

**Effective 1/24/2018**

**Title 53F. Public Education System -- Funding**

**Chapter 1  
Title Provisions**

**Part 1  
General Provisions**

**53F-1-101 Title.**

- (1) This title is known as "Public Education System -- Funding."
- (2) This chapter is known as "Title Provisions."

Enacted by Chapter 2, 2018 General Session

**53F-1-102 Public education code definitions.**

The terms defined in Section 53E-1-102 apply to this title.

Enacted by Chapter 2, 2018 General Session

**53F-1-103 Title 53F definitions.**

Reserved

Enacted by Chapter 2, 2018 General Session

**53F-1-104 Education monitoring and funds management.**

- (1) As used in this section:
  - (a) "Allocable cost" means a cost for goods or services that are chargeable or assignable to a state award or cost objective in accordance with relative benefits an LEA receives.
  - (b) "Reasonable cost" means a cost that, in nature and amount, does not exceed an amount that a prudent person would incur under the circumstances prevailing at the time the decision was made to incur the cost.
  - (c) "State award" means:
    - (i) money that the Legislature appropriates to state education programs for an LEA's use; or
    - (ii) a grant that the state board awards to an LEA as part of a state education program.
- (2) Except as otherwise provided in this public education code, the state board shall monitor state-funded education programs and the expenditure of state funds in accordance with this section.
- (3) Except as otherwise authorized by statute, the state board shall not allow a cost under state awards, unless:
  - (a) the cost is necessary and reasonable for, and allocable to, the performance of the state award;
  - (b) the cost conforms to any limitations or exclusions that apply uniformly to the LEA's other activities;
  - (c) the LEA accorded the cost consistent treatment among programs;
  - (d) the LEA determined the cost in accordance with generally accepted accounting principles;
  - (e) the LEA adequately documented the cost; and
  - (f) the LEA incurred the cost during the approved budget period.

- (4) In determining whether a cost is a reasonable cost, the state board shall consider:
- (a) whether the cost is of a type generally recognized as ordinary for:
    - (i) the operation of the LEA; or
    - (ii) the proper and efficient performance of the state award;
  - (b) the restraints or requirements imposed by:
    - (i) sound business practices;
    - (ii) arm's length bargaining;
    - (iii) federal, state, local, tribal, or other laws and regulations; and
    - (iv) the state award's restrictions and conditions;
  - (c) market prices for comparable goods or services in the geographic area;
  - (d) whether an individual involved in a decision to incur the cost acted with prudence in the circumstances considering the individual's responsibilities to:
    - (i) the LEA;
    - (ii) the LEA's employees;
    - (iii) the LEA's students;
    - (iv) the public; and
    - (v) the state government; and
  - (e) whether the LEA significantly deviated from the LEA's established practices and policies concerning incurring costs so that the costs the LEA incurs for the performance of the state award are unjustifiably increased.
- (5) The state board shall determine that a cost is an allocable cost if:
- (a) the LEA incurred the cost specifically for the state award;
  - (b) the cost:
    - (i) benefits both the state award and the LEA's other work; and
    - (ii) can be distributed in proportions that may be approximated using reasonable methods; and
  - (c) the cost is necessary to the overall operation of the LEA and is assignable in part to the state award.

Enacted by Chapter 308, 2021 General Session

## **Chapter 2**

### **State Funding -- Minimum School Program**

#### **Part 1**

#### **General Provisions**

#### **53F-2-101 Title.**

This chapter is known as "State Funding -- Minimum School Program."

Enacted by Chapter 2, 2018 General Session

#### **53F-2-102 Definitions.**

As used in this chapter:

- (1) "Basic state-supported school program," "basic program," or "basic school program" means public education programs for kindergarten, elementary, and secondary school students that

are operated and maintained for the amount derived by multiplying the number of weighted pupil units for each school district or charter school by the value established each year in the enacted public education budget, except as otherwise provided in this chapter.

- (2) "LEA governing board" means a local school board or charter school governing board.
- (3) "Pupil in average daily membership" or "ADM" means a full-day equivalent pupil.
- (4)
  - (a) "Minimum School Program" means the state-supported public school programs for kindergarten, elementary, and secondary schools as described in this Subsection (4).
  - (b) The Minimum School Program established in school districts and charter schools shall include the equivalent of a school term of nine months as determined by the state board.
  - (c)
    - (i) The state board shall establish the number of days or equivalent instructional hours that school is held for an academic school year.
    - (ii) Education, enhanced by utilization of technologically enriched delivery systems, when approved by an LEA governing board, shall receive full support by the state board as it pertains to fulfilling the attendance requirements, excluding time spent viewing commercial advertising.
  - (d)
    - (i) An LEA governing board may reallocate up to 32 instructional hours or four school days established under Subsection (4)(c) for teacher preparation time or teacher professional development.
    - (ii) A reallocation of instructional hours or school days under Subsection (4)(d)(i) is subject to the approval of two-thirds of the members of an LEA governing board voting in a regularly scheduled meeting:
      - (A) at which a quorum of the LEA governing board is present; and
      - (B) held in compliance with Title 52, Chapter 4, Open and Public Meetings Act.
    - (iii) If an LEA governing board reallocates instructional hours or school days as provided by this Subsection (4)(d), the school district or charter school shall notify students' parents of the school calendar at least:
      - (A) 90 days before the beginning of the school year; or
      - (B) for the 2021-2022 and 2022-2023 school years, due to circumstances within the LEA or a given school due to the COVID-19 pandemic, at least 14 calendar days before the reallocated instructional hours or school days.
    - (iv) Instructional hours or school days reallocated for teacher preparation time or teacher professional development pursuant to this Subsection (4)(d) is considered part of a school term referred to in Subsection (4)(b).
  - (e) The Minimum School Program includes a program or allocation funded by a line item appropriation or other appropriation designated as follows:
    - (i) Basic School Program;
    - (ii) Related to Basic Programs;
    - (iii) Voted and Board Levy Programs; or
    - (iv) Minimum School Program.
- (5) "Weighted pupil unit or units or WPU or WPU's" means the unit of measure of factors that is computed in accordance with this chapter for the purpose of determining the costs of a program on a uniform basis for each school district or charter school.

Amended by Chapter 17, 2022 General Session

**53F-2-103 Purpose of chapter.**

- (1) The purpose of this chapter is to provide a minimum school program for the state in accordance with the constitutional mandate. It recognizes that all children of the state are entitled to reasonably equal educational opportunities regardless of their place of residence in the state and of the economic situation of their respective school districts or other agencies.
- (2) It further recognizes that although the establishment of an educational system is primarily a state function, school districts should be required to participate on a partnership basis in the payment of a reasonable portion of the cost of a minimum program.
- (3) It is also the purpose of this chapter to describe the manner in which the state and the school districts shall pay their respective share of the costs of a minimum program. This chapter also recognizes that each locality should be empowered to provide educational facilities and opportunities beyond the minimum program and accordingly provide a method whereby that latitude of action is permitted and encouraged.

Renumbered and Amended by Chapter 2, 2018 General Session

**Part 2**  
**General Administration of the Minimum School Program**

**53F-2-201 Cost of operation and maintenance of Minimum School Program -- Division between state and school districts.**

- (1) The total cost of operation and maintenance of the Minimum School Program in the state is divided between the state and school districts as follows:
  - (a) Each school district shall impose a minimum basic tax rate on all taxable, tangible property in the school district and shall contribute the tax proceeds toward the cost of the basic program as provided in this chapter.
  - (b) Each school district may also impose a levy under Section 53F-8-301 or 53F-8-302 for the purpose of participating in the respective local levy state guarantee programs described in Section 53F-2-601.
  - (c) The state shall contribute the balance of the total costs.
- (2) The contributions by the school districts and by the state are computed separately for the purpose of determining their respective contributions to:
  - (a) the basic program; and
  - (b) the local levy state guarantee programs described in Section 53F-2-601.

Renumbered and Amended by Chapter 2, 2018 General Session  
Amended by Chapter 456, 2018 General Session

**53F-2-202 Contribution of state to cost of Minimum School Program -- Determination of amounts -- Levy on taxable property -- Disbursal -- Deficiency.**

The state's contribution to the total cost of the Minimum School Program is determined and distributed as follows:

- (1) The State Tax Commission shall levy an amount determined by the Legislature on all taxable property of the state.
  - (a) This amount, together with other funds provided by law, is the state's contribution to the Minimum School Program.

- (b) The statewide levy is set at zero until changed by the Legislature.
- (2) During the first week in November, the State Tax Commission shall certify to the state board the amounts designated as state aid for each school district under Section 59-2-902.
- (3)
  - (a) The actual amounts computed under Section 59-2-902 are the state's contribution to the Minimum School Program of each school district.
  - (b) The state board shall provide each LEA governing board with a statement of the amount of state aid.
- (4) Before the first day of each month, the state treasurer and the Division of Finance, with the approval of the state board, shall disburse 1/12 of the state's contribution to the cost of the Minimum School Program to each school district and each charter school.
  - (a) The state board may not make a disbursement to a school district or charter school whose payments have been interrupted under Subsection (4)(d).
  - (b) Discrepancies between the monthly disbursements and the actual cost of the program shall be adjusted in the final settlement under Subsection (5).
  - (c) If the monthly distributions overdraw the money in the Uniform School Fund, the Division of Finance is authorized to run this fund in a deficit position.
  - (d) The state board may interrupt disbursements to a school district or charter school if, in the judgment of the state board, the school district or charter school is failing to comply with the Minimum School Program, is operating programs that are not approved by the state board, or has not submitted reports required by law or the state board.
    - (i) Disbursements shall be resumed upon request of the state board.
    - (ii) Back disbursements shall be included in the next regular disbursement, and the amount disbursed certified to the State Division of Finance and state treasurer by the state board.
  - (e) The state board may authorize exceptions to the 1/12 per month disbursement formula for grant funds if the state board determines that a different disbursement formula would better serve the purposes of the grant.
- (5)
  - (a) If money in the Uniform School Fund is insufficient to meet the state's contribution to the Minimum School Program as appropriated, the amount of the deficiency thus created shall be carried as a deficiency in the Uniform School Fund until the next session of the Legislature, at which time the Legislature shall appropriate funds to cover the deficiency.
  - (b) If there is an operating deficit in public education Uniform School Fund appropriations, the Legislature shall eliminate the deficit by:
    - (i) budget transfers or other legal means;
    - (ii) appropriating money from the Education Budget Reserve Account;
    - (iii) appropriating up to 25% of the balance in the General Fund Budget Reserve Account; or
    - (iv) some combination of Subsections (5)(b)(i), (ii), and (iii).
  - (c) Nothing in Subsection (5)(b) precludes the Legislature from appropriating more than 25% of the balance in the General Fund Budget Reserve Account to fund operating deficits in public education appropriations.

Amended by Chapter 186, 2019 General Session

**53F-2-203 Reduction of LEA governing board allocation based on insufficient revenues.**

- (1) As used in this section, "Minimum School Program funds" means the total of state and local funds appropriated for the Minimum School Program, excluding:

- (a) an appropriation for a state guaranteed local levy increment as described in Section 53F-2-601; and
  - (b) the appropriation to charter schools to replace local property tax revenues pursuant to Section 53F-2-704.
- (2) If the Legislature reduces appropriations made to support public schools under this chapter because an Income Tax Fund budget deficit, as defined in Section 63J-1-312, exists, the state board, after consultation with each LEA governing board, shall allocate the reduction among school districts and charter schools in proportion to each school district's or charter school's percentage share of Minimum School Program funds.
- (3) Except as provided in Subsection (5) and subject to the requirements of Subsection (7), an LEA governing board shall determine which programs are affected by a reduction pursuant to Subsection (2) and the amount each program is reduced.
- (4) Except as provided in Subsections (5) and (6), the requirement to spend a specified amount in any particular program is waived if reductions are made pursuant to Subsection (2).
- (5) An LEA governing board may not reduce or reallocate spending of funds distributed to the school district or charter school for the following programs:
- (a) educator salary adjustments provided in Section 53F-2-405;
  - (b) the Teacher Salary Supplement Program provided in Section 53F-2-504;
  - (c) the extended year for special educators provided in Section 53F-2-310;
  - (d) the School LAND Trust Program described in Sections 53F-2-404 and 53G-7-1206; or
  - (e) a special education program within the basic school program.
- (6) An LEA governing board may not reallocate spending of funds distributed to the school district or charter school to a reserve account.
- (7) An LEA governing board that reduces or reallocates funds in accordance with this section shall report all transfers into, or out of, Minimum School Program programs to the state board as part of the school district or charter school's Annual Financial and Program report.

Amended by Chapter 456, 2022 General Session

**53F-2-204 Use of funds for approved programs -- Assessment of funded programs.**

- (1) Funds appropriated under this chapter shall only be used for programs approved by the state board.
- (2) The state board shall assess the progress and degree of effectiveness of all programs funded under this chapter.

Amended by Chapter 186, 2019 General Session

**53F-2-205 Powers and duties of state board to adjust Minimum School Program allocations -- Use of remaining funds at the end of a fiscal year.**

- (1) As used in this section:
  - (a) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C. Sec. 6301 et seq.
  - (b) "Program" means a program or allocation funded by a line item appropriation or other appropriation designated as:
    - (i) Basic Program;
    - (ii) Related to Basic Programs;
    - (iii) Voted and Board Levy Programs; or
    - (iv) Minimum School Program.

- (2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units in a program is underestimated, the state board shall reduce the value of the weighted pupil unit in that program so that the total amount paid for the program does not exceed the amount appropriated for the program.
- (3) If the number of weighted pupil units in a program is overestimated, the state board shall spend excess money appropriated for the following purposes giving priority to the purpose described in Subsection (3)(a):
  - (a) to support the value of the weighted pupil unit in a program within the basic state-supported school program in which the number of weighted pupil units is underestimated;
  - (b) to support the state guaranteed local levy increments as defined in Section 53F-2-601, if:
    - (i) local contributions to the voted local levy program or board local levy program are overestimated; or
    - (ii) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated;
  - (c) to support the state supplement to local property taxes allocated to charter schools, if the state supplement is less than the amount prescribed by Section 53F-2-704;
  - (d) to fund the cost of the salary supplements described in Section 53F-2-504; or
  - (e) to support a school district with a loss in student enrollment as provided in Section 53F-2-207.
- (4) If local contributions from the minimum basic tax rate imposed under Section 53F-2-301 are overestimated, the state board shall reduce the value of the weighted pupil unit for all programs within the basic state-supported school program so the total state contribution to the basic state-supported school program does not exceed the amount of state funds appropriated.
- (5) If local contributions from the minimum basic tax rate imposed under Section 53F-2-301 are underestimated, the state board shall:
  - (a) spend the excess local contributions for the purposes specified in Subsection (3), giving priority to supporting the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated; and
  - (b) reduce the state contribution to the basic state-supported school program so the total cost of the basic state-supported school program does not exceed the total state and local funds appropriated to the basic state-supported school program plus the local contributions necessary to support the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated.
- (6) Except as provided in Subsection (3) or (5), the state board shall reduce the state guarantee per weighted pupil unit provided under the local levy state guarantee program described in Section 53F-2-601, if:
  - (a) local contributions to the voted local levy program or board local levy program are overestimated; or
  - (b) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated.
- (7) Money appropriated to the state board is nonlapsing, including appropriations to the Minimum School Program and all agencies, line items, and programs under the jurisdiction of the state board.
- (8) The state board shall report actions taken by the state board under this section to the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget.

Amended by Chapter 7, 2023 General Session

**53F-2-206 Flexibility in the use of certain related to basic program funds.**

- (1) As used in this section, "qualifying program" means:
  - (a) the Enhancement for Accelerated Students Program created in Section 53F-2-408;
  - (b) the early college programs described in Section 53F-2-408.5; and
  - (c) the concurrent enrollment program established in Section 53E-10-302.
- (2) If a school district or charter school receives an allocation of state funds for a qualifying program that is less than \$10,000, the LEA governing board of the receiving school district or charter school may:
  - (a)
    - (i) combine the funds with one or more qualifying program fund allocations each of which is less than \$10,000; and
    - (ii) use the combined funds in accordance with the program requirements for any of the qualifying programs that are combined; or
  - (b)
    - (i) transfer the funds to a qualifying program for which the school district or charter school received an allocation of funds that is greater than or equal to \$10,000; and
    - (ii) use the combined funds in accordance with the program requirements for the qualifying program to which the funds are transferred.

Amended by Chapter 319, 2021 General Session

**53F-2-207 Loss in student enrollment -- Board action.**

To avoid penalizing a school district financially for an excessive loss in student enrollment due to factors beyond its control, the state board may allow a percentage increase in units otherwise allowable during any year when a school district's average daily membership drops more than 4% below the average for the highest two of the preceding three years in the school district.

Amended by Chapter 186, 2019 General Session

**53F-2-208 Cost of adjustments for growth and inflation.**

- (1) In accordance with Subsection (2), the Legislature shall annually determine:
  - (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations to the following programs:
    - (i) education for youth in custody, described in Section 53E-3-503;
    - (ii) concurrent enrollment courses for accelerated foreign language students described in Section 53E-10-307;
    - (iii) the Basic Program, described in Part 3, Basic Program (Weighted Pupil Units);
    - (iv) the Adult Education Program, described in Section 53F-2-401;
    - (v) state support of pupil transportation, described in Section 53F-2-402;
    - (vi) the Enhancement for Accelerated Students Program, described in Section 53F-2-408;
    - (vii) the Concurrent Enrollment Program, described in Section 53F-2-409;
    - (viii) the juvenile gang and other violent crime prevention and intervention program, described in Section 53F-2-410; and
    - (ix) dual language immersion, described in Section 53F-2-502; and
  - (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year, the current fiscal year's ongoing state tax fund appropriations to the following programs:
    - (i) a program described in Subsection (1)(a);
    - (ii) educator salary adjustments, described in Section 53F-2-405;



- (iii) the Teacher Salary Supplement Program, described in Section 53F-2-504;
  - (iv) the Voted and Board Local Levy Guarantee programs, described in Section 53F-2-601; and
  - (v) charter school local replacement funding, described in Section 53F-2-702.
- (2)
- (a) In or before December each year, the Executive Appropriations Committee shall determine:
    - (i) the cost of the inflation adjustment described in Subsection (1)(a); and
    - (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).
  - (b) The Executive Appropriations Committee shall make the determinations described in Subsection (2)(a) based on recommendations developed by the Office of the Legislative Fiscal Analyst, in consultation with the state board and the Governor's Office of Planning and Budget.
- (3) If the Executive Appropriations Committee includes in the public education base budget or the final public education budget an increase in the value of the WPU in excess of the amounts described in Subsection (1)(a), the Executive Appropriations Committee shall also include an appropriation to the Local Levy Growth Account established in Section 53F-9-305 in an amount equivalent to at least 0.5% of the total amount appropriated for WPUs in the relevant budget.

Amended by Chapter 129, 2023 General Session

Amended by Chapter 161, 2023 General Session

Amended by Chapter 356, 2023 General Session

**53F-2-209 Limited LEA budgetary flexibility.**

- (1) Notwithstanding any other provision of the Utah Code:
- (a) except as provided in Subsection (1)(b), an LEA may:
    - (i) use up to 35% of the LEA's state restricted funding for each formula-based program to flexibly and without restriction respond to changing circumstances and student needs;
    - (ii) transfer fund balances between funds as necessary to flexibly expend funds as described in Subsection (1)(a)(i); and
  - (b) an LEA may not:
    - (i) transfer funds under Subsection (1)(a)(i) related to the school LAND Trust Program, established in Section 53G-7-1206, or a qualified grant program; or
    - (ii) expend the transferred funds for capital projects or improvements.
- (2) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding LEA record-keeping of flexible uses of restricted funds under this section.
- (3)
- (a) Nothing in this section authorizes an LEA to violate federal law or federal restrictions on the LEA's funds.
  - (b) An LEA that takes an action that this section authorizes shall ensure that the LEA continues to meet federal maintenance of effort requirements.

Amended by Chapter 467, 2023 General Session

**53F-2-210 Use of data to determine funding in fiscal years 2021 and 2022.**

- (1) For fiscal years 2021 and 2022, if data necessary for programmatic funding distributions to LEAs is inconsistent due to adjustments related to effects of the COVID-19 emergency, the state board may use the analogous data from fiscal year 2020 or the 2019-2020 school year, at the state board's discretion to execute programmatic funding distributions to LEAs.

- (2) The state board shall report to the Public Education Appropriations Subcommittee before September 30, 2021, on instances in which the board used fiscal year 2020 data under Subsection (1).

Enacted by Chapter 439, 2021 General Session

### **Part 3 Basic Program (Weighted Pupil Units)**

#### **53F-2-301 Minimum basic tax rate for a fiscal year that begins after July 1, 2022.**

- (1) As used in this section:
- (a) "Basic levy increment rate" means a tax rate that will generate an amount of revenue equal to \$75,000,000.
  - (b) "Combined basic rate" means a rate that is the sum of:
    - (i) the minimum basic tax rate; and
    - (ii) the WPU value rate.
  - (c) "Commission" means the State Tax Commission.
  - (d) "Minimum basic local amount" means an amount that is:
    - (i) equal to the sum of:
      - (A) the school districts' contribution to the basic school program the previous fiscal year;
      - (B) the amount generated by the basic levy increment rate; and
      - (C) the eligible new growth, as defined in Section 59-2-924 and rules of the State Tax Commission multiplied by the minimum basic rate; and
    - (ii) set annually by the Legislature in Subsection (2)(a).
  - (e) "Minimum basic tax rate" means a tax rate certified by the commission that will generate an amount of revenue equal to the minimum basic local amount described in Subsection (2)(a).
  - (f) "Weighted pupil unit value" or "WPU value" means the amount established each year in the enacted public education budget that is multiplied by the number of weighted pupil units to yield the funding level for the basic school program.
  - (g) "WPU value amount" means an amount:
    - (i) that is equal to the product of:
      - (A) the WPU value increase limit; and
      - (B) the percentage share of local revenue to the cost of the basic school program in the immediately preceding fiscal year; and
    - (ii) set annually by the Legislature in Subsection (3)(a).
  - (h) "WPU value increase limit" means the lesser of:
    - (i) the total cost to the basic school program to increase the WPU value over the WPU value in the prior fiscal year; or
    - (ii) the total cost to the basic school program to increase the WPU value by 4% over the WPU value in the prior fiscal year.
  - (i) "WPU value rate" means a tax rate certified by the commission that will generate an amount of revenue equal to the WPU value amount described in Subsection (3)(a).
- (2)
- (a) The minimum basic local amount for the fiscal year that begins on July 1, 2023, is \$708,960,800 in revenue statewide.

- (b) The preliminary estimate of the minimum basic tax rate for a fiscal year that begins on July 1, 2023, is .001356.
- (3)
  - (a) The WPU value amount for the fiscal year that begins on July 1, 2023, is \$27,113,600 in revenue statewide.
  - (b) The preliminary estimate of the WPU value rate for the fiscal year that begins on July 1, 2023, is .000052.
- (4)
  - (a) On or before June 22, the commission shall certify for the year:
    - (i) the minimum basic tax rate; and
    - (ii) the WPU value rate.
  - (b) The estimate of the minimum basic tax rate provided in Subsection (2)(b) and the estimate of the WPU value rate provided in Subsection (3)(b) are based on a forecast for property values for the next calendar year.
  - (c) The certified minimum basic tax rate described in Subsection (4)(a)(i) and the certified WPU value rate described in Subsection (4)(a)(ii) are based on property values as of January 1 of the current calendar year, except personal property, which is based on values from the previous calendar year.
- (5)
  - (a) To qualify for receipt of the state contribution toward the basic school program and as a school district's contribution toward the cost of the basic school program for the school district, each local school board shall impose the combined basic rate.
  - (b)
    - (i) The state is not subject to the notice requirements of Section 59-2-926 before imposing the tax rates described in this Subsection (5).
    - (ii) The state is subject to the notice requirements of Section 59-2-926 if the state authorizes a tax rate that exceeds the tax rates described in this Subsection (5).
- (6)
  - (a) The state shall contribute to each school district toward the cost of the basic school program in the school district an amount of money that is the difference between the cost of the school district's basic school program and the sum of revenue generated by the school district by the following:
    - (i) the combined basic rate; and
    - (ii) the basic levy increment rate.
  - (b)
    - (i) If the difference described in Subsection (6)(a) equals or exceeds the cost of the basic school program in a school district, no state contribution shall be made to the basic school program for the school district.
    - (ii) The proceeds of the difference described in Subsection (6)(a) that exceed the cost of the basic school program shall be paid into the Uniform School Fund as provided by law and by the close of the fiscal year in which the proceeds were calculated.
- (7) Upon appropriation by the Legislature, the Division of Finance shall deposit an amount equal to the proceeds generated statewide:
  - (a) by the basic levy increment rate into the Minimum Basic Growth Account created in Section 53F-9-302; and
  - (b) by the WPU value rate into the Teacher and Student Success Account created in Section 53F-9-306.

Amended by Chapter 7, 2023 General Session  
Amended by Chapter 467, 2023 General Session  
Amended by Chapter 467, 2023 General Session, (Coordination Clause)

**53F-2-302 Determination of weighted pupil units.**

- (1) The number of weighted pupil units in the Minimum School Program for each year is the total of the units for each school district and, subject to Subsection (5), charter school, determined in accordance with this section.
- (2) The number of weighted pupil units is computed by adding the average daily membership of all pupils of the school district or charter school attending schools, other than self-contained classes for children with a disability.
- (3)
  - (a) Except as provided in Subsection (3)(b), for a fiscal year beginning on or after July 1, 2023, the number of weighted pupil units for kindergarten students shall be computed by adding the average daily membership of all pupils of the school district or charter school enrolled in kindergarten.
  - (b) The number of weighted pupil units is computed by multiplying the average daily membership for the number of students who are enrolled in kindergarten for less than the equivalent length of the schedule for grades 1 through 3, based on the October 1 data described in Section 53F-2-302, by .55.
- (4)
  - (a) The state board shall use prior year plus growth to determine average daily membership in distributing money under the Minimum School Program where the distribution is based on kindergarten through grade 12 ADMs or weighted pupil units.
  - (b) Under prior year plus growth, kindergarten through grade 12 average daily membership for the current year is based on the actual kindergarten through grade 12 average daily membership for the previous year plus an estimated percentage growth factor.
  - (c) The growth factor is the percentage increase in total average daily membership on the first school day of October in the current year as compared to the total average daily membership on the first school day of October of the previous year.
- (5) In distributing funds to charter schools under this section, charter school pupils shall be weighted, where applicable, as follows:
  - (a) except as provided in Subsection (3)(b), .9 for pupils in kindergarten through grade 6;
  - (b) .99 for pupils in grades 7 through 8; and
  - (c) 1.2 for pupils in grades 9 through 12.

Amended by Chapter 347, 2023 General Session  
Amended by Chapter 467, 2023 General Session

**53F-2-302.1 Enrollment Growth Contingency Program.**

- (1) As used in this section:
  - (a) "Program funds" means money appropriated under the Enrollment Growth Contingency Program.
  - (b) "Student enrollment count" means the enrollment count on the first school day of October, as described in Section 53F-2-302.
- (2) There is created the Enrollment Growth Contingency Program to mitigate funding impacts on an LEA resulting from student enrollment irregularities regarding kindergarten.

