

PUBLIC EDUCATION BUDGET AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill supplements or reduces appropriations otherwise provided for the support and operation of public education for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and for the fiscal year beginning July 1, 2020, and ending June 30, 2021.

Highlighted Provisions:

This bill:

- ▶ provides appropriations for the use and support of school districts, charter schools, and state education agencies;
- ▶ increases the value of the weighted pupil unit (WPU) by 6% over the value of the WPU for fiscal year 2020 to set the value at \$3,745 for fiscal year 2021;
- ▶ adjusts the number of weighted pupil units to implement program changes in the Necessarily Existent Small Schools program;
- ▶ provides appropriations for other purposes as described;
- ▶ amends and enacts provisions related to certain appropriations for public education, including:
 - youth in custody;
 - use of Minimum School Program balances;
 - charter school administration; and
 - the nonlapsing authority of the State Board of Education;
- ▶ makes technical and conforming changes; and
- ▶ provides intent language.

Money Appropriated in this Bill:

30 This bill appropriates \$3,820,200 in operating and capital budgets for fiscal year 2020,
31 all of which is from the Education Fund.

32 This bill appropriates \$263,313,500 in operating and capital budgets for fiscal year
33 2021, including:

- 34 ▶ \$236,365,300 from the Education Fund; and
- 35 ▶ \$26,948,200 from various sources as detailed in this bill.

36 This bill appropriates \$22,350,000 in restricted fund and account transfers for fiscal
37 year 2021, including:

- 38 ▶ \$20,600,000 from the Education Fund; and
- 39 ▶ \$1,750,000 from various sources as detailed in this bill.

40 **Other Special Clauses:**

41 This bill provides a special effective date.

42 **Utah Code Sections Affected:**

43 AMENDS:

44 **53E-1-202**, as enacted by Laws of Utah 2019, Chapter 324 and last amended by
45 Coordination Clause, Laws of Utah 2019, Chapter 223

46 **53E-3-503**, as last amended by Laws of Utah 2019, Chapters 186 and 187

47 **53F-2-205**, as last amended by Laws of Utah 2019, Chapter 186

48 **53F-2-301.5**, as last amended by Laws of Utah 2019, Chapter 408

49 **53F-2-304**, as last amended by Laws of Utah 2019, Chapter 186

50 **53F-2-306**, as last amended by Laws of Utah 2019, Chapters 186 and 408

51 **53F-2-504**, as last amended by Laws of Utah 2019, Chapters 134, 186, and 283

52 **63J-1-602.2**, as last amended by Laws of Utah 2019, Chapters 136, 326, 468, and 469

53 ENACTS:

54 **53F-9-103**, Utah Code Annotated 1953

55 REPEALS:

56 **53F-2-414**, as last amended by Laws of Utah 2019, Chapters 136 and 408

57

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

59 Section 1. Section **53E-1-202** is amended to read:

60 **53E-1-202. Reports to and action required of the Public Education**
61 **Appropriations Subcommittee.**

62 (1) In accordance with applicable provisions and Section [68-3-14](#), the following
63 recurring reports are due to the Public Education Appropriations Subcommittee:

64 (a) the State Superintendent's Annual Report by the state board described in Section
65 [53E-1-203](#);

66 (b) the report described in Section [53E-10-703](#) by the Utah Leading through Effective,
67 Actionable, and Dynamic Education director on research and other activities; and

68 (c) the report by the STEM Action Center Board described in Section [63N-12-208](#),
69 including the information described in Section [63N-12-213](#) on the status of the computer
70 science initiative.

71 (2) (a) The one-time report by the state board regarding cost centers and implementing
72 activity based costing is due to the Public Education Appropriations Subcommittee in
73 accordance with Section [53E-3-520](#).

74 (b) The occasional report, described in Section [53F-2-502](#) by the state board on the
75 program evaluation of the dual language immersion program, is due to the Public Education
76 Appropriations Subcommittee and in accordance with Section [68-3-14](#).

77 (3) In accordance with applicable provisions, the Public Education Appropriations
78 Subcommittee shall complete the following:

79 (a) the evaluation described in Section [53F-2-410](#) of funding for at-risk students; and
80 ~~[(b) the reviews of related to basic school programs as described in Section [53F-2-414](#);~~
81 ~~and]~~

82 ~~[(c)]~~ (b) if required, the study described in Section [53F-4-304](#) of scholarship payments.

83 Section 2. Section **53E-3-503** is amended to read:

84 **53E-3-503. Education of individuals in custody of or receiving services from**
85 **certain state agencies -- Establishment of coordinating council -- Advisory councils.**

86 (1) (a) The state board is directly responsible for the education of all individuals who
87 are:

88 (i) (A) younger than 21 years old; or

89 (B) eligible for special education services as described in Chapter 7, Part 2, Special
90 Education Program; and

91 (ii) (A) receiving services from the Department of Human Services;

92 (B) in the custody of an equivalent agency of a Native American tribe recognized by
93 the United States Bureau of Indian Affairs and whose custodial parent resides within the state;

94 or

95 (C) being held in a juvenile detention facility.

