under Section [~~53A-17a-151~~]

1985 [53F-8-406](#) and may not receive money appropriated by the Legislature for the K-3 Reading  
1986 Improvement Program.

1987 (b) If for two consecutive school years, a charter school fails to meet the charter  
1988 school's goal to increase the percentage of third grade students who read on grade level as  
1989 measured by the third grade reading test administered pursuant to Section [~~53A-1-603~~]  
1990 [53E-4-302](#), the charter school may not receive money appropriated by the Legislature for the  
1991 K-3 Reading Improvement Program.

1992 (16) The board shall make an annual report to the Public Education Appropriations  
1993 Subcommittee that:

1994 (a) includes information on:

1995 (i) student learning gains in reading for the past school year and the five-year trend;

1996 (ii) the percentage of third grade students reading on grade level in the past school year  
1997 and the five-year trend;

1998 (iii) the progress of schools and school districts in meeting goals stated in a school  
1999 district's or charter school's plan for student reading proficiency; and

2000 (iv) the correlation between third grade students reading on grade level and results of  
2001 third grade language arts scores on a criterion-referenced test or computer adaptive test; and

2002 (b) may include recommendations on how to increase the percentage of third grade  
2003 students who read on grade level.

2004 Section 43. Section **53F-2-504**, which is renumbered from Section 53A-17a-156 is  
2005 renumbered and amended to read:

2006 ~~[53A-17a-156].~~ **53F-2-504. Teacher Salary Supplement Program -- Appeal**  
2007 **process.**

2008 (1) As used in this section:

2009 (a) "Board" means the State Board of Education.

2010 (b) "Certificate teacher" means a teacher who holds a National Board certification.

2011 (c) "Eligible teacher" means a teacher who:

2012 (i) has an assignment to teach:



- 2013 (A) a secondary school level mathematics course;
- 2014 (B) integrated science in grade seven or eight;
- 2015 (C) chemistry;
- 2016 (D) physics; or
- 2017 (E) computer science;
- 2018 (ii) holds the appropriate endorsement for the assigned course;
- 2019 (iii) has qualifying educational background; and
- 2020 (iv) (A) is a new employee; or
- 2021 (B) received a satisfactory rating or above on the teacher's most recent evaluation.
- 2022 (d) "National Board certification" means the same as that term is defined in Section
- 2023 ~~[53A-6-103]~~ [53E-6-102](#).
- 2024 (e) "Qualifying educational background" means:
- 2025 (i) for a teacher who is assigned a secondary school level mathematics course:
- 2026 (A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or
- 2027 (B) a bachelor's degree major, master's degree, or doctoral degree that has course
- 2028 requirements that are substantially equivalent to the course requirements for a bachelor's degree
- 2029 major, master's degree, or doctoral degree in mathematics;
- 2030 (ii) for a teacher who is assigned a grade seven or eight integrated science course,
- 2031 chemistry course, or physics course, a bachelor's degree major, master's degree, or doctoral
- 2032 degree in:
- 2033 (A) integrated science;
- 2034 (B) chemistry;
- 2035 (C) physics;
- 2036 (D) physical science;
- 2037 (E) general science; or
- 2038 (F) a bachelor's degree major, master's degree, or doctoral degree that has course
- 2039 requirements that are substantially equivalent to the course requirements of those required for a
- 2040 degree listed in Subsections (1)(e)(ii)(A) through (E);

2041 (iii) for a teacher who is assigned a computer science course, a bachelor's degree major,  
2042 master's degree, or doctoral degree in:

2043 (A) computer science;

2044 (B) computer information technology; or

2045 (C) a bachelor's degree major, master's degree, or doctoral degree that has course  
2046 requirements that are substantially equivalent to the course requirements of those required for a  
2047 degree listed in Subsections (1)(e)(iii)(A) and (B).

2048 (f) "Title I school" means a school that receives funds under the Elementary and  
2049 Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.

2050 (g) "Title I school certificate teacher" means a certificate teacher who is assigned to  
2051 teach at a Title I school.

2052 (2) (a) Subject to future budget constraints, the Legislature shall annually appropriate  
2053 money to the Teacher Salary Supplement Program.

2054 (b) Money appropriated for the Teacher Salary Supplement Program shall include  
2055 money for the following employer-paid benefits:

2056 (i) retirement;

2057 (ii) workers' compensation;

2058 (iii) social security; and

2059 (iv) Medicare.

2060 (3) (a) (i) The annual salary supplement for an eligible teacher who is assigned full  
2061 time to teach one or more courses listed in Subsections (1)(c)(i)(A) through (E) is \$4,100.

2062 (ii) An eligible teacher who has a part-time assignment to teach one or more courses  
2063 listed in Subsections (1)(c)(i)(A) through (E) shall receive a partial salary supplement based on  
2064 the number of hours worked in a course assignment that meets the requirements of Subsections  
2065 (1)(c)(ii) and (iii).

2066 (b) The annual salary supplement for a certificate teacher is \$750.

2067 (c) (i) The annual salary supplement for a Title I school certificate teacher is \$1,500.

2068 (ii) A certificate teacher who qualifies for a salary supplement under Subsections (3)(b)

2069 and (c) may only receive the salary supplement that is greater in value.

2070 (4) The board shall:

2071 (a) create an online application system for a teacher to apply to receive a salary  
2072 supplement through the Teacher Salary Supplement Program;

2073 (b) determine if a teacher:

2074 (i) (A) is an eligible teacher; and

2075 (B) has a course assignment as listed in Subsections (1)(c)(i)(A) through (E);

2076 (ii) is a certificate teacher; or

2077 (iii) is a Title I school certificate teacher;

2078 (c) verify, as needed, the determinations made under Subsection (4)(b) with school  
2079 district and school administrators; and

2080 (d) certify a list of eligible teachers, certificate teachers, and Title I school certificate  
2081 teachers.

2082 (5) (a) An eligible teacher, a certificate teacher, or a Title I school certificate teacher  
2083 shall apply with the board before the conclusion of a school year to receive the salary  
2084 supplement authorized in this section.

2085 (b) An eligible teacher, a certificate teacher, or a Title I school certificate teacher may  
2086 apply with the board, after verification that the requirements under this section have been  
2087 satisfied, to receive a salary supplement after the completion of:

2088 (i) the school year as an annual award; or

2089 (ii) a semester or trimester as a partial award based on the portion of the school year  
2090 that has been completed.

2091 (6) (a) The board shall establish and administer an appeal process for a teacher to  
2092 follow if the teacher applies for the salary supplement and is not certified under Subsection (4).

2093 (b) (i) The appeal process established in Subsection (6)(a) shall allow a teacher to  
2094 appeal eligibility as an eligible teacher on the basis that the teacher has a degree or degree  
2095 major with course requirements that are substantially equivalent to the course requirements for  
2096 a degree listed in:

- 2097 (A) Subsection (1)(e)(i)(A);
- 2098 (B) Subsections (1)(e)(ii)(A) through (E); or
- 2099 (C) Subsections (1)(e)(iii)(A) and (B).
- 2100 (ii) A teacher shall provide transcripts and other documentation to the board in order
- 2101 for the board to determine if the teacher has a degree or degree major with course requirements
- 2102 that are substantially equivalent to the course requirements for a degree listed in:
- 2103 (A) Subsection (1)(e)(i)(A);
- 2104 (B) Subsections (1)(e)(ii)(A) through (E); or
- 2105 (C) Subsections (1)(e)(iii)(A) and (B).
- 2106 (c) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
- 2107 appeal eligibility as a certificate teacher on the basis that the teacher holds a current certificate.
- 2108 (ii) A teacher shall provide to the board a certificate or other related documentation in
- 2109 order for the board to determine if the teacher holds a current certificate.
- 2110 (d) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
- 2111 appeal eligibility as a Title I school certificate teacher on the basis that the teacher:
- 2112 (A) holds a current certificate; and
- 2113 (B) is assigned to teach at a Title I school.
- 2114 (ii) A teacher shall provide to the board:
- 2115 (A) information described in Subsection (6)(c)(ii); and
- 2116 (B) verification that the teacher is assigned to teach at a Title I school.
- 2117 (7) (a) The board shall distribute money appropriated to the Teacher Salary
- 2118 Supplement Program to school districts and charter schools for the Teacher Salary Supplement
- 2119 Program in accordance with the provisions of this section.
- 2120 (b) The board shall include the employer-paid benefits described under Subsection
- 2121 (2)(b) in the amount of each salary supplement.
- 2122 (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the
- 2123 salary supplement limits described under Subsection (3).
- 2124 (8) (a) Money received from the Teacher Salary Supplement Program shall be used by

2125 a school district or charter school to provide a salary supplement equal to the amount specified  
2126 in Subsection (3) for each eligible teacher, certificate teacher, or Title I school certificate  
2127 teacher.

2128 (b) The salary supplement is part of the teacher's base pay, subject to the teacher's  
2129 qualification as an eligible teacher, a certificate teacher, or a Title I school certificate teacher  
2130 every year, semester, or trimester.

2131 (9) Notwithstanding the provisions of this section, if the appropriation for the program  
2132 is insufficient to cover the costs associated with salary supplements, the board may limit or  
2133 reduce the salary supplements.

2134 Section 44. Section **53F-2-505**, which is renumbered from Section 53A-17a-159 is  
2135 renumbered and amended to read:

2136 ~~[53A-17a-159].~~ **53F-2-505. Utah Science Technology and Research Initiative**  
2137 **Centers Program.**

2138 (1) (a) The Utah Science Technology and Research Initiative (USTAR) Centers  
2139 Program is created to provide a financial incentive for local education boards to adopt  
2140 programs in respective charter schools and school districts that result in a more efficient use of  
2141 human resources and capital facilities.

2142 (b) The potential benefits of the program include:

2143 (i) increased compensation for math and science teachers by providing opportunities  
2144 for an expanded contract year which will enhance school districts' and charter schools' ability to  
2145 attract and retain talented and highly qualified math and science teachers;

2146 (ii) increased capacity of school buildings by using buildings more hours of the day or  
2147 more days of the year, resulting in reduced capital facilities costs;

2148 (iii) decreased class sizes created by expanding the number of instructional  
2149 opportunities in a year;

2150 (iv) opportunities for earlier high school graduation;

2151 (v) improved student college preparation;

2152 (vi) increased opportunities to offer additional remedial and advanced courses in math

2153 and science;

2154 (vii) opportunities to coordinate high school and post-secondary math and science  
2155 education; and

2156 (viii) the creation or improvement of science, technology, engineering, and math  
2157 centers (STEM Centers).

2158 (2) From money appropriated for the USTAR Centers Program, the State Board of  
2159 Education shall award grants to charter schools and school districts to pay for costs related to  
2160 the adoption and implementation of the program.

2161 (3) The State Board of Education shall:

2162 (a) solicit proposals from the State Charter School Board and local school boards for  
2163 the use of grant money to facilitate the adoption and implementation of the program; and

2164 (b) award grants on a competitive basis.

2165 (4) The State Charter School Board shall:

2166 (a) solicit proposals from charter school governing boards that may be interested in  
2167 participating in the USTAR Centers Program;

2168 (b) prioritize and consolidate the proposals into the equivalent of a single school  
2169 district request; and

2170 (c) submit the consolidated request to the State Board of Education.

2171 (5) In selecting a grant recipient, the State Board of Education shall consider:

2172 (a) the degree to which a charter school or school district's proposed adoption and  
2173 implementation of an extended year for math and science teachers achieves the benefits  
2174 described in Subsection (1);

2175 (b) the unique circumstances of different urban, rural, large, small, growing, and  
2176 declining charter schools and school districts; and

2177 (c) providing pilot programs in as many different school districts and charter schools as  
2178 possible.

2179 (6) (a) Except as provided in Subsection (6)(b), a school district or charter school may  
2180 only use grant money to provide full year teacher contracts, part-time teacher contract

2181 extensions, or combinations of both, for math and science teachers.

2182 (b) Up to 5% of the grant money may be used to fund math and science field trips,  
2183 textbooks, and supplies.

2184 (7) Participation in the USTAR Centers Program shall be:

2185 (a) voluntary for an individual teacher; and

2186 (b) voluntary for a charter school or school district.

2187 Section 45. Section **53F-2-506**, which is renumbered from Section 53A-17a-162 is  
2188 renumbered and amended to read:

2189 ~~[53A-17a-162]~~. **53F-2-506. Beverley Taylor Sorenson Elementary Arts**  
2190 **Learning Program.**

2191 (1) As used in this section:

2192 (a) "Endowed chair" means a person who holds an endowed position or administrator  
2193 of an endowed program for the purpose of arts and integrated arts instruction at an endowed  
2194 university.

2195 (b) "Endowed university" means an institution of higher education in the state that:

2196 (i) awards elementary education degrees in arts instruction;

2197 (ii) has received a major philanthropic donation for the purpose of arts and integrated  
2198 arts instruction; and

2199 (iii) has created an endowed position as a result of a donation described in Subsection  
2200 (1)(b)(ii).

2201 (c) "Integrated arts advocate" means a person who:

2202 (i) advocates for arts and integrated arts instruction in the state; and

2203 (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed  
2204 chair.

2205 (d) "Local education agency" or "LEA" means:

2206 (i) a school district;

2207 (ii) a charter school; or

2208 (iii) the Utah Schools for the Deaf and the Blind.

2209           (2) The Legislature finds that a strategic placement of arts in elementary education can  
2210 impact the critical thinking of students in other core subject areas, including mathematics,  
2211 reading, and science.

2212           (3) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to  
2213 enhance the social, emotional, academic, and arts learning of students in kindergarten through  
2214 grade six by integrating arts teaching and learning into core subject areas and providing  
2215 professional development for positions that support elementary arts and integrated arts  
2216 education.

2217           (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts  
2218 Learning Program, and subject to Subsection (5), the State Board of Education shall, after  
2219 consulting with endowed chairs and the integrated arts advocate and receiving their  
2220 recommendations, administer a grant program to enable LEAs to:

2221           (a) hire highly qualified arts specialists, art coordinators, and other positions that  
2222 support arts education and arts integration;

2223           (b) provide up to \$10,000 in one-time funds for each new school arts specialist  
2224 described under Subsection (4)(a) to purchase supplies and equipment; and

2225           (c) engage in other activities that improve the quantity and quality of integrated arts  
2226 education.

2227           (5) (a) An LEA that receives a grant under Subsection (4) shall provide matching funds  
2228 of no less than 20% of the grant amount, including no less than 20% of the grant amount for  
2229 actual salary and benefit costs per full-time equivalent position funded under Subsection (4)(a).

2230           (b) An LEA may not:

2231           (i) include administrative, facility, or capital costs to provide the matching funds  
2232 required under Subsection (5)(a); or

2233           (ii) use funds from the Beverley Taylor Sorenson Elementary Arts Learning Program to  
2234 supplant funds for existing programs.

2235           (6) An LEA that receives a grant under this section shall partner with an endowed chair  
2236 to provide professional development in integrated elementary arts education.



2237 (7) From money appropriated for the Beverley Taylor Sorenson Elementary Arts  
2238 Learning Program, the State Board of Education shall administer a grant program to fund  
2239 activities within arts and the integrated arts programs at an endowed university in the college  
2240 where the endowed chair resides to:

2241 (a) provide high quality professional development in elementary integrated arts  
2242 education in accordance with the professional learning standards in Section [~~53A-3-701~~]  
2243 53G-11-303 to LEAs that receive a grant under Subsection (4);

2244 (b) design and conduct research on:

2245 (i) elementary integrated arts education and instruction;

2246 (ii) implementation and evaluation of the Beverley Taylor Sorenson Elementary Arts  
2247 Learning Program; and

2248 (iii) effectiveness of the professional development under Subsection (7)(a); and

2249 (c) provide the public with integrated elementary arts education resources.

2250 (8) The State Board of Education shall make rules in accordance with Title 63G,  
2251 Chapter 3, Utah Administrative Rulemaking Act, to administer the Beverley Taylor Sorenson  
2252 Elementary Arts Learning Program.

2253 Section 46. Section **53F-2-507**, which is renumbered from Section 53A-17a-167 is  
2254 renumbered and amended to read:

2255 [~~53A-17a-167~~]. **53F-2-507. Enhanced kindergarten early intervention**  
2256 **program.**

2257 (1) The State Board of Education shall, as described in Subsection (4), distribute funds  
2258 appropriated under this section for an enhanced kindergarten program described in Subsection  
2259 (2), to school districts and charter schools that apply for the funds.

2260 (2) A local education board shall use funds appropriated in this section for a school  
2261 district or charter school to offer an early intervention program, delivered through an enhanced  
2262 kindergarten program that:

2263 (a) is an academic program focused on building age-appropriate literacy and numeracy  
2264 skills;

2265 (b) uses an evidence-based early intervention model;  
2266 (c) is targeted to at-risk students; and  
2267 (d) is delivered through additional hours or other means.  
2268 (3) A local education board may not require a student to participate in an enhanced  
2269 kindergarten program described in Subsection (2).  
2270 (4) The State Board of Education shall distribute funds appropriated under this section  
2271 for an enhanced kindergarten program described in Subsection (2) as follows:  
2272 (a) (i) the total allocation for charter schools shall be calculated by:  
2273 (A) dividing the number of charter school students by the total number of students in  
2274 the public education system in the prior school year; and  
2275 (B) multiplying the resulting percentage by the total amount of available funds; and  
2276 (ii) the amount calculated under Subsection (4)(a) shall be distributed to charter  
2277 schools with the greatest need for an enhanced kindergarten program, as determined by the  
2278 State Board of Education in consultation with the State Charter School Board;  
2279 (b) each school district shall receive the amount calculated by:  
2280 (i) multiplying the value of the weighted pupil unit by 0.45; and  
2281 (ii) multiplying the result by 20; and  
2282 (c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b)  
2283 are made, shall be distributed to applicant school districts by:  
2284 (i) determining the number of students eligible to receive free lunch in the prior school  
2285 year for each school district; and  
2286 (ii) prorating the remaining funds based on the number of students eligible to receive  
2287 free lunch in each school district.  
2288 [~~(5) In addition to an enhanced kindergarten program described in Subsection (2), the~~  
2289 ~~early intervention program includes a component to address early reading through the use of~~  
2290 ~~early interactive reading software.]  
2291 [~~(6) (a) Subject to legislative appropriations, the State Board of Education shall select~~  
2292 ~~and contract with one or more technology providers, through a request for proposals process, to~~~~

2293 ~~provide early interactive reading software for literacy instruction and assessments for students~~  
2294 ~~in kindergarten through grade 3.]~~

2295 ~~[(b) By August 1 of each year, the State Board of Education shall distribute licenses for~~  
2296 ~~early interactive reading software described in Subsection (6)(a) to the school districts and~~  
2297 ~~charter schools of local education boards that apply for the licenses.]~~

2298 ~~[(c) Except as provided in Subsection (7)(c), a school district or charter school that~~  
2299 ~~received a license described in Subsection (6)(b) during the prior year shall be given first~~  
2300 ~~priority to receive an equivalent license during the current year.]~~

2301 ~~[(d) Licenses distributed to school districts and charter schools in addition to the~~  
2302 ~~licenses described in Subsection (6)(c) shall be distributed through a competitive process.]~~

2303 ~~[(7) (a) As used in this Subsection (7), "dosage" means amount of instructional time.]~~

2304 ~~[(b) A public school that receives a license described in Subsection (6)(b) shall use the~~  
2305 ~~license:]~~

2306 ~~[(i) for a student in kindergarten or grade 1:]~~

2307 ~~[(A) for intervention for the student if the student is reading below grade level; or]~~

2308 ~~[(B) for advancement beyond grade level for the student if the student is reading at or~~  
2309 ~~above grade level;]~~

2310 ~~[(ii) for a student in grade 2 or 3, for intervention for the student if the student is~~  
2311 ~~reading below grade level; and]~~

2312 ~~[(iii) in accordance with the technology provider's dosage recommendations.]~~

2313 ~~[(c) A public school that does not use the early interactive reading software in~~  
2314 ~~accordance with the technology provider's dosage recommendations for two consecutive years~~  
2315 ~~may not continue to receive a license.]~~

2316 ~~[(8) (a) On or before August 1 of each year, the State Board of Education shall select~~  
2317 ~~and contract with an independent evaluator, through a request for proposals process, to act as~~  
2318 ~~an independent contractor to evaluate early interactive reading software provided under this~~  
2319 ~~section.]~~

2320 ~~[(b) The State Board of Education shall ensure that a contract with an independent~~

2321 evaluator requires the independent evaluator to:]

2322        ~~[(i) evaluate a student's learning gains as a result of using early interactive reading~~  
2323 ~~software provided under Subsection (6);]~~

2324        ~~[(ii) for the evaluation under Subsection (8)(b)(i), use an assessment that is not~~  
2325 ~~developed by a provider of early interactive reading software; and]~~

2326        ~~[(iii) determine the extent to which a public school uses the early interactive reading~~  
2327 ~~software in accordance with a technology provider's dosage recommendations under~~  
2328 ~~Subsection (7).]~~

2329        ~~[(c) The State Board of Education and the independent evaluator selected under~~  
2330 ~~Subsection (8)(a) shall report annually on the results of the evaluation to the Education Interim~~  
2331 ~~Committee and the governor.]~~

2332        ~~[(d) The State Board of Education may use up to 4% of the appropriation provided~~  
2333 ~~under Subsection (6)(a) to contract with an independent evaluator selected under Subsection~~  
2334 ~~(8)(a).]~~

2335        Section 47. Section **53F-2-508**, which is renumbered from Section 53A-17a-169 is  
2336 renumbered and amended to read:

2337        ~~[53A-17a-169].~~        **53F-2-508. Student Leadership Skills Development Program.**

2338        (1) For purposes of this section:

2339        (a) "Board" means the State Board of Education.

2340        (b) "Program" means the Student Leadership Skills Development Program created in  
2341 Subsection (2).

2342        (2) There is created the Student Leadership Skills Development Program to develop  
2343 student behaviors and skills that enhance a school's learning environment and are vital for  
2344 success in a career, including:

2345        (a) communication skills;

2346        (b) teamwork skills;

2347        (c) interpersonal skills;

2348        (d) initiative and self-motivation;

- 2349 (e) goal setting skills;
- 2350 (f) problem solving skills; and
- 2351 (g) creativity.
- 2352 (3) (a) The board shall administer the program and award grants to elementary schools
- 2353 that apply for a grant on a competitive basis.
- 2354 (b) The board may award a grant of:
- 2355 (i) up to \$10,000 per school for the first year a school participates in the program; and
- 2356 (ii) up to \$20,000 per school for subsequent years a school participates in the program.
- 2357 (c) (i) After awarding a grant to a school for a particular year, the board may not
- 2358 change the grant amount awarded to the school for that year.
- 2359 (ii) The board may award a school a different amount in subsequent years.
- 2360 (4) An elementary school may participate in the program established under this section
- 2361 in accordance with State Board of Education rules, made in accordance with Title 63G,
- 2362 Chapter 3, Utah Administrative Rulemaking Act.
- 2363 (5) In selecting elementary schools to participate in the program, the board shall:
- 2364 (a) require a school in the first year the school participates in the program to provide
- 2365 matching funds or an in-kind contribution of goods or services in an amount equal to the grant
- 2366 the school receives from the board;
- 2367 (b) require a school to participate in the program for two years; and
- 2368 (c) give preference to Title I schools or schools in need of academic improvement.
- 2369 (6) The board shall make the following information related to the grants described in
- 2370 Subsection (3) publicly available on the board's website:
- 2371 (a) reimbursement procedures that clearly define how a school may spend grant money
- 2372 and how the board will reimburse the school;
- 2373 (b) the period of time a school is permitted to spend grant money;
- 2374 (c) criteria for selecting a school to receive a grant; and
- 2375 (d) a list of schools that receive a grant and the amount of each school's grant.
- 2376 (7) A school that receives a grant described in Subsection (3) shall:

2377 (a) (i) set school-wide goals for the school's student leadership skills development  
2378 program; and

2379 (ii) require each student to set personal goals; and

2380 (b) provide the following to the board after the first school year of implementation of  
2381 the program:

2382 (i) evidence that the grant money was used for the purpose of purchasing or developing  
2383 the school's own student leadership skills development program; and

2384 (ii) a report on the effectiveness and impact of the school's student leadership skills  
2385 development program on student behavior and academic results as measured by:

2386 (A) a reduction in truancy;

2387 (B) assessments of academic achievement;

2388 (C) a reduction in incidents of student misconduct or disciplinary actions; and

2389 (D) the achievement of school-wide goals and students' personal goals.

2390 (8) After participating in the program for two years, a school may not receive  
2391 additional grant money in subsequent years if the school fails to demonstrate an improvement  
2392 in student behavior and academic achievement as measured by the data reported under  
2393 Subsection (7)(b).

2394 (9) (a) The board shall make a report on the program to the Education Interim  
2395 Committee by the committee's October 2016 meeting.

2396 (b) The report shall include an evaluation of the program's success in enhancing a  
2397 school's learning environment and improving academic achievement.

2398 Section 48. Section **53F-2-509**, which is renumbered from Section 53A-17a-170 is  
2399 renumbered and amended to read:

2400 ~~**53A-17a-170**~~. **53F-2-509. Grants for field trips to the State Capitol.**

2401 (1) The State Board of Education may award grants to school districts and charter  
2402 schools to take students on field trips to the State Capitol.

2403 (2) Grant money may be used to pay for transportation expenses related to a field trip  
2404 to the State Capitol.

- 2405 (3) The State Board of Education shall make rules:
- 2406 (a) establishing procedures for applying for and awarding grants; and
- 2407 (b) specifying how grant money shall be allocated among school districts and charter
- 2408 schools.

2409 Section 49. Section **53F-2-510**, which is renumbered from Section 53A-1-1505 is

2410 renumbered and amended to read:

2411 ~~53A-1-1505~~. **53F-2-510. Digital Teaching and Learning Grant Program.**

2412 (1) As used in this section:

2413 (a) "Advisory committee" means the committee established by the board under

2414 Subsection (9)(b).

2415 (b) "Board" means the State Board of Education.

2416 (c) "Digital readiness assessment" means an assessment provided by the board that:

2417 (i) is completed by an LEA analyzing an LEA's readiness to incorporate comprehensive

2418 digital teaching and learning; and

2419 (ii) informs the preparation of an LEA's plan for incorporating comprehensive digital

2420 teaching and learning.

2421 (d) "High quality professional learning" means the professional learning standards

2422 described in Section [53G-11-303](#).

2423 (e) "Implementation assessment" means an assessment that analyzes an LEA's

2424 implementation of an LEA plan, including identifying areas for improvement, obstacles to

2425 implementation, progress toward the achievement of stated goals, and recommendations going

2426 forward.

2427 (f) "LEA plan" means an LEA's plan to implement a digital teaching and learning

2428 program that meets the requirements of this section and requirements set forth by the board and

2429 the advisory committee.

2430 (g) "Local education agency" or "LEA" means:

2431 (i) a school district;

2432 (ii) a charter school; or

2433 (iii) the Utah Schools for the Deaf and the Blind.

2434 (h) "Program" means the Digital Teaching and Learning Grant Program created and  
2435 described in Subsections (8) through (13).

2436 (i) "Utah Education and Telehealth Network" or "UETN" means the Utah Education  
2437 and Telehealth Network created in Section [53B-17-105](#).

2438 (2) (a) The board shall establish a digital teaching and learning task force to develop a  
2439 funding proposal to present to the Legislature for digital teaching and learning in elementary  
2440 and secondary schools.

2441 (b) The digital teaching and learning task force shall include representatives of:

2442 (i) the board;

2443 (ii) UETN;

2444 (iii) LEAs; and

2445 (iv) the Governor's Education Excellence Commission.

2446 (3) (a) The board, in consultation with the digital teaching and learning task force  
2447 created in Subsection (2), shall create a funding proposal for a statewide digital teaching and  
2448 learning program designed to:

2449 (i) improve student outcomes through the use of digital teaching and learning  
2450 technology; and

2451 (ii) provide high quality professional learning for educators to improve student  
2452 outcomes through the use of digital teaching and learning technology.

2453 (b) The board shall:

2454 (i) identify outcome based metrics to measure student achievement related to a digital  
2455 teaching and learning program; and

2456 (ii) develop minimum benchmark standards for student achievement and school level  
2457 outcomes to measure successful implementation of a digital teaching and learning program.

2458 (4) As funding allows, the board shall develop a master plan for a statewide digital  
2459 teaching and learning program, including the following:

2460 (a) a statement of purpose that describes the objectives or goals the board will



2461 accomplish by implementing a digital teaching and learning program;  
2462 (b) a forecast for fundamental components needed to implement a digital teaching and  
2463 learning program, including a forecast for:  
2464 (i) student and teacher devices;  
2465 (ii) Wi-Fi and wireless compatible technology;  
2466 (iii) curriculum software;  
2467 (iv) assessment solutions;  
2468 (v) technical support;  
2469 (vi) change management of LEAs;  
2470 (vii) high quality professional learning;  
2471 (viii) Internet delivery and capacity; and  
2472 (ix) security and privacy of users;  
2473 (c) a determination of the requirements for:  
2474 (i) statewide technology infrastructure; and  
2475 (ii) local LEA technology infrastructure;  
2476 (d) standards for high quality professional learning related to implementing and  
2477 maintaining a digital teaching and learning program;  
2478 (e) a statewide technical support plan that will guide the implementation and  
2479 maintenance of a digital teaching and learning program, including standards and competency  
2480 requirements for technical support personnel;  
2481 (f) (i) a grant program for LEAs; or  
2482 (ii) a distribution formula to fund LEA digital teaching and learning programs;  
2483 (g) in consultation with UETN, an inventory of the state public education system's  
2484 current technology resources and other items and a plan to integrate those resources into a  
2485 digital teaching and learning program;  
2486 (h) an ongoing evaluation process that is overseen by the board;  
2487 (i) proposed rules that incorporate the principles of the master plan into the state's  
2488 public education system as a whole; and

- 2489            (j) a plan to ensure long-term sustainability that:  
2490            (i) accounts for the financial impacts of a digital teaching and learning program; and  
2491            (ii) facilitates the redirection of LEA savings that arise from implementing a digital  
2492 teaching and learning program.
- 2493            (5) UETN shall:  
2494            (a) in consultation with the board, conduct an inventory of the state public education  
2495 system's current technology resources and other items as determined by UETN, including  
2496 software;  
2497            (b) perform an engineering study to determine the technology infrastructure needs of  
2498 the public education system to implement a digital teaching and learning program, including  
2499 the infrastructure needed for the board, UETN, and LEAs; and  
2500            (c) as funding allows, provide infrastructure and technology support for school districts  
2501 and charter schools.
- 2502            (6) On or before December 1, 2015, the board and UETN shall present the funding  
2503 proposal for a statewide digital teaching and learning program described in Subsection (3) to  
2504 the Education Interim Committee and the Executive Appropriations Committee, including:  
2505            (a) the board's progress on the development of a master plan described in Subsection  
2506 (4); and  
2507            (b) the progress of UETN on the inventory and study described in Subsection (5).  
2508            (7) Beginning July 1, 2016, and ending July 1, 2021, each LEA, including each school  
2509 within an LEA, shall annually complete a digital readiness assessment.
- 2510            ~~[(+)]~~ (8) There is created the Digital Teaching and Learning Grant Program to improve  
2511 educational outcomes in public schools by effectively incorporating comprehensive digital  
2512 teaching and learning technology.
- 2513            ~~[(2)]~~ (9) The board shall:  
2514            (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2515 adopt rules for the administration of the program, including rules requiring:  
2516            (i) an LEA plan to include measures to ensure that the LEA monitors and implements

2517 technology with best practices, including the recommended use for effectiveness;

2518 (ii) an LEA plan to include robust goals for learning outcomes and appropriate  
2519 measurements of goal achievement;

2520 (iii) an LEA to demonstrate that the LEA plan can be fully funded by grant funds or a  
2521 combination of grant and local funds; and

2522 (iv) an LEA to report on funds from expenses previous to the implementation of the  
2523 LEA plan that the LEA has redirected after implementation;

2524 (b) establish an advisory committee to make recommendations on the program and  
2525 LEA plan requirements and report to the board; and

2526 (c) in accordance with this ~~[part]~~ section, approve LEA plans and award grants.

2527 ~~[(3)]~~ (10) (a) The board shall, subject to legislative appropriations, award a grant to an  
2528 LEA:

2529 (i) that submits an LEA plan that meets the requirements described in Subsection ~~[(4)]~~  
2530 (11); and

2531 (ii) for which the LEA's leadership and management members have completed a digital  
2532 teaching and learning leadership and implementation training as provided in Subsection ~~[(3)]~~  
2533 (10)(b).

2534 (b) The board or its designee shall provide the training described in Subsection ~~[(3)]~~  
2535 (10)(a)(ii).

2536 ~~[(4)]~~ (11) The board shall establish requirements of an LEA plan that shall include:

2537 (a) the results of the LEA's digital readiness assessment and a proposal to remedy an  
2538 obstacle to implementation or other issues identified in the assessment;

2539 (b) a proposal to provide high quality professional learning for educators in the use of  
2540 digital teaching and learning technology;

2541 (c) a proposal for leadership training and management restructuring, if necessary, for  
2542 successful implementation;

2543 (d) clearly identified targets for improved student achievement, student learning, and  
2544 college readiness through digital teaching and learning; and

2545 (e) any other requirement established by the board in rule in accordance with Title  
2546 63G, Chapter 3, Utah Administrative Rulemaking Act, including an application process and  
2547 metrics to analyze the quality of a proposed LEA plan.

2548 ~~[(5)]~~ (12) The board or the board's designee shall establish an interactive dashboard  
2549 available to each LEA that is awarded a grant for the LEA to track and report the LEA's  
2550 long-term, intermediate, and direct outcomes in realtime and for the LEA to use to create  
2551 customized reports.

2552 ~~[(6)]~~ (13) (a) There is no federal funding, federal requirement, federal education  
2553 agreement, or national program included or related to this state adopted program.

2554 (b) Any inclusion of federal funding, federal requirement, federal education agreement,  
2555 or national program shall require separate express approval as provided in [~~Title 53A, Chapter~~  
2556 ~~1, Part 9, Implementing Federal or National Education Programs Act]~~ Title 53E, Chapter 3,  
2557 Part 8, Implementing Federal or National Education Programs.

2558 (14) (a) An LEA that receives a grant as part of the program shall:

2559 (i) subject to Subsection (14)(b), complete an implementation assessment for each year  
2560 that the LEA is expending grant money; and

2561 (ii) (A) report the findings of the implementation assessment to the board; and

2562 (B) submit to the board a plan to resolve issues raised in the implementation  
2563 assessment.

2564 (b) Each school within the LEA shall:

2565 (i) complete an implementation assessment; and

2566 (ii) submit a compilation report that meets the requirements described in Subsections  
2567 (14)(a)(ii)(A) and (B).

2568 (15) The board or the board's designee shall review an implementation assessment and  
2569 review each participating LEA's progress from the previous year, as applicable.

2570 (16) The board shall establish interventions for an LEA that does not make progress on  
2571 implementation of the LEA's implementation plan, including:

2572 (a) nonrenewal of, or time period extensions for, the LEA's grant;

2573 (b) reduction of funds; or

2574 (c) other interventions to assist the LEA.

2575 (17) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall  
2576 contract with an independent evaluator to:

2577 (a) annually evaluate statewide direct and intermediate outcomes beginning the first  
2578 year that grants are awarded, including baseline data collection for long-term outcomes;

2579 (b) in the fourth year after a grant is awarded, and each year thereafter, evaluate  
2580 statewide long-term outcomes; and

2581 (c) report on the information described in Subsections (17)(a) and (b) to the board.

2582 (18) (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter  
2583 6a, Utah Procurement Code, or other agreement with one or more providers of technology  
2584 powered learning solutions and one or more providers of wireless networking solutions may be  
2585 entered into by:

2586 (i) UETN, in cooperation with or on behalf of, as applicable, the board, the board's  
2587 designee, or an LEA; or

2588 (ii) an LEA.

2589 (b) A contract or agreement entered into under Subsection (18)(a) may be a contract or  
2590 agreement that:

2591 (i) UETN enters into with a provider and payment for services is directly appropriated  
2592 by the Legislature, as funds are available, to UETN;

2593 (ii) UETN enters into with a provider and pays for the provider's services and is  
2594 reimbursed for payments by an LEA that benefits from the services;

2595 (iii) UETN negotiates the terms of on behalf of an LEA that enters into the contract or  
2596 agreement directly with the provider and the LEA pays directly for the provider's services; or

2597 (iv) an LEA enters into directly, pays a provider, and receives preapproved  
2598 reimbursement from a UETN fund established for this purpose.

2599 (c) If an LEA does not reimburse UETN in a reasonable time for services received  
2600 under a contract or agreement described in Subsection (18)(b), the board shall pay the balance

2601 due to UETN from the LEA's funds received under Title 53F, Chapter 2, State Funding --  
2602 Minimum School Program.

2603 (d) If UETN negotiates or enters into an agreement as described in Subsection  
2604 (18)(b)(ii) or (18)(b)(iii), and UETN enters into an additional agreement with an LEA that is  
2605 associated with the agreement described in Subsection (18)(b)(ii) or (18)(b)(iii), the associated  
2606 agreement may be treated by UETN and the LEA as a cooperative procurement, as that term is  
2607 defined in Section [63G-6a-103](#), regardless of whether the associated agreement satisfies the  
2608 requirements of Section [63G-6a-2105](#).

2609 Section 50. Section **53F-2-511**, which is renumbered from Section 53A-17a-174 is  
2610 renumbered and amended to read:

2611 **~~[53A-17a-174].~~ [53F-2-511](#). Reimbursement Program for Early Graduation**  
2612 **From Competency-Based Education.**

2613 (1) As used in this section:

2614 (a) "Board" means the State Board of Education.

2615 (b) "Cohort" means a group of students, defined by the year in which the group enters  
2616 grade 9.

2617 (c) "Eligible LEA" means an LEA that has demonstrated to the board that the LEA or,  
2618 for a school district, a school within the LEA, provides and facilitates competency-based  
2619 education that:

2620 (i) is based on the core principles described in Section [~~53A-15-1803~~] [53F-5-502](#); and

2621 (ii) meets other criteria established by the board in rule.

2622 (d) "Eligible student" means an individual who:

2623 (i) attended an eligible LEA and graduated by completing graduation requirements, as  
2624 described in Section [~~53A-13-108~~] [53E-4-204](#), earlier than that individual's cohort completed  
2625 graduation requirements because of the individual's participation in the eligible LEA's  
2626 competency-based education;

2627 (ii) no longer attends the eligible LEA; and

2628 (iii) is not included in the LEA's average daily membership under this chapter.

- 2629 (e) "Local education agency" or "LEA" means:
- 2630 (i) a school district;
- 2631 (ii) a charter school; or
- 2632 (iii) the Utah Schools for the Deaf and the Blind.
- 2633 (f) "Partial pupil" means if an eligible student attends less than a full year of
- 2634 membership, the number of days the student was in membership compared to a full
- 2635 membership year.
- 2636 (g) "Program" means the Reimbursement Program for Early Graduation From
- 2637 Competency-Based Education established in this section.
- 2638 (2) (a) There is established the Reimbursement Program for Early Graduation From
- 2639 Competency-Based Education.
- 2640 (b) Subject to future budget constraints, the Legislature may annually appropriate
- 2641 money to the Reimbursement Program for Early Graduation From Competency-Based
- 2642 Education.
- 2643 (3) An LEA may apply to the board to receive a reimbursement, as described in
- 2644 Subsection (5), for an eligible student.
- 2645 (4) The board shall approve a reimbursement to an LEA after the LEA demonstrates:
- 2646 (a) that the LEA is an eligible LEA; and
- 2647 (b) that the individual for whom the eligible LEA requests reimbursement is an eligible
- 2648 student.
- 2649 (5) (a) For each eligible student, the board shall only reimburse an eligible LEA:
- 2650 (i) if the eligible student attended the eligible LEA for less than a full school year
- 2651 before the eligible student's cohort graduated, up to the value of one weighted pupil unit pro
- 2652 rated based on the difference between:
- 2653 (A) the number of days of partial pupil in average daily membership earned by the
- 2654 eligible LEA while the eligible student was still in attendance; and
- 2655 (B) a full pupil in average daily membership; and
- 2656 (ii) the value of one weighted pupil unit for each full school year the eligible student

2657 graduated ahead of the eligible student's cohort.

2658 (b) The board shall:

2659 (i) use data from the prior year average daily membership to determine the number of  
2660 eligible students; and

2661 (ii) reimburse the eligible LEA in the current school year.

2662 (6) The board shall in accordance with Title 63G, Chapter 3, Utah Administrative  
2663 Rulemaking Act, adopt rules to administer the provisions of this section.

2664 Section 51. Section **53F-2-512**, which is renumbered from Section 53A-17a-112.2 is  
2665 renumbered and amended to read:

2666 ~~[53A-17a-112.2]~~. **53F-2-512. Appropriation for accommodation plans for**  
2667 **students with Section 504 accommodations.**

2668 (1) As used in this section:

2669 (a) "Board" means the State Board of Education.

2670 (b) "Local education agency" or "LEA" means:

2671 (i) a school district;

2672 (ii) a charter school; or

2673 (iii) the Utah Schools for the Deaf and the Blind.

