

State Maintenance-of-Effort Submission
under the
Education Jobs Fund Program



U.S. Department of Education
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Paperwork Burden Statement

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Instructions for the State Maintenance-of-Effort Submission under the Education Jobs Fund Program

**U.S. Department of Education
September 8, 2010**

In its application for funding under the Education Jobs Fund (Ed Jobs) program, each State assured that it would comply with the maintenance-of-effort (MOE) requirements in section 101(10)(A) of Public Law 111-226. Each State also assured that, within 60 days of the date of the State's grant award, it would submit to the U.S. Department of Education (Department) the most current applicable MOE data available.

A State that receives Ed Jobs funds must maintain fiscal effort for education for fiscal year (FY) 2011 in one of four ways:

1. Maintain FY 2011 dollar levels of support at levels that are not less than FY 2009 levels;
2. Maintain FY 2011 percentages of support at percentages that are not less than FY 2010 percentages;
3. Maintain FY 2011 dollar levels of support at levels that are not less than FY 2006 levels; or
4. Maintain FY 2011 percentages of support at percentages that are not less than FY 2006 percentages.

Each method is described in detail in the attachments to these instructions. Using the applicable form in the attachments, each State must provide data only for the method by which the State intends to demonstrate that it will comply with the MOE requirements. A State must also provide source documentation substantiating the reported MOE data. Details on the source documentation are provided in the attachments.

Each State should submit its data and documentation to EducationJobsFund@ed.gov. The submission is due to the Department not later than 60 days after the date of the State's grant award under the Ed Jobs program. If you have any questions, please contact Jim Butler at 202-453-7500 or James.Butler@ed.gov.

**State Maintenance-of-Effort (MOE) Submission
under the Education Jobs Fund Program**

STATE: Utah

**MOE Method 3: Comparing Fiscal Year 2011 Dollar Levels of Support with
Fiscal Year 2006 Levels**

NOTE: This method is available only to States with State tax collections for calendar year 2009 that are less than State tax collections for calendar year 2006.

For State fiscal year (FY) 2011, the State will maintain State support for elementary and secondary education (*in the aggregate*) at not less than the level of such support for State FY 2006; and

For State FY 2011, the State will maintain State support for public institutions of higher education (IHEs) (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for State FY 2006.

State Tax Collections Data

\$ 5,777,389,000 State tax collections for calendar year 2006.

\$ 5,150,555,000 State tax collections for calendar year 2009.

FY 2006 Baseline Data

\$ 1,797,702,300 The level of State support for elementary and secondary education (*in the aggregate*) for FY 2006.

\$ 650,343,200 The level of State support for public IHEs for FY 2006.

Projected FY 2011 Data

\$ 2,307,801,400 The projected level of State support for elementary and secondary education (*in the aggregate*) for FY 2011.

\$ 674,277,500 The projected level of State support for public IHEs for FY 2011.

Affirmation of MOE Data

To the best of my knowledge and belief, all of the data in this submission are true and correct and are substantiated by the accompanying documentation.

John Nixon, Executive Director, Governor's Office of Planning and Budget
Governor or Authorized Representative (Printed Name)


Signature of Governor or Authorized Representative

Sep. 24, 2010
Date

MOE Method 3 Source Documentation

To document State tax collections for calendar years 2006 and 2009, a State may use the sum of the State quarterly tax collections data from the U.S. Census Bureau (Census), which are available at http://www.census.gov/govs/qtax/table_3.php. A State may provide revised State tax collection data if it has available more recent auditable data that differs from the information that was reported to Census. A State may, if it chooses, exclude from State tax collections those tax revenues that may not be used to provide support for elementary, secondary, or postsecondary education. For example, a State may exclude gasoline taxes that generate revenue that is available to support only transportation projects. If a State chooses to exclude dedicated taxes, it must do so for both calendar years 2006 and 2009. Furthermore, as part of its application, the State must identify the taxes excluded and the amounts of the State tax collections under such taxes.

For the FY 2006 baseline data, a State must provide documentation substantiating the State's final appropriations or expenditures for elementary and secondary education and for public IHEs. Such documentation may include tables or text from official State budget documents (*e.g.*, a State budget summary or table of expenditures from the State's accounting system).

For the projected FY 2011 data, a State must provide enacted or estimated appropriations levels. Such documentation may include a Governor's budget proposal, legislative budget proposals, or enacted appropriations.

Following the close of State FY 2011, the Department will be collecting final appropriations or expenditure data for that fiscal year to verify that the State met the statutory MOE requirements.

Method 3 Source Documentation

State Tax Collections Data

Spreadsheet of totals	1
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FY 2006 and 2009 Baseline and Projection Data

Summary of Totals	2
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Appendix

PDF documentation from Census.gov	3
2008 Budget Summary Book, Public Education 2006 Actuals	11
2008 Budget Summary Book, Higher Education 2006 Actuals	12
2011 Budget Summary Book, Public Education Projected	13
2011 Budget Summary Book, Higher Education Projected	14
2009 Minimum School Program Budget	15

Sources

"Historical National Tables of Historical State Tax Collections by State - Table 3." *Census Bureau Home Page*. Web. 15 Sept. 2010. http://www.census.gov/govs/qtax/table_3.php

State of Utah Budget Summary: Fiscal Year 2008; Tables 21, 28; p. 105, 152.

http://governor.utah.gov/budget/Budget/Budget%20Summaries/FY2011_SumBk.pdf

State of Utah Budget Summary: Fiscal Year 2011; Tables 23, 20; p. 101, 143.

http://governor.utah.gov/budget/Budget/Budget%20Summaries/FY2011_SumBk.pdf

Utah State House. 58th Legislature. "H.B. 2, 2009 Minimum School Program Budget Amendments."

State of Utah Tax Revenue Collection

	2006		2009	
Q1	\$	1,158,611.00	\$	1,126,591.00
Q2	\$	1,722,041.00	\$	1,563,106.00
Q3	\$	1,404,064.00	\$	1,136,882.00
Q4	\$	1,492,673.00	\$	1,323,976.00
	\$	5,777,389.00	\$	5,150,555.00

* Data from State quarterly tax collections data from the U.S. Census Bureau (Census)
http://www.census.gov/govs/qtax/table_3.php.

1. Levels of State support for elementary and secondary education (the amounts may reflect the levels of State support on either an aggregate basis or a per-student basis):

FY 2006 \$ 1,797,702,300

FY 2009 \$ 2,237,231,200

FY 2010* \$ 2,117,734,400**

FY 2011* \$ 2,307,801,400**

(* Provide data to the extent that data are currently available.)

(**Amounts as of the end of the 2010 General Session (March 11, 2010); subject to change upon future action by the Legislature)

FY 2006 \$ 1,797,702,300

The FY 2006 # of \$1,797,702,300 comes from the GOPB Summary book of FY 2008 and is represented in the Education fund column for expenditures for the Minimum School Program in Table 28 on page. 152.

FY 2009 \$ 2,237,231,200

The FY 2009 # of \$2,237,231,200 comes from the GOPB Summary book of FY 2010. An amount of \$2,226,214,800 is represented in the General/Education funds column for expenditures for the Minimum School Program in Table 30 on page 146. The remaining \$11,016,400 is also Education (Uniform School Fund) Funds but included in the "other funds" column for expenditures for the Minimum School Program in Table 30 on page. 146. It is part of the \$88,310,500 total of that column and was a separate appropriation by the Legislature. This was appropriated in House Bill 2, "Minimum School Program Amendments," Section 15. "One-time appropriations for fiscal year 2008-9. (1) there is appropriated from the Uniform School Fund to the State Board of Education for fiscal year 2008-09 only: (a) \$11,016,400 for the contribution of the state toward the cost of the minimum school program as provided in Subsection 53A-17a-104 (1);"

FY 2010 \$ 2,117,734,400

The FY 2010 # of \$ 2,117,734,400 comes from the GOPB Summary book of FY 2010 and is represented in the Education fund column for expenditures for the Minimum School Program in Table 30 on page. 146.

FY 2011 \$ 2,307,801,400

The FY 2011 # of \$ 2,307,801,400 comes from the GOPB Summary book of FY 2010 and is represented in the Education fund column for expenditures for the Minimum School Program in Table 30 on page. 146.

TABLE 3: STATE TAX COLLECTIONS BY STATE AND TYPE OF TAX
(thousands of dollars)

Year: 2006

Quarter: 1 (January, February, March)

Revision: 5

		Utah	Vermont	Virginia	Washington
Total Taxes		1,158,611	339,634	3,830,778	4,167,639
Property tax	T01	X	2,560	1,262	551,036
General sales and gross receipts	T09	485,315	87,636	854,795	2,562,370
Motor fuel sales taxes	T13	85,563	21,610	223,169	241,713
Alcoholic beverages	T10	8,774	4,591	43,124	63,544
Public utilities	T15	7,741	1,172	37,941	122,216
Insurance	T12	31,831	31,687	36,318	52,377
Tobacco products	T16	14,294	11,573	39,890	105,163
Pari-mutuels	T14	X	X	X	377
Amusements	T11	X	X	43	9
Other selective sales and gross receipts	T19	10,828	25,554	156,472	42,072
Alcoholic beverages	T20	307	135	2,483	2,820
Public utilities	T27	X	X	X	666
Motor vehicles	T24	41,179	12,457	97,517	111,314
Motor vehicle operator	T25	2,430	1,785	11,905	15,291
Corporations in general	T22	634	859	10,676	6,161
Hunting and fishing licenses	T23	5,375	1,094	1,792	1,396
Amusements	T21	X	0	37	128
Occupation and business licenses	T28	7,353	5,530	44,323	55,725
Other licenses taxes	T29	704	832	979	8,905
Individual income taxes	T40	368,725	96,791	1,971,084	X
Corporation net income taxes	T41	54,557	23,299	91,876	X
Death and gift taxes	T50	205	4,323	52,145	5,423
Severance taxes	T53	32,796	X	568	11,119
Documentary and stock transfer taxes	T51	X	5,191	149,515	207,814
Other miscellaneous taxes	T99	X	955	2,864	X

*The current quarter amount was not available. The figures shown represent an estimate.

