

**PUBLIC EDUCATION BUDGET AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lyle W. Hillyard**

House Sponsor: Steve Eliason

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**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;
- ▶ sets the value of the weighted pupil unit (WPU) at \$3,710 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.



28 **Money Appropriated in this Bill:**

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

31 This bill appropriates \$230,159,800 in operating and capital budgets for fiscal year  
32 2021, including:

- 33 ▶ \$203,211,600 from the Education Fund; and
- 34 ▶ \$26,948,200 from various sources as detailed in this bill.

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

- 37 ▶ \$20,600,000 from the Education Fund; and
- 38 ▶ \$1,750,000 from various sources as detailed in this bill.

39 **Other Special Clauses:**

40 This bill provides a special effective date.

41 **Utah Code Sections Affected:**

42 AMENDS:

43 **53E-1-202**, as enacted by Laws of Utah 2019, Chapter 324 and last amended by  
44 Coordination Clause, Laws of Utah 2019, Chapter 223

45 **53E-3-503**, as last amended by Laws of Utah 2019, Chapters 186 and 187

46 **53F-2-205**, as last amended by Laws of Utah 2019, Chapter 186

47 **53F-2-301.5**, as last amended by Laws of Utah 2019, Chapter 408

48 **53F-2-304**, as last amended by Laws of Utah 2019, Chapter 186

49 **53F-2-306**, as last amended by Laws of Utah 2019, Chapters 186 and 408

50 **53F-2-504**, as last amended by Laws of Utah 2019, Chapters 134, 186, and 283

51 **63J-1-602.2**, as last amended by Laws of Utah 2019, Chapters 136, 326, 468, and 469

52 ENACTS:

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

54 REPEALS:

55 **53F-2-414**, as last amended by Laws of Utah 2019, Chapters 136 and 408



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

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

59           **53E-1-202. Reports to and action required of the Public Education**  
 60 **Appropriations Subcommittee.**

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

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

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

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

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

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

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

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

81           ~~[(c)]~~ (b) if required, the study described in Section 53F-4-304 of scholarship payments.  
 82 Section 2. Section 53E-3-503 is amended to read:

83           **53E-3-503. Education of individuals in custody of or receiving services from**  
 84 **certain state agencies -- Establishment of coordinating council -- Advisory councils.**

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

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

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

90 (ii) (A) receiving services from the Department of Human Services;  
91 (B) in the custody of an equivalent agency of a Native American tribe recognized by  
92 the United States Bureau of Indian Affairs and whose custodial parent resides within the state;  
93 or

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

95 (b) The state board shall:

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

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

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

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

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

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

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

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

112 (3) The state board shall, where feasible, contract with school districts or other  
113 appropriate agencies to provide educational, administrative, and supportive services, but the  
114 state board shall retain responsibility for the programs.

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

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

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

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

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

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

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

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

132 **53F-2-205. Powers and duties of state board to adjust Minimum School Program**  
133 **allocations -- Use of remaining funds at the end of a fiscal year.**

134 (1) As used in this section:

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

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

- 139 (i) Basic Program;
- 140 (ii) Related to Basic Programs;
- 141 (iii) Voted and Board Levy Programs; or
- 142 (iv) Minimum School Program.

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

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

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

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

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

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

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

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

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

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

168 (5) If local contributions from the minimum basic tax rate imposed under Section  
169 53F-2-301 or 53F-2-301.5, as applicable, are underestimated, the state board shall:

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

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

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

182 (a) local contributions to the voted local levy program or board local levy program are

183 overestimated; or

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

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

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

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

192 **53F-2-301.5. Minimum basic tax rate for a fiscal year that begins on July 1, 2018,**  
193 **2019, 2020, 2021, or 2022.**

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

196 (2) As used in this section:

197 (a) "Basic levy increment rate" means a tax rate that will generate an amount of  
198 revenue equal to \$75,000,000.

199 (b) "Combined basic rate" means a rate that is the sum of:

200 (i) the rate floor; and

201 (ii) the WPU value rate.

202 (c) "Commission" means the State Tax Commission.