2674 (c) "Section 504 accommodation plan" means an accommodation plan under Section  
2675 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.

2676 (2) (a) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah  
2677 Administrative Rulemaking Act, that establish a reimbursement program that:

2678 (i) distributes any money appropriated to the board for Special Education -- Section  
2679 504 Accommodations;

2680 (ii) allows an LEA to apply for reimbursement of the costs of services that:

2681 (A) an LEA renders to a student with a Section 504 accommodation plan; and

2682 (B) exceed 150% of the average cost of a general education student; and

2683 (iii) provides for a pro-rated reimbursement based on the amount of reimbursement  
2684 applications received during a given fiscal year and the amount of money appropriated to the



2685 board that fiscal year.

2686 (b) Beginning with the 2018-19 school year, the board shall allocate money  
2687 appropriated to the board for Special Education -- Section 504 Accommodations in accordance  
2688 with the rules described in Subsection (2)(a).

2689 (3) On or before January 30, 2018, the board shall report to the Public Education  
2690 Appropriations Subcommittee:

2691 (a) information collected regarding the number of students who qualify for a Section  
2692 504 accommodation plan; and

2693 (b) if available, the estimated financial impact of providing Section 504  
2694 accommodation services to the number of students described in Subsection (3)(a).

2695 Section 52. Section **53F-2-513**, which is renumbered from Section 53A-17a-173 is  
2696 renumbered and amended to read:

2697 ~~[53A-17a-173]~~. **53F-2-513. Effective Teachers in High Poverty Schools**  
2698 **Incentive Program -- Salary bonus -- Evaluation.**

2699 (1) As used in this section:

2700 (a) "Board" means the State Board of Education.

2701 (b) "Cohort" means a group of students, defined by the year in which the group enters  
2702 grade 1.

2703 (c) "Eligible teacher" means a teacher who:

2704 (i) is employed as a teacher in a high poverty school at the time the teacher is  
2705 considered by the board for a salary bonus; and

2706 (ii) achieves a median growth percentile of 70 or higher:

2707 (A) a full school year before the school year the eligible teacher is being considered by  
2708 the board for a salary bonus under this section, regardless of whether the teacher was employed  
2709 the previous school year by a high poverty school or a different public school; and

2710 (B) while teaching at any public school in the state a course for which a standards  
2711 assessment is administered as described in Section ~~[53A-1-604]~~ [53E-4-303](#).

2712 (d) "High poverty school" means a public school:

2713 (i) in which:

2714 (A) more than 20% of the enrolled students are classified as children affected by  
2715 intergenerational poverty; or

2716 (B) 70% or more of the enrolled students qualify for free or reduced lunch; or

2717 (ii) (A) that has previously met the criteria described in Subsection (1)(d)(i)(A) and for  
2718 each school year since meeting that criteria at least 15% of the enrolled students at the public  
2719 school have been classified as children affected by intergenerational poverty; or

2720 (B) that has previously met the criteria described in Subsection (1)(d)(i)(B) and for  
2721 each school year since meeting that criteria at least 60% of the enrolled students at the public  
2722 school have qualified for free or reduced lunch.

2723 (e) "Intergenerational poverty" means the same as that term is defined in Section  
2724 [35A-9-102](#).

2725 (f) "Median growth percentile" means a number that describes the comparative  
2726 effectiveness of a teacher in helping the teacher's students achieve growth in a year by  
2727 identifying the median student growth percentile of all the students a teacher instructs.

2728 (g) "Program" means the Effective Teachers in High Poverty Schools Incentive  
2729 Program created in Subsection (2).

2730 (h) "Student growth percentile" is a number that describes where a student ranks in  
2731 comparison to the student's cohort.

2732 (2) (a) The Effective Teachers in High Poverty Schools Incentive Program is created to  
2733 provide an annual salary bonus for an eligible teacher.

2734 (b) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative  
2735 Rulemaking Act, make rules for:

2736 (i) the administration of the program;

2737 (ii) payment of a salary bonus; and

2738 (iii) application requirements.

2739 (c) The board shall make an annual salary bonus payment in a fiscal year that begins on  
2740 July 1, 2017, and each fiscal year thereafter in which money is appropriated for the program.

2741 (3) (a) Subject to future budget constraints, the Legislature shall annually appropriate  
2742 money to fund the program.

2743 (b) Money appropriated for the program shall include money for the following  
2744 employer-paid benefits:

2745 (i) social security; and

2746 (ii) Medicare.

2747 (4) (a) (i) A charter school or school district school shall annually apply to the board on  
2748 behalf of an eligible teacher for an eligible teacher to receive an annual salary bonus each year  
2749 that the teacher is an eligible teacher.

2750 (ii) A teacher need not be an eligible teacher in consecutive years to receive the  
2751 increased annual salary bonus described in Subsection (4)(b).

2752 (b) The annual salary bonus for an eligible teacher is \$5,000.

2753 (c) A public school that applies on behalf of an eligible teacher under Subsection  
2754 (4)(a)(i) shall pay half of the salary bonus described in Subsection (4)(b) each year the eligible  
2755 teacher is awarded the salary bonus.

2756 (d) The board shall award a salary bonus to an eligible teacher based on the order that  
2757 an application from a public school on behalf of the eligible teacher is received.

2758 (5) The board shall:

2759 (a) determine if a teacher is an eligible teacher; and

2760 (b) verify, as needed, the determinations made under Subsection (5)(a) with the school  
2761 district and school district administrators.

2762 (6) The board shall:

2763 (a) distribute money from the program to school districts and charter schools in  
2764 accordance with this section and board rule; and

2765 (b) include the employer-paid benefits described in Subsection (3)(b) in addition to the  
2766 salary bonus amount described in Subsection (4)(b).

2767 (7) Money received from the program shall be used by a school district or charter  
2768 school to provide an annual salary bonus equal to the amount specified in Subsection (4)(b) for

2769 each eligible teacher and to pay affiliated employer-paid benefits described in Subsection  
2770 (3)(b).

2771 (8) (a) After the third year salary bonus payments are made, and each succeeding year,  
2772 the board shall evaluate the extent to which a salary bonus described in this section improves  
2773 recruitment and retention of effective teachers in high poverty schools by at least:

2774 (i) surveying teachers who receive the salary bonus; and

2775 (ii) examining turnover rates of teachers who receive the salary bonus compared to  
2776 teachers who do not receive the salary bonus.

2777 (b) Each year that the board conducts an evaluation described in Subsection (8)(a), the  
2778 board shall, in accordance with Section 68-3-14, submit a report on the results of the evaluation  
2779 to the Education Interim Committee on or before November 30.

2780 (9) A public school shall annually notify a teacher:

2781 (a) of the teacher's median growth percentile; and

2782 (b) how the teacher's median growth percentile is calculated.

2783 (10) Notwithstanding this section, if the appropriation for the program is insufficient to  
2784 cover the costs associated with salary bonuses, the board may limit or reduce a salary bonus.

2785 Section 53. Section **53F-2-514**, which is renumbered from Section 53A-1a-601 is  
2786 renumbered and amended to read:

2787 ~~[53A-1a-601]~~. **53F-2-514. Job enhancements for mathematics, science,**  
2788 **technology, and special education training.**

2789 (1) As used in this ~~[part]~~ section, "special education teacher" includes occupational  
2790 therapist.

2791 (2) The Public Education Job Enhancement Program is established to attract, train, and  
2792 retain highly qualified:

2793 (a) secondary teachers with expertise in mathematics, physics, chemistry, physical  
2794 science, learning technology, or information technology;

2795 (b) special education teachers; and

2796 (c) teachers in grades four through six with mathematics endorsements.

- 2797 (3) The program shall provide for the following:
- 2798 (a) application by a school district superintendent or the principal of a school on behalf
- 2799 of a qualified teacher;
- 2800 (b) an award of up to \$20,000 or a scholarship to cover the tuition costs for a master's
- 2801 degree, an endorsement, or graduate education in the areas identified in Subsection (2) to be
- 2802 given to selected public school teachers on a competitive basis:
- 2803 (i) whose applications are approved; and
- 2804 (ii) who teach in the state's public education system for four years in the areas
- 2805 identified in Subsection (2);
- 2806 (c) (i) as to the cash awards under Subsection (3)(b), payment of the award in two
- 2807 installments, with an initial payment of up to \$10,000 at the beginning of the term and up to
- 2808 \$10,000 at the conclusion of the term;
- 2809 (ii) repayment of a portion of the initial payment by the teacher if the teacher fails to
- 2810 complete two years of the four-year teaching term in the areas identified in Subsection (2) as
- 2811 provided by rule of the State Board of Education in accordance with Title 63G, Chapter 3, Utah
- 2812 Administrative Rulemaking Act, unless waived for good cause by the State Board of
- 2813 Education; and
- 2814 (iii) nonpayment of the second installment if the teacher fails to complete the four-year
- 2815 teaching term; and
- 2816 (d) (i) as to the scholarships awarded under Subsection (3)(b), provision for the
- 2817 providing institution to certify adequate performance in obtaining the master's degree,
- 2818 endorsement, or graduate education in order for the teacher to maintain the scholarship; and
- 2819 (ii) repayment by the teacher of a prorated portion of the scholarship, if the teacher fails
- 2820 to complete the authorized classes or program or to teach in the state system of public
- 2821 education in the areas identified in Subsection (2) for four years after obtaining the master's
- 2822 degree, the endorsement, or graduate education.
- 2823 (4) An individual teaching in the public schools under a letter of authorization may
- 2824 participate in the cash award program if:

2825 (a) the individual has taught under the letter of authorization for at least one year in the  
2826 areas referred to in Subsection (2); and

2827 (b) the application made under Subsection (3)(a) is based in large part upon the  
2828 individual receiving a superior evaluation as a classroom teacher.

2829 (5) (a) The program may provide for the expenditure of up to \$1,000,000 of available  
2830 money, if at least an equal amount of matching money becomes available, to provide  
2831 professional development training to superintendents, administrators, and principals in the  
2832 effective use of technology in public schools.

2833 (b) An award granted under this Subsection (5) shall be made in accordance with  
2834 criteria developed and adopted by the State Board of Education and in accordance with Title  
2835 63G, Chapter 3, Utah Administrative Rulemaking Act.

2836 (c) An amount up to \$120,000 of the \$1,000,000 authorized in Subsection (5)(a) may  
2837 be expended, regardless of the matching money being available.

2838 Section 54. Section **53F-2-515**, which is renumbered from Section 53A-17a-143 is  
2839 renumbered and amended to read:

2840 ~~[53A-17a-143]~~. **53F-2-515. Federal Impact Aid Program -- Offset for**  
2841 **underestimated allocations from the Federal Impact Aid Program.**

2842 (1) In addition to the revenues received from the levy imposed by a local school board  
2843 and authorized by the Legislature under Section ~~[53A-17a-135]~~ 53F-2-301, the Legislature  
2844 shall provide an amount equal to the difference between the school district's anticipated  
2845 receipts under the entitlement for the fiscal year from the Federal Impact Aid Program and the  
2846 amount the school district actually received from this source for the next preceding fiscal year.

2847 (2) If at the end of a fiscal year the sum of the receipts of a school district from a  
2848 distribution from the Legislature pursuant to Subsection (1) plus the school district's allocations  
2849 from the Federal Impact Aid Program for that fiscal year exceeds the amount allocated to the  
2850 school district from the Federal Impact Aid Program for the next preceding fiscal year, the  
2851 excess funds are carried into the next succeeding fiscal year and become in that year a part of  
2852 the school district's contribution to the school district's basic program for operation and

2853 maintenance under the state minimum school finance law.

2854 (3) During the next succeeding fiscal year described in Subsection (2), the school  
2855 district's required tax rate for the basic program shall be reduced so that the yield from the  
2856 reduced tax rate plus the carryover funds equal the school district's required contribution to the  
2857 school district's basic program.

2858 (4) For the school district of a local school board that is required to reduce the school  
2859 district's basic tax rate under this section, the school district shall receive state minimum school  
2860 program funds as though the reduction in the tax rate had not been made.

2861 Section 55. Section **53F-2-516**, which is renumbered from Section 53A-15-104 is  
2862 renumbered and amended to read:

2863 ~~**53A-15-104.**~~ **53F-2-516. Critical Languages Program -- Pilot.**

2864 (1) (a) As used in this section, "critical languages" means those languages described in  
2865 the federal National Security Language Initiative, including Chinese, Arabic, Russian, Farsi,  
2866 Hindi, and Korean.

2867 (b) The Legislature recognizes:

2868 (i) the importance of students acquiring skills in foreign languages in order for them to  
2869 successfully compete in a global society; and

2870 (ii) the academic, societal, and economic development benefits of the acquisition of  
2871 critical languages.

2872 (2) (a) The State Board of Education, in consultation with the Utah Education and  
2873 Telehealth Network, shall develop and implement courses of study in the critical languages.

2874 (b) A course may be taught:

2875 (i) over the state's two-way interactive video conferencing system for video and audio,  
2876 to students in the state's public education system;

2877 (ii) through the Electronic High School;

2878 (iii) through traditional instruction; or

2879 (iv) by visiting guest teachers.

2880 (3) (a) The courses authorized in Subsection (2) may use paraprofessionals in the

2881 classroom who:

2882 (i) are fluent in the critical language being taught; and

2883 (ii) can provide reinforcement and tutoring to students on days and at times when they  
2884 are not receiving instruction under Subsection (2)(b).

2885 (b) The State Board of Education, through the state superintendent of public  
2886 instruction, shall ensure that the paraprofessionals are fluent in the critical languages.

2887 (4) The State Board of Education shall make rules on the critical languages courses  
2888 authorized under this section in accordance with Title 63G, Chapter 3, Utah Administrative  
2889 Rulemaking Act, to include:

2890 (a) notification to school districts on the times and places of the course offerings; and

2891 (b) instructional materials for the courses.

2892 (5) The State Board of Education shall track and monitor the Critical Languages  
2893 Program and may expand the program to include more course offerings and other critical  
2894 languages, subject to student demand for the courses and available resources.

2895 (6) (a) Subject to funding for the program, the State Board of Education shall establish  
2896 a pilot program for school districts and schools to initially participate in the Critical Languages  
2897 Program that provides:

2898 (i) up to \$6,000 per language per school, for up to 60 schools, for courses offered in  
2899 critical languages;

2900 (ii) up to \$100 per student who completes a critical languages course; and

2901 (iii) up to an additional \$400 per foreign exchange student who completes a critical  
2902 languages course.

2903 (b) If the available funding is insufficient to provide the amounts described under  
2904 Subsection (6)(a), the amounts provided shall be reduced pro rata so that the total provided  
2905 does not exceed the available funding.

2906 Section 56. Section **53F-2-517**, which is renumbered from Section 53A-17a-124 is  
2907 renumbered and amended to read:

2908 ~~[53A-17a-124]~~. **53F-2-517. Quality Teaching Block Grant Program -- State**



2909 **contributions.**

2910 (1) The State Board of Education shall distribute money appropriated for the Quality  
2911 Teaching Block Grant Program to school districts and charter schools according to a formula  
2912 adopted by the State Board of Education, after consultation with local education boards, that  
2913 allocates the funding in a fair and equitable manner.

2914 (2) Local education boards shall use Quality Teaching Block Grant money to  
2915 implement professional learning that meets the standards specified in Section [~~53A-3-701~~]  
2916 [53G-11-303](#).

2917 Section 57. Section **53F-2-518**, which is renumbered from Section 53A-17a-125 is  
2918 renumbered and amended to read:

2919 ~~[53A-17a-125]~~. **53F-2-518. Appropriation for retirement and social security.**

2920 (1) The employee's retirement contribution shall be 1% for employees who are under  
2921 the state's contributory retirement program.

2922 (2) The employer's contribution under the state's contributory retirement program is  
2923 determined under Section [49-12-301](#), subject to the 1% contribution under Subsection (1).

2924 (3) (a) The employer-employee contribution rate for employees who are under the  
2925 state's noncontributory retirement program is determined under Section [49-13-301](#).

2926 (b) The same contribution rate used under Subsection (3)(a) shall be used to calculate  
2927 the appropriation for charter schools described under Subsection (5).

2928 (4) (a) Money appropriated to the State Board of Education for retirement and social  
2929 security money shall be allocated to school districts and charter schools based on a school  
2930 district's or charter school's total weighted pupil units compared to the total weighted pupil  
2931 units for all school districts and charter schools in the state.

2932 (b) Subject to budget constraints, money needed to support retirement and social  
2933 security shall be determined by taking a school district's or charter school's prior year allocation  
2934 and adjusting it for:

2935 (i) student growth;

2936 (ii) the percentage increase in the value of the weighted pupil unit; and

2937 (iii) the effect of any change in the rates for retirement, social security, or both.  
2938 (5) A charter school governing board that makes an election of nonparticipation in the  
2939 Utah State Retirement Systems in accordance with Section [~~53A-1a-512~~] [53G-5-407](#) and Title  
2940 49, Utah State Retirement and Insurance Benefit Act, shall use the funds described under this  
2941 section for retirement to provide the charter school's own compensation, benefit, and retirement  
2942 programs.

2943 Section 58. Section **53F-2-601** is enacted to read:

2944 **Part 6. State Guarantee Funding**

2945 **53F-2-601. Voted local levy state guarantee.**

2946 (1) As used in this section, "voted and board local levy funding balance" means the  
2947 difference between:

2948 (a) the amount appropriated for the voted and board local levy program in a fiscal year;  
2949 and

2950 (b) the amount necessary to provide the state guarantee per weighted pupil unit as  
2951 determined under this section and Section [53F-2-602](#) in the same fiscal year.

2952 (2) In addition to the revenue collected from the imposition of a levy pursuant to  
2953 Section [53F-8-301](#), the state shall contribute an amount sufficient to guarantee \$35.55 per  
2954 weighted pupil unit for each .0001 of the first .0016 per dollar of taxable value.

2955 (3) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar  
2956 of taxable value under Subsection (2) shall apply to the portion of the board local levy  
2957 authorized in Section [53F-8-302](#), so that the guarantee shall apply up to a total of .002 per  
2958 dollar of taxable value if a local school board levies a tax rate under both programs.

2959 (4) (a) Beginning July 1, 2015, the \$35.55 guarantee under Subsections (2) and (3)  
2960 shall be indexed each year to the value of the weighted pupil unit for the grades 1 through 12  
2961 program by making the value of the guarantee equal to .011962 times the value of the prior  
2962 year's weighted pupil unit for the grades 1 through 12 program.

2963 (b) The guarantee shall increase by .0005 times the value of the prior year's weighted  
2964 pupil unit for the grades 1 through 12 program for each succeeding year subject to the

2965 Legislature appropriating funds for an increase in the guarantee.

2966 (5) (a) The amount of state guarantee money to which a school district would otherwise  
2967 be entitled to receive under this section may not be reduced for the sole reason that the school  
2968 district's levy is reduced as a consequence of changes in the certified tax rate under Section  
2969 59-2-924 pursuant to changes in property valuation.

2970 (b) Subsection (5)(a) applies for a period of five years following any such change in the  
2971 certified tax rate.

2972 (6) The guarantee provided under this section does not apply to the portion of a voted  
2973 local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal  
2974 year, unless an increase in the voted local levy rate was authorized in an election conducted on  
2975 or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

2976 (7) (a) If a voted and board local levy funding balance exists for the prior fiscal year,  
2977 the State Board of Education shall:

2978 (i) use the voted and board local levy funding balance to increase the value of the state  
2979 guarantee per weighted pupil unit described in Subsection (4) in the current fiscal year; and

2980 (ii) distribute the state contribution to the voted and board local levy programs to  
2981 school districts based on the increased value of the state guarantee per weighted pupil unit  
2982 described in Subsection (7)(a)(i).

2983 (b) The State Board of Education shall report action taken under this Subsection (7) to  
2984 the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and  
2985 Budget.

2986 Section 59. Section **53F-2-602** is enacted to read:

2987 **53F-2-602. Board local levy state guarantee.**

2988 (1) In addition to the revenue a school district collects from the imposition of a levy  
2989 pursuant to Section [53F-8-302](#), the state shall contribute an amount sufficient to guarantee that  
2990 each .0001 of the first .0004 per dollar of taxable value generates an amount equal to the state  
2991 guarantee per weighted pupil unit described in Section [53F-2-601](#).

2992 (2) (a) The amount of state guarantee money to which a school district would otherwise

2993 be entitled to under this section may not be reduced for the sole reason that the district's levy is  
 2994 reduced as a consequence of changes in the certified tax rate under Section [59-2-924](#) pursuant  
 2995 to changes in property valuation.

2996 (b) Subsection (2)(a) applies for a period of five years following any changes in the  
 2997 certified tax rate.

2998 Section 60. Section **53F-2-701** is enacted to read:

2999 **Part 7. Charter School Funding**

3000 **53F-2-701. Definitions.**

3001 The terms defined in Section [53G-5-102](#) apply to this part.

3002 Section 61. Section **53F-2-702**, which is renumbered from Section 53A-1a-513 is  
 3003 renumbered and amended to read:

3004 ~~**[53A-1a-513].**~~ **53F-2-702. Funding for charter schools.**

3005 ~~[(1) As used in this section:]~~

3006 ~~[(a) "Basic program" means the same as that term is defined in Section [53A-17a-103](#).]~~

3007 ~~[(b) "Charter school students' average local revenues" means the amount determined as~~  
 3008 ~~follows:]~~

3009 ~~[(i) for each student enrolled in a charter school on the previous October 1, calculate~~  
 3010 ~~the district per pupil local revenues of the school district in which the student resides;]~~

3011 ~~[(ii) sum the district per pupil local revenues for each student enrolled in a charter~~  
 3012 ~~school on the previous October 1; and]~~

3013 ~~[(iii) divide the sum calculated under Subsection (1)(b)(ii) by the number of students~~  
 3014 ~~enrolled in charter schools on the previous October 1.]~~

3015 ~~[(c) "Charter school levy per pupil revenues" means the same as that term is defined in~~  
 3016 ~~Section [53A-1a-513.1](#).]~~

3017 ~~[(d) "District local property tax revenues" means the sum of a school district's revenue~~  
 3018 ~~received from the following:]~~

3019 ~~[(i) a voted local levy imposed under Section [53A-17a-133](#);~~

3020 ~~[(ii) a board local levy imposed under Section [53A-17a-164](#), excluding revenues~~

3021 expended for:]

3022 [~~(A) pupil transportation, up to the amount of revenue generated by a .0003 per dollar~~

3023 ~~of taxable value of the school district's board local levy; and]~~

3024 [~~(B) the K-3 Reading Improvement Program, up to the amount of revenue generated by~~

3025 ~~a .000121 per dollar of taxable value of the school district's board local levy;]~~

3026 [~~(iii) a capital local levy imposed under Section [53A-16-113](#); and]~~

3027 [~~(iv) a guarantee described in Section [53A-17a-133](#), [53A-17a-164](#), [53A-21-202](#), or~~

3028 ~~[53A-21-302](#).]~~

3029 [~~(e) "District per pupil local revenues" means, using data from the most recently~~

3030 ~~published school district annual financial reports and state superintendent's annual report, an~~

3031 ~~amount equal to district local property tax revenues divided by the sum of:]~~

3032 [~~(i) a school district's average daily membership; and]~~

3033 [~~(ii) the average daily membership of a school district's resident students who attend~~

3034 ~~charter schools.]~~

3035 [~~(f) "Resident student" means a student who is considered a resident of the school~~

3036 ~~district under Title 53A, Chapter 2, Part 2, District of Residency.]~~

3037 [~~(g) "Statewide average debt service revenues" means the amount determined as~~

3038 ~~follows, using data from the most recently published state superintendent's annual report:]~~

3039 [~~(i) sum the revenues of each school district from the debt service levy imposed under~~

3040 ~~Section [11-14-310](#); and]~~

3041 [~~(ii) divide the sum calculated under Subsection (1)(g)(i) by statewide school district~~

3042 ~~average daily membership.]~~

3043 [~~(2)~~] (1) (a) Charter schools shall receive funding as described in this section, except

3044 Subsections [~~(3)~~] (2) through [~~(7)~~] (6) do not apply to charter schools described in Subsection

3045 [~~(2)~~] (1)(b).

3046 (b) Charter schools authorized by local school boards that are converted from district

3047 schools or operate in district facilities without paying reasonable rent shall receive funding as

3048 prescribed in Section [~~53A-1a-515~~] [53G-5-305](#).

3049           ~~[(3)(a)]~~ (2) Except as ~~[provided in Subsections (3)(b) and (3)(c)]~~ described in Section  
 3050 53F-2-302, a charter school shall receive state funds, as applicable, on the same basis as a  
 3051 school district receives funds.

3052           ~~[(b) For the 2015-16 school year, the number of weighted pupil units assigned to a~~  
 3053 ~~charter school for the kindergarten and grades 1 through 12 programs of the Basic School~~  
 3054 ~~Program shall be:]~~

3055           ~~[(i) based on the higher of:]~~

3056           ~~[(A) October 1 enrollment in the current school year; or]~~

3057           ~~[(B) average daily membership in the prior school year plus growth as determined~~  
 3058 ~~under Section 53A-17a-106; and]~~

3059           ~~[(ii) weighted as provided in Subsection (3)(c):]~~

3060           ~~[(c) In distributing funds under Chapter 17a, Minimum School Program Act, to charter~~  
 3061 ~~schools, charter school pupils shall be weighted, where applicable, as follows:]~~

3062           ~~[(i) .55 for kindergarten pupils;]~~

3063           ~~[(ii) .9 for pupils in grades 1 through 6;]~~

3064           ~~[(iii) .99 for pupils in grades 7 through 8; and]~~

3065           ~~[(iv) 1.2 for pupils in grades 9 through 12.]~~

3066           ~~[(4)]~~ (3) (a) As described in Section ~~[53A-1a-513.1]~~ 53F-2-703, the State Board of  
 3067 Education shall distribute charter school levy per pupil revenues to charter schools.

3068           (b) ~~[(i) Subject]~~ As described in Section 53F-2-704, and subject to future budget  
 3069 constraints, the Legislature shall provide an appropriation for charter schools for each charter  
 3070 school student enrolled on October 1 to supplement the allocation of charter school levy per  
 3071 pupil revenues described in Subsection ~~[(4)]~~ (3)(a).

3072           ~~[(ii) Except as provided in Subsection (4)(b)(iii), the amount of money provided by the~~  
 3073 ~~state for a charter school student shall be the sum of:]~~

3074           ~~[(A) charter school students' average local revenues minus the charter school levy per~~  
 3075 ~~pupil revenues; and]~~

3076           ~~[(B) statewide average debt service revenues.]~~

3077            [~~(iii) If the total of charter school levy per pupil revenues and the amount provided by~~  
3078 ~~the state under Subsection (4)(b)(ii) is less than \$1,427, the state shall provide an additional~~  
3079 ~~supplement so that a charter school receives at least \$1,427 per student under this Subsection~~  
3080 ~~(4).]~~

3081            [~~(iv) (A) If the appropriation provided under this Subsection (4)(b) is less than the~~  
3082 ~~amount prescribed by Subsection (4)(b)(ii) or (4)(b)(iii), the appropriation shall be allocated~~  
3083 ~~among charter schools in proportion to each charter school's enrollment as a percentage of the~~  
3084 ~~total enrollment in charter schools.]~~

3085            [~~(B) If the State Board of Education makes adjustments to Minimum School Program~~  
3086 ~~allocations as provided under Section [53A-17a-105](#), the allocation provided in Subsection~~  
3087 ~~(4)(b)(iv)(A) shall be determined after adjustments are made under Section [53A-17a-105](#).]~~

3088            [~~(c) (i) Of the money provided to a charter school under this Subsection (4), 10% shall~~  
3089 ~~be expended for funding school facilities only.]~~

3090            [~~(ii) Subsection (4)(c)(i) does not apply to an online charter school.]~~

3091            [~~(d) This Subsection (4) is effective July 1, 2017.]~~

3092            [~~(5)] (4) Charter schools are eligible to receive federal funds if they meet all applicable  
3093 federal requirements and comply with relevant federal regulations.~~

3094            [~~(6)] (5) The State Board of Education shall distribute funds for charter school students  
3095 directly to the charter school.~~

3096            [~~(7)] (6) (a) Notwithstanding Subsection [~~(3)~~] (2), a charter school is not eligible to  
3097 receive state transportation funding.~~

3098            (b) The board shall also adopt rules relating to the transportation of students to and  
3099 from charter schools, taking into account Sections [~~53A-2-210 and 53A-17a-127~~] [53F-2-403](#)  
3100 and [53G-6-405](#).

3101            (c) The governing board of the charter school may provide transportation through an  
3102 agreement or contract with the local school board, a private provider, or parents.

3103            [~~(8)] (7) (a) (i) In accordance with Section [~~53A-1a-513.5~~] [53F-2-705](#), the State  
3104 Charter School Board may allocate grants for start-up costs to charter schools from money~~

3105 appropriated for charter school start-up costs.

3106 (ii) The governing board of a charter school that receives money from a grant under  
3107 Section [~~53A-1a-513.5~~] 53F-2-705 shall use the grant for expenses for planning and  
3108 implementation of the charter school.

3109 (b) The State Board of Education shall coordinate the distribution of federal money  
3110 appropriated to help fund costs for establishing and maintaining charter schools within the  
3111 state.

3112 [~~(9)~~] (8) (a) A charter school may receive, hold, manage and use any devise, bequest,  
3113 grant, endowment, gift, or donation of any property made to the school for any of the purposes  
3114 of [~~this part~~] Title 53G, Chapter 5, Charter Schools, or related provisions.

3115 (b) It is unlawful for any person affiliated with a charter school to demand or request  
3116 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated  
3117 with the charter school as a condition for employment or enrollment at the school or continued  
3118 attendance at the school.

3119 Section 62. Section **53F-2-703**, which is renumbered from Section 53A-1a-513.1 is  
3120 renumbered and amended to read:

3121 [~~53A-1a-513.1~~]. **53F-2-703. Charter school levy.**

3122 (1) As used in this section:

3123 (a) "Board" means the State Board of Education.

3124 (b) "Charter School Levy Account" means the Charter School Levy Account created in  
3125 Section [~~53A-1a-513.2~~] 53F-9-301.

3126 (c) "Charter school levy per district revenues" means the product of:

3127 (i) a school district's district per pupil local revenues; and

3128 (ii) the number of charter school students in the school district who are resident  
3129 students.

3130 (d) "Charter school levy per pupil revenues" means an amount equal to the following:

3131 (i) charter school levy total local revenues for a given fiscal year, adjusted if necessary  
3132 as described in Subsection (4); divided by



3133 (ii) the number of students enrolled in a charter school on October 1 of the prior school  
3134 year.

3135 (e) "Charter school levy revenues" means the charter school levy revenues generated by  
3136 a charter school levy rate described in Subsection (2)(b)(i).

3137 (f) "Charter school levy total local revenues" means the sum of charter school levy per  
3138 district revenues for every school district in the state for the same given fiscal year.

3139 (g) "District per pupil local revenues" means the same as that term is defined in Section  
3140 ~~[53A-1a-513]~~ 53F-2-704.

3141 (h) "Resident student" means the same as that term is defined in Section ~~[53A-1a-513]~~  
3142 53F-2-704.

3143 (2) (a) Beginning with the taxable year beginning on January 1, 2017, the state shall  
3144 annually impose a charter school levy as described in this Subsection (2).

3145 (b) (i) For each school district, before June 22, the State Tax Commission shall certify  
3146 a rate for the charter school levy described in Subsection (2)(a) to generate an amount of  
3147 revenue within a school district equal to 25% of the charter school levy per district revenues  
3148 excluding the amount of revenues:

3149 (A) described in Subsection ~~[53A-1a-513(1)(d)(iv)]~~ 53F-2-704(1)(c)(iv); and

3150 (B) expended by the school district for recreational facilities and activities authorized  
3151 under Title 11, Chapter 2, Playgrounds.

3152 (ii) To calculate a charter school levy rate for a school district, the State Tax  
3153 Commission shall use the calculation method described in Subsection ~~59-2-924[(3)(c)(ii)]~~ (4).

3154 (c) The charter school levy shall be separately stated on a tax notice.

3155 (3) (a) A county treasurer shall collect the charter school levy revenues for all school  
3156 districts located within the county treasurer's county and remit the money monthly to the state  
3157 treasurer.

3158 (b) The state treasurer shall deposit the charter school levy revenues received from a  
3159 county treasurer into the Charter School Levy Account.

3160 (4) (a) For each charter school student, the board shall distribute the charter school per

3161 pupil levy revenues from the Charter School Levy Account to the student's charter school in  
3162 accordance with this Subsection (4).

3163 (b) For a given fiscal year, if the actual charter school levy total local revenues are  
3164 more than the estimated charter school levy total local revenues the board shall:

3165 (i) deduct the amount of revenue that exceeds the estimated charter school levy total  
3166 local revenues from the actual charter school levy total local revenues; and

3167 (ii) use the remaining amount to calculate the charter school per pupil levy revenues.

3168 (c) For a given fiscal year, if the actual charter school total local revenues are less than  
3169 the estimated charter school levy total local revenues, the board shall:

3170 (i) if sufficient funds are available in the Charter School Levy Account, add an amount  
3171 of funds from the Charter School Levy Account to the charter school levy total local revenues  
3172 to equal the estimated charter school levy total local revenues; and

3173 (ii) if sufficient funds are not available in the Charter School Levy Account, calculate  
3174 the charter school per pupil levy revenues using the actual amount of the charter school levy  
3175 total local revenues.

3176 Section 63. Section **53F-2-704** is enacted to read:

3177 **53F-2-704. Charter school levy state guarantee.**

3178 (1) As used in this section:

3179 (a) "Charter school levy per pupil revenues" means the same as that term is defined in  
3180 Section [53F-2-703](#).

3181 (b) "Charter school students' average local revenues" means the amount determined as  
3182 follows:

3183 (i) for each student enrolled in a charter school on the previous October 1, calculate the  
3184 district per pupil local revenues of the school district in which the student resides;

3185 (ii) sum the district per pupil local revenues for each student enrolled in a charter  
3186 school on the previous October 1; and

3187 (iii) divide the sum calculated under Subsection (1)(a)(ii) by the number of students  
3188 enrolled in charter schools on the previous October 1.

3189 (c) "District local property tax revenues" means the sum of a school district's revenue  
3190 received from the following:

3191 (i) a voted local levy imposed under Section 53F-8-301;

3192 (ii) a board local levy imposed under Section 53F-8-302, excluding revenues expended  
3193 for:

3194 (A) pupil transportation, up to the amount of revenue generated by a .0003 per dollar of  
3195 taxable value of the school district's board local levy; and

3196 (B) the K-3 Reading Improvement Program, up to the amount of revenue generated by  
3197 a .000121 per dollar of taxable value of the school district's board local levy;

3198 (iii) a capital local levy imposed under Section 53F-8-303; and

3199 (iv) a guarantee described in Section 53F-2-601, 53F-2-602, 53F-3-202, or 53F-3-203.

3200 (d) "District per pupil local revenues" means, using data from the most recently  
3201 published school district annual financial reports and state superintendent's annual report, an  
3202 amount equal to district local property tax revenues divided by the sum of:

3203 (i) a school district's average daily membership; and

3204 (ii) the average daily membership of a school district's resident students who attend  
3205 charter schools.

3206 (e) "Resident student" means a student who is considered a resident of the school  
3207 district under Title 53G, Chapter 6, Part 3, School District Residency.

3208 (f) "Statewide average debt service revenues" means the amount determined as  
3209 follows, using data from the most recently published state superintendent's annual report:

3210 (i) sum the revenues of each school district from the debt service levy imposed under  
3211 Section 11-14-310; and

3212 (ii) divide the sum calculated under Subsection (1)(f)(i) by statewide school district  
3213 average daily membership.

3214 (2) (a) Subject to future budget constraints, the Legislature shall provide an  
3215 appropriation for charter schools for each charter school student enrolled on October 1 to  
3216 supplement the allocation of charter school levy per pupil revenues described in Subsection

3217 [53F-2-702\(3\)\(a\)](#).

3218 (b) Except as provided in Subsection (2)(c), the amount of money provided by the state  
3219 for a charter school student shall be the sum of:

3220 (i) charter school students' average local revenues minus the charter school levy per  
3221 pupil revenues; and

3222 (ii) statewide average debt service revenues.

3223 (c) If the total of charter school levy per pupil revenues distributed by the State Board  
3224 of Education and the amount provided by the state under Subsection (2)(b) is less than \$1,427,  
3225 the state shall provide an additional supplement so that a charter school receives at least \$1,427  
3226 per student under Subsection [53F-2-702\(3\)](#).

3227 (d) (i) If the appropriation provided under this Subsection (2) is less than the amount  
3228 prescribed by Subsection (2)(b) or (c), the appropriation shall be allocated among charter  
3229 schools in proportion to each charter school's enrollment as a percentage of the total enrollment  
3230 in charter schools.

3231 (ii) If the State Board of Education makes adjustments to Minimum School Program  
3232 allocations as provided under Section [53F-2-205](#), the allocation provided in Subsection  
3233 (2)(d)(i) shall be determined after adjustments are made under Section [53F-2-205](#).

3234 (3) (a) Except as provided in Subsection (3)(b), of the money provided to a charter  
3235 school under Subsection [53F-2-702\(3\)](#), 10% shall be expended for funding school facilities  
3236 only.

3237 (b) Subsection (3)(a) does not apply to an online charter school.

3238 Section 64. Section **53F-2-705**, which is renumbered from Section 53A-1a-513.5 is  
3239 renumbered and amended to read:

3240 **~~[53A-1a-513.5]~~. [53F-2-705](#). Grants for charter school start-up costs.**

3241 (1) (a) The State Charter School Board shall use money appropriated for charter school  
3242 start-up costs to provide grants to charter schools to pay for expenses for the planning and  
3243 implementation of a charter school.

3244 (b) The State Charter School Board:

3245 (i) may use up to 8% of the money appropriated for charter school start-up costs for  
3246 financial monitoring of new charter schools and to provide professional development or  
3247 technical assistance for governing board members and staff of new charter schools; and

3248 (ii) in accordance with rules adopted by the State Board of Education, may use up to  
3249 \$200,000 of the money appropriated for charter school start-up costs for a mentoring program  
3250 for new and existing charter schools.

3251 (2) The amount of a grant for charter school start-up costs shall be based on the  
3252 authorized enrollment of the charter school.

3253 (3) The State Board of Education shall make rules consistent with this section  
3254 specifying:

3255 (a) procedures for applying for and awarding grants for charter school start-up costs;

3256 (b) permitted uses of grant money; and

3257 (c) requirements for a charter school to submit the following to the State Charter  
3258 School Board:

3259 (i) a budget for the grant money; and

3260 (ii) a final report on the expenditure of the grant money.

3261 (4) The State Board of Education shall make rules establishing a mentoring program  
3262 for new and existing charter schools.

3263 Section 65. Section **53F-3-101** is enacted to read:

3264 **CHAPTER 3. STATE FUNDING -- CAPITAL OUTLAY PROGRAMS**

3265 **Part 1. General Provisions**

3266 **53F-3-101. Title.**

3267 This chapter is known as "State Funding -- Capital Outlay Programs."

3268 Section 66. Section **53F-3-102**, which is renumbered from Section 53A-21-101.5 is  
3269 renumbered and amended to read:

3270 **[53A-21-101.5]. 53F-3-102. Definitions.**

3271 As used in this chapter:

3272 (1) "ADM" or "pupil in average daily membership" is as defined in Section

3273 [~~53A-17a-103~~] [53F-2-102](#).

3274 (2) "Base tax effort rate" means the average of:

3275 (a) the highest combined capital levy rate; and

3276 (b) the average combined capital levy rate for the school districts statewide.

3277 (3) "Combined capital levy rate" means a rate that includes the sum of the following  
3278 property tax levies:

3279 (a) (i) the capital outlay levy authorized in Section [~~53A-16-107~~] [53F-8-401](#);

3280 (ii) the portion of the 10% of basic levy described in Section [~~53A-17a-145~~] [53F-8-405](#)

3281 that is budgeted for debt service or capital outlay;

3282 (iii) the debt service levy authorized in Section [11-14-310](#); and

3283 (iv) the voted capital outlay leeway authorized in Section [~~53A-16-110~~] [53F-8-402](#); or

3284 (b) (i) the capital local levy authorized in Section [~~53A-16-113~~] [53F-8-303](#); and

3285 (ii) the debt service levy authorized in Section [11-14-310](#).

3286 (4) "Derived net taxable value" means the quotient of:

3287 (a) the total property tax collections from April 1 through the following March 31 for a  
3288 school district for the calendar year preceding the March 31 date; divided by

3289 (b) the school district's total tax rate for the calendar year preceding the March 31  
3290 referenced in Subsection (4)(a).

3291 (5) "Highest combined capital levy rate" means the highest combined capital levy rate  
3292 imposed by a school district within the state for a fiscal year.

3293 (6) "Property tax base per ADM" means the quotient of:

3294 (a) a school district's derived net taxable value; divided by

3295 (b) the school district's ADM.

3296 (7) "Property tax yield per ADM" means:

3297 (a) the product of:

3298 (i) a school district's derived net taxable value; and

3299 (ii) the base tax effort rate; divided by

3300 (b) the school district's ADM.

3301 (8) "Statewide average property tax base per ADM" means the quotient of:

3302 (a) the sum of all school districts' derived net taxable value; divided by

3303 (b) the sum of all school districts' ADM.