Note: X = No such tax for that state

TABLE 3: STATE TAX COLLECTIONS BY STATE AND TYPE OF TAX
(thousands of dollars)

Year: 2006

Quarter: 2 (April, May, June)

Revision: 5

		Utah	Vermont	Virginia	Washington
Total Taxes		1,722,041	1,237,656	5,096,453	4,339,389
Property tax	T01	X	815,908	18,881	329,344
General sales and gross receipts	T09	488,007	74,880	880,828	2,575,482
Motor fuel sales taxes	T13	87,462	21,106	304,370	306,101
Alcoholic beverages	T10	10,355	4,309	58,776	73,941
Public utilities	T15	7,415	7,590	37,776	138,466
Insurance	T12	31,557	7,815	181,273	158,594
Tobacco products	T16	14,782	11,999	43,565	126,286
Pari-mutuels	T14	X	X	X	526
Amusements	T11	X	X	13	44
Other selective sales and gross receipts	T19	9,968	34,715	186,432	90,810
Alcoholic beverages	T20	307	268	3,664	2,933
Public utilities	T27	X	X	X	12,564
Motor vehicles	T24	43,839	16,938	91,222	122,797
Motor vehicle operator	T25	2,475	1,973	11,215	15,365
Corporations in general	T22	506	562	10,264	6,716
Hunting and fishing licenses	T23	5,375	1,764	5,094	16,399
Amusements	T21	X	0	15	186
Occupation and business licenses	T28	7,353	2,199	21,956	62,798
Other licenses taxes	T29	2,124	892	1,697	13,078
Individual income taxes	T40	816,672	195,773	2,728,301	X
Corporation net income taxes	T41	168,189	30,513	298,466	X
Death and gift taxes	T50	3,424	2,486	36,994	12,280
Severance taxes	T53	22,231	X	268	11,823
Documentary and stock transfer taxes	T51	X	5,191	171,925	262,856
Other miscellaneous taxes	T99	X	775	3,458	X

*The current quarter amount was not available. The figures shown represent an estimate.

Note: X = No such tax for that state

TABLE 3: STATE TAX COLLECTIONS BY STATE AND TYPE OF TAX
(thousands of dollars)

Year: 2006

Quarter: 3 (July, August, September)

Revision: 7

		Utah	Vermont	Virginia	Washington
Total Taxes		1,404,064	388,453	4,248,277	4,631,708
Property tax	T01	X	12,953	114	500,283
General sales and gross receipts	T09	505,783	92,321	898,757	2,780,746
Motor fuel sales taxes	T13	98,850	22,749	160,235	289,732
Alcoholic beverages	T10	6,764	5,029	22,521	44,563
Public utilities	T15	6,628	829	33,257	83,126
Insurance	T12	27,607	7,630	87,881	88,607
Tobacco products	T16	17,422	17,884	45,154	117,123
Pari-mutuels	T14	X	X	X	551
Amusements	T11	X	X	20	8
Other selective sales and gross receipts	T19	9,767	50,298	180,326	82,447
Alcoholic beverages	T20	461	13	2,474	2,621
Public utilities	T27	X	X	X	351
Motor vehicles	T24	69,653	15,560	90,915	109,323
Motor vehicle operator	T25	2,638	1,521	11,577	16,646
Corporations in general	T22	178	307	19,503	4,859
Hunting and fishing licenses	T23	6,528	1,199	6,466	7,595
Amusements	T21	X	28	20	113
Occupation and business licenses	T28	9,147	1,867	55,237	51,674
Other licenses taxes	T29	956	832	1,255	9,785
Individual income taxes	T40	517,130	134,924	2,166,620	X
Corporation net income taxes	T41	97,419	13,592	262,074	X
Death and gift taxes	T50	89	2,750	49,400	70,594
Severance taxes	T53	27,044	X	451	13,455
Documentary and stock transfer taxes	T51	X	5,191	150,615	357,506
Other miscellaneous taxes	T99	X	976	3,405	X

*The current quarter amount was not available. The figures shown represent an estimate.

Note: X = No such tax for that state

TABLE 3: STATE TAX COLLECTIONS BY STATE AND TYPE OF TAX
(thousands of dollars)

Year: 2006

Quarter: 4 (October, November, December)

Revision: 6

		Utah	Vermont	Virginia	Washington
Total Taxes		1,492,673	375,894	5,099,306	4,134,537
Property tax	T01	X	12,902	-100	271,221
General sales and gross receipts	T09	457,854	82,445	867,240	2,680,140
Motor fuel sales taxes	T13	93,628	20,703	233,909	286,106
Alcoholic beverages	T10	8,513	4,969	40,422	60,770
Public utilities	T15	8,745	1,764	30,918	93,279
Insurance	T12	29,512	7,883	61,421	87,327
Tobacco products	T16	15,622	16,292	43,555	106,754
Pari-mutuels	T14	X	X	X	533
Amusements	T11	X	X	29	7
Other selective sales and gross receipts	T19	10,224	54,341	156,366	79,454
Alcoholic beverages	T20	461	9	2,234	2,532
Public utilities	T27	X	X	X	178
Motor vehicles	T24	87,447	13,142	75,962	110,733
Motor vehicle operator	T25	2,430	1,381	10,587	13,946
Corporations in general	T22	193	364	14,304	5,250
Hunting and fishing licenses	T23	6,528	1,061	10,438	5,863
Amusements	T21	X	4	27	-103
Occupation and business licenses	T28	9,147	2,493	28,810	52,030
Other licenses taxes	T29	800	1,225	543	11,178
Individual income taxes	T40	663,143	124,343	2,749,053	X
Corporation net income taxes	T41	74,449	18,354	590,230	X
Death and gift taxes	T50	44	7,473	31,936	27,087
Severance taxes	T53	23,933	X	528	12,920
Documentary and stock transfer taxes	T51	X	3,407	143,452	227,332
Other miscellaneous taxes	T99	X	1,339	7,442	X

*The current quarter amount was not available. The figures shown represent an estimate.

Note: X = No such tax for that state

TABLE 3: STATE TAX COLLECTIONS BY STATE AND TYPE OF TAX
(thousands of dollars)

Year: 2009

Quarter: 1 (January, February, March)

Revision: 4

		Utah	Vermont	Virginia	Washington
Total Taxes		1,126,591	337,462	3,254,546	4,144,210
Property tax	T01	X	6,803	1,520	748,227
General sales and gross receipts	T09	431,546	86,108	810,030	2,395,673
Motor fuel sales taxes	T13	82,283	20,292	213,891	265,677
Alcoholic beverages	T10	11,127	5,011	48,398	70,012
Public utilities	T15	7,258	764	42,244	118,746
Insurance	T12	32,301	31,832	-20,200	50,493
Tobacco products	T16	14,030	13,565	39,778	101,993
Pari-mutuels	T14	X	X	X	582
Amusements	T11	X	X	23	61
Other selective sales and gross receipts	T19	10,247	31,692	108,678	58,919
Alcoholic beverages	T20	484	87	2,509	3,084
Public utilities	T27	X	X	X	1,076
Motor vehicles	T24	64,784	13,650	98,796	115,896
Motor vehicle operator	T25	3,525	1,485	15,043	15,845
Corporations in general	T22	804	836	10,528	6,618
Hunting and fishing licenses	T23	6,854	1,336	2,135	1,580
Amusements	T21	X	3	40	135
Occupation and business licenses	T28	9,604	6,711	53,340	61,131
Other licenses taxes	T29	1,017	781	926	13,478
Individual income taxes	T40	414,819	82,505	1,662,779	X
Corporation net income taxes	T41	17,505	28,278	67,553	X
Death and gift taxes	T50	-14	3,455	201	34,889
Severance taxes	T53	18,417	X	535	6,972
Documentary and stock transfer taxes	T51	X	1,336	68,236	73,123
Other miscellaneous taxes	T99	X	932	27,563	X

*The current quarter amount was not available. The figures shown represent an estimate.

Note: X = No such tax for that state

TABLE 3: STATE TAX COLLECTIONS BY STATE AND TYPE OF TAX
(thousands of dollars)

Year: 2009

Quarter: 2 (April, May, June)

Revision: 3

		Utah	Vermont	Virginia	Washington
Total Taxes		1,563,106	1,209,578	4,748,221	3,675,432
Property tax	T01	X	806,488	27,091	214,730
General sales and gross receipts	T09	396,488	71,330	800,673	2,153,543
Motor fuel sales taxes	T13	86,508	20,970	290,270	299,752
Alcoholic beverages	T10	11,894	4,735	65,503	89,624
Public utilities	T15	4,421	8,776	37,997	160,581
Insurance	T12	28,901	7,497	199,637	163,891
Tobacco products	T16	12,874	15,537	40,132	107,832
Pari-mutuels	T14	X	X	X	803
Amusements	T11	X	X	21	0
Other selective sales and gross receipts	T19	7,516	40,805	124,614	79,869
Alcoholic beverages	T20	484	250	3,938	3,219
Public utilities	T27	X	X	X	15,638
Motor vehicles	T24	69,392	20,040	95,893	134,192
Motor vehicle operator	T25	3,617	1,700	14,775	16,528
Corporations in general	T22	896	697	10,292	6,890
Hunting and fishing licenses	T23	6,854	2,034	3,376	17,750
Amusements	T21	X	0	36	202
Occupation and business licenses	T28	9,604	2,663	30,687	76,148
Other licenses taxes	T29	2,615	971	1,652	16,760
Individual income taxes	T40	836,863	162,173	2,573,483	X
Corporation net income taxes	T41	88,850	24,885	309,879	X
Death and gift taxes	T50	36	15,810	461	22,775
Severance taxes	T53	-4,707	X	437	4,431
Documentary and stock transfer taxes	T51	X	1,529	89,149	90,274
Other miscellaneous taxes	T99	X	688	28,225	X

*The current quarter amount was not available. The figures shown represent an estimate.