203 (d) "Equity pupil tax rate" means the tax rate that is:

204 (i) calculated by subtracting the minimum basic tax rate from the rate floor; or

205 (ii) zero, if the rate calculated in accordance with Subsection (2)(d)(i) is zero or less.

206 (e) "Minimum basic local amount" means an amount that is:

207 (i) equal to the sum of:

208 (A) the school districts' contribution to the basic school program the previous fiscal  
209 year;

210 (B) the amount generated by the basic levy increment rate; and

211 (C) the eligible new growth, as defined in Section [59-2-924](#) and rules of the State Tax  
212 Commission multiplied by the minimum basic tax rate; and

213 (ii) set annually by the Legislature in Subsection (3)(a).

214 (f) "Minimum basic tax rate" means a tax rate certified by the commission that will  
215 generate an amount of revenue equal to the minimum basic local amount described in  
216 Subsection (3)(a).

217 (g) "Rate floor" means a rate that is the greater of:

218 (i) a .0016 tax rate; or

219 (ii) the minimum basic tax rate.

220 (h) "Weighted pupil unit value" or "WPU value" means the amount established each  
221 year in the enacted public education budget that is multiplied by the number of weighted pupil  
222 units to yield the funding level for the basic school program.

223 (i) "WPU value amount" means an amount that is:

224 (i) equal to the product of:

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

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

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

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

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

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

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

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

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

241 (i) the minimum basic tax rate; and

242 (ii) the WPU value rate.

243 (b) The estimate of the minimum basic tax rate provided in Subsection (3)(b) and the  
244 estimate of the WPU value rate provided in Subsection (4)(b) is based on a forecast for



245 property values for the next calendar year.

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

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

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

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

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

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

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

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

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

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

275 (b) by the equity pupil tax rate into the Local Levy Growth Account created in Section

276 [53F-9-305](#); and

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

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

280 **53F-2-304. Necessarily existent small schools -- Computing additional weighted**  
281 **pupil units -- Consolidation of small schools.**

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

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

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

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

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

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

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

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

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

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

306 (6) (a) Additional weighted pupil units for schools classified as necessarily existent

307 small schools shall be computed using regression formulas adopted by the state board.

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

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

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

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

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

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

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

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

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

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

333 [~~8~~] (9) Subject to legislative appropriation, the state board shall give first priority  
334 from an appropriation made under this section to funding an expense approved by the state  
335 board as described in Subsection 53G-6-305(3)(a).

336 [~~9~~] (10) (a) Subject to Subsection [~~9~~] (10)(b) and after a distribution made under  
337 Subsection [~~8~~] (9), the state board may distribute a portion of necessarily existent small

338 schools funding in accordance with a formula adopted by the state board that considers the tax  
339 effort of a local school board.

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

342 [~~(10)~~] (11) A local school board may use the money allocated under this section for  
343 maintenance and operation of school programs or for other school purposes as approved by the  
344 state board.

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

346 **53F-2-306. Weighted pupil units for small school district administrative costs --**  
347 **Appropriation for charter school administrative costs.**

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

350 Administrative Costs Schedule

351 School District Enrollment as of October 1	351 Weighted Pupil Units
352 1 - 500 students	352 95
353 501 - 1,000 students	353 80
354 1,001 - 2,000 students	354 70
355 2,001 - 5,000 students	355 60

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

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

363 (ii) If the state board makes adjustments to Minimum School Program allocations  
364 under Section 53F-2-205, the allocation provided in Subsection (2)(b)(i) shall be determined  
365 after adjustments are made under Section 53F-2-205.

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

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

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

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

374 **53F-2-504. Teacher Salary Supplement Program.**

375 (1) As used in this section:

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

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

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

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

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

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

385 (i) computer science; or

386 (ii) computer information technology.

387 (c) "Field of science" means:

388 (i) integrated science;

389 (ii) chemistry;

390 (iii) physics;

391 (iv) physical science; or

392 (v) general science.

393 (d) "License" means the same as that term is defined in Section [53E-6-102](#).

