

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

HRAY/MORGAN  
FEBRUARY 1, 2011

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CLERK OF THE HOUSE

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REP. J.R. SMITH PROPOSES THE FOLLOWING AMENDMENT  
No. TO H. 3002 (COUNCIL\AGM\18461BH11):

**AMEND THE AMENDMENT BEARING DOCUMENT  
NUMBER AGM/18296BH11, BY DELETING IN ITS  
ENTIRETY SECTION 59-20-20(2)-(3), AS  
CONTAINED ON PAGE 9, AND INSERTING:**

**/ (2) BASE STUDENT COST MEANS THE FUNDING  
LEVEL NECESSARY FOR PROVIDING A BASIC  
EDUCATION PROGRAM WHICH INCLUDES THE  
FUNDING LEVEL NECESSARY FOR SUPPORTING  
THE BASIC EDUCATION PROGRAM, EXCLUDING  
SUBITEMS (3)(A)(I)-(VII) OF THIS SECTION.  
MONIES GENERATED BY WEIGHTINGS ABOVE 1.00  
MAY NOT BE USED FOR REVISIONS OF THE BASIC  
EDUCATION PROGRAM. /**

**AMEND THE AMENDMENT FURTHER BY DELETING IN ITS ENTIRETY SECTION 59-20-30(3), AS CONTAINED ON PAGES 16- 17, AND INSERTING:**

**/(3) ~~TO~~ ESTABLISH A PROCEDURE FOR THE DISTRIBUTION OF A SPECIFIED PORTION OF THE STATE EDUCATION FUNDS ~~SO AS~~ TO ENSURE THAT THE FUNDS ARE PROVIDED ON THE BASIS OF NEED TO THE EXTENT SET FORTH BY THIS CHAPTER IN ORDER TO GUARANTEE ~~A MINIMUM~~ THE LEVEL OF FUNDING FOR EACH WEIGHTED PUPIL UNIT IN THE STATE THROUGH THE BASIC EDUCATION PROGRAM; /**

**AMEND THE AMENDMENT FURTHER BY DELETING IN ITS ENTIRETY SECTION 59-20-40(1)(C), AS CONTAINED ON PAGES 18-22, AND INSERTING:**

**/ (C) WEIGHTINGS, USED TO PROVIDE FOR RELATIVE COST DIFFERENCES, ~~BETWEEN~~ AMONG PROGRAMS FOR DIFFERENT STUDENTS ARE**

**ESTABLISHED IN ORDER THAT FUNDS MAY BE EQUITABLY DISTRIBUTED ON THE BASIS OF PUPIL NEEDS. THE CRITERIA FOR QUALIFICATIONS FOR EACH SPECIAL CLASSIFICATION MUST BE ESTABLISHED BY THE STATE BOARD OF EDUCATION ACCORDING TO DEFINITIONS ESTABLISHED IN THIS ~~ARTICLE~~ CHAPTER AND IN ACCORDANCE WITH SECTIONS 59-21-510, 59-35-10, 59-53-1860, AND 59-53-1900. COST FACTORS ENUMERATED IN THIS SECTION MUST BE USED TO FUND PROGRAMS APPROVED BY THE STATE BOARD OF EDUCATION. PUPIL DATA RECEIVED BY THE DEPARTMENT OF EDUCATION IS SUBJECT TO AUDIT BY THE DEPARTMENT. COST FACTORS OR WEIGHTINGS ARE AS FOLLOWS:**