Note: X = No such tax for that state

TABLE 3: STATE TAX COLLECTIONS BY STATE AND TYPE OF TAX
(thousands of dollars)

Year: 2009

Quarter: 3 (July, August, September)

Revision: 2

		Utah	Vermont	Virginia	Washington
Total Taxes		1,136,882	359,491	4,051,381	4,253,746
Property tax	T01	X	9,404	-1,128	687,720
General sales and gross receipts	T09	390,903	76,497	845,747	2,506,865
Motor fuel sales taxes	T13	96,629	22,390	157,121	283,160
Alcoholic beverages	T10	8,479	5,343	22,555	49,467
Public utilities	T15	6,988	797	38,593	86,146
Insurance	T12	33,478	8,407	103,674	98,366
Tobacco products	T16	14,977	19,130	45,933	107,661
Pari-mutuels	T14	X	X	X	829
Amusements	T11	X	X	19	0
Other selective sales and gross receipts	T19	7,338	38,338	140,658	101,524
Alcoholic beverages	T20	484	7	2,742	3,193
Public utilities	T27	X	X	X	253
Motor vehicles	T24	67,389	17,269	97,557	102,799
Motor vehicle operator	T25	3,657	1,828	14,867	16,629
Corporations in general	T22	933	245	23,584	5,619
Hunting and fishing licenses	T23	6,854	1,478	6,153	9,254
Amusements	T21	X	35	18	105
Occupation and business licenses	T28	9,604	1,755	52,876	54,719
Other licenses taxes	T29	2,036	986	1,198	16,868
Individual income taxes	T40	447,989	130,303	2,218,303	X
Corporation net income taxes	T41	24,841	17,191	172,332	X
Death and gift taxes	T50	22	4,939	1,494	13,866
Severance taxes	T53	14,281	X	463	5,112
Documentary and stock transfer taxes	T51	X	2,160	80,288	103,591
Other miscellaneous taxes	T99	X	989	26,334	X

*The current quarter amount was not available. The figures shown represent an estimate.

Note: X = No such tax for that state

TABLE 3: STATE TAX COLLECTIONS BY STATE AND TYPE OF TAX
(thousands of dollars)

Year: 2009

Quarter: 4 (October, November, December)

Revision: 1

		Utah	Vermont	Virginia Revised	Washington
Total Taxes		1,323,976	427,781	4,160,839	3,626,757
Property tax	T01	X	87,274	0	161,406
General sales and gross receipts	T09	434,536	77,225	843,253	2,371,482
Motor fuel sales taxes	T13	84,001	20,543	213,139	296,159
Alcoholic beverages	T10	9,459	5,265	44,583	68,291
Public utilities	T15	7,504	1,903	29,005	96,469
Insurance	T12	30,161	8,483	100,506	97,410
Tobacco products	T16	13,463	16,849	44,156	102,392
Pari-mutuels	T14	X	X	X	242
Amusements	T11	X	X	30	0
Other selective sales and gross receipts	T19	11,285	37,328	111,022	85,234
Alcoholic beverages	T20	484	27	2,282	3,003
Public utilities	T27	X	X	X	306
Motor vehicles	T24	70,593	14,800	86,554	113,977
Motor vehicle operator	T25	3,225	1,600	13,133	14,142
Corporations in general	T22	1,051	285	10,242	6,368
Hunting and fishing licenses	T23	7,188	1,661	10,578	5,679
Amusements	T21	X	2	18	2,217
Occupation and business licenses	T28	11,434	1,987	28,574	56,822
Other licenses taxes	T29	423	1,617	466	11,815
Individual income taxes	T40	544,993	125,898	2,340,827	X
Corporation net income taxes	T41	73,916	17,448	171,321	X
Death and gift taxes	T50	19	3,073	2,059	20,701
Severance taxes	T53	20,241	X	454	5,391
Documentary and stock transfer taxes	T51	X	2,803	74,478	107,251
Other miscellaneous taxes	T99	X	1,710	34,159	X

*The current quarter amount was not available. The figures shown represent an estimate.

Note: X = No such tax for that state

Table 21 (Continued)
HIGHER EDUCATION
 Operating Budget by Funding Source
 Three-Year Comparison

	General Fund	Education Fund	Federal Funds	Dedicated Credits	Restricted/ Trust Funds	Other Funds	Total Funds
<i>Continued from previous page</i>							
State Board of Regents/Statewide Programs							
Actual FY 2006	16,720,700	6,221,900	1,236,700	299,000	100,000	(473,200)	24,105,100
Authorized FY 2007	16,480,700	7,519,800	303,100	374,600	1,000,000	557,100	26,235,300
Appropriated FY 2008	16,480,900	20,552,700	303,100	374,600	1,000,000	0	38,711,300
Total Utah System of Higher Education							
Actual FY 2006	\$431,729,400	\$196,638,300	\$5,413,200	\$294,271,800	\$8,384,500	\$9,826,800	\$946,264,000
Authorized FY 2007	190,731,300	464,570,000	4,205,400	352,184,600	9,284,500	11,169,400	1,032,145,200
Appropriated FY 2008	49,638,700	693,605,400	4,205,400	364,446,700	9,349,200	1,780,300	1,123,025,700
Utah Education Network							
Actual FY 2006	\$15,257,500	\$2,929,100	\$4,324,100	\$248,700	\$0	\$1,946,100	\$24,705,500
Authorized FY 2007	261,100	21,832,800	10,492,000	170,900	0	641,000	33,397,800
Appropriated FY 2008	261,100	21,065,600	13,492,000	170,900	0	125,200	35,114,800
Utah College of Applied Technology							
Actual FY 2006	40,903,300	3,397,100	0	5,602,600	0	(501,600)	49,401,400
Authorized FY 2007	24,724,000	25,047,600	0	6,387,100	0	2,608,300	58,767,000
Appropriated FY 2008	9,240,700	45,772,200	0	6,166,500	0	0	61,179,400
Medical Education Council							
Actual FY 2006	338,800	0	0	710,100	0	(310,200)	738,700
Authorized FY 2007	364,100	0	0	673,400	0	322,000	1,359,500
Appropriated FY 2008	453,000	0	0	674,300	0	292,000	1,419,300
TOTAL OPERATIONS BUDGET							
Actual FY 2006	\$488,229,000	\$202,964,500	\$9,737,300	\$300,833,200	\$8,384,500	\$10,961,100	\$1,021,109,600
Authorized FY 2007	216,080,500	511,450,400	14,697,400	359,416,000	9,284,500	14,740,700	1,125,669,500
Appropriated FY 2008	59,593,500	760,443,200	17,697,400	371,458,400	9,349,200	2,197,500	1,220,739,200

Table 28
PUBLIC EDUCATION
 Operating Budget by Funding Source
 Three-Year Comparison

	General Fund	Education Fund	Federal Funds	Dedicated Credits	Other Funds	Property Tax	Total Funds	Est. Positions
Utah State Office of Education								
Actual FY 2006	\$2,585,900	\$21,602,400	\$228,431,800	\$5,674,300	\$2,088,900	\$0	\$260,383,300	--
Authorized FY 2007	7,600,000	30,377,200	233,392,100	5,897,700	3,615,900	0	280,882,900	230.0
Appropriated FY 2008	14,800,000	27,646,800	234,913,100	5,932,000	3,515,600	0	286,807,500	233.5
Utah State Charter School Board								
Actual FY 2006	0	3,274,300	7,429,800	0	(135,700)	0	10,568,400	--
Authorized FY 2007	0	4,484,000	7,800,000	0	0	0	12,284,000	5.0
Appropriated FY 2008	0	696,900	7,806,700	0	0	0	8,503,600	7.0
Utah State Office of Rehabilitation								
Actual FY 2006	254,900	19,905,800	32,495,300	929,000	0	0	53,585,000	--
Authorized FY 2007	254,900	20,871,900	33,803,800	1,036,500	0	0	55,967,100	434.4
Appropriated FY 2008	265,100	22,310,100	35,195,400	1,042,100	19,300	0	58,832,000	435.4
Utah Schools for the Deaf and the Blind (USDB)								
Actual FY 2006	0	20,256,400	119,300	705,000	3,700,700	0	24,781,400	--
Authorized FY 2007	0	22,124,900	165,700	833,200	4,546,900	0	27,670,700	400.8
Appropriated FY 2008	0	23,537,900	169,900	865,200	3,801,500	0	28,374,500	402.0
USDB - Institutional Council								
Actual FY 2006	0	0	0	608,400	(88,600)	0	519,800	--
Authorized FY 2007	0	0	0	600,000	302,400	0	902,400	6.2
Appropriated FY 2008	0	0	0	619,000	0	0	619,000	7.0
Educational Contracts								
Actual FY 2006	0	3,854,800	0	0	0	0	3,854,800	--
Authorized FY 2007	0	3,854,800	0	0	0	0	3,854,800	0.0
Appropriated FY 2008	0	3,854,800	0	0	0	0	3,854,800	0.0
Science and the Arts								
Actual FY 2006	0	3,309,000	0	0	(3,500)	0	3,305,500	--
Authorized FY 2007	0	3,979,000	0	0	3,500	0	3,982,500	0.0
Appropriated FY 2008	0	4,793,000	0	0	0	0	4,793,000	0.0
Nutrition Programs								
Actual FY 2006	0	150,100	103,412,100	20,585,700	0	0	124,147,900	--
Authorized FY 2007	0	156,700	107,517,200	21,585,700	0	0	129,259,600	26.0
Appropriated FY 2008	0	163,400	107,589,200	21,600,700	0	0	129,353,300	26.0
Minimum School Program (MSP)								
Actual FY 2006	0	1,797,702,300	0	35,100	2,079,200	446,802,000	2,246,618,600	--
Authorized FY 2007	0	2,017,419,500	0	0	27,263,500	470,804,700	2,515,487,700	0.0
Appropriated FY 2008	0	2,410,016,600	0	0	0	508,148,600	2,918,165,200	0.0
MSP - Trust Fund Interest to Districts								
Actual FY 2006	0	0	0	0	13,976,600	0	13,976,600	--
Authorized FY 2007	0	0	0	0	15,000,000	0	15,000,000	0.0
Appropriated FY 2008	0	0	0	0	21,000,000	0	21,000,000	0.0
Indirect Cost Pool								
Actual FY 2006	0	0	0	0	0	0	0	--
Authorized FY 2007	0	0	0	0	0	0	0	44.0
Appropriated FY 2008	0	0	0	0	0	0	0	43.0
TOTAL OPERATIONS BUDGET								
Actual FY 2006	\$2,840,800	\$1,870,055,100	\$371,888,300	\$28,537,500	\$21,617,600	\$446,802,000	\$2,741,741,300	--
Authorized FY 2007	7,854,900	2,103,268,000	382,678,800	29,953,100	50,732,200	470,804,700	3,045,291,700	1,146.4
Appropriated FY 2008	15,065,100	2,493,019,500	385,674,300	30,059,000	28,336,400	508,148,600	3,460,302,900	1,153.9