3304 Section 67. Section **53F-3-201**, which is renumbered from Section 53A-21-102 is

3305 renumbered and amended to read:

3306 **Part 2. Capital Outlay Programs**

3307 ~~[53A-21-102]~~. **53F-3-201. Capital outlay programs -- Use of funds.**

3308 A school district may only use the money provided under this chapter for school district

3309 capital outlay and debt service purposes.

3310 Section 68. Section **53F-3-202**, which is renumbered from Section 53A-21-202 is

3311 renumbered and amended to read:

3312 ~~[53A-21-202]~~. **53F-3-202. Capital Outlay Foundation Program created --**

3313 **Distribution formulas -- Allocations.**

3314 (1) As used in this section:

3315 (a) "Foundation guarantee level per ADM" means a minimum revenue amount per

3316 ADM generated by the base tax effort rate, including the following:

3317 (i) the revenue generated locally from a school district's combined capital levy rate; and

3318 (ii) the revenue allocated to a school district by the State Board of Education in

3319 accordance with Section [53F-3-202](#).

3320 (b) "Qualifying school district" means a school district with a property tax yield per

3321 ADM less than the foundation guarantee level per ADM.

3322 (c) "Small school district" means a school district that has fewer than 1,000 pupils in

3323 average daily membership.

3324 (2) There is created the Capital Outlay Foundation Program to provide capital outlay

3325 funding to a school district based on a district's local property tax effort and property tax yield

3326 per student compared to a foundation guarantee funding level.

3327 [(+)] (3) (a) The State Board of Education shall determine the foundation guarantee

3328 level per ADM that fully allocates the funds appropriated to the State Board of Education for

3329 distribution under this section.

3330 (b) In determining the foundation guarantee level per ADM and a school district's  
3331 allocation of funds under this ~~[part]~~ section, the State Board of Education shall use data from  
3332 the fiscal year that is two years prior to the fiscal year the school district receives the allocation,  
3333 including the:

- 3334 (i) number of pupils in average daily membership;
- 3335 (ii) tax rates; and
- 3336 (iii) derived net taxable value.

3337 ~~[(2)]~~ (4) By June 1, a county treasurer shall report to the State Board of Education the  
3338 actual collections of property taxes in the school districts located within the county treasurer's  
3339 county for the period beginning April 1 through the following March 31 immediately preceding  
3340 that June 1.

3341 ~~[(3)]~~ (5) If a qualifying school district imposes a combined capital levy rate that is  
3342 greater than or equal to the base tax effort rate, the State Board of Education shall allocate to  
3343 the qualifying school district an amount equal to the product of the following:

- 3344 (a) the qualifying school district's ADM; and
- 3345 (b) an amount equal to the difference between the following:
  - 3346 (i) the foundation guarantee level per ADM, as determined in accordance with
  - 3347 Subsection ~~[(1)]~~ (3); and
  - 3348 (ii) the qualifying school district's property tax yield per ADM.

3349 ~~[(4)]~~ (6) If a qualifying school district imposes a combined capital levy rate less than  
3350 the base tax effort rate, the State Board of Education shall allocate to the qualifying school  
3351 district an amount equal to the product of the following:

- 3352 (a) the qualifying school district's ADM;
- 3353 (b) an amount equal to the difference between the following:
  - 3354 (i) the foundation guarantee level per ADM; and
  - 3355 (ii) the qualifying school district's property tax yield per ADM; and
  - 3356 (c) a percentage equal to:



- 3357 (i) the qualifying school district's combined capital levy rate; divided by
- 3358 (ii) the base tax effort rate.
- 3359 ~~[(5)]~~ (7) (a) The State Board of Education shall allocate:
- 3360 (i) a minimum of \$200,000 to each small school district with a property tax base per
- 3361 ADM less than or equal to the statewide average property tax base per ADM;
- 3362 (ii) a minimum of \$100,000 to each small school district with a property tax base per
- 3363 ADM that is:
- 3364 (A) greater than the statewide average property tax base per ADM; and
- 3365 (B) less than or equal to two times the statewide average property tax base per ADM;
- 3366 and
- 3367 (iii) a minimum of \$50,000 to each small school district with a property tax base per
- 3368 ADM that is:
- 3369 (A) greater than two times the statewide average property tax base per ADM; and
- 3370 (B) less than or equal to five times the statewide average property tax base per ADM.
- 3371 (b) The State Board of Education shall incorporate the minimum allocations described
- 3372 in Subsection ~~[(5)]~~ (7)(a) in its calculation of the foundation guarantee level per ADM
- 3373 determined in accordance with Subsection ~~[(1)]~~ (3).

3374 Section 69. Section **53F-3-203**, which is renumbered from Section 53A-21-302 is

3375 renumbered and amended to read:

3376 ~~[53A-21-302]~~. **53F-3-203. Capital Outlay Enrollment Growth Program**

3377 **created -- Distribution formulas -- Allocations.**

- 3378 (1) As used in this section:
- 3379 (a) "Average annual net enrollment increase" means the quotient of:
- 3380 (i) (A) enrollment in the prior fiscal year, based on October 1 enrollment counts; minus
- 3381 (B) enrollment in the year four years prior, based on October 1 enrollment counts;
- 3382 divided by
- 3383 (ii) three.
- 3384 (b) "Eligible district" or "eligible school district" means a school district that:

3385            (i) has an average annual net enrollment increase; and  
 3386            (ii) has a property tax base per ADM in the year two years prior that is less than two  
 3387 times the statewide average property tax base per ADM in the year two years prior.

3388            (2) There is created the Capital Outlay Enrollment Growth Program to provide capital  
 3389 outlay funding to school districts experiencing net enrollment increases.

3390            [~~(1)~~] (3) For fiscal years beginning on or after July 1, 2008, the State Board of  
 3391 Education shall annually allocate appropriated funds to eligible school districts in accordance  
 3392 with Subsection [~~(2)~~] (4).

3393            [~~(2)~~] (4) The State Board of Education shall allocate to an eligible school district an  
 3394 amount equal to the product of:

- 3395            (a) the quotient of:  
 3396            (i) the eligible school district's average annual net enrollment increase; divided by  
 3397            (ii) the sum of the average annual net enrollment increase in all eligible school  
 3398 districts; and

3399            (b) the total amount appropriated for the Capital Outlay Enrollment Growth Program in  
 3400 that fiscal year.

3401            Section 70. Section **53F-3-204** is enacted to read:

3402            **53F-3-204. School Building Revolving Account.**

3403            The School Building Revolving Account is created as described in Section [53F-9-206](#),  
 3404 to provide short-term help to school districts to meet district needs for school building  
 3405 construction and renovation.

3406            Section 71. Section **53F-4-101** is enacted to read:

3407            **CHAPTER 4. STATE FUNDING -- CONTRACTED INITIATIVES**

3408            **Part 1. General Provisions**

3409            **53F-4-101. Title.**

3410            This chapter is known as "State Funding -- Contracted Initiatives."

3411            Section 72. Section **53F-4-102** is enacted to read:

3412            **53F-4-102. Definitions.**

3413 Reserved

3414 Section 73. Section **53F-4-201**, which is renumbered from Section 53A-1-606.7 is  
3415 renumbered and amended to read:

3416 **Part 2. Contracts**

3417 ~~[53A-1-606.7]~~. **53F-4-201. State Board of Education required to contract for**  
3418 **a diagnostic assessment system for reading.**

3419 (1) (a) As described in Section 53E-4-307, the State Board of Education shall approve  
3420 a benchmark assessment for use statewide by school districts and charter schools.

3421 ~~[(+)]~~ (b) The State Board of Education shall contract with one or more educational  
3422 technology providers, selected through a request for proposals process, for a diagnostic  
3423 assessment system for reading for students in kindergarten through grade three that meets the  
3424 requirements of this section.

3425 (2) Subject to legislative appropriations, a diagnostic assessment system for reading  
3426 shall be made available to school districts and charter schools that apply to use a diagnostic  
3427 assessment for reading beginning in the 2011-12 school year.

3428 (3) A diagnostic assessment system for reading for students in kindergarten through  
3429 grade three shall:

3430 (a) be in a digital format;

3431 (b) include benchmark assessments of reading proficiency to be administered at the  
3432 beginning, in the middle, and at the end of kindergarten, grade one, grade two, and grade three;

3433 (c) include formative assessments to be administered every two to four weeks for  
3434 students who are at high risk of not attaining proficiency in reading;

3435 (d) align with the language arts core standards for Utah public schools adopted by the  
3436 State Board of Education; and

3437 (e) include a data analysis component hosted by the provider that:

3438 (i) has the capacity to generate electronic information immediately and produce  
3439 individualized student progress reports, class summaries, and class groupings for instruction;

3440 (ii) may have the capability of identifying lesson plans that may be used to develop

3441 reading skills;

3442 (iii) enables teachers, administrators, and designated supervisors to access reports  
3443 through a secured password system;

3444 (iv) produces electronic printable reports for parents and administrators; and

3445 (v) has the capability for principals to monitor usage by teachers.

3446 Section 74. Section **53F-4-202**, which is renumbered from Section 53A-1-613 is  
3447 renumbered and amended to read:

3448 ~~**[53A-1-613].**~~ **53F-4-202. College readiness diagnostic tool.**

3449 (1) The board shall contract with a provider, selected through a request for proposals  
3450 process, to provide an online college readiness diagnostic tool that is aligned with the college  
3451 readiness assessment [~~that is most commonly submitted to local universities~~] described in  
3452 Section [53E-4-305](#).

3453 (2) An online test preparation program described in Subsection (1):

3454 (a) (i) shall allow a student to independently access online materials and learn at the  
3455 student's own pace; and

3456 (ii) may be used to provide classroom and teacher-assisted instruction;

3457 (b) shall provide online study materials, diagnostic exams, drills, and practice tests in  
3458 an approach that is engaging to high school students;

3459 (c) shall enable electronic reporting of student progress to administrators, teachers,  
3460 parents, and other facilitators;

3461 (d) shall record a student's progress in an online dashboard that provides diagnostic  
3462 assessment of the content areas tested and identifies mastery of corresponding skill sets; and

3463 (e) shall provide training and professional development to personnel in school districts  
3464 and charter schools on how to utilize the online test preparation program and provide  
3465 teacher-assisted instruction to students.

3466 (3) The board, school districts, and charter schools shall make the online test  
3467 preparation program available to a student:

3468 (a) beginning in the 2013-14 school year; and

3469 (b) for at least one full year.

3470 Section 75. Section **53F-4-203** is enacted to read:

3471 **53F-4-203. Early intervention interactive reading software -- Independent**  
3472 **evaluator.**

3473 (1) In addition to an enhanced kindergarten program described in Section [53F-2-507](#),  
3474 the early intervention program includes a component to address early reading through the use  
3475 of early interactive reading software.

3476 (2) (a) Subject to legislative appropriations, the State Board of Education shall select  
3477 and contract with one or more technology providers, through a request for proposals process, to  
3478 provide early interactive reading software for literacy instruction and assessments for students  
3479 in kindergarten through grade 3.

3480 (b) By August 1 of each year, the State Board of Education shall distribute licenses for  
3481 early interactive reading software described in Subsection (2)(a) to the school districts and  
3482 charter schools of local education boards that apply for the licenses.

3483 (c) Except as provided in Subsection (3)(c), a school district or charter school that  
3484 received a license described in Subsection (2)(b) during the prior year shall be given first  
3485 priority to receive an equivalent license during the current year.

3486 (d) Licenses distributed to school districts and charter schools in addition to the  
3487 licenses described in Subsection (2)(c) shall be distributed through a competitive process.

3488 (3) (a) As used in this Subsection (3), "dosage" means amount of instructional time.

3489 (b) A public school that receives a license described in Subsection (2)(b) shall use the  
3490 license:

3491 (i) for a student in kindergarten or grade 1:

3492 (A) for intervention for the student if the student is reading below grade level; or

3493 (B) for advancement beyond grade level for the student if the student is reading at or  
3494 above grade level;

3495 (ii) for a student in grade 2 or 3, for intervention for the student if the student is reading  
3496 below grade level; and

3497 (iii) in accordance with the technology provider's dosage recommendations.  
3498 (c) A public school that does not use the early interactive reading software in  
3499 accordance with the technology provider's dosage recommendations for two consecutive years  
3500 may not continue to receive a license.

3501 (4) (a) On or before August 1 of each year, the State Board of Education shall select  
3502 and contract with an independent evaluator, through a request for proposals process, to act as  
3503 an independent contractor to evaluate early interactive reading software provided under this  
3504 section.

3505 (b) The State Board of Education shall ensure that a contract with an independent  
3506 evaluator requires the independent evaluator to:

3507 (i) evaluate a student's learning gains as a result of using early interactive reading  
3508 software provided under Subsection (2);

3509 (ii) for the evaluation under Subsection (4)(b)(i), use an assessment that is not  
3510 developed by a provider of early interactive reading software; and

3511 (iii) determine the extent to which a public school uses the early interactive reading  
3512 software in accordance with a technology provider's dosage recommendations under  
3513 Subsection (3).

3514 (c) The State Board of Education and the independent evaluator selected under  
3515 Subsection (4)(a) shall report annually on the results of the evaluation to the Education Interim  
3516 Committee and the governor.

3517 (d) The State Board of Education may use up to 4% of the appropriation provided  
3518 under Subsection (2)(a) to contract with an independent evaluator selected under Subsection  
3519 (4)(a).

3520 Section 76. Section **53F-4-204**, which is renumbered from Section 53A-1-415 is  
3521 renumbered and amended to read:

3522 ~~[53A-1-415]~~. **53F-4-204. Student intervention early warning pilot**  
3523 **program.**

3524 (1) As used in this section:

- 3525 (a) "Board" means the State Board of Education.
- 3526 (b) "Digital program" means a program that provides information for student early  
3527 intervention as described in this section.
- 3528 (c) "Local education agency" or "LEA" means:
- 3529 (i) a district school;
- 3530 (ii) a charter school; or
- 3531 (iii) the Utah Schools for the Deaf and the Blind.
- 3532 (d) "Online data reporting tool" means a system described in Section [~~53A-1-605~~]  
3533 [53E-4-311](#).
- 3534 (2) (a) The board shall, subject to legislative appropriations:
- 3535 (i) enhance the online data reporting tool and provide additional formative actionable  
3536 data on student outcomes subject to Subsection (2)(c); and
- 3537 (ii) select through a competitive contract process a provider to provide to an LEA a  
3538 digital program as described in this section.
- 3539 (b) The contract described in Subsection (2)(a)(ii) shall be for a two-year pilot  
3540 program.
- 3541 (c) Information collected or used by the board for purposes of enhancing the online  
3542 data reporting tool in accordance with this section may not identify a student individually.
- 3543 (3) The enhancement to the online data reporting tool and the digital program shall:
- 3544 (a) be designed with a user-appropriate interface for use by teachers, school  
3545 administrators, and parents;
- 3546 (b) provide reports on a student's results at the student level on:
- 3547 (i) a national assessment;
- 3548 (ii) a local assessment; and
- 3549 (iii) a standards assessment described in Section [~~53A-1-604~~] [53E-4-303](#);
- 3550 (c) have the ability to provide data from aggregate student reports based on a student's:
- 3551 (i) teacher;
- 3552 (ii) school;

- 3553 (iii) school district, if applicable; or  
3554 (iv) ethnicity;  
3555 (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on  
3556 a single computer screen;  
3557 (e) have the ability to compare the performance of students, for each teacher, based on  
3558 a student's:  
3559 (i) gender;  
3560 (ii) special needs, including primary exceptionalality;  
3561 (iii) English proficiency;  
3562 (iv) economic status;  
3563 (v) migrant status;  
3564 (vi) ethnicity;  
3565 (vii) response to tiered intervention;  
3566 (viii) response to tiered-intervention enrollment date;  
3567 (ix) absence rate;  
3568 (x) feeder school;  
3569 (xi) type of school, including primary or secondary, public or private, Title I, or other  
3570 general school-type category;  
3571 (xii) course failures; and  
3572 (xiii) other criteria, as determined by the board; and  
3573 (f) have the ability to load data from a local, national, or other assessment in the data's  
3574 original format within a reasonable time.  
3575 (4) Subject to legislative appropriations, the online data reporting tool and digital  
3576 program shall:  
3577 (a) integrate criteria for early warning indicators, including the following criteria:  
3578 (i) discipline;  
3579 (ii) attendance;  
3580 (iii) behavior;



- 3581 (iv) course failures; and
- 3582 (v) other criteria as determined by a local school board or charter school governing
- 3583 board; and
- 3584 (b) provide a teacher or administrator the ability to view the early warning indicators
- 3585 described in Subsection (4)(a) with a student's assessment results described in Subsection
- 3586 (3)(b).
- 3587 (5) Subject to legislative appropriations, the online data reporting tool and the digital
- 3588 program shall:
- 3589 (a) provide data on response to intervention using existing assessments or measures
- 3590 that are manually added, including assessment and nonacademic measures;
- 3591 (b) provide a user the ability to share interventions within a reporting environment and
- 3592 add comments to inform other teachers, administrators, and parents or guardians;
- 3593 (c) save and share reports among different teachers and school administrators, subject
- 3594 to the student population information a teacher or administrator has the rights to access;
- 3595 (d) automatically flag a student profile when early warning thresholds are met so that a
- 3596 teacher can easily identify a student who may be in need of intervention;
- 3597 (e) incorporate a variety of algorithms to support student learning outcomes and
- 3598 provide student growth reporting by teacher;
- 3599 (f) integrate response to intervention tiers and activities as filters for the reporting of
- 3600 individual student data and aggregated data, including by ethnicity, school, or teacher;
- 3601 (g) have the ability to generate student parent or guardian communication to alert the
- 3602 parent or guardian of academic plans or interventions; and
- 3603 (h) configure alerts based upon student academic results, including a student's
- 3604 performance on the previous year standards assessment described in Section [~~53A-1-604~~]
- 3605 [53E-4-303](#).
- 3606 (6) (a) The board shall, subject to legislative appropriations, select an LEA to receive
- 3607 access to a digital program through a provider described in Subsection (2)(a)(ii).
- 3608 (b) An LEA that receives access to a digital program shall pay for 50% of the cost of

3609 the digital program.

3610 (c) An LEA that receives access to a digital program shall no later than one school year  
3611 after accessing a digital program report to the board in a format required by the board on the  
3612 effectiveness of the digital program, positive and negative attributes of the digital program,  
3613 recommendations for improving the online data reporting tool, and any other information  
3614 regarding a digital program requested by the board.

3615 (d) The board shall consider recommendations from an LEA for changes to the online  
3616 data reporting tool.

3617 (7) Information described in this section shall be used in accordance with and provided  
3618 subject to:

3619 ~~[(a) Chapter 1, Part 14, Student Data Protection Act;]~~

3620 ~~[(b) Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act; and]~~

3621 (a) Title 53E, Chapter 9, Student Privacy and Data Protection; and

3622 ~~[(c)]~~ (b) Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

3623 Section 77. Section **53F-4-205**, which is renumbered from Section 53A-15-2003 is  
3624 renumbered and amended to read:

3625 ~~[53A-15-2003].~~ **53F-4-205. Kindergarten supplemental enrichment program.**

3626 (1) As used in this section:

3627 (a) "Board" means the State Board of Education.

3628 (b) "Eligible school" means a charter or school district school in which:

3629 (i) at least 10% of the students experience intergenerational poverty; or

3630 (ii) 50% of students were eligible to receive free or reduced lunch in the previous  
3631 school year.

3632 (c) "Intergenerational poverty" means the same as that term is defined in Section  
3633 [35A-9-102](#).

3634 (d) "Kindergarten supplemental enrichment program" means a program to improve the  
3635 academic competency of kindergarten students that:

3636 (i) meets the criteria described in Subsection (4);

3637 (ii) receives funding from a grant program described in Subsection (3); and  
3638 (iii) is administered by an eligible school.

3639 ~~[(1)]~~ (2) (a) In accordance with this section, the board shall distribute funds  
3640 appropriated under this section to support kindergarten supplemental enrichment programs,  
3641 giving priority first to awarding funds to an eligible school with at least 10% of the students  
3642 experiencing intergenerational poverty and second priority to an eligible school in which 50%  
3643 of students were eligible to receive free or reduced lunch in the previous school year.

3644 (b) The board shall develop kindergarten entry and exit assessments for use by a  
3645 kindergarten supplemental enrichment program.

3646 ~~[(2)]~~ (3) (a) The board shall administer a qualifying grant program as described in this  
3647 Subsection ~~[(2)]~~ (3) to distribute funds described in Subsection ~~[(1)]~~ (2)(a) to an eligible  
3648 school:

3649 (i) that applies for a grant;

3650 (ii) that offers a kindergarten supplemental enrichment program that meets the  
3651 requirements described in Subsection ~~[(3)]~~ (4);

3652 (iii) that has an overall need for a kindergarten supplemental enrichment program,  
3653 based on the results of the eligible school's kindergarten entry and exit assessments described  
3654 in Subsection ~~[(3)]~~ (4)(b)(ii);

3655 (iv) if the eligible school has previously established a kindergarten supplemental  
3656 enrichment program under this section, that shows success of the eligible school's kindergarten  
3657 supplemental enrichment program, based on the results of the eligible school's kindergarten  
3658 entry and exit assessments described in Subsection ~~[(3)]~~ (4)(b)(ii); and

3659 (v) that proposes a kindergarten supplemental enrichment program that addresses the  
3660 particular needs of students at risk of experiencing intergenerational poverty.

3661 (b) An eligible school shall include in a grant application a letter from the principal of  
3662 the eligible school certifying that the eligible school's proposed kindergarten supplemental  
3663 enrichment program will meet the needs of either children in intergenerational poverty or  
3664 children who are eligible to receive free or reduced lunch as appropriate for the eligible school.

3665            ~~[(3)]~~ (4) An eligible school that receives a grant as described in Subsection ~~[(2)]~~ (3)

3666 shall:

3667            (a) use the grant money to offer a kindergarten supplemental enrichment program to:

3668            (i) target kindergarten students at risk for not meeting grade 3 core standards for Utah

3669 public schools, established by the board under Section ~~[53A-1-402.6]~~ 53E-4-202, by the end of

3670 each student's grade 3 year;

3671            (ii) use an evidence-based early intervention model;

3672            (iii) focus on academically improving age-appropriate literacy and numeracy skills;

3673            (iv) emphasize the use of live instruction;

3674            (v) administer the kindergarten entry and exit assessments described in Subsection

3675 ~~[(1)(c)]~~ (2)(b); and

3676            (vi) deliver the kindergarten supplemental enrichment program through additional

3677 hours or other means; and

3678            (b) report to the board annually regarding:

3679            (i) how the eligible school used grant money received under Subsection ~~[(2)]~~ (3);

3680            (ii) the results of the eligible school's kindergarten entry and exit assessments for the

3681 prior year;

3682            (iii) with assistance from board employees, the number of students served, including

3683 the number of students who are eligible for free or reduced lunch; and

3684            (iv) with assistance from board employees, student performance outcomes achieved by

3685 the eligible school's kindergarten supplemental enrichment program, disaggregated by

3686 economic and ethnic subgroups.

3687            ~~[(4)]~~ (5) An eligible school that receives a grant as described in Subsection ~~[(2)]~~ (3)

3688 may not receive funds appropriated under Section ~~[53A-17a-167]~~ 53F-2-507.

3689            ~~[(5)]~~ (6) A parent or legal guardian may decline participation of the parent or legal

3690 guardian's kindergarten student in an eligible school's kindergarten supplemental enrichment

3691 program.

3692            ~~[(6)]~~ (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

3693 Act, the board shall make rules to establish reporting procedures and administer this section.

3694 Section 78. Section **53F-4-206**, which is renumbered from Section 53A-1a-110 is  
3695 renumbered and amended to read:

3696 ~~[53A-1a-110]~~. **53F-4-206**. **Computer program for students with autism and**  
3697 **other special needs.**

3698 (1) As used in this section, "board" means the State Board of Education.

3699 (2) To improve social skills and student achievement for students with autism and  
3700 other special needs in pre-school through grade 2, the board shall contract with a provider,  
3701 selected through a request for proposals process, to provide computer software programs and  
3702 activity manuals.

3703 (3) In evaluating proposals submitted under Subsection (2), the board shall:

3704 (a) ensure that the board's evaluation criteria weighs heavily the proposer's ability and  
3705 experience to provide computer software programs and activity manuals to improve social  
3706 skills and student achievement for students with autism and other special needs in pre-school  
3707 through grade 2;

3708 (b) consider, in evaluating the proposer's ability and experience, any quantitative and  
3709 evaluative results from field testing, state tests, and other standardized achievement tests;

3710 (c) ensure that the board's evaluation criteria weighs heavily the proposer's ability to:

3711 (i) collect data from each computer using the computer software, regardless of where  
3712 the computer is located;

3713 (ii) provide students access to the proposer's program from any computer with internet  
3714 access;

3715 (iii) enable reporting of student progress to administrators, teachers, parents, and other  
3716 facilitators; and

3717 (iv) record a student's progress in the computer software; and

3718 (d) consider the extent to which the computer software program uses engaging  
3719 animation to teach students.

3720 (4) The board shall provide the computer software programs and activity manuals

3721 procured under this section to school districts and charter schools that demonstrate a  
3722 commitment by the school principal and staff to implement the computer software programs  
3723 and activity manuals as prescribed by the provider.

3724 Section 79. Section **53F-4-301**, which is renumbered from Section 53A-1a-703 is  
3725 renumbered and amended to read:

3726 **Part 3. Carson Smith Scholarship Program**

3727 ~~[53A-1a-703]~~. **53F-4-301. Definitions.**

3728 As used in this part:

3729 (1) "Assessment team" means a team consisting of:

3730 (a) the student's parent or guardian;

3731 (b) the student's private school classroom teacher;

3732 (c) special education personnel from the student's school district; and

3733 (d) if available, special education personnel from the private school at which the  
3734 student is enrolled.

3735 (2) "Board" means the State Board of Education.

3736 (3) "Eligible private school" means a private school that meets the requirements of  
3737 Section ~~[53A-1a-705]~~ 53F-4-303.

3738 (4) "Individualized Education Program" or "IEP" means a written statement for a  
3739 student with a disability that is developed, reviewed, and revised in accordance with the  
3740 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

3741 (5) "Local Education Agency" or "LEA" means:

3742 (a) a school district; or

3743 (b) a charter school.

3744 (6) "Preschool" means an education program for a student who:

3745 (a) is age three, four, or five; and

3746 (b) has not entered kindergarten.

3747 (7) "Scholarship student" means a student who receives a scholarship under this part.

3748 (8) "Value of the weighted pupil unit" means the amount established each year in

3749 statute that is multiplied by the number of weighted pupil units to yield the funding level for  
3750 the basic state-supported school program.

3751 Section 80. Section **53F-4-301.5**, which is renumbered from Section 53A-1a-702 is  
3752 renumbered and amended to read:

3753 ~~[53A-1a-702]~~. **53F-4-301.5. Findings and purpose.**

3754 The Legislature finds that:

3755 (1) the state system of public education as established and maintained under the state  
3756 constitution shall be open to all children of the state;

3757 (2) students with disabilities have special needs that merit educational alternatives  
3758 which will allow students to learn in an appropriate setting and manner;

3759 (3) those needs may include teachers trained in special teaching methods, small class  
3760 sizes, and special materials, equipment, and classroom environments;

3761 (4) parents are best equipped to make decisions for their children, including the  
3762 educational setting that will best serve the interests and educational needs of their children;

3763 (5) the establishment of this scholarship program is justified on the basis of funding the  
3764 special needs of students with disabilities as with other programs similarly funded by the state  
3765 for people with disabilities;

3766 (6) children, parents, and families are the primary beneficiaries of the scholarship  
3767 program authorized in this part and any benefit to private schools, sectarian or otherwise, is  
3768 purely incidental;

3769 (7) the scholarship program authorized in this part is:

3770 (a) enacted for the valid secular purpose of tailoring a student's education to that  
3771 student's specific needs;

3772 (b) neutral with respect to religion;

3773 (c) provides limited assistance to citizens who are then able to direct their resources to  
3774 religious and secular schools solely as a result of their genuine and independent private  
3775 choices; and

3776 (d) in accordance with the best interests of the taxpayers and citizens of the state to

3777 encourage educational opportunities; and

3778 (8) nothing in this part shall be construed as a basis for granting vouchers or tuition tax  
3779 credits for any other students, with or without disabilities.

3780 Section 81. Section **53F-4-302**, which is renumbered from Section 53A-1a-704 is  
3781 renumbered and amended to read:

3782 ~~[53A-1a-704]~~. **53F-4-302. Scholarship program created -- Qualifications.**

3783 (1) The Carson Smith Scholarship Program is created to award scholarships to students  
3784 with disabilities to attend a private school.

3785 (2) To qualify for a scholarship:

3786 (a) the student's custodial parent or legal guardian shall reside within Utah;

3787 (b) the student shall have one or more of the following disabilities:

3788 (i) an intellectual disability;

3789 (ii) deafness or being hard of hearing;

3790 (iii) a speech or language impairment;

3791 (iv) a visual impairment;

3792 (v) a serious emotional disturbance;

3793 (vi) an orthopedic impairment;

3794 (vii) autism;

3795 (viii) traumatic brain injury;

3796 (ix) other health impairment;

3797 (x) specific learning disabilities; or

3798 (xi) a developmental delay, provided the student is at least three years of age, pursuant  
3799 to Subsection (2)(c), and is younger than eight years of age;

3800 (c) the student shall be at least three years of age before September 2 of the year in  
3801 which admission to a private school is sought and under 19 years of age on the last day of the  
3802 school year as determined by the private school, or, if the individual has not graduated from  
3803 high school, will be under 22 years of age on the last day of the school year as determined by  
3804 the private school; and



3805 (d) except as provided in Subsection (3), the student shall:  
3806 (i) be enrolled in a Utah public school in the school year prior to the school year the  
3807 student will be enrolled in a private school;  
3808 (ii) have an IEP; and  
3809 (iii) have obtained acceptance for admission to an eligible private school.  
3810 (3) The requirements of Subsection (2)(d) do not apply in the following circumstances:  
3811 (a) the student is enrolled or has obtained acceptance for admission to an eligible  
3812 private school that has previously served students with disabilities; and  
3813 (b) an assessment team is able to readily determine with reasonable certainty:  
3814 (i) that the student has a disability listed in Subsection (2)(b) and would qualify for  
3815 special education services, if enrolled in a public school; and  
3816 (ii) for the purpose of establishing the scholarship amount, the appropriate level of  
3817 special education services which should be provided to the student.  
3818 (4) (a) To receive a full-year scholarship under this part, a parent of a student shall  
3819 submit to the LEA where the student is enrolled an application on or before the August 15  
3820 immediately preceding the first day of the school year for which the student would receive the  
3821 scholarship.  
3822 (b) The board may waive the full-year scholarship deadline described in Subsection  
3823 (4)(a).  
3824 (c) An application for a scholarship shall contain an acknowledgment by the parent that  
3825 the selected school is qualified and capable of providing the level of special education services  
3826 required for the student.  
3827 (5) (a) The scholarship application form shall contain the following statement:  
3828 "I acknowledge that:  
3829 (1) A private school may not provide the same level of special education services that  
3830 are provided in a public school;  
3831 (2) I will assume full financial responsibility for the education of my scholarship  
3832 student if I accept this scholarship;

3833 (3) Acceptance of this scholarship has the same effect as a parental refusal to consent  
3834 to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20  
3835 U.S.C. Sec. 1400 et seq.; and

3836 (4) My child may return to a public school at any time."

3837 (b) Upon acceptance of the scholarship, the parent assumes full financial responsibility  
3838 for the education of the scholarship student.

3839 (c) Acceptance of a scholarship has the same effect as a parental refusal to consent to  
3840 services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20  
3841 U.S.C. Sec. 1400 et seq.

3842 (d) The creation of the scholarship program or granting of a scholarship does not:

3843 (i) imply that a public school did not provide a free and appropriate public education  
3844 for a student; or

3845 (ii) constitute a waiver or admission by the state.

3846 (6) (a) A scholarship shall remain in force for three years.

3847 (b) A scholarship shall be extended for an additional three years, if:

3848 (i) the student is evaluated by an assessment team; and

3849 (ii) the assessment team determines that the student would qualify for special education  
3850 services, if enrolled in a public school.

3851 (c) The assessment team shall determine the appropriate level of special education  
3852 services which should be provided to the student for the purpose of setting the scholarship  
3853 amount.

3854 (d) A scholarship shall be extended for successive three-year periods as provided in  
3855 Subsections (6)(a) and (b):

3856 (i) until the student graduates from high school; or

3857 (ii) if the student does not graduate from high school, until the student is age 22.

3858 (7) A student's parent, at any time, may remove the student from a private school and  
3859 place the student in another eligible private school and retain the scholarship.

3860 (8) A scholarship student may not participate in a dual enrollment program pursuant to

3861 Section [~~53A-11-102.5~~] [53G-6-702](#).

3862 (9) The parents or guardians of a scholarship student have the authority to choose the  
3863 private school that will best serve the interests and educational needs of that student, which  
3864 may be a sectarian or nonsectarian school, and to direct the scholarship resources available for  
3865 that student solely as a result of their genuine and independent private choices.

3866 (10) (a) An LEA shall notify in writing the parents or guardians of students enrolled in  
3867 the LEA who have an IEP of the availability of a scholarship to attend a private school through  
3868 the Carson Smith Scholarship Program.

3869 (b) The notice described under Subsection (10)(a) shall:

3870 (i) be provided no later than 30 days after the student initially qualifies for an IEP;

3871 (ii) be provided annually no later than February 1 to all students who have an IEP; and

3872 (iii) include the address of the Internet website maintained by the board that provides  
3873 prospective applicants with detailed program information and application forms for the Carson  
3874 Smith Scholarship Program.

3875 (c) An LEA or school within an LEA that has an enrolled student who has an IEP shall  
3876 post the address of the Internet website maintained by the board that provides prospective  
3877 applicants with detailed program information and application forms for the Carson Smith  
3878 Scholarship Program on the LEA's or school's website, if the LEA or school has one.

3879 Section 82. Section **53F-4-303**, which is renumbered from Section 53A-1a-705 is  
3880 renumbered and amended to read:

3881 ~~[53A-1a-705]~~. **53F-4-303. Eligible private schools.**

3882 (1) To be eligible to enroll a scholarship student, a private school shall:

3883 (a) have a physical location in Utah where the scholarship students attend classes and  
3884 have direct contact with the school's teachers;

3885 (b) (i) (A) obtain an audit and report from a licensed independent certified public  
3886 accountant that conforms with the following requirements:

3887 (I) the audit shall be performed in accordance with generally accepted auditing  
3888 standards;

3889 (II) the financial statements shall be presented in accordance with generally accepted  
3890 accounting principles; and

3891 (III) the audited financial statements shall be as of a period within the last 12 months;  
3892 or

3893 (B) contract with a licensed independent certified public accountant to perform an  
3894 agreed upon procedure as follows:

3895 (I) the agreed upon procedure shall be to determine that the private school has adequate  
3896 working capital to maintain operations for the first full year; and

3897 (II) working capital shall be calculated by subtracting current liabilities from current  
3898 assets; and

3899 (ii) submit the audit report or report of the agreed upon procedure to the board when  
3900 the private school applies to accept scholarship students;

3901 (c) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d;

3902 (d) meet state and local health and safety laws and codes;

3903 (e) disclose to the parent of each prospective student, before the student is enrolled, the  
3904 special education services that will be provided to the student, including the cost of those  
3905 services;

3906 (f) (i) administer an annual assessment of each scholarship student's academic  
3907 progress;

3908 (ii) report the results of the assessment to the student's parent; and

3909 (iii) make the results available to the assessment team evaluating the student pursuant  
3910 to Subsection [~~53A-1a-704~~] [53F-4-302](#)(6);

3911 (g) employ or contract with teachers who:

3912 (i) hold baccalaureate or higher degrees;

3913 (ii) have at least three years of teaching experience in public or private schools; or

3914 (iii) have the necessary special skills, knowledge, or expertise that qualifies them to  
3915 provide instruction:

3916 (A) in the subjects taught; and

3917 (B) to the special needs students taught;

3918 (h) require the following individuals to submit to a nationwide, fingerprint-based  
3919 criminal background check and ongoing monitoring, in accordance with Section  
3920 ~~[53A-15-1503]~~ 53G-11-402, as a condition for employment or appointment, as authorized by  
3921 the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248:

3922 (i) an employee who does not hold a current Utah educator license issued by the board  
3923 under ~~[Title 53A, Chapter 6, Educator Licensing and Professional Practices Act]~~ Title 53E,  
3924 Chapter 6, Education Professional Licensure;

3925 (ii) a contract employee; and

3926 (iii) a volunteer who is given significant unsupervised access to a student in connection  
3927 with the volunteer's assignment; and

3928 (i) provide to parents the relevant credentials of the teachers who will be teaching their  
3929 students.

3930 (2) A private school is not eligible to enroll scholarship students if:

3931 (a) the audit report submitted under Subsection (1)(b) contains a going concern  
3932 explanatory paragraph; or

3933 (b) the report of the agreed upon procedure submitted under Subsection (1)(b) shows  
3934 that the private school does not have adequate working capital to maintain operations for the  
3935 first full year, as determined under Subsection (1)(b).

3936 (3) A home school is not eligible to enroll scholarship students.

3937 (4) Residential treatment facilities licensed by the state are not eligible to enroll  
3938 scholarship students.

3939 (5) A private school intending to enroll scholarship students shall submit an application  
3940 to the board by May 1 of the school year preceding the school year in which it intends to enroll  
3941 scholarship students.

3942 (6) The board shall:

3943 (a) approve a private school's application to enroll scholarship students, if the private  
3944 school meets the eligibility requirements of this section; and

3945 (b) make available to the public a list of the eligible private schools.

3946 (7) An approved eligible private school that changes ownership shall submit a new  
3947 application to the board and demonstrate that it continues to meet the eligibility requirements  
3948 of this section.

3949 Section 83. Section **53F-4-304**, which is renumbered from Section 53A-1a-706 is  
3950 renumbered and amended to read:

3951 ~~**53A-1a-706**~~. **53F-4-304. Scholarship payments.**

3952 (1) (a) Scholarships shall be awarded by the board subject to the availability of money  
3953 appropriated by the Legislature for that purpose.

3954 (b) The Legislature shall annually appropriate money to the board from the General  
3955 Fund to make scholarship payments.

3956 (c) Beginning with the 2013-14 school year, the Legislature shall annually increase the  
3957 amount of money appropriated under Subsection (1)(b) by an amount equal to the product of:

3958 (i) the average scholarship amount awarded as of December 1 in the previous year; and  
3959 (ii) the product of:

3960 (A) the number of students in preschool through grade 12 in public schools statewide  
3961 who have an IEP on December 1 of the previous year; and

3962 (B) 0.0007.

3963 (d) If the number of scholarship students as of December 1 in any school year equals or  
3964 exceeds 7% of the number of students in preschool through grade 12 in public schools  
3965 statewide who have an IEP as of December 1 in the same school year, the Public Education  
3966 Appropriations Subcommittee shall study the requirement to increase appropriations for  
3967 scholarship payments as provided in this section.

3968 (e) (i) If money is not available to pay for all scholarships requested, the scholarships  
3969 shall be allocated on a random basis except that preference shall be given to students who  
3970 received scholarships in the previous school year.

3971 (ii) If money is insufficient in a school year to pay for all the continuing scholarships,  
3972 new scholarships may not be awarded during that school year and the money available for

3973 scholarships shall be prorated among the eligible students who received scholarships in the  
3974 previous year.

3975 (2) Full-year scholarships shall be awarded in the following amounts:

3976 (a) for a student who received an average of 180 minutes per day or more of special  
3977 education services in a public school before transferring to a private school, an amount not to  
3978 exceed the lesser of:

3979 (i) the value of the weighted pupil unit multiplied by 2.5; or

3980 (ii) the private school tuition and fees; and

3981 (b) for a student who received an average of less than 180 minutes per day of special  
3982 education services in a public school before transferring to a private school, an amount not to  
3983 exceed the lesser of:

3984 (i) the value of the weighted pupil unit multiplied by 1.5; or

3985 (ii) the private school tuition and fees.

3986 (3) The scholarship amount for a student enrolled in a half-day kindergarten or part-day  
3987 preschool program shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.

3988 (4) (a) The scholarship amount for a student who receives a waiver under Subsection  
3989 ~~[53A-1a-704]~~ 53F-4-302(3) shall be based upon the assessment team's determination of the  
3990 appropriate level of special education services to be provided to the student.

3991 (b) (i) If the student requires an average of 180 minutes per day or more of special  
3992 education services, a full-year scholarship shall be equal to the amount specified in Subsection  
3993 (2)(a).

3994 (ii) If the student requires less than an average of 180 minutes per day of special  
3995 education services, a full-year scholarship shall be equal to the amount specified in Subsection  
3996 (2)(b).

3997 (iii) If the student is enrolled in a half-day kindergarten or part-day preschool program,  
3998 a full-year scholarship is equal to the amount specified in Subsection (3).

3999 (5) (a) Except as provided in Subsection (5)(b), upon review and receipt of  
4000 documentation that verifies a student's admission to, or continuing enrollment and attendance

4001 at, a private school, the board shall make scholarship payments quarterly in four equal amounts  
4002 in each school year in which a scholarship is in force.