96 (b) The state board shall:

97 (i) make rules to provide for the distribution of funds for the education of individuals
98 described in Subsection (1)(a)[-]; and

99 (ii) expend funds appropriated for the education of youth in custody in the following
100 order of priority:

101 (A) for students in a facility described in Subsection (1)(a)(ii) who are not included in
102 an LEA's average daily membership; and

103 (B) for students in a facility described in Subsection (1)(a)(ii) who are included in an
104 LEA's average daily membership and who may benefit from additional educational support
105 services.

106 (c) Subject to future budget constraints, the amount appropriated for the education of
107 youth in custody under this section shall increase annually based on the following:

108 (i) the percentage of enrollment growth of students in kindergarten through grade 12;
109 and

110 (ii) changes to the value of the weighted pupil unit as defined in Section [53F-4-301](#).

111 (2) Subsection (1)(a)(ii)(B) does not apply to an individual taken into custody for the
112 primary purpose of obtaining access to education programs provided for youth in custody.

113 (3) The state board shall, where feasible, contract with school districts or other

114 appropriate agencies to provide educational, administrative, and supportive services, but the
115 state board shall retain responsibility for the programs.

116 (4) The Legislature shall establish and maintain separate education budget categories
117 for youth in custody or who are under the jurisdiction of the following state agencies:

118 (a) detention centers and the Divisions of Juvenile Justice Services and Child and
119 Family Services;

120 (b) the Division of Substance Abuse and Mental Health; and

121 (c) the Division of Services for People with Disabilities.

122 (5) (a) The Department of Human Services and the state board shall appoint a
123 coordinating council to plan, coordinate, and recommend budget, policy, and program
124 guidelines for the education and treatment of persons in the custody of the Division of Juvenile
125 Justice Services and the Division of Child and Family Services.

126 (b) The Department of Human Services and the state board may appoint similar
127 councils for those in the custody of the Division of Substance Abuse and Mental Health or the
128 Division of Services for People with Disabilities.

129 (6) A school district contracting to provide services under Subsection (3) shall
130 establish an advisory council to plan, coordinate, and review education and treatment programs
131 for individuals held in custody in the district.

132 Section 3. Section **53F-2-205** is amended to read:

133 **53F-2-205. Powers and duties of state board to adjust Minimum School Program**
134 **allocations -- Use of remaining funds at the end of a fiscal year.**

135 (1) As used in this section:

136 (a) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C.
137 Sec. 6301 et seq.

138 (b) "Program" means a program or allocation funded by a line item appropriation or
139 other appropriation designated as:

140 (i) Basic Program;

141 (ii) Related to Basic Programs;

142 (iii) Voted and Board Levy Programs; or

143 (iv) Minimum School Program.

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

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

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

153 (b) to support the state guaranteed local levy increments as defined in Section
154 [53F-2-601](#), if:

155 (i) local contributions to the voted local levy program or board local levy program are
156 overestimated; or

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

159 (c) to support the state supplement to local property taxes allocated to charter schools,
160 if the state supplement is less than the amount prescribed by Section [53F-2-704](#); [~~or~~]

161 (d) to fund the cost of the salary supplements described in Section [53F-2-504](#); or

162 [~~(d)~~] (e) to support a school district with a loss in student enrollment as provided in
163 Section [53F-2-207](#).

164 (4) If local contributions from the minimum basic tax rate imposed under Section
165 [53F-2-301](#) or [53F-2-301.5](#), as applicable, are overestimated, the state board shall reduce the
166 value of the weighted pupil unit for all programs within the basic state-supported school
167 program so the total state contribution to the basic state-supported school program does not
168 exceed the amount of state funds appropriated.

169 (5) If local contributions from the minimum basic tax rate imposed under Section

170 53F-2-301 or 53F-2-301.5, as applicable, are underestimated, the state board shall:

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

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

180 (6) Except as provided in Subsection (3) or (5), the state board shall reduce the state
181 guarantee per weighted pupil unit provided under the local levy state guarantee program
182 described in Section 53F-2-601, if:

183 (a) local contributions to the voted local levy program or board local levy program are
184 overestimated; or

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

187 (7) Money appropriated to the state board is nonlapsing, including appropriations to the
188 Minimum School Program and all agencies, line items, and programs under the jurisdiction of
189 the state board.

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

192 Section 4. Section 53F-2-301.5 is amended to read:

193 **53F-2-301.5. Minimum basic tax rate for a fiscal year that begins on July 1, 2018,**
194 **2019, 2020, 2021, or 2022.**

195 (1) The provisions of this section are in effect for a fiscal year that begins before July 1,
196 2023.

