

**WEIGHTED PUPIL UNIT CALCULATION EQUALIZATION**

**AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bruce R. Cutler**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the calculation of weighted pupil units assigned to a charter school.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires that the calculation of weighted pupil units for a charter school be based on average daily membership; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-1a-513**, as last amended by Laws of Utah 2015, Chapters 64 and 380

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

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

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



28 (1) As used in this section:

29 (a) "Average daily membership" means the same as the defined term "pupil in average  
30 daily membership" in Section [53A-17a-103](#).

31 ~~[(a)]~~ (b) "Charter school students' average local revenues" means the amount  
32 determined as follows:

33 (i) for each student enrolled in a charter school on the previous October 1, calculate the  
34 district per pupil local revenues of the school district in which the student resides;

35 (ii) sum the district per pupil local revenues for each student enrolled in a charter  
36 school on the previous October 1; and

37 (iii) divide the sum calculated under Subsection (1)(a)(ii) by the number of students  
38 enrolled in charter schools on the previous October 1.

39 ~~[(b)]~~ (c) "District local property tax revenues" means the sum of a school district's  
40 revenue received from the following levies:

41 (i) a voted local levy imposed under Section [53A-17a-133](#);

42 (ii) a board local levy imposed under Section [53A-17a-164](#), excluding revenues  
43 expended for:

44 (A) recreational facilities and activities authorized under Title 11, Chapter 2,  
45 Playgrounds;

46 (B) pupil transportation, up to the amount of revenue generated by a .0003 per dollar of  
47 taxable value of the school district's board local levy; and

48 (C) the K-3 Reading Improvement Program, up to the amount of revenue generated by  
49 a .000121 per dollar of taxable value of the school district's board local levy; and

50 (iii) a capital local levy imposed under Section [53A-16-113](#).

51 ~~[(c)]~~ (d) "District per pupil local revenues" means ~~[an amount equal to the following]~~,  
52 using data from the most recently published school district annual financial reports and state  
53 superintendent's annual report~~[-(i)]~~, an amount equal to district local property tax revenues~~[-(i)]~~  
54 divided by ~~[(i)]~~ the sum of:

55 ~~[(A)]~~ (i) a school district's average daily membership; and

56 ~~[(B)]~~ (ii) the average daily membership of a school district's resident students who  
57 attend charter schools.

58 ~~[(d)]~~ (e) "Resident student" means a student who is considered a resident of the school

59 district under Title 53A, Chapter 2, Part 2, District of Residency.

60 ~~(e)~~ (f) "Statewide average debt service revenues" means the amount determined as  
61 follows, using data from the most recently published state superintendent's annual report:

62 (i) sum the revenues of each school district from the debt service levy imposed under  
63 Section 11-14-310; and

64 (ii) divide the sum calculated under Subsection (1)~~(e)~~(f)(i) by statewide school  
65 district average daily membership.

66 (2) (a) Charter schools shall receive funding as described in this section, except  
67 Subsections (3) through (8) do not apply to charter schools described in Subsection (2)(b).

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

71 (3) (a) Except as provided in Subsections (3)(b) and (3)(c), a charter school shall  
72 receive state funds, as applicable, on the same basis as a school district receives funds.

73 ~~H~~ ~~→~~ (i) ~~←~~ ~~H~~ [For the 2015-16 school year, the] The number of weighted pupil  
73a units assigned to  
74 a charter school for the kindergarten and grades 1 through 12 programs of the Basic School  
75 Program shall be:

76 ~~H~~ ~~→~~ (ii) (A) ~~←~~ ~~H~~ [based on the higher of: (A) October 1 enrollment in the current  
76a school year; or (B)]

77 ~~H~~ ~~→~~ **except as provided in Subsection (3)(b)(ii), ←H** average daily membership in the prior  
77a school year plus growth as determined under Section

78 53A-17a-106; and

79 ~~H~~ ~~→~~ (ii) (B) ~~←~~ ~~H~~ weighted as provided in Subsection (3)(c).