**~~PUPIL CLASSIFICATION~~**

**~~WEIGHTINGS~~**

- ~~(1) ————— KINDERGARTEN ————— PUPILS~~  
~~1.30~~
- ~~(2) — PRIMARY PUPILS (GRADES 1 THROUGH 3)~~  
~~1.24~~

~~(3) ELEMENTARY PUPILS (GRADES 4 THROUGH 8)~~

~~BASE STUDENTS 1.00~~

~~(4) HIGH SCHOOL PUPILS (GRADES 9 THROUGH 12) 1.25~~

~~SPECIAL PROGRAMS FOR EXCEPTIONAL STUDENTS WEIGHTINGS~~

~~(5) HANDICAPPED 1.74~~

~~A. EDUCABLE MENTALLY HANDICAPPED PUPILS~~

~~B. LEARNING DISABILITIES PUPILS~~

~~(6) HANDICAPPED 2.04~~

~~A. TRAINABLE MENTALLY HANDICAPPED PUPILS~~

~~B. EMOTIONALLY HANDICAPPED PUPILS~~

~~C. ORTHOPEDICALLY HANDICAPPED PUPILS~~

~~(7) HANDICAPPED 2.57~~

~~A. VISUALLY HANDICAPPED PUPILS~~

~~B. HEARING HANDICAPPED PUPILS~~

~~C. PUPILS WITH AUTISM~~

~~(8) SPEECH HANDICAPPED PUPILS 1.90~~

~~(9) HOMEBOUND PUPILS 2.10~~

~~A. PUPILS WHO ARE HOMEBOUND~~

~~B. PUPILS WHO RESIDE IN EMERGENCY SHELTERS~~

~~CAREER AND TECHNOLOGY TECHNICAL PROGRAMS WEIGHTINGS~~

<del>(10) PRE-CAREER AND TECHNOLOGY</del>	<del>1.20</del>
<del>(11) CAREER AND TECHNOLOGY</del>	<del>1.29</del>
<del>ADD-ON WEIGHTS FOR EARLY CHILDHOOD DEVELOPMENT AND ACADEMIC ASSISTANCE</del>	<del>WEIGHTINGS</del>
<del>(12) EARLY CHILDHOOD ASSISTANCE</del>	<del>0.26</del>
<del>(13) GRADES 4-12 ACADEMIC ASSISTANCE</del>	<del>0.114</del>
<del>ADULT EDUCATION</del>	
<del>(14) ADULT EDUCATION</del>	<del>0.15</del>

**PUPIL CLASSIFICATION**

**WEIGHTINGS**

**(1) K-12 PUPILS (BASE STUDENTS)** **1.00**

**SPECIAL PROGRAMS FOR EXCEPTIONAL STUDENTS**

**WEIGHTINGS**

**(2) ADDITIONAL CATEGORIES AND WEIGHTINGS FOR DISABILITIES**

- A. EDUCABLE MENTALLY DISABLED PUPILS** **1.75**
- B. LEARNING DISABLED PUPILS** **1.75**
- C. TRAINABLE MENTALLY IMPAIRED PUPILS** **2.04**
- D. EMOTIONALLY IMPAIRED PUPILS** **2.04**
- E. ORTHOPEDICALLY IMPAIRED PUPILS** **2.04**
- F. VISUALLY IMPAIRED PUPILS** **2.57**
- G. HEARING IMPAIRED PUPILS** **2.57**
- H. PUPILS WITH AUTISM** **2.57**
- I. SPEECH IMPAIRED PUPILS** **1.90**

**(3) ADDITIONAL WEIGHTINGS FOR DIFFERENTIATED ASSISTANCE**

- A. HOMEBOUND OR EMERGENCY SHELTER PUPILS** **1.00**
- B. PRE-VOCATIONAL AND CAREER TECHNOLOGY** **1.20**

**NO LOCAL MATCH IS REQUIRED FOR THE ITEMS BELOW, AND THE NUMBER OF WEIGHTED PUPIL UNITS FUNDED DEPENDS ON FUNDING AVAILABLE FROM THE GENERAL FUND OF THE STATE AND THE EDUCATION IMPROVEMENT ACT OF 1984 FUND.**

- (4) ADULT EDUCATION** **0.15**
- (5) ACADEMICALLY AND ARTISTICALLY TALENTED** **0.15**

<u>(6) PUPILS IN POVERTY</u>	<u>0.20</u>
<u>(7) ENGLISH AS A SECOND LANGUAGE</u>	<u>0.20</u>
<u>(8) ACADEMIC ASSISTANCE</u>	<u>0.17</u>
<u>(9) SUPERVISION, REVIEW HOME INSTRUCTED STUDENT PURSUANT TO SECTION 59-65-40</u>	<u>0.25</u>

~~NO LOCAL MATCH IS REQUIRED FOR ADULT EDUCATION AND THE NUMBER OF WEIGHTED PUPIL UNITS FUNDED DEPENDS ON FUNDING AVAILABLE FROM THE GENERAL FUND OF THE STATE AND THE EDUCATION IMPROVEMENT ACT OF 1984 FUND.~~