197 (2) As used in this section:

- 198 (a) "Basic levy increment rate" means a tax rate that will generate an amount of
199 revenue equal to \$75,000,000.
- 200 (b) "Combined basic rate" means a rate that is the sum of:
201 (i) the rate floor; and
202 (ii) the WPU value rate.
- 203 (c) "Commission" means the State Tax Commission.
- 204 (d) "Equity pupil tax rate" means the tax rate that is:
205 (i) calculated by subtracting the minimum basic tax rate from the rate floor; or
206 (ii) zero, if the rate calculated in accordance with Subsection (2)(d)(i) is zero or less.
- 207 (e) "Minimum basic local amount" means an amount that is:
208 (i) equal to the sum of:
209 (A) the school districts' contribution to the basic school program the previous fiscal
210 year;
211 (B) the amount generated by the basic levy increment rate; and
212 (C) the eligible new growth, as defined in Section 59-2-924 and rules of the State Tax
213 Commission multiplied by the minimum basic tax rate; and
214 (ii) set annually by the Legislature in Subsection (3)(a).
- 215 (f) "Minimum basic tax rate" means a tax rate certified by the commission that will
216 generate an amount of revenue equal to the minimum basic local amount described in
217 Subsection (3)(a).
- 218 (g) "Rate floor" means a rate that is the greater of:
219 (i) a .0016 tax rate; or
220 (ii) the minimum basic tax rate.
- 221 (h) "Weighted pupil unit value" or "WPU value" means the amount established each
222 year in the enacted public education budget that is multiplied by the number of weighted pupil
223 units to yield the funding level for the basic school program.
- 224 (i) "WPU value amount" means an amount that is:
225 (i) equal to the product of:

226 (A) the total cost to the basic school program to increase the WPU value over the WPU
227 value in the prior fiscal year; and

228 (B) the percentage share of local revenue to the cost of the basic school program in the
229 prior fiscal year; and

230 (ii) set annually by the Legislature in Subsection (4)(a).

231 (j) "WPU value rate" means a tax rate certified by the commission that will generate an
232 amount of revenue equal to the WPU value amount described in Subsection (4)(a).

233 (3) (a) The minimum basic local amount for the fiscal year that begins on July 1,
234 [~~2019~~] 2020, is [~~\$490,684,600~~] \$547,952,600 in revenue statewide.

235 (b) The preliminary estimate for the minimum basic tax rate for the fiscal year that
236 begins on July 1, [~~2019~~] 2020, is [~~.001588~~] .001576.

237 (4) (a) The WPU value amount for the fiscal year that begins on July 1, [~~2019~~] 2020, is
238 [~~\$18,800,000~~] \$20,600,000 in revenue statewide.

239 (b) The preliminary estimate for the WPU value rate for the fiscal year that begins on
240 July 1, [~~2019~~] 2020, is [~~.000061~~] .000060.

241 (5) (a) On or before June 22, the commission shall certify for the year:

242 (i) the minimum basic tax rate; and

243 (ii) the WPU value rate.

244 (b) The estimate of the minimum basic tax rate provided in Subsection (3)(b) and the
245 estimate of the WPU value rate provided in Subsection (4)(b) is based on a forecast for
246 property values for the next calendar year.

247 (c) The certified minimum basic tax rate described in Subsection (5)(a)(i) and the
248 certified WPU value rate described in Subsection (5)(a)(ii) are based on property values as of
249 January 1 of the current calendar year, except personal property, which is based on values from
250 the previous calendar year.

251 (6) (a) To qualify for receipt of the state contribution toward the basic school program
252 and as a school district's contribution toward the cost of the basic school program for the school
253 district, a local school board shall impose the combined basic rate.

254 (b) (i) The state is not subject to the notice requirements of Section 59-2-926 before
255 imposing the tax rates described in this Subsection (6).

256 (ii) The state is subject to the notice requirements of Section 59-2-926 if the state
257 authorizes a tax rate that exceeds the tax rates described in this Subsection (6).

258 (7) (a) The state shall contribute to each school district toward the cost of the basic
259 school program in the school district an amount of money that is the difference between the
260 cost of the school district's basic school program and the sum of the revenue generated by the
261 school district by the following:

- 262 (i) the minimum basic tax rate;
- 263 (ii) the basic levy increment rate;
- 264 (iii) the equity pupil tax rate; and
- 265 (iv) the WPU value rate.

266 (b) (i) If the difference described in Subsection (7)(a) equals or exceeds the cost of the
267 basic school program in a school district, no state contribution shall be made to the basic
268 school program for the school district.

269 (ii) The proceeds of the difference described in Subsection (7)(a) that exceed the cost
270 of the basic school program shall be paid into the Uniform School Fund as provided by law and
271 by the close of the fiscal year in which the proceeds were calculated.

272 (8) Upon appropriation by the Legislature, the Division of Finance shall deposit an
273 amount equal to the proceeds generated statewide:

274 (a) by the basic levy increment rate into the Minimum Basic Growth Account created
275 in Section 53F-9-302;

276 (b) by the equity pupil tax rate into the Local Levy Growth Account created in Section
277 53F-9-305; and

278 (c) by the WPU value rate into the Teacher and Student Success Account created in
279 Section 53F-9-306.

280 Section 5. Section 53F-2-304 is amended to read:

281 **53F-2-304. Necessarily existent small schools -- Computing additional weighted**

282 **pupil units -- Consolidation of small schools.**

283 (1) As used in this section, "necessarily existent small schools funding balance" means
284 the difference between:

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

287 (b) the amount distributed to school districts for the necessarily existent small schools
288 program in the same fiscal year.

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

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

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

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

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

301 (4) A one or two-year secondary school that has received necessarily existent small
302 school money under this section [~~prior to~~] before July 1, 2000, may continue to receive [~~such~~]
303 the money in subsequent years.

304 (5) The state board shall prepare and publish objective standards and guidelines for
305 determining which small schools are necessarily existent after consultation with local school
306 boards.