394 (e) "Qualifying educational background" means:

395 (i) for a teacher who is assigned a secondary school level mathematics course:

396 (A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or

397 (B) a bachelor's degree major, master's degree, or doctoral degree that has course

398 requirements that are substantially equivalent to the course requirements for a bachelor's degree

399 major, master's degree, or doctoral degree in mathematics;

400 (ii) for a teacher who is assigned a grade 7 or 8 integrated science course, chemistry  
401 course, or physics course:

402 (A) a bachelor's degree major, master's degree, or doctoral degree in a field of science;

403 or

404 (B) a bachelor's degree major, master's degree, or doctoral degree that has course  
405 requirements that are substantially equivalent to the course requirements of those required for a  
406 bachelor's degree major, master's degree, or doctoral degree in a field of science;

407 (iii) for a teacher who is assigned a computer science course:

408 (A) a bachelor's degree major, master's degree, or doctoral degree in a field of  
409 computer science; or

410 (B) a bachelor's degree major, master's degree, or doctoral degree that has course  
411 requirements that are substantially equivalent to the course requirements of those required for a  
412 bachelor's degree major, master's degree, or doctoral degree in a field of computer science; or

413 (iv) for a teacher who is assigned to teach special education, a bachelor's degree major,  
414 master's degree, or doctoral degree in special education.

415 (f) "Qualifying teaching background" means the teacher has been teaching the same  
416 supplement-approved assignment in Utah public schools for at least 10 years.

417 (g) "Supplement-approved assignment" means an assignment to teach:

418 (i) a secondary school level mathematics course;

419 (ii) integrated science in grade 7 or 8;

420 (iii) chemistry;

421 (iv) physics;

422 (v) computer science; or

423 (vi) special education.

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

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

427 (ii) provide salary supplements to new recipients.

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

- 430 (i) retirement;
- 431 (ii) workers' compensation;
- 432 (iii) Social Security; and
- 433 (iv) Medicare.
- 434 (3) (a) The annual salary supplement for an eligible teacher who is assigned full-time
- 435 to a supplement-approved assignment is \$4,100 and funded through an appropriation described
- 436 in Subsection (2).
- 437 (b) An eligible teacher who is assigned part-time to a supplement-approved assignment
- 438 shall receive a partial salary supplement based on the number of hours worked in the
- 439 supplement-approved assignment.
- 440 (4) The state board shall:
- 441 (a) create an online application system for a teacher to apply to receive a salary
- 442 supplement through the Teacher Salary Supplement Program;
- 443 (b) determine if a teacher is an eligible teacher;
- 444 (c) verify, as needed, the determinations made under Subsection (4)(b) with school
- 445 district and school administrators; and
- 446 (d) certify a list of eligible teachers.
- 447 (5) (a) An eligible teacher shall apply to the state board before the conclusion of a
- 448 school year to receive the salary supplement authorized in this section.
- 449 (b) An eligible teacher may apply to the state board, after verification that the
- 450 requirements under this section have been satisfied, to receive a salary supplement after the
- 451 completion of:
- 452 (i) the school year as an annual award; or
- 453 (ii) a semester or trimester as a partial award based on the portion of the school year
- 454 that has been completed.
- 455 (6) (a) The state board shall establish and administer an appeal process for a teacher to
- 456 follow if the teacher applies for a salary supplement and does not receive a salary supplement
- 457 under Subsection (8).
- 458 (b) (i) The appeal process established in Subsection (6)(a) shall allow a teacher to
- 459 appeal eligibility as an eligible teacher with a qualifying educational background on the basis
- 460 that the teacher has a degree or degree major with course requirements that are substantially

461 equivalent to the qualifying educational background associated with the teacher's  
462 supplement-approved assignment.