79a ~~H~~ ~~→~~ **(ii) The number of weighted pupil units assigned to a charter school as described in**  
79b **Subsection (3)(b)(i) may be based on October 1 enrollment of the current school year if:**

79c **(A) the charter school's charter agreement states that the charter school's student**  
79d **population is composed of no less than 75% of students with special needs who have an**  
79e **individualized education program developed in accordance with the Individuals with**  
79f **Disabilities Education Improvement Act of 2004; and**

79g **(B) the governing board of the charter school described in Subsection (3)(b)(ii)(A)**  
79h **requests that the weighted pupil units be based on October 1 enrollment and the State Board**  
79i **of Education approves the request. ←H**

80 (c) In distributing funds under Chapter 17a, Minimum School Program Act, to charter

81 schools, charter school pupils shall be weighted, where applicable, as follows:

82 (i) .55 for kindergarten pupils;

83 (ii) .9 for pupils in grades 1 through 6;

84 (iii) .99 for pupils in grades 7 through 8; and

85 (iv) 1.2 for pupils in grades 9 through 12.

86 (4) (a) (i) A school district shall allocate a portion of school district revenues for each  
87 resident student of the school district who is enrolled in a charter school on October 1 equal to  
88 25% of the district per pupil local revenues.

89 (ii) Nothing in this Subsection (4)(a) affects the school bond guarantee program

90 established under Chapter 28, Utah School Bond Guaranty Act.

91 (b) The State Board of Education shall:

92 (i) deduct an amount equal to the allocation provided under Subsection (4)(a) from  
93 state funds the school district is authorized to receive under Chapter 17a, Minimum School  
94 Program Act; and

95 (ii) remit the money to the student's charter school.

96 (c) Notwithstanding the method used to transfer school district revenues to charter  
97 schools as provided in Subsection (4)(b), a school district may deduct the allocations to charter  
98 schools under this section from:

99 (i) unrestricted revenues available to the school district; or

100 (ii) the revenue sources listed in Subsection (1)(~~b~~)(c) based on the portion of the  
101 allocations to charter schools attributed to each of the revenue sources listed in Subsection  
102 (1)(~~b~~)(c).

103 (d) (i) Subject to future budget constraints, the Legislature shall provide an  
104 appropriation for charter schools for each student enrolled on October 1 to supplement the  
105 allocation of school district revenues under Subsection (4)(a).

106 (ii) Except as provided in Subsection (4)(d)(iii), the amount of money provided by the  
107 state for a charter school student shall be the sum of:

108 (A) charter school students' average local revenues minus the allocation of school  
109 district revenues under Subsection (4)(a); and

110 (B) statewide average debt service revenues.

111 (iii) If the total of a school district's allocation for a charter school student under  
112 Subsection (4)(a) and the amount provided by the state under Subsection (4)(d)(ii) is less than  
113 \$1427, the state shall provide an additional supplement so that a charter school receives at least  
114 \$1427 per student under this Subsection (4).

115 (iv) (A) If the appropriation provided under this Subsection (4)(d) is less than the  
116 amount prescribed by Subsection (4)(d)(ii) or (4)(d)(iii), the appropriation shall be allocated  
117 among charter schools in proportion to each charter school's enrollment as a percentage of the  
118 total enrollment in charter schools.

119 (B) If the State Board of Education makes adjustments to Minimum School Program  
120 allocations as provided under Section 53A-17a-105, the allocation provided in Subsection

121 (4)(d)(iv)(A) shall be determined after adjustments are made under Section [53A-17a-105](#).

122 (e) Of the money provided to a charter school under this Subsection (4), 10% shall be  
123 expended for funding school facilities only.

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

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

128 (7) (a) Notwithstanding Subsection (3), a charter school is not eligible to receive state  
129 transportation funding.

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

132 (c) The governing body of the charter school may provide transportation through an  
133 agreement or contract with the local school board, a private provider, or with parents.

134 (8) (a) (i) In accordance with Section [53A-1a-513.5](#), the State Charter School Board  
135 may allocate grants for start-up costs to charter schools from money appropriated for charter  
136 school start-up costs.

137 (ii) The governing board of a charter school that receives money from a grant under  
138 Section [53A-1a-513.5](#) shall use the grant for expenses for planning and implementation of the  
139 charter school.

140 (b) The State Board of Education shall coordinate the distribution of federal money  
141 appropriated to help fund costs for establishing and maintaining charter schools within the  
142 state.

143 (9) (a) A charter school may receive, hold, manage and use any devise, bequest, grant,  
144 endowment, gift, or donation of any property made to the school for any of the purposes of this  
145 part.

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

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**