Operating and Capital Budgets - Higher Education

Table 23 (Continued)
HIGHER EDUCATION
 Operating Budget by Funding Source
 Three-Year Comparison

	General Fund	Education Fund	Federal Funds	Dedicated Credits	Restricted/ Trust Funds	Other Funds	Total Funds
State Board of Regents/Statewide Programs							
Actual FY 2009	15,032,100	14,380,000	1,158,900	173,000	1,000,000	4,542,400	36,286,400
Authorized FY 2010	15,170,900	11,704,800	2,303,100	0	0	385,300	29,564,100
Appropriated FY 2011	13,590,100	13,731,300	303,100	0	0	24,900	27,649,400
Total Utah System of Higher Education							
Actual FY 2009	\$462,294,800	\$221,601,100	\$32,500,100	\$414,840,100	\$9,583,300	\$65,066,500	\$1,205,885,900
Authorized FY 2010	416,950,300	211,033,600	61,834,100	442,266,800	8,733,300	34,459,000	1,175,277,100
Appropriated FY 2011	457,768,300	196,875,700	22,978,500	444,582,300	8,733,300	1,381,900	1,132,320,000
Utah Education Network							
Actual FY 2009	\$250,100	\$20,423,700	\$2,375,900	\$8,299,800	\$0	\$978,600	\$32,328,100
Authorized FY 2010	221,700	18,495,900	2,499,900	8,605,100	0	728,000	30,550,600
Appropriated FY 2011	219,500	18,270,800	16,361,700	8,645,100	0	613,000	44,110,100
Utah College of Applied Technology							
Actual FY 2009	21,563,500	30,445,000	2,062,500	5,537,300	0	563,200	60,171,500
Authorized FY 2010	19,952,700	26,032,900	3,338,100	5,762,900	0	317,500	55,404,100
Appropriated FY 2011	16,762,100	30,192,800	1,064,700	5,921,400	0	0	53,941,000
Medical Education Council							
Actual FY 2009	623,000	0	0	392,100	0	82,000	1,097,100
Authorized FY 2010	631,900	0	0	390,400	0	224,400	1,246,700
Appropriated FY 2011	561,000	0	0	0	0	405,100	966,100
TOTAL OPERATIONS BUDGET							
Actual FY 2009	\$484,731,400	\$272,469,800	\$36,938,500	\$429,069,300	\$9,583,300	\$66,690,300	\$1,299,482,600
Authorized FY 2010	437,756,600	255,562,400	67,672,100	457,025,200	8,733,300	35,728,900	1,262,478,500
Appropriated FY 2011	475,310,900	245,339,300	40,404,900	459,148,800	8,733,300	2,400,000	1,231,337,200

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Table 30
PUBLIC EDUCATION
 Operating Budget by Funding Source
 Three-Year Comparison

	General/ Education Funds	Federal Funds	Dedicated Credits	Restricted/ Trust Funds	Other Funds	Property Tax	Total Funds	Est. Posi- tions
Utah State Office of Education								
Actual FY 2009	\$33,963,400	\$236,618,800	\$5,394,500	\$1,206,600	\$8,153,300	\$0	\$285,336,600	--
Authorized FY 2010	20,654,400	324,033,500	6,324,800	1,202,600	1,519,600	0	353,734,900	223.0
Appropriated FY 2011	21,103,300	226,215,000	6,328,200	1,210,000	1,522,900	0	256,379,400	231.0
Educator Licensing								
Actual FY 2009	0	0	0	1,465,900	(349,900)	0	1,116,000	--
Authorized FY 2010	0	0	0	1,460,600	(203,500)	0	1,257,100	12.0
Appropriated FY 2011	0	0	0	1,469,900	(203,800)	0	1,266,100	11.0
Utah State Charter School Board								
Actual FY 2009	148,400	4,803,600	0	0	569,900	0	5,521,900	--
Authorized FY 2010	564,200	5,104,600	0	0	0	0	5,668,800	6.0
Appropriated FY 2011	575,800	5,106,100	0	0	0	0	5,681,900	10.0
Utah Schools for the Deaf and the Blind (USDB)								
Actual FY 2009	24,234,800	30,300	494,500	0	3,932,700	0	28,692,300	--
Authorized FY 2010	21,844,200	112,900	1,469,900	0	5,311,000	0	28,738,000	371.5
Appropriated FY 2011	22,753,700	112,300	1,969,900	0	5,149,500	0	29,985,400	405.0
USDB - Institutional Council								
Actual FY 2009	0	0	605,800	0	144,900	0	750,700	--
Authorized FY 2010	0	0	611,000	0	86,000	0	697,000	6.0
Appropriated FY 2011	0	0	0	0	0	0	0	0.0
Educational Contracts								
Actual FY 2009	3,700,600	0	0	0	0	0	3,700,600	--
Authorized FY 2010	3,082,900	0	0	0	0	0	3,082,900	0.0
Appropriated FY 2011	3,137,800	0	0	0	0	0	3,137,800	0.0
Fine Arts Outreach								
Actual FY 2009	3,066,000	0	0	0	0	0	3,066,000	--
Authorized FY 2010	2,703,200	0	0	0	0	0	2,703,200	0.0
Appropriated FY 2011	2,786,800	0	0	0	0	0	2,786,800	0.0
Science Outreach								
Actual FY 2009	1,994,500	0	0	0	3,600	0	1,998,100	--
Authorized FY 2010	1,644,200	0	0	0	0	0	1,644,200	0.0
Appropriated FY 2011	1,695,500	0	0	0	13,900	0	1,709,400	0.0
Nutrition Programs								
Actual FY 2009	157,900	125,343,400	26,769,100	0	4,000	0	152,274,400	--
Authorized FY 2010	136,200	114,310,900	21,609,600	0	0	0	136,056,700	27.0
Appropriated FY 2011	139,500	114,329,300	21,613,100	0	0	0	136,081,900	24.0
Minimum School Program (MSP)								
Actual FY 2009	2,226,214,800	185,581,800	358,300	0	88,310,500	592,119,000	3,092,584,400	--
Authorized FY 2010	2,211,734,400	112,794,200	0	0	0	602,671,400	2,927,200,000	0.0
Appropriated FY 2011	2,307,801,400	0	0	0	0	584,414,700	2,892,216,100	0.0

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MINIMUM SCHOOL PROGRAM BUDGET

AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Merlynn T. Newbold

Senate Sponsor: Howard A. Stephenson

LONG TITLE

General Description:

This bill provides funding for the Minimum School Program.

Highlighted Provisions:

This bill:

- . establishes a ceiling for the state contribution to the Minimum School Program for fiscal year 2009-10 of \$2,137,352,586;
- . appropriates \$22,499,700 to the State Board of Education for fiscal year 2009-10 for school building aid programs for school districts;
- . modifies the funding of charter schools;
- . modifies the district administrative cost formula;
- . makes one-time appropriations for fiscal year 2009-10; and
- . makes one-time appropriations for fiscal year 2008-09.

Monies Appropriated in this Bill:

This bill appropriates:

- . the following Minimum School Program monies:
 - . \$2,031,004,786 from the Uniform School Fund for fiscal year 2009-10;
 - . \$20,000,000 from the Uniform School Fund Restricted - Interest and Dividends Account for fiscal year 2009-10;
 - . \$86,347,800 from the Uniform School Fund for fiscal year 2009-10 only;
 - . (\$84,167,200) from the Uniform School Fund for fiscal year 2008-09 only;
 - . \$207,176,000 from Federal Funds - American Recovery and Reinvestment Act

-
- (H.R. 1, 111th Congress) for fiscal year 2009-10 only; and
 - . \$91,200,000 from Federal Funds - American Recovery and Reinvestment Act (H.R. 1, 111th Congress) for fiscal year 2008-09 only;
 - . the following School Building Program monies:
 - . \$22,499,700 from the Uniform School Fund for fiscal year 2009-10; and
 - . \$3,171,700 from the Uniform School Fund for fiscal year 2008-09 only; and
 - . \$580,000 as an ongoing appropriation to the State Board of Education to fund salary adjustments for educators at the Utah Schools for the Deaf and the Blind.

Other Special Clauses:

This bill provides an effective date.

This bill coordinates with S.B. 4, Current School Year Supplemental Minimum School Program Budget Adjustments, by providing superseding and substantive amendments.

Utah Code Sections Affected:

AMENDS:

- 53A-1a-502.5**, as last amended by Laws of Utah 2008, Chapter 397
- 53A-1a-513**, as last amended by Laws of Utah 2008, Chapters 382 and 397
- 53A-17a-104**, as last amended by Laws of Utah 2008, Chapters 1 and 397
- 53A-17a-108**, as last amended by Laws of Utah 2008, Chapters 1 and 397
- 53A-17a-120.5**, as enacted by Laws of Utah 2007, Chapter 368
- 53A-17a-125**, as last amended by Laws of Utah 2004, Chapter 330
- 53A-17a-127**, as last amended by Laws of Utah 2008, Chapter 397
- 53A-17a-133**, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236
- 53A-17a-134**, as last amended by Laws of Utah 2008, Chapter 231

16 53 53A-17a-135, as last amended by Laws of Utah 2008, Chapter 1
54 53A-17a-148, as last amended by Laws of Utah 2008, Chapter 289
55 53A-21-501, as last amended by Laws of Utah 2008, Chapter 1 and renumbered and
56 amended by Laws of Utah 2008, Chapter 236
57

58

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

59 Section 1. Section 53A-1a-502.5 is amended to read:

60 **53A-1a-502.5. Charter schools -- Maximum authorized students.**

61 (1) The State Charter School Board and local school boards may only authorize a
62 combined maximum student capacity of:

63 (a) 32,921 students for the charter schools in the 2008-09 school year; and

64 (b) beginning in the 2009-10 school year, an annual increase in charter school
65 enrollment capacity equal to 1.4% of total school district enrollment as of October 1 of the
66 previous school year.