4003 (b) In accordance with board rule, the board may make a scholarship payment before  
4004 the first quarterly payment of the school year, if a private school requires partial payment of  
4005 tuition before the start of the school year to reserve space for a student admitted to the school.

4006 (6) A parent of a scholarship student shall notify the board if the student does not have  
4007 continuing enrollment and attendance at an eligible private school.

4008 (7) Before scholarship payments are made, the board shall cross-check enrollment lists  
4009 of scholarship students, LEAs, and youth in custody to ensure that scholarship payments are  
4010 not erroneously made.

4011 (8) (a) Scholarship payments shall be made by the board by individual warrant made  
4012 payable to the student's parent and mailed by the board to the private school. The parent shall  
4013 restrictively endorse the warrant to the private school for deposit into the account of the private  
4014 school.

4015 (b) A person, on behalf of a private school, may not accept a power of attorney from a  
4016 parent to sign a warrant referred to in Subsection (8)(a), and a parent of a scholarship student  
4017 may not give a power of attorney designating a person, on behalf of a private school, as the  
4018 parent's attorney-in-fact.

4019 Section 84. Section **53F-4-305**, which is renumbered from Section 53A-1a-707 is  
4020 renumbered and amended to read:

4021 ~~[53A-1a-707]~~. **53F-4-305. Board to make rules.**

4022 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
4023 board shall make rules consistent with this part establishing:

4024 (1) the eligibility of students to participate in the scholarship program; and

4025 (2) the application process for the scholarship program.

4026 Section 85. Section **53F-4-306**, which is renumbered from Section 53A-1a-708 is  
4027 renumbered and amended to read:

4028 ~~[53A-1a-708]~~. **53F-4-306. Enforcement and penalties.**



4029 (1) (a) The board shall require a private school to submit a signed affidavit assuring the  
4030 private school will comply with the requirements of this part.

4031 (b) If a school fails to submit a signed affidavit within 30 days of receiving notification  
4032 that the school is an approved private school to receive the Carson Smith Scholarship, the  
4033 board may:

4034 (i) deny the private school permission to enroll scholarship students; and

4035 (ii) interrupt disbursement of or withhold scholarship payments.

4036 (2) The board may investigate complaints and convene administrative hearings for an  
4037 alleged violation of this part.

4038 (3) Upon a finding that this part was violated, the board may:

4039 (a) deny a private school permission to enroll scholarship students;

4040 (b) interrupt disbursement of or withhold scholarship payments; or

4041 (c) issue an order for repayment of scholarship payments fraudulently obtained.

4042 Section 86. Section **53F-4-307**, which is renumbered from Section 53A-1a-709 is  
4043 renumbered and amended to read:

4044 ~~[53A-1a-709].~~ **53F-4-307. Limitation on regulation of private schools.**

4045 Nothing in this part grants additional authority to any state agency or LEA to regulate  
4046 private schools except as expressly set forth in this part.

4047 Section 87. Section **53F-4-308**, which is renumbered from Section 53A-1a-710 is  
4048 renumbered and amended to read:

4049 ~~[53A-1a-710].~~ **53F-4-308. Review by Legislative Auditor General.**

4050 The Legislative Auditor General shall conduct a review and issue a report on the  
4051 Carson Smith Scholarship Program after the conclusion of the 2006-07 school year.

4052 Section 88. Section **53F-4-401**, which is renumbered from Section 53A-1a-1001 is  
4053 renumbered and amended to read:

4054 **Part 4. UPSTART**

4055 ~~[53A-1a-1001].~~ **53F-4-401. Definitions.**

4056 As used in this part:

4057 (1) "Contractor" means the educational technology provider selected by the State Board  
4058 of Education under Section [~~53A-1a-1002~~] 53F-4-402.

4059 (2) "Low income" means an income below 185% of the federal poverty guideline.

4060 (3) "Preschool children" means children who are:

4061 (a) age four or five; and

4062 (b) have not entered kindergarten.

4063 (4) "UPSTART" means the project established by Section [~~53A-1a-1002~~] 53F-4-402  
4064 that uses a home-based educational technology program to develop school readiness skills of  
4065 preschool children.

4066 Section 89. Section **53F-4-402**, which is renumbered from Section 53A-1a-1002 is  
4067 renumbered and amended to read:

4068 ~~[53A-1a-1002]~~. **53F-4-402. UPSTART program to develop school readiness**  
4069 **skills of preschool children.**

4070 (1) UPSTART, a project that uses a home-based educational technology program to  
4071 develop school readiness skills of preschool children, is established within the public education  
4072 system.

4073 (2) UPSTART is created to:

4074 (a) evaluate the effectiveness of giving preschool children access, at home, to  
4075 interactive individualized instruction delivered by computers and the Internet to prepare them  
4076 academically for success in school; and

4077 (b) test the feasibility of scaling a home-based curriculum in reading, math, and science  
4078 delivered by computers and the Internet to all preschool children in Utah.

4079 (3) (a) The State Board of Education shall contract with an educational technology  
4080 provider, selected through a request for proposals process, for the delivery of a home-based  
4081 educational technology program for preschool children that meets the requirements of  
4082 Subsection (4).

4083 (b) (i) The State Board of Education shall, on or before July 1, 2019, issue a request for  
4084 proposals for two-year pilot proposals from one or more educational technology providers that

4085 do not have an existing contract under this part with the state for the delivery of a home-based  
4086 educational technology program for preschool children that meets the requirements of  
4087 Subsection (4).

4088 (ii) After the two-year pilots described in Subsection (3)(b)(i), the State Board of  
4089 Education may enter into a contract with one or more educational technology providers that  
4090 have participated in a Utah pilot.

4091 (c) Every five years after July 1, 2021, the State Board of Education may issue a new  
4092 request for proposals described in this section.

4093 (4) A home-based educational technology program for preschool children shall meet  
4094 the following standards:

4095 (a) the contractor shall provide computer-assisted instruction for preschool children on  
4096 a home computer connected by the Internet to a centralized file storage facility;

4097 (b) the contractor shall:

4098 (i) provide technical support to families for the installation and operation of the  
4099 instructional software; and

4100 (ii) provide for the installation of computer and Internet access in homes of low income  
4101 families that cannot afford the equipment and service;

4102 (c) the contractor shall have the capability of doing the following through the Internet:

4103 (i) communicating with parents;

4104 (ii) updating the instructional software;

4105 (iii) validating user access;

4106 (iv) collecting usage data;

4107 (v) storing research data; and

4108 (vi) producing reports for parents, schools, and the Legislature;

4109 (d) the program shall include the following components:

4110 (i) computer-assisted, individualized instruction in reading, mathematics, and science;

4111 (ii) a multisensory reading tutoring program; and

4112 (iii) a validated computer adaptive reading test that does not require the presence of

4113 trained adults to administer and is an accurate indicator of reading readiness of children who  
4114 cannot read;

4115 (e) the contractor shall have the capability to quickly and efficiently modify, improve,  
4116 and support the product;

4117 (f) the contractor shall work in cooperation with school district personnel who will  
4118 provide administrative and technical support of the program as provided in Section  
4119 ~~[53A-1a-1003]~~ [53F-4-403](#);

4120 (g) the contractor shall solicit families to participate in the program as provided in  
4121 Section ~~[53A-1a-1004]~~ [53F-4-404](#); and

4122 (h) in implementing the home-based educational technology program, the contractor  
4123 shall seek the advise and expertise of early childhood education professionals within the Utah  
4124 System of Higher Education on issues such as:

4125 (i) soliciting families to participate in the program;

4126 (ii) providing training to families; and

4127 (iii) motivating families to regularly use the instructional software.

4128 (5) (a) The contract shall provide funding for a home-based educational technology  
4129 program for preschool children, subject to the appropriation of money by the Legislature for  
4130 UPSTART.

4131 (b) An appropriation for a request for proposals described in Subsection (3)(b)(i) shall  
4132 be separate from an appropriation described in Subsection (5)(a).

4133 (6) The State Board of Education shall evaluate a proposal based on:

4134 (a) whether the home-based educational technology program meets the standards  
4135 specified in Subsection (4);

4136 (b) the results of an independent evaluation of the home-based educational technology  
4137 program;

4138 (c) the experience of the home-based educational technology program provider; and

4139 (d) the per pupil cost of the home-based educational technology program.

4140 Section 90. Section **53F-4-403**, which is renumbered from Section 53A-1a-1003 is

4141 renumbered and amended to read:

4142 ~~[53A-1a-1003]~~. **53F-4-403. School district participation in UPSTART.**

4143 (1) A school district may participate in UPSTART if the local school board agrees to  
4144 work in cooperation with the contractor to provide administrative and technical support for  
4145 UPSTART.

4146 (2) Family participants in UPSTART shall be solicited from school districts that  
4147 participate in UPSTART.

4148 (3) A school district that participates in UPSTART shall:

4149 (a) receive funding for:

4150 (i) paraprofessional and technical support staff; and

4151 (ii) travel, materials, and meeting costs of the program;

4152 (b) participate in program training by the contractor; and

4153 (c) agree to adopt standardized policies and procedures in implementing UPSTART.

4154 Section 91. Section **53F-4-404**, which is renumbered from Section 53A-1a-1004 is  
4155 renumbered and amended to read:

4156 ~~[53A-1a-1004]~~. **53F-4-404. Family participation in UPSTART -- Low income**  
4157 **family verification.**

4158 (1) The contractor shall:

4159 (a) solicit families to participate in UPSTART through a public information campaign  
4160 and referrals from participating school districts; and

4161 (b) work with the Department of Workforce Services and the State Board of Education  
4162 to solicit participation from families of children experiencing intergenerational poverty, as  
4163 defined in Section **35A-9-102**, to participate in UPSTART.

4164 (2) (a) Preschool children who participate in UPSTART shall:

4165 (i) be from families with diverse socioeconomic and ethnic backgrounds;

4166 (ii) reside in different regions of the state in both urban and rural areas; and

4167 (iii) be given preference to participate if the preschool child's family resides in a rural  
4168 area with limited prekindergarten services.

4169 (b) (i) If the number of families who would like to participate in UPSTART exceeds  
4170 the number of participants funded by the legislative appropriation, the contractor shall give  
4171 priority to preschool children from low income families and preschool children who are  
4172 English language learners.

4173 (ii) At least 30% of the preschool children who participate in UPSTART shall be from  
4174 low income families.

4175 (3) A low income family that cannot afford a computer and Internet service to operate  
4176 the instructional software may obtain a computer and peripheral equipment on loan and receive  
4177 free Internet service for the duration of the family's participation in UPSTART.

4178 (4) (a) The contractor shall make the home-based educational technology program  
4179 available to families at a cost agreed upon by the State Board of Education and the contractor if  
4180 the number of families who would like to participate in UPSTART exceeds the number of  
4181 participants funded by the legislative appropriation.

4182 (b) The State Board of Education and the contractor shall annually post on their  
4183 websites information on purchasing a home-based educational technology program as provided  
4184 in Subsection (4)(a).

4185 (5) (a) The contractor shall:

4186 (i) determine if a family is a low income family for purposes of this part; and

4187 (ii) use the same application form as described in Section 35A-9-401 or create an  
4188 application form that requires an individual to provide and certify the information necessary for  
4189 the contractor to make the determination described in Subsection (5)(a)(i).

4190 (b) The contractor may:

4191 (i) require an individual to submit supporting documentation; and

4192 (ii) create a deadline for an individual to submit an application, if necessary.

4193 Section 92. Section **53F-4-405**, which is renumbered from Section 53A-1a-1005 is  
4194 renumbered and amended to read:

4195 ~~[53A-1a-1005]~~. **53F-4-405. Purchase of equipment and service through**  
4196 **cooperative purchasing contracts.**

4197           The State Board of Education or a school district may purchase computers, peripheral  
4198 equipment, and Internet service for low income families who cannot afford them through  
4199 cooperative purchasing contracts administered by the state Division of Purchasing and General  
4200 Services.

4201           Section 93. Section **53F-4-406**, which is renumbered from Section 53A-1a-1006 is  
4202 renumbered and amended to read:

4203           ~~**53A-1a-1006**~~.       **53F-4-406**. **Audit and evaluation.**

4204           (1) The state auditor shall:

4205           (a) conduct an annual audit of the contractor's use of funds for UPSTART; or

4206           (b) contract with an independent certified public accountant to conduct an annual audit.

4207           (2) The State Board of Education shall:

4208           (a) require by contract that the contractor will open its books and records relating to its  
4209 expenditure of funds pursuant to the contract to the state auditor or the state auditor's designee;

4210           (b) reimburse the state auditor for the actual and necessary costs of the audit; and

4211           (c) contract with an independent, qualified evaluator, selected through a request for  
4212 proposals process, to evaluate the home-based educational technology program for preschool  
4213 children.

4214           (3) Of the money appropriated by the Legislature for UPSTART, excluding funds used  
4215 to provide computers, peripheral equipment, and Internet service to families, no more than  
4216 7.5% may be used for the evaluation of the program.

4217           Section 94. Section **53F-4-407**, which is renumbered from Section 53A-1a-1007 is  
4218 renumbered and amended to read:

4219           ~~**53A-1a-1007**~~.       **53F-4-407**. **Annual report.**

4220           (1) The State Board of Education shall make a report on UPSTART to the Education  
4221 Interim Committee by November 30 each year.

4222           (2) The report shall:

4223           (a) address the extent to which UPSTART is accomplishing the purposes for which it  
4224 was established as specified in Section [~~53A-1a-1002~~] 53F-4-402; and

- 4225 (b) include the following information:
- 4226 (i) the number of families:
- 4227 (A) volunteering to participate in the program;
- 4228 (B) selected to participate in the program;
- 4229 (C) requesting computers; and
- 4230 (D) furnished computers;
- 4231 (ii) the frequency of use of the instructional software;
- 4232 (iii) obstacles encountered with software usage, hardware, or providing technical
- 4233 assistance to families;
- 4234 (iv) student performance on pre-kindergarten and post-kindergarten assessments
- 4235 conducted by school districts and charter schools for students who participated in the
- 4236 home-based educational technology program and those who did not participate in the program;
- 4237 and
- 4238 (v) as available, the evaluation of the program conducted pursuant to Section
- 4239 ~~[53A-1a-1006]~~ [53F-4-406](#).
- 4240 Section 95. Section **53F-4-501**, which is renumbered from Section 53A-15-1202 is
- 4241 renumbered and amended to read:

**Part 5. Statewide Online Education Program**

~~[53A-15-1202]~~. **53F-4-501. Definitions.**

As used in this part:

- 4245 (1) "District school" means a public school under the control of a local school board
- 4246 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School
- 4247 Boards.
- 4248 (2) "Eligible student" means:
- 4249 (a) a student enrolled in a district school or charter school in Utah; or
- 4250 (b) beginning on July 1, 2013, a student:
- 4251 (i) who attends a private school or home school; and
- 4252 (ii) whose custodial parent or legal guardian is a resident of Utah.



4253 (3) "LEA" means a local education agency in Utah that has administrative control and  
4254 direction for public education.

4255 (4) "Online course" means a course of instruction offered by the Statewide Online  
4256 Education Program through the use of digital technology.

4257 (5) "Plan for college and career readiness" means the same as that term is defined in  
4258 Section 53E-2-304.

4259 [~~(5)~~] (6) "Primary LEA of enrollment" means the LEA in which an eligible student is  
4260 enrolled for courses other than online courses offered through the Statewide Online Education  
4261 Program.

4262 [~~(6)~~] (7) "Released-time" means a period of time during the regular school day a  
4263 student is excused from school at the request of the student's parent or guardian pursuant to  
4264 rules of the State Board of Education.

4265 Section 96. Section **53F-4-502**, which is renumbered from Section 53A-15-1203 is  
4266 renumbered and amended to read:

4267 [~~53A-15-1203~~]. **53F-4-502. Statewide Online Education Program created --**  
4268 **Designated as program of the public education system -- Purposes.**

4269 (1) The Statewide Online Education Program is created to enable an eligible student to  
4270 earn high school graduation credit through the completion of publicly funded online courses.

4271 (2) Pursuant to Utah Constitution, Article X, Section 2, the Statewide Online  
4272 Education Program is designated as a program of the public education system.

4273 (3) The purposes of an online school are to:

4274 (a) provide a student with access to online learning options regardless of where the  
4275 student attends school, whether a public, private, or home school;

4276 (b) provide high quality learning options for a student regardless of language,  
4277 residence, family income, or special needs;

4278 (c) provide online learning options to allow a student to acquire the knowledge and  
4279 technology skills necessary in a digital world;

4280 (d) utilize the power and scalability of technology to customize education so that a

4281 student may learn in the student's own style preference and at the student's own pace;

4282 (e) utilize technology to remove the constraints of traditional classroom learning,  
4283 allowing a student to access learning virtually at any time and in any place and giving the  
4284 student the flexibility to take advantage of the student's peak learning time;

4285 (f) provide personalized learning, where a student can spend as little or as much time  
4286 as the student needs to master the material;

4287 (g) provide greater access to self-paced programs enabling a high achieving student to  
4288 accelerate academically, while a struggling student may have additional time and help to gain  
4289 competency;

4290 (h) allow a student to customize the student's schedule to better meet the student's  
4291 academic goals;

4292 (i) provide quality learning options to better prepare a student for post-secondary  
4293 education and vocational or career opportunities; and

4294 (j) allow a student to have an individualized educational experience.

4295 (4) The program created under this part shall be known as the "Statewide Online  
4296 Education Program."

4297 (5) The program name, "Statewide Online Education Program," shall be used in the  
4298 dissemination of information on the program.

4299 Section 97. Section **53F-4-503**, which is renumbered from Section 53A-15-1204 is  
4300 renumbered and amended to read:

4301 ~~[53A-15-1204]~~. **53F-4-503. Option to enroll in online courses offered**  
4302 **through the Statewide Online Education Program.**

4303 (1) Subject to the course limitations provided in Subsection (2), an eligible student may  
4304 enroll in an online course offered through the Statewide Online Education Program if:

4305 (a) the student meets the course prerequisites;

4306 (b) the course is open for enrollment;

4307 (c) the online course is aligned with the student's plan for college and career readiness;

4308 (d) the online course is consistent with the student's individual education plan (IEP), if

4309 the student has an IEP; and

4310 (e) the online course is consistent with the student's international baccalaureate  
4311 program, if the student is participating in an international baccalaureate program.

4312 (2) An eligible student may enroll in online courses for no more than the following  
4313 number of credits:

4314 (a) in the 2011-12 and 2012-13 school years, two credits;

4315 (b) in the 2013-14 school year, three credits;

4316 (c) in the 2014-15 school year, four credits;

4317 (d) in the 2015-16 school year, five credits; and

4318 (e) beginning with the 2016-17 school year, six credits.

4319 (3) Notwithstanding Subsection (2):

4320 (a) a student's primary LEA of enrollment may allow an eligible student to enroll in  
4321 online courses for more than the number of credits specified in Subsection (2); or

4322 (b) upon the request of an eligible student, the State Board of Education may allow the  
4323 student to enroll in online courses for more than the number of credits specified in Subsection  
4324 (2), if the online courses better meet the academic goals of the student.

4325 (4) An eligible student's primary LEA of enrollment:

4326 (a) in conjunction with the student and the student's parent or legal guardian, is  
4327 responsible for preparing and implementing a plan for college and career readiness for the  
4328 eligible student, as provided in Section [~~53A-1a-106~~] [53F-2-304](#); and

4329 (b) shall assist an eligible student in scheduling courses in accordance with the  
4330 student's plan for college and career readiness, graduation requirements, and the student's  
4331 post-secondary plans.

4332 (5) An eligible student's primary LEA of enrollment may not:

4333 (a) impose restrictions on a student's selection of an online course that fulfills  
4334 graduation requirements and is consistent with the student's plan for college and career  
4335 readiness or post-secondary plans; or

4336 (b) give preference to an online course or online course provider.

4337 (6) The State Board of Education, including an employee of the State Board of  
4338 Education, may not give preference to an online course or online course provider.

4339 (7) (a) Except as provided in Subsection (7)(b), a person may not provide an  
4340 inducement or incentive to a public school student to participate in the Statewide Online  
4341 Education Program.

4342 (b) For purposes of Subsection (7)(a):

4343 (i) "Inducement or incentive" does not mean:

4344 (A) instructional materials or software necessary to take an online course; or

4345 (B) access to a computer or digital learning device for the purpose of taking an online  
4346 course.

4347 (ii) "Person" does not include a relative of the public school student.

4348 Section 98. Section **53F-4-504**, which is renumbered from Section 53A-15-1205 is  
4349 renumbered and amended to read:

4350 ~~[53A-15-1205]~~. **53F-4-504. Authorized online course providers.**

4351 The following entities may offer online courses to eligible students through the  
4352 Statewide Online Education Program:

4353 (1) a charter school or district school created exclusively for the purpose of serving  
4354 students online;

4355 (2) an LEA program, approved by the LEA's governing board, that is created  
4356 exclusively for the purpose of serving students online; and

4357 (3) a program of an institution of higher education listed in Section **53B-2-101** that:

4358 (a) offers secondary school level courses; and

4359 (b) is created exclusively for the purpose of serving students online.

4360 Section 99. Section **53F-4-505**, which is renumbered from Section 53A-15-1206 is  
4361 renumbered and amended to read:

4362 ~~[53A-15-1206]~~. **53F-4-505. Payment for an online course.**

4363 (1) For the 2012-13 school year, the fee for a .5 credit online course or .5 credit of a 1  
4364 credit online course is:

- 4365 (a) \$200 for the following courses, except a concurrent enrollment course:
- 4366 (i) financial literacy;
- 4367 (ii) health;
- 4368 (iii) fitness for life; and
- 4369 (iv) computer literacy;
- 4370 (b) \$200 for driver education;
- 4371 (c) \$250 for a course that meets core standards for Utah public schools in fine arts or
- 4372 career and technical education, except a concurrent enrollment course;
- 4373 (d) \$300 for the following courses:
- 4374 (i) a course that meets core standards for Utah public schools requirements in social
- 4375 studies, except a concurrent enrollment course; and
- 4376 (ii) a world language course, except a concurrent enrollment course;
- 4377 (e) \$350 for the following courses:
- 4378 (i) a course that meets core standards for Utah public schools requirements for
- 4379 language arts, mathematics, or science; and
- 4380 (ii) a concurrent enrollment course; and
- 4381 (f) \$250 for a course not described in Subsections (1)(a) through (e).
- 4382 (2) If a course meets the requirements of more than one course fee category described
- 4383 in Subsection (1), the course fee shall be the lowest of the applicable course fee categories.
- 4384 (3) Beginning with the 2013-14 school year, the online course fees described in
- 4385 Subsection (1) shall be adjusted each school year in accordance with the percentage change in
- 4386 value of the weighted pupil unit from the previous school year.
- 4387 (4) An online learning provider shall receive payment for an online course as follows:
- 4388 (a) for a .5 credit online course, 50% of the online course fee after the withdrawal
- 4389 period described in Section [~~53A-15-1206.5~~] [53F-4-506](#);
- 4390 (b) for a 1 credit online course, 25% of the online course fee after the withdrawal
- 4391 period described in Section [~~53A-15-1206.5~~] [53F-4-506](#) and 25% of the online course fee upon
- 4392 the beginning of the second .5 credit of the online course; and

4393 (c) if a student completes a 1 credit online course within 12 months or a .5 credit  
4394 course within nine weeks following the end of a traditional semester, 50% of the online course  
4395 fee.

4396 (5) (a) If a student fails to complete a 1 credit course within 12 months or a .5 credit  
4397 course within nine weeks following the end of a traditional semester, the student may continue  
4398 to be enrolled in the course until the student graduates from high school.

4399 (b) To encourage an online course provider to provide remediation to a student who  
4400 remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the need for credit  
4401 recovery, an online course provider shall receive a payment equal to 30% of the online course  
4402 fee if the student completes the online course before the student graduates from high school.

4403 (6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a  
4404 school district or charter school may:

4405 (a) negotiate a fee with an online course provider for an amount up to the amount  
4406 prescribed in Subsections (1) through (3); and

4407 (b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).

4408 (7) An online course provider who contracts with a vendor for the acquisition of online  
4409 course content or online course instruction may negotiate the payment for the vendor's service  
4410 independent of the fees specified in Subsections (1) through (3).

4411 Section 100. Section **53F-4-506**, which is renumbered from Section 53A-15-1206.5 is  
4412 renumbered and amended to read:

4413 ~~[53A-15-1206.5]~~. **53F-4-506. Withdrawal from an online course.**

4414 (1) An online course provider shall establish a start date for an online course, including  
4415 a start date for the second .5 credit of a 1 credit online course.

4416 (2) Except as provided in Subsection (3), a student may withdraw from an online  
4417 course:

4418 (a) within 20 school calendar days of the start date, if the student enrolls in an online  
4419 course on or before the start date established pursuant to Subsection (1); or

4420 (b) within 20 school calendar days of enrolling in the online course, if the student

4421 enrolls in an online course after the start date established pursuant to Subsection (1).

4422 (3) (a) A student may withdraw from a 1 credit online course within 20 school calendar  
4423 days of the start date of the second .5 credit of the online course.

4424 (b) An online course provider shall refund a payment received for the second .5 credit  
4425 of an online course if a student withdraws from the online course pursuant to Subsection (3)(a).

4426 (c) If a student withdraws from a 1 credit online course as provided in Subsection  
4427 (3)(a), the online course provider shall receive payment for the student's completion of .5 credit  
4428 of the 1 credit course in the same manner as an online course provider receives payment for a  
4429 student's completion of a .5 credit online course as described in Subsection [~~53A-15-1206~~]  
4430 [53F-4-505](#)(4).

4431 Section 101. Section ~~53F-4-507~~, which is renumbered from Section 53A-15-1207 is  
4432 renumbered and amended to read:

4433 [~~53A-15-1207~~]. **53F-4-507. State Board of Education to deduct funds and**  
4434 **make payments -- Plan for the payment of online courses taken by private and home**  
4435 **school students.**

4436 (1) For a fiscal year that begins on or after July 1, 2018, and subject to future budget  
4437 constraints, the Legislature shall adjust the appropriation for the Statewide Online Education  
4438 Program based on:

4439 (a) the anticipated increase of eligible home school and private school students  
4440 enrolled in the Statewide Online Education Program; and

4441 (b) the value of the weighted pupil unit.

4442 (2) (a) The State Board of Education shall deduct money from funds allocated to the  
4443 student's primary LEA of enrollment under Chapter [~~17a, Minimum School Program Act~~] 2,  
4444 State Funding -- Minimum School Program, to pay for online course fees.

4445 (b) Money shall be deducted under Subsection (2) in the amount and at the time an  
4446 online course provider qualifies to receive payment for an online course as provided in  
4447 Subsection [~~53A-15-1206~~] [53F-4-505](#)(4).

4448 (3) From money deducted under Subsection (2), the State Board of Education shall

4449 make payments to the student's online course provider as provided in Section [~~53A-15-1206~~]  
4450 [53F-4-505](#).

4451 (4) The Legislature shall establish a plan, which shall take effect beginning on July 1,  
4452 2013, for the payment of online courses taken by a private school or home school student.

4453 Section 102. Section **53F-4-508**, which is renumbered from Section 53A-15-1208 is  
4454 renumbered and amended to read:

4455 ~~[53A-15-1208]~~. **53F-4-508. Course credit acknowledgment.**

4456 (1) A student's primary LEA of enrollment and the student's online course provider  
4457 shall enter into a course credit acknowledgment in which the primary LEA of enrollment and  
4458 the online course provider acknowledge that the online course provider is responsible for the  
4459 instruction of the student in a specified online course.

4460 (2) The terms of the course credit acknowledgment shall provide that:

4461 (a) the online course provider shall receive a payment in the amount provided under  
4462 Section [~~53A-15-1206~~] [53F-4-505](#); and

4463 (b) the student's primary LEA of enrollment acknowledges that the State Board of  
4464 Education will deduct funds allocated to the LEA under Chapter [~~17a, Minimum School~~  
4465 ~~Program Act~~] 2, State Funding -- Minimum School Program, in the amount and at the time the  
4466 online course provider qualifies to receive payment for the online course as provided in  
4467 Subsection [~~53A-15-1206~~] [53F-4-505](#)(4).

4468 (3) (a) A course credit acknowledgment may originate with either an online course  
4469 provider or primary LEA of enrollment.

4470 (b) The originating entity shall submit the course credit acknowledgment to the State  
4471 Board of Education who shall forward it to the primary LEA of enrollment for course selection  
4472 verification or the online course provider for acceptance.

4473 (c) (i) A primary LEA of enrollment may only reject a course credit acknowledgment  
4474 if:

4475 (A) the online course is not aligned with the student's plan for college and career  
4476 readiness;



4477 (B) the online course is not consistent with the student's IEP, if the student has an IEP;

4478 (C) the online course is not consistent with the student's international baccalaureate  
4479 program, if the student participates in an international baccalaureate program; or

4480 (D) the number of online course credits exceeds the maximum allowed for the year as  
4481 provided in Section [~~53A-15-1204~~] [53F-4-503](#).

4482 (ii) Verification of alignment of an online course with a student's plan for college and  
4483 career readiness does not require a meeting with the student.

4484 (d) An online course provider may only reject a course credit acknowledgment if:

4485 (i) the student does not meet course prerequisites; or

4486 (ii) the course is not open for enrollment.

4487 (e) A primary LEA of enrollment or online course provider shall submit an acceptance  
4488 or rejection of a course credit acknowledgment to the State Board of Education within 72  
4489 business hours of the receipt of a course credit acknowledgment from the State Board of  
4490 Education pursuant to Subsection (3)(b).

4491 (f) If an online course provider accepts a course credit acknowledgment, the online  
4492 course provider shall forward to the primary LEA of enrollment the online course start date as  
4493 established under Section [~~53A-15-1206.5~~] [53F-4-506](#).

4494 (g) If an online course provider rejects a course credit acknowledgment, the online  
4495 course provider shall include an explanation which the State Board of Education shall forward  
4496 to the primary LEA of enrollment for the purpose of assisting a student with future online  
4497 course selection.

4498 (h) If a primary LEA of enrollment does not submit an acceptance or rejection of a  
4499 course credit acknowledgment to the State Board of Education within 72 business hours of the  
4500 receipt of a course credit acknowledgment from the State Board of Education pursuant to  
4501 Subsection (3)(b), the State Board of Education shall consider the course credit  
4502 acknowledgment accepted.

4503 (i) (i) Upon acceptance of a course credit acknowledgment, the primary LEA of  
4504 enrollment shall notify the student of the acceptance and the start date for the online course as

4505 established under Section [~~53A-15-1206.5~~] 53F-4-506.

4506 (ii) Upon rejection of a course credit acknowledgment, the primary LEA of enrollment  
4507 shall notify the student of the rejection and provide an explanation of the rejection.

4508 (j) If the online course student has an individual education plan (IEP) or 504  
4509 accommodations, the primary LEA of enrollment shall forward the IEP or description of 504  
4510 accommodations to the online course provider within 72 business hours after the primary LEA  
4511 of enrollment receives notice that the online course provider accepted the course credit  
4512 acknowledgment.

4513 (4) (a) A primary LEA of enrollment may not reject a course credit acknowledgment,  
4514 because the LEA is negotiating, or intends to negotiate, an online course fee with the online  
4515 course provider pursuant to Subsection [~~53A-15-1206~~] 53F-4-505(6).

4516 (b) If a primary LEA of enrollment negotiates an online course fee with an online  
4517 course provider before the start date of an online course, a course credit acknowledgment may  
4518 be amended to reflect the negotiated online course fee.

4519 Section 103. Section **53F-4-509**, which is renumbered from Section 53A-15-1209 is  
4520 renumbered and amended to read:

4521 [~~53A-15-1209~~]. **53F-4-509. Online course credit hours included in daily**  
4522 **membership -- Limitation.**

4523 (1) Subject to Subsection (2), a student's primary LEA of enrollment shall include  
4524 online course credit hours in calculating daily membership.

4525 (2) A student may not count as more than one FTE, unless the student intends to  
4526 complete high school graduation requirements, and exit high school, early, in accordance with  
4527 the student's plan for college and career readiness.

4528 (3) A student who enrolls in an online course may not be counted in membership for a  
4529 released-time class, if counting the student in membership for a released-time class would  
4530 result in the student being counted as more than one FTE.

4531 (4) Except as provided in Subsection (5), a student enrolled in an online course may  
4532 earn no more credits in a year than the number of credits a student may earn in a year by taking

4533 a full course load during the regular school day in the student's primary LEA of enrollment.

4534 (5) A student enrolled in an online course may earn more credits in a year than the  
4535 number of credits a student may earn in a year by taking a full course load during the regular  
4536 school day in the student's primary LEA of enrollment:

4537 (a) if the student intends to complete high school graduation requirements, and exit  
4538 high school, early, in accordance with the student's plan for college and career readiness; or

4539 (b) if allowed under local school board or charter school governing board policy.

4540 Section 104. Section **53F-4-510**, which is renumbered from Section 53A-15-1210 is  
4541 renumbered and amended to read:

4542 ~~[53A-15-1210].~~ **53F-4-510. Administration of statewide assessments to**  
4543 **students enrolled in online courses.**

4544 (1) A student enrolled in an online course that is a course for which a statewide  
4545 assessment is administered under [~~Chapter 1, Part 6, Achievement Tests~~] Title 53E, Chapter 4,  
4546 Part 3, Assessments, shall take the statewide assessment.

4547 (2) (a) The State Board of Education shall make rules providing for the administration  
4548 of a statewide assessment to a student enrolled in an online course.

4549 (b) Rules made under Subsection (2)(a) shall:

4550 (i) provide for the administration of a statewide assessment upon a student completing  
4551 an online course; and

4552 (ii) require an online course provider to proctor the statewide assessment.

4553 Section 105. Section **53F-4-511**, which is renumbered from Section 53A-15-1211 is  
4554 renumbered and amended to read:

4555 ~~[53A-15-1211].~~ **53F-4-511. Report on performance of online course**  
4556 **providers.**

4557 (1) The State Board of Education, in collaboration with online course providers, shall  
4558 develop a report on the performance of online course providers, which may be used to evaluate  
4559 the Statewide Online Education Program and assess the quality of an online course provider.

4560 (2) A report on the performance of an online course provider shall include:

4561 (a) scores aggregated by test on statewide assessments administered under [~~Chapter 1,~~  
4562 ~~Part 6, Achievement Tests~~] Title 53E, Chapter 4, Part 3, Assessments, taken by students at the  
4563 end of an online course offered through the Statewide Online Education Program;

4564 (b) the percentage of the online course provider's students who complete online courses  
4565 within the applicable time period specified in Subsection [~~53A-15-1206~~] 53F-4-505(4)(c);

4566 (c) the percentage of the online course provider's students who complete online courses  
4567 after the applicable time period specified in Subsection [~~53A-15-1206~~] 53F-4-505(4)(c) and  
4568 before the student graduates from high school; and

4569 (d) the pupil-teacher ratio for the combined online courses of the online course  
4570 provider.

4571 (3) The State Board of Education shall post a report on the performance of an online  
4572 course provider on the Statewide Online Education Program's website.

4573 Section 106. Section **53F-4-512**, which is renumbered from Section 53A-15-1212 is  
4574 renumbered and amended to read:

4575 [~~53A-15-1212~~]. **53F-4-512. Dissemination of information on the Statewide**  
4576 **Online Education Program.**

4577 (1) The State Board of Education shall develop a website for the Statewide Online  
4578 Education Program which shall include:

4579 (a) a description of the Statewide Online Education Program, including its purposes;

4580 (b) information on who is eligible to enroll, and how an eligible student may enroll, in  
4581 an online course;

4582 (c) a directory of online course providers;

4583 (d) a link to a course catalog for each online course provider; and

4584 (e) a report on the performance of online course providers as required by Section  
4585 [~~53A-15-1211~~] 53F-4-511.

4586 (2) An online course provider shall provide the following information on the online  
4587 course provider's website:

4588 (a) a description of the Statewide Online Education Program, including its purposes;

4589 (b) information on who is eligible to enroll, and how an eligible student may enroll, in  
4590 an online course;

4591 (c) a course catalog;

4592 (d) scores aggregated by test on statewide assessments administered under [~~Chapter 1,~~  
4593 ~~Part 6, Achievement Tests~~] Title 53E, Chapter 4, Part 3, Assessments, taken by students at the  
4594 end of an online course offered through the Statewide Online Education Program;

4595 (e) the percentage of an online course provider's students who complete online courses  
4596 within the applicable time period specified in Subsection [~~53A-15-1206~~] 53F-4-505(4)(c);

4597 (f) the percentage of an online course provider's students who complete online courses  
4598 after the applicable time period specified in Subsection [~~53A-15-1206~~] 53F-4-505(4)(c) and  
4599 before the student graduates from high school; and

4600 (g) the online learning provider's pupil-teacher ratio for the online courses combined.

4601 Section 107. Section **53F-4-513**, which is renumbered from Section 53A-15-1212.5 is  
4602 renumbered and amended to read:

4603 ~~[53A-15-1212.5].~~ **53F-4-513. Time period to enroll in an online course.**

4604 (1) To provide an LEA and online course providers with estimates of online course  
4605 enrollment, a student should enroll in an online course, or declare an intention to enroll in an  
4606 online course, during the high school course registration period designated by the LEA.

4607 (2) Notwithstanding Subsection (1) and except as provided in Subsection (3), a student  
4608 may enroll in an online course at any time during a calendar year.

4609 (3) (a) A student may alter a course schedule by dropping a traditional classroom  
4610 course and adding an online course consistent with course schedule alteration procedures  
4611 adopted by the student's primary LEA of enrollment or high school.

4612 (b) A school district's or high school's deadline for dropping a traditional classroom  
4613 course and adding an online course shall be the same deadline for dropping and adding a  
4614 traditional classroom course.

4615 Section 108. Section **53F-4-514**, which is renumbered from Section 53A-15-1213 is  
4616 renumbered and amended to read:

4617 ~~[53A-15-1213]~~. **53F-4-514. State Board of Education -- Rulemaking.**

4618 The State Board of Education shall make rules in accordance with this part and Title  
4619 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

4620 (1) establish a course credit acknowledgement form and procedures for completing and  
4621 submitting to the State Board of Education a course credit acknowledgement; and

4622 (2) establish procedures for the administration of a statewide assessment to a student  
4623 enrolled in an online course.

4624 Section 109. Section **53F-4-515**, which is renumbered from Section 53A-15-1214 is  
4625 renumbered and amended to read:

4626 ~~[53A-15-1214]~~. **53F-4-515. Review by legislative auditor general.**

4627 The legislative auditor general shall conduct a review and issue a report on the  
4628 Statewide Online Education Program after the conclusion of the 2013-14 school year.

4629 Section 110. Section **53F-4-516**, which is renumbered from Section 53A-15-1216 is  
4630 renumbered and amended to read:

4631 ~~[53A-15-1216]~~. **53F-4-516. Report of noncompliance -- Action to ensure  
4632 compliance.**

4633 (1) The state superintendent shall report to the State Board of Education any report of  
4634 noncompliance of this part made to a member of the staff of the State Board of Education.

4635 (2) The State Board of Education shall take appropriate action to ensure compliance  
4636 with this part.

4637 Section 111. Section **53F-4-517**, which is renumbered from Section 53A-15-1217 is  
4638 renumbered and amended to read:

4639 ~~[53A-15-1217]~~. **53F-4-517. Agreements for online instruction.**

4640 (1) In addition to offering online courses to students through the Statewide Online  
4641 Education Program, a school district or charter school may enter into an agreement with  
4642 another school district or charter school or a consortium of school districts or charter schools to  
4643 provide online instruction to the school district's or charter school's students.

4644 (2) Online instruction offered pursuant to Subsection (1) is not subject to the

4645 requirements of this part.

4646 Section 112. Section **53F-5-101** is enacted to read:

4647 **CHAPTER 5. STATE FUNDING -- INITIATIVE GRANT PROGRAMS**

4648 **Part 1. General Provisions**

4649 **53F-5-101. Title.**

4650 This chapter is known as "State Funding -- Initiative Grant Programs."

4651 Section 113. Section **53F-5-102** is enacted to read:

4652 **53F-5-102. Definitions.**

4653 Reserved

4654 Section 114. Section **53F-5-201**, which is renumbered from Section 53A-1-708 is

4655 renumbered and amended to read:

4656 **Part 2. Miscellaneous Grant Programs**

4657 **[~~53A-1-708~~]. 53F-5-201. Grants for online delivery of statewide**

4658 **assessments.**

4659 (1) As used in this section:

4660 (a) "Adaptive tests" means tests administered during the school year using an online  
4661 adaptive test system.

4662 (b) "Core standards for Utah public schools" means the standards established by the  
4663 State Board of Education as described in Section [~~53A-1-402.6~~] 53E-4-202.

4664 (c) "Statewide assessment" means the same as that term is defined in Section  
4665 [~~53A-1-602~~] 53E-4-301.

4666 (d) "Summative tests" means tests administered near the end of a course to assess  
4667 overall achievement of course goals.

4668 (e) "Uniform online summative test system" means a single system for the online  
4669 delivery of summative tests required as statewide assessments that:

4670 (i) is coordinated by the State Board of Education;

4671 (ii) ensures the reliability and security of statewide assessments; and

4672 (iii) is selected through collaboration between the State Board of Education and school

4673 district representatives with expertise in technology, assessment, and administration.

