

1 **Special Education Funding Modifications**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tracy J. Miller

Senate Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill reorganizes and clarifies statutory provisions governing special education
5 programs.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ reorganizes the Special Education Self-Contained Program into a separate section;
- 10 ▶ reorganizes the Special Education Self-Contained Support Add-on Program into a
11 separate section;
- 12 ▶ reorganizes the Special Education Preschool Program into a separate section;
- 13 ▶ reorganizes the Extended School Year for Students With Disabilities Program into a
14 separate section;
- 15 ▶ reorganizes the special education program implementation impact aid into a separate
16 section;
- 17 ▶ requires the State Board of Education to subgrant to local education agencies to provide
18 special education services to students in state care;
- 19 ▶ requires the State Board of Education to create accounting procedures;
- 20 ▶ authorizes local education agencies to use a portion of certain funds for general education
21 costs; and
- 22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 This bill provides a special effective date.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **53F-2-310**, as last amended by Laws of Utah 2019, Chapter 186
30

31 ENACTS:

32 **53F-2-301.1**, Utah Code Annotated 1953

33 **53F-2-317**, Utah Code Annotated 1953

34 **53F-2-318**, Utah Code Annotated 1953

35 **53F-2-319**, Utah Code Annotated 1953

36 **53F-2-320**, Utah Code Annotated 1953

37 **53F-2-321**, Utah Code Annotated 1953

38 REPEALS:

39 **53F-2-308**, as last amended by Laws of Utah 2019, Chapter 186

40

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

42 Section 1. Section **53F-2-301.1** is enacted to read:

43 **53F-2-301.1 . Definitions.**

44 *As used in this part:*

45 (1) "Services eligible for the self-contained WPU" means specialized instruction of 180
 46 minutes or more per day provided to a student with a disability in accordance with the
 47 student's IEP.

48 (2) "Specialized instruction" means specially designed instruction and related services as
 49 defined by the state board in accordance with Title 63G, Chapter 3, Utah Administrative
 50 Rulemaking Act.

51 Section 2. Section **53F-2-310** is amended to read:

52 **53F-2-310 . Stipends for special educators for additional days of work.**

53 (1) As used in this section:

54 (a) "Special education teacher" means a teacher whose primary assignment is the
 55 instruction of students with disabilities who are eligible for special education services.

56 (b) "Special educator" means a person employed by a school district, charter school, or
 57 the Utah Schools for the Deaf and the Blind who holds:

58 (i) a license issued by the state board; and

59 (ii) a position as a:

60 (A) special education teacher;

61 (B) speech-language pathologist; or

62 (C) teacher of the deaf or hard of hearing[;] .

63 (2) The Legislature shall annually appropriate money for stipends to special educators for
 64 additional days of work:

65 (a) in recognition of the added duties and responsibilities assumed by special educators
66 to comply with federal law regulating the education of students with disabilities and
67 the need to attract and retain qualified special educators; and

68 (b) subject to future budget constraints.

69 (3)(a) The state board shall compute the number of weighted pupil units for stipends for
70 special educators by dividing the total appropriation by the weighted pupil unit value.

71 ~~[(a)]~~ (b) The state board shall distribute money appropriated under this section to school
72 districts, charter schools, and the Utah Schools for the Deaf and the Blind for
73 stipends for special educators in the amount of \$200 per day for up to 10 additional
74 working days.

75 ~~[(b)]~~ (c) Money distributed under this section shall include, in addition to the \$200 per
76 day stipend, money for the following employer-paid benefits:

77 (i) retirement;

78 (ii) workers' compensation;

79 (iii) Social Security; and

80 (iv) Medicare.

81 (4) A special educator receiving a stipend shall:

82 (a) work an additional day beyond the number of days contracted with the special
83 educator's school district or school for each daily stipend;

84 (b) schedule the additional days of work before or after the school year; and

85 (c) use the additional days of work to perform duties related to the IEP process,
86 including:

87 (i) administering student assessments;

88 (ii) conducting IEP meetings;

89 (iii) writing IEPs;

90 (iv) conferring with parents; and

91 (v) maintaining records and preparing reports.

92 (5) A special educator may:

93 (a) elect to receive a stipend for one to 10 days of additional work; or

94 (b) elect to not receive a stipend.

95 (6) A person who does not hold a full-time position as a special educator is eligible for a
96 partial stipend equal to the percentage of a full-time special educator position the person
97 assumes.

98 Section 3. Section **53F-2-317** is enacted to read:

99 **53F-2-317 . Special Education Self-Contained Program.**

100 (1) Subject to appropriation by the Legislature, the state board shall distribute money
 101 appropriated for the Special Education Self-Contained Program to an LEA to provide
 102 special education services to students with disabilities receiving services eligible for the
 103 self-contained WPU.

104 (2)(a) The state board shall compute the number of weighted pupil units for the Special
 105 Education Self-Contained Program by determining the number of students with
 106 disabilities receiving services eligible for the self-contained WPU enrolled in each
 107 LEA based on average daily membership from two years before the current fiscal
 108 year.

109 (b) Students with disabilities receiving services eligible for the self-contained WPU are
 110 not included in the calculation of weighted pupil units under Section 53F-2-302.

111 (3) An LEA shall use money distributed under this section only for special education
 112 purposes and may not use the money to supplement other school programs.

113 (4) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
 114 Administrative Rulemaking Act, to establish procedures for an LEA to:

115 (a) identify and report students with disabilities receiving services eligible for the
 116 self-contained WPU; and

117 (b) account for expenditures under this section.

118 Section 4. Section **53F-2-318** is enacted to read:

119 **53F-2-318 . Special Education Self-Contained Support Add-on Program.**

120 (1) Subject to appropriation by the Legislature, the state board shall distribute money
 121 appropriated for the Special Education Self-Contained Support Add-on Program to an
 122 LEA to provide additional resources for students with significant disabilities.