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

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

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

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

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

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

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

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

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

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

488 **53F-9-103. Nonlapsing funds.**

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



- 492 Section 9. Section **63J-1-602.2** is amended to read:
- 493 **63J-1-602.2. List of nonlapsing appropriations to programs.**
- 494 Appropriations made to the following programs are nonlapsing:
- 495 (1) The Legislature and ~~[its]~~ the Legislature's committees.
- 496 (2) The State Board of Education, including all appropriations to agencies, line items,
- 497 and programs under the jurisdiction of the State Board of Education, in accordance with
- 498 Section 53F-9-103.
- 499 ~~[(2)]~~ (3) The Percent-for-Art Program created in Section [9-6-404](#).
- 500 ~~[(3)]~~ (4) The LeRay McAllister Critical Land Conservation Program created in Section
- 501 [11-38-301](#).
- 502 ~~[(4)]~~ (5) Dedicated credits accrued to the Utah Marriage Commission as provided
- 503 under Subsection [17-16-21\(2\)\(d\)\(ii\)](#).
- 504 ~~[(5)]~~ (6) The Trip Reduction Program created in Section [19-2a-104](#).
- 505 ~~[(6)]~~ (7) The Division of Wildlife Resources for the appraisal and purchase of lands
- 506 under the Pelican Management Act, as provided in Section [23-21a-6](#).
- 507 ~~[(7)]~~ (8) The primary care grant program created in Section [26-10b-102](#).
- 508 ~~[(8)]~~ (9) Sanctions collected as dedicated credits from Medicaid provider under
- 509 Subsection [26-18-3\(7\)](#).
- 510 ~~[(9)]~~ (10) The Utah Health Care Workforce Financial Assistance Program created in
- 511 Section [26-46-102](#).
- 512 ~~[(10)]~~ (11) The Rural Physician Loan Repayment Program created in Section
- 513 [26-46a-103](#).
- 514 ~~[(11)]~~ (12) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
- 515 ~~[(12)]~~ (13) Funds that the Department of Alcoholic Beverage Control retains in
- 516 accordance with Subsection [32B-2-301\(7\)\(a\)](#) or (b).
- 517 ~~[(13)]~~ (14) The General Assistance program administered by the Department of
- 518 Workforce Services, as provided in Section [35A-3-401](#).
- 519 ~~[(14)]~~ (15) A new program or agency that is designated as nonlapsing under Section
- 520 [36-24-101](#).
- 521 ~~[(15)]~~ (16) The Utah National Guard, created in Title 39, Militia and Armories.
- 522 ~~[(16)]~~ (17) The State Tax Commission under Section [41-1a-1201](#) for the:

- 523 (a) purchase and distribution of license plates and decals; and
- 524 (b) administration and enforcement of motor vehicle registration requirements.
- 525 ~~[(17)]~~ (18) The Search and Rescue Financial Assistance Program, as provided in
- 526 Section [53-2a-1102](#).
- 527 ~~[(18)]~~ (19) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 528 ~~[(19)]~~ (20) The State Board of Regents for teacher preparation programs, as provided
- 529 in Section [53B-6-104](#).
- 530 ~~[(20)]~~ (21) The Medical Education Program administered by the Medical Education
- 531 Council, as provided in Section [53B-24-202](#).
- 532 ~~[(21) The State Board of Education, as provided in Section [53F-2-205](#).]~~
- 533 (22) The Division of Services for People with Disabilities, as provided in Section
- 534 [62A-5-102](#).
- 535 (23) The Division of Fleet Operations for the purpose of upgrading underground
- 536 storage tanks under Section [63A-9-401](#).
- 537 (24) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 538 (25) Appropriations to the Department of Technology Services for technology
- 539 innovation as provided under Section [63F-4-202](#).
- 540 (26) The Office of Administrative Rules for publishing, as provided in Section
- 541 [63G-3-402](#).
- 542 (27) The Utah Science Technology and Research Initiative created in Section
- 543 [63M-2-301](#).
- 544 (28) The Governor's Office of Economic Development to fund the Enterprise Zone
- 545 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 546 (29) Appropriations to fund the Governor's Office of Economic Development's Rural
- 547 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
- 548 Employment Expansion Program.
- 549 (30) The Department of Human Resource Management user training program, as
- 550 provided in Section [67-19-6](#).
- 551 (31) A public safety answering point's emergency telecommunications service fund, as
- 552 provided in Section [69-2-301](#).
- 553 (32) The Traffic Noise Abatement Program created in Section [72-6-112](#).