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

309 (b) The regression formulas establish the following maximum sizes for funding under

310 the necessarily existent small school program:

- 311 (i) an elementary school 160
- 312 (ii) a one or two-year secondary school 300
- 313 (iii) a three-year secondary school 450
- 314 (iv) a four-year secondary school 500
- 315 (v) a six-year secondary school 600

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

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

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

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

326 (8) (a) The state board may allocate up to 200 weighted pupil units to support schools
327 that:

328 (i) have isolating conditions, as defined by the state board, including geographic
329 isolation; and

330 (ii) do not qualify for necessarily existent small schools funding due to formula
331 limitations.

332 (b) The state board shall review funding allocations under this Subsection (8) at least
333 once every five calendar years.

334 [~~8~~] (9) Subject to legislative appropriation, the state board shall give first priority
335 from an appropriation made under this section to funding an expense approved by the state
336 board as described in Subsection 53G-6-305(3)(a).

337 [~~9~~] (10) (a) Subject to Subsection [~~9~~] (10)(b) and after a distribution made under

338 Subsection [~~(8)~~] (9), the state board may distribute a portion of necessarily existent small
339 schools funding in accordance with a formula adopted by the state board that considers the tax
340 effort of a local school board.

341 (b) The amount distributed in accordance with Subsection [~~(9)~~] (10)(a) may not exceed
342 the necessarily existent small schools fund in balance of the prior fiscal year.

343 [~~(10)~~] (11) A local school board may use the money allocated under this section for
344 maintenance and operation of school programs or for other school purposes as approved by the
345 state board.

346 Section 6. Section **53F-2-306** is amended to read:

347 **53F-2-306. Weighted pupil units for small school district administrative costs --**
348 **Appropriation for charter school administrative costs.**

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

351 Administrative Costs Schedule

352 School District Enrollment as of October 1	Weighted Pupil Units
353 1 - 500 students	95
354 501 - 1,000 students	80
355 1,001 - 2,000 students	70
356 2,001 - 5,000 students	60

357 (2) (a) Except as provided in Subsection (2)(b), money appropriated to the state board
358 for charter school administrative costs shall be distributed to charter schools in the amount of
359 \$100 for each charter school student in enrollment.

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

364 (ii) If the state board makes adjustments to Minimum School Program allocations

365 under Section 53F-2-205, the allocation provided in Subsection (2)(b)(i) shall be determined
366 after adjustments are made under Section 53F-2-205.

367 (iii) For fiscal year [2020] 2021, the state board shall distribute [~~\$40,000~~] a minimum
368 of \$45,000 to each charter school that enrolls fewer than [~~400~~] 450 students.

369 (c) Charter school governing boards are encouraged to identify and use cost-effective
370 methods of performing administrative functions, including contracting for administrative
371 services with the State Charter School Board as provided in Section 53G-5-202.

372 (3) Charter schools are not eligible for funds for administrative costs under Subsection
373 (1).

374 Section 7. Section 53F-2-504 is amended to read:

375 **53F-2-504. Teacher Salary Supplement Program.**

376 (1) As used in this section:

377 (a) "Eligible teacher" means a teacher who:

378 (i) has a qualifying educational background or qualifying teaching background;

379 (ii) has a supplement-approved assignment that corresponds to the teacher's qualifying
380 educational background or qualifying teaching background;

381 (iii) qualifies for the teacher's supplement-approved assignment in accordance with
382 state board rule; and

383 (iv) is a new employee or received at least a satisfactory rating on the teacher's most
384 recent evaluation.

385 (b) "Field of computer science" means:

386 (i) computer science; or

387 (ii) computer information technology.

388 (c) "Field of science" means:

389 (i) integrated science;

390 (ii) chemistry;

391 (iii) physics;

392 (iv) physical science; or

- 393 (v) general science.
- 394 (d) "License" means the same as that term is defined in Section [53E-6-102](#).
- 395 (e) "Qualifying educational background" means:
 - 396 (i) for a teacher who is assigned a secondary school level mathematics course:
 - 397 (A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or
 - 398 (B) a bachelor's degree major, master's degree, or doctoral degree that has course
 - 399 requirements that are substantially equivalent to the course requirements for a bachelor's degree
 - 400 major, master's degree, or doctoral degree in mathematics;
 - 401 (ii) for a teacher who is assigned a grade 7 or 8 integrated science course, chemistry
 - 402 course, or physics course:
 - 403 (A) a bachelor's degree major, master's degree, or doctoral degree in a field of science;
 - 404 or
 - 405 (B) a bachelor's degree major, master's degree, or doctoral degree that has course
 - 406 requirements that are substantially equivalent to the course requirements of those required for a
 - 407 bachelor's degree major, master's degree, or doctoral degree in a field of science;
 - 408 (iii) for a teacher who is assigned a computer science course:
 - 409 (A) a bachelor's degree major, master's degree, or doctoral degree in a field of
 - 410 computer science; or
 - 411 (B) a bachelor's degree major, master's degree, or doctoral degree that has course
 - 412 requirements that are substantially equivalent to the course requirements of those required for a
 - 413 bachelor's degree major, master's degree, or doctoral degree in a field of computer science; or
 - 414 (iv) for a teacher who is assigned to teach special education, a bachelor's degree major,
 - 415 master's degree, or doctoral degree in special education.
- 416 (f) "Qualifying teaching background" means the teacher has been teaching the same
- 417 supplement-approved assignment in Utah public schools for at least 10 years.
- 418 (g) "Supplement-approved assignment" means an assignment to teach:
 - 419 (i) a secondary school level mathematics course;
 - 420 (ii) integrated science in grade 7 or 8;

421 (iii) chemistry;

422 (iv) physics;

423 (v) computer science; or

424 (vi) special education.