- (3) Subject to legislative appropriations, the state board, in consultation with the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget, shall use program funds to fund additional WPUs if the student enrollment count for kindergarten exceeds the amount of legislative appropriations for kindergarten.

Amended by Chapter 347, 2023 General Session

Amended by Chapter 467, 2023 General Session

**53F-2-303 Foreign exchange student weighted pupil units.**

- (1) A school district or charter school may include foreign exchange students in the district's or school's membership and attendance count for the purpose of apportionment of state money, except as provided in Subsections (2) through (5).
- (2)
  - (a) Notwithstanding Section 53F-2-302, foreign exchange students may not be included in average daily membership for the purpose of determining the number of weighted pupil units in the grades 1-12 basic program.
  - (b) Subject to the limitation in Subsection (3), and except as provided in Subsection (5), the number of weighted pupil units in the grades 1-12 basic program attributed to foreign exchange students shall be equal to the number of foreign exchange students who were:
    - (i) enrolled in a school district or charter school on October 1 of the previous fiscal year; and
    - (ii) sponsored by an agency approved by the district's local school board or charter school's governing board.
- (3)
  - (a) Except as provided in Subsection (5), the total number of foreign exchange students in the state that may be counted for the purpose of apportioning state money under Subsection (2) shall be the greater of:
    - (i) 0.0025 of students enrolled in grades 10 through 12 in public schools in the state on October 1 of the previous fiscal year; or
    - (ii) 328 foreign exchange students.
  - (b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the cap on the number of foreign exchange students that may be counted for the purpose of apportioning state money under Subsection (2).
- (4) Notwithstanding Section 53F-2-601, weighted pupil units in the grades 1-12 basic program for foreign exchange students, as determined by Subsections (2) and (3), may not be included for the purposes of determining a school district's state guarantee money under Section 53F-2-601.
- (5) This section does not apply to the 2020-2021 academic year.

Amended by Chapter 409, 2022 General Session

**53F-2-304 Necessarily existent small schools -- Computing additional weighted pupil units -- Consolidation of small schools.**

- (1) As used in this section, "necessarily existent small schools funding balance" means the difference between:
  - (a) the amount appropriated for the necessarily existent small schools program in a fiscal year; and

- (b) the amount distributed to school districts for the necessarily existent small schools program in the same fiscal year.
- (2)
  - (a) Upon application by a local school board, the state board shall, in consultation with the local school board, classify schools in the school district as necessarily existent small schools, in accordance with this section and state board rules adopted under Subsection (3).
  - (b) An application must be submitted to the state board before April 2, and the state board must report a decision to a local school board before June 2.
- (3) The state board shall adopt standards and make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
  - (a) govern the approval of necessarily existent small schools consistent with principles of efficiency and economy that serve the purpose of eliminating schools where consolidation is feasible by participation in special school units; and
  - (b) ensure that school districts are not building secondary schools in close proximity to one another where economy and efficiency would be better served by one school meeting the needs of secondary students in a designated geographical area.
- (4) The state board shall prepare and publish objective standards and guidelines for determining which small schools are necessarily existent after consultation with local school boards.
- (5)
  - (a) Additional weighted pupil units for schools classified as necessarily existent small schools shall be computed using distribution formulas adopted by the state board.
  - (b) The distribution formulas establish the following maximum sizes for funding under the necessarily existent small school program:
 

(i) an elementary school	160
(ii) a one or two-year secondary school	300
(iii) a three-year secondary school	450
(iv) a four-year secondary school	500
(v) a six-year secondary school	600
  - (c) An elementary school with fewer than 10 students shall receive the same add-on weighted pupil units as an elementary school with 10 students.
  - (d) A secondary school with fewer than 15 students shall receive the same add-on weighted pupil units as a secondary school with 15 students.
  - (e) If a necessarily existent small school generates ADM in both elementary and secondary grades, the state board may divide the school's ADM between an elementary and secondary distribution formula.
  - (f) The state board shall prepare and distribute an allocation table based on the distribution formula to each school district.
- (6)
  - (a) To avoid penalizing a school district financially for consolidating the school district's small schools, additional weighted pupil units may be allowed a school district each year, not to exceed two years.
  - (b) The additional weighted pupil units may not exceed the difference between what the school district receives for a consolidated school and what the school district would have received for the small schools had the small schools not been consolidated.
- (7)
  - (a) The state board may allocate up to 208 weighted pupil units to support schools that:
    - (i) have isolating conditions, as defined by the state board, including geographic isolation; and
    - (ii) do not qualify for necessarily existent small schools funding due to formula limitations.

- (b) The state board shall review funding allocations under this Subsection (7) at least once every five calendar years.
- (8) If the state board classifies a school as a necessarily existent small school in accordance with this section, the state board shall, subject to legislative appropriation, distribute small district base funding to the relevant school district in the following amounts:
  - (a) for a district with 500 students or less, 83 additional weighted pupil units;
  - (b) for a district with 501 to 1,000 students, 28 additional weighted pupil units; and
  - (c) for a district with 1,001 to 2,000 students, 14 additional weighted pupil units.
- (9) Subject to legislative appropriation, the state board shall give first priority from an appropriation made under this section to funding an expense approved by the state board as described in Subsection 53G-6-305(3)(a).
- (10)
  - (a) Subject to Subsection (10)(b) and after a distribution made under Subsection (9), the state board may distribute a portion of necessarily existent small schools funding:
    - (i) in accordance with a formula adopted by the state board that considers the tax effort of a local school board; or
    - (ii) to isolated small schools, as identified by the state board.
  - (b) The amount distributed in accordance with Subsection (10)(a) may not exceed the necessarily existent small schools fund in balance of the prior fiscal year.
- (11) A local school board may use the money allocated under this section for maintenance and operation of school programs or for other school purposes as approved by the state board.
- (12)
  - (a) Notwithstanding this section and subject to legislative appropriations, the state board may, in accordance with Subsection (12)(b), distribute one-time funding that the Legislature appropriates to mitigate funding losses as described in legislative appropriations.
  - (b) The state board may make the distribution described in Subsection (12)(a) to school districts that:
    - (i) enroll fewer than 5,000 students; and
    - (ii) do not pay local property tax proceeds into the Uniform School Fund as described in Section 53F-2-301.5.

Amended by Chapter 439, 2021 General Session

**53F-2-305 Professional staff weighted pupil units.**

(1) Professional staff weighted pupil units are computed and distributed in accordance with the following schedule:

(a) Professional Staff Cost Formula

Years of Experience	Bachelor's Degree	Bachelor's +30 Qt. Hr.	Master's Degree	Master's Degree +45 Qt. Hr.	Doctorate
1	1.00	1.05	1.10	1.15	1.20
2	1.05	1.10	1.15	1.20	1.25
3	1.10	1.15	1.20	1.25	1.30
4	1.15	1.20	1.25	1.30	1.35
5	1.20	1.25	1.30	1.35	1.40

6	1.25	1.30	1.35	1.40	1.45
7	1.30	1.35	1.40	1.45	1.50
8	1.35	1.40	1.45	1.50	1.55
9			1.50	1.55	1.60
10				1.60	1.65
11					1.70

- (b) Multiply the number of full-time or equivalent professional personnel in each applicable experience category in Subsection (1)(a) by the applicable weighting factor.
  - (c) Divide the total of Subsection (1)(b) by the number of professional personnel included in Subsection (1)(b) and reduce the quotient by 1.00.
  - (d) Multiply the result of Subsection (1)(c) by 1/4 of the weighted pupil units computed in accordance with Sections 53F-2-302 and 53F-2-304.
- (2) The state board shall enact rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that require a certain percentage of a school district's or charter school's professional staff to be certified in the area in which the staff teaches in order for the school district or charter school to receive full funding under the schedule.
- (3) If an individual's teaching experience is a factor in negotiating a contract of employment to teach in the state's public schools, then the LEA governing board is encouraged to accept as credited experience all of the years the individual has taught in the state's public schools.
- (4) The professional personnel described in Subsection (1) shall include an individual employed by a school district, charter school, or the Utah Schools for the Deaf and the Blind who holds:
- (a) a license in the field of social work issued by the Division of Professional Licensing; and
  - (b) a position as a social worker.

Amended by Chapter 415, 2022 General Session

**53F-2-307 Weighted pupil units for programs for students with disabilities -- Local school board allocation.**

- (1) As used in this section:
- (a)
    - (i) "Charter school" means the same as that term is defined in Section 53G-5-601.
    - (ii) "Charter school" includes a charter school with satellite charter schools.
  - (b) "LEA" means:
    - (i) a school district; or
    - (ii) a charter school.
  - (c) "Necessary cost" means a cost that is needed to provide special education and related services to students with disabilities.
  - (d) "Reasonable cost" means a cost that, in nature and amount, does not exceed an amount that a prudent person would incur under the circumstances prevailing at the time the decision was made to incur the cost.
  - (e) "Satellite charter school" means the same as that term is defined in Section 53G-5-303.
- (2) The number of weighted pupil units for students with disabilities shall reflect the direct cost of programs for those students conducted in accordance with rules established by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3)



- (a) An LEA shall use special education program money to pay the costs of providing an LEA special education program, even if the programs or services provide an incidental benefit to a student who is not a student with a disability, including for the uses described in 34 C.F.R. Sec. 300.208.
- (b) Costs of providing an LEA special education program include only costs that are in excess of funds allocated to an LEA for general education.
- (c) In using special education program money, an LEA shall comply with federal regulations including:
  - (i) the prohibition on comingling state special education program money with federal funds as described in 34 C.F.R. Sec. 300.162; and
  - (ii) the requirements described in 34 C.F.R. Sec. 300.203 regarding maintenance of effort.
- (d)
  - (i) An LEA may use state special education program money to supplement other state funds, local funds, or federal funds.
  - (ii) An LEA may not use state special education program money to supplant other state funds, local funds, or federal funds.
- (4) Notwithstanding Subsection (3), special education program money allocated to LEAs may be expended for constructing facilities or altering existing facilities if:
  - (a) the costs are necessary costs and reasonable costs;
  - (b) the costs are not for the general purpose of bringing facilities into compliance with:
    - (i) Section 504 of the Rehabilitation Act of 1973; or
    - (ii) the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.;
  - (c) the construction or alteration meets the needs of one or more students with disabilities; and
  - (d) the state board approves the expenditure in accordance with rules the state board makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5) The state board shall establish definitions and provide standards for determining which students have disabilities and shall assist LEAs in determining the services that should be provided to students with disabilities.
- (6) The state board shall annually evaluate, and amend as needed, the standards and guidelines that establish the identifying criteria for disability classifications to ensure that LEAs:
  - (a) comply with the standards and guidelines; and
  - (b) have flexibility to respond to the needs of students with disabilities.
- (7)
  - (a) The state board shall allocate money appropriated to the state board for add-on WPU for students with disabilities enrolled in regular programs to LEAs as provided in this Subsection (7).
  - (b) The state board shall use an LEA's average number of special education add-on weighted pupil units determined by the prior year's average daily membership plus growth and the preceding four year's average daily membership data as a foundation for the special education add-on appropriation.
  - (c) The growth factor described in Subsection (7)(b) is the percentage change in total enrollment of kindergarten through grade 12 students on the first school day of October in the current school year as compared to the total enrollment of kindergarten through grade 12 students on the first school day of October in the previous school year.
  - (d) An LEA's special education add-on WPU for the current year may not be less than the foundation special education add-on WPU described in Subsection (7)(b).
  - (e)

- (i) Growth WPU shall be added to the prior year special education add-on WPUs, and growth WPUs shall be determined in accordance with this Subsection (7)(e).
  - (ii) The special education student growth factor is calculated by comparing total special education average daily membership of one year previous to the current year to the total special education average daily membership two years previous to the current year.
  - (iii) When calculating and applying the growth factor, a school district's total special education ADM for a given year is limited to the following percentage of the school district's total student ADM for the same year:
    - (A) for a school district in a county of the first, second, or third class, 14%; and
    - (B) for a school district in a county of the fourth, fifth, or sixth class, 20%.
  - (iv) Growth ADMs are calculated by applying the growth factor to the total special education average daily membership of one year previous to the current year.
  - (v) Growth ADMs for each school district or each charter school are multiplied by the following weighted pupil units and added to the prior year special education add-on WPU to determine each school district's or each charter school's total allocation:
    - (A) for fiscal year 2023, 1.35 weighted pupil units;
    - (B) for fiscal year 2024, 1.15 weighted pupil units; and
    - (C) beginning in fiscal year 2025, and every fiscal year thereafter, 1.00 weighted pupil units.
- (8) If money appropriated under this chapter for programs for students with disabilities does not meet the costs of LEAs for those programs, each LEA shall first receive the amount generated for each student with a disability under the basic program.

Amended by Chapter 213, 2022 General Session

Amended by Chapter 431, 2022 General Session, (Coordination Clause)

Amended by Chapter 431, 2022 General Session

**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.**

- (1)
  - (a) Money appropriated to the state board for the preschool special education program shall be allocated to school districts to provide a free, appropriate public education to preschool students with a disability, ages three through five.
  - (b) The money shall be distributed on the basis of the school district's count of preschool children with a disability for December 1 of the previous year, as mandated by federal law.
- (2) Money appropriated for the extended school year program for children with a severe disability shall be limited to students with severe disabilities with education program goals identifying significant regression and recoupment disability as approved by the state board.
- (3)
  - (a) Money appropriated for self-contained regular special education programs may not be used to supplement other school programs.
  - (b) Money in any of the other restricted line item appropriations may not be reduced more than 2% to be used for purposes other than those specified by the appropriation, unless otherwise provided by law.
- (4)
  - (a) The state board shall compute preschool funding by a factor of 1.47 times the current December 1 child count of eligible preschool aged three, four, and five-year-olds times the WPU value, limited to 8% growth over the prior year December 1 count.

- (b) The state board shall develop guidelines to implement the funding formula for preschool special education, and establish prevalence limits for distribution of the money.
- (5) Of the money appropriated for Special Education - State Programming, the state board shall distribute the revenue generated from 909 WPU's to school districts, charter schools, and the Utah Schools for the Deaf and the Blind for stipends to special educators for additional days of work pursuant to the requirements of Section 53F-2-310.

Amended by Chapter 186, 2019 General Session

**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 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) 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.

Amended by Chapter 186, 2019 General Session

**53F-2-311 Weighted pupil units for career and technical education programs -- Funding of approved programs -- Performance measures -- Qualifying criteria.**

- (1)
  - (a) Money appropriated to the state board for approved career and technical education programs and the comprehensive guidance program:
    - (i) shall be allocated to eligible recipients as provided in Subsections (2), (3), and (4); and
    - (ii) may not be used to fund programs below grade 9.
  - (b) Subsection (1)(a)(ii) does not apply to the following programs:
    - (i) comprehensive guidance;
    - (ii) Technology-Life-Careers; and
    - (iii) work-based learning programs.
- (2)
  - (a) Weighted pupil units are computed for pupils in approved programs.
  - (b)
    - (i) The state board shall fund approved programs based upon hours of membership of grades 9 through 12 students.
    - (ii) Subsection (2)(b)(i) does not apply to the following programs:
      - (A) comprehensive guidance;
      - (B) Technology-Life-Careers; and
      - (C) work-based learning programs.
  - (c) The state board shall use an amount not to exceed 20% of the total appropriation under this section to fund approved programs based on performance measures such as placement and competency attainment defined in standards set by the state board.
  - (d) Leadership organization funds shall constitute an amount not to exceed 1% of the total appropriation under this section, and shall be distributed to each school district or each charter school sponsoring career and technical education student leadership organizations based on the agency's share of the state's total membership in those organizations.
  - (e) The state board shall make the necessary calculations for distribution of the appropriation to a school district and charter school and may revise and recommend changes necessary for achieving equity and ease of administration.
- (3)
  - (a) Twenty weighted pupil units shall be computed for career and technical education administrative costs for each school district, except 25 weighted pupil units may be computed for each school district that consolidates career and technical education administrative services with one or more other school districts.
  - (b) Between 10 and 25 weighted pupil units shall be computed for each high school conducting approved career and technical education programs in a school district according to standards established by the state board.
  - (c) Forty weighted pupil units shall be computed for each school district that operates an approved career and technical education center.

- (d) Between five and seven weighted pupil units shall be computed for each summer career and technical education agriculture program according to standards established by the state board.
  - (e) The state board shall, by rule, establish qualifying criteria for a school district or charter school to receive weighted pupil units under this Subsection (3).
- (4)
- (a) Money remaining after the allocations made under Subsections (2) and (3) shall be allocated using average daily membership in approved programs for the previous year.
  - (b) A school district or charter school that has experienced student growth in grades 9 through 12 for the previous year shall have the growth factor applied to the previous year's weighted pupil units when calculating the allocation of money under this Subsection (4).
- (5)
- (a) The state board shall establish rules for upgrading high school career and technical education programs.
  - (b) The rules shall reflect career and technical training and actual marketable job skills in society.
  - (c) The rules shall include procedures to assist school districts and charter schools to convert existing programs that are not preparing students for the job market into programs that will accomplish that purpose.
- (6) Programs that do not meet state board standards may not be funded under this section.

Amended by Chapter 186, 2019 General Session

**53F-2-312 Appropriation for class size reduction.**

- (1) Money appropriated to the state board for class size reduction shall be used to reduce the average class size in kindergarten through grade 8 in the state's public schools.
  - (2) A school district or charter school shall receive an allocation for class size reduction based on the school district or charter school's prior year average daily membership plus growth in kindergarten through grade 8 as determined under Section 53F-2-302 compared to the total prior year average daily membership plus growth in kindergarten through grade 8 statewide.
- (3)
- (a) An LEA governing board may use an allocation to reduce class size in any one or all of the grades referred to under this section, except as otherwise provided in Subsection (3)(b).
- (b)
- (i) An LEA governing board shall use 50% of an allocation to reduce class size in any one or all of grades kindergarten through grade 2, with an emphasis on improving student reading skills.
  - (ii) If a school district's or charter school's average class size is below 18 students in kindergarten through grade 2, an LEA governing board may petition the state board for, and the state board may grant, a waiver of the requirement described in Subsection (3)(b)(i).
- (4) A school may use nontraditional innovative and creative methods to reduce class sizes with this appropriation and may use part of an allocation to focus on class size reduction for specific groups, such as at risk students, or for specific blocks of time during the school day.
- (5)
- (a) An LEA governing board may use up to 20% of an allocation under this section for capital facilities projects if such projects would help to reduce class size.
  - (b) If a school district's or charter school's student population increases by at least 5% or at least 700 students from the previous school year, the LEA governing board may use up to 50% of

an allocation received by the school district or charter school under this section for classroom construction.

- (6) This appropriation is to supplement any other appropriation made for class size reduction.
- (7) The Legislature shall provide for an annual adjustment in the appropriation authorized under this section in proportion to the increase in the number of students in the state in kindergarten through grade 8.

Amended by Chapter 9, 2020 Special Session 6

**53F-2-314 Weighted pupil units for students who are at-risk.**

- (1) As used in this section:
  - (a) "At risk" means that a public education student:
    - (i) scores below proficient on a state board or LEA approved assessment; or
    - (ii) meets an LEA governing board's approved definition of an at-risk student.
  - (b) "Limited English proficiency" means that an English learner student received a score of 1-4 on an English language proficiency assessment.
- (2)
  - (a) Additional weighted pupil units for students who are at-risk are computed based on the number of students within each LEA on October 1 of the previous school year as follows, added to a base of five WPU's for each LEA:
    - (i) for the fiscal year beginning on July 1, 2021:
      - (A) for each student who is eligible to receive free or reduced price lunch, .05 additional weighted pupil units; and
      - (B) for each student with limited English proficiency, .025 additional weighted pupil units; and
    - (ii) for each fiscal year after the fiscal year described in Subsection (2)(a)(i), the additional weighed pupil units shall increase, subject to the approval of the Executive Appropriations Committee, by amounts that the Public Education Appropriations Subcommittee recommends in the subcommittee's evaluation and recommendations described in Section 53E-1-202.2, up to:
      - (A) for each student who is eligible to receive free or reduced price lunch, .3 total weighted pupil units; and
      - (B) for each student with limited English proficiency, up to .1 total weighted pupil units.
  - (b) Funding for a student who falls within both Subsections (2)(a)(i)(A) and (B) shall be computed under both weighting factors.
- (3) An LEA governing board shall use money distributed under this section to improve the academic achievement of students who are at-risk.
- (4)
  - (a) Annually, an LEA shall provide the following information to the state board:
    - (i) a report of the LEA's use of funds allocated under this section through the annual financial reporting process; and
    - (ii) the LEA's outcome data or a report of intervention effectiveness related to the use of the LEA's use of funds allocated under this section.
  - (b) The state board shall monitor the learning outcomes resulting from the LEA's use of funds under this section.

Amended by Chapter 409, 2022 General Session

**Part 4**  
**Related to Basic Program -- Formula Programs**

**53F-2-401 Appropriation for adult education programs.**

- (1) Money appropriated to the state board for adult education shall be allocated to school districts for adult high school completion and adult basic skills programs.
- (2)
  - (a) The state board and the Department of Corrections, subject to legislative appropriation, are responsible for providing the programs described in Subsection (1) to individuals in the custody of the Department of Corrections.
  - (b) To fulfill the responsibility described in Subsection (2)(a), the state board and the Department of Corrections shall, where feasible, contract with appropriate private or public agencies to provide educational and related administrative services.
  - (c) The state board shall allocate at least 15% of the money appropriated to the state board for adult education to support the programs for which the state board and the Department of Corrections are responsible under this Subsection (2).
- (3)
  - (a) For money that is not allocated under Subsection (2)(c), each school district shall receive a pro rata share of the appropriation for adult high school completion programs based on the number of people in the school district listed in the latest official census who are over 18 years of age and who do not have a high school diploma and prior year participation or as approved by state board rule.
  - (b) On February 1 of each school year, the state board shall recapture money not used for an adult high school completion program described in Subsection (3)(a) for reallocation to school districts that have implemented programs based on need and effort as determined by the state board.
- (4) To the extent of money available, school districts shall provide program services to adults who do not have a diploma and who intend to graduate from high school, with particular emphasis on homeless individuals who are seeking literacy and life skills.
- (5) Overruns in adult education in any school district may not reduce the value of the weighted pupil unit for this program in another school district.
- (6) School districts shall spend money on adult basic skills programs according to standards established by the state board.

Amended by Chapter 186, 2019 General Session

**53F-2-402 State support of pupil transportation.**

- (1) Money appropriated to the state board for state-supported transportation of public school students shall be apportioned and distributed in accordance with Section 53F-2-403, except as otherwise provided in this section.
- (2)
  - (a) The Utah Schools for the Deaf and the Blind shall use an allocation of pupil transportation money to pay for transportation of students based on current valid contractual arrangements and best transportation options and methods as determined by the schools.
  - (b) All student transportation costs of the schools shall be paid from the allocation of pupil transportation money specified in statute.
- (3)

- (a) A local school board may only claim eligible transportation costs as legally reported on the prior year's annual financial report submitted under Section 53G-4-404.
- (b) The state shall contribute up to 85% of approved transportation costs for each school district, subject to budget constraints.
- (c) If in a fiscal year the total transportation allowance for all school districts exceeds the amount appropriated for that purpose, all allowances shall be reduced pro rata to equal not more than the amount appropriated.

Amended by Chapter 409, 2022 General Session

**53F-2-403 Eligibility for state-supported transportation -- Approved bus routes.**

- (1) A student eligible for state-supported transportation means:
  - (a) a student enrolled in kindergarten through grade 6 who lives at least 1-1/2 miles from school;
  - (b) a student enrolled in grades 7 through 12 who lives at least two miles from school; and
  - (c) a student enrolled in a special program offered by a school district and approved by the state board for trainable, motor, multiple-disability, or other students with severe disabilities who are incapable of walking to school or where it is unsafe for students to walk because of their disabling condition, without reference to distance from school.
- (2) If a school district implements double sessions as an alternative to new building construction, with the approval of the state board, those affected elementary school students residing less than 1-1/2 miles from school may be transported one way to or from school because of safety factors relating to darkness or other hazardous conditions as determined by the local school board.
- (3)
  - (a) The state board shall distribute transportation money to school districts based on:
    - (i) an allowance per mile for approved bus routes;
    - (ii) an allowance per hour for approved bus routes; and
    - (iii) a minimum allocation for each school district eligible for transportation funding.
  - (b)
    - (i) Except as provided in Subsection (3)(b)(ii), the state board shall distribute appropriated transportation funds based on the prior year's eligible transportation costs as legally reported under Subsection 53F-2-402(3).
    - (ii) The state board shall distribute state appropriations for transportation for fiscal years 2021 and 2022 using fiscal year 2019 eligible transportation costs described in Subsection 53F-2-402(3).
  - (c) The state board shall annually review the allowance per mile and the allowance per hour and adjust the allowances to reflect current economic conditions.
- (4)
  - (a) Approved bus routes for funding purposes shall be determined on fall data collected by October 1.
  - (b) Approved route funding shall be determined on the basis of the most efficient and economic routes.
- (5) A Transportation Advisory Committee with representation from school district superintendents, business officials, school district transportation supervisors, and state board employees shall serve as a review committee for addressing school transportation needs, including recommended approved bus routes.
- (6) A local school board may provide for the transportation of students regardless of the distance from school, from general funds of the school district.



Amended by Chapter 303, 2021 General Session

***Superseded 1/1/2025***

**53F-2-404 School LAND Trust Program distribution of funds.**

- (1)
  - (a) By appropriation the Legislature shall fund the School LAND Trust Program, established in Section 53G-7-1206, on or before July 31 of each fiscal year:
    - (i) from the Trust Distribution Account, created in Section 53F-9-201; and
    - (ii) except as provided in Subsection (1)(b), in the total amount of the quarterly deposits made to the Trust Distribution Account for the School LAND Trust Program during the prior fiscal year.
  - (b) The amount described in Subsection (1)(a)(ii) may not exceed an amount equal to 3% of the funds provided for the Minimum School Program, in accordance with this chapter, each fiscal year.
  - (c) Independently from the appropriation for the School LAND Trust Program described in Subsection (1)(a), the Legislature shall make an annual appropriation to the state board from the Trust Distribution Account, created in Section 53F-9-201, for the administration of the School LAND Trust Program.
  - (d) Any unused balance remaining from an amount appropriated under Subsection (1)(c) shall be deposited into the Trust Distribution Account.
- (2)
  - (a) The state board shall allocate the money referred to in Subsection (1)(a) annually as follows:
    - (i) the Utah Schools for the Deaf and the Blind shall receive funding equal to the product of:
      - (A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the Blind divided by enrollment on October 1 in the prior year in public schools statewide; and
      - (B) the total amount available for distribution under Subsection (1)(a);
    - (ii) charter schools shall receive funding equal to the product of:
      - (A) charter school enrollment on October 1 in the prior year, divided by enrollment on October 1 in the prior year in public schools statewide; and
      - (B) the total amount available for distribution under Subsection (1)(a); and
    - (iii) of the funds available for distribution under Subsection (1)(a) after the allocation of funds for the Utah Schools for the Deaf and the Blind and charter schools:
      - (A) school districts shall receive 10% of the funds on an equal basis; and
      - (B) the remaining 90% of the funds shall be distributed to school districts on a per student basis.
  - (b)
    - (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules specifying a formula to distribute the amount allocated under Subsection (2)(a)(ii) to charter schools.
    - (ii) In making rules under Subsection (2)(b)(i), the state board shall:
      - (A) consult with the State Charter School Board; and
      - (B) ensure that the rules include a provision that allows a charter school in the charter school's first year of operations to receive funding based on projected enrollment, to be adjusted in future years based on actual enrollment.
  - (c) A school district shall distribute its allocation under Subsection (2)(a)(iii) to each school within the school district on an equal per student basis.