67 (2) (a) The State Board of Education, in consultation with the State Charter School
68 Board, shall allocate the students under Subsection (1) between the State Charter School
69 Board and local school boards.

70 (b) One-third of the student capacity described under Subsection (1)(b) shall be
71 allocated to increase the maximum student capacity of operating charter schools.

72 (c) If the operating charter schools do not use the allocation described under
73 Subsection (2)(b), the remaining student capacity may be used by new charter schools.

74 (3) An increase in charter school enrollment capacity in the 2011-12 school year or
75 thereafter shall receive:

76 (a) tentative approval by the State Board of Education by November 30 of the year
77 that is two years before the year that the increase in charter school enrollment capacity takes
78 effect; and

79 (b) final approval by the State Board of Education by the following April 1, subject to
80 legislative authorization of the increase in charter school enrollment capacity.

81 Section 2. Section 53A-1a-513 is amended to read:

82 **53A-1a-513. Funding for charter schools.**

83 (1) As used in this section:

84 (a) "Charter school students' average local revenues" means the amount determined as
85 follows:

86

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

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

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

92 (b) "District per pupil local revenues" means the amount determined as follows, using
93 data from the most recently published school district annual financial reports and state
94 superintendent's annual report:

95 (i) calculate the sum of a school district's revenue received from:

96 (A) a voted levy imposed under Section 53A-17a-133 ;

97 (B) a board levy imposed under Section 53A-17a-134 ;

98 (C) 10% of the cost of the basic program levy imposed under Section 53A-17a-145 ;

99 (D) a tort liability levy imposed under Section 63G-7-704 ;

100 (E) a capital outlay levy imposed under Section 53A-16-107 ; and

101 (F) a voted capital outlay levy imposed under Section 53A-16-110 ; and

102 (ii) divide the sum calculated under Subsection (1)(b)(i) by the sum of:

103 (A) a school district's average daily membership; and

104 (B) the average daily membership of a school district's resident students who attend
105 charter schools.

106 (c) "Resident student" means a student who is considered a resident of the school
107 district under Title 53A, Chapter 2, Part 2, District of Residency.

108 (d) "Statewide average debt service revenues" means the amount determined as

109 follows, using data from the most recently published state superintendent's annual report:

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

112 (ii) divide the sum calculated under Subsection (1)(d)(i) by statewide school district
113 average daily membership.

114

(2) (a) Charter schools shall receive funding as described in this section, except

115 Subsections (3) through (8) do not apply to charter schools described in Subsection (2)(b).

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

119 (3) (a) Except as provided in Subsection (3)(b), a charter school shall receive state
 120 funds, as applicable, on the same basis as a school district receives funds.

121 (b) In distributing funds under Title 53A, Chapter 17a, Minimum School Program
 122 Act, to charter schools, charter school pupils shall be weighted, where applicable, as follows:

- 123 (i) .55 for kindergarten pupils;
- 124 (ii) .9 for pupils in grades 1-6;
- 125 (iii) .99 for pupils in grades 7-8; and
- 126 (iv) 1.2 for pupils in grades 9-12.

127 (4) (a) (i) ~~Except as provided in Subsection (4)(a)(ii), a~~ a school district shall
 128 allocate a portion of school district revenues for each resident student of the school district
 129 who is enrolled in a charter school on October 1 equal to 25% of the lesser of:

- 130 (A) district per pupil local revenues; or
- 131 (B) charter school students' average local revenues.
- 132 (ii) For the purpose of allocating school district revenues under Subsection (4)(a)(i) *in*
 133 *fiscal year 2008-09 only*, a kindergarten student who is enrolled in less than a full-day
 134 kindergarten program is weighted as .55 of a student.
- 135 (iii) Nothing in this Subsection (4)(a) affects the school bond guarantee program
 136 established under Chapter 28, Utah School Bond Guaranty Act.

137 (b) The State Board of Education shall:

- 138 (i) deduct an amount equal to the allocation provided under Subsection (4)(a) from
 139 state funds the school district is authorized to receive under Title 53A, Chapter 17a, Minimum
 140 School Program Act; and
- 141 (ii) remit the money to the student's charter school.

142

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

- 145 (i) unrestricted revenues available to the school district; or
- 146 (ii) the revenue sources listed in Subsections (1)(b)(i)(A) through (F) based on the
 147 portion of the allocations to charter schools attributed to each of the revenue sources listed in
 148 Subsections (1)(b)(i)(A) through (F).

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

152 (ii) Except as provided in ~~Subsections~~ *Subsection (4)(d)(iii) and (iv)*, the amount
 153 of money provided by the state for a charter school student shall be the sum of:

- 154 (A) charter school students' average local revenues minus the allocation of school
 155 district revenues under Subsection (4)(a); and
- 156 (B) statewide average debt service revenues.

157 (iii) If the total of a school district's allocation for a charter school student under
 158 Subsection (4)(a) and the amount provided by the state under Subsection (4)(d)(ii) is less than
 159 \$1427, the state shall provide an additional supplement so that a charter school receives at
 160 least \$1427 per student under this Subsection (4).

161 ~~[(iv) For the purpose of providing state monies for charter school students under this~~
 162 ~~Subsection (4)(d), a kindergarten student who is enrolled in less than a full-day kindergarten~~
 163 ~~program is weighted as .55 of a student.]~~

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

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

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

170

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

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

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

176 (8) (a) (i) The state superintendent of public instruction may allocate grants for both
 177 start-up and ongoing costs to eligible charter school applicants from monies appropriated for
 178 the implementation of this part.

179 (ii) Applications for the grants shall be filed on a form determined by the state
 180 superintendent and in conjunction with the application for a charter.

181 (iii) The amount of a grant may vary based upon the size, scope, and special
182 circumstances of the charter school.

183 (iv) The governing board of the charter school shall use the grant to meet the expenses
184 of the school as established in the school's charter.

185 (b) The State Board of Education shall coordinate the distribution of federal monies
186 appropriated to help fund costs for establishing and maintaining charter schools within the
187 state.

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

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

195 Section 3. Section **53A-17a-104** is amended to read:

196 **53A-17a-104. Amount of state's contribution toward minimum school program.**

197 (1) The total contribution of the state toward the cost of the minimum school program

198
199 may not exceed the sum of [~~\$2,497,012,086~~] \$2,137,352,586 for the fiscal year beginning July

200 1, [~~2008~~] 2009, except as otherwise provided by the Legislature through supplemental
201 appropriations.

202 (2) There is appropriated from state and local funds for fiscal year [~~2008-09~~] 2009-10
203 for distribution to school districts and charter schools, in accordance with this chapter, monies
204 for the following purposes and in the following amounts:

205 (a) basic program - kindergarten, [~~\$65,182,638 (25,294 WPU's)~~] \$68,424,504 (26,552
206 WPU's);

207 (b) basic program - grades 1-12, [~~\$1,258,253,751 (488,263 WPU's)~~] \$1,291,316,661
208 (501,093 WPU's);

209 (c) basic program - professional staff, [~~\$116,307,741 (45,133 WPU's)~~] \$118,627,041
210 (46,033 WPU's);

211 (d) basic program - administrative costs, \$4,174,740 (1,620 WPU's);

212 (e) basic program - necessarily existent small schools and units for consolidated
213 schools, \$19,711,473 (7,649 WPU's);

214 (f) special education - regular program - add-on WPU's for students with disabilities,
215 [~~\$155,789,958 (60,454 WPU's)~~] \$160,029,123 (62,099 WPU's);

216 (g) preschool special education program, [~~\$22,082,313 (8,569 WPU's)~~] \$22,623,483
217 (8,779 WPU's);

218 (h) self-contained regular WPU's, [~~\$34,573,032 (13,416 WPU's)~~] \$35,632,179 (13,827
219 WPU's);

220 (i) extended year program for severely disabled, [~~\$968,952 (376 WPU's)~~] \$992,145
221 (385 WPU's);

222 (j) special education programs in state institutions and district impact aid, [~~\$4,293,282~~
223 ~~(1,666 WPU's)~~] \$4,398,939 (1,707 WPU's);

224 (k) career and technical education district programs, [~~\$67,530,285 (26,205 WPU's)~~] \$68,656,434 (26,642 WPU's), including [~~\$1,154,458~~] \$1,174,084 for summer career and
225 technical education agriculture programs;

226 [~~(4) career and technical education district set aside, \$2,878,509 (1,117 WPU's)~~]

227 [~~(m)~~] (l) class size reduction, [~~\$88,373,061 (34,293 WPU's)~~] \$90,537,741 (35,133
228 WPU's);

229 [~~(n)~~] (m) Social Security and retirement programs, [~~\$349,906,049~~] \$13,407,831;

230 [~~(o)~~] (n) pupil transportation to and from school, [~~\$74,446,865~~] \$65,646,865, of
231 which not less than \$2,584,435 shall be allocated to the Utah Schools for the Deaf and Blind
232 to pay for transportation costs of the schools' students;

233 [~~(p)~~] (o) guarantee transportation levy, \$500,000;

234 [~~(q)~~] (p) Local Discretionary Block Grant Program, \$21,820,748;

235 [~~(r)~~] (q) Interventions for Student Success Block Grant Program, [~~\$18,844,144~~]
236 \$15,000,000;

237 [~~(s)~~] (r) Quality Teaching Block Grant Program, \$77,615,644;

238 [~~(t)~~] (s) highly impacted schools, [~~\$5,123,207~~] \$4,610,907;

239 [~~(u)~~] (t) at-risk programs, [~~\$31,411,244~~] \$28,270,141;

240 [~~(v)~~] (u) adult education, [~~\$10,266,146~~] \$9,266,146;