425 (2) (a) Subject to future budget constraints, the Legislature shall:

426 (i) annually appropriate money to the Teacher Salary Supplement Program to maintain
427 annual salary supplements for eligible teachers provided in previous years; and

428 (ii) provide salary supplements to new recipients.

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

431 (i) retirement;

432 (ii) workers' compensation;

433 (iii) Social Security; and

434 (iv) Medicare.

435 (3) (a) The annual salary supplement for an eligible teacher who is assigned full-time
436 to a supplement-approved assignment is \$4,100 and funded through an appropriation described
437 in Subsection (2).

438 (b) An eligible teacher who is assigned part-time to a supplement-approved assignment
439 shall receive a partial salary supplement based on the number of hours worked in the
440 supplement-approved assignment.

441 (4) The state board shall:

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

444 (b) determine if a teacher is an eligible teacher;

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

447 (d) certify a list of eligible teachers.

448 (5) (a) An eligible teacher shall apply to the state board before the conclusion of a

449 school year to receive the salary supplement authorized in this section.

450 (b) An eligible teacher may apply to the state board, after verification that the
451 requirements under this section have been satisfied, to receive a salary supplement after the
452 completion of:

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

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

456 (6) (a) The state board shall establish and administer an appeal process for a teacher to
457 follow if the teacher applies for a salary supplement and does not receive a salary supplement
458 under Subsection (8).

459 (b) (i) The appeal process established in Subsection (6)(a) shall allow a teacher to
460 appeal eligibility as an eligible teacher with a qualifying educational background on the basis
461 that the teacher has a degree or degree major with course requirements that are substantially
462 equivalent to the qualifying educational background associated with the teacher's
463 supplement-approved assignment.

464 (ii) A teacher shall provide transcripts and other documentation to the state board in
465 order for the state board to determine if the teacher has a degree or degree major with course
466 requirements that are substantially equivalent to the qualifying educational background
467 associated with the teacher's supplement-approved assignment.

468 (c) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
469 appeal eligibility as an eligible teacher with a qualifying teaching background on the basis that
470 the teacher has a qualifying teaching background.

471 (ii) The teacher shall provide to the state board evidence to verify that the teacher has a
472 qualifying teaching background.

473 (7) (a) The state board shall distribute money appropriated to the Teacher Salary
474 Supplement Program to school districts and charter schools for the Teacher Salary Supplement
475 Program in accordance with the provisions of this section.

476 (b) The state board shall include the employer-paid benefits described under

477 Subsection (2)(b) in the amount of each salary supplement.

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

480 (8) (a) Money received from the Teacher Salary Supplement Program shall be used by
481 a school district or charter school to provide a salary supplement equal to the amount specified
482 in Subsection (3) for each eligible teacher.

483 (b) The salary supplement is part of an eligible teacher's base pay, subject to eligible
484 teacher's qualification as an eligible teacher every year, semester, or trimester.

485 (9) Notwithstanding the provisions of this section, if the appropriation for the program
486 is insufficient to cover the costs associated with salary supplements, the state board ~~shall~~ may
487 distribute the funds in the Teacher Salary Supplement Program on a pro rata basis.

488 Section 8. Section **53F-9-103** is enacted to read:

489 **53F-9-103. Nonlapsing funds.**

490 All appropriations to the state board are nonlapsing, including appropriations to the
491 Minimum School Program and all agencies, line items, and programs under the jurisdiction of
492 the state board.

493 Section 9. Section **63J-1-602.2** is amended to read:

494 **63J-1-602.2. List of nonlapsing appropriations to programs.**

495 Appropriations made to the following programs are nonlapsing:

496 (1) The Legislature and ~~[its]~~ the Legislature's committees.

497 (2) The State Board of Education, including all appropriations to agencies, line items,
498 and programs under the jurisdiction of the State Board of Education, in accordance with
499 Section [53F-9-103](#).

500 ~~[(2)]~~ (3) The Percent-for-Art Program created in Section [9-6-404](#).

501 ~~[(3)]~~ (4) The LeRay McAllister Critical Land Conservation Program created in Section
502 [11-38-301](#).

