

Intensive Services Fund

53F-2-420 Sunset Recommendation

September 2023

53F-2-420 Special Education Intensive Services

Effective 5/5/2021

53F-2-420 Intensive Services Special Education Pilot Program.

(1) As used in this section:

(a) “Eligible student” means a student:

(i) who has an IEP; and

(ii) for whom the cost of special education services described in the student’s IEP exceeds three times the statewide average per-pupil expenditures.

(b) “Intensive Services Special Education Pilot Program” or “program” means the three-year pilot program created in Subsection (2).

(c) “Special education services” means the same as that term is defined in Section 53E-7-201.

(2) There is created a **three-year pilot program** known as the **Intensive Services Special Education Pilot Program** to, subject to appropriations from the Legislature, provide funding to an LEA to supplement the other funding for educating an eligible student.

(3) An LEA shall use a distribution under this section to fund special education services for an eligible student.

(4) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing a distribution formula to allocate money appropriated to the state board under this section to LEAs for the program.

Enacted by Chapter 307, 2021 General Session

USBE Recommendation

Special education intensive services needs are still present, but because the specific program logistics related to the Intensive Services Pilot Program are problematic, the Board supports a sunset of the Program.



Even if 53F-2-420 is repealed:

- The USBE plans to distribute the \$1.2 million of federal funding going to intensive services to all LEAs in FY2025 without the requirement of the time intensive paperwork requirements.
- USBE is using federal (IDEA) funds to provide funding to LEAs that have significant expenses that appear beginning with FY2024.
- LEA reporting burdens will be reduced in FY 2024.
- State burden is also reduced.



Special Education State Funding Study with WestEd

The three year study will cover:

- How LEAs expend state and federal special education funds
- How LEAs report special education funds
- How much local funding LEAs use to supplement their federal and state special education funds
- Why LEAs have carry forward special education funding



USBE Recommendation

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Thank you

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