4674 (2) The State Board of Education may award grants to school districts and charter  
4675 schools to implement:

4676 (a) a uniform online summative test system to enable school staff and parents of  
4677 students to review statewide assessment scores by the end of the school year; or

4678 (b) an online adaptive test system to enable parents of students and school staff to  
4679 measure and monitor a student's academic progress during a school year.

4680 (3) (a) Grant money may be used to pay for any of the following, provided it is directly  
4681 related to implementing a uniform online summative test system, an online adaptive test  
4682 system, or both:

4683 (i) computer equipment and peripherals, including electronic data capture devices  
4684 designed for electronic test administration and scoring;

4685 (ii) software;

4686 (iii) networking equipment;

4687 (iv) upgrades of existing equipment or software;

4688 (v) upgrades of existing physical plant facilities;

4689 (vi) personnel to provide technical support or coordination and management; and

4690 (vii) teacher professional development.

4691 (b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the  
4692 online delivery of summative tests or adaptive tests required as statewide assessments, may be  
4693 used for other purposes.

4694 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
4695 State Board of Education shall make rules:

4696 (a) establishing procedures for applying for and awarding grants;

4697 (b) specifying how grant money is allocated among school districts and charter schools;

4698 (c) requiring reporting of grant money expenditures and evidence showing that the  
4699 grant money has been used to implement a uniform online summative test system, an online  
4700 adaptive test system, or both;



4701 (d) establishing technology standards for an online adaptive testing system;  
 4702 (e) requiring a school district or charter school that receives a grant under this section  
 4703 to implement, in compliance with [~~Part 14, Student Data Protection Act, and Chapter 13, Part~~  
 4704 ~~3, Utah Family Educational Rights and Privacy Act~~] Title 53E, Chapter 9, Student Privacy and  
 4705 Data Protection, an online adaptive test system by the 2014-15 school year that:

- 4706 (i) meets the technology standards established under Subsection (4)(d); and
- 4707 (ii) is aligned with the core standards for Utah public schools;
- 4708 (f) requiring a school district or charter school to provide matching funds to implement  
 4709 a uniform online summative test system, an online adaptive test system, or both in an amount  
 4710 that is greater than or equal to the amount of a grant received under this section; and
- 4711 (g) ensuring that student identifiable data is not released to any person, except as  
 4712 provided by [~~Part 14, Student Data Protection Act, Chapter 13, Part 3, Utah Family~~  
 4713 ~~Educational Rights and Privacy Act~~] Title 53E, Chapter 9, Student Privacy and Data  
 4714 Protection, and rules of the State Board of Education adopted under the authority of those parts.

4715 (5) If a school district or charter school uses grant money for purposes other than those  
 4716 stated in Subsection (3), the school district or charter school is liable for reimbursing the State  
 4717 Board of Education in the amount of the grant money improperly used.

4718 (6) A school district or charter school may not use federal funds to provide the  
 4719 matching funds required to receive a grant under this section.

4720 (7) A school district may not impose a tax rate above the certified tax rate for the  
 4721 purpose of generating revenue to provide matching funds for a grant under this section.

4722 Section 115. Section **53F-5-202**, which is renumbered from Section 53A-6-114 is  
 4723 renumbered and amended to read:

4724 ~~[53A-6-114].~~ **53F-5-202. National Board certification reimbursement.**

- 4725 (1) (a) The terms defined in Section 53E-6-102 apply to this section.
- 4726 [(+) (b) As used in this section:
- 4727 [(a) (i) "Eligible educator" means an educator who:
- 4728 [(i) (A) holds a current National Board certification; and

4729 [(i†)] (B) is employed as an educator by an LEA.

4730 [(b)] (ii) "Local education agency" or "LEA" means:

4731 [(i)] (A) a school district;

4732 [(i†)] (B) a charter school; or

4733 [(iii)] (C) the Utah Schools for the Deaf and the Blind.

4734 (2) (a) Subject to legislative appropriations and Subsection (2)(b), the board shall  
4735 reimburse an eligible educator for the cost to attain or renew a National Board certification.

4736 (b) The board may only issue a reimbursement under Subsection (2)(a) for a  
4737 certification attained or renewed after July 1, 2016.

4738 (3) The board shall reimburse an eligible educator under this section on a first come,  
4739 first served basis.

4740 (4) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah  
4741 Administrative Rulemaking Act, specifying procedures and timelines for reimbursing costs  
4742 under Subsection (2).

4743 Section 116. Section **53F-5-203**, which is renumbered from Section 53A-15-106 is  
4744 renumbered and amended to read:

4745 ~~[53A-15-106].~~ **53F-5-203. Interventions for Reading Difficulties Pilot**  
4746 **Program.**

4747 (1) As used in this section:

4748 (a) "Board" means the State Board of Education.

4749 (b) "Dyslexia" means a specific learning disability that is neurological in origin and  
4750 characterized by difficulties with accurate or fluent word recognition and by poor spelling and  
4751 decoding abilities that typically result from a deficit in the phonological component of language  
4752 that is often unexpected in relation to other cognitive abilities and the provision of effective  
4753 classroom instruction.

4754 (c) "Endorsement" means the same as that term is defined in Section [~~53A-6-103~~]  
4755 53E-6-102.

4756 (d) "Local education agency" or "LEA" means:

- 4757 (i) a school district;
- 4758 (ii) a charter school; or
- 4759 (iii) the Utah Schools for the Deaf and the Blind.
- 4760 (e) "Multi-Tier System of Supports" or "MTSS" means a framework integrating
- 4761 assessment and intervention that:
- 4762 (i) provides increasingly intensive interventions for students at risk for or experiencing
- 4763 reading difficulties, including:
- 4764 (A) tier II interventions that, in addition to standard classroom reading, provide
- 4765 supplemental and targeted small group instruction in reading using evidence-based curricula;
- 4766 and
- 4767 (B) tier III interventions that address the specific needs of students who are the most at
- 4768 risk or who have not responded to tier II interventions by providing frequent, intensive, and
- 4769 targeted small group instruction using evidence-based curricula; and
- 4770 (ii) is developed to:
- 4771 (A) maximize student achievement;
- 4772 (B) reduce behavior problems; and
- 4773 (C) increase long-term success.
- 4774 (f) "Program" means the Interventions for Reading Difficulties Pilot Program.
- 4775 (g) "Reading difficulty" means an impairment, including dyslexia, that negatively
- 4776 affects a student's ability to learn to read.
- 4777 (2) There is created the Interventions for Reading Difficulties Pilot Program to provide:
- 4778 (a) specific evidence-based literacy interventions using an MTSS for students in
- 4779 kindergarten through grade 5 who are at risk for or experiencing a reading difficulty, including
- 4780 dyslexia; and
- 4781 (b) professional development to educators who provide the literacy interventions
- 4782 described in Subsection (2)(a).
- 4783 (3) (a) An LEA may submit a proposal to the board to participate in the program.
- 4784 (b) An LEA proposal described in Subsection (3)(a) shall:

- 4785 (i) specify:
- 4786 (A) a range of current benchmark assessment in reading scores described in Section
- 4787 [~~53A-1-606.6~~] 53E-4-307 that the LEA will use to determine whether a student is at risk for a
- 4788 reading difficulty; and
- 4789 (B) other reading difficulty risk factors that the LEA will use to determine whether a
- 4790 student is at risk for a reading difficulty;
- 4791 (ii) describe the LEA's existing reading program;
- 4792 (iii) describe the LEA's MTSS approach; and
- 4793 (iv) include any other information requested by the board.
- 4794 (c) The board may:
- 4795 (i) specify the format for an LEA proposal; and
- 4796 (ii) set a deadline for an LEA to submit a proposal.
- 4797 (4) The board shall:
- 4798 (a) define criteria for selecting an LEA to participate in the program;
- 4799 (b) during fiscal year 2016, select five LEAs to participate in the program:
- 4800 (i) on a competitive basis; and
- 4801 (ii) using criteria described in Subsection (4)(a); and
- 4802 (c) provide each LEA, selected as described in Subsection (4)(b), up to \$30,000 per
- 4803 school within the LEA.
- 4804 (5) During fiscal years 2017, 2018, and 2019, if funding allows, the board may select
- 4805 additional LEAs to participate in the program.
- 4806 (6) An LEA that participates in the program:
- 4807 (a) shall, beginning with the 2016-17 school year, provide the interventions described
- 4808 in Subsection (7)(c) from the time the LEA is selected until the end of the 2018-19 school year;
- 4809 and
- 4810 (b) may provide the professional development described in Subsections (8)(a) and (b)
- 4811 beginning in fiscal year 2016.
- 4812 (7) An LEA that participates in the program shall:

- 4813 (a) select at least one school in the LEA to participate in the program;
- 4814 (b) identify students in kindergarten through grade 5 for participation in the program
- 4815 by:
- 4816 (i) using current benchmark assessment in reading scores as described in Section
- 4817 ~~[53A-1-606.6]~~ [53E-4-307](#); and
- 4818 (ii) considering other reading difficulty risk factors identified by the LEA;
- 4819 (c) provide interventions for each student participating in the program using an MTSS
- 4820 implemented by an educator trained in evidence-based interventions;
- 4821 (d) include the LEA's proposal submitted under Subsection (3)(b) in the reading
- 4822 achievement plan described in Section ~~[53A-1-606.5]~~ [53E-4-306](#) for each school in the LEA
- 4823 that participates in the program; and
- 4824 (e) report annually to the board on:
- 4825 (i) individual student outcomes in changes in reading ability;
- 4826 (ii) school level outcomes; and
- 4827 (iii) any other information requested by the board.
- 4828 (8) Subject to funding for the program, an LEA may use the funds described in
- 4829 Subsection (4)(c) for the following purposes:
- 4830 (a) to provide for ongoing professional development in evidence-based literacy
- 4831 interventions;
- 4832 (b) to support educators in earning a reading interventionist endorsement that prepares
- 4833 teachers to provide a student who is at risk for or experiencing reading difficulty, including
- 4834 dyslexia, with reading intervention that is:
- 4835 (i) explicit;
- 4836 (ii) systematic; and
- 4837 (iii) targeted to a student's specific reading difficulty; and
- 4838 (c) to implement the program.
- 4839 (9) The board shall contract with an independent evaluator to evaluate the program on:
- 4840 (a) whether the program improves reading outcomes for a student who receives the

4841 interventions described in Subsection (7)(c);

4842 (b) whether the program may reduce future special education costs; and

4843 (c) any other student or school achievement outcomes requested by the board.

4844 (10) (a) The board shall make a final report on the program to the Education Interim  
4845 Committee on or before November 1, 2018.

4846 (b) In the final report described in Subsection (10)(a), the board shall include the  
4847 results of the evaluation described in Subsection (9).

4848 Section 117. Section **53F-5-204**, which is renumbered from Section 53A-15-1601 is  
4849 renumbered and amended to read:

4850 ~~[53A-15-1601]~~. **53F-5-204. Initiative to strengthen college and career**  
4851 **readiness.**

4852 (1) As used in this section:

4853 (a) "College and career counseling" means:

4854 (i) nurturing college and career aspirations;

4855 (ii) assisting students in planning an academic program that connects to college and  
4856 career goals;

4857 (iii) providing early and ongoing exposure to information necessary to make informed  
4858 decisions when selecting a college and career;

4859 (iv) promoting participation in college and career assessments;

4860 (v) providing financial aid information; and

4861 (vi) increasing understanding about college admission processes.

4862 (b) "LEA" or "local education agency" means a school district or charter school.

4863 (2) There is created the Strengthening College and Career Readiness Program, a grant  
4864 program for LEAs, to improve students' college and career readiness through enhancing the  
4865 skill level of school counselors to provide college and career counseling.

4866 (3) The State Board of Education shall:

4867 (a) on or before August 1, 2015, collaborate with the State Board of Regents, and

4868 business, community, and education stakeholders to develop a certificate for school counselors

4869 that:

4870 (i) certifies that a school counselor is highly skilled at providing college and career  
4871 counseling; and

4872 (ii) is aligned with the Utah Comprehensive Counseling and Guidance Program as  
4873 defined in rules established by the State Board of Education;

4874 (b) subject to legislative appropriations, award grants to LEAs, on a competitive basis,  
4875 for payment of course fees for courses required to earn the certificate developed by the State  
4876 Board of Education under Subsection (3)(a); and

4877 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
4878 make rules specifying:

4879 (i) procedures for applying for and awarding grants under this section;

4880 (ii) criteria for awarding grants; and

4881 (iii) reporting requirements for grantees.

4882 (4) An LEA that receives a grant under this section shall use the grant for payment of  
4883 course fees for courses required to attain the certificate as determined by the State Board of  
4884 Education under Subsection (3)(a).

4885 (5) The State Board of Education shall report to the Education Interim Committee on  
4886 the status of the Strengthening College and Career Readiness Program on or before:

4887 (a) November 1, 2016; and

4888 (b) November 1, 2017.

4889 Section 118. Section **53F-5-205**, which is renumbered from Section 53A-6-802 is  
4890 renumbered and amended to read:

4891 ~~[53A-6-802]~~. **53F-5-205. Paraeducator to Teacher Scholarship Program --**  
4892 **Grants for math teacher training programs.**

4893 (1) (a) The terms defined in Section 53E-6-102 apply to this section.

4894 (b) As used in this section, "paraeducator" means a school employee who:

4895 (i) delivers instruction under the direct supervision of a teacher; and

4896 (ii) works in an area where there is a shortage of qualified teachers, such as special

4897 education, Title I, ESL, reading remediation, math, or science.

4898           ~~[(1)]~~ (2) The Paraeducator to Teacher Scholarship Program is created to award  
4899 scholarships to paraeducators for education and training to become licensed teachers.

4900           ~~[(2)]~~ (3) The State Board of Education shall use money appropriated for the  
4901 Paraeducator to Teacher Scholarship Program to award scholarships of up to \$5,000 to  
4902 paraeducators employed by school districts and charter schools who are pursuing an associate's  
4903 degree or bachelor's degree program to become a licensed teacher.

4904           ~~[(3)]~~ (4) A paraeducator is eligible to receive a scholarship if:

4905           (a) the paraeducator is employed by a school district or charter school;

4906           (b) is admitted to, or has made an application to, an associate's degree program or  
4907 bachelor's degree program that will prepare the paraeducator for teacher licensure; and

4908           (c) the principal at the school where the paraeducator is employed has nominated the  
4909 paraeducator for a scholarship.

4910           ~~[(4)]~~ (5) (a) The State Board of Education shall establish a committee to select  
4911 scholarship recipients from nominations submitted by school principals.

4912           (b) The committee shall include representatives of the State Board of Education, State  
4913 Board of Regents, and the general public, excluding school district and charter school  
4914 employees.

4915           (c) A member may not receive compensation or benefits for the member's service, but  
4916 may receive per diem and travel expenses in accordance with:

4917           (i) Section 63A-3-106;

4918           (ii) Section 63A-3-107; and

4919           (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4920 63A-3-107.

4921           (d) The committee shall select scholarship recipients based on the following criteria:

4922           (i) test scores, grades, or other evidence demonstrating the applicant's ability to  
4923 successfully complete a teacher education program; and

4924           (ii) the applicant's record of success as a paraeducator.



4925            [~~(5)~~] (6) The maximum scholarship amount is \$5,000.

4926            [~~(6)~~] (7) Scholarship money may only be used to pay for tuition costs:

4927            (a) of:

4928            (i) an associate's degree program that fulfills credit requirements for the first two years

4929 of a bachelor's degree program leading to teacher licensure; or

4930            (ii) the first two years of a bachelor's degree program leading to teacher licensure; and

4931            (b) at a higher education institution:

4932            (i) located in Utah; and

4933            (ii) accredited by the Northwest Commission on Colleges and Universities.

4934            [~~(7)~~] (8) A scholarship recipient must be continuously employed as a paraeducator by a

4935 school district or charter school while pursuing a degree using scholarship money.

4936            [~~(8)~~] (9) The State Board of Education shall make rules in accordance with this section

4937 and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the Paraeducator

4938 to Teacher Scholarship Program, including rules establishing:

4939            (a) scholarship application procedures;

4940            (b) the number of, and qualifications for, committee members who select scholarship

4941 recipients; and

4942            (c) procedures for distributing scholarship money.

4943            (10) If the state obtains matching funds of equal sums from private contributors, the

4944 board may award grants to institutions of higher education or nonprofit educational

4945 organizations for programs that provide:

4946            (a) mentoring and training leading to a secondary education license with an

4947 endorsement in mathematics for an individual who:

4948            (i) is not a teacher in a public or private school;

4949            (ii) does not have a teaching license;

4950            (iii) has a bachelor's degree or higher; and

4951            (iv) demonstrates a high level of mathematics competency by:

4952            (A) successfully completing substantial course work in mathematics; and

4953 (B) passing a mathematics content exam; or  
4954 (b) a stipend, professional development, and leadership opportunities to an experienced  
4955 mathematics teacher who demonstrates high content knowledge and exemplary teaching and  
4956 leadership skills to assist the teacher in becoming a teacher leader.

4957 (11) (a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah  
4958 Administrative Rulemaking Act, that establish criteria for awarding grants under this section.

4959 (b) In awarding grants, the board shall consider the amount or percent of matching  
4960 funds provided by the grant recipient.

4961 Section 119. Section **53F-5-206**, which is renumbered from Section 53A-15-1303 is  
4962 renumbered and amended to read:

4963 ~~[53A-15-1303].~~ **53F-5-206. Grant awards for elementary suicide prevention**  
4964 **programs.**

4965 (1) To foster peer-to-peer suicide prevention, resiliency, and anti-bullying programs in  
4966 elementary schools, the public education suicide prevention coordinator, described in Section  
4967 ~~[53A-15-1301]~~ 53G-9-702, shall, subject to legislative appropriations, award grants to  
4968 elementary schools.

4969 (2) A grant award may not exceed \$500 per school per year.

4970 (3) The application for a grant shall contain:

4971 (a) a requested award amount;

4972 (b) a budget; and

4973 (c) a narrative plan of the peer-to-peer suicide prevention, resiliency, or anti-bullying  
4974 program.

4975 (4) When awarding a grant under this section, the public education suicide prevention  
4976 coordinator shall consider:

4977 (a) the content of a grant application; and

4978 (b) whether an application is submitted in the manner and form prescribed.

4979 Section 120. Section **53F-5-207**, which is renumbered from Section 53A-17a-171 is  
4980 renumbered and amended to read:

4981           ~~[53A-17a-171].~~       **53F-5-207. Intergenerational Poverty Interventions Grant**  
4982 **Program -- Definitions -- Grant requirements -- Reporting requirements.**

4983           (1) As used in this section:

4984           (a) "Board" means the State Board of Education.

4985           (b) "Eligible student" means a student who is classified as a child affected by  
4986 intergenerational poverty.

4987           (c) "Intergenerational poverty" has the same meaning as in Section [35A-9-102](#).

4988           (d) "Local Education Agency" or "LEA" means a school district or charter school.

4989           (e) "Program" means the Intergenerational Poverty Interventions Grant Program  
4990 created in Subsection (2).

4991           (2) The Intergenerational Poverty Interventions Grant Program is created to provide  
4992 grants to eligible LEAs to fund additional educational opportunities at eligible LEAs, for  
4993 eligible students, outside of the regular school day offerings.

4994           (3) Subject to future budget constraints, the board shall distribute to LEAs money  
4995 appropriated for the program in accordance with this section.

4996           (4) The board shall:

4997           (a) solicit proposals from local education boards to receive money under the program;  
4998 and

4999           (b) award grants to a local education board on behalf of an LEA based on criteria  
5000 described in Subsection (5).

5001           (5) In awarding a grant under Subsection (4), the board shall consider:

5002           (a) the percentage of an LEA's students that are classified as children affected by  
5003 intergenerational poverty;

5004           (b) the level of administrative support and leadership at an eligible LEA to effectively  
5005 implement, monitor, and evaluate the program; and

5006           (c) an LEA's commitment and ability to work with the Department of Workforce  
5007 Services, the Department of Health, the Department of Human Services, and the juvenile courts  
5008 to provide services to the LEA's eligible students.

5009 (6) To receive a grant under the program on behalf of an LEA, a local education board  
5010 shall submit a proposal to the board detailing:

5011 (a) the LEA's strategy to implement the program, including the LEA's strategy to  
5012 improve the academic achievement of children affected by intergenerational poverty;

5013 (b) the LEA's strategy for coordinating with and engaging the Department of  
5014 Workforce Services to provide services for the LEA's eligible students;

5015 (c) the number of students the LEA plans to serve, categorized by age and  
5016 intergenerational poverty status;

5017 (d) the number of students, eligible students, and schools the LEA plans to fund with  
5018 the grant money; and

5019 (e) the estimated cost per student.

5020 (7) (a) The board shall annually report to the Utah Intergenerational Welfare Reform  
5021 Commission, created in Section [35A-9-301](#), by November 30 of each year, on:

5022 (i) the progress of LEA programs using grant money;

5023 (ii) the progress of LEA programs in improving the academic achievement of children  
5024 affected by intergenerational poverty; and

5025 (iii) the LEA's coordination efforts with the Department of Workforce Services, the  
5026 Department of Health, the Department of Human Services, and the juvenile courts.

5027 (b) The board shall provide the report described in Subsection (7)(a) to the Education  
5028 Interim Committee upon request.

5029 (c) An LEA that receives grant money pursuant to this section shall provide to the  
5030 board information that is necessary for the board's report described in Subsection (7)(a).

5031 Section 121. Section **53F-5-208**, which is renumbered from Section 53A-3-402.11 is  
5032 renumbered and amended to read:

5033 ~~[53A-3-402.11]~~. **53F-5-208. Reading Performance Improvement Scholarship**  
5034 **Program.**

5035 (1) There is established a Reading Performance Improvement Scholarship Program to  
5036 assist selected elementary teachers in obtaining a reading endorsement so that they may help

5037 improve the reading performance of students in their classes.

5038 (2) The State Board of Education shall award scholarships of up to \$500 to each  
5039 recipient under the program.

5040 (3) The board shall give weighted consideration to scholarship applicants who:

5041 (a) teach in grades kindergarten through three;

5042 (b) are designated by their schools as, or are seeking the designation of, reading  
5043 specialist; and

5044 (c) teach in a rural area of the state.

5045 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5046 board shall provide by rule for:

5047 (a) the application procedure for the scholarship; and

5048 (b) what constitutes a reading specialist at the elementary school level.

5049 Section 122. Section **53F-5-301**, which is renumbered from Section 53A-1b-202 is  
5050 renumbered and amended to read:

5051 **Part 3. High Quality School Readiness Program**

5052 ~~[53A-1b-202]~~. **53F-5-301. Definitions.**

5053 As used in this part:

5054 (1) "Board" means the State Board of Education.

5055 (2) "Child Development Associate Credential" means a credential in early childhood  
5056 education that is:

5057 (a) based on a core set of competency standards; and

5058 (b) nationally recognized.

5059 (3) "Department" means the Department of Workforce Services.

5060 (4) "Economically disadvantaged child" means a child who:

5061 (a) is in a family that is eligible for assistance through TANF; or

5062 (b) is eligible for free or reduced lunch.

5063 (5) "Eligible home-based technology provider" means a provider that offers a

5064 home-based educational technology program to develop the school readiness skills of an

5065 eligible student.

5066 (6) "Eligible private provider" means the same as that term is defined in Section  
5067 ~~[53A-1b-102]~~ [53F-6-301](#).

5068 (7) "Eligible student" means an individual who:

5069 (a) will be four years of age on or before September 2 of the school year in which the  
5070 individual intends to participate in a school readiness program;

5071 (b) has not entered kindergarten; and

5072 (c) (i) is experiencing intergenerational poverty, as determined by the department; or

5073 (ii) (A) is an economically disadvantaged child; and

5074 (B) is at risk for not meeting grade 3 core standards for Utah public schools,  
5075 established by the State Board of Education under Section ~~[53A-1-402.6]~~ [53E-4-202](#), by the  
5076 end of the individual's grade 3 year, as determined by an assessment.

5077 (8) "High quality school readiness program" means a school readiness program that:

5078 (a) is provided by an LEA, eligible private provider, or eligible home-based technology  
5079 provider; and

5080 (b) meets the elements of a high quality school readiness program described in Section  
5081 ~~[53A-1b-105]~~ [53F-6-304](#) as determined by the board or the department under Section  
5082 ~~[53A-1b-204]~~ [53F-5-303](#), ~~[53A-1b-205]~~ [53F-5-304](#), or ~~[53A-1b-206]~~ [53F-5-305](#).

5083 (9) "Intergenerational poverty" means the same as that term is defined in Section  
5084 [35A-9-102](#).

5085 (10) "Intergenerational poverty scholarship" or "IGP scholarship" means a scholarship  
5086 to attend a high quality school readiness program for an eligible student who is experiencing  
5087 intergenerational poverty.

5088 (11) "Local education agency" or "LEA" means a:

5089 (a) school district; or

5090 (b) charter school.

5091 (12) "TANF" means Temporary Assistance for Needy Families, described in 42 U.S.C.  
5092 Sec. 601 et seq.

5093 Section 123. Section **53F-5-302**, which is renumbered from Section 53A-1b-203 is  
 5094 renumbered and amended to read:

5095 ~~[53A-1b-203]~~. **53F-5-302. Administration of programs.**

5096 (1) The State Board of Education, in collaboration with the department, shall:

5097 (a) administer the grant program described in Section ~~[53A-1b-204]~~ 53F-5-303 for  
 5098 LEAs;

5099 (b) administer the grant program for eligible home-based technology providers  
 5100 described in Section ~~[53A-1b-205]~~ 53F-5-304; and

5101 (c) oversee the evaluation described in Section ~~[53A-1b-208]~~ 53F-5-307.

5102 (2) The department, in collaboration with the board, shall administer:

5103 (a) the grant program described in Section ~~[53A-1b-204]~~ 53F-5-303 for eligible private  
 5104 providers;

5105 (b) the Intergenerational Poverty School Readiness Scholarship Program described in  
 5106 Section ~~[53A-1b-206]~~ 53F-5-305; and

5107 (c) early childhood teacher training described in Section ~~[53A-1b-207]~~ 53F-5-306.

5108 Section 124. Section **53F-5-303**, which is renumbered from Section 53A-1b-204 is  
 5109 renumbered and amended to read:

5110 ~~[53A-1b-204]~~. **53F-5-303. Student Access to High Quality School Readiness**  
 5111 **Programs Grant Program -- Determination of high quality school readiness program--**  
 5112 **Reporting requirement -- Fees.**

5113 (1) There is created the Student Access to High Quality School Readiness Programs  
 5114 Grant Program to expand access to high quality school readiness programs for eligible students  
 5115 through:

5116 (a) grants for LEAs administered by the board; and

5117 (b) grants for eligible private providers administered by the department.

5118 (2) The board, in coordination with the department, shall develop a tool to determine  
 5119 whether a school readiness program is a high quality school readiness program.

5120 (3) (a) The board shall solicit proposals from LEAs to fund increases in the number of

5121 eligible students high quality school readiness programs can serve.

5122 (b) The department shall solicit proposals from eligible private providers to fund  
5123 increases in the number of eligible students high quality school readiness programs can serve.

5124 (4) (a) Except as provided in Subsection (4)(c), a respondent shall submit a proposal  
5125 that includes the information described in Subsection (4)(b):

5126 (i) to the board, for a respondent that is an LEA; or

5127 (ii) to the department, for a respondent that is an eligible private provider.

5128 (b) A respondent's proposal for the grant solicitation described in Subsection (3) shall  
5129 include:

5130 (i) the respondent's existing and proposed school readiness program, including:

5131 (A) the number of students served by the respondent's school readiness program;

5132 (B) the respondent's policies and procedures for admitting students into the school  
5133 readiness program;

5134 (C) the estimated cost per student; and

5135 (D) any fees the respondent charges to a parent or legal guardian for the school  
5136 readiness program;

5137 (ii) the respondent's plan to use funding sources, in addition to a grant described in this  
5138 section, including:

5139 (A) federal funding; or

5140 (B) private grants or donations;

5141 (iii) existing or planned partnerships between the respondent and an LEA, eligible  
5142 private provider, or eligible home-based technology provider to increase access to high quality  
5143 school readiness programs for eligible students;

5144 (iv) how the respondent would use a grant to:

5145 (A) expand the number of eligible students served by the respondent's school readiness  
5146 program; and

5147 (B) target the funding toward the highest risk students, including addressing the  
5148 particular needs of children at risk of experiencing intergenerational poverty;



5149 (v) how the respondent's school readiness program is a high quality school readiness  
5150 program; and

5151 (vi) the results of any evaluations of the respondent's school readiness program.

5152 (c) In addition to the requirements described in Subsection (4)(b), a respondent that is  
5153 an LEA shall describe in the respondent's proposal the percentage of the respondent's  
5154 kindergarten through grade 12 students who are economically disadvantaged children.

5155 (5) (a) For each LEA proposal received in response to the solicitation described in  
5156 Subsection (3)(a), the board shall determine if the LEA school readiness program is a high  
5157 quality school readiness program by:

5158 (i) applying the tool described in Subsection (2); and

5159 (ii) conducting at least one site visit to the program.

5160 (b) For each eligible private provider proposal received in response to the solicitation  
5161 described in Subsection (3)(b), the department shall determine if the school readiness program  
5162 is a high quality school readiness program by:

5163 (i) applying the tool described in Subsection (2); and

5164 (ii) conducting at least one site visit to the program.

5165 (6) (a) Subject to legislative appropriations and Subsection (6)(b), the board shall  
5166 award grants, on a competitive basis, to respondents that are LEAs.

5167 (b) The board may only award a grant to an LEA if:

5168 (i) the LEA submits a proposal that includes the information required under Subsection  
5169 (4);

5170 (ii) the board determines that the LEA's program is a high quality school readiness  
5171 program as described in Subsection (5); and

5172 (iii) the LEA agrees to the evaluation requirements described in Section [~~53A-1b-208~~]  
5173 [53F-5-307](#).

5174 (7) (a) Subject to legislative appropriations and Subsection (7)(b), the department shall  
5175 award grants, on a competitive basis, to respondents that are eligible private providers.

5176 (b) The department may only award a grant to a respondent if:

5177 (i) the respondent submits a proposal that includes the information required under  
5178 Subsection (4);

5179 (ii) the department determines that the respondent's school readiness program is a high  
5180 quality school readiness program as described in Subsection (5); and

5181 (iii) the respondent agrees to the evaluation requirements described in Section  
5182 [~~53A-1b-208~~] [53F-5-307](#).

5183 (8) In evaluating a proposal received in response to the solicitation described in  
5184 Subsection (3), the board and the department shall consider:

5185 (a) the number and percent of students in the respondent's high quality school readiness  
5186 program that are eligible students at the highest risk;

5187 (b) geographic diversity, including whether the respondent is urban or rural;

5188 (c) the extent to which the respondent intends to participate in a partnership with an  
5189 LEA, eligible private provider, or eligible home-based technology provider; and

5190 (d) the respondent's level of administrative support and leadership to effectively  
5191 implement, monitor, and evaluate the program.

5192 (9) (a) The board shall ensure that an LEA that receives a grant under this section  
5193 funded by TANF funds uses the grant to provide a high quality school readiness program for  
5194 eligible students who are eligible to receive assistance through TANF.

5195 (b) The department shall ensure that a private provider that receives a grant under this  
5196 section funded by TANF funds uses the grant to provide a high quality school readiness  
5197 program for eligible students who are eligible to receive assistance through TANF.

5198 (10) A respondent that receives a grant under this section shall:

5199 (a) use the grant to expand access for eligible students to high quality school readiness  
5200 programs by enrolling eligible students in a high quality school readiness program;

5201 (b) report to the board annually regarding:

5202 (i) how the respondent used the grant awarded under Subsection (6) or (7);

5203 (ii) participation in any partnerships between an LEA, eligible private provider, or  
5204 eligible home-based technology provider; and

5205 (iii) the results of any evaluations;

5206 (c) allow classroom or other visits by an independent evaluator selected by the board  
5207 under Section [~~53A-1b-208~~] [53F-5-307](#); and

5208 (d) for a respondent that is an LEA, notify a parent or legal guardian who expresses  
5209 interest in enrolling the parent or legal guardian's child in the LEA's high quality school  
5210 readiness program of each state-funded high quality school readiness program operating within  
5211 the LEA's geographic boundaries.

5212 (11) An LEA that receives a grant under this section may charge a student fee to  
5213 participate in an LEA's school readiness program if:

5214 (a) the LEA's local school board or charter school governing board approves the fee;

5215 (b) the fee for a student does not exceed the actual cost of providing the high quality  
5216 school readiness program to the student; and

5217 (c) the fee structure for the program is designed on a sliding scale, based on household  
5218 income.

5219 (12) (a) The board shall establish interventions for a grantee that is an LEA that fails to  
5220 comply with the requirements described in this section.

5221 (b) The department shall establish interventions for a grantee that is an eligible private  
5222 provider that fails to comply with the requirements described in this section.

5223 (c) An intervention under this Subsection (12) may include discontinuing or reducing  
5224 funding.

5225 (13) Subject to legislative appropriations, the board and the department shall give first  
5226 priority in awarding grants to a respondent that has previously received a grant under this  
5227 section if the respondent:

5228 (a) makes the annual report described in Subsection (9)(b);

5229 (b) participates in the annual evaluation described in Section [~~53A-1b-208~~] [53F-5-307](#);

5230 and

5231 (c) continues to offer a high quality school readiness program as determined during an  
5232 annual site visit by:

- 5233 (i) the board, for an LEA; or
- 5234 (ii) the department, for an eligible private provider.
- 5235 (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 5236 (a) the board shall make rules to:
- 5237 (i) implement the tool described in Subsection (2); and
- 5238 (ii) administer the grant program for LEAs described in this section; and
- 5239 (b) the department shall make rules to administer the grant program for eligible private
- 5240 providers described in this section.

5241 Section 125. Section **53F-5-304**, which is renumbered from Section 53A-1b-205 is

5242 renumbered and amended to read:

5243 ~~[53A-1b-205]~~. **53F-5-304**. **Home-based technology high quality school**

5244 **readiness program.**

5245 (1) (a) The board shall offer a home-based technology high quality school readiness

5246 program to eligible students by awarding contracts to one or more home-based technology

5247 providers, as described in this section.

5248 (b) The board shall solicit proposals from eligible home-based technology providers to

5249 provide high quality school readiness programs for eligible students to participate in:

- 5250 (i) at home;
- 5251 (ii) as part of a school readiness program offered by an LEA or private provider; or
- 5252 (iii) in any other setting where Internet access is available, such as a library.

5253 (c) The home-based technology high quality school readiness program described in this

5254 section is established in the public education system.

5255 (2) An eligible home-based technology provider that responds to the solicitation

5256 described in Subsection (1) shall submit a proposal describing:

5257 (a) how the home-based technology provider's school readiness program meets the

5258 elements of a high quality school readiness program described in Subsection ~~[53A-1b-105]~~

5259 53F-6-304(2);

5260 (b) how the home-based technology provider intends to target the home-based

5261 technology provider's school readiness program to eligible students who are at the highest risk,  
5262 as determined by the board;

5263 (c) the cost of the program per student;

5264 (d) the cost of a statewide license;

5265 (e) existing or planned partnerships between the home-based technology provider and  
5266 an LEA or eligible private provider; and

5267 (f) the results of all evaluations of the home-based technology provider's school  
5268 readiness program.

5269 (3) For each proposal received under Subsection (2), the board shall:

5270 (a) determine if the program is a high quality school readiness program using the tool  
5271 described in Subsection [~~53A-1b-204~~] [53F-5-303](#)(2); and

5272 (b) receive a demonstration of the home-based technology.

5273 (4) (a) Subject to legislative appropriations, and in accordance with Title 63G, Chapter  
5274 6a, Utah Procurement Code, the board shall award contracts to one or more home-based  
5275 technology providers to provide home-based school readiness programs.

5276 (b) The board may only award a contract to a home-based technology provider if the  
5277 home-based technology provider:

5278 (i) submits a proposal that includes the information described in Subsection (2);

5279 (ii) offers a high quality school readiness program; and

5280 (iii) agrees to the evaluation requirements described in Section [~~53A-1b-208~~]  
5281 [53F-5-307](#).

5282 (5) In evaluating a proposal received under Subsection (2), the board shall consider:

5283 (a) the number and percent of eligible students that the respondent intends to serve;

5284 (b) the extent to which the respondent intends to participate in a partnership with an  
5285 LEA or eligible private provider;

5286 (c) the extent to which the respondent is able to reach students who do not have access  
5287 to other high quality school readiness programs; and

5288 (d) the cost per student.

5289 (6) A home-based technology provider that receives a contract under this section:

5290 (a) shall use the funding to provide a high quality school readiness program to eligible  
5291 students; and

5292 (b) may use the funding for the installation of computer or Internet access in homes of  
5293 eligible students whose families cannot afford the equipment or services.

5294 (7) The board shall ensure that a home-based technology provider that receives a grant  
5295 under this section funded by TANF funds uses the grant to provide a home-based high quality  
5296 school readiness program to eligible students who are eligible to receive TANF funded  
5297 assistance.

5298 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5299 board shall make rules to implement this section.

5300 Section 126. Section **53F-5-305**, which is renumbered from Section 53A-1b-206 is  
5301 renumbered and amended to read:

5302 ~~[53A-1b-206]~~. **53F-5-305. Intergenerational Poverty School Readiness**  
5303 **Scholarship Program.**

5304 (1) There is created the Intergenerational Poverty School Readiness Scholarship  
5305 Program to provide an eligible student experiencing intergenerational poverty access to a high  
5306 quality school readiness program.

5307 (2) The department shall, in accordance with Section [35A-9-401](#):

5308 (a) determine if an individual is eligible for an IGP scholarship; and

5309 (b) award an IGP scholarship.

5310 (3) (a) (i) An LEA or home-based technology provider may apply to the board to  
5311 receive a designation as a high quality school readiness program.

5312 (ii) The board shall determine if an LEA or home-based technology provider offers a  
5313 high quality school readiness program using the tool described in Subsection [~~53A-1b-204~~]

5314 [53F-5-303](#)(2).

5315 (b) (i) An eligible private provider may apply to the department to receive a  
5316 designation as a high quality school readiness program.

5317 (ii) The department shall determine if an eligible private provider offers a high quality  
5318 school readiness program using the tool described in Subsection [~~53A-1b-204~~] 53F-5-303(2).

5319 (4) (a) The department and the board shall coordinate to assist a parent or legal  
5320 guardian of a recipient of an IGP scholarship to enroll the IGP scholarship recipient in a high  
5321 quality school readiness program:

5322 (i) offered by an LEA, eligible private provider, or eligible home-based technology  
5323 provider; and

5324 (ii) of the parent or legal guardian's choice.

5325 (b) The department shall pay the scholarship amount directly to a high quality school  
5326 readiness program in which an IGP scholarship recipient enrolls.

5327 (5) (a) Except as provided in Subsection (5)(b), the department may not provide an  
5328 individual's IGP scholarship to an LEA, eligible private provider, or eligible home-based  
5329 technology provider unless the LEA, eligible private provider, or eligible home-based  
5330 technology provider offers a high quality school readiness program, as determined by the board  
5331 or the department under Subsection (3).

5332 (b) An LEA, eligible private provider, or eligible home-based technology provider that  
5333 receives a determination as a high quality school readiness program under Section  
5334 [~~53A-1b-204~~] 53F-5-303 or [~~53A-1b-206~~] 53F-5-305 may enroll an IGP scholarship recipient.

5335 Section 127. Section **53F-5-306**, which is renumbered from Section 53A-1b-207 is  
5336 renumbered and amended to read:

5337 [~~53A-1b-207~~]. **53F-5-306. Early childhood teacher training.**

5338 (1) Subject to legislative appropriations, the department shall provide training to early  
5339 childhood teachers by providing:

5340 (a) a scholarship for individuals who intend to receive a Child Development Associate  
5341 Credential; and

5342 (b) consulting services to assist individuals to complete a Child Development  
5343 Associate Credential.

5344 (2) The department shall conduct an annual needs assessment to determine the number

5345 of scholarships to award each year.

5346 (3) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
5347 Administrative Rulemaking Act, to implement this section.

5348 Section 128. Section **53F-5-307**, which is renumbered from Section 53A-1b-208 is  
5349 renumbered and amended to read:

5350 ~~[53A-1b-208]~~. **53F-5-307. Evaluation -- Reporting requirements.**

5351 (1) In accordance with this section, the board, in coordination with the department,  
5352 shall oversee the ongoing review and evaluation by an independent evaluator for each school  
5353 year of:

5354 (a) the Student Access to High Quality School Readiness Programs Grant Program  
5355 described in Section ~~[53A-1b-204]~~ [53F-5-303](#);

5356 (b) the home-based technology high quality school readiness program described in  
5357 Section ~~[53A-1b-205]~~ [53F-5-304](#);

5358 (c) the Intergenerational Poverty School Readiness Scholarship Program described in  
5359 Section ~~[53A-1b-206]~~ [53F-5-305](#); and

5360 (d) early childhood teacher training described in Section ~~[53A-16-207]~~ [53F-5-306](#).