241 [~~(w)~~] (v) accelerated learning programs, [~~\$4,295,584~~] \$3,566,081;

242 [~~(x)~~] (w) concurrent enrollment, [~~\$9,672,586~~] \$8,705,286;

243 [~~(y)~~] (x) High-ability Student Initiative Program, [~~\$500,000~~] \$495,000;

244 [~~(z)~~] (y) English Language Learner Family Literacy Centers, [~~\$2,000,000~~]

245 \$1,800,000;

246 ~~[(aa)]~~ ~~(c)~~ electronic high school, \$2,000,000;
 247 ~~[(bb)]~~ ~~(i)~~ School LAND Trust Program, ~~[\$26,499,500]~~ \$20,000,000;
 248 ~~[(cc)]~~ ~~(s)~~ state supplement to local property taxes for charter schools, pursuant to
 249 Section 53A-1a-513, ~~[\$36,957,646]~~ \$45,288,446;
 250 ~~[(dd)]~~ ~~(aa)~~ charter school administrative costs, ~~[\$2,898,600]~~ \$3,677,000;
 251 ~~[(ee)]~~ ~~(bb)~~ K-3 Reading Improvement Program, \$15,000,000;
 252 ~~[(ff)]~~ ~~(c)~~ Public Education Job Enhancement Program, ~~[\$2,430,000]~~ \$2,187,000;
 253 ~~[(gg)]~~ ~~(dd)~~ educator salary adjustments, \$148,260,200;

254 ~~[(hh)]~~ ~~(ee)~~ Teacher Salary Supplement Restricted Account, ~~[\$4,300,000]~~ \$3,700,000;

255 ~~[(ii)]~~ ~~(ff)~~ library books and electronic resources, ~~[\$1,500,000]~~ \$500,000;
 256 ~~[(jj)]~~ ~~(gg)~~ school nurses, ~~[\$1,000,000]~~ \$900,000;
 257 ~~[(kk)]~~ ~~(bb)~~ critical languages, \$230,000;
 258 ~~[(ll)]~~ ~~(ii)~~ extended year for special educators, ~~[\$2,900,000]~~ \$2,610,000;
 259 ~~[(mm)]~~ ~~(j)~~ USTAR Centers, ~~[\$6,900,000]~~ \$6,210,000;
 260 ~~[(nn)]~~ ~~(kk)~~ state-supported voted leeway, ~~[\$273,337,346]~~ \$278,396,150;
 261 ~~[(oo)]~~ ~~(ll)~~ state-supported board leeway, ~~[\$71,575,858]~~ \$73,324,640; and
 262 ~~[(pp)]~~ ~~(mm)~~ state-supported board leeway for K-3 Reading Improvement Program,
 263 \$15,000,000.

264 Section 4. Section **53A-17a-108** is amended to read:

265 **53A-17a-108. Weighted pupil units for small school district administrative costs**
 266 **-- Appropriation for charter school administrative costs.**

267 (1) Administrative costs weighted pupil units are computed and distributed to small
 268 school districts in accordance with the following schedule:

Administrative Costs Schedule

270 School District Enrollment as of October 1	Weighted Pupil Units
271 1 - [2,000] <u>500</u> students	[53] <u>25</u>
272 [2,001 - 10,000] <u>501 - 1,000</u> students	[48] <u>80</u>
273 [10,001 - 20,000] <u>1,001 - 2,000</u> students	[25] <u>70</u>
274 [20,001 and above] <u>2,001 - 5,000 students</u>	[16] <u>60</u>

275 (2) (a) Money appropriated to the State Board of Education for charter school
 276 administrative costs, including an appropriation in Section 53A-17a-104, shall be distributed
 277 to charter schools in the amount of \$100 for each charter school student in enrollment.

278 (b) Charter schools are encouraged to identify and use cost-effective methods of
 279 performing administrative functions, including contracting for administrative services with the
 280 State Charter School Board as provided in Section 53A-1a-501.6.

281 (3) Charter schools are not eligible for funds for administrative costs under Subsection

282 (1).

283 Section 5. Section **53A-17a-120.5** is amended to read:

284 **53A-17a-120.5. Appropriation for concurrent enrollment.**

285 (1) Money appropriated to the State Board of Education in Section 53A-17a-104 for
 286 concurrent enrollment shall be allocated as follows:

287 (a) 60% of the monies shall be allocated to local school boards and charter schools;
 288 and

289 (b) 40% of the monies shall be allocated to the State Board of Regents.

290 (2) The State Board of Education shall make rules providing that a school
 291 participating in the concurrent enrollment programs offered under Section 53A-15-101 shall
 292 receive an allocation from the monies described in Subsection (1)(a) as provided in Section
 293 53A-15-101.

294 (3) The State Board of Regents shall make rules providing that an institution of higher
 295 education participating in the concurrent enrollment programs offered under Section
 296 53A-15-101 shall receive an allocation from the monies described in Subsection (1)(b) as
 297 provided in the rules.

298 (4) ~~[Each year]~~ Subject to budget constraints, the Legislature shall annually increase
 299 the money appropriated to the State Board of Education in Section 53A-17a-104 for
 300 concurrent enrollment based on:

301 (a) enrollment growth in concurrent enrollment from additional students enrolled,
 302 courses offered, and credit hours taken; and

303 (b) the percentage increase in the value of the weighted pupil unit.

304 (5) The State Board of Education and the State Board of Regents shall annually report to
 305 the Public Education Appropriations Subcommittee:

306 (a) an accounting of the money appropriated for concurrent enrollment; and

307 (b) a justification of the split described in Subsections (1)(a) and (b).

310 (1) The employee's retirement contribution shall be 1% for employees who are under
311 the state's contributory retirement program.

312 (2) The employer's contribution under the state's contributory retirement program is
313 determined under Section 49-12-301 , subject to the 1% contribution under Subsection (1).

314 (3) (a) The employer-employee contribution rate for employees who are under the
315 state's noncontributory retirement program is determined under Section 49-13-301 .

316 (b) The same contribution rate used under Subsection (3)(a) shall be used to calculate
317 the appropriation for charter schools described under Subsection (5).

318 (4) (a) Money appropriated to the State Board of Education in Section 53A-17a-104
319 for retirement and Social Security monies shall be allocated to school districts and charter
320 schools based on a district's or charter school's total weighted pupil units compared to the total
321 weighted pupil units for all districts in the state.

322 (b) ~~[The]~~ *Subject to budget constraints*, monies needed to support retirement and
323 Social Security shall be determined by taking the district's prior year allocation and adjusting
324 it for:

- 325 (i) student growth;
- 326 (ii) the percentage increase in the value of the weighted pupil unit; and
- 327 (iii) the effect of any change in the rates for retirement, Social Security, or both.

328 (5) A charter school that has made an election of nonparticipation in the Utah State
329 Retirement Systems in accordance with Section 53A-1a-512 and Title 49, Utah State
330 Retirement and Insurance Benefit Act, shall use the funds described under this section for
331 retirement to provide its own compensation, benefit, and retirement programs.

332 Section 7. Section 53A-17a-127 is amended to read:

333 **53A-17a-127. Eligibility for state-supported transportation -- Approved bus**
334 **routes -- Additional local tax.**

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

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

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

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

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

349 (3) (a) The State Board of Education shall distribute transportation monies to school
350 districts based on:

- 351 (i) an allowance per mile for approved bus routes;
- 352 (ii) an allowance per hour for approved bus routes; *and*
- 353 ~~[(iii) an annual allowance for equipment and overhead costs based on approved bus~~
- 354 ~~routes and the age of the equipment; and]~~

355 ~~[(iv)]~~ (iii) a minimum allocation for each school district eligible for transportation
356 funding.

357 (b) The State Board of Education shall distribute appropriated transportation funds
358 based on the prior year's eligible transportation costs as legally reported under Subsection
359 53A-17a-126 (3).

360 ~~[(c) In order for a bus to be considered for the equipment allowance under Subsection~~
361 ~~(3)(a)(iii), it must meet federal and state regulations and standards for school buses.]~~

362 ~~[(d)]~~ (c) The State Board of Education shall annually review the allowance per mile[
363 *and* the allowance per hour, ~~and the annual equipment and overhead allowance]~~ and adjust
364 the ~~[allowance]~~ *allowances* to reflect current economic conditions.

365 (4) (a) Approved bus routes for funding purposes shall be determined on fall data

366 collected by October 1.

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

369 (5) A Transportation Advisory Committee with representation from local school
370 superintendents, business officials, school district transportation supervisors, and the state

371 superintendent's staff shall serve as a review committee for addressing school transportation
372 needs, including recommended approved bus routes.

373 (6) (a) A local school board may provide for the transportation of students who are not
374 eligible under Subsection (1), regardless of the distance from school, from:

375 (i) general funds of the district; and

376 (ii) a tax rate not to exceed .0003 per dollar of taxable value imposed on the district.

377 (b) A local school board may use revenue from the tax to pay for transporting
378 participating students to interscholastic activities, night activities, and educational field trips
379 approved by the board and for the replacement of school buses.

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

383 (ii) The state superintendent's staff shall distribute the state contribution according to
384 rules enacted by the State Board of Education.

385 (d) (i) The amount of state guarantee money which a school district would otherwise
386 be entitled to receive under Subsection (6)(c) may not be reduced for the sole reason that the
387 district's levy is reduced as a consequence of changes in the certified tax rate under Section
388 59-2-924 due to changes in property valuation.

389 (ii) Subsection (6)(d)(i) applies for a period of two years following the change in the
390 certified tax rate.

391 Section 8. Section **53A-17a-133** is amended to read:

392 **53A-17a-133. State-supported voted leeway program authorized -- Election**
393 **requirements -- State guarantee -- Reconsideration of the program.**

394 (1) An election to consider adoption or modification of a voted leeway program is

395 required if initiative petitions signed by 10% of the number of electors who voted at the last
396 preceding general election are presented to the local school board or by action of the board.

397 (2) (a) (i) To establish a voted leeway program, a majority of the electors of a district
398 voting at an election in the manner set forth in Section 53A-16-110 must vote in favor of a
399 special tax.

400 (ii) The tax rate may not exceed .002 per dollar of taxable value.