- (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may make rules regarding the time and manner in which the student count shall be made for allocation of the money under Subsection (2)(a)(iii).

Amended by Chapter 408, 2020 General Session

**Effective 1/1/2025**

**53F-2-404 School LAND Trust Program distribution of funds.**

- (1)
  - (a) By appropriation the Legislature shall fund the School LAND Trust Program, established in Section 53G-7-1206, on or before July 31 of each fiscal year:
    - (i) from the Trust Distribution Account, created in Section 53F-9-201; and
    - (ii) except as provided in Subsection (1)(b), in the total amount of the quarterly deposits made to the Trust Distribution Account for the School LAND Trust Program during the prior fiscal year.
  - (b) Independently from the appropriation for the School LAND Trust Program described in Subsection (1)(a), the Legislature shall make an annual appropriation to the state board from the Trust Distribution Account, created in Section 53F-9-201, for the administration of the School LAND Trust Program.
  - (c) Any unused balance remaining from an amount appropriated under Subsection (1)(c) shall be deposited into the Trust Distribution Account.
- (2)
  - (a) The state board shall allocate the money referred to in Subsection (1)(a) annually as follows:
    - (i) the Utah Schools for the Deaf and the Blind shall receive funding equal to the product of:
      - (A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the Blind divided by enrollment on October 1 in the prior year in public schools statewide; and
      - (B) the total amount available for distribution under Subsection (1)(a);
    - (ii) charter schools shall receive funding equal to the product of:
      - (A) charter school enrollment on October 1 in the prior year, divided by enrollment on October 1 in the prior year in public schools statewide; and
      - (B) the total amount available for distribution under Subsection (1)(a); and
    - (iii) of the funds available for distribution under Subsection (1)(a) after the allocation of funds for the Utah Schools for the Deaf and the Blind and charter schools:
      - (A) school districts shall receive 10% of the funds on an equal basis; and
      - (B) the remaining 90% of the funds shall be distributed to school districts on a per student basis.
  - (b)
    - (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules specifying a formula to distribute the amount allocated under Subsection (2)(a)(ii) to charter schools.
    - (ii) In making rules under Subsection (2)(b)(i), the state board shall:
      - (A) consult with the State Charter School Board; and
      - (B) ensure that the rules include a provision that allows a charter school in the charter school's first year of operations to receive funding based on projected enrollment, to be adjusted in future years based on actual enrollment.
  - (c) A school district shall distribute its allocation under Subsection (2)(a)(iii) to each school within the school district on an equal per student basis.

- (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may make rules regarding the time and manner in which the student count shall be made for allocation of the money under Subsection (2)(a)(iii).

Amended by Chapter 293, 2023 General Session

**53F-2-405 Educator salary adjustments.**

- (1) As used in this section, "educator" means a person employed by a school district, charter school, or the Utah Schools for the Deaf and the Blind who holds:
  - (a)
    - (i) a license issued by the state board; and
    - (ii) a position as a:
      - (A) classroom teacher;
      - (B) speech pathologist;
      - (C) librarian or media specialist;
      - (D) preschool teacher;
      - (E) mentor teacher;
      - (F) teacher specialist or teacher leader;
      - (G) guidance counselor;
      - (H) audiologist;
      - (I) psychologist; or
      - (J) social worker; or
  - (b)
    - (i) a license issued by the Division of Professional Licensing; and
    - (ii) a position as a social worker.
- (2) In recognition of the need to attract and retain highly skilled and dedicated educators, the Legislature shall annually appropriate money for educator salary adjustments, subject to future budget constraints.
- (3)
  - (a) The state board shall distribute to each school district, each charter school, and the Utah Schools for the Deaf and the Blind money that the Legislature appropriates for educator salary adjustments based on the number of educator positions described in Subsection (4) in the school district, the charter school, or the Utah Schools for the Deaf and the Blind.
  - (b) Notwithstanding Subsections (3)(a), if appropriations are insufficient to provide the full amount of educator salary adjustments described in this section, the state board shall distribute money appropriated for educator salary adjustments to school districts, charter schools, and the Utah Schools for the Deaf and the Blind in proportion to the number of full-time-equivalent educator positions in a school district, a charter school, or the Utah Schools for the Deaf and the Blind as compared to the total number of full-time-equivalent educator positions in school districts, charter schools, and the Utah Schools for the Deaf and the Blind.
- (4) A school district, a charter school, or the Utah Schools for the Deaf and the Blind shall award bonuses to educators as follows:
  - (a) the amount of the salary adjustment for each full-time-equivalent educator is:
    - (i) if Title 53F, Chapter 6, Part 4, Utah Fits All Scholarship Program, is funded and in effect, \$8,400; or
    - (ii) if Title 53F, Chapter 6, Part 4, Utah Fits All Scholarship Program, is not funded and in effect, \$4,200;

- (b) an individual who is not a full-time educator shall receive a partial salary adjustment based on the number of hours the individual works as an educator;
- (c) a salary adjustment may not be awarded if an educator has received an unsatisfactory rating on the educator's three most recent evaluations; and
- (d) for a fiscal year beginning on or after July 1, 2024, the amount of the salary adjustment is equal to:
  - (i) the amount of salary adjustment in the preceding fiscal year; and
  - (ii) a percentage increase that is equal to the percentage increase in the value of the WPU in the preceding fiscal year.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board:
  - (a) shall make rules to ensure that the LEAs do not reduce or artificially limit a teacher's salary to convert the salary supplement in this section into a windfall to the LEA; and
  - (b) may make rules as necessary to administer this section.
- (6)
  - (a) Subject to future budget constraints, the Legislature shall appropriate sufficient money each year to:
    - (i) maintain educator salary adjustments provided in prior years; and
    - (ii) provide educator salary adjustments to new employees.
  - (b) Money appropriated for educator salary adjustments shall include money for the following employer-paid benefits:
    - (i) retirement;
    - (ii) worker's compensation;
    - (iii) social security; and
    - (iv) Medicare.
- (7)
  - (a) Subject to future budget constraints, the Legislature shall:
    - (i) maintain the salary adjustments provided to school administrators in the 2007-08 school year; and
    - (ii) provide salary adjustments for new school administrators in the same amount as provided for existing school administrators.
  - (b) The appropriation provided for educator salary adjustments described in this section shall include salary adjustments for school administrators as specified in Subsection (7)(a).
  - (c) In distributing and awarding salary adjustments for school administrators, the state board, a school district, a charter school, or the Utah Schools for the Deaf and the Blind shall comply with the requirements for the distribution and award of educator salary adjustments as provided in Subsections (3) and (4).

Amended by Chapter 1, 2023 General Session

Amended by Chapter 373, 2023 General Session

**53F-2-407 Appropriation for library books and electronic resources.**

- (1) The state board shall distribute money appropriated for library books and electronic resources as follows:
  - (a) 25% shall be divided equally among all public schools; and
  - (b) 75% shall be divided among public schools based on each school's average daily membership as compared to the total average daily membership.
- (2) A school district or charter school may not use money distributed under Subsection (1) to supplant other money used to purchase library books or electronic resources.

Amended by Chapter 186, 2019 General Session

**53F-2-408 Enhancement for Accelerated Students Program.**

- (1) As used in this section, "local education agency" or "LEA" means:
  - (a) a school district; or
  - (b) a charter school.
- (2)
  - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to establish a formula to distribute money appropriated for the Enhancement for Accelerated Students Program.
  - (b) The state board shall consult with LEAs before making the rules described in Subsection (2)
    - (a).
- (3) A distribution formula adopted under Subsection (2) shall:
  - (a) include an allocation of money for gifted and talented programs; and
  - (b) prioritize funding to increase access to gifted and talented programs for groups of students who are underrepresented in gifted and talented programs.
- (4) A school district or charter school shall use money distributed under this section to enhance the academic growth of students whose academic achievement is accelerated.
- (5) The state board shall develop performance criteria to measure the effectiveness of the Enhancement for Accelerated Students Program.
- (6) If a school district or charter school receives an allocation of less than \$10,000 under this section, the school district or charter school may use the allocation as described in Section 53F-2-206.

Amended by Chapter 378, 2020 General Session

**53F-2-408.5 Early college programs.**

- (1) As used in this section:
  - (a) "Advanced Placement course" means a rigorous course developed by the College Board that:
    - (i) is developed by a committee composed of college faculty and Advanced Placement teachers and covers the breadth of information, skills, and assignments found in the corresponding college course; and
    - (ii) for which a student who performs well on an exam for the course may be:
      - (A) granted college credit; or
      - (B) given advanced standing at a college or university.
  - (b) "Eligible low income student" means a student who:
    - (i) takes an Advanced Placement course test;
    - (ii) has applied for an Advanced Placement course test fee reduction; and
    - (iii) qualifies for a free lunch or a lunch provided at a reduced cost.
  - (c) "International Baccalaureate program" means a program established by the International Baccalaureate Organization.
  - (d) "Local education agency" or "LEA" means:
    - (i) a school district; or
    - (ii) a charter school.
- (2)

- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to establish a formula to distribute money appropriated for the early college programs described in Subsection (2)(b).
  - (b) The formula described in Subsection (2)(a) shall:
    - (i) include an allocation of money for the following early college programs:
      - (A) Advanced Placement courses; and
      - (B) International Baccalaureate programs; and
    - (ii) prioritize funding to:
      - (A) increase access to early college programs for groups of students who are underrepresented in early college programs; and
      - (B) cover the cost of each early college program test taken by a student experiencing socioeconomic disadvantage.
  - (c) The state board shall consult with LEAs before making the rules described in Subsection (2)(a).
- (3)
- (a) An LEA shall use money distributed under this section for the purposes described in Subsection (2)(b), prioritizing the cost of tests described in Subsection (2)(b)(ii)(B) before using the remainder of the money for other allowable uses.
  - (b) An LEA may charge the restricted rate for indirect costs in Advanced Placement and International Baccalaureate programs.
- (4) The state board shall develop performance criteria to measure the effectiveness of the early college programs described in this section.
- (5) If an LEA receives an allocation of less than \$10,000 for the early college programs described in this section, the LEA may use the allocation as described in Section 53F-2-206.

Amended by Chapter 135, 2023 General Session

**53F-2-409 Concurrent enrollment funding.**

- (1) The terms defined in Section 53E-10-301 apply to this section.
  - (2) The state board shall allocate money appropriated for concurrent enrollment in accordance with this section.
- (3)
- (a) The state board shall allocate money appropriated for concurrent enrollment in proportion to the number of credit hours earned for courses taken for which:
    - (i) an LEA primarily bears the cost of instruction; and
    - (ii) an institution of higher education primarily bears the cost of instruction.
  - (b) From the money allocated under Subsection (3)(a)(i), the state board shall distribute:
    - (i) 60% of the money to LEAs; and
    - (ii) 40% of the money to the Utah Board of Higher Education.
  - (c) From the money allocated under Subsection (3)(a), the state board shall distribute:
    - (i) 40% of the money to LEAs; and
    - (ii) 60% of the money to the Utah Board of Higher Education.
  - (d) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing for the distribution of the money to LEAs under Subsections (3)(b)(i) and (3)(c)(i).
  - (e) The Utah Board of Higher Education shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing for the distribution of the money allocated to institutions of higher education under Subsections (3)(b)(ii) and (3)(c)(ii).

- (4) Subject to budget constraints, the Legislature shall annually modify the amount of money appropriated for concurrent enrollment in proportion to the percentage increase or decrease over the previous school year in:
  - (a) the number of statewide course credits earned; and
  - (b) the value of the weighted pupil unit.
- (5)
  - (a) An LEA that receives money under this section may prioritize using the money to increase access to concurrent enrollment for groups of students who are underrepresented in concurrent enrollment.
  - (b) If an LEA receives an allocation of less than \$10,000 under this section, the LEA may use the allocation as described in Section 53F-2-206.
  - (c) An LEA shall:
    - (i) use program funds to increase access to concurrent enrollment courses for students experiencing socioeconomic disadvantage, including by paying student fees related to the student's participation in a concurrent enrollment course, except fees for textbooks; and
    - (ii) allocate funding equal to the cost of fees described in Subsection (5)(c)(i), excluding fees for textbooks, from the LEA's total allocation of concurrent enrollment funding before allocating the remainder of program funds for a use described in Subsections (5)(a) and (5)(b).
- (6) An LEA may charge a restricted rate for indirect costs in concurrent enrollment programs.

Amended by Chapter 383, 2022 General Session

Amended by Chapter 409, 2022 General Session

**53F-2-410 Juvenile gang and other violent crime prevention and intervention program -- Funding.**

- (1) Subject to appropriations by the Legislature, the state board shall:
  - (a) create a juvenile gang and other violent crime prevention and intervention program that is designed to help students at risk for violent criminal involvement stay in school; and
  - (b) distribute money under the program to school districts and charter schools through the distribution formula described in Subsection (2).
- (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that:
  - (a) establish a formula to distribute program funding to schools in school districts and charter schools that:
    - (i) uses the data reported to the state board under Section 80-6-104; and
    - (ii) prioritizes the schools in school districts and charter schools based on the prevalence of crimes committed by minors within the boundaries of each municipality where a school is located;
  - (b) annually adjust the distribution of program funding using the data reported to the state board under Section 80-6-104; and
  - (c) establish baseline performance standards that school districts or charter schools are required to meet in order to receive funding under the program.
- (3)
  - (a) A school district or a charter school seeking program funding shall submit a proposal to the state board that:
    - (i) describes how the school district or charter school intends to use the funds; and
    - (ii) provides data related to Subsection (2)(a)(ii).

- (b) The state board shall allocate funding on a per student basis to prioritized school districts and charter schools that submit a successful proposal under Subsection (3)(a).
- (4) The state board may not distribute funds to a school district or a charter school that fails to meet performance standards described in Subsection (2)(c).
- (5) A school district or a charter school that is awarded funds under this section shall submit a report to the state board that includes details on:
  - (a) how the school district or the charter school used the funds; and
  - (b) the school district's, or the charter school's, compliance with the performance standards described in Subsection (2)(c).

Amended by Chapter 98, 2023 General Session, (Coordination Clause)

Repealed and Re-enacted by Chapter 161, 2023 General Session

**53F-2-411 Appropriation for Title I Schools in Improvement Paraeducators Program.**

- (1) As used in this section:
  - (a) "Eligible school" means a Title I school that has not achieved adequate yearly progress, as defined in the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq. in the same subject area for two consecutive years.
  - (b) "Paraeducator" means a school employee who:
    - (i) delivers instruction under the direct supervision of a teacher; and
    - (ii) meets the requirements under Subsection (3).
  - (c) "Program" means the Title I Schools in Improvement Paraeducators Program created in this section.
- (2) The program is created to provide funding for eligible schools to hire paraeducators to provide additional instructional aid in the classroom to assist students in achieving academic success and assist the school in exiting Title I school improvement status.
- (3) A paraeducator who is funded under this section shall have:
  - (a) earned a secondary school diploma or a recognized equivalent;
  - (b)
    - (i) completed at least two years with a minimum of 48 semester hours at an accredited higher education institution;
    - (ii) obtained an associates or higher degree from an accredited higher education institution; or
    - (iii) satisfied a rigorous state or local assessment about the individual's knowledge of, and ability to assist in instructing students in, reading, writing, and mathematics; and
  - (c) received large group-, small group-, and individual-level professional development that is intensive and focused and covers curriculum, instruction, assessment, classroom and behavior management, and teaming.
- (4) The state board shall distribute money appropriated for the program to eligible schools, in accordance with rules adopted by the state board.
- (5) Funds appropriated under the program may not be used to supplant other money used for paraeducators at eligible schools.

Amended by Chapter 186, 2019 General Session

**53F-2-415 Student health and counseling support -- Qualifying personnel -- Distribution formula -- Rulemaking.**

- (1) As used in this section:
  - (a) "Behavioral health support personnel" means an individual who:



- (i) works under the direct supervision of qualifying personnel to:
    - (A) support and track a student's progress and access to and completion of school curriculum;  
and
    - (B) support students by prompting, redirecting, encouraging, and reinforcing positive behaviors;
  - (ii) is not certified or licensed in mental health; and
  - (iii) meets the professional qualifications as defined by state board rule;
- (b) "Qualifying personnel" means a school counselor or other counselor, a school psychologist or other psychologist, a school social worker or other social worker, or a school nurse who:
- (i) is licensed; and
  - (ii) collaborates with educators and a student's parent on:
    - (A) early identification and intervention of the student's academic and mental health needs;  
and
    - (B) removing barriers to learning and developing skills and behaviors critical for the student's academic achievement.
- (c) "Telehealth services" means the same as that term is defined in Section 26B-4-704.
- (2)
- (a) Subject to legislative appropriations, and in accordance with Subsection (2)(b), the state board shall distribute money appropriated under this section to LEAs to provide targeted school-based mental health support, including clinical services and trauma-informed care, through:
- (i) employing qualifying personnel;
  - (ii) employing behavioral health support personnel; or
  - (iii) entering into contracts for services provided by qualifying personnel, including telehealth services.
- (b)
- (i) The state board shall, after consulting with LEA governing boards, develop a formula to distribute money appropriated under this section to LEAs.
  - (ii) The state board shall ensure that the formula described in Subsection (2)(b)(i) incentivizes an LEA to provide school-based mental health support in collaboration with the local mental health authority of the county in which the LEA is located.
  - (iii) The state board shall provide guidance for LEAs regarding the training, qualifications, roles, and scopes of practice for qualifying personnel and behavioral health support personnel that incorporates parent consent and partnership as key components in addressing the mental health and behavioral health needs of students.
- (3) To qualify for money under this section, an LEA shall submit to the state board a plan that includes:
- (a) measurable goals approved by the LEA governing board on improving student safety, student engagement, school climate, or academic achievement;
  - (b) how the LEA intends to meet the goals described in Subsection (3)(a) through the use of the money;
  - (c) how the LEA is meeting the requirements related to parent education described in Section 53G-9-703; and
  - (d) whether the LEA intends to provide school-based mental health support in collaboration with the local mental health authority of the county in which the LEA is located.
- (4) The state board shall distribute money appropriated under this section to an LEA that qualifies under Subsection (3)  
, based on the formula described in Subsection (2)(b).

- (5) An LEA may not use money distributed by the state board under this section to supplant federal, state, or local money previously allocated to:
  - (a) employ qualifying personnel;
  - (b) employ behavioral health support personnel; or
  - (c) enter into contracts for services provided by qualified personnel, including telehealth services.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that establish:
  - (a) procedures for submitting a plan for and distributing money under this section;
  - (b) the formula the state board will use to distribute money to LEAs described in Subsection (2)(b); and
  - (c) in accordance with Subsection (7), annual reporting requirements for an LEA that receives money under this section.
- (7) An LEA that receives money under this section shall submit an annual report to the state board, including:
  - (a) progress toward achieving the goals submitted under Subsection (3)(a);
  - (b) if the LEA discontinues a qualifying personnel position or a behavioral health support personnel position, the LEA's reason for discontinuing the positions; and
  - (c) how the LEA, in providing school-based mental health support, complies with the provisions of Section 53E-9-203.
- (8) Beginning on or before July 1, 2019, the state board shall provide training that instructs school personnel on the impact of childhood trauma on student learning, including information advising educators against practicing medicine, giving a diagnosis, or providing treatment.
- (9) The state board may use up to:
  - (a) 2% of an appropriation under this section for costs related to the administration of the provisions of this section; and
  - (b) \$1,500,000 in nonlapsing balances from fiscal year 2022 for the purposes described in this section to provide scholarships for up to four years to certain LEA employees, as defined by the state board, for education and training to become a school social worker, a school psychologist, or other school-based mental health worker.
- (10) Notwithstanding the provisions of this section, money appropriated under this section may be used, as determined by the state board, for:
  - (a) the SafeUT Crisis Line described in Section 53B-17-1202; or
  - (b)
    - (i) youth suicide prevention programs described in Section 53G-9-702 ; or
    - (ii) a comprehensive prevention plan, as that term is defined in Section 53F-2-525.

Amended by Chapter 98, 2023 General Session  
Amended by Chapter 328, 2023 General Session  
Amended by Chapter 342, 2023 General Session

**53F-2-416 Appropriation and distribution for the Teacher and Student Success Program.**

- (1) The terms defined in Section 53G-7-1301 apply to this section.
- (2) Subject to future budget constraints, the Legislature shall annually appropriate money from the Teacher and Student Success Account described in Section 53F-9-306 to the state board for the Teacher and Student Success Program.
- (3) Except as provided in Subsection (5)(a), the state board shall calculate an amount to distribute to an LEA that is the product of:

- (a) the percentage of weighted pupil units in the LEA compared to the total number of weighted pupil units for all LEAs in the state; and
- (b) the amount of the appropriation described in Subsection (2), less the amount calculated, in accordance with state board rule, for:
  - (i) an LEA that is in the LEA's first year of operation; and
  - (ii) the Utah Schools for the Deaf and the Blind.
- (4) The state board shall distribute to an LEA an amount calculated for the LEA as described in Subsection (3) if the LEA governing board of the LEA has submitted an LEA governing board student success framework as required by the program.
- (5) In accordance with this section, Title 53G, Chapter 7, Part 13, Teacher and Student Success Program, and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board:
  - (a) shall make rules to calculate an LEA distribution for:
    - (i) an LEA that is in the LEA's first year of operation; and
    - (ii) the Utah Schools for the Deaf and the Blind, taking into account all students who receive services from the Utah Schools for the Deaf and the Blind, regardless of whether a student is enrolled in another LEA; and
  - (b) may make rules to distribute funds as described in this section.

Amended by Chapter 408, 2020 General Session

**53F-2-417 Rural school district transportation grants.**

- (1) Subject to legislative appropriations and Subsection (2), the state board shall award a grant for a school district to provide:
  - (a) transportation to students who are not eligible for state-supported transportation under Section 53F-2-403;
  - (b) transportation for students to and from student activities and field trips; or
  - (c) replacement school buses.
- (2) The state board may only award a grant described in Subsection (1) to a school district that:
  - (a) qualifies for transportation money under Section 53F-2-403;
  - (b) is located in a county of the fourth, fifth, or sixth class, as defined in Section 17-50-501;
  - (c) provides matching money, from the school district's board local levy described in Section 53F-8-302, in an amount equal to the grant the school district receives from the state board under this section; and
  - (d) dedicates the total grant and matching money to a transportation purpose described in Subsection (1).
- (3) The state board shall determine the amount of a grant to award a school district based on the prior-year miles traveled for purposes described in Subsections (1)(a) and (b).
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to establish, for a grant described in this section, procedures for:
  - (a) a school district to apply for a grant; and
  - (b) awarding a grant.

Amended by Chapter 408, 2020 General Session

**53F-2-419 English language learner software.**

- (1) Subject to legislative appropriations, the state board shall:

- (a) allocate the appropriation of funds under this section to an LEA for English language learner software and hardware instructional materials and licenses for English language learner instruction and support; and
  - (b) make the allocation described in Subsection (1)(a)
    - in proportion to the LEA's share of statewide English language learner students.
- (2) An LEA shall use an allocation the LEA receives under Subsection (1) to select a vendor and pay for software licenses for software used for English language learner instruction.

Amended by Chapter 127, 2023 General Session

**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

**53F-2-421 Flexible allocation.**

Subject to appropriations, the state board shall distribute funds in the MSP flexible allocation on a WPU basis resulting in LEAs receiving funding proportional to the number of WPUs the LEA generates under the Basic School Program.

Enacted by Chapter 467, 2023 General Session

**Part 5**  
**Related to Basic Program -- Grant Programs**

**53F-2-502 Dual language immersion.**

- (1) As used in this section:
- (a) "Dual language immersion" means an instructional setting in which a student receives a portion of instruction in English and a portion of instruction exclusively in a partner language.
  - (b) "Local education agency" or "LEA" means a school district or a charter school.

- (c) "Participating LEA" means an LEA selected by the state board to receive a grant described in this section.
  - (d) "Partner language" means a language other than English in which instruction is provided in dual language immersion.
  - (e) "Restricted foreign entity" means the same as that term is defined in Section 53B-1-201.
- (2) The state board shall:
- (a) establish a dual language immersion program;
  - (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules that establish:
    - (i) a grant program for an LEA to receive funding for dual language immersion;
    - (ii) the required qualifications for an LEA to be a participating LEA;
    - (iii) subject to this section, requirements of a participating LEA;
    - (iv) a proficiency assessment for each partner language; and
    - (v) a progression of how a school in a participating LEA adds grade levels in which the school offers dual language immersion; and
  - (c) subject to legislative appropriations:
    - (i) select participating LEAs; and
    - (ii) award to a participating LEA a grant to support dual language immersion in the LEA.
- (3) A participating LEA shall:
- (a) establish in a school a full-day dual language immersion instructional model that provides at least 50% of instruction exclusively in a partner language;
  - (b) in accordance with the state board rules described in Subsection (2)(b), add grades in which dual language immersion is provided in a school; and
  - (c) annually administer to each student in grades 3 through 8 who participates in dual language immersion an assessment described in Subsection (2)(b)(iv).
- (4) The state board shall:
- (a) provide support to a participating LEA, including by:
    - (i) offering professional learning for dual language immersion educators;
    - (ii) developing curriculum related to dual language immersion; or
    - (iii) providing instructional support for a partner language;
  - (b) conduct a program evaluation of the dual language immersion program established under Subsection (2)(a); and
  - (c) on or before November 1, 2019, report to the Education Interim Committee and the Public Education Appropriations Subcommittee on the results of the program evaluation described in Subsection (4)(b).
- (5) The state board may, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, contract with a third party to conduct the program evaluation described in Subsection (4)(b).
- (6) Regardless of whether an LEA is a participating LEA or provides language instruction through another method, beginning July 1, 2024, an LEA may not seek or accept funding support from a restricted foreign entity or an entity that passes on funding support from a restricted foreign entity.
- (7) Subject to budget constraints, in addition to the base increases described in Section 53F-2-208, the Legislature shall annually increase the money appropriated for dual language immersion in proportion to the percentage increase over the previous school year in the value of the weighted pupil unit.