123 (2)(a) The state board shall compute the number of weighted pupil units for the Special
 124 Education Self-Contained Support Add-on Program by:

125 (i) determining the number of students with disabilities receiving services eligible for
 126 the self-contained WPU enrolled in each LEA; and

127 (ii) multiplying the number determined under Subsection (2)(a)(i) by 1.0 weighted
 128 pupil unit.

129 (b) A student with a disability receiving services eligible for the self-contained WPU
 130 qualifies for the add-on weighted pupil unit described in this section in addition to:

131 (i) the weighted pupil unit described in Section 53F-2-317; and

132 (ii) the special education add-on weighted pupil unit described in Section 53F-2-307.

- 133 (3)(a) An LEA shall account for expenditures under this section as part of the LEA's
 134 special education program.
- 135 (b) An LEA may use up to 25% of the money distributed to the LEA under this section
 136 to support general education costs.
- 137 (4) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
 138 Administrative Rulemaking Act, to establish procedures for an LEA to:
- 139 (a) identify and report students with disabilities receiving services eligible for the
 140 self-contained WPU; and
- 141 (b) account for expenditures under this section.
- 142 Section 5. Section **53F-2-319** is enacted to read:
- 143 **53F-2-319 . Special Education Preschool Program.**
- 144 (1) As used in this section, "preschool student with a disability" means a student who:
- 145 (a) is age three, four, or five years old;
- 146 (b) is not enrolled in kindergarten; and
- 147 (c) has an individualized education program.
- 148 (2)(a) Subject to appropriation by the Legislature, the state board shall distribute money
 149 appropriated for the Special Education Preschool Program to an LEA to provide a
 150 free appropriate public education to preschool students with a disability, as required
 151 by the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- 152 (b) The state board shall distribute money under this section on the basis of an LEA's
 153 count of preschool students with a disability on December 1 of the previous year.
- 154 (3)(a) The state board shall compute the number of weighted pupil units for the Special
 155 Education Preschool Program by:
- 156 (i) counting the number of preschool students with a disability enrolled in each LEA
 157 on December 1 of the previous year; and
- 158 (ii) multiplying the number determined under Subsection (3)(a)(i) by:
- 159 (A) 1.47; and
- 160 (B) the weighted pupil unit value for the current fiscal year.
- 161 (b) The state board shall limit the growth in the total number of preschool students with
 162 a disability statewide to 8% over the prior year's December 1 count.
- 163 (c) If the total number of preschool students with a disability statewide exceeds the 8%
 164 growth limit described in Subsection (3)(b), the state board shall distribute money to
 165 each LEA based on the LEA's proportion of the total statewide enrollment of
 166 preschool students with a disability.

167 (d) If the total WPU allocated for the state is different from the allocation amount, the
 168 difference is prorated across all districts.

169 (4) The state board shall:

170 (a) develop guidelines to implement the funding formula described in this section; and

171 (b) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
 172 Rulemaking Act, to administer the Special Education Preschool Program.

173 Section 6. Section **53F-2-320** is enacted to read:

174 **53F-2-320 . Extended School Year for Students With Disabilities Program.**

175 (1) As used in this section, "extended school year services" means special education and
 176 related services that:

177 (a) are provided to a student with a disability beyond the normal school year;

178 (b) are in accordance with the student's individualized education program; and

179 (c) are provided at no cost to the parents of the student.

180 (2) Subject to appropriation by the Legislature, the state board shall distribute money
 181 appropriated for the Extended School Year for Students With Disabilities Program to an
 182 LEA to provide extended school year services to students with disabilities.

183 (3)(a) The state board shall compute the number of weighted pupil units for the
 184 Extended School Year for Students With Disabilities Program by:

185 (i) determining each LEA's base funding amount as established by the state board;

186 (ii) calculating remaining funds after distributing base funding amounts under
 187 Subsection (3)(a); and

188 (iii) distributing remaining funds to an LEA based on each LEA's percentage
 189 enrollment of students with disabilities for an LEA that reports to the state board
 190 that the LEA has provided Extended School Year services in the prior school year.

191 (b) If the total WPU for the state is different from the allocation amount determined by
 192 the formula described in this section, the state board shall distribute the difference in
 193 a prorated amount across all LEAs.

194 (4) An LEA shall use money distributed under this section only for students with
 195 disabilities whose individualized education program teams have determined that the
 196 students require extended school year services necessary to provide a free appropriate
 197 public education in accordance with federal law.

198 (5) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
 199 Administrative Rulemaking Act, to:

200 (a) establish criteria for determining which students with disabilities qualify for services

201 described in this section;

202 (b) establish procedures for an LEA to:

203 (i) identify and report students receiving extended school year services; and

204 (ii) account for expenditures under this section; and

205 (c) determine base funding amounts for an LEA under Subsection (3)(a).

206 Section 7. Section **53F-2-321** is enacted to read:

207 **53F-2-321 . Special education program implementation impact aid.**

208 (1) Subject to appropriation by the Legislature, the state board shall distribute money
209 appropriated for special education program implementation impact aid to provide special
210 education services to students in state care, as the state board defines, and to support
211 special education administrative functions for LEAs that qualify under criteria the state
212 board establishes.

213 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
214 state board shall make rules to establish criteria and procedures for distributing money
215 under this section.

216 Section 8. **Repealer.**

217 This bill repeals:

218 Section **53F-2-308, Preschool special education appropriation -- Extended year program**
219 **appropriation -- Appropriation for special education programs in state institutions --**
220 **Appropriations for stipends for special educators.**

221 Section 9. **Effective Date.**

222 This bill takes effect on July 1, 2026.