503 ~~[(4)]~~ (5) Dedicated credits accrued to the Utah Marriage Commission as provided
504 under Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

- 505 [~~5~~] (6) The Trip Reduction Program created in Section [19-2a-104](#).
- 506 [~~6~~] (7) The Division of Wildlife Resources for the appraisal and purchase of lands
507 under the Pelican Management Act, as provided in Section [23-21a-6](#).
- 508 [~~7~~] (8) The primary care grant program created in Section [26-10b-102](#).
- 509 [~~8~~] (9) Sanctions collected as dedicated credits from Medicaid provider under
510 Subsection [26-18-3\(7\)](#).
- 511 [~~9~~] (10) The Utah Health Care Workforce Financial Assistance Program created in
512 Section [26-46-102](#).
- 513 [~~10~~] (11) The Rural Physician Loan Repayment Program created in Section
514 [26-46a-103](#).
- 515 [~~11~~] (12) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
- 516 [~~12~~] (13) Funds that the Department of Alcoholic Beverage Control retains in
517 accordance with Subsection [32B-2-301\(7\)\(a\)](#) or (b).
- 518 [~~13~~] (14) The General Assistance program administered by the Department of
519 Workforce Services, as provided in Section [35A-3-401](#).
- 520 [~~14~~] (15) A new program or agency that is designated as nonlapsing under Section
521 [36-24-101](#).
- 522 [~~15~~] (16) The Utah National Guard, created in Title 39, Militia and Armories.
- 523 [~~16~~] (17) The State Tax Commission under Section [41-1a-1201](#) for the:
- 524 (a) purchase and distribution of license plates and decals; and
- 525 (b) administration and enforcement of motor vehicle registration requirements.
- 526 [~~17~~] (18) The Search and Rescue Financial Assistance Program, as provided in
527 Section [53-2a-1102](#).
- 528 [~~18~~] (19) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 529 [~~19~~] (20) The State Board of Regents for teacher preparation programs, as provided
530 in Section [53B-6-104](#).
- 531 [~~20~~] (21) The Medical Education Program administered by the Medical Education
532 Council, as provided in Section [53B-24-202](#).

- 533 [~~(21) The State Board of Education, as provided in Section 53F-2-205.~~]
- 534 (22) The Division of Services for People with Disabilities, as provided in Section
535 [62A-5-102](#).
- 536 (23) The Division of Fleet Operations for the purpose of upgrading underground
537 storage tanks under Section [63A-9-401](#).
- 538 (24) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 539 (25) Appropriations to the Department of Technology Services for technology
540 innovation as provided under Section [63F-4-202](#).
- 541 (26) The Office of Administrative Rules for publishing, as provided in Section
542 [63G-3-402](#).
- 543 (27) The Utah Science Technology and Research Initiative created in Section
544 [63M-2-301](#).
- 545 (28) The Governor's Office of Economic Development to fund the Enterprise Zone
546 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 547 (29) Appropriations to fund the Governor's Office of Economic Development's Rural
548 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
549 Employment Expansion Program.
- 550 (30) The Department of Human Resource Management user training program, as
551 provided in Section [67-19-6](#).
- 552 (31) A public safety answering point's emergency telecommunications service fund, as
553 provided in Section [69-2-301](#).
- 554 (32) The Traffic Noise Abatement Program created in Section [72-6-112](#).
- 555 (33) The Judicial Council for compensation for special prosecutors, as provided in
556 Section [77-10a-19](#).
- 557 (34) A state rehabilitative employment program, as provided in Section [78A-6-210](#).
- 558 (35) The Utah Geological Survey, as provided in Section [79-3-401](#).
- 559 (36) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).
- 560 (37) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#), and

561 78B-6-144.5.

562 (38) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
563 Defense Commission.

564 (39) The program established by the Division of Facilities Construction and
565 Management under Subsection 63A-5-228(3) under which state agencies receive an
566 appropriation and pay lease payments for the use and occupancy of buildings owned by the
567 Division of Facilities Construction and Management.

568 Section 10. **Repealer.**

569 This bill repeals:

570 Section 53F-2-414, **Review of related to basic school programs.**

571 Section 11. **Fiscal Year 2020 Appropriations.**

572 The following sums of money are appropriated for the fiscal year beginning July 1,
573 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
574 fiscal year 2020.

575 Section 11(a). **Operating and Capital Budgets.**

576 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
577 Legislature appropriates the following sums of money from the funds or accounts indicated for
578 the use and support of the government of the state of Utah.

579 PUBLIC EDUCATION

580 STATE BOARD OF EDUCATION - MINIMUM SCHOOL PROGRAM

581 ITEM 1 To State Board of Education - Minimum School Program - Related to Basic School
582 Programs

583 From Education Fund, One-Time 3,500,200

584 Schedule of Programs:

585 Teacher Salary Supplement 3,820,200

586 Student Health and Counseling Support Program (320,000)

587 STATE BOARD OF EDUCATION

588 ITEM 2 To State Board of Education - MSP Categorical Program Administration

589 From Education Fund, One-Time 320,000

590 Schedule of Programs:

591 Student Health and Counseling Support Program 320,000

592 Section 12. **Fiscal Year 2021 Appropriations.**

593 (1) The following sums of money are appropriated for the fiscal year beginning July 1,
594 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for
595 fiscal year 2021.

596 (2) The value of each weighted pupil unit (WPU) for fiscal year 2021 is increased from
597 the value of the WPU for fiscal year 2021 established in H.B. 1, Public Education Base Budget
598 Amendments, 2020 General Session, and set at \$3,745.

599 Section 12(a). **Operating and Capital Budgets.**

600 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
601 Legislature appropriates the following sums of money from the funds or accounts indicated for
602 the use and support of the government of the state of Utah.