Amended by Chapter 129, 2023 General Session

**53F-2-503 Early Literacy Program -- Literacy proficiency plan.**

- (1) As used in this section:
  - (a) "Program" means the Early Literacy Program.
  - (b) "Program money" means:
    - (i) school district revenue allocated to the program from other money available to the school district, except money provided by the state, for the purpose of receiving state funds under this section; and
    - (ii) money appropriated by the Legislature to the program.
- (2) The Early Literacy Program consists of program money and is created to supplement other school resources for early literacy.
- (3) Subject to future budget constraints, the Legislature may annually appropriate money to the Early Literacy Program.
- (4) An LEA governing board of a school district or a charter school that serves students in any of grades kindergarten through grade 3 shall submit, in accordance with Section 53G-7-218, a plan to the state board for literacy proficiency improvement that incorporates the following components:
  - (a) core instruction in:
    - (i) phonological awareness;
    - (ii) phonics;
    - (iii) fluency;
    - (iv) comprehension;
    - (v) vocabulary;
    - (vi) oral language; and
    - (vii) writing;
  - (b) intervention strategies that are aligned to student needs;
  - (c) assessments that support adjustments to core and intervention instruction;
  - (d) a growth goal for the school district or charter school that:
    - (i) is based upon student learning gains as measured by benchmark assessments administered pursuant to Section 53E-4-307; and
    - (ii) includes a target of at least 60% of all students in grades 1 through 3 meeting the growth goal; and
  - (e) at least one goal that is specific to the school district or charter school that:
    - (i) is measurable;
    - (ii) addresses current performance gaps in student literacy based on data; and
    - (iii) includes specific strategies for improving outcomes.
- (5)
  - (a) There are created within the Early Literacy Program three funding programs:
    - (i) the Base Level Program;
    - (ii) the Guarantee Program; and
    - (iii) the Low Income Students Program.
  - (b) The state board may use up to \$7,500,000 from an appropriation described in Subsection (3) for computer-assisted instructional learning and assessment programs.
- (6) Money appropriated to the state board for the Early Literacy Program and not used by the state board for computer-assisted instructional learning and assessments described in Subsection (5)(b) shall be allocated to the three funding programs as follows:
  - (a) 8% to the Base Level Program;
  - (b) 46% to the Guarantee Program; and
  - (c) 46% to the Low Income Students Program.

- (7)
  - (a) For a school district or charter school to participate in the Base Level Program, the LEA governing board shall submit a plan described in Subsection (4) and shall receive approval of the plan from the state board.
  - (b)
    - (i) The local school board of a school district qualifying for Base Level Program funds and the charter school governing boards of qualifying elementary charter schools combined shall receive a base amount.
    - (ii) The base amount for the qualifying elementary charter schools combined shall be allocated among each charter school in an amount proportionate to:
      - (A) each existing charter school's prior year fall enrollment in grades kindergarten through grade 3; and
      - (B) each new charter school's estimated fall enrollment in grades kindergarten through grade 3.
- (8)
  - (a) A local school board that applies for program money in excess of the Base Level Program funds may choose to first participate in the Guarantee Program or the Low Income Students Program.
  - (b) A school district shall fully participate in either the Guarantee Program or the Low Income Students Program before the local school board may elect for the school district to either fully or partially participate in the other program.
  - (c) For a school district to fully participate in the Guarantee Program, the local school board shall allocate to the program money available to the school district, except money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000056.
  - (d) For a school district to fully participate in the Low Income Students Program, the local school board shall allocate to the program money available to the school district, except money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000065.
  - (e)
    - (i) The state board shall verify that a local school board allocates the money required in accordance with Subsections (8)(c) and (d) before the state board distributes funds in accordance with this section.
    - (ii) The State Tax Commission shall provide the state board the information the state board needs in order to comply with Subsection (8)(e)(i).
- (9)
  - (a) Except as provided in Subsection (9)(c), the local school board of a school district that fully participates in the Guarantee Program shall receive state funds in an amount that is:
    - (i) equal to the difference between \$21 multiplied by the school district's total WPUs and the revenue the local school board is required to allocate under Subsection (8)(c) for the school district to fully participate in the Guarantee Program; and
    - (ii) not less than \$0.
  - (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive under the Guarantee Program an amount equal to \$21 times the elementary charter school's total WPUs.
  - (c) The state board may adjust the \$21 guarantee amount described in Subsections (9)(a) and (b) to account for actual appropriations and money used by the state board for computer-assisted instructional learning and assessments.

- (10) The state board shall distribute Low Income Students Program funds in an amount proportionate to the number of students in each school district or charter school who qualify for free or reduced price school lunch multiplied by two.
- (11) A school district that partially participates in the Guarantee Program or Low Income Students Program shall receive program funds based on the amount of school district revenue allocated to the program as a percentage of the amount of revenue that could have been allocated if the school district had fully participated in the program.
- (12)
- (a) An LEA governing board shall use program money for early literacy interventions and supports in kindergarten through grade 3 that have proven to significantly increase the percentage of students who are proficient in literacy, including:
- (i) evidence-based intervention curriculum;
  - (ii) literacy assessments that identify student learning needs and monitor learning progress; or
  - (iii) focused literacy interventions that may include:
    - (A) the use of reading specialists or paraprofessionals;
    - (B) tutoring;
    - (C) before or after school programs;
    - (D) summer school programs; or
    - (E) the use of interactive computer software programs for literacy instruction and assessments for students.
- (b) An LEA governing board may use program money for portable technology devices used to administer literacy assessments.
- (c) Program money may not be used to supplant funds for existing programs, but may be used to augment existing programs.
- (13) If an LEA governing board uses program money in a manner that is inconsistent with Subsection (12), the school district or charter school is liable for reimbursing the state board for the amount of program money improperly used, up to the amount of program money received from the state board.
- (14)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to implement the program.
- (b)
- (i) The rules under Subsection (14)(a) shall require each LEA governing board to annually report progress in meeting goals described in Subsections (4)(d) and (e), including the strategies the school district or charter school uses to address the goals.
  - (ii) If a school district or charter school does not meet or exceed the school district's or charter school's goals described in Subsections (4)(d) or (e), the LEA governing board shall prepare a new plan that corrects deficiencies.
  - (iii) The new plan described in Subsection (14)(b)(ii) shall be approved by the state board before the LEA governing board receives an allocation for the next year.
- (15) The state board may use up to 3% of the funds appropriated by the Legislature to carry out the provisions of this section for administration of the program.
- (16) The state board shall make an annual report in accordance with Section 53E-1-203 that:
- (a) includes information on:
- (i) student learning gains in early literacy for the past school year and the five-year trend;
  - (ii) the percentage of grade 3 students who are proficient in English language arts in the past school year and the five-year trend;



- (iii) the progress of school districts and charter schools in meeting goals described in a plan described in Subsection (4); and
  - (iv) the specific strategies or interventions used by school districts or charter schools that have significantly improved early grade literacy proficiency; and
  - (b) may include recommendations on how to increase the percentage of grade 3 students who are proficient in English language arts, including how to use a strategy or intervention described in Subsection (16)(a)(iv) to improve literacy proficiency for additional students.
- (17) The report described in Subsection (16) shall include information provided through the digital reporting platform described in Subsection 53G-7-218(5)(a).

Amended by Chapter 408, 2022 General Session

**53F-2-504 Teacher Salary Supplement Program.**

- (1) As used in this section:
- (a) "Eligible teacher" means a teacher who:
    - (i) has a qualifying educational background or qualifying teaching background;
    - (ii) has a supplement-approved assignment that corresponds to the teacher's qualifying educational background or qualifying teaching background;
    - (iii) qualifies for the teacher's supplement-approved assignment in accordance with state board rule; and
    - (iv)
      - (A) is a new employee; or
      - (B) has not received an unsatisfactory rating on the teacher's three most recent evaluations.
  - (b) "Field of computer science" means:
    - (i) computer science; or
    - (ii) computer information technology.
  - (c) "Field of science" means:
    - (i) integrated science;
    - (ii) chemistry;
    - (iii) physics;
    - (iv) physical science; or
    - (v) general science.
  - (d) "Qualifying educational background" means:
    - (i) for a teacher who is assigned a secondary school level mathematics course:
      - (A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or
      - (B) a bachelor's degree major, master's degree, or doctoral degree that has course requirements that are substantially equivalent to the course requirements for a bachelor's degree major, master's degree, or doctoral degree in mathematics;
    - (ii) for a teacher who is assigned a grade 7 or 8 integrated science course, chemistry course, or physics course:
      - (A) a bachelor's degree major, master's degree, or doctoral degree in a field of science; or
      - (B) a bachelor's degree major, master's degree, or doctoral degree that has course requirements that are substantially equivalent to the course requirements of those required for a bachelor's degree major, master's degree, or doctoral degree in a field of science;
    - (iii) for a teacher who is assigned a computer science course:
      - (A) a bachelor's degree major, master's degree, or doctoral degree in a field of computer science; or

- (B) a bachelor's degree major, master's degree, or doctoral degree that has course requirements that are substantially equivalent to the course requirements of those required for a bachelor's degree major, master's degree, or doctoral degree in a field of computer science; or
- (iv) for a teacher who is assigned to teach special education, a bachelor's degree major, master's degree, or doctoral degree in special education.
- (e) "Qualifying teaching background" means:
  - (i) the teacher has been teaching the same supplement-approved assignment in Utah public schools for at least 10 years; or
  - (ii) the teacher has a professional deaf education license issued by the state board.
- (f) "Supplement-approved assignment" means an assignment to teach:
  - (i) a secondary school level mathematics course;
  - (ii) integrated science in grade 7 or 8;
  - (iii) chemistry;
  - (iv) physics;
  - (v) computer science;
  - (vi) special education; or
  - (vii) deaf education.
- (2)
  - (a) Subject to future budget constraints, the Legislature shall:
    - (i) annually appropriate money to the Teacher Salary Supplement Program to maintain annual salary supplements for eligible teachers provided in previous years; and
    - (ii) provide salary supplements to new recipients.
  - (b) Money appropriated for the Teacher Salary Supplement Program shall include money for the following employer-paid benefits:
    - (i) retirement;
    - (ii) workers' compensation;
    - (iii) Social Security; and
    - (iv) Medicare.
- (3)
  - (a) The annual salary supplement for an eligible teacher who is assigned full-time to a supplement-approved assignment is:
    - (i) for a fiscal year beginning before July 1, 2023, \$4,100 and funded through an appropriation described in Subsection (2); and
    - (ii) for a fiscal year beginning on or after July 1, 2023, the amount equal to:
      - (A) the amount of the annual salary supplement in the preceding fiscal year; and
      - (B) a percentage increase that is equal to the percentage increase in the value of the WPU in the preceding fiscal year.
  - (b) An eligible teacher who is assigned part-time to a supplement-approved assignment shall receive a partial salary supplement based on the number of hours worked in the supplement-approved assignment.
- (4) The state board shall:
  - (a) create an online application system for a teacher to apply to receive a salary supplement through the Teacher Salary Supplement Program;
  - (b) determine if a teacher is an eligible teacher;
  - (c) verify, as needed, the determinations made under Subsection (4)(b) with school district and school administrators; and
  - (d) certify a list of eligible teachers.

- (5) An eligible teacher shall apply to the state board, as provided by the board to receive the salary supplement authorized in this section in accordance with state board rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (6)
  - (a) The state board shall establish and administer an appeal process for a teacher to follow if the teacher applies for a salary supplement and does not receive a salary supplement under Subsection (8).
  - (b)
    - (i) The appeal process established in Subsection (6)(a) shall allow a teacher to appeal eligibility as an eligible teacher with a qualifying educational background on the basis that the teacher has a degree or degree major with course requirements that are substantially equivalent to the qualifying educational background associated with the teacher's supplement-approved assignment.
    - (ii) A teacher shall provide transcripts and other documentation to the state board in order for the state board to determine if the teacher has a degree or degree major with course requirements that are substantially equivalent to the qualifying educational background associated with the teacher's supplement-approved assignment.
  - (c)
    - (i) The appeal process established under Subsection (6)(a) shall allow a teacher to appeal eligibility as an eligible teacher with a qualifying teaching background on the basis that the teacher has a qualifying teaching background.
    - (ii) The teacher shall provide to the state board evidence to verify that the teacher has a qualifying teaching background.
- (7)
  - (a) The state board shall distribute money appropriated to the Teacher Salary Supplement Program to school districts and charter schools for the Teacher Salary Supplement Program in accordance with the provisions of this section.
  - (b) The state board shall include the employer-paid benefits described under Subsection (2)(b) in the amount of each salary supplement.
  - (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the salary supplement limits described under Subsection (3).
- (8)
  - (a) Money received from the Teacher Salary Supplement Program shall be used by a school district or charter school to provide a salary supplement equal to the amount specified in Subsection (3) for each eligible teacher.
  - (b) The salary supplement is part of an eligible teacher's base pay, subject to eligible teacher's qualification as an eligible teacher every year, semester, or trimester.
- (9) Notwithstanding the provisions of this section, if the appropriation for the program is insufficient to cover the costs associated with salary supplements, the state board may distribute the funds in the Teacher Salary Supplement Program on a pro rata basis.

Amended by Chapter 373, 2023 General Session

**53F-2-506 Beverley Taylor Sorenson Elementary Arts Learning Program.**

- (1) As used in this section:
  - (a) "Endowed chair" means a person who holds an endowed position or administrator of an endowed program for the purpose of arts and integrated arts instruction at an endowed university.

- (b) "Endowed university" means an institution of higher education in the state that:
  - (i) awards elementary education degrees in arts instruction;
  - (ii) has received a major philanthropic donation for the purpose of arts and integrated arts instruction; and
  - (iii) has created an endowed position as a result of a donation described in Subsection (1)(b)(ii).
- (c) "Integrated arts advocate" means a person who:
  - (i) advocates for arts and integrated arts instruction in the state; and
  - (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed chair.
- (2) The Legislature finds that a strategic placement of arts in elementary education can impact the critical thinking of students in other core subject areas, including mathematics, reading, and science.
- (3) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to enhance the social, emotional, academic, and arts learning of students in kindergarten through grade 6 by integrating arts teaching and learning into core subject areas and providing professional development for positions that support elementary arts and integrated arts education.
- (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts Learning Program, and subject to Subsection (5), the state board shall, after consulting with endowed chairs and the integrated arts advocate and receiving their recommendations, administer a grant program to enable LEAs to:
  - (a) hire highly qualified arts specialists, art coordinators, and other positions that support arts education and arts integration;
  - (b) provide up to \$10,000 in one-time funds for each new school arts specialist described under Subsection (4)(a) to purchase supplies and equipment; and
  - (c) engage in other activities that improve the quantity and quality of integrated arts education.
- (5)
  - (a) An LEA that receives a grant under Subsection (4) shall provide matching funds of no less than 20% of the grant amount, including no less than 20% of the grant amount for actual salary and benefit costs per full-time equivalent position funded under Subsection (4)(a).
  - (b) An LEA may not:
    - (i) include administrative, facility, or capital costs to provide the matching funds required under Subsection (5)(a); or
    - (ii) use funds from the Beverley Taylor Sorenson Elementary Arts Learning Program to supplant funds for existing programs.
- (6) An LEA that receives a grant under this section shall partner with an endowed chair to provide professional development in integrated elementary arts education.
- (7) From money appropriated for the Beverley Taylor Sorenson Elementary Arts Learning Program, the state board shall administer a grant program to fund activities within arts and the integrated arts programs at an endowed university in the college where the endowed chair resides to:
  - (a) provide high quality professional development in elementary integrated arts education in accordance with the professional learning standards in Section 53G-11-303 to LEAs that receive a grant under Subsection (4);
  - (b) design and conduct research on:
    - (i) elementary integrated arts education and instruction;
    - (ii) implementation and evaluation of the Beverley Taylor Sorenson Elementary Arts Learning Program; and
    - (iii) effectiveness of the professional development under Subsection (7)(a); and
  - (c) provide the public with integrated elementary arts education resources.

- (8) The board shall annually:
  - (a) review the funding the Legislature appropriates for the Beverley Taylor Sorenson Elementary Arts Learning Program; and
  - (b) recommend any adjustments as part of the board's annual budget request.
- (9) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the Beverley Taylor Sorenson Elementary Arts Learning Program.

Amended by Chapter 264, 2020 General Session

Amended by Chapter 408, 2020 General Session

**53F-2-510 Digital Teaching and Learning Grant Program.**

- (1) As used in this section:
  - (a) "Advisory committee" means the committee established by the state board under Subsection (6)(b).
  - (b) "Digital readiness assessment" means an assessment provided by the state board that:
    - (i) is completed by an LEA analyzing an LEA's readiness to incorporate comprehensive digital teaching and learning; and
    - (ii) informs the preparation of an LEA's plan for incorporating comprehensive digital teaching and learning.
  - (c) "High quality professional learning" means the professional learning standards described in Section 53G-11-303.
  - (d) "Implementation assessment" means an assessment that analyzes an LEA's implementation of an LEA plan, including identifying areas for improvement, obstacles to implementation, progress toward the achievement of stated goals, and recommendations going forward.
  - (e) "LEA plan" means an LEA's plan to implement a digital teaching and learning program that meets the requirements of this section and requirements set forth by the state board and the advisory committee.
  - (f) "Program" means the Digital Teaching and Learning Grant Program created and described in Subsections (5) through (10).
  - (g) "Utah Education and Telehealth Network" or "UETN" means the Utah Education and Telehealth Network created in Section 53B-17-105.
- (2)
  - (a) The state board shall establish a digital teaching and learning task force to develop a funding proposal to present to the Legislature for digital teaching and learning in elementary and secondary schools.
  - (b) The digital teaching and learning task force shall include representatives of:
    - (i) the state board;
    - (ii) UETN;
    - (iii) LEAs; and
    - (iv) the Governor's Education Excellence Commission.
- (3) As funding allows, the state board shall develop a master plan for a statewide digital teaching and learning program, including the following:
  - (a) a statement of purpose that describes the objectives or goals the state board will accomplish by implementing a digital teaching and learning program;
  - (b) a forecast for fundamental components needed to implement a digital teaching and learning program, including a forecast for:
    - (i) student and teacher devices;

- (ii) Wi-Fi and wireless compatible technology;
  - (iii) curriculum software;
  - (iv) assessment solutions;
  - (v) technical support;
  - (vi) change management of LEAs;
  - (vii) high quality professional learning;
  - (viii) Internet delivery and capacity; and
  - (ix) security and privacy of users;
- (c) a determination of the requirements for:
- (i) statewide technology infrastructure; and
  - (ii) local LEA technology infrastructure;
- (d) standards for high quality professional learning related to implementing and maintaining a digital teaching and learning program;
- (e) a statewide technical support plan that will guide the implementation and maintenance of a digital teaching and learning program, including standards and competency requirements for technical support personnel;
- (f)
- (i) a grant program for LEAs; or
  - (ii) a distribution formula to fund LEA digital teaching and learning programs;
- (g) in consultation with UETN, an inventory of the state public education system's current technology resources and other items and a plan to integrate those resources into a digital teaching and learning program;
- (h) an ongoing evaluation process that is overseen by the state board;
- (i) proposed rules that incorporate the principles of the master plan into the state's public education system as a whole; and
- (j) a plan to ensure long-term sustainability that:
- (i) accounts for the financial impacts of a digital teaching and learning program; and
  - (ii) facilitates the redirection of LEA savings that arise from implementing a digital teaching and learning program.
- (4) UETN shall:
- (a) in consultation with the state board, conduct an inventory of the state public education system's current technology resources and other items as determined by UETN, including software;
  - (b) perform an engineering study to determine the technology infrastructure needs of the public education system to implement a digital teaching and learning program, including the infrastructure needed for the state board, UETN, and LEAs; and
  - (c) as funding allows, provide infrastructure and technology support for school districts and charter schools.
- (5) There is created the Digital Teaching and Learning Grant Program to improve educational outcomes in public schools by effectively incorporating comprehensive digital teaching and learning technology.
- (6) The state board shall:
- (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules for the administration of the program, including rules requiring:
    - (i) an LEA to complete a digital readiness assessment the first time an LEA applies for the grant;
    - (ii) measures to ensure that the LEA monitors and implements technology with best practices; and

- (iii) robust goals for learning outcomes and appropriate measurements of goal achievement;
  - (b) establish an advisory committee to make recommendations on the program and LEA plan requirements and report to the state board; and
  - (c) in accordance with this section, approve LEA plans and award grants.
- (7)
- (a) The state board shall, subject to legislative appropriations, award a grant to an LEA:
    - (i) that submits an LEA plan that meets the requirements described in Subsection (8); and
    - (ii) for which the LEA's leadership and management members have completed a digital teaching and learning leadership and implementation training as provided in Subsection (7)(b).
  - (b) The state board or its designee shall provide the training described in Subsection (7)(a)(ii).
- (8) The state board shall establish requirements of an LEA plan that shall include:
- (a) the results of the LEA's digital readiness assessment and a proposal to remedy an obstacle to implementation or other issues identified in the assessment;
  - (b) high quality professional learning for educators in the use of digital teaching and learning technology;
  - (c) leadership training and management restructuring, if necessary, for successful implementation;
  - (d) targets for improved student achievement, student learning, and college readiness through digital teaching and learning; and
  - (e) any other requirement established by the state board in rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including an application process and metrics to analyze the quality of a proposed LEA plan.
- (9) The state board or the state board's designee shall establish an interactive dashboard available to each LEA that is awarded a grant for the LEA to track and report the LEA's long-term, intermediate, and direct outcomes in real time and for the LEA to use to create customized reports.
- (10)
- (a) There is no federal funding, federal requirement, federal education agreement, or national program included or related to this state adopted program.
  - (b) Any inclusion of federal funding, federal requirement, federal education agreement, or national program shall require separate express approval as provided in Title 53E, Chapter 3, Part 8, Implementing Federal or National Education Programs.
- (11) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board shall contract with an independent evaluator to:
- (a) support each LEA that receives a grant as part of the program to complete an implementation assessment for each year that the LEA participates;
  - (b) report the findings of an implementation assessment to the state board; and
  - (c) submit to the state board recommendations to resolve issues that an implementation assessment raises.
- (12) The state board or the state board's designee shall review an implementation assessment and review each participating LEA's progress from the previous year, as applicable.
- (13) The state board shall establish interventions for an LEA that does not make progress on implementation of the LEA's implementation plan, including:
- (a) nonrenewal of, or time period extensions for, the LEA's grant;
  - (b) reduction of funds; or
  - (c) other interventions to assist the LEA.
- (14)

- (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, or other agreement with one or more providers of technology powered learning solutions and one or more providers of wireless networking solutions may be entered into by:
  - (i) UETN, in cooperation with or on behalf of, as applicable, the state board, the state board's designee, or an LEA; or
  - (ii) an LEA.
- (b) A contract or agreement entered into under Subsection (14)(a) may be a contract or agreement that:
  - (i) UETN enters into with a provider and payment for services is directly appropriated by the Legislature, as funds are available, to UETN;
  - (ii) UETN enters into with a provider and pays for the provider's services and is reimbursed for payments by an LEA that benefits from the services;
  - (iii) UETN negotiates the terms of on behalf of an LEA that enters into the contract or agreement directly with the provider and the LEA pays directly for the provider's services; or
  - (iv) an LEA enters into directly, pays a provider, and receives preapproved reimbursement from a UETN fund established for this purpose.
- (c) If an LEA does not reimburse UETN in a reasonable time for services received under a contract or agreement described in Subsection (14)(b), the state board shall pay the balance due to UETN from the LEA's funds received under Chapter 2, State Funding -- Minimum School Program.
- (d) If UETN negotiates or enters into an agreement as described in Subsection (14)(b)(ii) or (14)(b)(iii), and UETN enters into an additional agreement with an LEA that is associated with the agreement described in Subsection (14)(b)(ii) or (14)(b)(iii), the associated agreement may be treated by UETN and the LEA as a cooperative procurement, as that term is defined in Section 63G-6a-103, regardless of whether the associated agreement satisfies the requirements of Section 63G-6a-2105.

Amended by Chapter 349, 2023 General Session

**53F-2-511 Reimbursement Program for Early Graduation From Personalized, Competency-Based Learning.**

- (1) As used in this section:
  - (a) "Cohort" means a group of students, defined by the year in which the group enters grade 9.
  - (b) "Eligible LEA" means an LEA that has demonstrated to the state board that the LEA or, for a school district, a school within the LEA, provides and facilitates personalized, competency-based learning that:
    - (i) is based on the principles described in Section 53F-5-501; and
    - (ii) meets other criteria established by the state board in rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
  - (c) "Eligible student" means an individual who:
    - (i) attended an eligible LEA and graduated by completing graduation requirements, as described in Section 53E-4-204, earlier than that individual's cohort completed graduation requirements because of the individual's participation in the eligible LEA's personalized, competency-based learning;
    - (ii) no longer attends the eligible LEA; and
    - (iii) is not included in the LEA's average daily membership under this chapter.



- (d) "Partial pupil" means if an eligible student attends less than a full year of membership, the number of days the student was in membership compared to a full membership year.
  - (e) "Program" means the Reimbursement Program for Early Graduation From Personalized, Competency-Based Learning established in this section.
- (2)
- (a) There is established the Reimbursement Program for Early Graduation From Personalized, Competency-Based Learning.
  - (b) Subject to future budget constraints, the Legislature may annually appropriate money to the Reimbursement Program for Early Graduation From Personalized, Competency-Based Learning.
- (3) An LEA may apply to the state board to receive a reimbursement, as described in Subsection (5), for an eligible student.
- (4) The state board shall approve a reimbursement to an LEA after the LEA demonstrates:
- (a) that the LEA is an eligible LEA; and
  - (b) that the individual for whom the eligible LEA requests reimbursement is an eligible student.
- (5)
- (a) For each eligible student, the state board shall only reimburse an eligible LEA:
    - (i) if the eligible student attended the eligible LEA for less than a full school year before the eligible student's cohort graduated, up to the value of one weighted pupil unit pro rated based on the difference between:
      - (A) the number of days of partial pupil in average daily membership earned by the eligible LEA while the eligible student was still in attendance; and
      - (B) a full pupil in average daily membership; and
    - (ii) the value of one weighted pupil unit for each full school year the eligible student graduated ahead of the eligible student's cohort.
  - (b) The state board shall:
    - (i) use data from the prior year average daily membership to determine the number of eligible students; and
    - (ii) reimburse the eligible LEA in the current school year.
- (6) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules to administer the provisions of this section.