401 (b) The district may maintain a school program which exceeds the cost of the program
402 referred to in Section 53A-17a-145 with this voted leeway.

403 (c) In order to receive state support the first year, a district must receive voter approval
404 no later than December 1 of the year prior to implementation.

405 (3) (a) Under the voted leeway program, the state shall contribute an amount sufficient
406 to guarantee ~~[\$17.54]~~ \$25.25 per weighted pupil unit for each .0001 of the first .0016 per
407 dollar of taxable value.

408 (b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar
409 of taxable value under Subsection (3)(a) shall apply to the board-approved leeway authorized
410 in Section 53A-17a-134, so that the guarantee shall apply up to a total of .002 per dollar of
411 taxable value if a school district levies a tax rate under both programs.

412 (c) (i) Beginning July 1, ~~[2005]~~ 2009, the ~~[\$17.54]~~ \$25.25 guarantee under
413 Subsections (3)(a) and (b) shall be indexed each year to the value of the weighted pupil unit by
414 making the value of the guarantee equal to ~~[-.008544]~~ .009798 times the value of the prior
415 year's weighted pupil unit.

416 (ii) The guarantee shall increase by .0005 times the value of the prior year's weighted
417 pupil unit for each succeeding year until the guarantee is equal to .010544 times the value of
418 the prior year's weighted pupil unit.

419 (d) (i) The amount of state guarantee money to which a school district would
420 otherwise be entitled to under this Subsection (3) may not be reduced for the sole reason that
421 the district's levy is reduced as a consequence of changes in the certified tax rate under Section

422 59-2-924 pursuant to changes in property valuation.

423 (ii) Subsection (3)(d)(i) applies for a period of five years following any such change in
424 the certified tax rate.

425 (4) (a) An election to modify an existing voted leeway program is not a
426 reconsideration of the existing program unless the proposition submitted to the electors
427 expressly so states.

428 (b) A majority vote opposing a modification does not deprive the district of authority
429 to continue an existing program.

430 (c) If adoption of a leeway program is contingent upon an offset reducing other local
431 school board levies, the board must allow the electors, in an election, to consider modifying or
432 discontinuing the program prior to a subsequent increase in other levies that would increase
433 the total local school board levy.

434 (d) Nothing contained in this section terminates, without an election, the authority of a
435 school district to continue an existing voted leeway program previously authorized by the

436 voters.

437 (5) Notwithstanding Section 59-2-918 , a school district may budget an increased
438 amount of ad valorem property tax revenue derived from a voted leeway imposed under this
439 section in addition to revenue from new growth as defined in Subsection 59-2-924 (4), without
440 having to comply with the advertisement requirements of Section 59-2-918 , if:

441 (a) the voted leeway is approved:

442 (i) in accordance with Section 53A-16-110 on or after January 1, 2003; and

443 (ii) within the four-year period immediately preceding the year in which the school
444 district seeks to budget an increased amount of ad valorem property tax revenue derived from
445 the voted leeway; and

446 (b) for a voted leeway approved or modified in accordance with this section on or after
447 January 1, 2009, the school district complies with the requirements of Subsection (7).

448 (6) Notwithstanding Section 59-2-919 , a school district may levy a tax rate under this
449 section that exceeds the certified tax rate without having to comply with the advertisement

450 requirements of Section 59-2-919 if:

451 (a) the levy exceeds the certified tax rate as the result of a school district budgeting an
452 increased amount of ad valorem property tax revenue derived from a voted leeway imposed
453 under this section;

454 (b) if the voted leeway was approved:

455 (i) in accordance with Section 53A-16-110 on or after January 1, 2003; and

456 (ii) within the four-year period immediately preceding the year in which the school
457 district seeks to budget an increased amount of ad valorem property tax revenue derived from
458 the voted leeway; and

459 (c) for a voted leeway approved or modified in accordance with this section on or after
460 January 1, 2009, the school district complies with requirements of Subsection (7).

461 (7) For purposes of Subsection (5)(b) or (6)(c), the proposition submitted to the
462 electors regarding the adoption or modification of a voted leeway program shall contain the
463 following statement:

464 "A vote in favor of this tax means that (name of the school district) may increase
465 revenue from this property tax without advertising the increase for the next five years."

466 Section 9. Section **53A-17a-134** is amended to read:

467 **53A-17a-134. Board-approved leeway -- Purpose -- State support -- Disapproval.**

468 (1) Each local school board may levy a tax rate of up to .0004 per dollar of taxable
469 value to maintain a school program above the cost of the basic school program as follows:

470 (a) a local school board shall use the monies generated by the tax for class size
471 reduction within the school district;

472 (b) if a local school board determines that the average class size in the school district
473 is not excessive, it may use the monies for other school purposes but only if the board has
474 declared the use for other school purposes in a public meeting prior to levying the tax rate; and

475 (c) a district may not use the monies for other school purposes under Subsection (1)(b)
476 until it has certified in writing that its class size needs are already being met and has identified
477 the other school purposes for which the monies will be used to the State Board of Education

478 and the state board has approved their use for other school purposes.

479 (2) (a) The state shall contribute an amount sufficient to guarantee [~~\$17.54~~] \$25.25
480 per weighted pupil unit for each .0001 per dollar of taxable value.

481 (b) The guarantee shall increase in the same manner as provided for the voted leeway
482 guarantee in Subsections 53A-17a-133 (3)(c)(i) and (ii).

483 (c) (i) The amount of state guarantee money to which a school district would otherwise
484 be entitled to under this Subsection (2) may not be reduced for the sole reason that the
485 district's levy is reduced as a consequence of changes in the certified tax rate under Section
486 59-2-924 pursuant to changes in property valuation.

487 (ii) Subsection (2)(c)(i) applies for a period of five years following any such change in
488 the certified tax rate.

489 (3) The levy authorized under this section is not in addition to the maximum rate of
490 .002 authorized in Section 53A-17a-133 , but is a board-authorized component of the total tax
491 rate under that section.

492 (4) As an exception to Section 53A-17a-133 , the board-authorized levy does not
493 require voter approval, but the board may require voter approval if requested by a majority of
494 the board.

495 (5) An election to consider disapproval of the board-authorized levy is required, if
496 within 60 days after the levy is established by the board, referendum petitions signed by the
497 number of legal voters required in Section 20A-7-301 , who reside within the school district,
498 are filed with the school district.

499 (6) (a) A local school board shall establish its board-approved levy by April 1 to have
500 the levy apply to the fiscal year beginning July 1 in that same calendar year except that if an

501 election is required under this section, the levy applies to the fiscal year beginning July 1 of
502 the next calendar year.

503 (b) The approval and disapproval votes authorized in Subsections (4) and (5) shall
504 occur at a general election in even-numbered years, except that a vote required under this
505 section in odd-numbered years shall occur at a special election held on a day in odd-numbered

506 years that corresponds to the general election date. The school district shall pay for the cost of
507 a special election.

508 (7) (a) Modification or termination of a voter-approved leeway rate authorized under
509 this section is governed by Section 53A-17a-133 .

510 (b) A board-authorized leeway rate may be modified or terminated by a majority vote
511 of the board subject to disapproval procedures specified in this section.

512 (8) A board levy election does not require publication of a voter information pamphlet.
513 Section 10. Section **53A-17a-135** is amended to read:

514 **53A-17a-135. Minimum basic tax rate -- Certified revenue levy.**

515 (1) (a) In order to qualify for receipt of the state contribution toward the basic program
516 and as its contribution toward its costs of the basic program, each school district shall impose
517 a minimum basic tax rate per dollar of taxable value that generates [~~\$260,731,750~~]
518 \$273,950,764 in revenues statewide.

519 (b) The preliminary estimate for the [~~2008-09~~] 2009-10 minimum basic tax rate is
520 [~~0.0125~~] 0.01303.

521 (c) The State Tax Commission shall certify on or before June 22 the rate that generates
522 [~~\$260,731,750~~] \$273,950,764 in revenues statewide.

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

525 (2) (a) The state shall contribute to each district toward the cost of the basic program
526 in the district that portion which exceeds the proceeds of the levy authorized under Subsection
527 (1).

528 (b) In accord with the state strategic plan for public education and to fulfill its
529 responsibility for the development and implementation of that plan, the Legislature instructs
530 the State Board of Education, the governor, and the Office of Legislative Fiscal Analyst in
531 each of the coming five years to develop budgets that will fully fund student enrollment
532 growth.

533 (3) (a) If the proceeds of the levy authorized under Subsection (1) equal or exceed the

534 cost of the basic program in a school district, no state contribution shall be made to the basic
535 program.

536 (b) The proceeds of the levy authorized under Subsection (1) which exceed the cost of
537 the basic program shall be paid into the Uniform School Fund as provided by law.

538 Section 11. Section **53A-17a-148** is amended to read:

539 **53A-17a-148. Use of nonlapsing balances.**

540 (1) As used in this section:

541 (a) "Education entity" means a school district, charter school, or the Utah Schools for
542 the Deaf and the Blind.

543 (b) (i) "New educator" means a person who:
544 (A) is an educator as defined in Section 53A-17a-153 ;
545 (B) is hired by an education entity to begin teaching during the 2008-09 school year;
546 (C) did not work in this state as an educator for an education entity during the
547 2007-08 school year; and
548 (D) has never received a signing bonus in this state.

549 (ii) A new educator may include a person who is returning to education after one or
550 more years of interrupted service.

551 (2) The State Board of Education may use Minimum School Program nonlapsing
552 balances to restore special education funding as follows:
553 (a) up to \$902,538 is authorized in fiscal year 2005-06; and
554 (b) up to \$902,538 is authorized in fiscal year 2006-07.

555 (3) The State Board of Education shall [~~use~~] allocate \$5,000,000 of Minimum School
556 Program nonlapsing balances in fiscal year 2008-09 [~~as follows: (a) \$5,000,000 shall be~~
557 ~~allocated~~] to education entities to provide one-time signing bonuses for new educators as
558 provided under Subsection (4), including money for the following employer-paid benefits:
559 [~~(i)~~] (i) retirement;
560 [~~(ii)~~] (ii) workers' compensation;
561 [~~(iii)~~] (iii) Social Security; and

562 [~~(iv)~~] (iv) Medicare [~~; and~~].