5361 (2) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board  
5362 shall enter into a contract with an independent evaluator to assist the board in the evaluation  
5363 process.

5364 (b) In selecting an independent evaluator, the board shall select an evaluator that:

5365 (i) has the capacity to meet the requirements described in Subsection (3);

5366 (ii) has a background in designing and conducting rigorous evaluations;

5367 (iii) has a demonstrated ability to monitor and evaluate a program over an extended  
5368 period of time;

5369 (iv) is independent from agencies or providers implementing high quality school  
5370 readiness programs funded under this part; and

5371 (v) has experience in early childhood education or early childhood education  
5372 evaluation.



5373 (c) The board may not enter into a contract with an independent evaluator without  
5374 obtaining approval from the department.

5375 (3) Under the direction of the board, with input from the department, the independent  
5376 evaluator selected under Subsection (2) shall:

5377 (a) design an evaluation methodology that:

5378 (i) assesses the effects of a high quality school readiness program on an eligible  
5379 student's:

5380 (A) readiness for kindergarten, using a uniform assessment methodology that includes  
5381 a pre- and post-test chosen in coordination with the board;

5382 (B) ability, as determined by following the student longitudinally, to meet grade 3 core  
5383 standards for Utah public schools, established by the board under Section [~~53A-1-402.6~~]  
5384 [53E-4-202](#), by the end of the student's grade 3 year; and

5385 (C) attainment of a high school diploma or other completion certificate, as determined  
5386 by following the student longitudinally; and

5387 (ii) allows for comparisons between students with similar demographic characteristics  
5388 who complete a high quality school readiness program and students who do not; and

5389 (b) conduct an annual evaluation of the programs described in Subsection (1).

5390 (4) To assist the independent evaluator selected under Subsection (2) in completing the  
5391 evaluation required under Subsection (3):

5392 (a) an LEA that receives a grant under Section [~~53A-1b-204~~] [53F-5-303](#), or enrolls an  
5393 IGP scholarship recipient under Section [~~53A-1b-206~~] [53F-5-305](#), shall assign a statewide  
5394 unique student identifier to each student who participates in the LEA's school readiness  
5395 program;

5396 (b) an eligible private provider that receives a grant described in Section [~~53A-1b-204~~]  
5397 [53F-5-303](#) or an eligible home-based technology provider that receives a contract described in  
5398 Section [~~53A-1b-205~~] [53F-5-304](#) shall work in conjunction with the board to assign a statewide  
5399 unique student identifier to each student who is enrolled in the provider's school readiness  
5400 program in the student's last year before kindergarten; and

5401 (c) an eligible private provider or eligible home-based technology provider that  
5402 receives an IGP scholarship under Section [~~53A-1b-206~~] 53F-5-305 shall work in conjunction  
5403 with the board to assign a statewide unique student identifier to each student who is funded by  
5404 an IGP scholarship.

5405 (5) The board and the department shall report annually, on or before November 1, to  
5406 the Education Interim Committee on the results of an evaluation conducted under this section.

5407 Section 129. Section **53F-5-401**, which is renumbered from Section 53A-4-302 is  
5408 renumbered and amended to read:

5409 **Part 4. Partnerships for Student Success Grant Program**

5410 [~~53A-4-302~~]. **53F-5-401. Definitions.**

5411 As used in this part:

5412 (1) "Board" means the State Board of Education.

5413 (2) "Eligible elementary school" or "eligible junior high school" means a district school  
5414 or charter school that has at least 50% of the school's students with a family income at or below  
5415 185% of the federal poverty level.

5416 (3) "Eligible partnership" means a partnership that:

5417 (a) includes at least:

5418 (i) a local education agency that has designated an eligible school feeder pattern;

5419 (ii) a local nonprofit organization;

5420 (iii) a private business;

5421 (iv) a municipality or county in which the eligible school feeder pattern is located;

5422 (v) an institution of higher education within the state;

5423 (vi) a state or local government agency that provides services to students attending  
5424 schools within the eligible school feeder pattern;

5425 (vii) a local philanthropic organization; and

5426 (viii) a local health care organization; and

5427 (b) has designated a local education agency or local nonprofit organization to act as  
5428 lead applicant for a grant described in this part.

5429 (4) "Eligible school feeder pattern" means the succession of schools that a student  
5430 enrolls in as the student progresses from kindergarten through grade 12 that includes, as  
5431 designated by a local education agency:

5432 (a) a high school;

5433 (b) an eligible junior high school that:

5434 (i) is a district school within the geographic boundary of the high school described in  
5435 Subsection (4)(a); or

5436 (ii) is a charter school that sends at least 50% of the charter school's students to the  
5437 high school described in Subsection (4)(a); and

5438 (c) an eligible elementary school that:

5439 (i) is a district school within the geographic boundary of the high school described in  
5440 Subsection (4)(a); or

5441 (ii) is a charter school that sends at least 50% of the charter school's students to the  
5442 junior high school described in Subsection (4)(b).

5443 (5) "Local education agency" means a school district or charter school.

5444 Section 130. Section **53F-5-402**, which is renumbered from Section 53A-4-303 is  
5445 renumbered and amended to read:

5446 ~~**[53A-4-303].**~~ **53F-5-402. Partnerships for Student Success Grant Program**  
5447 **established.**

5448 (1) There is created the Partnerships for Student Success Grant Program to improve  
5449 educational outcomes for low income students through the formation of cross sector  
5450 partnerships that use data to align and improve efforts focused on student success.

5451 (2) Subject to legislative appropriations, the board shall award grants to eligible  
5452 partnerships that enter into a memorandum of understanding between the members of the  
5453 eligible partnership to plan or implement a partnership that:

5454 (a) establishes shared goals, outcomes, and measurement practices based on unique  
5455 community needs and interests that:

5456 (i) are aligned with the recommendations of the five- and ten-year plan to address

5457 intergenerational poverty described in Section [35A-9-303](#); and

5458 (ii) address, for students attending a school within an eligible school feeder pattern:

5459 (A) kindergarten readiness;

5460 (B) grade 3 mathematics and reading proficiency;

5461 (C) grade 8 mathematics and reading proficiency;

5462 (D) high school graduation;

5463 (E) postsecondary education attainment;

5464 (F) physical and mental health; and

5465 (G) development of career skills and readiness;

5466 (b) coordinates and aligns services to:

5467 (i) students attending schools within an eligible school feeder pattern; and

5468 (ii) the families and communities of the students within an eligible school feeder

5469 pattern;

5470 (c) implements a system for:

5471 (i) sharing data to monitor and evaluate shared goals and outcomes, in accordance with

5472 state and federal law; and

5473 (ii) accountability for shared goals and outcomes; and

5474 (d) commits to providing matching funds as described in Section [~~53A-4-304~~]

5475 [53F-5-403](#).

5476 (3) In making grant award determinations, the board shall prioritize funding for an

5477 eligible partnership that:

5478 (a) includes a low performing school as determined by the board; or

5479 (b) addresses parent and community engagement.

5480 (4) In awarding grants under this part, the board:

5481 (a) shall distribute funds to the lead applicant designated by the eligible partnership as

5482 described in Section [~~53A-4-302~~] [53F-5-401](#); and

5483 (b) may not award more than \$500,000 per fiscal year to an eligible partnership.

5484 Section 131. Section **53F-5-403**, which is renumbered from Section 53A-4-304 is

5485 renumbered and amended to read:

5486 ~~[53A-4-304]~~. **53F-5-403. Matching funds -- Grantee requirements.**

5487 (1) (a) The board may not award a grant to an eligible partnership unless the eligible  
5488 partnership provides matching funds equal to two times the amount of the grant.

5489 (b) The board shall ensure that at least half of the matching funds provided under  
5490 Subsection (1)(a) are provided by a local education agency.

5491 (c) Matching funds may include cash or an in-kind contribution.

5492 (2) A partnership that receives a grant under this part shall:

5493 (a) select and contract with a technical assistance provider identified by the board as  
5494 described in Section ~~[53A-4-305]~~ 53F-5-404;

5495 (b) continually assess progress toward reaching shared goals and outcomes;

5496 (c) publish results of the continual assessment described in Subsection (2)(b) on an  
5497 annual basis;

5498 (d) regularly report to the board in accordance with rules established by the board  
5499 under Section ~~[53A-4-307]~~ 53F-5-406; and

5500 (e) as requested, share information and data with the third party evaluator described in  
5501 Section ~~[53A-4-306]~~ 53F-5-405, in accordance with state and federal law.

5502 (3) A partnership that receives a grant under this part may use grant funds only for the  
5503 following purposes:

5504 (a) to contract with a technical assistance provider identified by the board as described  
5505 in Section ~~[53A-4-305]~~ 53F-5-404; and

5506 (b) to plan or implement a partnership, including:

5507 (i) for project management;

5508 (ii) for planning and adaptation of services and strategies;

5509 (iii) to coordinate services;

5510 (iv) to establish and implement shared measurement practices;

5511 (v) to produce communication materials and conduct outreach activities to build public  
5512 support;

5513 (vi) to establish data privacy and sharing agreements, in accordance with state and  
5514 federal law;

5515 (vii) to purchase infrastructure, hardware, and software to collect and store data; or

5516 (viii) to analyze data.

5517 (4) (a) The board shall establish interventions for a partnership that:

5518 (i) fails to comply with the requirements described in this section; or

5519 (ii) is not making progress toward reaching the shared goals and outcomes established  
5520 by the partnership as described in Section [~~53A-4-303~~] 53F-5-402.

5521 (b) An intervention under Subsection (4)(a) may include discontinuing or reducing  
5522 funding.

5523 Section 132. Section **53F-5-404**, which is renumbered from Section 53A-4-305 is  
5524 renumbered and amended to read:

5525 ~~[53A-4-305]~~. **53F-5-404. Technical assistance.**

5526 (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall  
5527 identify two or more technical assistance providers that a partnership may select from to assist  
5528 the partnership in:

5529 (a) establishing shared goals, outcomes, and measurement practices;

5530 (b) creating the capabilities to achieve shared goals and outcomes that may include  
5531 providing leadership development training to members of the partnership; and

5532 (c) using data to align and improve efforts focused on student success.

5533 (2) In identifying technical assistance providers under this section the board shall  
5534 identify providers that have a credible track record of providing technical assistance as  
5535 described in Subsection (1).

5536 Section 133. Section **53F-5-405**, which is renumbered from Section 53A-4-306 is  
5537 renumbered and amended to read:

5538 ~~[53A-4-306]~~. **53F-5-405. Independent evaluation -- Reporting.**

5539 (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall  
5540 contract with an independent evaluator to annually evaluate a partnership that receives a grant

5541 under this part.

5542 (2) The evaluation described in Subsection (1) shall:

5543 (a) assess implementation of a partnership, including the extent to which members of a  
5544 partnership:

5545 (i) share data to align and improve efforts focused on student success; and

5546 (ii) meet regularly and communicate authentically; and

5547 (b) assess the impact of a partnership on student outcomes using appropriate statistical  
5548 evaluation methods.

5549 (3) In identifying an independent evaluator under Subsection (1), the board shall  
5550 identify an evaluator that:

5551 (a) has a credible track record of conducting evaluations as described in Subsection (2);  
5552 and

5553 (b) is independent of any member of the partnership and does not otherwise have a  
5554 vested interest in the outcome of the evaluation.

5555 (4) Beginning in the 2017-18 school year, the board shall ensure that the independent  
5556 evaluator:

5557 (a) prepares an annual written report of an evaluation conducted under this section; and

5558 (b) annually submits the report to the Education Interim Committee.

5559 Section 134. Section **53F-5-406**, which is renumbered from Section 53A-4-307 is  
5560 renumbered and amended to read:

5561 ~~[53A-4-307]~~. **53F-5-406. Rules.**

5562 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5563 board shall make rules to administer the Partnerships for Student Success Grant Program in  
5564 accordance with this part.

5565 Section 135. Section **53F-5-501**, which is renumbered from Section 53A-15-1802 is  
5566 renumbered and amended to read:

5567 **Part 5. Competency-Based Education Grants Program**

5568 ~~[53A-15-1802]~~. **53F-5-501. Definitions.**

5569 As used in this part:

5570 (1) "Blended learning" means a formal education program in which a student learns:

5571 (a) at least in part, through online learning with some element of student control over  
5572 time, place, path, and pace;

5573 (b) at least in part, in a supervised brick-and-mortar location away from home; and

5574 (c) in a program in which the modalities along each student's learning path within a  
5575 course or subject are connected to provide an integrated learning experience.

5576 (2) "Board" means the State Board of Education.

5577 (3) "Competency-Based education" means a system where a student advances to higher  
5578 levels of learning when the student demonstrates competency of concepts and skills regardless  
5579 of time, place, or pace.

5580 (4) "Extended learning" means learning opportunities outside of a traditional school  
5581 structure, including:

5582 (a) online learning available anywhere, anytime;

5583 (b) career-based experiences, including internships and job shadowing;

5584 (c) community-based projects; and

5585 (d) off-site postsecondary learning.

5586 (5) "Grant program" means the Competency-Based Education Grants Program created  
5587 in this part.

5588 (6) "Institution of higher education" means an institution listed in Section [53B-1-102](#).

5589 (7) "Local education agency" or "LEA" means:

5590 (a) a school district;

5591 (b) a charter school; or

5592 (c) the Utah Schools for the Deaf and the Blind.

5593 (8) "Review committee" means the committee established under Section  
5594 ~~[53A-15-1803]~~ [53F-5-502](#).

5595 (9) "STEM" means science, technology, engineering, and mathematics.

5596 Section 136. Section **53F-5-502**, which is renumbered from Section 53A-15-1803 is



5597 renumbered and amended to read:

5598 ~~[53A-15-1803]~~. 53F-5-502. **Competency-Based Education Grants Program --**  
5599 **Board duties -- Review committee -- Technical assistance training.**

5600 (1) There is created the Competency-Based Education Grants Program consisting of  
5601 the grants created in this part to improve educational outcomes in public schools by advancing  
5602 student mastery of concepts and skills through the following core principles:

- 5603 (a) student advancement upon mastery of a concept or skill;
- 5604 (b) competencies that include explicit, measurable, and transferable learning objectives  
5605 that empower a student;
- 5606 (c) assessment that is meaningful and provides a positive learning experience for a  
5607 student;
- 5608 (d) timely, differentiated support based on a student's individual learning needs; and
- 5609 (e) learning outcomes that emphasize competencies that include application and  
5610 creation of knowledge along with the development of important skills and dispositions.

5611 (2) The grant program shall incentivize an LEA to establish competency-based  
5612 education within the LEA through the use of:

- 5613 (a) personalized learning;
- 5614 (b) blended learning;
- 5615 (c) extended learning;
- 5616 (d) educator professional learning in competency-based education; or
- 5617 (e) any other method that emphasizes the core principles described in Subsection (1).

5618 (3) The board shall:

5619 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
5620 adopt rules:

- 5621 (i) for the administration of the grant program and awarding of grants; and
- 5622 (ii) to define outcome-based measures appropriate to the type of grant for an LEA that  
5623 is awarded a grant under this part to use to measure the performance of the LEA's plan or  
5624 program;

- 5625 (b) establish a grant application process;
- 5626 (c) in accordance with Subsection (4), establish a review committee to make  
5627 recommendations to the board for:
- 5628 (i) metrics to analyze the quality of a grant application; and  
5629 (ii) approval of a grant application; and
- 5630 (d) with input from the review committee, adopt metrics to analyze the quality of a  
5631 grant application.
- 5632 (4) (a) The review committee shall consist of STEM and blended learning experts,  
5633 current and former school administrators, current and former teachers, and at least one former  
5634 school district superintendent, in addition to other staff designated by the board.
- 5635 (b) The review committee shall:
- 5636 (i) review a grant application submitted by an LEA;  
5637 (ii) make recommendations to the LEA to modify the application, if necessary; and  
5638 (iii) make recommendations to the board regarding the final disposition of an  
5639 application.
- 5640 (5) (a) The board shall provide technical assistance training to assist an LEA with a  
5641 grant application under this part.
- 5642 (b) An LEA may not apply for a grant under this part unless:
- 5643 (i) a representative of the LEA attends the technical assistance training before the LEA  
5644 submits a grant application; and
- 5645 (ii) the representative is a superintendent, principal, or a person in a leadership position  
5646 within the LEA.
- 5647 (c) The technical assistance training shall include:
- 5648 (i) instructions on completing a grant application, including grant application  
5649 requirements;
- 5650 (ii) information on the scoring metrics used to review a grant application; and  
5651 (iii) information on competency-based education.
- 5652 (6) The board may use up to 5% of an appropriation provided to fund this part for

5653 administration of the grant program.

5654 Section 137. Section **53F-5-503**, which is renumbered from Section 53A-15-1804 is  
5655 renumbered and amended to read:

5656 ~~[53A-15-1804]~~. **53F-5-503. Planning grants -- Requirements.**

5657 (1) (a) The board shall, subject to legislative appropriations, award a planning grant to,  
5658 subject to Subsection (1)(c), an LEA:

5659 (i) that submits a planning grant application that meets the requirements established by  
5660 the board, subject to Subsection (2);

5661 (ii) if an LEA designee has attended the technical assistance training described in  
5662 Section ~~[53A-15-1803]~~ [53F-5-502](#); and

5663 (iii) if the LEA planning grant application has been recommended by the review  
5664 committee.

5665 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds  
5666 no later than one calendar year after receiving the funds.

5667 (c) The board may not select more than three LEAs to award planning grants to under  
5668 this section.

5669 (2) (a) A planning grant application shall include evidence that the LEA:

5670 (i) can provide a general description of the program the LEA would like to plan;

5671 (ii) is intending to plan for:

5672 (A) schoolwide implementation; or

5673 (B) if the LEA intends to implement initially with a population smaller than  
5674 schoolwide, phasing the plan in schoolwide or districtwide over a specified period of time;

5675 (iii) can describe the types of partners that will help with the plan and, eventually,  
5676 implement the program;

5677 (iv) planning activities and program will focus on:

5678 (A) implementation of the core principles described in Section ~~[53A-15-1803]~~

5679 [53F-5-502](#);

5680 (B) use of the methods, as applicable, described in Section ~~[53A-15-1803]~~ [53F-5-502](#);

5681 and

5682 (C) the outcome-based measures adopted by the board under Section [~~53A-15-1803~~]  
5683 [53F-5-502](#);

5684 (v) has:

5685 (A) the capacity, qualifications, local governing body support, and time to successfully  
5686 plan the program; and

5687 (B) an intentional and feasible planning process;

5688 (vi) will align the LEA's budget as necessary with the planning process; and

5689 (vii) will communicate and promote the plan with parents, teachers, and members of  
5690 the community.

5691 (b) The board may adopt other requirements in addition to the requirements in  
5692 Subsection (2)(a).

5693 Section 138. Section ~~53F-5-504~~, which is renumbered from Section 53A-15-1805 is  
5694 renumbered and amended to read:

5695 ~~[53A-15-1805]~~. **53F-5-504. Implementation grants -- Requirements.**

5696 (1) (a) The board shall, subject to legislative appropriations, award an implementation  
5697 grant to, subject to Subsection (1)(c), an LEA:

5698 (i) that submits an implementation grant application that meets the requirements  
5699 established by the board, subject to Subsection (2);

5700 (ii) if an LEA designee has attended the technical assistance training described in  
5701 Section [~~53A-15-1803~~] [53F-5-502](#); and

5702 (iii) if the LEA implementation grant application has been recommended by the review  
5703 committee.

5704 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds  
5705 no later than two calendar years after receiving the funds.

5706 (c) An LEA is not eligible to receive an implementation grant under this section unless  
5707 the board has previously awarded the LEA a planning grant under Section [~~53A-15-1804~~]  
5708 [53F-5-503](#).

- 5709 (2) (a) An implementation grant application shall include evidence that the LEA:
- 5710 (i) can logically articulate the proposed program's mission, theory of change, and the
- 5711 program's intended goals and outcomes;
- 5712 (ii) (A) program will have schoolwide implementation; or
- 5713 (B) if the LEA intends to implement initially with a population smaller than
- 5714 schoolwide, program includes steps to phase the program in schoolwide or districtwide over a
- 5715 specified period of time;
- 5716 (iii) has an understanding of similar programs and can use this knowledge to strengthen
- 5717 the LEA's program implementation;
- 5718 (iv) program will focus on:
- 5719 (A) direct alignment with the core principles described in Section [~~53A-15-1803~~]
- 5720 [53F-5-502](#);
- 5721 (B) use of the methods, as applicable, described in Section [~~53A-15-1803~~] [53F-5-502](#);
- 5722 and
- 5723 (C) the outcome based measures adopted by the board under Section [~~53A-15-1803~~]
- 5724 [53F-5-502](#);
- 5725 (v) program will address a need, determined by data, in the LEA or community;
- 5726 (vi) has a strong evaluation plan that will clearly measure the success of the LEA's
- 5727 program against the stated goals and objectives;
- 5728 (vii) has a list of signatures of key stakeholders and partners who are committed to
- 5729 implementing the program;
- 5730 (viii) has the capacity, qualifications, local governing body support, and time to
- 5731 successfully implement this program;
- 5732 (ix) has an intentional and feasible scope of work to implement the program;
- 5733 (x) will align the LEA's budget as necessary with the planning process; and
- 5734 (xi) will communicate and promote the plan with parents, teachers, and members of the
- 5735 community.
- 5736 (b) The board may adopt other requirements in addition to the requirements in

5737 Subsection (2)(a).

5738 (3) A program under this section may include:

5739 (a) a waiver, subject to Section [~~53A-15-1807~~] [53F-5-506](#), of required school hours  
5740 attended or traditional school calendar scheduling; and

5741 (b) an adjustment of educator compensation to reflect the implementation of a waiver  
5742 under Subsection (3)(a).

5743 Section 139. Section **53F-5-505**, which is renumbered from Section 53A-15-1806 is  
5744 renumbered and amended to read:

5745 ~~[53A-15-1806].~~ **53F-5-505. Expansion grants -- Requirements.**

5746 (1) (a) The board shall, subject to legislative appropriations and to expand an existing  
5747 LEA program schoolwide or districtwide, award a grant to, subject to Subsection (1)(c), an  
5748 LEA:

5749 (i) that submits an expansion grant application that meets the requirements established  
5750 by the board, subject to Subsection (2);

5751 (ii) if an LEA designee has attended the technical assistance training described in  
5752 Section [~~53A-15-1803~~] [53F-5-502](#); and

5753 (iii) if the LEA expansion grant application has been recommended by the review  
5754 committee.

5755 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds  
5756 no later than two calendar years after receiving the funds.

5757 (c) An LEA is not eligible to receive an expansion grant under this section unless the  
5758 board has previously awarded the LEA an implementation grant under Section [~~53A-15-1805~~]  
5759 [53F-5-504](#).

5760 (2) (a) An expansion grant application shall include evidence that the LEA:

5761 (i) has an established program that:

5762 (A) has successfully met previous goals;

5763 (B) has shown outcomes that are in alignment with the core principles described in  
5764 Section [~~53A-15-1803~~] [53F-5-502](#) and used methods, as applicable, described in Section

- 5765 [~~53A-15-1803~~] [53F-5-502](#);
- 5766 (C) is supported by LEA management and leadership;
- 5767 (D) is suitable for expansion schoolwide or districtwide; and
- 5768 (E) is the program, with any necessary modifications, that the LEA plans to expand if
- 5769 awarded the expansion grant;
- 5770 (ii) can logically articulate the LEA's program mission, theory of change, and the
- 5771 program's intended goals and outcomes;
- 5772 (iii) program as proposed for expansion is focused on:
- 5773 (A) direct alignment with the core principles identified in Section [~~53A-15-1803~~]
- 5774 [53F-5-502](#);
- 5775 (B) use of the methods, as applicable, described in Section [~~53A-15-1803~~] [53F-5-502](#);
- 5776 and
- 5777 (C) the outcome based measures adopted by the board under Section [~~53A-15-1803~~]
- 5778 [53F-5-502](#);
- 5779 (iv) that the program will directly address a need, determined by data, in the LEA or
- 5780 community;
- 5781 (v) has clearly articulated core components that ensure, when expanded, the program
- 5782 will yield positive outcomes;
- 5783 (vi) has a strong evaluation plan that will clearly measure the success of the LEA's
- 5784 program against the stated goals and objectives;
- 5785 (vii) has a list of signatures of key stakeholders and partners who are committed to
- 5786 expanding the program;
- 5787 (viii) has the capacity, qualifications, local governing body support, and time to
- 5788 successfully expand the program;
- 5789 (ix) has an intentional and feasible scope of work to expand the program;
- 5790 (x) has a strategic budget that is aligned with the LEA's scope of work; and
- 5791 (xi) will communicate and promote the plan with parents, teachers, and members of the
- 5792 community.

5793 (b) The board may adopt other requirements in addition to the requirements in  
5794 Subsection (2)(a).

5795 (3) A program under this section may include:

5796 (a) a waiver, subject to Section [~~53A-15-1807~~] 53F-5-506, of required school hours  
5797 attended or traditional school calendar scheduling; and

5798 (b) an adjustment of educator compensation to reflect the implementation of a waiver  
5799 under Subsection (3)(a).

5800 Section 140. Section **53F-5-506**, which is renumbered from Section 53A-15-1807 is  
5801 renumbered and amended to read:

5802 [~~53A-15-1807~~]. **53F-5-506. Waiver from board rule -- Board recommended**  
5803 **statutory changes.**

5804 (1) An LEA may apply to the board in a grant application submitted under this part for  
5805 a waiver of a board rule that inhibits or hinders the LEA from accomplishing its goals set out in  
5806 its grant application.

5807 (2) The board may grant the waiver, unless:

5808 (a) the waiver would cause the LEA to be in violation of state or federal law; or

5809 (b) the waiver would threaten the health, safety, or welfare of students in the LEA.

5810 (3) If the board denies the waiver, the board shall provide in writing the reason for the  
5811 denial to the waiver applicant.

5812 (4) (a) The board shall request from each LEA that receives a grant under this part for  
5813 each year the LEA receives funds:

5814 (i) information on a state statute that hinders an LEA from fully implementing the  
5815 LEA's program; and

5816 (ii) suggested changes to the statute.

5817 (b) The board shall, in a written report, provide any information received from an LEA  
5818 under Subsection (4)(a) and the board's recommendations to the Legislature no later than  
5819 November 30 of each year.

5820 Section 141. Section **53F-5-507**, which is renumbered from Section 53A-15-1808 is



5821 renumbered and amended to read:

5822 ~~[53A-15-1808]~~. 53F-5-507. **Cooperation of institutions of higher education --**  
5823 **Transferring students not to be penalized.**

5824 (1) An institution of higher education:

5825 (a) shall recognize and accept on equal footing as a traditional high school diploma a  
5826 high school diploma awarded to a student who successfully completes an educational program  
5827 that uses, in whole or in part, competency-based education; and

5828 (b) cooperate with an LEA:

5829 (i) as applicable, to facilitate the advancement of a student who attends a  
5830 competency-based education program; and

5831 (ii) as requested, in the development of an LEA plan or program under this part.

5832 (2) If a student attending an LEA that establishes competency-based education within  
5833 the LEA transfers to another school within the LEA or to another LEA entirely that does not  
5834 have a competency-based education program, the student may not be penalized by being  
5835 required to repeat course work that the student has successfully completed, changing the  
5836 student's grade, or receive any other penalty related to the student's previous attendance in the  
5837 competency-based education program.

5838 Section 142. Section **53F-5-601**, which is renumbered from Section 53A-31-402 is  
5839 renumbered and amended to read:

5840 **Part 6. American Indian and Alaskan Native Education State Plan Pilot Program**  
5841 ~~[53A-31-402]~~. 53F-5-601. **Definitions.**

5842 (1) The terms defined in Section [53E-10-401](#) apply to this section.

5843 (2) As used in this part:

5844 [(1)] (a) "American Indian and Alaskan Native concentrated school" means a school  
5845 where at least 29% of its students are American Indian or Alaskan Native.

5846 [(2)] (b) "Board" means the State Board of Education.

5847 [(3)] (c) "Teacher" means an individual employed by a school district or charter school  
5848 who is required to hold an educator license issued by the board and who has an assignment to

5849 teach in a classroom.

5850 Section 143. Section **53F-5-602**, which is renumbered from Section 53A-31-403 is  
5851 renumbered and amended to read:

5852 ~~[53A-31-403].~~ **53F-5-602. Pilot programs created.**

5853 (1) (a) ~~[Beginning]~~ In addition to the state plan described in Title 53E, Chapter 10, Part  
5854 4, American Indian-Alaskan Native Education State Plan, beginning with fiscal year  
5855 2016-2017, there is created a five-year pilot program administered by the board to provide  
5856 grants targeted to address the needs of American Indian and Alaskan Native students.

5857 (b) The pilot program shall consist of a grant program to school districts and charter  
5858 schools to be used to fund stipends, recruitment, retention, and professional development of  
5859 teachers who teach in American Indian and Alaskan Native concentrated schools.

5860 (2) (a) Beginning with fiscal year 2017-2018, there is created a four-year pilot program  
5861 administered by the board to provide grants targeted to address the needs of American Indian  
5862 and Alaskan Native students.

5863 (b) The pilot program shall consist of a grant program to school districts and charter  
5864 schools to be used to fund stipends, recruitment, retention, and professional development of  
5865 teachers who teach in American Indian and Alaskan Native concentrated schools.

5866 (c) In determining grant recipients under this Subsection (2), the board shall give  
5867 priority to American Indian and Alaskan Native concentrated schools located in a county of the  
5868 fourth, fifth, or sixth class with significant populations of American Indians and Alaskan  
5869 Natives.

5870 (3) Up to 3% of the money appropriated to a grant program under this part may be used  
5871 by the board for costs in implementing the pilot program.

5872 Section 144. Section **53F-5-603**, which is renumbered from Section 53A-31-404 is  
5873 renumbered and amended to read:

5874 ~~[53A-31-404].~~ **53F-5-603. Grant program to school districts and charter**  
5875 **schools.**

5876 (1) From money appropriated to the grant program, the board shall distribute grant

5877 money on a competitive basis to a school district or charter school that applies for a grant and:

5878       (a) (i) has within the school district one or more American Indian and Alaskan Native  
5879 concentrated schools; or

5880       (ii) is an American Indian and Alaskan Native concentrated school; and

5881       (b) has a program to fund stipends, recruitment, retention, and professional  
5882 development of teachers who teach at American Indian and Alaskan Native concentrated  
5883 schools.

5884       (2) The grant money distributed under this section may only be expended to fund a  
5885 program described in Subsection (1)(b).

5886       (3) (a) If a school district or charter school obtains a grant under this section, by no  
5887 later than two years from the date the school district or charter school obtains the grant, the  
5888 board shall review the implementation of the program described in Subsection (1)(b) to  
5889 determine whether:

5890       (i) the program is effective in addressing the need to retain teachers at American Indian  
5891 and Alaskan Native concentrated schools; and

5892       (ii) the money is being spent for a purpose not covered by the program described in  
5893 Subsection (1)(b).

5894       (b) If the board determines that the program is not effective or that the money is being  
5895 spent for a purpose not covered by the program described in Subsection (1)(b), the board may  
5896 terminate the grant money being distributed to the school district or charter school.

5897       (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5898 board may make rules providing:

5899       (a) criteria for evaluating grant applications; and

5900       (b) procedures for:

5901       (i) a school district to apply to the board to receive grant money under this section; and

5902       (ii) the review of the use of grant money described in Subsection (3).

5903       (5) The grant money is intended to supplement and not replace existing money  
5904 supporting American Indian and Alaskan Native concentrated schools.

5905 Section 145. Section **53F-5-604**, which is renumbered from Section 53A-31-405 is  
5906 renumbered and amended to read:

5907 ~~[53A-31-405]~~. **53F-5-604. Reporting -- Meeting.**

5908 (1) The liaison shall annually report to the Native American Legislative Liaison  
5909 Committee during the term of a pilot program under this part regarding:

- 5910 (a) what entities receive a grant under this part;
- 5911 (b) the effectiveness of the expenditures of grant money; and
- 5912 (c) recommendations, if any, for additional legislative action.

5913 (2) The Native American Legislative Liaison Committee shall annually schedule at  
5914 least one meeting at which education is discussed with selected stakeholders.

5915 Section 146. Section **53F-6-101** is enacted to read:

5916 **CHAPTER 6. STATE FUNDING -- PROGRAMS ADMINISTERED**  
5917 **BY OTHER AGENCIES**

5918 **Part 1. General Provisions**

5919 **53F-6-101. Title.**

5920 This chapter is known as "State Funding -- Programs Administered by Other Agencies."

5921 Section 147. Section **53F-6-102** is enacted to read:

5922 **53F-6-102. Definitions.**

5923 Reserved

5924 Section 148. Section **53F-6-201**, which is renumbered from Section 53A-13-106.5 is  
5925 renumbered and amended to read:

5926 **Part 2. Miscellaneous Programs**

5927 ~~[53A-13-106.5]~~. **53F-6-201. Firearm Safety and Violence Prevention Pilot**  
5928 **Program.**

5929 (1) As used in this section:

- 5930 (a) "District school" means a public school under the control of a local school board
- 5931 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
- 5932 Boards.

5933 (b) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle, or short  
5934 barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a  
5935 projectile by action of an explosive.

5936 (c) "Pilot program" means the Firearm Safety and Violence Prevention Pilot Program  
5937 created under Subsection (2).

5938 (2) There is created a Firearm Safety and Violence Prevention Pilot Program to provide  
5939 instruction that a public school may offer to a student in any of grades 5 through 12 on:

5940 (a) firearm safety, including:

5941 (i) developing the knowledge, habits, skills, and attitudes necessary for the safe  
5942 handling of firearms; and

5943 (ii) teaching a student that to avoid injury when the student finds a firearm the student  
5944 should:

5945 (A) not touch the firearm;

5946 (B) tell an adult about finding the firearm and the location of the firearm; and

5947 (C) share the information described in Subsection (2)(a)(ii)(A) and (B) with any other  
5948 minors who are with the student when the student finds the firearm; and

5949 (b) what to do if the student becomes aware of a threat against the school.

5950 (3) The instruction described in Subsection (2):

5951 (a) may be delivered:

5952 (i) in a public school using live instruction or a video or online materials; or

5953 (ii) at home using a video or online materials; and

5954 (b) shall be neutral of political statements on guns.

5955 (4) The Office of the Attorney General, in collaboration with the State Board of  
5956 Education, shall select one or more providers, through the standard procurement process or an  
5957 exception to the standard procurement process as described in Title 63G, Chapter 6a, Utah  
5958 Procurement Code, to supply materials and curriculum for the pilot program.

5959 (5) (a) A district school or charter school may participate in the pilot program, subject  
5960 to approval by the district school's local school board or charter school's charter school

5961 governing board.

5962 (b) A district school or charter school that chooses to participate in the pilot program:

5963 (i) shall use the materials and curriculum supplied by the provider selected under

5964 Subsection (4);

5965 (ii) may permit the following to provide instruction on a voluntary basis:

5966 (A) the Division of Wildlife Resources;

5967 (B) a local law enforcement agency;

5968 (C) a peace officer, as defined in Section 53-13-102; or

5969 (D) another certified firearms safety instructor, as defined in rules made by the State

5970 Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

5971 Act; and

5972 (iii) shall ensure that a firearm is not used in providing the instruction.

5973 (c) A student may not be given the instruction described in Subsection (2) unless the

5974 student's parent or legal guardian has given prior written consent.

5975 (6) The Office of the Attorney General, in collaboration with the State Board of

5976 Education, shall evaluate the pilot program and report to the Law Enforcement and Criminal

5977 Justice Interim Committee on or before December 1, 2018.

5978 Section 149. Section **53F-6-202**, which is renumbered from Section 53A-1-709 is

5979 renumbered and amended to read:

5980 ~~**[53A-1-709].**~~ **53F-6-202. Smart School Technology Program.**

5981 (1) As used in this section, "program" means the Smart School Technology Program.

5982 (2) The Smart School Technology Program is created to encourage the deployment of

5983 whole-school one-to-one mobile device technology in public schools.

5984 (3) The Board of Business and Economic Development with input from an

5985 independent evaluating committee, shall issue a request for proposals for the development and

5986 implementation of a whole-school one-to-one mobile device technology deployment plan for

5987 schools.

5988 (4) From recommendations submitted by an independent evaluating committee, the

5989 Board of Business and Economic Development shall select a single education technology  
5990 provider with integrated whole-school technology deployment experience through the request  
5991 for proposals process.

5992 (5) (a) An independent evaluating committee shall be established to:

5993 (i) advise the Board of Business and Economic Development in issuing a request for  
5994 proposals under Subsection (3);

5995 (ii) evaluate proposals submitted through a request for proposals issued under  
5996 Subsection (3); and

5997 (iii) advise the State Board of Education on selecting schools to participate in the  
5998 program.

5999 (b) The membership of the independent evaluating committee shall include:

6000 (i) three members of the State Board of Education appointed by the chair of the State  
6001 Board of Education;

6002 (ii) the state chief information officer;

6003 (iii) two members appointed by the executive director of the Governor's Office of  
6004 Economic Development; and

6005 (iv) the governor's education director.

6006 (c) The independent evaluating committee shall evaluate a proposal on:

6007 (i) a provider's experience with integrated whole-school technology deployment; and

6008 (ii) the components of a whole-school technology deployment plan.

6009 (6) An educational technology provider selected under Subsection (4) shall develop a  
6010 customized whole-school one-to-one mobile device technology deployment plan for each  
6011 school participating in the program.

6012 (7) The whole-school technology deployment plan shall be based on submitted  
6013 proposals to the committee and may include the following components:

6014 (a) a personal mobile learning device for each student;

6015 (b) desktop or laptop computers for each classroom;

6016 (c) peripherals and networking equipment, including a wireless network that is not

- 6017 self-interfering;
- 6018 (d) wireless audio equipment in each classroom;
- 6019 (e) digital projectors or televisions with wireless device mirroring technology;
- 6020 (f) on and off campus Internet filtering;
- 6021 (g) operating software for the technology system, including software that connects
- 6022 personal mobile learning devices among students and a teacher to facilitate classroom
- 6023 interaction;
- 6024 (h) curriculum and instructional software purchase credits per device to be used toward
- 6025 improving student outcomes with respect to the core standards for Utah public schools and
- 6026 skill building on the use of technology;
- 6027 (i) device repair and replacement criteria;
- 6028 (j) professional development for educators and technology specialists on:
- 6029 (i) the operation and use of the technology equipment; and
- 6030 (ii) accessing and using online content; and
- 6031 (k) ongoing technical support.
- 6032 (8) (a) A school within a school district, with the approval of the local school board, or
- 6033 a charter school, may submit an application to the State Board of Education to participate in the
- 6034 program.
- 6035 (b) With input from the independent evaluating committee established under
- 6036 Subsection (5), the State Board of Education shall select schools to participate in the program.
- 6037 (c) In selecting schools, the State Board of Education shall seek to include in the
- 6038 program schools:
- 6039 (i) from different regions of the state;
- 6040 (ii) from urban and rural areas;
- 6041 (iii) with a variety of economic and demographic characteristics; and
- 6042 (iv) with documented technology implementation plans, including a plan for the use of:
- 6043 (A) instructional software that improves student outcomes with respect to the core
- 6044 standards for Utah public schools; and



- 6045 (B) software that provides students with skill building on the use of technology.
- 6046 (d) The State Board of Education shall make rules:
- 6047 (i) specifying procedures and criteria to be used for selecting schools that may
- 6048 participate in the program; and
- 6049 (ii) requiring selected schools to provide matching funds to participate in the program.
- 6050 (9) (a) The State Board of Education, in collaboration with the education technology
- 6051 provider and the schools participating in the program, shall evaluate the program and submit a
- 6052 report on the evaluation to the Governor's Office of Economic Development and the Education
- 6053 Interim Committee by the committee's October meetings in 2013 and 2014.
- 6054 (b) The State Board of Education may contract with an independent evaluator to
- 6055 conduct the evaluation required in Subsection (9)(a).
- 6056 (c) The evaluation shall be based on the following criteria:
- 6057 (i) technology system functionality;
- 6058 (ii) school level outcomes;
- 6059 (iii) teacher instruction and outcomes; and
- 6060 (iv) student engagement and outcomes.

6061 Section 150. Section **53F-6-301**, which is renumbered from Section 53A-1b-102 is  
6062 renumbered and amended to read:

6063 **Part 3. School Readiness Initiative**

6064 ~~[53A-1b-102]~~. **53F-6-301. Definitions.**

6065 As used in this part:

- 6066 (1) "Board" means the School Readiness Board, created in Section ~~[53A-1b-103]~~
- 6067 53F-6-302.
- 6068 (2) "Economically disadvantaged" means a student who:
- 6069 (a) is eligible to receive free lunch;
- 6070 (b) is eligible to receive reduced price lunch; or
- 6071 (c) (i) is not otherwise accounted for in Subsection (2)(a) or (b); and
- 6072 (ii) (A) is enrolled in a Provision 2 or Provision 3 school, as defined by the United

6073 States Department of Agriculture;

6074 (B) has a Declaration of Household Income on file;

6075 (C) is eligible for a fee waiver; or

6076 (D) is enrolled at a school that does not offer a lunch program and is a sibling of a  
6077 student accounted for in Subsection (2)(a) or (b).

6078 (3) "Eligible home-based educational technology provider" means a provider that  
6079 intends to offer a home-based educational technology program.