603 PUBLIC EDUCATION

604 STATE BOARD OF EDUCATION - MINIMUM SCHOOL PROGRAM

605 ITEM 3 To State Board of Education - Minimum School Program - Basic School Program

606 From Education Fund 170,023,000

607 From Local Revenue 20,600,000

608 Schedule of Programs:

609 Kindergarten 5,816,600

610 Grades 1-12 129,081,400

611 Foreign Exchange 69,900

612 Necessarily Existent Small Schools (386 WPUs) 3,518,200

613 Professional Staff 12,049,900

614 Administrative Costs 322,700

615 Special Education - Add-on 18,413,900

616 Special Education - Self-Contained 2,817,800

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617	<u>Special Education - Preschool</u>	<u>2,409,200</u>	
618	<u>Special Education - Extended School Year</u>	<u>97,400</u>	
619	<u>Special Education - Impact Aid</u>	<u>438,800</u>	
620	<u>Special Education - Intensive Services</u>	<u>169,400</u>	
621	<u>Special Education - Extended Year for Special Educators</u>	<u>193,600</u>	
622	<u>Career and Technical Education - Add-on</u>	<u>6,198,300</u>	
623	<u>Class Size Reduction</u>	<u>9,025,900</u>	
624	<u>ITEM 4 To State Board of Education - Minimum School Program - Related to Basic School</u>		
625	<u>Programs</u>		
626	<u>From Education Fund</u>		<u>40,763,400</u>
627	<u>From Education Fund, One-Time</u>		<u>250,000</u>
628	<u>From Uniform School Fund Rest. - Trust Distribution Account</u>		<u>6,166,000</u>
629	<u>Schedule of Programs:</u>		
630	<u>Pupil Transportation To and From School</u>	<u>10,977,700</u>	
631	<u>Enhancement for At-Risk Students</u>	<u>2,841,100</u>	
632	<u>Youth in Custody</u>	<u>26,753,800</u>	
633	<u>Adult Education</u>	<u>860,600</u>	
634	<u>Enhancement for Accelerated Students</u>	<u>1,332,900</u>	
635	<u>Centennial Scholarship Program</u>	<u>16,400</u>	
636	<u>Concurrent Enrollment</u>	<u>5,627,000</u>	
637	<u>School Land Trust Program</u>	<u>6,166,000</u>	
638	<u>Charter School Local Replacement</u>	<u>(14,426,100)</u>	
639	<u>Charter School Administration</u>	<u>250,000</u>	
640	<u>Teacher Salary Supplement</u>	<u>3,300,000</u>	
641	<u>Beverly Taylor Sorenson Elem. Arts Learning Program</u>	<u>4,000,000</u>	
642	<u>Student Health and Counseling Support Program</u>	<u>(520,000)</u>	
643	<u>The Legislature intends that the State Board of Education use up to \$409,000 in</u>		
644	<u>balances in the Charter School Administration program to provide a minimum of \$45,000 to</u>		

645 each charter school that enrolls fewer than 450 students in fiscal year 2021.

646 STATE BOARD OF EDUCATION - SCHOOL BUILDING PROGRAMS

647 ITEM 5 To State Board of Education - School Building Programs - Capital Outlay Programs

648 Under Item 48 in H.B. 1, Public Education Base Budget Amendments, 2020 General Session,

649 the Legislature intends that the State Board of Education:

650 (1) study the distribution formulas for the Capital Outlay Foundation Program created

651 in Section 53F-3-202 and Capital Outlay Enrollment Growth Program created in Section

652 53F-3-203, including:

653 (a) addressing the impact on the Capital Outlay Foundation Program formula

654 distribution associated with the equal weighting of local property tax revenues from school

655 district Capital and Debt Service levies, including whether adjusting the balance would provide

656 for a broader distribution among school districts;

657 (b) addressing how to adjust distribution formulas to improve equity and distribution to

658 a wider array of school districts;

659 (c) addressing whether using a WPU-based formula like the Voted and Board Local

660 Levy Guarantee could improve distributional equity among districts; and

661 (d) making recommendations on potential statutory changes; and

662 (2) report to the Public Education Appropriations Subcommittee on the study described

663 in Subsection (1) on or before September 30, 2020.