563 [~~(b) \$20,000,000 shall be allocated to education entities to provide one-time~~

564 ~~performance based compensation as provided under Subsection (5).]~~
 565 (4) (a) Subject to the availability of funding, education entities shall provide a
 566 one-time signing bonus of \$1,000 to a new educator.
 567 (b) If the total cost of bonuses and employer-paid benefits under Subsection (4)(a) for
 568 all education entities exceeds \$5,000,000, all bonuses shall be reduced pro rata so that the total
 569 cost does not exceed \$5,000,000.
 570 (c) To qualify for a bonus, a new educator shall:
 571 (i) be hired prior to October 1, 2008; and
 572 (ii) work for at least 90 days for the education entity.
 573 ~~[(5) (a) The \$20,000,000 for performance based compensation shall be allocated to~~
 574 ~~qualifying education entities on a per pupil basis.]~~
 575 ~~[(b) (i) To receive an allocation under Subsection (5)(a), an education entity shall]~~
 576 ~~[(A) submit, prior to July 1, 2008, a written performance based compensation plan to~~
 577 ~~the State Board of Education that conforms to guidelines established by the State Board of~~
 578 ~~Education in rule; and]~~
 579 ~~[(B) receive approval of the plan by the State Board of Education.]~~
 580 ~~[(ii) The performance based compensation plan shall provide specific information~~
 581 ~~about how the education entity intends to spend its allocation, including:]~~
 582 ~~[(A) who is eligible for the performance based compensation;]~~
 583 ~~[(B) criteria for awarding performance based compensation;]~~
 584 ~~[(C) the instruments or assessments that may be used to measure or evaluate~~
 585 ~~performance;]~~
 586 ~~[(D) the amount of performance based compensation that may be awarded; and]~~
 587 ~~[(E) whether the performance based compensation will be based on individual, team,~~
 588 ~~or school based performance, or a combination of those.]~~
 589 ~~[(iii) The State Board of Education shall send the approved plans to the Executive~~

590 Appropriations Committee and the Education Interim Committee by August 1, 2008 for
 591 review and comment.]

592 ~~[(c) (i) An education entity shall award performance based compensation from monies~~
 593 ~~distributed under this section for employee performance during the 2008-09 school year.]~~
 594 ~~[(ii) Performance based compensation monies may only be used in accordance with an~~
 595 ~~education entity's performance based compensation plan.]~~
 596 ~~[(iii) If an education entity uses performance based compensation monies for purposes~~
 597 ~~other than those stated in this Subsection (5) and its performance based compensation plan,~~
 598 ~~the education entity shall reimburse the monies that were improperly used.]~~
 599 ~~[(d) An education entity that awards performance based compensation from monies~~
 600 ~~distributed under this section shall report the following information to the Executive~~
 601 ~~Appropriations Committee by June 30, 2009:]~~
 602 ~~[(i) the number of employees who received performance based compensation;]~~
 603 ~~[(ii) the total number of employees;]~~
 604 ~~[(iii) the average performance based compensation awarded to employees; and]~~
 605 ~~[(iv) the maximum performance based compensation awarded to an employee.]~~

606 ~~[(6) (5) The State Board of Education may make rules as necessary to administer this~~
 607 ~~section, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~
 608 Section 12. Section 53A-21-501 is amended to read:

609 **53A-21-501. State contribution to capital outlay programs.**

610 (1) As an ongoing appropriation subject to future budget constraints, there is
 611 appropriated from the Uniform School Fund for fiscal year ~~[2008-09, \$27,288,900]~~ 2009-10,
 612 \$22,499,700 to the State Board of Education for the capital outlay programs created in this
 613 chapter.

614 (2) Of the monies appropriated in Subsection (1), the State Board of Education shall
 615 distribute:

616 (a) ~~[\$24,358,000]~~ \$19,568,800 in accordance with the Capital Outlay Foundation
 617 Program pursuant to Section 53A-21-202 ; and

618 (b) \$2,930,900 in accordance with the Capital Outlay Enrollment Growth Program

619 pursuant to Section 53A-21-302 .

620 Section 13. **One-time appropriations for fiscal year 2009-10.**

621 *(1) There is appropriated from the Uniform School Fund to the State Board of*
 622 *Education for fiscal year 2009-10 only:*

623 *(a) \$75,597,800 for Social Security and retirement as provided in Section*
 624 *53A-17a-125 ; and*

625 *(b) \$750,000 for critical language and dual immersion pilot programs as provided in*
 626 *Sections 53A-15-104 and 53A-15-105 .*

627 *(2) There is appropriated from Federal Funds - American Recovery and Reinvestment*
 628 *Act (H.R. 1, 111th Congress) to the State Board of Education for fiscal year 2009-10 only.*

629 §207,176,000 for Social Security and retirement as provided in Section 53A-17a-125 .

630 Section 14. **One-time appropriation for classroom supplies.**

631 (1) There is appropriated from the Uniform School Fund to the State Board of
632 Education for fiscal year 2009-10 only, \$10,000,000 for classroom supplies and materials.

633 (2) (a) Of the amount appropriated in Subsection (1), the board shall distribute
634 \$7,500,000 to classroom teachers in school districts, the Utah Schools for the Deaf and the
635 Blind, and charter schools on the basis of the number of classroom teachers in each school as
636 compared to the total number of classroom teachers.

637 (b) Teachers shall receive up to the following amounts:

638 (i) a teacher on salary schedule steps one through three teaching in grades

639 kindergarten through six or preschool handicapped - \$360;

640 (ii) a teacher on salary schedule steps one through three teaching in grades seven
641 through twelve - \$310;

642 (iii) a teacher on salary schedule step four or higher teaching in grades kindergarten
643 through six or preschool handicapped - \$285; and

644 (iv) a teacher on salary schedule step four or higher teaching in grades seven through
645 twelve - \$235.

646 (c) If the appropriation in Subsection (1) is not sufficient to provide to each teacher

647 the full amount allowing under Subsection (2)(b), teachers on salary schedule steps one
648 through three shall receive the full amount allowed with the remaining monies apportioned to
649 all other teachers.

650 (3) (a) Of the amount appropriated in Subsection (1), the State Board of Education
651 shall distribute \$2,500,000 for classroom supplies and materials in accordance with a
652 distribution formula established by rule.

653 (b) The State Board of Education shall make rules in accordance with Subsections
654 (3)(c) and (d) and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the
655 distribution of the \$2,500,000.

656 (c) The rules shall give priority to teachers in any grade in the first year of teaching in
657 the awarding of the monies.

658 (d) The rules may allow the monies to be distributed to teachers in any grade in the
659 second through fifth year of teaching.

660 (4) Teachers shall spend the money appropriated in Subsection (1) for school supplies,
661 materials, or field trips under rules adopted by the State Board of Education.

662 (5) As used in this section, "classroom teacher" or "teacher" means permanent teacher
663 positions filled by one teacher or two or more job-sharing teachers:

664 (a) who are licensed personnel;

665 (b) who are paid on the teacher's salary schedule;

666 (c) who are hired for an entire contract period; and

667 (d) whose primary function is to provide instructional or a combination of
668 instructional and counseling services to students in public schools.

669 Section 15. **One-time appropriations for fiscal year 2008-09.**

670 (1) There is appropriated from the Uniform School Fund to the State Board of
671 Education for fiscal year 2008-09 only:

672 (a) \$11,016,400 for the contribution of the state toward the cost of the minimum
673 school program as provided in Subsection 53A-17a-104 (1);

674 (b) (\$91,200,000) for the offset of the ongoing locally determined reduction as

675 provided in Subsection (1) of Uncodified Section 5, Appropriation, in 2009 General Session,
676 S.B. 4, Current School Year Supplemental Minimum School Program Budget Adjustments;

677 (c) \$1,585,900 for the Capital Outlay Foundation Program for allocation pursuant to
678 Section 53A-21-202 ;

679 (d) \$1,585,800 for the Capital Outlay Enrollment Growth Program for allocation
680 pursuant to Section 53A-21-302 ; and

681 (e) (\$3,983,600) for educator salary adjustments as provided in Section 53A-17a-153 .

682 (2) There is appropriated from Federal Funds - American Recovery and Reinvestment
683 Act (H.R. 1, 111th Congress) to the State Board of Education for fiscal year 2008-09 only,
684 \$91,200,000.

685 Section 16. **Ongoing appropriation.**

686 As an ongoing appropriation subject to future budget constraints, there is appropriated
687 from the Uniform School Fund for fiscal year 2009-10, \$580,000 to the State Board of
688 Education to fund salary adjustments for educators at the Utah Schools for the Deaf and the
689 Blind as provided in Section 53A-25-111 or Section 53A-25b-402 .

690 Section 17. **Effective date.**

691 This bill takes effect on July 1, 2009, except that Section 53A-1a-513 takes effect on
692 May 12, 2009.

693 Section 18. **Coordinating H.B. 2 with S.B. 4 -- Superseding and substantive**

694 **amendments.**

695 If this H.B. 2 and S.B. 4, Current School Year Supplemental Minimum School
696 Program Budget Adjustments, both pass, it is the intent of the Legislature that when the Office
697 of Legislative Research and General Counsel prepares the Utah Code database for publication,
698 effective July 1, 2009:

699 (1) the amendments to Subsection 53A-17a-104 (1) in this H.B. 2 shall replace the
700 amendments to Subsection 53A-17a-104 (1) in S.B. 4;

701 (2) Subsection 53A-17a-104 (2)(q) in S.B. 4 shall be deleted;

702 (3) Subsection 53A-17a-104 (2)(gg) in S.B. 4 shall be renumbered and read as follows:

703 "(dd) educator salary adjustments, \$148,260,200;"

704 (4) the word "and" in Subsection 53A-17a-104 (2)(oo) in S.B. 4 shall be reinserted;

705 (5) the amendment to Subsection 53A-17a-104 (2)(pp) in S.B. 4 shall be deleted; and

706 (6) Subsection 53A-17a-104 (qq) in S.B. 4 shall be deleted.