

1 **MINIMUM SCHOOL PROGRAM AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Bruce R. Cutler**

5 Senate Sponsor: Ann Millner

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the Minimum School Program.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends provisions related to a local school board paying for a student to attend a
13 school district outside of the state;
- 14 ▶ amends provisions related to necessarily existent small schools;
- 15 ▶ amends funding requirements for comprehensive guidance programs; and
- 16 ▶ repeals outdated references to the Teacher Salary Supplement Restricted Account to
17 clarify that funds are directed to the Teacher Salary Supplement Program.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **53A-2-204**, as enacted by Laws of Utah 1988, Chapter 2

25 **53A-17a-109**, as last amended by Laws of Utah 2013, Chapter 106

26 **53A-17a-113**, as last amended by Laws of Utah 2010, Chapter 3

27 **53A-17a-156**, as last amended by Laws of Utah 2016, Chapter 217

28 REPEALS:

29 **53A-17a-157**, as last amended by Laws of Utah 2015, Chapter 122

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

Section 1. Section **53A-2-204** is amended to read:

53A-2-204. District paying tuition -- Effect on state aid.

(1) A local school board may by written agreement pay the tuition of a child attending school in a district outside the state. Both districts shall approve the agreement and file it with the State Board of Education.

(2) The average daily membership of the child may be added to that of other eligible children attending schools within the district of residence for the purpose of apportionment of state funds.

(3) (a) The district of residence shall bear any excess tuition costs over the state's contribution for attendance in the district of residence unless otherwise approved in advance by the State Board of Education.

(b) (i) If a child who resides in a Utah school district's boundaries attends school in a neighboring state under this section, the State Board of Education may make an out-of-state tuition payment to the Utah school district of residence.

(ii) If the State Board of Education approves the use of state funds for an out-of-state tuition payment described in Subsection (3)(b)(i), the State Board of Education shall use funds appropriated by the Legislature for necessarily existent small schools as described in Section [53A-17a-109](#).

Section 2. Section **53A-17a-109** is amended to read:

53A-17a-109. Necessarily existent small schools -- Computing additional weighted pupil units -- Consolidation of small schools.

(1) As used in this section:

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

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

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

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

60 (2) (a) Upon application by a school district, the board shall, in consultation with the
61 local school board, classify schools in the district as necessarily existent small schools, in
62 accordance with this section and board rules adopted under this section.

63 (b) An application must be submitted to the board before April 2, and the board must
64 report a decision to a school district before June 2.

65 (3) The board shall adopt standards and make rules to:

66 (a) govern the approval of necessarily existent small schools consistent with principles
67 of efficiency and economy and which shall serve the purpose of eliminating schools where
68 consolidation is feasible by participation in special school units; and

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

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

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

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

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

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|--|-----|
| 82 (i) an elementary school | 160 |
| 83 (ii) a one or two-year secondary school | 300 |
| 84 (iii) a three-year secondary school | 450 |
| 85 (iv) a four-year secondary school | 500 |

86 (v) a six-year secondary school 600

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

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

91 (7) (a) To avoid penalizing a district financially for consolidating its small schools,
92 additional weighted pupil units may be allowed a district each year, not to exceed two years.

93 (b) The additional weighted pupil units may not exceed the difference between what
94 the district receives for a consolidated school and what it would have received for the small
95 schools had they not been consolidated.

96 (8) Subject to legislative appropriation, the board shall give first priority from an
97 appropriation made under this section to funding an expense approved by the board as
98 described in Subsection 53A-2-204(3)(a).

99 ~~[(8)]~~ (9) (a) Subject to Subsection ~~[(8)]~~ (9)(b) and after a distribution made under
100 Subsection (8), the board may distribute a portion of necessarily existent small schools funding
101 in accordance with a formula adopted by the board that considers the tax effort of a local
102 school board.

103 (b) The amount distributed in accordance with Subsection ~~[(8)]~~ (9)(a) may not exceed
104 the necessarily existent small schools fund in balance of the prior fiscal year.

105 ~~[(9)]~~ (10) A district may use the money allocated under this section for maintenance
106 and operation of school programs or for other school purposes as approved by the board.