664 STATE BOARD OF EDUCATION

665 ITEM 6 To State Board of Education - Educator Licensing

666 From Education Fund (3,629,300)

667 Schedule of Programs:

668 Educator Licensing 170,700

669 STEM Endorsement Incentives (3,800,000)

670 ITEM 7 To State Board of Education - Fine Arts Outreach

671 From Education Fund 250,000

672 Schedule of Programs:

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673	<u>Provisional Program</u>	<u>250,000</u>	
674	<u>ITEM 8 To State Board of Education - Initiative Programs</u>		
675	<u>From Education Fund</u>		<u>19,007,500</u>
676	<u>From Education Fund, One-Time</u>		<u>2,688,500</u>
677	<u>Schedule of Programs:</u>		
678	<u>Computer Science Initiatives</u>	<u>7,000,000</u>	
679	<u>Contracts and Grants</u>	<u>2,401,500</u>	
680	<u>General Financial Literacy</u>	<u>500,000</u>	
681	<u>Intergenerational Poverty Interventions</u>	<u>1,001,100</u>	
682	<u>Kindergarten Supplement Enrichment Program</u>	<u>3,000,000</u>	
683	<u>Partnerships for Student Success</u>	<u>3,006,400</u>	
684	<u>Strengthening Career and College Readiness</u>	<u>(213,000)</u>	
685	<u>UPSTART</u>	<u>5,000,000</u>	
686	<u>ITEM 9 To State Board of Education - MSP Categorical Program Administration</u>		
687	<u>From Education Fund</u>		<u>520,000</u>
688	<u>Schedule of Programs:</u>		
689	<u>Student Health and Counseling Support Program</u>	<u>520,000</u>	
690	<u>ITEM 10 To State Board of Education - Science Outreach</u>		
691	<u>From Education Fund</u>		<u>200,000</u>
692	<u>Schedule of Programs:</u>		
693	<u>Informal Science Education Enhancement</u>	<u>200,000</u>	
694	<u>ITEM 11 To State Board of Education - State Administrative Office</u>		
695	<u>From Education Fund</u>		<u>1,601,200</u>
696	<u>From Education Fund, One-Time</u>		<u>3,200,000</u>
697	<u>Schedule of Programs:</u>		
698	<u>Financial Operations</u>	<u>650,700</u>	
699	<u>Indirect Cost Pool</u>	<u>450,000</u>	
700	<u>Statewide Online Education Program</u>	<u>3,250,500</u>	

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701	<u>Student Support Services</u>	<u>450,000</u>
702	<u>The Legislature intends that the State Board of Education:</u>	
703	<u>(1) evaluate the participation of home school and private school students in the</u>	
704	<u>Statewide Online Education Program, including:</u>	
705	<u>(a) ongoing funding levels;</u>	
706	<u>(b) the mix between home and private school students;</u>	
707	<u>(c) how to best manage future growth needs within appropriated funding; and</u>	
708	<u>(d) the potential of using mechanisms to control costs, including implementing a fee</u>	
709	<u>structure or requiring private and home school students to enroll in a local education agency;</u>	
710	<u>and</u>	
711	<u>(2) report recommendations to the Public Education Appropriations Subcommittee on</u>	
712	<u>the evaluation described in Subsection (1) before August 30, 2020.</u>	
713	<u>ITEM 12 To State Board of Education - General System Support</u>	
714	<u>From Education Fund</u>	<u>(400,000)</u>
715	<u>Schedule of Programs:</u>	
716	<u>Student Achievement</u>	<u>50,000</u>
717	<u>Teaching and Learning</u>	<u>(450,000)</u>
718	<u>The Legislature intends that the State Board of Education use any revenue or</u>	
719	<u>nonlapsing balances generated from the licensing of Readiness Improvement Success</u>	
720	<u>Empowerment (RISE) questions:</u>	
721	<u>(1) to develop additional assessment questions for all state assessments;</u>	
722	<u>(2) to provide professional learning for Utah educators; and</u>	
723	<u>(3) for risk mitigation expenditures.</u>	
724	<u>ITEM 13 To State Board of Education - Utah Schools for the Deaf and the Blind</u>	
725	<u>From Education Fund</u>	<u>946,000</u>
726	<u>From Education Fund, One-Time</u>	<u>945,000</u>
727	<u>Schedule of Programs:</u>	
728	<u>Administration</u>	<u>1,391,000</u>

729	<u>Utah State Instructional Materials Access Center</u>	<u>500,000</u>
730	<u>SCHOOL AND INSTITUTIONAL TRUST FUND OFFICE</u>	
731	<u>ITEM 14 To School and Institutional Trust Fund Office</u>	
732	<u>From School and Institutional Trust Fund Management Account</u>	<u>182,200</u>
733	<u>Schedule of Programs:</u>	
734	<u>School and Institutional Trust Fund Office</u>	<u>182,200</u>
735	Section 12(b). Restricted Fund and Account Transfers.	
736	<u>The Legislature authorizes the State Division of Finance to transfer the following</u>	
737	<u>amounts between the following funds or accounts as indicated. Expenditures and outlays from</u>	
738	<u>the funds to which the money is transferred must be authorized by an appropriation.</u>	
739	<u>PUBLIC EDUCATION</u>	
740	<u>ITEM 15 To Underage Drinking Prevention Program Restricted Account</u>	
741	<u>From Liquor Control Fund</u>	<u>1,750,000</u>
742	<u>Schedule of Programs:</u>	
743	<u>Underage Drinking Prevention Program</u>	
744	<u>Restricted Account</u>	<u>1,750,000</u>
745	<u>ITEM 16 To Teacher and Student Success Account</u>	
746	<u>From Education Fund</u>	<u>20,600,000</u>
747	<u>Schedule of Programs:</u>	
748	<u>Teacher and Student Success Account</u>	<u>20,600,000</u>
749	Section 13. Effective date.	
750	<u>(1) Except as provided in Subsection (2), this bill takes effect on July 1, 2020.</u>	
751	<u>(2) If approved by two-thirds of all the members elected to each house, Section 11,</u>	
752	<u>Fiscal Year 2020 Appropriations, and Section 11(a), Operating and Capital Budgets, take effect</u>	
753	<u>upon approval by the governor, or the day following the constitutional time limit of Utah</u>	
754	<u>Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,</u>	
755	<u>the date of veto override.</u>	