EACH STUDENT IN THE STATE MUST BE COUNTED IN ONLY ONE OF THE FIRST ~~ELEVEN~~ THREE PUPIL CLASSIFICATIONS. STUDENTS SHALL GENERATE FUNDS FOR EARLY CHILDHOOD ASSISTANCE AND GRADES ~~4-12~~ FOUR THROUGH TWELVE ACADEMIC ASSISTANCE IN ACCORDANCE WITH SECTION 59-139-20. THE STATE BOARD OF EDUCATION ~~MUST~~ SHALL DETERMINE THE QUALIFICATIONS FOR EACH CLASSIFICATION IN ACCORDANCE WITH SECTIONS 59-21-510, 59-35-10, 59-53-1860, 59-53-1900, AND CHAPTER 30 OF THIS TITLE. THE PROGRAM FOR EACH CLASSIFICATION MUST MEET SPECIFICATIONS APPROVED BY THE STATE BOARD OF EDUCATION.

~~SCHOOL DISTRICTS MAY COUNT EACH STUDENT WHO IS INSTRUCTED AT HOME UNDER THE PROVISIONS OF SECTION 59-65-40 IN THE DISTRICT'S WEIGHTED PUPIL UNITS AT A WEIGHTING OF .25 FOR SUPERVISING, OVERSEEING, OR REVIEWING THE STUDENT'S PROGRAM OF HOME INSTRUCTION. NO LOCAL MATCH IS REQUIRED FOR STUDENTS INSTRUCTED AT HOME UNDER THE PROVISIONS OF SECTION 59-65-40.:/~~

AMEND THE AMENDMENT FURTHER BY DELETING IN ITS ENTIRETY SECTION 59-20-40(2), AS CONTAINED ON PAGE 23, AND INSERTING:

/(2) ~~RESERVED~~ THE COMPUTATION FOR THE BASIC AMOUNT TO BE INCLUDED IN THE OPERATION OF THE BASIC EDUCATION PROGRAM DOES NOT INCLUDE SECTION 59-20-20(3)(A)(I)-(VII). THESE

**ALLOCATIONS MUST BE DISTRIBUTED TO THE PUBLIC SCHOOL DISTRICTS OF THIS STATE ON A PER-PUPIL BASIS AND NOT ACCORDING TO THE FORMULA PROVIDED IN SUBSECTION (1) OF THIS SECTION. /**

**AMEND THE AMENDMENT FURTHER BY DELETING IN ITS ENTIRETY THE LAST UNDESIGNATED PARAGRAPH OF SECTION 59-20-40(5), AS CONTAINED ON PAGE 26, AND INSERTING:**

**/ IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT PURSUANT TO REGULATIONS PROMULGATED BY THE STATE BOARD OF EDUCATION, THE AVERAGE DAILY MEMBERSHIP PUPIL-TEACHER RATIO FOR GRADES 1 ONE THROUGH 3 THREE STIPULATED IN THE CHAPTER MUST BE IMPLEMENTED TO THE EXTENT POSSIBLE ON AN INDIVIDUAL CLASS BASIS AND THAT THE PUPIL ENROLLMENT IN THESE GRADES SHOULD NOT EXCEED TWENTY-EIGHT PUPILS IN EACH CLASS. /**

**AMEND THE AMENDMENT FURTHER BY DELETING IN ITS ENTIRETY SECTION 59-20-40(8), AS CONTAINED ON PAGE 26.**

**AMEND THE AMENDMENT FURTHER BY DELETING IN ITS ENTIRETY THE FIRST UNDESIGNATED PARAGRAPH OF SECTION 59-20-50(1), AS CONTAINED ON PAGE 27, AND INSERTING:**

**/ PROVIDED, NO A DISTRICT SHALL MAY NOT RECEIVE ANNUALLY AN INCREASE IN STATE FUNDS LESS THAN THE FULL RATE OF THE INFLATIONARY ADJUSTMENT IN THE BASE STUDENT COST SPECIFIED IN SECTION 59-20-40(1)(B), SUBJECT TO FUNDS MADE AVAILABLE BY THE GENERAL ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATIONS ACT . THIS INCREASE SHALL BE COMPUTED ANNUALLY OVER AND ABOVE THE AMOUNT ACTUALLY RECEIVED FROM THE STATE FOR THE FOUNDATION BASIC EDUCATION PROGRAM IN THE PRIOR FISCAL YEAR. /**

**AMEND THE AMENDMENT FURTHER BY DELETING IN ITS ENTIRETY SECTION 59-20-60(1)-(2), AS CONTAINED ON PAGE 30, AND INSERTING:**