Amended by Chapter 129, 2021 General Session

**53F-2-513 Effective Teachers in High Poverty Schools Incentive Program -- Salary bonus -- Evaluation.**

- (1) As used in this section:
- (a) "Benchmark assessment" means the assessment described in Sections 53E-4-307 and 53E-4-307.5.
  - (b) "Cohort" means a group of students, defined by the year in which the group enters kindergarten.
  - (c) "Eligible teacher" means a general education or special education teacher who is employed as a teacher in kindergarten through grade 8 in a high poverty school at the time the teacher is considered by the state board for a salary bonus, and:
    - (i) a full school year before the school year the eligible teacher is being considered by the state board for a salary bonus under this section, regardless of whether the teacher was employed the previous year by a high poverty school or a different public school, either:

- (A) achieves a median growth percentile of 70 or higher while teaching in grade 4 through 8 at any public school in the state a course for which a standards assessment is administered as described in Section 53E-4-303; or
- (B) achieves at least 85% of students whose progress is assessed as typical or better at the end of the year assessment while teaching kindergarten or grade 1, 2, or 3 at any public school in the state at which a benchmark assessment is administered; and
- (ii) for a salary bonus awarded to a grade 4 teacher in the 2022-2023 school year, regardless of whether the teacher was employed the previous year by a high poverty school or a different public school, teaches grade 4 and achieves the criteria under the method that the state board creates as described in Subsection (2)(b)(iv).
- (d) "High poverty school" means a public school:
  - (i) in which, during the previous school year, based on October 1 enrollment as of the year-end data submission:
    - (A) more than 20% of the enrolled students are classified as children affected by intergenerational poverty; or
    - (B) 70% or more of the enrolled students qualify for free or reduced lunch; or
  - (ii)
    - (A) that has previously met the criteria described in Subsection (1)(d)(i)(A) and for each school year since meeting that criteria at least 15% of the enrolled students at the public school have been classified as children affected by intergenerational poverty; or
    - (B) that has previously met the criteria described in Subsection (1)(d)(i)(A) and for each school year since meeting that criteria at least 60% of the enrolled students at the public school have qualified for free or reduced lunch.
- (e) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.
- (f) "Median growth percentile" means a number that describes the comparative effectiveness of a teacher in helping the teacher's students achieve growth in a year by identifying the median student growth percentile of all the students a teacher instructs for each standards assessment or benchmark assessment.
- (g) "Program" means the Effective Teachers in High Poverty Schools Incentive Program created in Subsection (2).
- (h) "Standards assessment" means the assessments described in Section 53E-4-303.
- (i) "Student growth percentile" is a number that describes where a student ranks in comparison to the student's cohort.
- (2)
  - (a) The Effective Teachers in High Poverty Schools Incentive Program is created to provide an annual salary bonus for an eligible teacher.
  - (b) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for:
    - (i) the administration of the program;
    - (ii) payment of a salary bonus;
    - (iii) application requirements; and
    - (iv) a method for:
      - (A) norm-referencing available reading assessment data for grade 4; and
      - (B) for using the data described in Subsection (2)(b)(iv)(A) to set criteria for the purpose of determining teacher eligibility for salary bonuses awarded in the 2022-2023 school year for teachers in grade 4.
  - (c) The state board shall make an annual salary bonus payment in a fiscal year that begins on July 1, 2017, and each fiscal year thereafter in which money is appropriated for the program.

- (d) The state board shall make a partial payment of the annual salary bonus described in Subsection (2)(c), to an eligible teacher who has a part-time assignment in a regular or special education classroom at an eligible school, based on the number of hours the eligible teacher works in the classroom assignment.
- (3)
  - (a) Subject to future budget constraints, the Legislature shall annually appropriate money to fund the program.
  - (b) Money appropriated for the program shall include money for the following employer-paid benefits:
    - (i) social security; and
    - (ii) Medicare.
- (4)
  - (a)
    - (i) An LEA shall annually apply to the state board on behalf of an eligible teacher for an eligible teacher to receive an annual salary bonus each year that the teacher is an eligible teacher.
    - (ii) A teacher need not be an eligible teacher in consecutive years to receive the increased annual salary bonus described in Subsection (4)(b).
  - (b) The annual salary bonus for an eligible teacher is \$7,000.
  - (c) A public school that applies on behalf of an eligible teacher under Subsection (4)(a)(i) shall pay half of the salary bonus described in Subsection (4)(b) each year the eligible teacher is awarded the salary bonus.
  - (d) The state board shall award a salary bonus to an eligible teacher based on the order that an application from a public school on behalf of the eligible teacher is received.
- (5) The state board shall:
  - (a) determine if a teacher is an eligible teacher;
  - (b) verify, as needed, the determinations made under Subsection (5)(a) with the school district and school district administrators; and
  - (c) publish a list of high poverty schools.
- (6) The state board shall:
  - (a) distribute money from the program to an LEA in accordance with this section and state board rule; and
  - (b) include the employer-paid benefits described in Subsection (3)(b) in addition to the salary bonus amount described in Subsection (4)(b).
- (7) Money received from the program shall be used by an LEA to provide an annual salary bonus equal to the amount specified in Subsection (4)(b) for each eligible teacher and to pay affiliated employer-paid benefits described in Subsection (3)(b).
- (8)
  - (a) After the third year salary bonus payments are made, and each succeeding year, the state board shall evaluate the extent to which a salary bonus described in this section improves recruitment and retention of effective teachers in high poverty schools by examining turnover rates of teachers who receive the salary bonus compared to teachers who do not receive the salary bonus.
  - (b) Each year that the state board conducts an evaluation described in Subsection (8)(a), the state board shall, in accordance with Section 68-3-14, submit a report on the results of the evaluation to the Education Interim Committee on or before November 30.
- (9) A public school shall annually notify a teacher:
  - (a) of the teacher's median growth percentile; and
  - (b) how the teacher's median growth percentile is calculated.

- (10) Notwithstanding this section, if the appropriation for the program is insufficient to cover the costs associated with salary bonuses, the state board may limit or reduce a salary bonus.

Amended by Chapter 376, 2023 General Session

**53F-2-515 Federal Impact Aid Program -- Offset for underestimated allocations from the Federal Impact Aid Program.**

- (1) In addition to the revenues received from the levy imposed by a local school board and authorized by the Legislature under Section 53F-2-301, the Legislature shall provide an amount equal to the difference between the school district's anticipated receipts under the entitlement for the fiscal year from the Federal Impact Aid Program and the amount the school district actually received from this source for the next preceding fiscal year.
- (2) If at the end of a fiscal year the sum of the receipts of a school district from a distribution from the Legislature pursuant to Subsection (1) plus the school district's allocations from the Federal Impact Aid Program for that fiscal year exceeds the amount allocated to the school district from the Federal Impact Aid Program for the next preceding fiscal year, the excess funds are carried into the next succeeding fiscal year and become in that year a part of the school district's contribution to the school district's basic program for operation and maintenance under the state minimum school finance law.
- (3) During the next succeeding fiscal year described in Subsection (2), the school district's required tax rate for the basic program shall be reduced so that the yield from the reduced tax rate plus the carryover funds equal the school district's required contribution to the school district's basic program.
- (4) For the school district of a local school board that is required to reduce the school district's basic tax rate under this section, the school district shall receive state minimum school program funds as though the reduction in the tax rate had not been made.

Amended by Chapter 7, 2023 General Session

**53F-2-519 Appropriation for school nurses.**

- (1) The state board shall distribute money appropriated for school nurses to award grants to school districts and charter schools that:
  - (a) provide an equal amount of matching funds; and
  - (b) do not supplant other money used for school nurses.
- (2)
  - (a) A school district or charter school that is awarded a grant under this section shall require each school nurse employed by the school district or charter school to complete two hours of continuing nurse education on the emotional and mental health of students.
  - (b) The continuing nurse education described in Subsection (2)(a) shall include training on:
    - (i) the awareness of, screening for, and triaging to appropriate treatment for mental health problems;
    - (ii) trauma-informed care;
    - (iii) signs of mental illness;
    - (iv) alcohol and substance abuse;
    - (v) response to acute mental health crises; and
    - (vi) suicide prevention, including information about the 24-hour availability of the SafeUT Crisis Line established under Section 53B-17-1202.

Amended by Chapter 186, 2019 General Session

Amended by Chapter 446, 2019 General Session

**53F-2-520 Rural school transportation reimbursement.**

(1) As used in this section:

(a) "Eligible LEA" means a school district or a charter school:

(i) that is located in a county of the fourth, fifth, or sixth class, as defined in Section 17-50-501; and

(ii) in which:

(A) for a fiscal year other than fiscal year 2021 or 2022, at least 65% of the students enrolled in the school district or charter school qualify for free or reduced price lunch; or

(B) for fiscal year 2021 or 2022, at least 65% of the students enrolled in the school district or charter school qualified for free or reduced price lunch in fiscal year 2019.

(b) "Eligible school" means a school:

(i) in an eligible LEA; and

(ii) that the eligible LEA has provided transportation to and from for a regular school day for students for at least five years.

(c) "LEA governing board" means:

(i) the local school board of a school district that is an eligible LEA; or

(ii) the charter school governing board of a charter school that is an eligible LEA.

(2) An LEA governing board may annually submit a request to the state board to receive reimbursement for an expense that:

(a) the LEA governing board incurs transporting a student to or from an eligible school for the regular school day; and

(b) the LEA governing board does not pay using state funding for pupil transportation described in Section 53F-2-402 or 53F-2-403.

(3)

(a) Subject to legislative appropriations, and except as provided in Subsection (3)(b), the state board shall reimburse an LEA governing board for an expense included in a request described in Subsection (2).

(b) If the legislative appropriation for this section is insufficient to fund an expense in a request received under Subsection (2), the state board may reduce an LEA governing board's reimbursement in accordance with the rules described in Subsection (4).

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that establish:

(a) requirements for information an LEA governing board shall include in a reimbursement request described in Subsection (2);

(b) a deadline by which an LEA governing board shall submit a request described in Subsection (2); and

(c) a formula for reducing an LEA governing board's allocation under Subsection (3).

(5) Nothing in this section affects a school district's allocation for pupil transportation under Sections 53F-2-402 and 53F-2-403.

Amended by Chapter 303, 2021 General Session

**53F-2-522 Public education mental health screening.**

(1) As used in this section:

- (a) "Division" means the Division of Integrated Healthcare within the Department of Health and Human Services.
  - (b) "Non-participating LEA" means an LEA that does not administer an approved mental health screening program described in this section.
  - (c) "Participating LEA" means an LEA that has an approved screening program described in this section.
  - (d) "Participating student" means a student in a participating LEA who participates in a mental health screening program.
  - (e) "Qualifying parent" means a parent:
    - (i) of a participating student who, based on the results of a screening program, would benefit from resources that cannot be provided to the participating student in the school setting; and
    - (ii) who qualifies for financial assistance to pay for the resources under rules made by the state board.
  - (f) "Screening program" means a student mental health screening program selected by a participating LEA and approved by the state board in consultation with the division.
- (2)
- (a) On or before July 1, 2023, an LEA governing board shall determine whether the LEA will be a participating LEA or a non-participating LEA for the 2023-24 school year.
  - (b)
    - (i) During the 2023-24 school year, and each year after, a participating LEA may change the LEA's participation status and become a non-participating LEA for the next school year by reporting the status change to the state board by the end of the current school year.
    - (ii) An LEA that changed the LEA's status from participating to non-participating in Subsection (2)(b)(i) is subject to the requirements of a non-participating LEA described in Subsection (2)(c).
  - (c)
    - (i) During the 2023-24 school year, and each year after, a non-participating LEA's governing board shall submit a record of determination to the state board by the end of the school year, which record shall state whether the non-participating LEA will:
      - (A) maintain the LEA's non-participating status; or
      - (B) change the LEA's status to be a participating LEA.
    - (ii) If the non-participating LEA determines the LEA will change participation status and become a participating LEA, the LEA's status of participation will change at the end of the current school year.
- (3) The state board shall:
- (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
    - (i) establish a process for a participating LEA to submit a selected screening program to the state board for approval;
    - (ii) in accordance with Title 53E, Chapter 9, Student Privacy and Data Protection, and the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, establish who may access and use a participating student's screening data;
    - (iii) establish a requirement and a process for appropriate LEA or school personnel to attend annual training related to administering the screening program;
    - (iv) determine whether a parent is eligible to receive the financial support described in Subsection (5)(a) as a qualifying parent; and
    - (v) apply for and distribute the financial support described in Subsection (5)(a);
  - (b) in consultation with the division, approve an evidence-based student mental health screening program selected by a participating LEA that:

- (i) is age appropriate for each grade in which the screening program is administered;
  - (ii) screens for the mental health conditions determined by the state board and division; and
  - (iii) is an effective tool for identifying whether a student has a mental health condition that requires intervention; and
- (c) on or before November 30 of each year, submit a report on the screening programs to the State Suicide Prevention Coalition created under Subsection 26B-5-611(2) and the Education Interim Committee in accordance with Section 53E-1-201 that contains the following:
- (i) the approximate number of participating students that were screened in each participating LEA the previous school year;
  - (ii) the names and number of:
    - (A) participating LEAs; and
    - (B) non-participating LEAs;
  - (iii) an overview of how participating LEAs utilized distributed funds; and
  - (iv) whether the amount of distributed funds to each participating LEA was sufficient for the participating LEA's needs.
- (4) A participating LEA shall:
- (a) in accordance with rules made by the state board under Subsection (3)(a), submit a selected evidence-based screening program to the state board for approval;
  - (b) implement and administer a state board-approved mental health screening program to participating students in the participating LEA by:
    - (i) annually notifying each parent with a student in the participating LEA that the parent may have the student screened for mental health conditions;
    - (ii) obtaining prior written consent from a student's parent, that complies with Section 53E-9-203, and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, before the participating LEA screens a participating student;
    - (iii) screening the student for mental health conditions; and
    - (iv) if results of a participating student's screening indicate a potential mental health condition, notifying the parent of the participating student of:
      - (A) the participating student's results; and
      - (B) resources available to the participating student, including any services that can be provided by the school mental health provider or by a partnering entity;
  - (c) use state board-distributed funds for the purposes described in Subsection (5)(a); and
  - (d) provide the state board with necessary information and data for the state board to complete the report described in Subsection (3)(c).
- (5)
- (a) Within appropriations made by the Legislature for this purpose, the state board may distribute funds to a participating LEA to use to:
    - (i) implement and administer a mental health screening for participating students as described in Subsection (4)(b); and
    - (ii) assist a qualifying parent to pay for resources described in Subsection (4)(b)(iv)(B) that cannot be provided by a school mental health professional in the school setting.
  - (b) The state board may not distribute funds described in Subsection (5)(a) to a non-participating LEA.
- (6) A school employee trained in accordance with rules made by the state board under Subsection (3)(a)(iii), who administers an approved mental health screening in accordance with this section in good faith, is not liable in a civil action for an act taken or not taken under this section.

Amended by Chapter 193, 2023 General Session

Amended by Chapter 328, 2023 General Session

**53F-2-523 Salary supplement for National Board-certified teachers.**

- (1) As used in this section:
  - (a) "National Board certification" means the same as that term is defined in Section 53E-6-102.
  - (b) "National Board-certified teacher" or "board-certified teacher" means a teacher who:
    - (i) holds a National Board certification; and
    - (ii) has an assignment to teach in an LEA.
  - (c) "Salary supplement" means a salary supplement for a board-certified or Title I school board-certified teacher described in this section.
  - (d) "Title I school" means a school that receives funds under Title I of the Elementary and Secondary Education Act of 1965, 20 U.S.C. Sec. 6301 et seq.
  - (e) "Title I school board-certified teacher" means a board-certified teacher who is assigned to teach at a Title I school.
- (2)
  - (a) Subject to future budget constraints, the Legislature shall:
    - (i) annually appropriate money to maintain annual salary supplements provided in previous years; and
    - (ii) provide salary supplements to new recipients.
  - (b) Money appropriated for salary supplements shall include money for the following employer-paid benefits:
    - (i) retirement;
    - (ii) workers' compensation;
    - (iii) Social Security; and
    - (iv) Medicare.
- (3)
  - (a) The annual salary supplement for a board-certified teacher is \$1,000.
  - (b) The annual salary supplement for a Title I school board-certified teacher is \$2,000.
  - (c) A board-certified teacher who qualifies for a salary supplement under Subsections (3)(a) and (b) may only receive the salary supplement that is greater in value.
  - (d) The employer paid benefits described in Subsection (2)(b) are in addition to an amount described in this Subsection (3).
- (4) The state board shall:
  - (a) create an online application system for a teacher to apply to receive a salary supplement;
  - (b) establish a deadline by which a teacher is required to apply in order to receive a salary supplement;
  - (c) determine whether a teacher who applies for a salary supplement is a board-certified teacher or a Title I school board-certified teacher;
  - (d) verify, as needed, a determination made under Subsection (4)(c) with LEA or school administrators; and
  - (e) certify a list of board-certified teachers and Title I school board-certified teachers.
- (5) To receive a salary supplement, a board-certified teacher or a Title I school board-certified teacher shall apply to the state board before the deadline described in Subsection (4)(b).
- (6) The state board shall establish and administer an appeal process for a teacher who applies for but does not receive a salary supplement that allows the teacher to appeal eligibility by providing evidence to the state board:
  - (a) of the teacher's National Board certification; or



- (b)
  - (i) of the teacher's National Board certification; and
  - (ii) that the teacher is assigned to teach in a Title I school.
- (7) The state board shall:
  - (a) distribute money appropriated for salary supplements to LEAs in accordance with the provisions of this section; and
  - (b) include the cost of employer-paid benefits described in Subsection (2)(b) in the amount distributed to an LEA for each salary supplement.
- (8)
  - (a) An LEA shall use money received under this section to provide a salary supplement to each board-certified teacher and Title I school board-certified teacher in an amount equal to the amount described in Subsection (3).
  - (b) A salary supplement is part of a teacher's base pay, subject to the teacher's qualification as a board-certified teacher or Title I school board-certified teacher every year, semester, or trimester.
- (9) Notwithstanding the provisions of this section, if an annual appropriation for salary supplements is not sufficient to cover the costs associated with salary supplements, the state board shall distribute the funds on a pro rata basis.

Enacted by Chapter 9, 2020 Special Session 6

**53F-2-524 Teacher bonuses for extra assignments.**

- (1) Subject to legislative appropriations for this purpose, the state board shall provide grants to LEAs to compensate a teacher who accepted an additional work assignment to substitute for another teacher between December 2021, and May 2022.
- (2) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish for the grant described in this Subsection (2):
  - (a) eligibility criteria for a teacher to qualify for a grant up to \$100 per additional work assignment;
  - (b) an application process; and
  - (c) a distribution formula.

Enacted by Chapter 409, 2022 General Session

**53F-2-525 Block grant funding for prevention programs in public education.**

- (1) As used in this section, "comprehensive prevention plan" means an LEA's plan:
  - (a) to implement evidence-based early-intervention and prevention practices tailored to achieve outcomes and mitigate risk factors in a manner consistent with the following programs:
    - (i) substance abuse prevention programs described in Section 53E-3-522;
    - (ii) youth suicide prevention programs described in Section 53G-9-702; and
    - (iii) positive behavior plans described in Section 53G-10-407;
  - (b) that includes:
    - (i) information on the impact of childhood trauma on student learning, including information advising educators against practicing medicine, giving a diagnosis, or providing treatment; and
    - (ii) resiliency building skills; and
  - (c) that an LEA designs in collaboration with the state board, as described in Subsection (4)(a)(i), and with input from parents, students, educators, and student support staff within the LEA.

- (2) Subject to legislative appropriations, the state board shall distribute block grant funding to LEAs for use in accordance with Subsection (5)(b)(iii) to implement a comprehensive prevention plan that the state board approves in accordance with Subsection (3).
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to:
- (a) establish an application process that allows an LEA to:
    - (i) articulate the approach and rationale underlying the LEA's comprehensive prevention plan;
    - (ii) demonstrate the LEA's specific prevention needs;
    - (iii) provide data that supports the substance and cost of the LEA's comprehensive prevention plan;
    - (iv) outline the ways in which the LEA will use the block grant funding in a united prevention effort to achieve the outcomes that the individual programs described in Subsection (1) target; and
    - (v) identify the specific outcomes described in Subsection (3)(a)(iv) by which the LEA will measure the success of the comprehensive prevention plan; and
  - (b) establish additional grant application conditions.
- (4) The state board shall:
- (a)
    - (i) provide guidance to each LEA that is preparing a prevention block grant funding application on the design and implementation of the LEA's comprehensive prevention program;
    - (ii) review each prevention block grant funding application for compliance and eligibility; and
    - (iii) provide to each LEA that receives block grant funding:
      - (A) technical assistance that is tailored to the LEA's specified prevention needs; and
      - (B) targeted professional learning opportunities in evidence-based prevention practices;
  - (b) evaluate and prioritize block grant funding applications under this section and individual funding needs for LEAs that choose to seek out funding for individual prevention programs, as described in Subsection (5)(a), as the state board deems necessary to ensure the effectiveness of statewide prevention efforts.
- (5)
- (a) An LEA may seek block grant funding under this section or segregated funding for the individual programs described in Subsection (1), based on the LEA governing board's determination of specific prevention needs within the LEA.
  - (b) Notwithstanding any other provision of law or state board rule, an LEA that receives block grant funding under this section:
    - (i) shall submit to the state board a report that:
      - (A) accounts for the LEA's use of the block grant funding; and
      - (B) provides data points, including the measurement of the specified outcomes described in Subsection (3)(a)(v), that demonstrate the effectiveness of the LEA's comprehensive prevention plan;
    - (ii) is not required to submit to the state board an individual report for each program described in Subsection (1); and
    - (iii) may use block grant funding to:
      - (A) implement the state board-approved comprehensive prevention plan;
      - (B) carry out the prevention-focused parent seminars described in Subsection 53G-9-703(2); and
      - (C) other evidence-based prevention practices that the state board authorizes.

Amended by Chapter 98, 2023 General Session, (Coordination Clause)

Enacted by Chapter 98, 2023 General Session

## Part 6 State Guarantee Funding

### **53F-2-601 State guaranteed local levy increments -- Appropriation to increase number of guaranteed local levy increments -- No effect of change of minimum basic tax rate -- Voted and board local levy funding balance -- Use of guaranteed local levy increment funds.**

(1) As used in this section:

- (a) "Board local levy" means a local levy described in Section 53F-8-302.
- (b) "Guaranteed local levy increment" means a local levy increment guaranteed by the state:
  - (i) for the board local levy, described in Subsections (2)(a)(ii)(A) and (2)(b)(ii)(B); or
  - (ii) for the voted local levy, described in Subsections (2)(a)(ii)(B) and (2)(b)(ii)(A).
- (c) "Local levy increment" means .0001 per dollar of taxable value.
- (d)
  - (i) "Voted and board local levy funding balance" means the difference between:
    - (A) the amount appropriated for the guaranteed local levy increments in a fiscal year; and
    - (B) the amount necessary to fund in the same fiscal year the guaranteed local levy increments as determined under this section.
  - (ii) "Voted and board local levy funding balance" does not include appropriations described in Subsection (2)(b)(i).
- (e) "Voted local levy" means a local levy described in Section 53F-8-301.

(2)

- (a)
  - (i) In addition to the revenue collected from the imposition of a voted local levy or a board local levy, the state shall guarantee that a school district receives, subject to Subsections (2)(b)(ii)(C) and (3)(a), for each guaranteed local levy increment, an amount sufficient to guarantee for a fiscal year that begins on July 1, 2018, \$43.10 per weighted pupil unit.
  - (ii) Except as provided in Subsection (2)(b)(ii), the number of local levy increments that are subject to the guarantee amount described in Subsection (2)(a)(i) are:
    - (A) for a board local levy, the first four local levy increments a local school board imposes under the board local levy; and
    - (B) for a voted local levy, the first 16 local levy increments a local school board imposes under the voted local levy.
- (b)
  - (i) Subject to future budget constraints and Subsection (2)(c), the Legislature shall annually appropriate money from the Local Levy Growth Account established in Section 53F-9-305 for purposes described in Subsection (2)(b)(ii).
  - (ii) The state board shall, for a fiscal year beginning on or after July 1, 2018, and subject to Subsection (2)(c), allocate funds appropriated under Subsection (2)(b)(i) and the amount described in Subsection (3)(c) in the following order of priority by increasing:
    - (A) by up to four increments the number of voted local levy guaranteed local levy increments above 16;
    - (B) by up to 16 increments the number of board local levy guaranteed local levy increments above four; and
    - (C) the guaranteed amount described in Subsection (2)(a)(i).

- (c) The number of guaranteed local levy increments under this Subsection (2) for a school district may not exceed 20 guaranteed local levy increments, regardless of whether the guaranteed local levy increments are from the imposition of a voted local levy, a board local levy, or a combination of the two.
- (3)
- (a) The guarantee described in Subsection (2)(a)(i) is indexed each year to the value of the weighted pupil unit by making the value of the guarantee equal to .011962 times the value of the prior year's weighted pupil unit.
  - (b) The guarantee shall increase by .0005 times the value of the prior year's weighted pupil unit for each year subject to the Legislature appropriating funds for an increase in the guarantee.
  - (c) If the indexing and growth described in Subsections (3)(a) and (b) result in a cost to the state in a given fiscal year that is less than the amount the Legislature appropriated, the state board shall dedicate the difference to the allocation described in Subsection (2)(b)(ii).
- (4)
- (a) The amount of state guarantee money that a school district would otherwise be entitled to receive under this section may not be reduced for the sole reason that the school district's board local levy or voted local levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant to changes in property valuation.
  - (b) Subsection (4)(a) applies for a period of five years following a change in the certified tax rate as described in Subsection (4)(a).
- (5) The guarantee provided under this section does not apply to the portion of a voted local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal year, unless an increase in the voted local levy rate was authorized in an election conducted on or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.
- (6)
- (a) If a voted and board local levy funding balance exists for the prior fiscal year, the state board shall distribute the voted and board local levy funding balance, using the calculations for distribution of program balances for the fiscal year in which the balance occurs, to qualifying school districts in a one-time payment during the first quarter of the current fiscal year.
  - (b) The state board shall report action taken under Subsection (6)(a) to the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget.
- (7) A local school board of a school district that receives funds described in this section shall budget and expend the funds for public education purposes.

Amended by Chapter 467, 2023 General Session

## **Part 7**

### **Charter School Funding**

#### **53F-2-701 Definitions.**

The terms defined in Section 53G-5-102 apply to this part.

Enacted by Chapter 2, 2018 General Session

#### **53F-2-702 Funding for charter schools.**

- (1) Except as described in Section 53F-2-302, a charter school shall receive state funds, as applicable, on the same basis as a school district receives funds.
- (2)
  - (a) As described in Section 53F-2-703, the state board shall distribute charter school levy per pupil revenues to charter schools.
  - (b) As described in Section 53F-2-704, and subject to future budget constraints, the Legislature shall provide an appropriation for charter schools for each charter school student enrolled on October 1 to supplement the allocation of charter school levy per pupil revenues described in Subsection (2)(a).
- (3) Charter schools are eligible to receive federal funds if they meet all applicable federal requirements and comply with relevant federal regulations.
- (4) The state board shall distribute funds for charter school students directly to the charter school.
- (5)
  - (a) Notwithstanding Subsection (1), a charter school is not eligible to receive state transportation funding.
  - (b) The state board shall also adopt rules relating to the transportation of students to and from charter schools, taking into account Sections 53F-2-403 and 53G-6-405.
  - (c) A charter school governing board may provide transportation through an agreement or contract with the local school board, a private provider, or parents.
- (6)
  - (a)
    - (i) In accordance with Section 53F-2-705, the State Charter School Board may allocate grants for start-up costs to charter schools from money appropriated for charter school start-up costs.
    - (ii) The charter school governing board of a charter school that receives money from a grant under Section 53F-2-705 shall use the grant for expenses for planning and implementation of the charter school.
  - (b) The state board shall coordinate the distribution of federal money appropriated to help fund costs for establishing and maintaining charter schools within the state.
- (7)
  - (a) A charter school may receive, hold, manage and use any devise, bequest, grant, endowment, gift, or donation of any property made to the school for any of the purposes of Title 53G, Chapter 5, Charter Schools, or related provisions.
  - (b) It is unlawful for any person affiliated with a charter school to demand or request any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated with the charter school as a condition for employment or enrollment at the school or continued attendance at the school.