554 (33) The Judicial Council for compensation for special prosecutors, as provided in  
555 Section 77-10a-19.

556 (34) A state rehabilitative employment program, as provided in Section 78A-6-210.

557 (35) The Utah Geological Survey, as provided in Section 79-3-401.

558 (36) The Bonneville Shoreline Trail Program created under Section 79-5-503.

559 (37) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and  
560 78B-6-144.5.

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

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

567 Section 10. **Repealer.**

568 This bill repeals:

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

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

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

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

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

578 PUBLIC EDUCATION

579 STATE BOARD OF EDUCATION - MINIMUM SCHOOL PROGRAM

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

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

583 Schedule of Programs:

584 Teacher Salary Supplement 3,820,200

585	<u>Student Health and Counseling Support Program</u>	<u>(320,000)</u>
586	<u>STATE BOARD OF EDUCATION</u>	
587	<u>ITEM 2 To State Board of Education - MSP Categorical Program Administration</u>	
588	<u>From Education Fund, One-Time</u>	<u>320,000</u>
589	<u>Schedule of Programs:</u>	
590	<u>Student Health and Counseling Support Program</u>	<u>320,000</u>
591	<b>Section 12. Fiscal Year 2021 Appropriations.</b>	
592	<u>(1) The following sums of money are appropriated for the fiscal year beginning July 1,</u>	
593	<u>2020, and ending June 30, 2021. These are additions to amounts previously appropriated for</u>	
594	<u>fiscal year 2021.</u>	
595	<u>(2) The value of each weighted pupil unit (WPU) for fiscal year 2021 is increased from</u>	
596	<u>the value of the WPU for fiscal year 2021 established in H.B. 1, Public Education Base Budget</u>	
597	<u>Amendments, 2020 General Session, and set at \$3,710.</u>	
598	<b>Section 12(a). Operating and Capital Budgets.</b>	
599	<u>Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the</u>	
600	<u>Legislature appropriates the following sums of money from the funds or accounts indicated for</u>	
601	<u>the use and support of the government of the state of Utah.</u>	
602	<u>PUBLIC EDUCATION</u>	
603	<u>STATE BOARD OF EDUCATION - MINIMUM SCHOOL PROGRAM</u>	
604	<u>ITEM 3 To State Board of Education - Minimum School Program - Basic School Program</u>	
605	<u>From Education Fund</u>	<u>138,923,000</u>
606	<u>From Local Revenue</u>	<u>20,600,000</u>
607	<u>Schedule of Programs:</u>	
608	<u>Kindergarten</u>	<u>4,860,800</u>
609	<u>Grades 1-12</u>	<u>107,870,900</u>
610	<u>Foreign Exchange</u>	<u>58,400</u>
611	<u>Necessarily Existent Small Schools (388 WPUs)</u>	<u>3,171,500</u>
612	<u>Professional Staff</u>	<u>10,069,900</u>
613	<u>Administrative Costs</u>	<u>269,700</u>
614	<u>Special Education - Add-on</u>	<u>15,379,600</u>
615	<u>Special Education - Self-Contained</u>	<u>2,354,800</u>