**/(1) SCHOOL DISTRICTS SHALL GIVE FIRST SPENDING PRIORITY OF FUNDS ALLOCATED UNDER THIS CHAPTER TO FULL IMPLEMENTATION OF THE ~~DEFINED-MINIMUM~~ BASIC EDUCATION PROGRAM.**

**(2) THE STATE BOARD OF EDUCATION SHALL AUDIT THE PROGRAMMATIC AND FISCAL ASPECTS OF THIS CHAPTER, INCLUDING THE DEGREE TO WHICH A SCHOOL MEETS ALL PRESCRIBED STANDARDS OF THE ~~DEFINED-MINIMUM~~ BASIC EDUCATION PROGRAM AND SHALL REPORT THE RESULTS IN THE ANNUAL REPORT OF THE STATE SUPERINTENDENT OF EDUCATION. SCHOOLS WHICH HAVE BEEN CLASSIFIED AS 'DROPPED' BY THE ~~DEFINED-MINIMUM~~ BASIC EDUCATION PROGRAM ACCREDITATION PROCEDURES ARE NOT ELIGIBLE FOR FUNDING IN THE FOLLOWING FISCAL YEAR UNTIL AN ACCEPTABLE PLAN TO ELIMINATE THE DEFICIENCIES IS SUBMITTED AND APPROVED BY THE STATE BOARD OF EDUCATION./**

**AMEND THE AMENDMENT FURTHER BY DELETING IN ITS ENTIRETY SECTION 59-20-60(6)(A)-(B), AS CONTAINED ON PAGE 37, AND INSERTING:**

**/(A) THE COST OF THE ~~DEFINED-MINIMUM~~ BASIC EDUCATION PROGRAM;  
(B) PROVISIONS INCLUDED IN THE ~~DEFINED-MINIMUM~~ BASIC EDUCATION PROGRAM;/**

**AMEND THE AMENDMENT FURTHER BY DELETING IN ITS ENTIRETY SECTION 59-20-90, AS CONTAINED ON PAGE 39, AND INSERTING:**

**/ SECTION 59-20-90. A LOCAL SCHOOL DISTRICT SHALL PUBLISH IN ITS ANNUAL AUDIT THE ACTUAL PERCENTAGE OF ITS PER PUPIL EXPENDITURES USED WITHIN THE IN\$ITE CATEGORIES OF**



**CLASSROOM INSTRUCTION, INSTRUCTIONAL SUPPORT, NONINSTRUCTION PUPIL SERVICES, AND ON-SITE PRINCIPALS. A LOCAL SCHOOL DISTRICT SHALL SPEND AT LEAST SEVENTY PERCENT OF ITS PER PUPIL EXPENDITURES WITHIN THESE IN\$ITE CATEGORIES. AS USED IN THIS SECTION, IN\$ITE MEANS THE FINANCIAL ANALYSIS MODEL USED BY THE DEPARTMENT.” /**

**AMEND THE AMENDMENT FURTHER BY DELETING IN ITS ENTIRETY SECTION 59-139-300, AS CONTAINED ON PAGES 39-42, AND INSERTING:**

**/ SECTION 59-139-300. (A) EACH SCHOOL DISTRICT BOARD OF TRUSTEES SHALL CAUSE THE DISTRICT AND EACH SCHOOL IN THE DISTRICT TO DEVELOP COMPREHENSIVE FIVE-YEAR PLANS WITH ANNUAL UPDATES TO OUTLINE THE DISTRICT AND SCHOOL IMPROVEMENT PLANS. DISTRICT AND SCHOOL PLANS MUST BE REVIEWED AND APPROVED BY THE BOARD OF TRUSTEES AND WRITTEN ACCORDING TO STATE BOARD OF EDUCATION REQUIREMENTS PROVIDED IN SECTION 59-139-10. THE DISTRICT PLAN MUST INTEGRATE THE NEEDS, GOALS, OBJECTIVES, STRATEGIES, AND EVALUATION METHODS OUTLINED IN THE SCHOOL PLANS. MEASURES OF EFFECTIVENESS MUST INCLUDE OUTCOME AND PROCESS INDICATORS OF IMPROVEMENT AND MUST PROVIDE DATA REGARDING WHAT DIFFERENCE THE STRATEGIES HAVE MADE. STAFF PROFESSIONAL DEVELOPMENT MUST BE A PRIORITY IN THE DEVELOPMENT AND IMPLEMENTATION OF THE PLANS AND MUST BE BASED ON AN ASSESSMENT OF NEEDS. LONG AND SHORT-RANGE GOALS, OBJECTIVES, STRATEGIES, AND TIME LINES MUST BE INCLUDED.**