Amended by Chapter 186, 2019 General Session

**53F-2-703 Charter school levy.**

- (1) As used in this section:
  - (a) "Charter School Levy Account" means the Charter School Levy Account created in Section 53F-9-301.
  - (b) "Charter school levy per district revenues" means the product of:
    - (i) a school district's district per pupil local revenues; and
    - (ii) the number of charter school students in the school district who are resident students.
  - (c) "Charter school levy per pupil revenues" means an amount equal to the following:

- (i) charter school levy total local revenues for a given fiscal year, adjusted if necessary as described in Subsection (4); divided by
  - (ii) the number of students enrolled in a charter school on October 1 of the prior school year.
  - (d) "Charter school levy revenues" means the charter school levy revenues generated by a charter school levy rate described in Subsection (2)(b)(i).
  - (e) "Charter school levy total local revenues" means the sum of charter school levy per district revenues for every school district in the state for the same given fiscal year.
  - (f) "District per pupil local revenues" means the same as that term is defined in Section 53F-2-704.
  - (g) "Resident student" means the same as that term is defined in Section 53F-2-704.
- (2)
- (a) Beginning with the taxable year beginning on January 1, 2017, the state shall annually impose a charter school levy as described in this Subsection (2).
  - (b)
    - (i) For each school district, before June 22, the State Tax Commission shall certify a rate for the charter school levy described in Subsection (2)(a) to generate an amount of revenue within a school district equal to 25% of the charter school levy per district revenues excluding the amount of revenues:
      - (A) described in Subsection 53F-2-704(1)(c)(iv); and
      - (B) expended by the school district for recreational facilities and activities authorized under Title 11, Chapter 2, Playgrounds.
    - (ii) To calculate a charter school levy rate for a school district, the State Tax Commission shall use the calculation method described in Subsection 59-2-924(4).
  - (c) The charter school levy shall be separately stated on a tax notice.
- (3)
- (a) A county treasurer shall collect the charter school levy revenues for all school districts located within the county treasurer's county and remit the money monthly to the state treasurer.
  - (b) The state treasurer shall deposit the charter school levy revenues received from a county treasurer into the Charter School Levy Account.
- (4)
- (a) For each charter school student, the state board shall distribute the charter school per pupil levy revenues from the Charter School Levy Account to the student's charter school in accordance with this Subsection (4).
  - (b) For a given fiscal year, if the actual charter school levy total local revenues are more than the estimated charter school levy total local revenues the state board shall:
    - (i) deduct the amount of revenue that exceeds the estimated charter school levy total local revenues from the actual charter school levy total local revenues; and
    - (ii) use the remaining amount to calculate the charter school per pupil levy revenues.
  - (c) For a given fiscal year, if the actual charter school total local revenues are less than the estimated charter school levy total local revenues, the state board shall:
    - (i) if sufficient funds are available in the Charter School Levy Account, add an amount of funds from the Charter School Levy Account to the charter school levy total local revenues to equal the estimated charter school levy total local revenues; and
    - (ii) if sufficient funds are not available in the Charter School Levy Account, calculate the charter school per pupil levy revenues using the actual amount of the charter school levy total local revenues.

**53F-2-704 Charter school levy state guarantee.**

- (1) As used in this section:
- (a) "Charter school levy per pupil revenues" means the same as that term is defined in Section 53F-2-703.
  - (b) "Charter school students' average local revenues" means the amount determined as follows:
    - (i) for each student enrolled in a charter school on the previous October 1, calculate the district per pupil local revenues of the school district in which the student resides;
    - (ii) sum the district per pupil local revenues for each student enrolled in a charter school on the previous October 1; and
    - (iii) divide the sum calculated under Subsection (1)(b)(ii) by the number of students enrolled in charter schools on the previous October 1.
  - (c) "District local property tax revenues" means the sum of a school district's revenue received from the following:
    - (i) a voted local levy imposed under Section 53F-8-301;
    - (ii) a board local levy imposed under Section 53F-8-302, excluding revenues expended for:
      - (A) pupil transportation, up to the amount of revenue generated by a .0003 per dollar of taxable value of the school district's board local levy; and
      - (B) the Early Literacy Program described in Section 53F-2-503, up to the amount of revenue generated by a .000121 per dollar of taxable value of the school district's board local levy;
    - (iii) a capital local levy imposed under Section 53F-8-303; and
    - (iv) a guarantee described in Section 53F-2-601, 53F-3-202, or 53F-3-203.
  - (d) "District per pupil local revenues" means, using data from the most recently published school district annual financial reports and state superintendent's annual report, an amount equal to district local property tax revenues divided by the sum of:
    - (i) a school district's average daily membership; and
    - (ii) the average daily membership of a school district's resident students who attend charter schools.
  - (e) "Resident student" means a student who is considered a resident of the school district under Title 53G, Chapter 6, Part 3, School District Residency.
  - (f) "Statewide average debt service revenues" means the amount determined as follows, using data from the most recently published state superintendent's annual report:
    - (i) sum the revenues of each school district from the debt service levy imposed under Section 11-14-310; and
    - (ii) divide the sum calculated under Subsection (1)(f)(i) by statewide school district average daily membership.
- (2)
- (a) Subject to future budget constraints, the Legislature shall provide an appropriation for charter schools for each charter school student enrolled on October 1 to supplement the allocation of charter school levy per pupil revenues described in Subsection 53F-2-702(2)(a).
  - (b) Except as provided in Subsection (2)(c), the amount of money provided by the state for a charter school student shall be the sum of:
    - (i) charter school students' average local revenues minus the charter school levy per pupil revenues; and
    - (ii) statewide average debt service revenues.
  - (c) If the total of charter school levy per pupil revenues distributed by the state board and the amount provided by the state under Subsection (2)(b) is less than \$1,427, the state shall

provide an additional supplement so that a charter school receives at least \$1,427 per student under Subsection 53F-2-702(2).

(d)

- (i) If the legislative appropriation described in Subsection (2)(a) is insufficient to provide an amount described in Subsection (2)(b) for each charter school student, the state board shall make an adjustment to Minimum School Program allocations as described in Section 53F-2-205.
- (ii) Following an adjustment described in Subsection (2)(d)(i), if legislative appropriations remain insufficient to provide an amount described in Subsection (2)(b) for each student enrolled in a charter school, the state board shall:
  - (A) distribute to a charter school an amount described in Subsection (2)(b) for each student enrolled in the charter school under or equal to the maximum number of students the charter school serves, as described in the charter school's charter school agreement described in Section 53G-5-303; and
  - (B) distribute money remaining after the distributions described in Subsection (2)(d)(ii)(A) to a charter school based on the charter school's share of all students enrolled in charter schools who exceed the number of maximum students served by charter schools, as described in charter school agreements entered into under Section 53G-5-303.

(3)

- (a) Except as provided in Subsection (3)(b), of the money provided to a charter school under Subsection 53F-2-702(2), 10% shall be expended for funding school facilities only.
- (b) Subsection (3)(a) does not apply to an online charter school.

Amended by Chapter 136, 2019 General Session

Amended by Chapter 186, 2019 General Session

### **53F-2-705 Grants for charter school start-up costs.**

(1)

- (a) The State Charter School Board shall use money appropriated for charter school start-up costs to provide grants to charter schools to pay for expenses for the planning and implementation of a charter school.
- (b) The State Charter School Board:
  - (i) may use up to 8% of the money appropriated for charter school start-up costs for financial monitoring of new charter schools and to provide professional development or technical assistance for charter school governing board members and staff of new charter schools; and
  - (ii) in accordance with rules adopted by the state board, may use up to \$200,000 of the money appropriated for charter school start-up costs for a mentoring program for new and existing charter schools.

(2) The amount of a grant for charter school start-up costs shall be based on the authorized enrollment of the charter school.

(3) The state board shall make rules consistent with this section specifying:

- (a) procedures for applying for and awarding grants for charter school start-up costs;
- (b) permitted uses of grant money; and
- (c) requirements for a charter school to submit the following to the State Charter School Board:
  - (i) a budget for the grant money; and
  - (ii) a final report on the expenditure of the grant money.



- (4) The state board shall make rules establishing a mentoring program for new and existing charter schools.

Amended by Chapter 186, 2019 General Session

**53F-2-706 Small charter school base funding.**

- (1) Subject to legislative appropriation, the state board shall distribute small charter school base funding to charter schools with 2,000 or fewer students in the amount of the greater of \$40,000 or \$115 per student.
- (2) A charter school's eligibility for small charter school base funding is determined by the charter school's student enrollment on October 1 of a given year.
- (3) Notwithstanding this section and subject to legislative appropriations, the state board may distribute to charter schools, regardless of size, one-time funding that the Legislature appropriates to mitigate funding losses as described in legislative appropriations.

Amended by Chapter 467, 2023 General Session

## **Chapter 3 State Funding -- Capital Outlay Programs**

### **Part 1 General Provisions**

**53F-3-101 Title.**

This chapter is known as "State Funding -- Capital Outlay Programs."

Enacted by Chapter 2, 2018 General Session

**53F-3-102 Definitions.**

As used in this chapter:

- (1) "ADM" or "pupil in average daily membership" is as defined in Section 53F-2-102.
- (2) "Base tax effort rate" means the average of:
  - (a) the highest combined capital levy rate; and
  - (b) the average combined capital levy rate for the school districts statewide.
- (3) "Combined capital levy rate" means a rate that includes the sum of the following property tax levies:
  - (a)
    - (i) the debt service levy authorized in Section 11-14-310; and
    - (ii) the voted capital outlay leeway authorized in Section 53F-8-402; or
  - (b)
    - (i) the capital local levy authorized in Section 53F-8-303; and
    - (ii) the debt service levy authorized in Section 11-14-310.
- (4) "Derived net taxable value" means the quotient of:
  - (a) the total property tax collections from April 1 through the following March 31 for a school district for the calendar year preceding the March 31 date; divided by

- (b) the school district's total tax rate for the calendar year preceding the March 31 referenced in Subsection (4)(a).
- (5) "Highest combined capital levy rate" means the highest combined capital levy rate imposed by a school district within the state for a fiscal year.
- (6) "Property tax base per ADM" means the quotient of:
  - (a) a school district's derived net taxable value; divided by
  - (b) the school district's ADM.
- (7) "Property tax yield per ADM" means:
  - (a) the product of:
    - (i) a school district's derived net taxable value; and
    - (ii) the base tax effort rate; divided by
  - (b) the school district's ADM.
- (8) "Statewide average property tax base per ADM" means the quotient of:
  - (a) the sum of all school districts' derived net taxable value; divided by
  - (b) the sum of all school districts' ADM.

Renumbered and Amended by Chapter 2, 2018 General Session  
Amended by Chapter 456, 2018 General Session

## **Part 2**

### **Capital Outlay Programs**

#### **53F-3-201 Capital outlay programs -- Use of funds.**

A school district may only use the money provided under this chapter for school district capital outlay and debt service purposes.

Renumbered and Amended by Chapter 2, 2018 General Session

#### **53F-3-202 Capital Outlay Foundation Program created -- Distribution formulas -- Allocations.**

- (1) As used in this section:
  - (a) "Foundation guarantee level per ADM" means a minimum revenue amount per ADM generated by the base tax effort rate, including the following:
    - (i) the revenue generated locally from a school district's combined capital levy rate; and
    - (ii) the revenue allocated to a school district by the state board in accordance with Section 53F-3-202.
  - (b) "Qualifying school district" means a school district with a property tax yield per ADM less than the foundation guarantee level per ADM.
  - (c) "Small school district" means a school district that has fewer than 1,000 pupils in average daily membership.
- (2) There is created the Capital Outlay Foundation Program to provide capital outlay funding to a school district based on a district's local property tax effort and property tax yield per student compared to a foundation guarantee funding level.
- (3)
  - (a) The state board shall determine the foundation guarantee level per ADM that fully allocates the funds appropriated to the state board for distribution under this section.

- (b) In determining the foundation guarantee level per ADM and a school district's allocation of funds under this section, the state board shall use data from the fiscal year that is two years prior to the fiscal year the school district receives the allocation, including the:
  - (i) number of pupils in average daily membership;
  - (ii) tax rates; and
  - (iii) derived net taxable value.
- (4) By June 1, a county treasurer shall report to the state board the actual collections of property taxes in the school districts located within the county treasurer's county for the period beginning April 1 through the following March 31 immediately preceding that June 1.
- (5) If a qualifying school district imposes a combined capital levy rate that is greater than or equal to the base tax effort rate, the state board shall allocate to the qualifying school district an amount equal to the product of the following:
  - (a) the qualifying school district's ADM; and
  - (b) an amount equal to the difference between the following:
    - (i) the foundation guarantee level per ADM, as determined in accordance with Subsection (3); and
    - (ii) the qualifying school district's property tax yield per ADM.
- (6) If a qualifying school district imposes a combined capital levy rate less than the base tax effort rate, the state board shall allocate to the qualifying school district an amount equal to the product of the following:
  - (a) the qualifying school district's ADM;
  - (b) an amount equal to the difference between the following:
    - (i) the foundation guarantee level per ADM; and
    - (ii) the qualifying school district's property tax yield per ADM; and
  - (c) a percentage equal to:
    - (i) the qualifying school district's combined capital levy rate; divided by
    - (ii) the base tax effort rate.
- (7)
  - (a) The state board shall allocate:
    - (i) a minimum of \$200,000 to each small school district with a property tax base per ADM less than or equal to the statewide average property tax base per ADM;
    - (ii) a minimum of \$100,000 to each small school district with a property tax base per ADM that is:
      - (A) greater than the statewide average property tax base per ADM; and
      - (B) less than or equal to two times the statewide average property tax base per ADM; and
    - (iii) a minimum of \$50,000 to each small school district with a property tax base per ADM that is:
      - (A) greater than two times the statewide average property tax base per ADM; and
      - (B) less than or equal to five times the statewide average property tax base per ADM.
  - (b) The state board shall incorporate the minimum allocations described in Subsection (7)(a) in its calculation of the foundation guarantee level per ADM determined in accordance with Subsection (3).

Amended by Chapter 186, 2019 General Session

**53F-3-203 Capital Outlay Enrollment Growth Program created -- Distribution formulas -- Allocations.**

- (1) As used in this section:

- (a) "Average annual net enrollment increase" means the quotient of:
  - (i)
    - (A) enrollment in the prior fiscal year, based on October 1 enrollment counts; minus
    - (B) enrollment in the year four years prior, based on October 1 enrollment counts; divided by
  - (ii) three.
- (b) "Eligible district" or "eligible school district" means a school district that:
  - (i) has an average annual net enrollment increase; and
  - (ii) has a property tax base per ADM in the year two years prior that is less than two times the statewide average property tax base per ADM in the year two years prior.
- (2) There is created the Capital Outlay Enrollment Growth Program to provide capital outlay funding to school districts experiencing net enrollment increases.
- (3) For fiscal years beginning on or after July 1, 2008, the state board shall annually allocate appropriated funds to eligible school districts in accordance with Subsection (4).
- (4) The state board shall allocate to an eligible school district an amount equal to the product of:
  - (a) the quotient of:
    - (i) the eligible school district's average annual net enrollment increase; divided by
    - (ii) the sum of the average annual net enrollment increase in all eligible school districts; and
  - (b) the total amount appropriated for the Capital Outlay Enrollment Growth Program in that fiscal year.

Amended by Chapter 186, 2019 General Session

**53F-3-204 School Building Revolving Account.**

The School Building Revolving Account is created as described in Section 53F-9-206, to provide short-term help to school districts to meet district needs for school building construction and renovation.

Enacted by Chapter 2, 2018 General Session

**Chapter 4**  
**State Funding -- Contracted Initiatives**

**Part 1**  
**General Provisions**

**53F-4-101 Title.**

This chapter is known as "State Funding -- Contracted Initiatives."

Enacted by Chapter 2, 2018 General Session

**53F-4-102 Definitions.**

Reserved

Enacted by Chapter 2, 2018 General Session

## Part 2 Contracts

### **53F-4-201 State board required to contract for a benchmark assessment system for reading.**

- (1)
  - (a) As described in Section 53E-4-307, the state board shall approve a benchmark assessment for use statewide by school districts and charter schools.
  - (b) The state board shall contract with one or more educational technology providers, selected through a request for proposals process, for a benchmark assessment system for reading described in Section 53E-4-307 that meets the requirements of this section.
- (2) Subject to legislative appropriations, a benchmark assessment system for reading shall be made available to school districts and charter schools that apply to use a benchmark assessment for reading beginning in the 2011-12 school year.
- (3) A benchmark assessment system for reading for students described in Subsection (1) shall:
  - (a) be in a digital format;
  - (b) include benchmark assessments of reading proficiency to be administered at the beginning, in the middle, and at the end of kindergarten and the grades for which the state board approves the benchmark assessment;
  - (c) include formative assessments to be administered every two to four weeks for students who are at high risk of not attaining proficiency in reading;
  - (d) align with the language arts core standards for Utah public schools adopted by the state board; and
  - (e) include a data analysis component hosted by the provider that:
    - (i) has the capacity to generate electronic information immediately and produce individualized student progress reports, class summaries, and class groupings for instruction;
    - (ii) may have the capability of identifying lesson plans that may be used to develop reading skills;
    - (iii) enables teachers, administrators, and designated supervisors to access reports through a secured password system;
    - (iv) produces electronic printable reports for parents and administrators; and
    - (v) has the capability for principals to monitor usage by teachers.

Amended by Chapter 14, 2020 Special Session 5

### **53F-4-202 College readiness diagnostic tool.**

- (1) The state board shall contract with a provider, selected through a request for proposals process, to provide an online college readiness diagnostic tool that is aligned with the college readiness assessment described in Section 53E-4-305.
- (2) An online test preparation program described in Subsection (1):
  - (a)
    - (i) shall allow a student to independently access online materials and learn at the student's own pace; and
    - (ii) may be used to provide classroom and teacher-assisted instruction;
  - (b) shall provide online study materials, diagnostic exams, drills, and practice tests in an approach that is engaging to high school students;

- (c) shall enable electronic reporting of student progress to administrators, teachers, parents, and other facilitators;
  - (d) shall record a student's progress in an online dashboard that provides diagnostic assessment of the content areas tested and identifies mastery of corresponding skill sets; and
  - (e) shall provide training and professional development to personnel in school districts and charter schools on how to utilize the online test preparation program and provide teacher-assisted instruction to students.
- (3) The state board, school districts, and charter schools shall make the online test preparation program available to a student:
- (a) beginning in the 2013-14 school year; and
  - (b) for at least one full year.

Amended by Chapter 186, 2019 General Session

**53F-4-203 Early interactive reading software -- Independent evaluator.**

- (1) Subject to legislative appropriations, the state board shall distribute funds to public schools based on enrollment for students in kindergarten through grade 3 to purchase personalized interactive reading software.
- (2) A public school that receives funds described in Subsection (1) shall use the funds for a student in kindergarten or grade 1, 2, or 3:
- (a) for intervention for the student if the student is reading below grade level; or
  - (b) for advancement beyond grade level for the student if the student is reading at or above grade level.
- (3)
- (a) On or before August 1 of each year, the state board shall select and contract with an independent evaluator, through a request for proposals process, to act as an independent contractor to evaluate early interactive reading software provided under this section.
  - (b) The state board shall ensure that a contract with an independent evaluator requires the independent evaluator to:
    - (i) evaluate a student's learning gains as a result of using early interactive reading software provided under Subsection (1);
    - (ii) for the evaluation under Subsection (3)(b)(i), use an assessment that is not developed by a provider of early interactive reading software; and
    - (iii) determine the extent to which a public school uses the early interactive reading software.
  - (c) The state board and the independent evaluator selected under Subsection (3)(a) shall submit a report on the results of the evaluation in accordance with Section 53E-1-201.
- (4) An LEA may acquire an analytical software program that:
- (a) monitors, for an individual school, early intervention interactive reading software use and the associated impact on student performance; and
  - (b) analyzes the information gathered under Subsection (4)(a) to prescribe individual school usage time to maximize the beneficial impact on student performance.
- (5) The state board:
- (a) may use up to 4% of the appropriation provided under Subsection (1):
    - (i) to contract with an independent evaluator selected under Subsection (3)(a); and
    - (ii) for administrative costs associated with this section; and
  - (b) shall distribute at least 96% of funds under this section to LEAs in accordance with Subsection (1).

- (6) Nothing in this section or in Section 53E-4-307 or 53G-11-303 requires a reading software product to demonstrate the statistically significant effect size described in Subsection 53G-11-303(1)(a) in order to be used as an instructional material.

Amended by Chapter 20, 2023 General Session

**53F-4-206 Computer program for students with autism and other special needs.**

- (1) To improve social skills and student achievement for students with autism and other special needs in pre-school through grade 2, the state board shall contract with a provider, selected through a request for proposals process, to provide computer software programs and activity manuals.
- (2) In evaluating proposals submitted under Subsection (1), the state board shall:
- (a) ensure that the state board's evaluation criteria weighs heavily the proposer's ability and experience to provide computer software programs and activity manuals to improve social skills and student achievement for students with autism and other special needs in pre-school through grade 2;
  - (b) consider, in evaluating the proposer's ability and experience, any quantitative and evaluative results from field testing, state tests, and other standardized achievement tests;
  - (c) ensure that the state board's evaluation criteria weighs heavily the proposer's ability to:
    - (i) collect data from each computer using the computer software, regardless of where the computer is located;
    - (ii) provide students access to the proposer's program from any computer with internet access;
    - (iii) enable reporting of student progress to administrators, teachers, parents, and other facilitators; and
    - (iv) record a student's progress in the computer software; and
  - (d) consider the extent to which the computer software program uses engaging animation to teach students.
- (3) The state board shall provide the computer software programs and activity manuals procured under this section to school districts and charter schools that demonstrate a commitment by the school principal and staff to implement the computer software programs and activity manuals as prescribed by the provider.

Amended by Chapter 186, 2019 General Session

**53F-4-207 Student intervention early warning program.**

- (1) As used in this section:
- (a) "Digital program" means a program that provides information for student early intervention as described in this section.
  - (b) "Online data reporting tool" means a system described in Section 53E-4-311.
  - (c) "Participating LEA" means an LEA that receives access to a digital program under Subsection (5).
- (2)
- (a) The state board shall, subject to legislative appropriations:
    - (i) subject to Subsection (2)(c), enhance the online data reporting tool and provide additional formative actionable data on student outcomes; and
    - (ii) select through a competitive contract process a provider to provide to an LEA a digital program as described in this section.

- (b) Information collected or used by the state board for purposes of enhancing the online data reporting tool in accordance with this section may not identify a student individually.
- (c) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define the primary exceptionalities described in Subsection (3)(e)(ii).
- (3) The enhancement to the online data reporting tool and the digital program shall:
  - (a) be designed with a user-appropriate interface for use by teachers, school administrators, and parents;
  - (b) provide reports on a student's results at the student level on:
    - (i) a national assessment;
    - (ii) a local assessment; and
    - (iii) a standards assessment described in Section 53E-4-303;
  - (c) have the ability to provide data from aggregate student reports based on a student's:
    - (i) teacher;
    - (ii) school;
    - (iii) school district, if applicable; or
    - (iv) ethnicity;
  - (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on a single computer screen;
  - (e) have the ability to compare the performance of students, for each teacher, based on a student's:
    - (i) gender;
    - (ii) special needs, including primary exceptionality as defined by state board rule;
    - (iii) English proficiency;
    - (iv) economic status;
    - (v) migrant status;
    - (vi) ethnicity;
    - (vii) response to tiered intervention;
    - (viii) response to tiered intervention enrollment date;
    - (ix) absence rate;
    - (x) feeder school;
    - (xi) type of school, including primary or secondary, public or private, Title I, or other general school-type category;
    - (xii) course failures; and
    - (xiii) other criteria, as determined by the state board; and
  - (f) have the ability to load data from a local, national, or other assessment in the data's original format within a reasonable time.
- (4) Subject to legislative appropriations, the online data reporting tool and digital program shall:
  - (a) integrate criteria for early warning indicators, including the following criteria:
    - (i) discipline;
    - (ii) attendance;
    - (iii) behavior;
    - (iv) course failures; and
    - (v) other criteria as determined by a local school board or charter school governing board;
  - (b) provide a teacher or administrator the ability to view the early warning indicators described in Subsection (4)(a) with a student's assessment results described in Subsection (3)(b);
  - (c) provide data on response to intervention using existing assessments or measures that are manually added, including assessment and nonacademic measures;



- (d) provide a user the ability to share interventions within a reporting environment and add comments to inform other teachers, administrators, and parents;
  - (e) save and share reports among different teachers and school administrators, subject to the student population information a teacher or administrator has the rights to access;
  - (f) automatically flag a student profile when early warning thresholds are met so that a teacher can easily identify a student who may be in need of intervention;
  - (g) incorporate a variety of algorithms to support student learning outcomes and provide student growth reporting by teacher;
  - (h) integrate response to intervention tiers and activities as filters for the reporting of individual student data and aggregated data, including by ethnicity, school, or teacher;
  - (i) have the ability to generate parent communication to alert the parent of academic plans or interventions; and
  - (j) configure alerts based upon student academic results, including a student's performance on the previous year's standards assessment described in Section 53E-4-303.
- (5)
- (a) The state board shall, subject to legislative appropriations, select an LEA to receive access to a digital program through a provider described in Subsection (2)(a)(ii).
  - (b) An LEA that receives access to a digital program shall:
    - (i) pay for 50% of the cost of providing access to the digital program to the LEA; and
    - (ii) no later than one school year after accessing a digital program, report to the state board in a format required by the state board on:
      - (A) the effectiveness of the digital program;
      - (B) positive and negative attributes of the digital program;
      - (C) recommendations for improving the online data reporting tool; and
      - (D) any other information regarding a digital program requested by the state board.
  - (c) The state board shall consider recommendations from an LEA for changes to the online data reporting tool.
- (6) Information described in this section shall be used in accordance with and provided subject to:
- (a) Title 53E, Chapter 9, Student Privacy and Data Protection;
  - (b) Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
  - (c) the parental consent requirements in Section 53E-9-203.
- (7)
- (a) A parent or guardian may opt the parent's or guardian's student out of participating in a survey prepared by a participating LEA's online data reporting tool described in this section.
  - (b) An LEA shall provide notice to a parent of:
    - (i) the administration of a survey described in Subsection (7)(a);
    - (ii) if applicable, that the survey may request information from students that is non-academic in nature;
    - (iii) where the parent may access the survey described in Subsection (7)(a) to be administered; and
    - (iv) the opportunity to opt a student out of participating in a survey as described in Subsection (7)(a).
  - (c) A participating LEA shall annually provide notice to parents and guardians on how the participating LEA uses student data through the online data reporting tool to provide instruction and intervention to students.

Amended by Chapter 208, 2022 General Session

**53F-4-208 State board procurement for school security software.**

- (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board shall issue a request for proposals, on or before June 15, 2023, and enter a contract with a private vendor for firearm detection software to detect and alert district personnel and first responders about the presence of visible, unholstered firearms on school property.
- (2) The contract described in Subsection (1) shall require the firearm detection software to be:
  - (a) developed in the United States without the use of any third-party or open-source data;
  - (b) protected by an awarded patent that includes a training database populated with frames of actual videos of firearms taken in relevant environments across diverse industries;
  - (c) designated as qualified anti-terrorism technology under the federal SAFETY Act, 6 U.S.C. Sec. 441 et seq.;
  - (d) designed to integrate with existing security camera infrastructure at school districts;
  - (e) managed directly by the contracted vendor through a constantly monitored operations center that is staffed by highly trained analysts in order to rapidly communicate possible threats to end users; and
  - (f) successfully deployed in other states, school districts, and commercial users.
- (3) An LEA may enter into the contract described in Subsection (1) for firearm detection software at the LEA's schools.