616	<u>Special Education - Preschool</u>	<u>2,013,400</u>	
617	<u>Special Education - Extended School Year</u>	<u>81,400</u>	
618	<u>Special Education - Impact Aid</u>	<u>366,700</u>	
619	<u>Special Education - Intensive Services</u>	<u>141,500</u>	
620	<u>Special Education - Extended Year for Special Educators</u>	<u>161,800</u>	
621	<u>Career and Technical Education - Add-on</u>	<u>5,179,800</u>	
622	<u>Class Size Reduction</u>	<u>7,542,800</u>	
623	<u>ITEM 4 To State Board of Education - Minimum School Program - Related to Basic School</u>		
624	<u>Programs</u>		
625	<u>From Education Fund</u>		<u>38,718,100</u>
626	<u>From Education Fund, One-Time</u>		<u>250,000</u>
627	<u>From Uniform School Fund Rest. - Trust Distribution Account</u>		<u>6,166,000</u>
628	<u>Schedule of Programs:</u>		
629	<u>Pupil Transportation To and From School</u>	<u>9,981,400</u>	
630	<u>Enhancement for At-Risk Students</u>	<u>2,367,600</u>	
631	<u>Youth in Custody</u>	<u>26,498,600</u>	
632	<u>Adult Education</u>	<u>717,200</u>	
633	<u>Enhancement for Accelerated Students</u>	<u>1,277,500</u>	
634	<u>Centennial Scholarship Program</u>	<u>13,700</u>	
635	<u>Concurrent Enrollment</u>	<u>5,508,200</u>	
636	<u>School Land Trust Program</u>	<u>6,166,000</u>	
637	<u>Charter School Local Replacement</u>	<u>(14,426,100)</u>	
638	<u>Charter School Administration</u>	<u>250,000</u>	
639	<u>Teacher Salary Supplement</u>	<u>3,300,000</u>	
640	<u>Beverly Taylor Sorenson Elem. Arts Learning Program</u>	<u>4,000,000</u>	
641	<u>Student Health and Counseling Support Program</u>	<u>(520,000)</u>	
642	<u>The Legislature intends that the State Board of Education use up to \$409,000 in</u>		
643	<u>balances in the Charter School Administration program to provide a minimum of \$45,000 to</u>		
644	<u>each charter school that enrolls fewer than 450 students in fiscal year 2021.</u>		
645	<u>STATE BOARD OF EDUCATION - SCHOOL BUILDING PROGRAMS</u>		
646	<u>ITEM 5 To State Board of Education - School Building Programs - Capital Outlay Programs</u>		

647 Under Item 48 in H.B. 1, Public Education Base Budget Amendments, 2020 General Session,  
 648 the Legislature intends that the State Board of Education:

649 (1) study the distribution formulas for the Capital Outlay Foundation Program created  
 650 in Section 53F-3-202 and Capital Outlay Enrollment Growth Program created in Section  
 651 53F-3-203, including:

652 (a) addressing the impact on the Capital Outlay Foundation Program formula  
 653 distribution associated with the equal weighting of local property tax revenues from school  
 654 district Capital and Debt Service levies, including whether adjusting the balance would provide  
 655 for a broader distribution among school districts;

656 (b) addressing how to adjust distribution formulas to improve equity and distribution to  
 657 a wider array of school districts;

658 (c) addressing whether using a WPU-based formula like the Voted and Board Local  
 659 Levy Guarantee could improve distributional equity among districts; and

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

661 (2) report to the Public Education Appropriations Subcommittee on the study described  
 662 in Subsection (1) on or before September 30, 2020.