6080 (4) "Eligible LEA" means an LEA that has a data system capacity to collect  
6081 longitudinal academic outcome data, including special education use by student, by identifying  
6082 each student with a statewide unique student identifier.

6083 (5) (a) "Eligible private provider" means a child care program that:

6084 (i) (A) except as provided in Subsection (5)(b), is licensed under Title 26, Chapter 39,  
6085 Utah Child Care Licensing Act; or

6086 (B) is exempt from licensure under Section 26-39-403; and

6087 (ii) meets other criteria as established by the board, consistent with Utah Constitution,  
6088 Article X, Section 1.

6089 (b) "Eligible private provider" does not include residential child care, as defined in  
6090 Section 26-39-102.

6091 (6) "Eligible student" means a student who is economically disadvantaged.

6092 (7) "Local Education Agency" or "LEA" means a school district or charter school.

6093 (8) "Performance outcome measure" means a cost avoidance in special education use  
6094 for a student at-risk for later special education placement in kindergarten through grade 12 who  
6095 receives preschool education funded pursuant to a results-based school readiness contract.

6096 (9) (a) "Private entity" means a private investor or investors that enter into a  
6097 results-based school readiness contract.

6098 (b) "Private entity" includes an authorized representative of the private investor or  
6099 investors.

6100 (10) "Results-based school readiness contract" means a contract entered into by the

6101 board, a private entity, and a provider of early childhood education that may result in  
6102 repayment to a private entity if certain performance outcome measures are achieved.

6103 (11) "Student at-risk for later special education placement" means a preschool student  
6104 who, at preschool entry, scores at or below two standard deviations below the mean on the  
6105 assessment selected by the board under Section [~~53A-1b-110~~] [53F-6-309](#).

6106 Section 151. Section **53F-6-302**, which is renumbered from Section 53A-1b-103 is  
6107 renumbered and amended to read:

6108 ~~[53A-1b-103]~~. **53F-6-302. Establishment of the School Readiness Board --**  
6109 **Membership.**

6110 (1) There is created a School Readiness Board within the Governor's Office of  
6111 Management and Budget composed of:

- 6112 (a) the director of the Department of Workforces Services or the director's designee;
- 6113 (b) one member appointed by the State Board of Education;
- 6114 (c) one member appointed by the chair of the State Charter School Board;
- 6115 (d) one member appointed by the speaker of the House of Representatives; and
- 6116 (e) one member appointed by the president of the Senate.

6117 (2) (a) A member described in Subsections (1)(c), (d), and (e) shall serve for a term of  
6118 two years.

6119 (b) If a vacancy occurs for a member described in Subsection (1)(c), (d), or (e), the  
6120 person appointing the member shall appoint a replacement to serve the remainder of the  
6121 member's term.

6122 (3) A member may not receive compensation or benefits for the member's service.

6123 (4) Upon request, the Governor's Office of Management and Budget shall provide staff  
6124 support to the board.

6125 (5) (a) The board members shall elect a chair of the board from the board's  
6126 membership.

6127 (b) The board shall meet upon the call of the chair or a majority of the board members.

6128 Section 152. Section **53F-6-303** is enacted to read:

6129 **53F-6-303. School Readiness Restricted Account.**

6130 As described in Section [53F-9-402](#), the School Readiness Restricted Account provides  
6131 funding for this part.

6132 Section 153. Section **53F-6-304**, which is renumbered from Section 53A-1b-105 is  
6133 renumbered and amended to read:

6134 ~~[53A-1b-105].~~ **53F-6-304. Elements of a high quality school readiness**  
6135 **program.**

6136 (1) A high quality school readiness program run by an eligible LEA or eligible private  
6137 provider shall include the following components:

6138 (a) an evidence-based curriculum that is aligned with all of the developmental domains  
6139 and academic content areas defined in the Utah Early Childhood Standards adopted by the  
6140 State Board of Education, and incorporates intentional and differentiated instruction in whole  
6141 group, small group, and child-directed learning, including the following academic content  
6142 areas:

6143 (i) oral language and listening comprehension;

6144 (ii) phonological awareness and prereading;

6145 (iii) alphabet and word knowledge;

6146 (iv) prewriting;

6147 (v) book knowledge and print awareness;

6148 (vi) numeracy;

6149 (vii) creative arts;

6150 (viii) science and technology; and

6151 (ix) social studies, health, and safety;

6152 (b) ongoing, focused, and intensive professional development for staff of the school  
6153 readiness program;

6154 (c) ongoing assessment of a student's educational growth and developmental progress  
6155 to inform instruction;

6156 (d) a pre- and post-assessment of each student whose parent or legal guardian consents

6157 to the assessment that, for a school readiness program receiving funding under this part, is  
6158 selected by the board in accordance with Section [~~53A-1b-110~~] [53F-6-309](#);

6159 (e) for a preschool program run by an eligible LEA, a class size that does not exceed 20  
6160 students, with one adult for every 10 students in the class;

6161 (f) ongoing program evaluation and data collection to monitor program goal  
6162 achievement and implementation of required program components;

6163 (g) family engagement, including ongoing communication between home and school,  
6164 and parent education opportunities based on each family's circumstances;

6165 (h) for a preschool program run by an eligible LEA, each teacher having at least  
6166 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; and

6169 (i) for a preschool program run by an eligible private provider, by a teacher's second  
6170 year, each teacher having at least obtained:

6171 (i) the minimum standard of a child development associate certification; or

6172 (ii) an associate or bachelor's degree in an early childhood education related field.

6173 (2) A high quality school readiness program run by a home-based educational  
6174 technology provider shall:

6175 (a) be an evidence-based and age appropriate individualized interactive instruction  
6176 assessment and feedback technology program that teaches eligible students early learning skills  
6177 needed to be successful upon entry into kindergarten;

6178 (b) require regular parental engagement with the student in the student's use of the  
6179 home-based educational technology program;

6180 (c) be aligned with the Utah early childhood core standards;

6181 (d) require the administration of a pre- and post-assessment of each student whose  
6182 parent or legal guardian consents to the assessment that, for a home-based technology program  
6183 that receives funding under this part, is designated by the board in accordance with Section  
6184 [~~53A-1b-110~~] [53F-6-309](#); and

6185 (e) require technology providers to ensure successful implementation and utilization of  
6186 the technology program.

6187 Section 154. Section **53F-6-305**, which is renumbered from Section 53A-1b-106 is  
6188 renumbered and amended to read:

6189 ~~**53A-1b-106**~~. **53F-6-305. High Quality School Readiness Grant Program.**

6190 (1) The High Quality School Readiness Grant Program is created to provide grants to  
6191 the following, in order to upgrade an existing preschool or home-based technology program to  
6192 a high quality school readiness program:

- 6193 (a) an eligible private provider;
- 6194 (b) an eligible LEA; or
- 6195 (c) an eligible home-based educational technology provider.

6196 (2) The State Board of Education shall:

- 6197 (a) solicit proposals from eligible LEAs; and
- 6198 (b) make recommendations to the board to award grants to respondents based on  
6199 criteria described in Subsection (5).

6200 (3) The Department of Workforce Services shall:

- 6201 (a) solicit proposals from eligible private providers and eligible home-based  
6202 educational technology providers; and
- 6203 (b) make recommendations to the board to award grants to respondents based on  
6204 criteria described in Subsection (5).

6205 (4) Subject to legislative appropriations, the board shall award grants to respondents  
6206 based on:

- 6207 (a) the recommendations of the State Board of Education;
- 6208 (b) the recommendations of the Department of Workforce Services; and
- 6209 (c) the criteria described in Subsection (5).

6210 (5) (a) In awarding a grant under Subsection (4), the State Board of Education,  
6211 Department of Workforce Services, and the board shall consider:

- 6212 (i) a respondent's capacity to effectively implement the components described in

6213 Section [~~53A-1b-105~~] [53F-6-304](#);

6214 (ii) the percentage of a respondent's students who are economically disadvantaged; and

6215 (iii) the level of administrative support and leadership at a respondent's program to

6216 effectively implement, monitor, and evaluate the program.

6217 (b) The board may not award a grant to an LEA without obtaining approval from the

6218 State Board of Education to award the grant to the LEA.

6219 (6) To receive a grant under this section, a respondent that is an eligible LEA shall

6220 submit a proposal to the State Board of Education detailing:

6221 (a) the respondent's strategy to implement the high quality components described in

6222 Subsection [~~53A-1b-105~~] [53F-6-304](#)(1);

6223 (b) the number of students the respondent plans to serve, categorized by age and

6224 economically disadvantaged status;

6225 (c) the number of high quality preschool classrooms the respondent plans to operate;

6226 and

6227 (d) the estimated cost per student.

6228 (7) To receive a grant under this section, a respondent that is an eligible private

6229 provider or an eligible home-based educational technology provider shall submit a proposal to

6230 the Department of Workforce Services detailing:

6231 (a) the respondent's strategy to implement the high quality components described in

6232 Section [~~53A-1b-105~~] [53F-6-304](#);

6233 (b) the number of students the respondent plans to serve, categorized by age and

6234 economically disadvantaged status;

6235 (c) for a respondent that is an eligible private provider, the number of high quality

6236 preschool classrooms the respondent plans to operate; and

6237 (d) the estimated cost per student.

6238 (8) All recipients of grants under this section shall establish a preschool or home-based

6239 educational technology program with the components described in Section [~~53A-1b-105~~]

6240 [53F-6-304](#).

6241 (9) (a) A grant recipient shall allow classroom or other visits by an independent  
6242 evaluator chosen by the board in accordance with Section [~~53A-1b-110~~] 53F-6-309.

6243 (b) The independent evaluator shall:

6244 (i) determine whether a grant recipient has effectively implemented the components  
6245 described in Section [~~53A-1b-105~~] 53F-6-304; and

6246 (ii) report the independent evaluator's findings to the board.

6247 (10) (a) A grant recipient that is an eligible LEA shall assign a statewide unique  
6248 student identifier to each eligible student funded pursuant to a grant received under this section.

6249 (b) A grant recipient that is an eligible private provider or an eligible home-based  
6250 educational technology provider shall work in conjunction with the State Board of Education to  
6251 assign a statewide unique student identifier to each eligible student funded pursuant to a grant  
6252 received under this section.

6253 (11) A grant recipient that is an LEA shall report annually to the board and the State  
6254 Board of Education the following:

6255 (a) number of students served by the preschool, reported by economically  
6256 disadvantaged status;

6257 (b) attendance;

6258 (c) cost per student; and

6259 (d) assessment results.

6260 (12) A grant recipient that is an eligible private provider or an eligible home-based  
6261 educational technology provider shall report annually to the board and the Department of  
6262 Workforce Services the following:

6263 (a) number of students served by the preschool or program, reported by economically  
6264 disadvantaged status;

6265 (b) attendance;

6266 (c) cost per student; and

6267 (d) assessment results.

6268 (13) The State Board of Education and the Department of Workforce Services shall



6269 make rules to effectively administer and monitor the High Quality School Readiness Grant  
6270 Program, including:

6271 (a) requiring grant recipients to use the pre- and post-assessment selected by the board  
6272 in accordance with Section [~~53A-1b-110~~] [53F-6-309](#); and

6273 (b) establishing reporting requirements for grant recipients.

6274 (14) At the request of the board, the State Board of Education and the Department of  
6275 Workforce Services shall annually share the information received from grant recipients  
6276 described in Subsections (11) and (12) with the board.

6277 Section 155. Section **53F-6-306**, which is renumbered from Section 53A-1b-107 is  
6278 renumbered and amended to read:

6279 [~~53A-1b-107~~]. **53F-6-306. High quality preschool programs for eligible**  
6280 **LEAs.**

6281 (1) To receive funding pursuant to a results-based contract awarded under Section  
6282 [~~53A-1b-110~~] [53F-6-309](#), an eligible LEA shall establish or currently operate a high quality  
6283 preschool with the components described in Subsection [~~53A-1b-105~~] [53F-6-304](#)(1).

6284 (2) An eligible LEA shall assign a statewide unique student identifier to each eligible  
6285 student funded pursuant to a results-based contract issued under this part.

6286 (3) An eligible LEA may not use funds awarded pursuant to a results-based contract to  
6287 supplant funds for an existing high quality preschool program, but may use the funds to  
6288 supplement an existing high quality preschool program.

6289 (4) If permitted under Title 1 of the No Child Left Behind Act of 2001, 20 U.S.C. Sec.  
6290 6301-6578, an LEA may charge a sliding scale fee to a student participating in a high quality  
6291 preschool program under this section, based on household income.

6292 (5) An LEA that receives funds under this section shall report annually to the board the  
6293 de-identified information described in Section [~~53A-1b-111~~] [53F-6-310](#).

6294 (6) (a) An eligible LEA may contract with an eligible private provider to provide the  
6295 high quality preschool program to a portion of the LEA's eligible students funded by a  
6296 results-based contract.

6297 (b) The board shall determine in a results-based contract the portion of an LEA's  
6298 eligible students funded by the results-based contract to be served by an eligible private  
6299 provider.

6300 (7) To receive funding pursuant to a results-based contract, an eligible private provider  
6301 shall:

6302 (a) offer a preschool program that contains the components described in Subsection  
6303 ~~[53A-1b-105]~~ [53F-6-304\(1\)](#);

6304 (b) allow classroom visits by the evaluator chosen in accordance with Section  
6305 ~~[53A-1b-110]~~ [53F-6-309](#) and the private entity, to ensure the components described in this  
6306 section are implemented;

6307 (c) allow the evaluator chosen in accordance with Section ~~[53A-1b-110]~~ [53F-6-309](#) to  
6308 administer the required pre- and post-assessments to eligible students funded under this part;  
6309 and

6310 (d) report the information described in Section ~~[53A-1b-111]~~ [53F-6-310](#) to the board  
6311 and the contracting LEA.

6312 (8) An LEA may provide the eligible private provider with:

6313 (a) professional development;

6314 (b) staffing or staff support;

6315 (c) materials; and

6316 (d) assessments.

6317 (9) (a) If permitted under Title 1 of the No Child Left Behind Act of 2001, 20 U.S.C.  
6318 Sec. 6301-6578, an eligible private provider may charge a sliding scale fee to a student  
6319 participating in a high quality preschool program under this section, based on household  
6320 income.

6321 (b) The eligible private provider may use grants, scholarships, or other funds to help  
6322 fund the preschool program.

6323 (10) A contractual partnership established under Subsection (6) shall be consistent with  
6324 Utah Constitution, Article X, Section 1.

6325 (11) The evaluator selected pursuant to Section [~~53A-1b-110~~] [53F-6-309](#) shall annually  
6326 evaluate:

6327 (a) the quality and outcomes of the high quality preschool program funded by a  
6328 results-based contract between a private entity and the board, including:

6329 (i) adherence to required components described in Subsection [~~53A-1b-105~~]  
6330 [53F-6-304](#)(1); and

6331 (ii) the pre- and post-assessment results of the assessment, designated by the board  
6332 under Section [~~53A-1b-110~~] [53F-6-309](#), of eligible students in the high quality preschool  
6333 program; and

6334 (b) whether the performance outcome measures set in the results-based contract have  
6335 been met, using de-identified data reported in Section [~~53A-1b-111~~] [53F-6-310](#).

6336 Section 156. Section **53F-6-307**, which is renumbered from Section 53A-1b-108 is  
6337 renumbered and amended to read:

6338 [~~53A-1b-108~~]. **53F-6-307. High quality preschool programs for eligible**  
6339 **private providers.**

6340 (1) To receive funding pursuant to a results-based contract awarded under Section  
6341 [~~53A-1b-110~~] [53F-6-309](#), an eligible private provider shall:

6342 (a) establish or currently operate a high quality preschool with the components  
6343 described in Subsection [~~53A-1b-105~~] [53F-6-304](#)(1);

6344 (b) allow classroom visits by the evaluator chosen in accordance with Section  
6345 [~~53A-1b-110~~] [53F-6-309](#) and the private entity, to ensure the components described in  
6346 Subsection [~~53A-1b-105~~] [53F-6-304](#)(1) are being implemented; and

6347 (c) allow the evaluator chosen in accordance with Section [~~53A-1b-110~~] [53F-6-309](#) to  
6348 administer the required pre- and post-assessments to eligible students funded under this part.

6349 (2) An eligible private provider shall work in conjunction with the State Board of  
6350 Education to assign a statewide unique student identifier to each eligible student funded  
6351 pursuant to a results-based contract.

6352 (3) An eligible private provider may not use funds awarded pursuant to a results-based

6353 contract to supplant funds for an existing high quality preschool program, but may use the  
6354 funds to supplement an existing high quality preschool program.

6355 (4) (a) If permitted under Title 1 of the No Child Left Behind Act of 2001, 20 U.S.C.  
6356 Sec. 6301-6578, an eligible private provider may charge a sliding scale fee to a student  
6357 participating in a high quality preschool program under this section, based on household  
6358 income.

6359 (b) The eligible private provider may use grants, scholarships, or other funds to help  
6360 fund the preschool program.

6361 (5) An eligible private provider that receives funds under this section shall report  
6362 annually to the board the de-identified information described in Section [~~53A-1b-111~~]  
6363 [53F-6-310](#).

6364 (6) The State Board of Education shall annually share with the board aggregated  
6365 longitudinal data on eligible students currently receiving funding under this section and any  
6366 eligible students who previously received funding under this section, including:

6367 (a) academic achievement outcomes;

6368 (b) special education use; and

6369 (c) English language learner services.

6370 (7) The evaluator selected pursuant to Section [~~53A-1b-110~~] [53F-6-309](#) shall annually  
6371 evaluate:

6372 (a) the quality and outcomes of a high quality preschool program funded by a  
6373 results-based contract between a private entity and the board, including:

6374 (i) adherence to required components described in Subsection [~~53A-1b-105~~]

6375 [53F-6-304](#)(1); and

6376 (ii) the pre- and post-assessment results of the assessment, designated by the board  
6377 under Section [~~53A-1b-110~~] [53F-6-309](#), of eligible students in the high quality preschool  
6378 program; and

6379 (b) whether the performance outcome measures set in the results-based contract have  
6380 been met, using de-identified or aggregated data reported in Subsections (5) and (6).

6381 Section 157. Section **53F-6-308**, which is renumbered from Section 53A-1b-109 is  
6382 renumbered and amended to read:

6383 ~~[53A-1b-109]~~. **53F-6-308. Home-based educational technology for school**  
6384 **readiness.**

6385 (1) To receive funding pursuant to a results-based contract awarded under Section  
6386 ~~[53A-1b-110]~~ 53F-6-309, an eligible home-based educational technology provider shall  
6387 administer a home-based educational technology program designed to prepare eligible students  
6388 for kindergarten.

6389 (2) An eligible home-based educational technology provider described in Subsection  
6390 (1) shall establish or currently operate a high quality school readiness program with the  
6391 components described in Subsection ~~[53A-1b-105]~~ 53F-6-304(2).

6392 (3) An eligible home-based educational technology provider shall work in conjunction  
6393 with the State Board of Education to assign a statewide unique student identifier to each  
6394 eligible student funded pursuant to a results-based contract.

6395 (4) An eligible home-based educational technology provider that receives funds under  
6396 this section shall report annually to the board the following de-identified information for  
6397 eligible students funded in whole or in part pursuant to a results-based contract:

- 6398 (a) number of eligible students served by the home-based educational technology  
6399 program, reported by economically disadvantaged status and English language learner status;
- 6400 (b) average time, and range of time usage, an eligible student spent using the program  
6401 per week;
- 6402 (c) cost per eligible student;
- 6403 (d) assessment results of the pre- and post-assessments selected by the board; and
- 6404 (e) number of eligible students served by the home-based educational technology  
6405 program who participated in any other public or private preschool program, including the type  
6406 of preschool attended.

6407 (5) The State Board of Education shall annually share with the board aggregated  
6408 longitudinal data on eligible students currently receiving funding under this section and any

6409 eligible students who previously received funding under this section, including:

6410 (a) academic achievement outcomes;

6411 (b) special education use; and

6412 (c) English language learner services.

6413 (6) The evaluator selected pursuant to Section [~~53A-1b-110~~] 53F-6-309 shall annually  
6414 evaluate:

6415 (a) the quality and outcomes of a home-based educational technology program funded  
6416 by a results-based contract between a private entity and the board, including the pre- and  
6417 post-assessment results, on the assessment designated by the board under Section  
6418 [~~53A-1b-110~~] 53F-6-309, of eligible students in the program; and

6419 (b) whether the performance outcome measures set in the results-based contract have  
6420 been met, using de-identified or aggregated data reported in Subsections (4) and (5).

6421 Section 158. Section **53F-6-309**, which is renumbered from Section 53A-1b-110 is  
6422 renumbered and amended to read:

6423 [~~53A-1b-110~~]. **53F-6-309. Results-based school readiness contracts -- Board**  
6424 **duties -- Independent evaluator.**

6425 (1) (a) The board may negotiate and enter into a results-based contract with a private  
6426 entity, selected through a competitive process, to fund:

6427 (i) a high quality preschool program described in Section [~~53A-1b-107~~] 53F-6-306;

6428 (ii) a high quality preschool program described in Section [~~53A-1b-108~~] 53F-6-307; or

6429 (iii) a home-based education technology program described in Section [~~53A-1b-109~~]  
6430 53F-6-308.

6431 (b) The board may not issue a results-based contract if the total outstanding obligations  
6432 of results-based contracts issued by the board under this part would exceed \$15,000,000 at any  
6433 one time.

6434 (c) The board may provide for a repayment to a private entity to include a return of  
6435 investment and an additional return on investment, dependent on achievement of specific  
6436 performance outcome measures set in the results-based contract.

6437 (d) The additional return on investment described in Subsection (1)(c) may not exceed  
6438 5% above the current Municipal Market Data General Obligation Bond AAA scale for a 10  
6439 year maturity at the time of the issuance of the results-based school readiness contract.

6440 (e) Funding obtained for an early education program under this part is not a  
6441 procurement item under Section [63G-6a-103](#).

6442 (2) A contract shall include:

6443 (a) a requirement that the repayment to the private entity be conditioned on specific  
6444 performance outcome measures set in the results-based contract;

6445 (b) a requirement for an independent evaluator to determine whether the performance  
6446 outcomes have been achieved;

6447 (c) a provision that repayment to the private entity is:

6448 (i) based upon available money in the School Readiness Restricted Account; and

6449 (ii) subject to legislative appropriation; and

6450 (d) that the private entity is not eligible to receive or view any personally identifiable  
6451 student data of students funded through a results-based contract.

6452 (3) The board shall select an independent, nationally recognized early childhood  
6453 education evaluator, selected through a request for proposals process, to annually evaluate:

6454 (a) performance outcome measures set in a results-based contract of the board; and

6455 (b) a High Quality School Readiness Grant Program recipient's program.

6456 (4) The board shall select a uniform assessment of age-appropriate cognitive or  
6457 language skills that:

6458 (a) is nationally norm-referenced;

6459 (b) has established reliability;

6460 (c) has established validity with other similar measures and with later school outcomes;

6461 and

6462 (d) has strong psychometric characteristics.

6463 (5) (a) At the end of each year of a results-based contract after a student funded through  
6464 a results-based contract completes kindergarten, the independent evaluator shall determine

6465 whether the performance outcome measures set in the results-based contract have been met.

6466 (b) If the independent evaluator determines under Subsection (5)(a) that the  
6467 performance outcome measures have been met, the board may pay the private entity according  
6468 to the terms of the results-based contract.

6469 (6) (a) The board shall ensure that a parent or guardian of an eligible student  
6470 participating in a program funded pursuant to a results-based contract has given permission and  
6471 signed an acknowledgment that the student's data may be shared with an independent evaluator  
6472 for research and evaluation purposes.

6473 (b) The board shall maintain documentation of parental permission required in  
6474 Subsection (6)(a).

6475 Section 159. Section **53F-6-310**, which is renumbered from Section 53A-1b-111 is  
6476 renumbered and amended to read:

6477 ~~[53A-1b-111]~~. **53F-6-310. Reporting requirements for recipients of a**  
6478 **results-based school readiness contract -- Reporting requirements for the School**  
6479 **Readiness Board.**

6480 (1) An eligible LEA, eligible private provider, or eligible home-based educational  
6481 technology provider that receives funds pursuant to a results-based contract under this part  
6482 shall report annually to the board the following de-identified information for eligible students  
6483 funded in whole or in part pursuant to a results-based contract:

6484 (a) number of eligible students served by the recipient's preschool or home-based  
6485 educational technology program, reported by economically disadvantaged status and English  
6486 language learner status;

6487 (b) attendance;

6488 (c) cost per eligible student;

6489 (d) assessment results of the pre- and post-assessments selected by the board; and

6490 (e) aggregated longitudinal data on eligible students currently receiving funding under  
6491 this part and any eligible students who previously received funding under this part, including:

6492 (i) academic achievement outcomes;



- 6493 (ii) special education use; and
- 6494 (iii) English language learner services.
- 6495 (2) For each year of a results-based contract, the board shall report to the Education
- 6496 Interim Committee the following:
- 6497 (a) information collected under Subsection (1) for each participating LEA, private
- 6498 provider, and home-based educational technology provider; and
- 6499 (b) the terms of the results-based contract, including:
- 6500 (i) the name of each private entity and funding source;
- 6501 (ii) the amount of money each private entity has invested;
- 6502 (iii) the performance outcome measures set in the results-based contract by which
- 6503 repayment will be determined; and
- 6504 (iv) the repayment schedule to the private entity if the performance outcomes are met.

6505 Section 160. Section **53F-7-101** is enacted to read:

6506 **CHAPTER 7. STATE FUNDING -- EDUCATION ADMINISTRATION**

6507 **Part 1. General Provisions**

6508 **53F-7-101. Title.**

6509 This chapter is known as "State Funding -- Education Administration."

6510 Section 161. Section **53F-7-102** is enacted to read:

6511 **53F-7-102. Definitions.**

6512 Reserved

6513 Section 162. Section **53F-7-201**, which is renumbered from Section 53A-13-206 is  
6514 renumbered and amended to read:

6515 ~~[53A-13-206].~~ **53F-7-201. Appropriations from Automobile Driver**

6516 **Education Tax Account.**

6517 There is appropriated to the State Board of Education from the Automobile Driver  
6518 Education Tax Account, annually, all money in the account, in excess of the expense of  
6519 administering the collection of the tax, for use and distribution in the administration and  
6520 maintenance of driver education classes and programs with respect to classes offered in the

6521 school district and the establishment of experimental programs, including the purchasing of  
6522 equipment, by the board.

6523 Section 163. Section **53F-7-301** is enacted to read:

6524 **Part 3. Utah Schools for the Deaf and the Blind**

6525 **53F-7-301. Annual salary adjustments for Utah Schools for the Deaf and the**  
6526 **Blind educators -- Legislative appropriation.**

6527 Subject to future budget constraints, the Legislature shall annually appropriate money to  
6528 the board for the salary adjustments described in Section [53E-8-302](#), including step and lane  
6529 changes.

6530 Section 164. Section **53F-8-101** is enacted to read:

6531 **CHAPTER 8. LOCAL FUNDING**

6532 **Part 1. General Provisions**

6533 **53F-8-101. Title.**

6534 This chapter is known as "Local Funding."

6535 Section 165. Section **53F-8-102** is enacted to read:

6536 **53F-8-102. Definitions.**

6537 Reserved

6538 Section 166. Section **53F-8-201**, which is renumbered from Section 53A-16-106 is  
6539 renumbered and amended to read:

6540 **Part 2. General Tax Provisions**

6541 ~~**[53A-16-106].**~~ **53F-8-201. Annual certification of tax rate proposed by local**  
6542 **school board -- Inclusion of school district budget -- Modified filing date.**

6543 (1) Prior to June 22 of each year, each local school board shall certify to the county  
6544 legislative body in which the district is located, on forms prescribed by the State Tax  
6545 Commission, the proposed tax rate approved by the local school board.

6546 (2) A copy of the district's budget, including items under Section ~~[53A-19-101]~~  
6547 [53G-7-302](#), and a certified copy of the local school board's resolution which approved the  
6548 budget and set the tax rate for the subsequent school year beginning July 1 shall accompany the

6549 tax rate.

6550 (3) If the tax rate approved by the board is in excess of the certified tax rate, as defined  
6551 in Section 59-2-924, the date for filing the tax rate and budget adopted by the board shall be  
6552 that established under Section 59-2-919.

6553 Section 167. Section 53F-8-202, which is renumbered from Section 53A-16-108 is  
6554 renumbered and amended to read:

6555 ~~[53A-16-108].~~ **53F-8-202. Levy of tax -- Collection and deposit.**

6556 (1) After the valuation of property has been extended on the assessment rolls, the  
6557 county legislative body shall levy a tax on the taxable property in the respective school districts  
6558 at the rate submitted by each local school board under Section ~~[53A-16-106]~~ 53F-8-201.

6559 (2) These taxes shall be collected by the county officers in the same manner as other  
6560 taxes are collected.

6561 (3) The county treasurer shall pay the tax revenues to the respective district's business  
6562 administrator who shall hold the tax revenue subject to the order of the local school board.

6563 Section 168. Section 53F-8-203, which is renumbered from Section 53A-16-109 is  
6564 renumbered and amended to read:

6565 ~~[53A-16-109].~~ **53F-8-203. Payment out of tax money by county treasurer.**

6566 (1) Each county treasurer shall pay the appropriate proportionate share of delinquent  
6567 taxes, together with interest and costs on all tax sales, to each affected school district.

6568 (2) The treasurer shall make payment as quickly as possible after collection or  
6569 realization.

6570 Section 169. Section 53F-8-301, which is renumbered from Section 53A-17a-133 is  
6571 renumbered and amended to read:

6572 **Part 3. Local Levies**

6573 ~~[53A-17a-133].~~ **53F-8-301. State-supported voted local levy authorized --**  
6574 **Election requirements -- Reconsideration of the program.**

6575 ~~[(1) As used in this section, "voted and board local levy funding balance" means the~~  
6576 ~~difference between:]~~

6577 ~~[(a) the amount appropriated for the voted and board local levy program in a fiscal~~  
6578 ~~year; and]~~

6579 ~~[(b) the amount necessary to provide the state guarantee per weighted pupil unit as~~  
6580 ~~determined under this section and Section 53A-17a-164 in the same fiscal year.]~~

6581 (1) The terms defined in Section 53F-2-102 apply to this section.

6582 (2) An election to consider adoption or modification of a voted local levy is required if  
6583 initiative petitions signed by 10% of the number of electors who voted at the last preceding  
6584 general election are presented to the local school board or by action of the local school board.

6585 (3) (a) (i) To impose a voted local levy, a majority of the electors of a school district  
6586 voting at an election in the manner set forth in Subsections ~~[(9) and (10)]~~ (8) and (9) must vote  
6587 in favor of a special tax.

6588 (ii) The tax rate may not exceed .002 per dollar of taxable value.

6589 (b) Except as provided in Subsection (3)(c), in order to receive state support in  
6590 accordance with Section 53F-2-601 the first year, a school district shall receive voter approval  
6591 no later than December 1 of the year prior to implementation.

6592 (c) Beginning on or after January 1, 2012, a school district may receive state support in  
6593 accordance with ~~[Subsection (4)]~~ Section 53F-2-601 without complying with the requirements  
6594 of Subsection (3)(b) if the local school board imposed a tax in accordance with this section  
6595 during the taxable year beginning on January 1, 2011 and ending on December 31, 2011.

6596 ~~[(4)(a) In addition to the revenue collected from the imposition of a levy pursuant to~~  
6597 ~~this section, the state shall contribute an amount sufficient to guarantee \$35.55 per weighted~~  
6598 ~~pupil unit for each .0001 of the first .0016 per dollar of taxable value.]~~

6599 ~~[(b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar~~  
6600 ~~of taxable value under Subsection (4)(a) shall apply to the portion of the board local levy~~  
6601 ~~authorized in Section 53A-17a-164, so that the guarantee shall apply up to a total of .002 per~~  
6602 ~~dollar of taxable value if a local school board levies a tax rate under both programs.]~~

6603 ~~[(c) (i) Beginning July 1, 2015, the \$35.55 guarantee under Subsections (4)(a) and (b)~~  
6604 ~~shall be indexed each year to the value of the weighted pupil unit for the grades 1 through 12~~

6605 program by making the value of the guarantee equal to .011962 times the value of the prior  
6606 year's weighted pupil unit for the grades 1 through 12 program.]

6607        [(ii) The guarantee shall increase by .0005 times the value of the prior year's weighted  
6608 pupil unit for the grades 1 through 12 program for each succeeding year subject to the  
6609 Legislature appropriating funds for an increase in the guarantee.]

6610        [(d) (i) The amount of state guarantee money to which a school district would  
6611 otherwise be entitled to receive under this Subsection (4) may not be reduced for the sole  
6612 reason that the school district's levy is reduced as a consequence of changes in the certified tax  
6613 rate under Section ~~59-2-924~~ pursuant to changes in property valuation.]

6614        [(ii) Subsection (4)(d)(i) applies for a period of five years following any such change in  
6615 the certified tax rate.]

6616        [(e) The guarantee provided under this section does not apply to the portion of a voted  
6617 local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal  
6618 year, unless an increase in the voted local levy rate was authorized in an election conducted on  
6619 or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.]

6620        [(f) (i) If a voted and board local levy funding balance exists for the prior fiscal year,  
6621 the State Board of Education shall:]

6622        [(A) use the voted and board local levy funding balance to increase the value of the  
6623 state guarantee per weighted pupil unit described in Subsection (4)(c) in the current fiscal year;  
6624 and]

6625        [(B) distribute the state contribution to the voted and board local levy programs to  
6626 school districts based on the increased value of the state guarantee per weighted pupil unit  
6627 described in Subsection (4)(f)(i)(A).]

6628        [(ii) The State Board of Education shall report action taken under this Subsection (4)(f)  
6629 to the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and  
6630 Budget.]

6631        [(5)] (4) (a) An election to modify an existing voted local levy is not a reconsideration  
6632 of the existing authority unless the proposition submitted to the electors expressly so states.

6633 (b) A majority vote opposing a modification does not deprive the local school board of  
6634 authority to continue the levy.

6635 (c) If adoption of a voted local levy is contingent upon an offset reducing other local  
6636 school board levies, the local school board shall allow the electors, in an election, to consider  
6637 modifying or discontinuing the imposition of the levy prior to a subsequent increase in other  
6638 levies that would increase the total local school board levy.

6639 (d) Nothing contained in this section terminates, without an election, the authority of a  
6640 local school board to continue imposing an existing voted local levy previously authorized by  
6641 the voters as a voted leeway program.

6642 [~~(6)~~] (5) Notwithstanding Section 59-2-919, a local school board may budget an  
6643 increased amount of ad valorem property tax revenue derived from a voted local levy imposed  
6644 under this section in addition to revenue from eligible new growth as defined in Section  
6645 59-2-924, without having to comply with the notice requirements of Section 59-2-919, if:

6646 (a) the voted local levy is approved:

6647 (i) in accordance with Subsections [~~(9) and (10)~~] (8) and (9) on or after January 1,  
6648 2003; and

6649 (ii) within the four-year period immediately preceding the year in which the local  
6650 school board seeks to budget an increased amount of ad valorem property tax revenue derived  
6651 from the voted local levy; and

6652 (b) for a voted local levy approved or modified in accordance with this section on or  
6653 after January 1, 2009, the local school board complies with the requirements of Subsection  
6654 [~~(8)~~] (7).

6655 [~~(7)~~] (6) Notwithstanding Section 59-2-919, a local school board may levy a tax rate  
6656 under this section that exceeds the certified tax rate without having to comply with the notice  
6657 requirements of Section 59-2-919 if:

6658 (a) the levy exceeds the certified tax rate as the result of a local school board budgeting  
6659 an increased amount of ad valorem property tax revenue derived from a voted local levy  
6660 imposed under this section;

6661 (b) the voted local levy was approved:  
6662 (i) in accordance with Subsections [~~(9)~~ and ~~(10)~~] (8) and (9) on or after January 1,  
6663 2003; and  
6664 (ii) within the four-year period immediately preceding the year in which the local  
6665 school board seeks to budget an increased amount of ad valorem property tax revenue derived  
6666 from the voted local levy; and  
6667 (c) for a voted local levy approved or modified in accordance with this section on or  
6668 after January 1, 2009, the local school board complies with requirements of Subsection [~~(8)~~]  
6669 (7).  
6670 [~~(8)~~] (7) For purposes of Subsection [~~(6)~~] (5)(b) or [~~(7)~~] (6)(c), the proposition  
6671 submitted to the electors regarding the adoption or modification of a voted local levy shall  
6672 contain the following statement:  
6673 "A vote in favor of this tax means that the local school board of [name of the school  
6674 district] may increase revenue from this property tax without advertising the increase for the  
6675 next five years."  
6676 [~~(9)~~] (8) (a) Before a local school board may impose a property tax levy pursuant to  
6677 this section, a local school board shall submit an opinion question to the school district's  
6678 registered voters voting on the imposition of the tax rate so that each registered voter has the  
6679 opportunity to express the registered voter's opinion on whether the tax rate should be imposed.  
6680 (b) The election required by this Subsection [~~(9)~~] (8) shall be held:  
6681 (i) at a regular general election conducted in accordance with the procedures and  
6682 requirements of Title 20A, Election Code, governing regular elections;  
6683 (ii) at a municipal general election conducted in accordance with the procedures and  
6684 requirements of Section [20A-1-202](#); or  
6685 (iii) at a local special election conducted in accordance with the procedures and  
6686 requirements of Section [20A-1-203](#).  
6687 (c) Notwithstanding the requirements of Subsections [~~(9)~~] (8)(a) and (b), beginning on  
6688 or after January 1, 2012, a local school board may levy a tax rate in accordance with this

6689 section without complying with the requirements of Subsections ~~[(9)]~~ (8)(a) and (b) if the local  
6690 school board imposed a tax in accordance with this section at any time during the taxable year  
6691 beginning on January 1, 2011, and ending on December 31, 2011.

6692 ~~[(10)]~~ (9) If a local school board determines that a majority of the school district's  
6693 registered voters voting on the imposition of the tax rate have voted in favor of the imposition  
6694 of the tax rate in accordance with Subsection ~~[(9)]~~ (8), the local school board may impose the  
6695 tax rate.

6696 Section 170. Section **53F-8-302**, which is renumbered from Section 53A-17a-164 is  
6697 renumbered and amended to read:

6698 ~~[53A-17a-164]~~. **53F-8-302. Board local levy.**

6699 (1) The terms defined in Section 53F-2-102 apply to this section.

6700 ~~[(1)]~~ (2) Subject to the other requirements of this section, for a calendar year beginning  
6701 on or after January 1, 2012, a local school board may levy a tax to fund the school district's  
6702 general fund.

6703 ~~[(2)]~~ (3) (a) For purposes of this Subsection ~~[(2)]~~ (3), "combined rate" means the sum  
6704 of:

6705 (i) the rate imposed by a local school board under Subsection ~~[(1)]~~ (2); and  
6706 (ii) the charter school levy rate, described in Section ~~[53A-1a-513.1]~~ 53F-2-703, for the  
6707 local school board's school district.

6708 (b) Except as provided in Subsection ~~[(2)]~~ (3)(c), beginning on January 1, 2017, a  
6709 school district's combined rate may not exceed .0018 per dollar of taxable value in any calendar  
6710 year.

6711 (c) Beginning on January 1, 2017, a school district's combined rate may not exceed  
6712 .0025 per dollar of taxable value in any calendar year if, during the calendar year beginning on  
6713 January 1, 2011, the school district's total tax rate for the following levies was greater than  
6714 .0018 per dollar of taxable value:

6715 (i) a recreation levy imposed under Section 11-2-7;  
6716 (ii) a transportation levy imposed under Section ~~[53A-17a-127]~~ 53F-8-403;



- 6717 (iii) a board-authorized levy imposed under Section [~~53A-17a-134~~] [53F-8-404](#);
- 6718 (iv) an impact aid levy imposed under Section [~~53A-17a-143~~] [53F-2-515](#);
- 6719 (v) the portion of a 10% of basic levy imposed under Section [~~53A-17a-145~~]
- 6720 [53F-8-405](#) that is budgeted for purposes other than capital outlay or debt service;
- 6721 (vi) a reading levy imposed under Section [~~53A-17a-151~~] [53F-8-406](#); and
- 6722 (vii) a tort liability levy imposed under Section [63G-7-704](#).
- 6723 ~~[(3)(a)]~~ (4) In addition to the revenue a school district collects from the imposition of a
- 6724 levy pursuant to this section, the state shall contribute an amount [~~sufficient to guarantee that~~
- 6725 ~~each .0001 of the first .0004 per dollar of taxable value generates an amount equal to the state~~
- 6726 ~~guarantee per weighted pupil unit described in Subsection [53A-17a-133](#)(4)] as described in~~
- 6727 Section [53F-2-602](#).
- 6728 ~~[(b)(i) The amount of state guarantee money to which a school district would~~
- 6729 ~~otherwise be entitled to under this Subsection (3) may not be reduced for the sole reason that~~
- 6730 ~~the district's levy is reduced as a consequence of changes in the certified tax rate under Section~~
- 6731 ~~[59-2-924](#) pursuant to changes in property valuation.]~~
- 6732 ~~[(ii) Subsection (3)(b)(i) applies for a period of five years following any changes in the~~
- 6733 ~~certified tax rate.]~~
- 6734 ~~[(4)]~~ (5) (a) For a calendar year beginning on or after January 1, 2017, the State Tax
- 6735 Commission shall adjust a board local levy rate imposed by a local school board under this
- 6736 section by the amount necessary to offset the change in revenues from the charter school levy
- 6737 imposed under Section [~~53A-1a-513.1~~] [53F-2-703](#).
- 6738 (b) A local school board is not required to comply with the notice and public hearing
- 6739 requirements of Section [59-2-919](#) for an offset described in Subsection ~~[(4)]~~ (5)(a) to the
- 6740 change in revenues from the charter school levy imposed under Section [~~53A-1a-513.1~~]
- 6741 [53F-2-703](#).
- 6742 (c) A local school board may not increase a board local levy rate under this section
- 6743 before December 31, 2016, if the local school board did not give public notice on or before
- 6744 March 4, 2016, of the local school board's intent to increase the board local levy rate.