Enacted by Chapter 383, 2023 General Session

**Part 3**  
**Carson Smith Scholarship Program**

**53F-4-301 Definitions.**

As used in this part:

- (1) "Assessment team" means a team consisting of:
  - (a) the student's parent;
  - (b) the student's private school classroom teacher;
  - (c) special education personnel from the student's school district; and
  - (d) if available, special education personnel from the private school at which the student is enrolled.
- (2) "Eligible private school" means a private school that meets the requirements of Section 53F-4-303.
- (3) "Local Education Agency" or "LEA" means:
  - (a) a school district; or
  - (b) a charter school.
- (4) "Preschool" means an education program for a student who:
  - (a) is age three, four, or five; and
  - (b) has not entered kindergarten.
- (5) "Scholarship student" means a student who receives a scholarship under this part.
- (6) "Value of the weighted pupil unit" means the amount established each year in statute that is multiplied by the number of weighted pupil units to yield the funding level for the basic state-supported school program.

Amended by Chapter 186, 2019 General Session

**53F-4-301.5 Findings and purpose.**

The Legislature finds that:

- (1) the state system of public education as established and maintained under the state constitution shall be open to all children of the state;
- (2) students with disabilities have special needs that merit educational alternatives which will allow students to learn in an appropriate setting and manner;
- (3) those needs may include teachers trained in special teaching methods, small class sizes, and special materials, equipment, and classroom environments;
- (4) parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their children;
- (5) the establishment of this scholarship program is justified on the basis of funding the special needs of students with disabilities as with other programs similarly funded by the state for people with disabilities;
- (6) children, parents, and families are the primary beneficiaries of the scholarship program authorized in this part and any benefit to private schools, sectarian or otherwise, is purely incidental;
- (7) the scholarship program authorized in this part is:
  - (a) enacted for the valid secular purpose of tailoring a student's education to that student's specific needs;
  - (b) neutral with respect to religion;
  - (c) provides limited assistance to citizens who are then able to direct their resources to religious and secular schools solely as a result of their genuine and independent private choices; and
  - (d) in accordance with the best interests of the taxpayers and citizens of the state to encourage educational opportunities; and
- (8) nothing in this part shall be construed as a basis for granting vouchers or tuition tax credits for any other students, with or without disabilities.

Renumbered and Amended by Chapter 2, 2018 General Session

**53F-4-302 Scholarship program created -- Qualifications.**

- (1) The Carson Smith Scholarship Program is created to award scholarships to students with disabilities to attend a private school.
- (2) To qualify for a scholarship:
  - (a) the student's custodial parent shall reside within Utah;
  - (b) the student shall have one or more of the following disabilities:
    - (i) an intellectual disability;
    - (ii) deafness or being hard of hearing;
    - (iii) a speech or language impairment;
    - (iv) a visual impairment;
    - (v) a serious emotional disturbance;
    - (vi) an orthopedic impairment;
    - (vii) autism;
    - (viii) traumatic brain injury;
    - (ix) other health impairment;
    - (x) specific learning disabilities;
    - (xi) deafblindness; or

- (xii) a developmental delay, provided the student is at least three years of age, pursuant to Subsection (2)(c), and is younger than eight years of age;
- (c) the student shall be at least three years of age before September 2 of the year in which admission to a private school is sought and under 19 years of age on the last day of the school year as determined by the private school, or, if the individual has not graduated from high school, will be under 22 years of age on the last day of the school year as determined by the private school; and
- (d) except as provided in Subsection (3), the student shall:
  - (i) be enrolled in a Utah public school in the school year prior to the school year the student will be enrolled in a private school;
  - (ii) have an IEP; and
  - (iii) have obtained acceptance for admission to an eligible private school.
- (3) The requirements of Subsection (2)(d) do not apply in the following circumstances:
  - (a) the student is enrolled or has obtained acceptance for admission to an eligible private school that has previously served students with disabilities; and
  - (b) an assessment team is able to readily determine with reasonable certainty:
    - (i) that the student has a disability listed in Subsection (2)(b) and would qualify for special education services, if enrolled in a public school; and
    - (ii) for the purpose of establishing the scholarship amount, the appropriate level of special education services which should be provided to the student.
- (4)
  - (a) To receive a full-year scholarship under this part, a parent of a student shall submit to the LEA where the student is enrolled an application on or before the August 15 immediately preceding the first day of the school year for which the student would receive the scholarship.
  - (b) The state board may waive the full-year scholarship deadline described in Subsection (4)(a).
  - (c) An application for a scholarship shall contain an acknowledgment by the parent that the selected school is qualified and capable of providing the level of special education services required for the student.
- (5)
  - (a) The scholarship application form shall contain the following statement:
    - "I acknowledge that:
      - (1) A private school may not provide the same level of special education services that are provided in a public school;
      - (2) I will assume full financial responsibility for the education of my scholarship student if I accept this scholarship;
      - (3) Acceptance of this scholarship has the same effect as a parental refusal to consent to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.; and
      - (4) My child may return to a public school at any time."
  - (b) Upon acceptance of the scholarship, the parent assumes full financial responsibility for the education of the scholarship student.
  - (c) Acceptance of a scholarship has the same effect as a parental refusal to consent to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
  - (d) The creation of the scholarship program or granting of a scholarship does not:
    - (i) imply that a public school did not provide a free and appropriate public education for a student; or
    - (ii) constitute a waiver or admission by the state.

- (6)
  - (a) Except as provided in Subsection (6)(b), a scholarship shall remain in force for the lesser of:
    - (i) three years; or
    - (ii) until the student is determined ineligible for special education services.
  - (b) If a student is determined ineligible for special education services as described in Subsection (6)(a)(ii) before the end of a school year, the student may remain enrolled at the private school and qualifies for the scholarship until the end of the school year.
  - (c) A scholarship shall be extended for an additional three years, if:
    - (i) the student is evaluated by an assessment team; and
    - (ii) the assessment team determines that the student would qualify for special education services, if enrolled in a public school.
  - (d) The assessment team shall determine the appropriate level of special education services which should be provided to the student for the purpose of setting the scholarship amount.
  - (e) A scholarship shall be extended for successive three-year periods as provided in Subsections (6)(a) and (c):
    - (i) until the student graduates from high school; or
    - (ii) if the student does not graduate from high school, until the student is age 22.
- (7) A student's parent, at any time, may remove the student from a private school and place the student in another eligible private school and retain the scholarship.
- (8) A scholarship student:
  - (a) may participate in the Statewide Online Education Program described in Part 5, Statewide Online Education Program; and
  - (b) may not participate in a dual enrollment program pursuant to Section 53G-6-702.
- (9) The parents of a scholarship student have the authority to choose the private school that will best serve the interests and educational needs of that student, which may be a sectarian or nonsectarian school, and to direct the scholarship resources available for that student solely as a result of their genuine and independent private choices.
- (10)
  - (a) An LEA shall notify in writing the parents of students enrolled in the LEA who have an IEP of the availability of a scholarship to attend a private school through the Carson Smith Scholarship Program.
  - (b) The notice described under Subsection (10)(a) shall:
    - (i) be provided no later than 30 days after the student initially qualifies for an IEP;
    - (ii) be provided annually no later than February 1 to all students who have an IEP; and
    - (iii) include the address of the Internet website maintained by the state board that provides prospective applicants with detailed program information and application forms for the Carson Smith Scholarship Program.
  - (c) An LEA or school within an LEA that has an enrolled student who has an IEP shall post the address of the Internet website maintained by the state board that provides prospective applicants with detailed program information and application forms for the Carson Smith Scholarship Program on the LEA's or school's website, if the LEA or school has one.

Amended by Chapter 186, 2019 General Session

**53F-4-303 Eligible private schools.**

- (1) To be eligible to enroll a scholarship student, a private school shall:
  - (a) have a physical location in Utah where the scholarship students attend classes and have direct contact with the school's teachers;

- (b)
    - (i) contract with an independent licensed certified public accountant to conduct an Agreed Upon Procedures engagement, as adopted by the state board, or obtain an audit and report from a licensed independent certified public accountant that conforms with the following requirements:
      - (A) the audit shall be performed in accordance with generally accepted auditing standards;
      - (B) the financial statements shall be presented in accordance with generally accepted accounting principles; and
      - (C) the audited financial statements shall be as of a period within the last 12 months; and
    - (ii) submit the audit report or report of the agreed upon procedure to the state board when the private school applies to accept scholarship students;
  - (c) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d;
  - (d) meet state and local health and safety laws and codes;
  - (e) provide a written disclosure to the parent of each prospective student, before the student is enrolled of:
    - (i) the special education services that will be provided to the student, including the cost of those services;
    - (ii) tuition costs;
    - (iii) additional fees a parent will be required to pay during the school year; and
    - (iv) the skill or grade level of the curriculum that the student will be participating in;
  - (f)
    - (i) administer an annual assessment of each scholarship student's academic progress;
    - (ii) report the results of the assessment described in Subsection (1)(f)(i) to the student's parent; and
    - (iii) make the results available to the assessment team evaluating the student pursuant to Subsection 53F-4-302(6);
  - (g) employ or contract with teachers who:
    - (i) hold baccalaureate or higher degrees;
    - (ii) have at least three years of teaching experience in public or private schools; or
    - (iii) have the necessary special skills, knowledge, or expertise that qualifies them to provide instruction:
      - (A) in the subjects taught; and
      - (B) to the special needs students taught;
  - (h) maintain documentation demonstrating that teachers at the private school meet the qualifications described in Subsection (1)(g);
  - (i) require the following individuals to submit to a nationwide, fingerprint-based criminal background check and ongoing monitoring, in accordance with Section 53G-11-402, as a condition for employment or appointment, as authorized by the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248:
    - (i) an employee who does not hold a current Utah educator license issued by the state board under Title 53E, Chapter 6, Education Professional Licensure;
    - (ii) a contract employee; and
    - (iii) a volunteer who is given significant unsupervised access to a student in connection with the volunteer's assignment; and
  - (j) provide to the parent of the scholarship student the relevant credentials of the teachers who will be teaching the scholarship student.
- (2) A private school is not eligible to enroll scholarship students if:

- (a) the private school requires a student to sign a contract waiving the student's rights to transfer to another eligible private school during the school year;
  - (b) the audit report submitted under Subsection (1)(b) contains a going concern explanatory paragraph;
  - (c) the report of the agreed upon procedure submitted under Subsection (1)(b) shows that the private school does not have adequate working capital to maintain operations for the first full year, as determined under Subsection (1)(b); or
  - (d) the private school charges a scholarship student more in tuition or fees than another student based solely upon the scholarship student being a scholarship recipient under this part.
- (3) A home school is not eligible to enroll scholarship students.
- (4) Residential treatment facilities licensed by the state are not eligible to enroll scholarship students.
- (5) A private school intending to enroll scholarship students shall submit an application to the state board by May 1 of the school year preceding the school year in which it intends to enroll scholarship students.
- (6) The state board shall:
- (a) approve a private school's application to enroll scholarship students, if the private school meets the eligibility requirements of this section; and
  - (b) publish on the state board's website, a list of private schools approved under this section.
- (7) An approved eligible private school that changes ownership shall:
- (a) submit a new application to the state board; and
  - (b) demonstrate that the private school continues to meet the eligibility requirements of this section.

Amended by Chapter 353, 2023 General Session

**53F-4-304 Scholarship payments.**

- (1)
- (a) The state board shall award scholarships subject to the availability of money appropriated by the Legislature for that purpose.
  - (b) The Legislature shall annually appropriate money to the state board from the General Fund to make scholarship payments.
  - (c) The Legislature shall annually increase the amount of money appropriated under Subsection (1)(b) by an amount equal to the product of:
    - (i) the average scholarship amount awarded as of December 1 in the previous year; and
    - (ii) the product of:
      - (A) the number of students in preschool through grade 12 in public schools statewide who have an IEP on December 1 of the previous year; and
      - (B) 0.0007.
  - (d) If the number of scholarship students as of December 1 in any school year equals or exceeds 7% of the number of students in preschool through grade 12 in public schools statewide who have an IEP as of December 1 in the same school year, the Public Education Appropriations Subcommittee shall study the requirement to increase appropriations for scholarship payments as provided in this section.
  - (e)
    - (i) If money is not available to pay for all scholarships requested, the state board shall allocate scholarships on a random basis except that the state board shall give preference to students who received scholarships in the previous school year.

- (ii) If money is insufficient in a school year to pay for all the continuing scholarships, the state board may not award new scholarships during that school year and the state board shall prorate money available for scholarships among the eligible students who received scholarships in the previous year.
- (2) Except as provided in Subsection (4), the state board shall award full-year scholarships in the following amounts:
  - (a) for a student who received an average of 180 minutes per day or more of special education services in a public school before transferring to a private school, an amount not to exceed the lesser of:
    - (i) the value of the weighted pupil unit multiplied by 2.5; or
    - (ii) the private school tuition and fees; and
  - (b) for a student who received an average of less than 180 minutes per day of special education services in a public school before transferring to a private school, an amount not to exceed the lesser of:
    - (i) the value of the weighted pupil unit multiplied by 1.5; or
    - (ii) the private school tuition and fees.
- (3) The scholarship amount for a student enrolled in a half-day kindergarten or part-day preschool program shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.
- (4) If a student leaves a private school before the end of a fiscal quarter:
  - (a) the private school is only entitled to the amount of scholarship equivalent to the number of days that the student attended the private school; and
  - (b) the private school shall remit a prorated amount of the scholarship to the state board in accordance with the procedures described in rules adopted by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5) For the amount of funds remitted under Subsection (4)(b), the state board shall:
  - (a) make the amount available to the student to enroll immediately in another qualifying private school; or
  - (b) refund the amount back to the Carson Smith Scholarship Program account to be available to support the costs of another scholarship.
- (6)
  - (a) The state board shall make an additional allocation on a random basis before June 30 each year only:
    - (i) if there are sufficient remaining funds in the program; and
    - (ii) for scholarships for students enrolled in a full-day preschool program.
  - (b) If the state board awards a scholarship under Subsection (6)(a), the scholarship amount or supplement may not exceed the lesser of:
    - (i) the value of the weighted pupil unit multiplied by 1.0; or
    - (ii) the private school tuition and fees.
  - (c) The state board shall, when preparing annual growth projection numbers for the Legislature, include the annual number of applications for additional allocations described in Subsection (6)(a).
- (7)
  - (a) The scholarship amount for a student who receives a waiver under Subsection 53F-4-302(3) shall be based upon the assessment team's determination of the appropriate level of special education services to be provided to the student.
  - (b)
    - (i) If the student requires an average of 180 minutes per day or more of special education services, a full-year scholarship shall be equal to the amount specified in Subsection (2)(a).



- (ii) If the student requires less than an average of 180 minutes per day of special education services, a full-year scholarship shall be equal to the amount specified in Subsection (2)(b).
  - (iii) If the student is enrolled in a half-day kindergarten or part-day preschool program, a full-year scholarship is equal to the amount specified in Subsection (3).
- (8)
- (a) Except as provided in Subsection (8)(b), upon review and receipt of documentation that verifies a student's admission to, or continuing enrollment and attendance at, a private school, the state board shall make scholarship payments quarterly in four equal amounts in each school year in which a scholarship is in force.
  - (b) In accordance with state board rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may make a scholarship payment before the first quarterly payment of the school year, if a private school requires partial payment of tuition before the start of the school year to reserve space for a student admitted to the school.
- (9) A parent of a scholarship student shall notify the state board if the student does not have continuing enrollment and attendance at an eligible private school.
- (10) Before scholarship payments are made, the state board shall cross-check enrollment lists of scholarship students, LEAs, and youth in custody to ensure that scholarship payments are not erroneously made.

Amended by Chapter 408, 2020 General Session

**53F-4-305 State board to make rules.**

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules consistent with this part establishing:

- (1) the eligibility of students to participate in the scholarship program;
- (2) the application process for the scholarship program; and
- (3) payment procedures to eligible private schools.

Amended by Chapter 408, 2020 General Session

**53F-4-306 Enforcement and penalties.**

- (1)
- (a) The state board shall require a private school to submit a signed affidavit assuring the private school will comply with the requirements of this part.
  - (b) If a school fails to submit a signed affidavit within 30 days of receiving notification that the school is an approved private school to receive the Carson Smith Scholarship, the state board may:
    - (i) deny the private school permission to enroll scholarship students; and
    - (ii) interrupt disbursement of or withhold scholarship payments.
- (2) The state board may investigate complaints and convene administrative hearings for an alleged violation of this part.
- (3) Upon a finding that this part was violated, the state board may:
- (a) deny a private school permission to enroll scholarship students;
  - (b) interrupt disbursement of or withhold scholarship payments; or
  - (c) issue an order for repayment of scholarship payments fraudulently obtained.

Amended by Chapter 186, 2019 General Session

**53F-4-307 Limitation on regulation of private schools.**

Nothing in this part grants additional authority to any state agency or LEA to regulate private schools except as expressly set forth in this part.

Renumbered and Amended by Chapter 2, 2018 General Session

**Part 5  
Statewide Online Education Program**

**53F-4-501 Definitions.**

As used in this part:

- (1) "Authorized online course provider" means the entities listed in Subsection 53F-4-504(1).
- (2)
  - (a) "Certified online course provider" means a provider that the state board approves to offer courses through the Statewide Online Education Program.
  - (b) "Certified online course provider" does not include an entity described in Subsections 53F-4-504(1)(a) through (c).
- (3) "Credit" means credit for a high school course, or the equivalent for a middle school course, as determined by the state board.
- (4) "Eligible student" means a student:
  - (a) who intends to take a course for middle school or high school credit; and
  - (b)
    - (i) who is enrolled in an LEA in Utah; or
    - (ii)
      - (A) who attends a private school or home school; and
      - (B) whose custodial parent is a resident of Utah.
- (5) "High school" means grade 9, 10, 11, or 12.
- (6) "Middle school" means, only for purposes of student eligibility to participate in the Statewide Online Education Program, grade 6, 7, or 8.
- (7) "Online course" means a course of instruction offered by the Statewide Online Education Program through the use of digital technology, regardless of whether the student participates in the course at home, at school, at another location, or any combination of these.
- (8) "Plan for college and career readiness" means the same as that term is defined in Section 53E-2-304.
- (9) "Primary LEA of enrollment" means the LEA in which an eligible student is enrolled for courses other than online courses offered through the Statewide Online Education Program.
- (10) "Released-time" means a period of time during the regular school day a student is excused from school at the request of the student's parent pursuant to rules of the state board.

Amended by Chapter 226, 2023 General Session

Amended by Chapter 368, 2023 General Session

**53F-4-502 Statewide Online Education Program created -- Designated as program of the public education system -- Purposes.**

- (1) The Statewide Online Education Program is created to enable an eligible student to, through the completion of publicly funded online courses:

- (a) earn high school graduation credit; or
  - (b) earn middle school credit.
- (2) Pursuant to Utah Constitution, Article X, Section 2, the Statewide Online Education Program is designated as a program of the public education system.
- (3) The purposes of the Statewide Online Education Program are to:
- (a) provide a student with access to online learning options regardless of where the student attends school, whether a public, private, or home school;
  - (b) provide digital learning options for a student regardless of language, residence, family income, or special needs;
  - (c) provide online learning options to allow a student to acquire the knowledge and technology skills necessary in a digital world;
  - (d) utilize the power and scalability of technology to customize education so that a student may learn in the student's own style preference and at the student's own pace;
  - (e) utilize technology to remove the constraints of traditional classroom learning, allowing a student to access learning virtually at any time and in any place and giving the student the flexibility to take advantage of the student's peak learning time;
  - (f) provide personalized learning, where a student can spend as little or as much time as the student needs to master the material;
  - (g) provide greater access to self-paced programs enabling a high achieving student to accelerate academically, while a struggling student may have additional time and help to gain competency;
  - (h) allow a student to customize the student's schedule to better meet the student's academic goals;
  - (i) provide quality learning options to better prepare a student for post-secondary education and vocational or career opportunities; and
  - (j) allow a student to have an individualized educational experience.
- (4) The program name, "Statewide Online Education Program," shall be used in the dissemination of information on the program.

Amended by Chapter 368, 2023 General Session

**53F-4-503 Option to enroll in online courses offered through the Statewide Online Education Program.**

- (1) Subject to Subsections (2) and (8), an eligible student may enroll in an online course offered through the Statewide Online Education Program if:
- (a) the student meets the course prerequisites;
  - (b) the course is open for enrollment;
  - (c) the online course is aligned with the student's plan for college and career readiness;
  - (d) the online course is consistent with the student's IEP, if the student has an IEP; and
  - (e) the online course is consistent with the student's international baccalaureate program, if the student is participating in an international baccalaureate program.
- (2) An eligible student may enroll in online courses for no more than six credits per school year.
- (3) Notwithstanding Subsection (2):
- (a) a student's primary LEA of enrollment may allow an eligible student to enroll in online courses for more than the number of credits specified in Subsection (2); or
  - (b) upon the request of an eligible student, the state board may allow the student to enroll in online courses for more than the number of credits specified in Subsection (2), if the online courses better meet the academic goals of the student.

- (4) An eligible student's primary LEA of enrollment:
  - (a) in conjunction with the student and the student's parent, is responsible for preparing and implementing a plan for college and career readiness for the eligible student, as provided in Section 53E-2-304; and
  - (b) shall assist an eligible student in scheduling courses in accordance with the student's plan for college and career readiness, graduation requirements, and the student's post-secondary plans.
- (5) An eligible student's primary LEA of enrollment may not:
  - (a) impose restrictions on a student's selection of an online course that fulfills graduation requirements and is consistent with the student's plan for college and career readiness or post-secondary plans; or
  - (b) give preference to an online course or authorized online course provider.
- (6) The state board, including an employee of the state board, may not give preference to an online course or authorized online course provider.
- (7)
  - (a) Except as provided in Subsection (7)(b), a person may not provide an inducement or incentive to a public school student to participate in the Statewide Online Education Program.
  - (b) For purposes of Subsection (7)(a):
    - (i) "Inducement or incentive" does not mean:
      - (A) instructional materials or software necessary to take an online course; or
      - (B) access to a computer or digital learning device for the purpose of taking an online course.
    - (ii) "Person" does not include a relative of the public school student.
- (8) If the program lacks sufficient legislative appropriations to fund the enrollment in online courses for all eligible students who do not have a primary LEA of enrollment, the state board shall prioritize funding the enrollment of an eligible student who intends to graduate from high school during the school year in which the student enrolls in an online course.

Amended by Chapter 226, 2023 General Session

Amended by Chapter 368, 2023 General Session

**53F-4-504 Authorized online course providers -- Certified online course providers.**

- (1) The following entities are known as an authorized online course provider and may offer online courses to eligible students through the Statewide Online Education Program:
  - (a) a charter school or district school created exclusively for the purpose of serving students online;
  - (b) an LEA program, approved by the LEA governing board, that is created exclusively for the purpose of serving students online;
  - (c) a program of an institution of higher education listed in Section 53B-2-101 that:
    - (i) offers secondary school level courses; and
    - (ii) is created exclusively for the purpose of serving students online; and
  - (d) a certified online course provider.
- (2) The state board shall approve an online course provider as a certified online course provider if the online course provider:
  - (a) complies with the application procedures described in Section 53F-4-514;
  - (b) meets the standards described in Section 53F-4-514; and
  - (c) has prior experience offering online courses to secondary students.
- (3) The state board may revoke the approval described in Subsection (2) if the state board:

- (a) finds that a certified online course provider is not complying with the requirements described in Section 53F-4-514;
- (b) provides written notice describing the findings of non-compliance to the certified online course provider;
- (c) provides the certified online course provider with at least 60 days to remedy the findings of non-compliance;
- (d) reevaluates the findings of non-compliance at least 60 days after the certified online course provider's remedy period described in Subsection (3)(c); and
- (e) finds after reevaluation that the certified online course provider has failed to satisfactorily remedy the findings of non-compliance.

Amended by Chapter 368, 2023 General Session

**53F-4-505 Payment for an online course.**

- (1) For the 2012-13 school year, the fee for a .5 credit online course or .5 credit of a 1 credit online course is:
  - (a) \$200 for the following courses, except a concurrent enrollment course:
    - (i) financial literacy;
    - (ii) health;
    - (iii) fitness for life; and
    - (iv) computer literacy;
  - (b) \$200 for driver education;
  - (c) \$250 for a course that meets core standards for Utah public schools in fine arts or career and technical education, except a concurrent enrollment course;
  - (d) \$300 for the following courses:
    - (i) a course that meets core standards for Utah public schools requirements in social studies, except a concurrent enrollment course; and
    - (ii) a world language course, except a concurrent enrollment course;
  - (e) \$350 for the following courses:
    - (i) a course that meets core standards for Utah public schools requirements for language arts, mathematics, or science; and
    - (ii) a concurrent enrollment course; and
  - (f) \$250 for a course not described in Subsections (1)(a) through (e).
- (2) If a course meets the requirements of more than one course fee category described in Subsection (1), the course fee shall be the lowest of the applicable course fee categories.
- (3) The online course fees described in Subsection (1) shall be adjusted each school year in accordance with the percentage change in value of the weighted pupil unit from the previous school year.
- (4) An authorized online course provider shall receive payment for an online course as follows:
  - (a) for a .5 credit online course, 50% of the online course fee after the withdrawal period described in Section 53F-4-506;
  - (b) for a 1 credit online course, 25% of the online course fee after the withdrawal period described in Section 53F-4-506 and 25% of the online course fee upon the beginning of the second .5 credit of the online course; and
  - (c) if a student completes a 1 credit online course within 12 months or a .5 credit course within nine weeks following the end of a traditional semester, 50% of the online course fee.
- (5)

- (a) If a student fails to complete a 1 credit course within 12 months or a .5 credit course within nine weeks following the end of a traditional semester, the student may continue to be enrolled in the course until the student graduates from high school.
- (b) To encourage an authorized online course provider to provide remediation to a student who remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the need for credit recovery, an authorized online course provider shall receive a payment equal to 30% of the online course fee if the student completes the online course:
  - (i) for a high school online course, before the student graduates from high school; or
  - (ii) for a middle school online course, before the student completes middle school.
- (6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a school district or charter school may:
  - (a) negotiate a fee with an authorized online course provider for an amount up to the amount prescribed in Subsections (1) through (3); and
  - (b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).
- (7) An authorized online course provider who contracts with a vendor for the acquisition of online course content or online course instruction may negotiate the payment for the vendor's service independent of the fees specified in Subsections (1) through (3).
- (8) The state board may not remove a student from an online course if the student is eligible for continued enrollment in the online course under Subsection (5).

