

**Special Education Funding Modifications**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tracy J. Miller**

Senate Sponsor:

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**LONG TITLE****General Description:**

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

**Highlighted Provisions:**

This bill:

- defines terms;
- reorganizes the Special Education Self-Contained Program into a separate section;
- reorganizes the Special Education Self-Contained Support Add-on Program into a separate section;
- reorganizes the Special Education Preschool Program into a separate section;
- reorganizes the Extended School Year for Students With Disabilities Program into a separate section;
- reorganizes the special education program implementation impact aid into a separate section;
- requires the State Board of Education to subgrant to local education agencies to provide special education services to students in state care;
- requires the State Board of Education to create accounting procedures;
- authorizes local education agencies to use a portion of certain funds for general education costs; and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

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

ENACTS:

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

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

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

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

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

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

REPEALS:

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

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

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

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

As used in this part:

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

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

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

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

(1) As used in this section:

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

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

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

(ii) a position as a:

(A) special education teacher;

(B) speech-language pathologist; or

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

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

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

(b) subject to future budget constraints.

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

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

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

- (i) retirement;
- (ii) workers' compensation;
- (iii) Social Security; and
- (iv) Medicare.

(4) A special educator receiving a stipend shall:

- (a) work an additional day beyond the number of days contracted with the special educator's school district or school for each daily stipend;
- (b) schedule the additional days of work before or after the school year; and
- (c) use the additional days of work to perform duties related to the IEP process, including:
  - (i) administering student assessments;
  - (ii) conducting IEP meetings;
  - (iii) writing IEPs;
  - (iv) conferring with parents; and
  - (v) maintaining records and preparing reports.

(5) A special educator may:

- (a) elect to receive a stipend for one to 10 days of additional work; or
- (b) elect to not receive a stipend.

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

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

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

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

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

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

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

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

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

(b) account for expenditures under this section.

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

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

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

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

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

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

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

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

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

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

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

(4) The state board shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

described in this section;

(b) establish procedures for an LEA to:

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

(ii) account for expenditures under this section; and

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

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

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

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

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

Section 8. **Repealer.**

This bill repeals:

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

Section 9. **Effective Date.**

This bill takes effect on July 1, 2026.