6745 (d) So long as the charter school levy rate does not exceed 25% of the charter school  
6746 levy per district revenues, a local school board may not increase a board local levy rate under  
6747 this section if the purpose of increasing the board local levy rate is to capture the revenues  
6748 assigned to the charter school levy through the adjustment in a board local levy rate under  
6749 Subsection [~~(4)~~] (5)(a).

6750 (e) Before a local school board takes action to increase a board local levy rate under  
6751 this section, the local school board shall:

6752 (i) prepare a written statement that attests that the local school board is in compliance  
6753 with Subsection [~~(4)~~] (5)(d);

6754 (ii) read the statement described in Subsection [~~(4)~~] (5)(e)(i) during a local school  
6755 board public meeting where the local school board discusses increasing the board local levy  
6756 rate; and

6757 (iii) send a copy of the statement described in Subsection [~~(4)~~] (5)(e)(i) to the State Tax  
6758 Commission.

6759 Section 171. Section **53F-8-303**, which is renumbered from Section 53A-16-113 is  
6760 renumbered and amended to read:

6761 ~~[53A-16-113]~~. **53F-8-303. Capital local levy -- First class county required**  
6762 **levy -- Allowable uses of collected revenue.**

6763 (1) (a) Subject to the other requirements of this section, a local school board may levy a  
6764 tax to fund the school district's capital projects.

6765 (b) A tax rate imposed by a school district pursuant to this section may not exceed  
6766 .0030 per dollar of taxable value in any calendar year.

6767 (2) A school district that imposes a capital local levy in the calendar year beginning on  
6768 January 1, 2012, is exempt from the public notice and hearing requirements of Section  
6769 [59-2-919](#) if the school district budgets an amount of ad valorem property tax revenue equal to  
6770 or less than the sum of the following amounts:

6771 (a) the amount of revenue generated during the calendar year beginning on January 1,  
6772 2011, from the sum of the following levies of a school district:

6773 (i) a capital outlay levy imposed under Section [~~53A-16-107~~] [53F-8-401](#); and  
 6774 (ii) the portion of the 10% of basic levy described in Section [~~53A-17a-145~~] [53F-8-405](#)  
 6775 that is budgeted for debt service or capital outlay; and  
 6776 (b) revenue from eligible new growth as defined in Section [59-2-924](#).  
 6777 (3) (a) Subject to Subsections (3)(b), (c), and (d), for fiscal year 2013-14, a local school  
 6778 board may utilize the proceeds of a maximum of .0024 per dollar of taxable value of the local  
 6779 school board's annual capital local levy for general fund purposes if the proceeds are not  
 6780 committed or dedicated to pay debt service or bond payments.

6781 (b) If a local school board uses the proceeds described in Subsection (3)(a) for general  
 6782 fund purposes, the local school board shall notify the public of the local school board's use of  
 6783 the capital local levy proceeds for general fund purposes:

6784 (i) before the local school board's budget hearing in accordance with the notification  
 6785 requirements described in Section [~~53A-19-102~~] [53G-7-303](#); and

6786 (ii) at a budget hearing required in Section [~~53A-19-102~~] [53G-7-303](#).

6787 (c) A local school board may not use the proceeds described in Subsection (3)(a) to  
 6788 fund the following accounting function classifications as provided in the Financial Accounting  
 6789 for Local and State School Systems guidelines developed by the National Center for Education  
 6790 Statistics:

6791 (i) 2300 Support Services - General District Administration; or

6792 (ii) 2500 Support Services - Central Services.

6793 Section 172. Section **53F-8-401**, which is renumbered from Section 53A-16-107 is  
 6794 renumbered and amended to read:

**Part 4. Obsolete Tax Levies**

6796 [~~53A-16-107~~]. **53F-8-401. Capital outlay levy -- Authority to use proceeds**  
 6797 **of .0002 tax rate for maintenance of school facilities -- Restrictions and procedure --**  
 6798 **Limited authority to use proceeds for general fund purposes -- Notification required**  
 6799 **when using proceeds for general fund purposes -- Authority for small school districts to**  
 6800 **use levy proceeds for operation and maintenance of plant services.**

6801 (1) Subject to Subsection (3) and except as provided in Subsections (2), (5), (6), and  
6802 (7), a local school board may annually impose a capital outlay levy not to exceed .0024 per  
6803 dollar of taxable value to be used for:

- 6804 (a) capital outlay; or
- 6805 (b) debt service.

6806 (2) (a) A local school board with an enrollment of 2,500 students or more may utilize  
6807 the proceeds of a maximum of .0002 per dollar of taxable value of the local school board's  
6808 annual capital outlay levy for the maintenance of school facilities in the school district.

6809 (b) A local school board that uses the option provided under Subsection (2)(a) shall:

6810 (i) maintain the same level of expenditure for maintenance in the current year as it did  
6811 in the preceding year, plus the annual average percentage increase applied to the maintenance  
6812 and operation budget for the current year; and

6813 (ii) identify the expenditure of capital outlay funds for maintenance by a district project  
6814 number to ensure that the funds are expended in the manner intended.

6815 (c) The State Board of Education shall establish by rule the expenditure classification  
6816 for maintenance under this program using a standard classification system.

6817 (3) Beginning January 1, 2009, and through the taxable year beginning January 1,  
6818 2011, in order to qualify for receipt of the state contribution toward the minimum school  
6819 program, a local school board in a county of the first class shall impose a capital outlay levy of  
6820 at least .0006 per dollar of taxable value.

6821 (4) (a) The county treasurer of a county of the first class shall distribute revenues  
6822 generated by the .0006 portion of the capital outlay levy required in Subsection (3) to school  
6823 districts within the county in accordance with Section [53A-16-114](#).

6824 (b) (i) Except as provided in Subsection (4)(b)(ii), if a school district in a county of the  
6825 first class imposes a capital outlay levy pursuant to this section which exceeds .0006 per dollar  
6826 of taxable value, the county treasurer of a county of the first class shall distribute revenues  
6827 generated by the portion of the capital outlay levy which exceeds .0006 to the school district  
6828 imposing the levy.

6829 (ii) If a new district and a remaining district are required to impose property tax levies  
6830 pursuant to Subsection [~~53A-2-118.4~~] [53G-3-304](#)(2), the county treasurer shall distribute  
6831 revenues of the new district or remaining district generated by the portion of a capital outlay  
6832 levy that exceeds .0006 in accordance with Section [~~53A-2-118.4~~] [53G-3-304](#).

6833 (5) (a) Notwithstanding Subsections (1)(a) and (b) and subject to Subsections (5)(b),  
6834 (c), and (d), for fiscal years 2010-11 and 2011-12, a local school board may use the proceeds of  
6835 the local school board's capital outlay levy for general fund purposes if the proceeds are not  
6836 committed or dedicated to pay debt service or bond payments.

6837 (b) If a local school board uses the proceeds described in Subsection (5)(a) for general  
6838 fund purposes, the local school board shall notify the public of the local school board's use of  
6839 the capital outlay levy proceeds for general fund purposes:

6840 (i) prior to the board's budget hearing in accordance with the notification requirements  
6841 described in Section [~~53A-19-102~~] [53G-7-303](#); and

6842 (ii) at a budget hearing required in Section [~~53A-19-102~~] [53G-7-303](#).

6843 (c) A local school board may not use the proceeds described in Subsection (5)(a) to  
6844 fund the following accounting function classifications as provided in the Financial Accounting  
6845 for Local and State School Systems guidelines developed by the National Center for Education  
6846 Statistics:

6847 (i) 2300 Support Services - General District Administration; or

6848 (ii) 2500 Support Services - Central Services.

6849 (d) A local school board may not use the proceeds from a distribution described in  
6850 Section [53A-16-114](#) for general fund purposes.

6851 (6) (a) In addition to the uses described in Subsection (1), a local school board of a  
6852 school district with an enrollment of fewer than 2,500 students, may use the proceeds of the  
6853 local school board's capital outlay levy, in fiscal years 2011-12, 2012-13, and 2013-14, for  
6854 expenditures made within the accounting function classification 2600, Operation and  
6855 Maintenance of Plant Services, of the Financial Accounting for Local and State School  
6856 Systems guidelines developed by the National Center for Education Statistics, excluding

6857 expenditures for mobile phone service and vehicle operation and maintenance.

6858 (b) If a local school board of a school district with an enrollment of fewer than 2,500  
6859 students uses the proceeds of a capital outlay levy for the operation and maintenance of plant  
6860 services as described in Subsection (6)(a), the local school board shall notify the public of the  
6861 local school board's use of the capital outlay levy proceeds for operation and maintenance of  
6862 plant services:

6863 (i) prior to the board's budget hearing in accordance with the notification requirements  
6864 described in Section [~~53A-19-102~~] [53G-7-303](#); and

6865 (ii) at a budget hearing required in Section [~~53A-19-102~~] [53G-7-303](#).

6866 (7) Beginning January 1, 2012, a local school board may not levy a tax in accordance  
6867 with this section.

6868 Section 173. Section **53F-8-402**, which is renumbered from Section 53A-16-110 is  
6869 renumbered and amended to read:

6870 ~~[53A-16-110]~~. **53F-8-402**. **Special tax to buy school building sites, build and**  
6871 **furnish schoolhouses, or improve school property.**

6872 (1) (a) Except as provided in Subsection (6), a local school board may, by following  
6873 the process for special elections established in Sections [20A-1-203](#) and [20A-1-204](#), call a  
6874 special election to determine whether a special property tax should be levied for one or more  
6875 years to buy building sites, build and furnish schoolhouses, or improve the school property  
6876 under its control.

6877 (b) The tax may not exceed .2% of the taxable value of all taxable property in the  
6878 district in any one year.

6879 (2) The board shall give reasonable notice of the election and follow the same  
6880 procedure used in elections for the issuance of bonds.

6881 (3) If a majority of those voting on the proposition vote in favor of the tax, it is levied  
6882 in addition to a levy authorized under Section [~~53A-17a-145~~] [53F-8-405](#) and computed on the  
6883 valuation of the county assessment roll for that year.

6884 (4) (a) Within 20 days after the election, the board shall certify the amount of the

6885 approved tax to the governing body of the county in which the school district is located.

6886 (b) The governing body shall acknowledge receipt of the certification and levy and  
6887 collect the special tax.

6888 (c) It shall then distribute the collected taxes to the business administrator of the school  
6889 district at the end of each calendar month.

6890 (5) The special tax becomes due and delinquent and attaches to and becomes a lien on  
6891 real and personal property at the same time as state and county taxes.

6892 (6) Notwithstanding Subsections (3) and (4), beginning January 1, 2012, a local school  
6893 board may not levy a tax in accordance with this section.

6894 Section 174. Section **53F-8-403** is enacted to read:

6895 **53F-8-403. School transportation levy.**

6896 (1) Except as provided in Subsection (5), a local school board may provide for the  
6897 transportation of students regardless of the distance from school, from a tax rate not to exceed  
6898 .0003 per dollar of taxable value levied by the local school board.

6899 (2) A local school board may use revenue from the tax described in Subsection (1) to  
6900 pay for transporting students and for the replacement of school buses.

6901 (3) (a) If a local school board levies a tax under Subsection (1) of at least .0002, the  
6902 state may contribute an amount not to exceed 85% of the state average cost per mile,  
6903 contingent upon the Legislature appropriating funds for a state contribution.

6904 (b) The State Board of Education's employees shall distribute the state contribution  
6905 according to rules enacted by the State Board of Education.

6906 (4) (a) The amount of state guarantee money that a school district would otherwise be  
6907 entitled to receive under Subsection (3) may not be reduced for the sole reason that the school  
6908 district's levy is reduced as a consequence of changes in the certified tax rate under Section  
6909 [59-2-924](#) due to changes in property valuation.

6910 (b) Subsection (4)(a) applies for a period of two years following the change in the  
6911 certified tax rate.

6912 (5) Beginning January 1, 2012, a local school board may not impose a tax in

6913 accordance with this section.

6914 (6) The terms defined in Section 53F-2-102 apply to this section.

6915 Section 175. Section **53F-8-404**, which is renumbered from Section 53A-17a-134 is  
6916 renumbered and amended to read:

6917 ~~[53A-17a-134].~~ **53F-8-404. Board-approved leeway -- Purpose -- State**  
6918 **support -- Disapproval.**

6919 (1) Except as provided in Subsection (9), a local school board may levy a tax rate of up  
6920 to .0004 per dollar of taxable value to maintain a school program above the cost of the basic  
6921 school program as follows:

6922 (a) a local school board shall use the money generated by the tax for class size  
6923 reduction within the school district;

6924 (b) if a local school board determines that the average class size in the school district is  
6925 not excessive, the local school board may use the money for other school purposes but only if  
6926 the local school board has declared the use for other school purposes in a public meeting prior  
6927 to levying the tax rate; and

6928 (c) a local school board may not use the money for other school purposes under  
6929 Subsection (1)(b) until the local school board has certified in writing that the local school  
6930 board's class size needs are already being met and the local school board has identified the  
6931 other school purposes for which the money will be used to the State Board of Education and  
6932 the State Board of Education has approved the local school board's use for other school  
6933 purposes.

6934 (2) (a) The state shall contribute an amount sufficient to guarantee \$27.36 per weighted  
6935 pupil unit for each .0001 per dollar of taxable value.

6936 (b) The guarantee shall increase in the same manner as provided for the voted local  
6937 levy guarantee in ~~[Subsection 53A-17a-133(4)(c)]~~ Section 53F-2-601.

6938 (c) (i) The amount of state guarantee money to which a school district would otherwise  
6939 be entitled to under this Subsection (2) may not be reduced for the sole reason that the school  
6940 district's levy is reduced as a consequence of changes in the certified tax rate under Section



6941 [59-2-924](#) pursuant to changes in property valuation.

6942 (ii) Subsection (2)(c)(i) applies for a period of five years following any such change in  
6943 the certified tax rate.

6944 (d) The guarantee provided under this section does not apply to:

6945 (i) a board-authorized leeway in the first fiscal year the levy is in effect, unless the levy  
6946 was approved by voters pursuant to Subsections (4) through (6); or

6947 (ii) the portion of a board-authorized levy rate that is in excess of the board-authorized  
6948 leeway rate that was in effect for the previous fiscal year.

6949 (3) The levy authorized under this section is not in addition to the maximum rate of  
6950 .002 authorized in Section [~~53A-17a-133~~] [53F-8-301](#), but is a board-authorized component of  
6951 the total tax rate under that section.

6952 (4) As an exception to Section [~~53A-17a-133~~] [53F-8-301](#), the board-authorized levy  
6953 does not require voter approval, but the local school board may require voter approval if  
6954 requested by a majority of the local school board.

6955 (5) An election to consider disapproval of the board-authorized levy is required, if  
6956 within 60 days after the levy is established by the local school board, referendum petitions  
6957 signed by the number of legal voters required in Section [20A-7-301](#), who reside within the  
6958 school district, are filed with the local school board.

6959 (6) (a) A local school board shall establish its board-approved levy by April 1 to have  
6960 the levy apply to the fiscal year beginning July 1 in that same calendar year except that if an  
6961 election is required under this section, the levy applies to the fiscal year beginning July 1 of the  
6962 next calendar year.

6963 (b) (i) The approval and disapproval votes authorized in Subsections (4) and (5) shall  
6964 occur at a general election in even-numbered years, except that a vote required under this  
6965 section in odd-numbered years shall occur at a special election held on a day in odd-numbered  
6966 years that corresponds to the general election date.

6967 (ii) The school district shall pay for the cost of a special election.

6968 (7) (a) Modification or termination of a voter-approved leeway rate authorized under

6969 this section is governed by Section [~~53A-17a-133~~] [53F-8-301](#).

6970 (b) A board-authorized levy rate may be modified or terminated by a majority vote of  
6971 the local school board subject to disapproval procedures specified in this section.

6972 (8) A board-authorized levy election does not require publication of a voter  
6973 information pamphlet.

6974 (9) Beginning January 1, 2012, a local school board may not levy a tax in accordance  
6975 with this section.

6976 (10) The terms defined in Section [53F-2-102](#) apply to this section.

6977 Section 176. Section **53F-8-405**, which is renumbered from Section 53A-17a-145 is  
6978 renumbered and amended to read:

6979 ~~[53A-17a-145]~~. **53F-8-405. Additional levy by local school board for debt**  
6980 **service, school sites, buildings, buses, textbooks, and supplies.**

6981 (1) Except as provided in Subsection (5), a local school board may elect to increase the  
6982 school district's tax rate by up to 10% of the cost of the basic program.

6983 (2) The proceeds from the increase may only be used for debt service, the construction  
6984 or remodeling of school buildings, or the purchase of school sites, buses, equipment, textbooks,  
6985 and supplies.

6986 (3) This section does not prohibit a school district or local school board from  
6987 exercising the authority granted by other laws relating to tax rates.

6988 (4) This increase in the tax rate is not included in determining the apportionment of the  
6989 State School Fund, and is in addition to other tax rates authorized by law.

6990 (5) Beginning January 1, 2012, a local school board may not:

6991 (a) levy a tax rate in accordance with this section; or

6992 (b) increase its tax rate as described in Subsection (1).

6993 (6) The terms defined in Section [53F-2-102](#) apply to this section.

6994 Section 177. Section **53F-8-406**, which is renumbered from Section 53A-17a-151 is  
6995 renumbered and amended to read:

6996 ~~[53A-17a-151]~~. **53F-8-406. Board leeway for reading improvement.**

6997 (1) Except as provided in Subsection (4), a local school board may levy a tax rate of up  
6998 to .000121 per dollar of taxable value for funding the school district's K-3 Reading  
6999 Improvement Program created under Section [~~53A-17a-150~~] [53F-2-503](#).

7000 (2) The levy authorized under this section:  
7001 (a) is in addition to any other levy or maximum rate;  
7002 (b) does not require voter approval; and  
7003 (c) may be modified or terminated by a majority vote of the local school board.

7004 (3) A local school board shall establish a local school board-approved levy under this  
7005 section by June 1 to have the levy apply to the fiscal year beginning July 1 in that same  
7006 calendar year.

7007 (4) Beginning January 1, 2012, a local school board may not levy a tax in accordance  
7008 with this section.

7009 (5) The terms defined in Section [53F-2-102](#) apply to this section.

7010 Section 178. Section **53F-9-101** is enacted to read:

7011 **CHAPTER 9. FUNDS AND ACCOUNTS**

7012 **Part 1. General Provisions**

7013 **53F-9-101. Title.**

7014 This chapter is known as "Funds and Accounts."

7015 Section 179. Section **53F-9-102** is enacted to read:

7016 **53F-9-102. Definitions.**

7017 Reserved

7018 Section 180. Section **53F-9-201**, which is renumbered from Section 53A-16-101 is  
7019 renumbered and amended to read:

7020 **Part 2. Uniform School Fund**

7021 [~~53A-16-101~~]. **53F-9-201. Uniform School Fund -- Contents -- Trust**  
7022 **Distribution Account.**

7023 (1) The Uniform School Fund, a special revenue fund within the Education Fund,  
7024 established by Utah Constitution, Article X, Section 5, consists of:

7025 (a) distributions derived from the investment of money in the permanent State School  
7026 Fund established by Utah Constitution, Article X, Section 5;

7027 (b) money transferred to the fund pursuant to Title 67, Chapter 4a, Revised Uniform  
7028 Unclaimed Property Act; and

7029 (c) all other constitutional or legislative allocations to the fund, including revenues  
7030 received by donation.

7031 (2) (a) There is created within the Uniform School Fund a restricted account known as  
7032 the Trust Distribution Account.

7033 (b) The Trust Distribution Account consists of the average of:

7034 (i) 4% of the average market value of the permanent State School Fund based on an  
7035 annual review each July of the past 12 consecutive quarters; and

7036 (ii) the prior year's distribution from the Trust Distribution Account as described in  
7037 Section [~~53A-16-101.5~~] 53F-2-404, increased by prior year changes in the percentage of  
7038 student enrollment growth and in the consumer price index.

7039 (3) Notwithstanding Subsection (2)(b), the distribution may not exceed 4% of the  
7040 average market value of the permanent State School Fund over the past 12 consecutive  
7041 quarters.

7042 (4) The School and Institutional Trust Fund Board of Trustees created in Section  
7043 53D-1-301 shall:

7044 (a) annually review distribution of the Trust Distribution Account; and

7045 (b) make recommendations, if necessary, to the Legislature for changes to the formula  
7046 described in Subsection (2)(b).

7047 (5) (a) Upon appropriation by the Legislature, the director of the School and  
7048 Institutional Trust Fund Office created in Section 53D-1-201 shall place in the Trust  
7049 Distribution Account funds for:

7050 (i) the administration of the School LAND Trust Program as provided in Section  
7051 [~~53A-16-101.5~~] 53F-2-404;

7052 (ii) the performance of duties described in Section [~~53A-16-101.6~~] 53E-3-514;

7053 (iii) the School and Institutional Trust Fund Office; and  
7054 (iv) the School and Institutional Trust Fund Board of Trustees created in Section  
7055 [53D-1-301](#).

7056 (b) The Legislature may appropriate any remaining balance for the support of the  
7057 public education system.

7058 Section 181. Section **53F-9-202**, which is renumbered from Section 53A-16-103 is  
7059 renumbered and amended to read:

7060 ~~**[53A-16-103]**~~. **53F-9-202. Duty of Division of Finance -- Apportionment of**  
7061 **fund by state board -- Certification of apportionments.**

7062 (1) The Division of Finance shall give the state superintendent, upon request, a written  
7063 accounting of the current balance in the Uniform School Fund.

7064 (2) The State Board of Education shall apportion the fund among the several school  
7065 districts.

7066 (3) The state superintendent shall certify the apportionments to the Division of Finance  
7067 and draws warrants on the state treasurer in favor of the school districts.

7068 Section 182. Section **53F-9-203**, which is renumbered from Section 53A-1a-522 is  
7069 renumbered and amended to read:

7070 ~~**[53A-1a-522]**~~. **53F-9-203. Charter School Revolving Account.**

7071 (1) (a) The terms defined in Section [53G-5-102](#) apply to this section.

7072 ~~(1)~~ (b) As used in this section, "account" means the Charter School Revolving  
7073 Account.

7074 (2) (a) There is created within the Uniform School Fund a restricted account known as  
7075 the "Charter School Revolving Account" to provide assistance to charter schools to:

7076 (i) meet school building construction and renovation needs; and

7077 (ii) pay for expenses related to the start up of a new charter school or the expansion of  
7078 an existing charter school.

7079 (b) The State Board of Education, in consultation with the State Charter School Board,  
7080 shall administer the Charter School Revolving Account in accordance with rules adopted by the

- 7081 State Board of Education.
- 7082 (3) The Charter School Revolving Account shall consist of:
- 7083 (a) money appropriated to the account by the Legislature;
- 7084 (b) money received from the repayment of loans made from the account; and
- 7085 (c) interest earned on money in the account.
- 7086 (4) The state superintendent of public instruction shall make loans to charter schools
- 7087 from the account to pay for the costs of:
- 7088 (a) planning expenses;
- 7089 (b) constructing or renovating charter school buildings;
- 7090 (c) equipment and supplies; or
- 7091 (d) other start-up or expansion expenses.
- 7092 (5) Loans to new charter schools or charter schools with urgent facility needs may be
- 7093 given priority.
- 7094 (6) (a) The State Board of Education shall establish a committee to:
- 7095 (i) review requests by charter schools for loans under this section; and
- 7096 (ii) make recommendations regarding approval or disapproval of the loan applications
- 7097 to the State Charter School Board and the State Board of Education.
- 7098 (b) (i) A committee established under Subsection (6)(a) shall include individuals who
- 7099 have expertise or experience in finance, real estate, or charter school administration.
- 7100 (ii) Of the members appointed to a committee established under Subsection (6)(a):
- 7101 (A) one member shall be nominated by the governor; and
- 7102 (B) the remaining members shall be selected from a list of nominees submitted by the
- 7103 State Charter School Board.
- 7104 (c) If the committee recommends approval of a loan application under Subsection
- 7105 (6)(a)(ii), the committee's recommendation shall include:
- 7106 (i) the recommended amount of the loan;
- 7107 (ii) the payback schedule; and
- 7108 (iii) the interest rate to be charged.

7109 (d) A committee member may not:  
7110 (i) be a relative, as defined in Section [~~53A-1a-518~~] 53G-5-409, of a loan applicant; or  
7111 (ii) have a pecuniary interest, directly or indirectly, with a loan applicant or any person  
7112 or entity that contracts with a loan applicant.

7113 (7) A loan under this section may not be made unless the State Board of Education, in  
7114 consultation with the State Charter School Board, approves the loan.

7115 (8) The term of a loan to a charter school under this section may not exceed five years.

7116 (9) The State Board of Education may not approve loans to charter schools under this  
7117 section that exceed a total of \$2,000,000 in any fiscal year.

7118 (10) (a) On March 16, 2011, the assets of the Charter School Building Subaccount  
7119 administered by the State Board of Education shall be deposited into the Charter School  
7120 Revolving Account.

7121 (b) Beginning on March 16, 2011, loan payments for loans made from the Charter  
7122 School Building Subaccount shall be deposited into the Charter School Revolving Account.

7123 Section 183. Section **53F-9-204**, which is renumbered from Section 53A-16-112 is  
7124 renumbered and amended to read:

7125 ~~[53A-16-112]~~. **53F-9-204. Growth in Student Population Restricted**  
7126 **Account.**

7127 (1) There is created within the Uniform School Fund a restricted account known as the  
7128 "Growth in Student Population Restricted Account."

7129 (2) The account shall be funded from the following revenue sources:

7130 (a) any voluntary contributions received to help alleviate the anticipated surge in  
7131 student growth in public elementary and secondary schools during the early part of the 21st  
7132 Century; and

7133 (b) appropriations made to the fund by the Legislature.

7134 (3) The account shall be used to help school districts meet the challenges created by  
7135 anticipated significant increases in student growth in the state's public schools.

7136 (4) (a) The account shall earn interest.

7137 (b) All interest earned on account money shall be deposited in the account.

7138 Section 184. Section **53F-9-205**, which is renumbered from Section 53A-16-115 is  
7139 renumbered and amended to read:

7140 ~~**[53A-16-115].**~~ **53F-9-205. Invest More for Education Account.**

7141 (1) There is created within the Uniform School Fund a restricted account known as the  
7142 Invest More for Education Account.

7143 (2) The account shall be funded by contributions deposited into the restricted account  
7144 in accordance with Section **59-10-1318**.

7145 (3) The account shall earn interest.

7146 (4) Interest earned on the account shall be deposited into the account.

7147 (5) The Legislature may appropriate money from the account for the support of the  
7148 public education system.

7149 Section 185. Section **53F-9-206**, which is renumbered from Section 53A-21-401 is  
7150 renumbered and amended to read:

7151 ~~**[53A-21-401].**~~ **53F-9-206. School Building Revolving Account -- Access to**  
7152 **the account.**

7153 (1) (a) There is created within the Uniform School Fund a restricted account known as  
7154 the "School Building Revolving Account" to provide short-term help to school districts to meet  
7155 district needs for school building construction and renovation.

7156 (b) The state superintendent of public instruction shall administer the School Building  
7157 Revolving Account in accordance with Chapter 3, State Funding -- Capital Outlay Programs,  
7158 and rules adopted by the State Board of Education.

7159 (2) The State Board of Education may not allocate funds from the School Building  
7160 Revolving Account that exceed a school district's bonding limit minus its outstanding bonds.

7161 (3) In order to receive money from the School Building Revolving Account, a school  
7162 district shall:

7163 (a) levy a combined capital levy rate of at least .0024;

7164 (b) contract with the state superintendent of public instruction to repay the money, with



7165 interest at a rate established by the state superintendent, within five years of receipt, using  
7166 future state capital outlay allocations, local revenues, or both;

7167 (c) levy sufficient ad valorem taxes under Section [11-14-310](#) to guarantee annual loan  
7168 repayments, unless the state superintendent of public instruction alters the payment schedule to  
7169 improve a hardship situation; and

7170 (d) meet any other condition established by the State Board of Education pertinent to  
7171 the loan.

7172 (4) (a) The state superintendent shall establish a committee, including representatives  
7173 from state and local education entities, to:

7174 (i) review requests by school districts for loans under this section; and

7175 (ii) make recommendations regarding approval or disapproval of the loan applications  
7176 to the state superintendent.

7177 (b) If the committee recommends approval of a loan application under Subsection  
7178 (4)(a)(ii), the committee's recommendation shall include:

7179 (i) the recommended amount of the loan;

7180 (ii) the payback schedule; and

7181 (iii) the interest rate to be charged.

7182 Section 186. Section **53F-9-301**, which is renumbered from Section 53A-1a-513.2 is  
7183 renumbered and amended to read:

7184 **Part 3. Education Fund**

7185 ~~[53A-1a-513.2].~~ **53F-9-301. Charter School Levy Account.**

7186 (1) (a) The terms defined in Section [53G-5-102](#) apply to this section.

7187 ~~[(1)]~~ (b) As used in this section, "account" means the Charter School Levy Account  
7188 created in this section.

7189 (2) There is created within the Education Fund a restricted account known as the  
7190 "Charter School Levy Account."

7191 (3) The account shall be funded by amounts deposited into the account in accordance  
7192 with Section ~~[53A-1a-513.1]~~ [53F-2-703](#).

7193 (4) Upon appropriation from the Legislature, the State Board of Education shall  
7194 distribute funds from the account as described in Section [~~53A-1a-513.1~~] [53F-2-703](#).

7195 (5) The account shall earn interest.

7196 (6) Interest earned on the account shall be deposited into the account.

7197 (7) Funds in the account are nonlapsing.

7198 Section 187. Section **53F-9-302**, which is renumbered from Section 53A-17a-135.1 is  
7199 renumbered and amended to read:

7200 [~~53A-17a-135.1~~]. **53F-9-302. Minimum Basic Growth Account.**

7201 (1) As used in this section, "account" means the Minimum Basic Growth Account  
7202 created in this section.

7203 (2) There is created within the Education Fund a restricted account known as the  
7204 "Minimum Basic Growth Account."

7205 (3) The account shall be funded by amounts deposited into the account in accordance  
7206 with Section [~~53A-17a-135~~] [53F-2-301](#).

7207 (4) The account shall earn interest.

7208 (5) Interest earned on the account shall be deposited into the account.

7209 (6) Upon appropriation by the Legislature:

7210 (a) 75% of the money from the account shall be used to fund the state's contribution to  
7211 the voted levy guarantee described in [~~Subsection 53A-17a-133(4)~~] [Section 53F-2-601](#);

7212 (b) 20% of the money from the account shall be used to fund the Capital Outlay  
7213 Foundation Program as provided in [~~Title 53A, Chapter 21, Part 2, Capital Outlay Foundation~~  
7214 ~~Program~~] [Section 53F-3-203](#); and

7215 (c) 5% of the money from the account shall be used to fund the Capital Outlay  
7216 Enrollment Growth Program as provided in [~~Title 53A, Chapter 21, Part 3, Capital Outlay~~  
7217 ~~Enrollment Growth Program~~] [Section 53F-3-203](#).

7218 Section 188. Section **53F-9-303**, which is renumbered from Section 53A-20b-301 is  
7219 renumbered and amended to read:

7220 [~~53A-20b-301~~]. **53F-9-303. Charter School Reserve Account.**

7221            (1) The terms defined in Section 53G-5-601 apply to this section.

7222            ~~[(1)]~~ (2) There is created within the Education Fund a restricted account known as the

7223 "Charter School Reserve Account."

7224            ~~[(2)]~~ (3) The reserve account consists of:

7225            (a) money credited to the account pursuant to Section ~~[53A-20b-202]~~ 53G-5-607;

7226            (b) money appropriated to the account by the Legislature;

7227            (c) all income and interest derived from the deposit and investment of money in the

7228 account;

7229            (d) federal grants; and

7230            (e) private donations.

7231            ~~[(3)]~~ (4) Money in the reserve account may be appropriated by the Legislature to:

7232            (a) restore amounts on deposit in a debt service reserve fund of a qualifying charter

7233 school to the debt service reserve fund requirement;

7234            (b) pay fees and expenses of the authority;

7235            (c) pay the principal of and interest on bonds issued for a qualifying charter school; or

7236            (d) otherwise provide financial assistance to a qualifying charter school.

7237            Section 189. Section **53F-9-304**, which is renumbered from Section 53A-13-114 is

7238 renumbered and amended to read:

7239            ~~[53A-13-114].~~            **53F-9-304. Underage Drinking Prevention Program**

7240 **Restricted Account.**

7241            (1) As used in this section, "account" means the Underage Drinking Prevention

7242 Program Restricted Account created in this section.

7243            (2) There is created within the Education Fund a restricted account known as the

7244 "Underage Drinking Prevention Program Restricted Account."

7245            (3) (a) Before the Department of Alcoholic Beverage Control remits any portion of the

7246 markup collected under Section 32B-2-304 to the State Tax Commission, the department shall

7247 deposit into the account:

7248            (i) for the fiscal year that begins July 1, 2017, \$1,750,000; or

7249 (ii) for each fiscal year that begins on or after July 1, 2018, an amount equal to the  
7250 amount that the department deposited into the account during the preceding fiscal year  
7251 increased or decreased by a percentage equal to the percentage difference between the  
7252 Consumer Price Index for the preceding calendar year and the Consumer Price Index for  
7253 calendar year 2017.

7254 (b) For purposes of this Subsection (3), the department shall calculate the Consumer  
7255 Price Index in accordance with 26 U.S.C. Secs. 1(f)(4) and 1(f)(5).

7256 (4) The account shall be funded:

7257 (a) in accordance with Subsection (3);

7258 (b) by appropriations made to the account by the Legislature; and

7259 (c) by interest earned on money in the account.

7260 (5) The State Board of Education shall use money in the account for the Underage  
7261 Drinking Prevention Program described in Section ~~[53A-13-113]~~ [53G-10-406](#).

7262 Section 190. Section **53F-9-401**, which is renumbered from Section 53A-1-304 is  
7263 renumbered and amended to read:

7264 **Part 4. General Fund**

7265 ~~[53A-1-304]~~. **53F-9-401. Autism Awareness Restricted Account.**

7266 (1) There is created in the General Fund a restricted account known as the "Autism  
7267 Awareness Restricted Account."

7268 (2) The account shall be funded by:

7269 (a) contributions deposited into the account in accordance with Section [41-1a-422](#);

7270 (b) private contributions; and

7271 (c) donations or grants from public or private entities.

7272 (3) Upon appropriation by the Legislature, the superintendent shall distribute funds in  
7273 the account to one or more charitable organizations that:

7274 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

7275 (b) promote access to resources and responsible information for individuals of all ages  
7276 who have, or are affected by, autism or related conditions;

7277 (c) is an independent organization that has representation from state agencies and  
7278 private providers serving individuals with autism spectrum disorder and their families in the  
7279 state;

7280 (d) includes representation of:

7281 (i) national and local autism advocacy groups, as available; and

7282 (ii) interested parents and professionals; and

7283 (e) does not endorse any specific treatment, therapy, or intervention used for autism.

7284 (4) (a) An organization described in Subsection (3) may apply to the superintendent to  
7285 receive a distribution in accordance with Subsection (3).

7286 (b) An organization that receives a distribution from the superintendent in accordance  
7287 with Subsection (3) shall expend the distribution only to:

7288 (i) pay for autism education and public awareness of programs and related services in  
7289 the state;

7290 (ii) enhance programs designed to serve individuals with autism;

7291 (iii) provide support to caregivers providing services for individuals with autism;

7292 (iv) pay for academic scholarships and research efforts in the area of autism spectrum  
7293 disorder; and

7294 (v) pay the costs of issuing or reordering Autism Awareness Support special group  
7295 license plate decals.

7296 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
7297 State Board of Education may make rules providing procedures for an organization to apply to  
7298 the superintendent to receive a distribution under Subsection (3).

7299 Section 191. Section **53F-9-402**, which is renumbered from Section 53A-1b-104 is  
7300 renumbered and amended to read:

7301 ~~[53A-1b-104].~~ **53F-9-402. School Readiness Restricted Account -- Creation**  
7302 **-- Funding -- Distribution of funds.**

7303 (1) The terms defined in Section 53F-6-301 apply to this section.

7304 [(1)] (2) There is created in the General Fund a restricted account known as the

7305 "School Readiness Restricted Account" to fund:

7306 (a) the High Quality School Readiness Grant Program described in Section

7307 ~~[53A-1b-106]~~ [53F-6-305](#); and

7308 (b) results-based school readiness contracts for eligible students to participate in:

7309 (i) a high quality preschool program described in:

7310 (A) Section ~~[53A-1b-107]~~ [53F-6-306](#); or

7311 (B) Section ~~[53A-1b-108]~~ [53F-6-307](#); or

7312 (ii) an eligible home-based educational technology program described in Section

7313 ~~[53A-1b-109]~~ [53F-6-308](#).

7314 ~~[(2)]~~ (3) The restricted account consists of:

7315 (a) money appropriated to the restricted account by the Legislature;

7316 (b) all income and interest derived from the deposit and investment of money in the

7317 account;

7318 (c) federal grants; and

7319 (d) private donations.

7320 ~~[(3)]~~ (4) Subject to legislative appropriations, money in the restricted account may be

7321 used for the following purposes:

7322 (a) to award grants under the High Quality School Readiness Grant Program described

7323 in Section ~~[53A-1b-106]~~ [53F-6-305](#);

7324 (b) to contract with an independent evaluator as required in Subsection ~~[53A-1b-110]~~

7325 [53F-6-309](#)(3);

7326 (c) in accordance with Section ~~[53A-1b-110]~~ [53F-6-309](#), to make payments to one or

7327 more private entities that the board has entered into a results-based contract with if the

7328 independent evaluator selected by the board determines that the performance-based results

7329 have been met; and

7330 (d) for administration costs and to monitor the programs described in this part.

7331 Section 192. Section **53F-9-501**, which is renumbered from Section 53A-15-207 is

7332 renumbered and amended to read:

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**Part 5. Miscellaneous Revenue**

~~[53A-15-207]~~. **53F-9-501. Hospitality and Tourism Management Education Account -- Uses -- Costs.**

(1) There is created an expendable special revenue fund known as the "Hospitality and Tourism Management Education Account," which the State Board of Education shall use to fund the Hospitality and Tourism Management Career and Technical Education Pilot Program created in Section ~~[53A-15-206]~~ 53E-3-515.

(2) The account consists of:  
(a) distributions to the account under Section 59-28-103;  
(b) interest earned on the account;  
(c) appropriations made by the Legislature; and  
(d) private donations, grants, gifts, bequests, or money made available from any other source to implement ~~[this part]~~ Section 53E-3-507 or 53E-3-515.

(3) The State Board of Education shall administer the account.  
(4) The cost of administering the account shall be paid from money in the account.  
(5) Interest accrued from investment of money in the account shall remain in the

account.

Section 193. **Repealer.**

This bill repeals:

Section 53A-1-1502, **Definitions.**

Section 53A-1-1503, **Digital teaching and learning program task force -- Funding proposal for a program -- Master plan -- Reporting requirements.**

Section 53A-1-1504, **Readiness assessments.**

Section 53A-1-1506, **Implementation assessment -- Board intervention.**

Section 53A-1-1507, **Procurement -- Independent evaluator.**

Section 53A-6-801, **Definition.**

Section 53A-6-901, **Grants for math teacher training programs.**

Section 53A-15-1201.5, **Program name.**

7361 Section **53A-15-2002, Definitions.**

7362 Section **53A-17a-131.17, State contribution for School LAND Trust Program.**

7363 Section **53A-21-201, Capital Outlay Foundation Program -- Creation --**

7364 **Definitions.**

7365 Section **53A-21-301, Capital Outlay Enrollment Growth Program -- Definitions.**

7366 Section 194. **Effective date.**

7367 If approved by two-thirds of all the members elected to each house, this bill takes effect  
7368 upon approval by the governor, or the day following the constitutional time limit of Utah  
7369 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
7370 the date of veto override.

7371 Section 195. **Revisor instructions.**

7372 The Legislature intends that the Office of Legislative Research and General Counsel, in  
7373 preparing the Utah Code database for publication, not enroll this bill if any of the following  
7374 bills do not pass:

7375 (1) H.B. 10, Public Education Recodification - State System;

7376 (2) S.B. 11, Public Education Recodification - Local System; or

7377 (3) S.B. 12, Public Education Recodification - Cross References and Repeals.