107 Section 3. Section **53A-17a-113** is amended to read:

108 **53A-17a-113. Weighted pupil units for career and technical education programs**
109 **-- Funding of approved programs -- Performance measures -- Qualifying criteria.**

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

112 (i) shall be allocated to eligible recipients as provided in Subsections (2), (3), and (4);
113 and (5)]; and

- 114 (ii) may not be used to fund programs below the ninth grade level.
- 115 (b) Subsection (1)(a)(ii) does not apply to the following programs:
- 116 (i) comprehensive guidance;
- 117 (ii) Technology-Life-Careers; and
- 118 (iii) work-based learning programs.
- 119 (2) (a) Weighted pupil units are computed for pupils in approved programs.
- 120 (b) (i) The board shall fund approved programs based upon hours of membership of
- 121 9th through 12th grade students.
- 122 (ii) Subsection (2)(b)(i) does not apply to the following programs:
- 123 (A) comprehensive guidance;
- 124 (B) Technology-Life-Careers; and
- 125 (C) work-based learning programs.
- 126 (c) The board shall use an amount not to exceed 20% of the total appropriation under
- 127 this section to fund approved programs based on performance measures such as placement and
- 128 competency attainment defined in standards set by the board.
- 129 (d) Leadership organization funds shall constitute an amount not to exceed 1% of the
- 130 total appropriation under this section, and shall be distributed to each local educational agency
- 131 sponsoring career and technical education student leadership organizations based on the
- 132 agency's share of the state's total membership in those organizations.
- 133 (e) The board shall make the necessary calculations for distribution of the
- 134 appropriation to school districts and may revise and recommend changes necessary for
- 135 achieving equity and ease of administration.
- 136 (3) (a) Twenty weighted pupil units shall be computed for career and technical
- 137 education administrative costs for each district, except 25 weighted pupil units may be
- 138 computed for each district that consolidates career and technical education administrative
- 139 services with one or more other districts.
- 140 (b) Between 10 and 25 weighted pupil units shall be computed for each high school
- 141 conducting approved career and technical education programs in a district according to

142 standards established by the board.

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

145 (d) Between five and seven weighted pupil units shall be computed for each summer
146 career and technical education agriculture program according to standards established by the
147 board.

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

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

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

155 [~~(5) Of the money allocated to comprehensive guidance programs pursuant to board
156 rules, \$1,000,000 in grants shall be awarded to school districts or charter schools that:]~~

157 [~~(a) provide an equal amount of matching funds, and]~~

158 [~~(b) do not supplant other funds used for comprehensive guidance programs.]~~

159 [~~(6)~~ (5) (a) The board shall establish rules for the upgrading of high school career and
160 technical education programs.

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

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

166 [~~(7)~~ (6) Programs that do not meet board standards may not be funded under this
167 section.

168 Section 4. Section **53A-17a-156** is amended to read:

169 **53A-17a-156. Teacher Salary Supplement Program -- Appeal process.**

- 170 (1) As used in this section:
- 171 (a) "Board" means the State Board of Education.
- 172 (b) "Certificate teacher" means a teacher who holds a National Board certification.
- 173 (c) "Eligible teacher" means a teacher who:
- 174 (i) has an assignment to teach:
- 175 (A) a secondary school level mathematics course;
- 176 (B) integrated science in grade seven or eight;
- 177 (C) chemistry;
- 178 (D) physics; or
- 179 (E) computer science;
- 180 (ii) holds the appropriate endorsement for the assigned course;
- 181 (iii) has qualifying educational background; and
- 182 (iv) (A) is a new employee; or
- 183 (B) received a satisfactory rating or above on the teacher's most recent evaluation.
- 184 (d) "National Board certification" means the same as that term is defined in Section
- 185 [53A-6-103](#).
- 186 (e) "Qualifying educational background" means:
- 187 (i) for a teacher who is assigned a secondary school level mathematics course:
- 188 (A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or
- 189 (B) a bachelor's degree major, master's degree, or doctoral degree that has course
- 190 requirements that are substantially equivalent to the course requirements for a bachelor's degree
- 191 major, master's degree, or doctoral degree in mathematics;
- 192 (ii) for a teacher who is assigned a grade seven or eight integrated science course,
- 193 chemistry course, or physics course, a bachelor's degree major, master's degree, or doctoral
- 194 degree in:
- 195 (A) integrated science;
- 196 (B) chemistry;
- 197 (C) physics;

