

PUBLIC SCHOOL FUNDING AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

This bill modifies provisions relating to the funding of public schools.

Highlighted Provisions:

This bill:

► provides that the number of weighted pupil units assigned to a charter school for the kindergarten and grades 1 through 12 programs of the Basic School Program shall be based on the average number of full-time equivalent pupils enrolled on October 1, December 1, and April 1 of the current school year.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1a-513, as last amended by Laws of Utah 2012, Chapter 318

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

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

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

(1) As used in this section:



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

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

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

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

36 (b) "District local property tax revenues" means the sum of a school district's revenue
37 received from the following levies:

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

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

40 (C) a 10% of basic levy imposed under Section 53A-17a-145;

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

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

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

44 (ii) (A) a voted local levy imposed under Section 53A-17a-133;

45 (B) a board local levy imposed under Section 53A-17a-164, excluding revenues
46 expended for:

47 (I) recreational facilities and activities authorized under Title 11, Chapter 2,
48 Playgrounds;

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

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

53 (C) a capital local levy imposed under Section 53A-16-113.

54 (c) "District per pupil local revenues" means an amount equal to the following, using
55 data from the most recently published school district annual financial reports and state
56 superintendent's annual report:

57 (i) district local property tax revenues; divided by

58 (ii) the sum of:

59 (A) a school district's average daily membership; and
60 (B) the average daily membership of a school district's resident students who attend
61 charter schools.

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

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

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

68 (ii) divide the sum calculated under Subsection (1)(e)(i) by statewide school district
69 average daily membership.

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

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

75 (3) (a) Except as provided in ~~Subsection~~ Subsections (3)(b) and (3)(c), a charter
76 school shall receive state funds, as applicable, on the same basis as a school district receives
77 funds.

78 (b) The number of weighted pupil units assigned to a charter school for the
79 kindergarten and grades 1 through 12 programs of the Basic School Program shall be:

80 (i) based on the average of the number of full-time equivalent pupils enrolled on
81 October 1, December 1, and April 1 of the current school year; and

82 (ii) weighted as provided in Subsection (3)(d).

83 (c) The State Board of Education shall make rules governing the calculation of
84 full-time equivalent pupils for the purpose of Subsection (3)(b).

85 ~~(b)~~ (d) In distributing funds under Chapter 17a, Minimum School Program Act, to
86 charter schools, charter school pupils shall be weighted, where applicable, as follows:

87 (i) .55 for kindergarten pupils;

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

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

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

91 (4) (a) (i) A school district shall allocate a portion of school district revenues for each
92 resident student of the school district who is enrolled in a charter school on October 1 equal to
93 25% of the lesser of:

94 (A) district per pupil local revenues; or

95 (B) charter school students' average local revenues.

96 (ii) Nothing in this Subsection (4)(a) affects the school bond guarantee program
97 established under Chapter 28, Utah School Bond Guaranty Act.

98 (b) The State Board of Education shall:

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

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

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

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

107 (ii) the revenue sources listed in Subsection (1)(b) based on the portion of the
108 allocations to charter schools attributed to each of the revenue sources listed in Subsection
109 (1)(b).

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

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

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

117 (B) statewide average debt service revenues.

118 (iii) If the total of a school district's allocation for a charter school student under
119 Subsection (4)(a) and the amount provided by the state under Subsection (4)(d)(ii) is less than
120 \$1427, the state shall provide an additional supplement so that a charter school receives at least

121 \$1427 per student under this Subsection (4).

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

126 (B) If the State Board of Education makes adjustments to Minimum School Program
127 allocations as provided under Section 53A-17a-105, the allocation provided in Subsection
128 (4)(d)(iv)(A) shall be determined after adjustments are made under Section 53A-17a-105.

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

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

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

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

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

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

141 (8) (a) (i) In accordance with Section 53A-1a-513.5, the State Charter School Board
142 may allocate grants for start-up costs to charter schools from money appropriated for charter
143 school start-up costs.

144 (ii) The governing board of a charter school that receives money from a grant under
145 Section 53A-1a-513.5 shall use the grant for expenses for planning and implementation of the
146 charter school.

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

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

152 part.

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

Legislative Review Note
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Office of Legislative Research and General Counsel