663 STATE BOARD OF EDUCATION

664 ITEM 6 To State Board of Education - Educator Licensing

665 From Education Fund (3,629,300)

666 Schedule of Programs:

667 Educator Licensing 170,700

668 STEM Endorsement Incentives (3,800,000)

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

670 From Education Fund 250,000

671 Schedule of Programs:

672 Provisional Program 250,000

673 ITEM 8 To State Board of Education - Initiative Programs

674 From Education Fund 19,007,500

675 From Education Fund, One-Time 2,688,500

676 Schedule of Programs:

677 Computer Science Initiatives 7,000,000

678	<u>Contracts and Grants</u>	<u>2,401,500</u>	
679	<u>General Financial Literacy</u>	<u>500,000</u>	
680	<u>Intergenerational Poverty Interventions</u>	<u>1,001,100</u>	
681	<u>Kindergarten Supplement Enrichment Program</u>	<u>3,000,000</u>	
682	<u>Partnerships for Student Success</u>	<u>3,006,400</u>	
683	<u>Strengthening Career and College Readiness</u>	<u>(213,000)</u>	
684	<u>UPSTART</u>	<u>5,000,000</u>	
685	<u>ITEM 9 To State Board of Education - MSP Categorical Program Administration</u>		
686	<u>From Education Fund</u>		<u>520,000</u>
687	<u>Schedule of Programs:</u>		
688	<u>Student Health and Counseling Support Program</u>	<u>520,000</u>	
689	<u>ITEM 10 To State Board of Education - Science Outreach</u>		
690	<u>From Education Fund</u>		<u>200,000</u>
691	<u>Schedule of Programs:</u>		
692	<u>Informal Science Education Enhancement</u>	<u>200,000</u>	
693	<u>ITEM 11 To State Board of Education - State Administrative Office</u>		
694	<u>From Education Fund</u>		<u>1,592,800</u>
695	<u>From Education Fund, One-Time</u>		<u>3,200,000</u>
696	<u>Schedule of Programs:</u>		
697	<u>Financial Operations</u>	<u>650,700</u>	
698	<u>Indirect Cost Pool</u>	<u>450,000</u>	
699	<u>Statewide Online Education Program</u>	<u>3,242,100</u>	
700	<u>Student Support Services</u>	<u>450,000</u>	
701	<u>The Legislature intends that the State Board of Education:</u>		
702	<u>(1) evaluate the participation of home school and private school students in the</u>		
703	<u>Statewide Online Education Program, including:</u>		
704	<u>(a) ongoing funding levels;</u>		
705	<u>(b) the mix between home and private school students;</u>		
706	<u>(c) how to best manage future growth needs within appropriated funding; and</u>		
707	<u>(d) the potential of using mechanisms to control costs, including implementing a fee</u>		
708	<u>structure or requiring private and home school students to enroll in a local education agency;</u>		

709 and

710 (2) report recommendations to the Public Education Appropriations Subcommittee on  
711 the evaluation described in Subsection (1) before August 30, 2020.

712 ITEM 12 To State Board of Education - General System Support

713 From Education Fund (400,000)

714 Schedule of Programs:

715 Student Achievement 50,000

716 Teaching and Learning (450,000)

717 The Legislature intends that the State Board of Education use any revenue or  
718 nonlapsing balances generated from the licensing of Readiness Improvement Success

719 Empowerment (RISE) questions:

720 (1) to develop additional assessment questions for all state assessments;

721 (2) to provide professional learning for Utah educators; and

722 (3) for risk mitigation expenditures.

723 ITEM 13 To State Board of Education - Utah Schools for the Deaf and the Blind

724 From Education Fund 946,000

725 From Education Fund, One-Time 945,000

726 Schedule of Programs:

727 Administration 1,391,000

728 Utah State Instructional Materials Access Center 500,000

729 SCHOOL AND INSTITUTIONAL TRUST FUND OFFICE

730 ITEM 14 To School and Institutional Trust Fund Office

731 From School and Institutional Trust Fund Management Account 182,200

732 Schedule of Programs:

733 School and Institutional Trust Fund Office 182,200

734 **Section 12(b). Restricted Fund and Account Transfers.**

735 The Legislature authorizes the State Division of Finance to transfer the following  
736 amounts between the following funds or accounts as indicated. Expenditures and outlays from  
737 the funds to which the money is transferred must be authorized by an appropriation.

738 PUBLIC EDUCATION

739 ITEM 15 To Underage Drinking Prevention Program Restricted Account



740	<u>From Liquor Control Fund</u>	<u>1,750,000</u>
741	<u>Schedule of Programs:</u>	
742	<u>Underage Drinking Prevention Program</u>	
743	<u>Restricted Account</u>	<u>1,750,000</u>
744	<u>ITEM 16 To Teacher and Student Success Account</u>	
745	<u>From Education Fund</u>	<u>20,600,000</u>
746	<u>Schedule of Programs:</u>	
747	<u>Teacher and Student Success Account</u>	<u>20,600,000</u>
748	Section 13. <b>Effective date.</b>	
749	<u>(1) Except as provided in Subsection (2), this bill takes effect on July 1, 2020.</u>	
750	<u>(2) If approved by two-thirds of all the members elected to each house, Section 11,</u>	
751	<u>Fiscal Year 2020 Appropriations, and Section 11(a), Operating and Capital Budgets, take effect</u>	
752	<u>upon approval by the governor, or the day following the constitutional time limit of Utah</u>	
753	<u>Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,</u>	
754	<u>the date of veto override.</u>	