**(B) EACH PLAN MUST PROVIDE FOR AN INNOVATION INITIATIVE, DESIGNED TO ENCOURAGE INNOVATIVE AND COMPREHENSIVE APPROACHES BASED ON STRATEGIES IDENTIFIED IN THE RESEARCH LITERATURE TO BE EFFECTIVE. THE INNOVATION INITIATIVE MUST BE UTILIZED BY SCHOOL DISTRICTS TO IMPLEMENT INNOVATIVE**

**APPROACHES DESIGNED TO IMPROVE STUDENT LEARNING AND ACCELERATE THE PERFORMANCE OF ALL STUDENTS. FUNDS MAY BE EXPENDED ON STRATEGIES IN ONE OR MORE OF THE FOLLOWING FOUR CATEGORIES:**

**(1) NEW APPROACHES TO WHAT AND HOW STUDENTS LEARN BY CHANGING SCHOOLING IN WAYS THAT PROVIDE A CREATIVE, FLEXIBLE, AND CHALLENGING EDUCATION FOR ALL STUDENTS, ESPECIALLY FOR THOSE AT RISK. PERFORMANCE-BASED OUTCOMES WHICH SUPPORT A PEDAGOGY OF THINKING AND ACTIVE APPROACHES FOR LEARNING MUST BE SUPPORTED;**

**(2) APPLYING DIFFERENT TEACHING METHODS PERMITTING PROFESSIONAL EDUCATORS AT EVERY LEVEL TO FOCUS ON EDUCATIONAL SUCCESS FOR ALL STUDENTS AND ON CRITICAL THINKING SKILLS AND PROVIDING THE NECESSARY SUPPORT FOR EDUCATIONAL SUCCESSES ARE ENCOURAGED;**

**(3) REDEFINING HOW SCHOOLS OPERATE RESULTING IN THE DECENTRALIZATION OF AUTHORITY TO THE SCHOOL SITE AND ALLOWING THOSE CLOSEST TO THE STUDENTS THE FLEXIBILITY TO DESIGN THE MOST APPROPRIATE EDUCATION LOCATION AND PRACTICE; AND**

**(4) CREATING APPROPRIATE RELATIONSHIPS BETWEEN SCHOOLS AND OTHER SOCIAL SERVICE AGENCIES BY IMPROVING RELATIONSHIPS BETWEEN THE SCHOOL AND COMMUNITY AGENCIES (HEALTH, SOCIAL, MENTAL HEALTH), PARENTS, AND THE BUSINESS COMMUNITY, AND BY ESTABLISHING PROCEDURES THAT COOPERATIVELY FOCUS THE RESOURCES OF THE GREATER COMMUNITY UPON BARRIERS TO SUCCESS IN SCHOOL, PARTICULARLY IN THE AREAS OF EARLY CHILDHOOD AND PARENTING PROGRAMS, AFTER-SCHOOL PROGRAMS, AND ADOLESCENT SERVICES.**

**(C) AN ANNUAL DISTRICT PROGRAMMATIC REPORT TO THE PARENTS AND CONSTITUENTS OF THE SCHOOL DISTRICT MUST BE DEVELOPED BY THE LOCAL SCHOOL BOARD. EACH REPORT MUST**

**INCLUDE THE GOALS AND OBJECTIVES OF THE SCHOOL DISTRICT, THE STRATEGIES IMPLEMENTED TO MEET THE GOALS AND OBJECTIVES, AND AN EVALUATION OF THE OUTCOMES. AN ANNUAL SCHOOL REPORT TO THE PARENTS AND CONSTITUENTS OF THE SCHOOL MUST BE DEVELOPED BY THE SCHOOL IMPROVEMENT COUNCIL AND SHALL PROVIDE INFORMATION ON THE SCHOOL'S PROGRESS ON MEETING THE SCHOOL AND DISTRICT GOALS AND OBJECTIVES. THESE REPORTS MUST BE PROVIDED BY NOVEMBER FIFTEENTH OF EACH YEAR.” /**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**