- 198 (D) physical science;
- 199 (E) general science; or
- 200 (F) a bachelor's degree major, master's degree, or doctoral degree that has course
- 201 requirements that are substantially equivalent to the course requirements of those required for a
- 202 degree listed in Subsections (1)(e)(ii)(A) through (E);
- 203 (iii) for a teacher who is assigned a computer science course, a bachelor's degree major,
- 204 master's degree, or doctoral degree in:
 - 205 (A) computer science;
 - 206 (B) computer information technology; or
 - 207 (C) a bachelor's degree major, master's degree, or doctoral degree that has course
 - 208 requirements that are substantially equivalent to the course requirements of those required for a
 - 209 degree listed in Subsections (1)(e)(iii)(A) and (B).
- 210 (f) "Title I school" means a school that receives funds under the Elementary and
- 211 Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.
- 212 (g) "Title I school certificate teacher" means a certificate teacher who is assigned to
- 213 teach at a Title I school.
- 214 (2) (a) Subject to future budget constraints, the Legislature shall annually appropriate
- 215 money to ~~[the Teacher Salary Supplement Restricted Account established in Section~~
- 216 ~~53A-17a-157 to fund]~~ the Teacher Salary Supplement Program.
- 217 (b) Money appropriated for the Teacher Salary Supplement Program shall include
- 218 money for the following employer-paid benefits:
 - 219 (i) retirement;
 - 220 (ii) workers' compensation;
 - 221 (iii) Social Security; and
 - 222 (iv) Medicare.
- 223 (3) (a) (i) The annual salary supplement for an eligible teacher who is assigned full
- 224 time to teach one or more courses listed in Subsections (1)(c)(i)(A) through (E) is \$4,100.
- 225 (ii) An eligible teacher who has a part-time assignment to teach one or more courses

226 listed in Subsections (1)(c)(i)(A) through (E) shall receive a partial salary supplement based on
227 the number of hours worked in a course assignment that meets the requirements of Subsections
228 (1)(c)(ii) and (iii).

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

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

231 (ii) A certificate teacher who qualifies for a salary supplement under Subsections (3)(b)
232 and (c) may only receive the salary supplement that is greater in value.

233 (4) The board shall:

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

236 (b) determine if a teacher:

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

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

239 (ii) is a certificate teacher; or

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

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

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

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

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

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

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

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

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

- 260 (A) Subsection (1)(e)(i)(A);
- 261 (B) Subsections (1)(e)(ii)(A) through (E); or
- 262 (C) Subsections (1)(e)(iii)(A) and (B).

263 (ii) A teacher shall provide transcripts and other documentation to the board in order
264 for the board to determine if the teacher has a degree or degree major with course requirements
265 that are substantially equivalent to the course requirements for a degree listed in:

- 266 (A) Subsection (1)(e)(i)(A);
- 267 (B) Subsections (1)(e)(ii)(A) through (E); or
- 268 (C) Subsections (1)(e)(iii)(A) and (B).

269 (c) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
270 appeal eligibility as a certificate teacher on the basis that the teacher holds a current certificate.

271 (ii) A teacher shall provide to the board a certificate or other related documentation in
272 order for the board to determine if the teacher holds a current certificate.

273 (d) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
274 appeal eligibility as a Title I school certificate teacher on the basis that the teacher:

- 275 (A) holds a current certificate; and
- 276 (B) is assigned to teach at a Title I school.

277 (ii) A teacher shall provide to the board:

- 278 (A) information described in Subsection (6)(c)(ii); and
- 279 (B) verification that the teacher is assigned to teach at a Title I school.

280 (7) (a) The board shall distribute money [~~from~~] appropriated to the Teacher Salary
281 Supplement [~~Restricted Account~~] Program to school districts and charter schools for the

282 Teacher Salary Supplement Program in accordance with the provisions of this section.

283 (b) The board shall include the employer-paid benefits described under Subsection
284 (2)(b) in the amount of each salary supplement.

285 (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the
286 salary supplement limits described under Subsection (3).

287 (8) (a) Money received from the Teacher Salary Supplement [~~Restricted Account~~]
288 Program shall be used by a school district or charter school to provide a salary supplement
289 equal to the amount specified in Subsection (3) for each eligible teacher, certificate teacher, or
290 Title I school certificate teacher.

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

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

297 **Section 5. Repealer.**

298 This bill repeals:

299 Section **53A-17a-157, Teacher Salary Supplement Restricted Account.**