Amended by Chapter 368, 2023 General Session

**53F-4-506 Withdrawal from an online course.**

- (1) An online course provider shall establish a start date for an online course, including a start date for the second .5 credit of a 1 credit online course.
- (2) Except as provided in Subsection (3), a student may withdraw from an online course:
  - (a) within 20 school calendar days of the start date, if the student enrolls in an online course on or before the start date established pursuant to Subsection (1); or
  - (b) within 20 school calendar days of enrolling in the online course, if the student enrolls in an online course after the start date established pursuant to Subsection (1).
- (3)
  - (a) A student may withdraw from a 1 credit online course within 20 school calendar days of the start date of the second .5 credit of the online course.
  - (b) An online course provider shall refund a payment received for the second .5 credit of an online course if a student withdraws from the online course pursuant to Subsection (3)(a).
  - (c) If a student withdraws from a 1 credit online course as provided in Subsection (3)(a), the online course provider shall receive payment for the student's completion of .5 credit of the 1 credit course in the same manner as an online course provider receives payment for a student's completion of a .5 credit online course as described in Subsection 53F-4-505(4).

Renumbered and Amended by Chapter 2, 2018 General Session

**53F-4-507 State board to deduct funds and make payments -- Plan for the payment of online courses taken by private and home school students.**

- (1) Subject to future budget constraints, the Legislature shall adjust the appropriation for the Statewide Online Education Program based on:
  - (a) the anticipated increase of eligible home school and private school students enrolled in the Statewide Online Education Program; and

- (b) the value of the weighted pupil unit.
- (2) Notwithstanding Subsection (1) and subject to future budget constraints, the Legislature shall:
  - (a) consider enrollment projections provided by the authorized online course providers to account for enrollment growth during the appropriations process;
  - (b) provide a supplemental appropriation to adequately fund the Statewide Online Education Program when the enrollment amount exceeds the projected enrollment amounts provided by the authorized online course providers; and
  - (c) in the fiscal year beginning July 1, 2025, keep all other appropriations for the Statewide Online Education Program separate from the appropriations described in Section 53F-4-518.
- (3)
  - (a) The state board shall deduct money from funds allocated to the student's primary LEA of enrollment under Chapter 2, State Funding -- Minimum School Program, to pay for online course fees.
  - (b) Money shall be deducted under Subsection (3)(a) in the amount and at the time an authorized online course provider qualifies to receive payment for an online course provided to a public education student, not to exceed 90 days after qualification, as provided in Subsection 53F-4-505(4).
  - (c) Beginning July 1, 2023, the state board shall deduct money from funds allocated for course fees for a private school or home school student in the amount and at the time an authorized online course provider qualifies to receive payment for an online course, not to exceed 90 days after qualification.
- (4) From money deducted under Subsection (3), the state board shall make payments to the student's authorized online course provider as provided in Section 53F-4-505.
- (5) The Legislature shall establish a plan for the payment of online courses taken by a private school or home school student.

Amended by Chapter 368, 2023 General Session

**53F-4-508 Course credit acknowledgment.**

- (1) A student's primary LEA of enrollment and the student's online course provider shall enter into a course credit acknowledgment in which the primary LEA of enrollment and the online course provider acknowledge that the online course provider is responsible for the instruction of the student in a specified online course.
- (2) The terms of the course credit acknowledgment shall provide that:
  - (a) the online course provider shall receive a payment in the amount provided under Section 53F-4-505; and
  - (b) the student's primary LEA of enrollment acknowledges that the state board will deduct funds allocated to the LEA under Chapter 2, State Funding -- Minimum School Program, in the amount and at the time the online course provider qualifies to receive payment for the online course as provided in Subsection 53F-4-505(4).
- (3)
  - (a) A course credit acknowledgment may originate with either an online course provider or primary LEA of enrollment.
  - (b) The originating entity shall submit the course credit acknowledgment to the state board who shall forward it to the primary LEA of enrollment for course selection verification or the online course provider for acceptance.
  - (c)
    - (i) A primary LEA of enrollment may only reject a course credit acknowledgment if:

- (A) the online course is not aligned with the student's plan for college and career readiness;
  - (B) the online course is not consistent with the student's IEP, if the student has an IEP;
  - (C) the online course is not consistent with the student's international baccalaureate program, if the student participates in an international baccalaureate program; or
  - (D) the number of online course credits exceeds the maximum allowed for the year as provided in Section 53F-4-503.
- (ii) Verification of alignment of an online course with a student's plan for college and career readiness does not require a meeting with the student.
- (d) An online course provider may only reject a course credit acknowledgment if:
- (i) the student does not meet course prerequisites; or
  - (ii) the course is not open for enrollment.
- (e) A primary LEA of enrollment or online course provider shall submit an acceptance or rejection of a course credit acknowledgment to the state board within 72 business hours of the receipt of a course credit acknowledgment from the state board pursuant to Subsection (3)(b).
- (f) If an online course provider accepts a course credit acknowledgment, the online course provider shall forward to the primary LEA of enrollment the online course start date as established under Section 53F-4-506.
- (g) If an online course provider rejects a course credit acknowledgment, the online course provider shall include an explanation which the state board shall forward to the primary LEA of enrollment for the purpose of assisting a student with future online course selection.
- (h) If a primary LEA of enrollment does not submit an acceptance or rejection of a course credit acknowledgment to the state board within 72 business hours of the receipt of a course credit acknowledgment from the state board pursuant to Subsection (3)(b), the state board shall consider the course credit acknowledgment accepted.
- (i)
- (i) Upon acceptance of a course credit acknowledgment, the primary LEA of enrollment shall notify the student of the acceptance and the start date for the online course as established under Section 53F-4-506.
  - (ii) Upon rejection of a course credit acknowledgment, the primary LEA of enrollment shall notify the student of the rejection and provide an explanation of the rejection.
- (j) If the online course student has an individual education plan (IEP) or 504 accommodations, the primary LEA of enrollment shall forward the IEP or description of 504 accommodations to the online course provider within 72 business hours after the primary LEA of enrollment receives notice that the online course provider accepted the course credit acknowledgment.
- (4)
- (a) A primary LEA of enrollment may not reject a course credit acknowledgment, because the LEA is negotiating, or intends to negotiate, an online course fee with the online course provider pursuant to Subsection 53F-4-505(6).
  - (b) If a primary LEA of enrollment negotiates an online course fee with an online course provider before the start date of an online course, a course credit acknowledgment may be amended to reflect the negotiated online course fee.

Amended by Chapter 186, 2019 General Session

**53F-4-509 Online course credit hours included in daily membership -- Limitation.**

- (1) Subject to Subsection (2), a student's primary LEA of enrollment shall include online course credit hours in calculating daily membership.



- (2) A student may not count as more than one FTE, unless the student intends to complete high school graduation requirements, and exit high school, early, in accordance with the student's plan for college and career readiness.
- (3) A student who enrolls in an online course may not be counted in membership for a released-time class, if counting the student in membership for a released-time class would result in the student being counted as more than one FTE.
- (4) Except as provided in Subsection (5), a student enrolled in an online course may earn no more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment.
- (5) A student enrolled in an online course may earn more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment:
  - (a) if the student intends to complete high school graduation requirements, and exit high school, early, in accordance with the student's plan for college and career readiness; or
  - (b) if allowed under local school board or charter school governing board policy.

Renumbered and Amended by Chapter 2, 2018 General Session

**53F-4-510 Administration of statewide assessments to students enrolled in online courses.**

- (1) A student enrolled in an online course that is a course for which a statewide assessment is administered under Title 53E, Chapter 4, Part 3, Assessments, shall take the statewide assessment.
- (2)
  - (a) The state board shall make rules providing for the administration of a statewide assessment to a student enrolled in an online course.
  - (b) Rules made under Subsection (2)(a) shall:
    - (i) provide for the administration of a statewide assessment upon a student completing an online course; and
    - (ii) require an online course provider to proctor the statewide assessment.

Amended by Chapter 186, 2019 General Session

**53F-4-511 Report on performance of online course providers.**

- (1) The state board, in collaboration with online course providers, shall develop a report on the performance of online course providers, which may be used to evaluate the Statewide Online Education Program and assess the quality of an online course provider.
- (2) A report on the performance of an online course provider shall include:
  - (a) scores aggregated by test on statewide assessments administered under Title 53E, Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered through the Statewide Online Education Program;
  - (b) the percentage of the online course provider's students who complete online courses within the applicable time period specified in Subsection 53F-4-505(4)(c);
  - (c) the percentage of the online course provider's students who complete online courses after the applicable time period specified in Subsection 53F-4-505(4)(c) and before the student graduates from high school; and
  - (d) the pupil-teacher ratio for the combined online courses of the online course provider.
- (3) The state board shall post a report on the performance of an online course provider on the Statewide Online Education Program's website.

Amended by Chapter 186, 2019 General Session

**53F-4-512 Dissemination of information on the Statewide Online Education Program.**

- (1) The state board shall develop a website for the Statewide Online Education Program which shall include:
  - (a) a description of the Statewide Online Education Program, including its purposes;
  - (b) information on who is eligible to enroll, and how an eligible student may enroll, in an online course;
  - (c) a directory of online course providers;
  - (d) a link to a course catalog for each online course provider; and
  - (e) a report on the performance of online course providers as required by Section 53F-4-511.
- (2) An online course provider shall provide the following information on the online course provider's website:
  - (a) a description of the Statewide Online Education Program, including its purposes;
  - (b) information on who is eligible to enroll, and how an eligible student may enroll, in an online course;
  - (c) a course catalog;
  - (d) scores aggregated by test on statewide assessments administered under Title 53E, Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered through the Statewide Online Education Program;
  - (e) the percentage of an online course provider's students who complete online courses within the applicable time period specified in Subsection 53F-4-505(4)(c);
  - (f) the percentage of an online course provider's students who complete online courses after the applicable time period specified in Subsection 53F-4-505(4)(c) and before the student graduates from high school; and
  - (g) the online learning provider's pupil-teacher ratio for the online courses combined.

Amended by Chapter 186, 2019 General Session

**53F-4-513 Time period to enroll in an online course.**

- (1) To provide an LEA and online course providers with estimates of online course enrollment, a student should enroll in an online course, or declare an intention to enroll in an online course:
  - (a) for a high school online course, during the time period the LEA designates for high school course registration; or
  - (b) for a middle school online course, during the time period the LEA designates for middle school course registration.
- (2) Notwithstanding Subsection (1) and except as provided in Subsection (3), a student may enroll in an online course at any time during a calendar year.
- (3)
  - (a) A student may alter a course schedule by dropping a traditional classroom course and adding an online course consistent with course schedule alteration procedures adopted by the student's primary LEA of enrollment.
  - (b) A school district's or high school's deadline for dropping a traditional classroom course and adding an online course shall be the same deadline for dropping and adding a traditional classroom course.

Amended by Chapter 362, 2021 General Session

**53F-4-514 State board -- Rulemaking -- Fees.**

- (1) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall provide a delayed effective date that is after the school year has ended for a change to an administrative rule related to the Statewide Online Education Program if the change would require an authorized online course provider to make program changes during the school year.
- (2) The state board shall make rules in accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:
  - (a) a course credit acknowledgement form and procedures for completing and submitting to the state board a course credit acknowledgement;
  - (b) procedures for the administration of a statewide assessment to a student enrolled in an online course; and
  - (c) protocols for an online course provider to obtain approval to become a certified online course provider, including:
    - (i) the application procedure for an online course provider to obtain approval to become a certified online course provider;
    - (ii) the standards that a certified online course provider and any online course the certified online course provider offers shall meet;
  - (d) in accordance with Title 53E, Chapter 4, Academic Standards, Assessments, and Materials, criteria for an authorized online course provider to submit for approval an online course that does not have an existing state board course code;
  - (e) no later than July 1, 2024, a process within existing systems at the state board to allow a certified online course provider access to an educator's licensing, endorsement, certification, and assignment information if the educator is teaching an online course for the certified online course provider;
  - (f) in consultation with the authorized online course providers, the parameters for conducting a site visit including:
    - (i) a definition for the term site visit;
    - (ii) the minimum amount of time required for:
      - (A) notice to an authorized online course provider of a site visit; and
      - (B) an authorized online course provider to prepare for a site visit;
    - (iii) the documents, data, and artifacts subject to inspection during a site visit; and
    - (iv) a process to ensure a site visit allows for observation of instruction without interfering with the instruction.
- (3)
  - (a) When establishing the standards described in Subsection (2)(c)(ii) the state board shall:
    - (i) establish rules and minimum standards regarding accreditation;
    - (ii) require an online course to be aligned with the core standards described in Section 53E-4-202;
    - (iii) require proof that a national organization responsible for college athletics endorses:
      - (A) the certified online course provider; or
      - (B) the online course that a certified online course provider offers;
    - (iv) permit an open-entry, open-exit method of instructional delivery that allows a student the flexibility to:
      - (A) schedule in response to individual needs or requirements;
      - (B) demonstrate competency when the student has mastered knowledge and skills;
      - (C) begin or end study at any time; and
      - (D) progress through course material at the student's own pace; and

- (v) except as provided in Subsection (4), require an individual who teaches a course for a certified online course provider to hold a teaching license issued by the state board.
- (b) When establishing the standards described in Subsection (2)(c)(ii), the state board may not:
  - (i) specify a minimum duration for an online course;
  - (ii) specify a minimum amount of time that a student must spend in an online course; or
  - (iii) limit the class size of an online course.
- (4) If an individual possesses a provider-specific license described in Section 53E-6-201, the state board may not prohibit the individual from teaching an online course for an authorized online course provider while the individual is in the process of obtaining an endorsement or additional license issued by the state board.
- (5) The state board may establish a fee, in accordance with Section 63J-1-504, in an amount to pay the costs to the state board of the application approval process and the monitoring of a certified online course provider's compliance with the standards described in Subsection (2)(c)
  - (ii).
- (6)
  - (a) Fee revenue collected in accordance with Subsection (5) shall be:
    - (i) deposited into the Uniform School Fund as a dedicated credit; and
    - (ii) used to pay the costs to the state board of reviewing certified online course providers' applications and compliance with the standards described in Subsection (2)(c)(ii).

Amended by Chapter 368, 2023 General Session

**53F-4-516 Report of noncompliance -- Action to ensure compliance.**

- (1) The state superintendent shall report to the state board any report of noncompliance of this part made to a member of the staff of the state board.
- (2) The state board shall take appropriate action to ensure compliance with this part.

Amended by Chapter 186, 2019 General Session

**53F-4-517 Agreements for online instruction.**

- (1) In addition to offering online courses to students through the Statewide Online Education Program, a school district or charter school may enter into an agreement with another school district or charter school or a consortium of school districts or charter schools to provide online instruction to the school district's or charter school's students.
- (2) Online instruction offered pursuant to Subsection (1) is not subject to the requirements of this part.

Renumbered and Amended by Chapter 2, 2018 General Session

**53F-4-518 Small school student access to college and career readiness courses.**

Subject to legislative appropriations and notwithstanding Subsections 53F-4-509(2) and (3), the state board shall:

- (1) use funds from an appropriation for the Statewide Online Education Program to pay for an online course fee described in Section 53F-4-505 for a student who is enrolled in a public high school that enrolls fewer than 1,000 students; and
- (2) after the funds described in Subsection (1) have been expended, make a deduction as described in Subsection 53F-4-507(3).

Amended by Chapter 368, 2023 General Session

## **Chapter 5 State Funding -- Initiative Grant Programs**

### **Part 1 General Provisions**

#### **53F-5-101 Title.**

This chapter is known as "State Funding -- Initiative Grant Programs."

Enacted by Chapter 2, 2018 General Session

#### **53F-5-102 Definitions.**

Reserved

Enacted by Chapter 2, 2018 General Session

### **Part 2 Miscellaneous Grant Programs**

#### **53F-5-201 Grants for online delivery of statewide assessments.**

(1) As used in this section:

- (a) "Adaptive tests" means tests administered during the school year using an online adaptive test system.
- (b) "Core standards for Utah public schools" means the standards established by the state board as described in Section 53E-4-202.
- (c) "Statewide assessment" means the same as that term is defined in Section 53E-4-301.
- (d) "Summative tests" means tests administered near the end of a course to assess overall achievement of course goals.
- (e) "Uniform online summative test system" means a single system for the online delivery of summative tests required as statewide assessments that:
  - (i) is coordinated by the state board;
  - (ii) ensures the reliability and security of statewide assessments; and
  - (iii) is selected through collaboration between the state board and school district representatives with expertise in technology, assessment, and administration.

(2) The state board may award grants to school districts and charter schools to implement:

- (a) a uniform online summative test system to enable school staff and parents of students to review statewide assessment scores by the end of the school year; or
- (b) an online adaptive test system to enable parents of students and school staff to measure and monitor a student's academic progress during a school year.

(3)

- (a) Grant money may be used to pay for any of the following, provided it is directly related to implementing a uniform online summative test system, an online adaptive test system, or both:
  - (i) computer equipment and peripherals, including electronic data capture devices designed for electronic test administration and scoring;
  - (ii) software;
  - (iii) networking equipment;
  - (iv) upgrades of existing equipment or software;
  - (v) upgrades of existing physical plant facilities;
  - (vi) personnel to provide technical support or coordination and management; and
  - (vii) teacher professional development.
- (b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the online delivery of summative tests or adaptive tests required as statewide assessments, may be used for other purposes.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:
  - (a) establishing procedures for applying for and awarding grants;
  - (b) specifying how grant money is allocated among school districts and charter schools;
  - (c) requiring reporting of grant money expenditures and evidence showing that the grant money has been used to implement a uniform online summative test system, an online adaptive test system, or both;
  - (d) establishing technology standards for an online adaptive testing system;
  - (e) requiring a school district or charter school that receives a grant under this section to implement, in compliance with Title 53E, Chapter 9, Student Privacy and Data Protection, an online adaptive test system by the 2014-15 school year that:
    - (i) meets the technology standards established under Subsection (4)(d); and
    - (ii) is aligned with the core standards for Utah public schools;
  - (f) requiring a school district or charter school to provide matching funds to implement a uniform online summative test system, an online adaptive test system, or both in an amount that is greater than or equal to the amount of a grant received under this section; and
  - (g) ensuring that student identifiable data is not released to any person, except as provided by Title 53E, Chapter 9, Student Privacy and Data Protection, and rules of the state board adopted under the authority of those parts.
- (5) If a school district or charter school uses grant money for purposes other than those stated in Subsection (3), the school district or charter school is liable for reimbursing the state board in the amount of the grant money improperly used.
- (6) A school district or charter school may not use federal funds to provide the matching funds required to receive a grant under this section.
- (7) A school district may not impose a tax rate above the certified tax rate for the purpose of generating revenue to provide matching funds for a grant under this section.

Amended by Chapter 408, 2020 General Session

**53F-5-202 National Board certification reimbursement.**

- (1)
  - (a) The terms defined in Section 53E-6-102 apply to this section.
  - (b) As used in this section, "eligible educator" means an educator who is employed as an educator by an LEA.

- (2)
  - (a) Subject to legislative appropriations and Subsection (2)(b), the state board shall reimburse an eligible educator for a cost incurred by the eligible educator to attain or renew a National Board certification.
  - (b) The state board may only issue a reimbursement under Subsection (2)(a) for:
    - (i) a National Board certification attained or renewed after July 1, 2016, and before July 1, 2019; or
    - (ii) a cost incurred by an eligible teacher to attain or renew a National Board certification after July 1, 2016, and before July 1, 2019.
- (3) Subject to legislative appropriations, and in accordance with this section, beginning July 1, 2019, the state board may pay up to the total cost:
  - (a) for an eligible educator who does not have a National Board certification to pursue a National Board certification; or
  - (b) for an eligible educator who has a National Board certification, to renew the National Board certification.
- (4) An eligible educator who does not have a National Board certification and intends for the state board to pay for the eligible educator to pursue a National Board certification shall:
  - (a) submit to the state board:
    - (i) an application;
    - (ii) a letter of recommendation from the principal of the eligible educator's school; and
    - (iii) a plan for completing the requirements for a National Board certification within three years of the state board approving the eligible educator's application; and
  - (b) pay a registration fee directly to the organization that administers National Board certification.
- (5) An eligible educator who intends for the state board to pay to renew the eligible educator's National Board certification shall submit an application to the state board.
- (6) The state board may not:
  - (a) pay for an eligible educator to attempt to earn National Board certification over a period of longer than three years; or
  - (b) pay for an individual to attempt National Board certification or a component of National Board certification more than once.
- (7) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying procedures and timelines for:
  - (a) reimbursing costs under Subsection (2); and
  - (b) paying costs for an eligible educator to pursue or renew a National Board certification under Subsection (3).

Amended by Chapter 354, 2020 General Session

Amended by Chapter 408, 2020 General Session

**53F-5-204 Initiative to strengthen college and career readiness.**

- (1) As used in this section:
  - (a) "College and career counseling" means:
    - (i) nurturing college and career aspirations;
    - (ii) assisting students in planning an academic program that connects to college and career goals;
    - (iii) providing early and ongoing exposure to information necessary to make informed decisions when selecting a college and career;
    - (iv) promoting participation in college and career assessments;

- (v) providing financial aid information; and
- (vi) increasing understanding about college admission processes.
- (b) "LEA" or "local education agency" means a school district or charter school.
- (2) There is created the Strengthening College and Career Readiness Program, a grant program for LEAs, to improve students' college and career readiness through enhancing the skill level of school counselors to provide college and career counseling.
- (3) The state board shall:
  - (a) on or before August 1, 2015, collaborate with the Utah Board of Higher Education, and business, community, and education stakeholders to develop a certificate for school counselors that:
    - (i) certifies that a school counselor is highly skilled at providing college and career counseling; and
    - (ii) is aligned with the Utah Comprehensive Counseling and Guidance Program as defined in rules established by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
  - (b) subject to legislative appropriations, award grants to LEAs, on a competitive basis, for payment of course fees for courses required to earn the certificate developed by the state board under Subsection (3)(a); and
  - (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules specifying:
    - (i) procedures for applying for and awarding grants under this section;
    - (ii) criteria for awarding grants; and
    - (iii) reporting requirements for grantees.
- (4) An LEA that receives a grant under this section shall use the grant for payment of course fees for courses required to attain the certificate as determined by the state board under Subsection (3)(a).

Amended by Chapter 365, 2020 General Session

Amended by Chapter 408, 2020 General Session

**53F-5-205 Paraeducator to Teacher Scholarship Program -- Grants for math teacher training programs.**

- (1)
  - (a) The terms defined in Section 53E-6-102 apply to this section.
  - (b) As used in this section, "paraeducator" means a school employee who:
    - (i) delivers instruction under the direct supervision of a teacher; and
    - (ii) works in an area where there is a shortage of qualified teachers, such as special education, Title I, ESL, reading remediation, math, or science.
- (2) The Paraeducator to Teacher Scholarship Program is created to award scholarships to paraeducators for education and training to become licensed teachers.
- (3) The state board shall use money appropriated for the Paraeducator to Teacher Scholarship Program to award scholarships of up to \$5,000 to paraeducators employed by school districts and charter schools who are pursuing an associate's degree or bachelor's degree program to become a licensed teacher.
- (4) A paraeducator is eligible to receive a scholarship if:
  - (a) the paraeducator is employed by a school district or charter school;
  - (b) is admitted to, or has made an application to, an associate's degree program or bachelor's degree program that will prepare the paraeducator for teacher licensure; and



- (c) the principal at the school where the paraeducator is employed has nominated the paraeducator for a scholarship.
- (5)
- (a) The state board shall establish a committee to select scholarship recipients from nominations submitted by school principals.
  - (b) The committee shall include representatives of the state board, the Utah Board of Higher Education, and the general public, excluding school district and charter school employees.
  - (c) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
    - (i) Section 63A-3-106;
    - (ii) Section 63A-3-107; and
    - (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
  - (d) The committee shall select scholarship recipients based on the following criteria:
    - (i) test scores, grades, or other evidence demonstrating the applicant's ability to successfully complete a teacher education program; and
    - (ii) the applicant's record of success as a paraeducator.
- (6) The maximum scholarship amount is \$5,000.
- (7) Scholarship money may only be used to pay for tuition costs:
- (a) of:
    - (i) an associate's degree program that fulfills credit requirements for the first two years of a bachelor's degree program leading to teacher licensure; or
    - (ii) the first two years of a bachelor's degree program leading to teacher licensure; and
  - (b) at a higher education institution:
    - (i) located in Utah; and
    - (ii) accredited by the Northwest Commission on Colleges and Universities.
- (8) A scholarship recipient must be continuously employed as a paraeducator by a school district or charter school while pursuing a degree using scholarship money.
- (9) The state board shall make rules in accordance with this section and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the Paraeducator to Teacher Scholarship Program, including rules establishing:
- (a) scholarship application procedures;
  - (b) the number of, and qualifications for, committee members who select scholarship recipients; and
  - (c) procedures for distributing scholarship money.
- (10) If the state obtains matching funds of equal sums from private contributors, the state board may award grants to institutions of higher education or nonprofit educational organizations for programs that provide:
- (a) mentoring and training leading to a secondary education license with a certificate in mathematics for an individual who:
    - (i) is not a teacher in a public or private school;
    - (ii) does not have a teaching license;
    - (iii) has a bachelor's degree or higher; and
    - (iv) demonstrates a high level of mathematics competency by:
      - (A) successfully completing substantial course work in mathematics; and
      - (B) passing a mathematics content exam; or
  - (b) a stipend, professional development, and leadership opportunities to an experienced mathematics teacher who demonstrates high content knowledge and exemplary teaching and leadership skills to assist the teacher in becoming a teacher leader.

(11)

- (a) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish criteria for awarding grants under this section.
- (b) In awarding grants, the state board shall consider the amount or percent of matching funds provided by the grant recipient.

Amended by Chapter 365, 2020 General Session

Amended by Chapter 408, 2020 General Session

**53F-5-207 Intergenerational Poverty Interventions Grant Program -- Definitions -- Grant requirements -- Reporting requirements.**

(1) As used in this section:

- (a) "Eligible student" means a student who is classified as a child affected by intergenerational poverty.
- (b) "Intergenerational poverty" has the same meaning as in Section 35A-9-102.
- (c) "LEA governing board" means a local school board or a charter school governing board.
- (d) "Local education agency" or "LEA" means a school district or charter school.
- (e) "Program" means the Intergenerational Poverty Interventions Grant Program created in Subsection (2).

(2) The Intergenerational Poverty Interventions Grant Program is created to provide grants to eligible LEAs to fund additional educational opportunities at eligible LEAs, for eligible students, outside of the regular school day offerings.

(3) Subject to future budget constraints, the state board shall distribute to LEAs money appropriated for the program in accordance with this section.

(4) The state board shall:

- (a) solicit proposals from LEA governing boards to receive money under the program; and
- (b) award grants to an LEA governing board on behalf of an LEA based on criteria described in Subsection (5).

(5) In awarding a grant under Subsection (4), the state board shall consider:

- (a) the percentage of an LEA's students that are classified as children affected by intergenerational poverty;
- (b) the level of administrative support and leadership at an eligible LEA to effectively implement, monitor, and evaluate the program; and
- (c) an LEA's commitment and ability to work with the Department of Workforce Services, the Department of Health and Human Services, and the juvenile courts to provide services to the LEA's eligible students.

(6) To receive a grant under the program on behalf of an LEA, an LEA governing board shall submit a proposal to the state board detailing:

- (a) the LEA's strategy to implement the program, including the LEA's strategy to improve the academic achievement of children affected by intergenerational poverty;
- (b) the LEA's strategy for coordinating with and engaging the Department of Workforce Services to provide services for the LEA's eligible students;
- (c) the number of students the LEA plans to serve, categorized by age and intergenerational poverty status;
- (d) the number of students, eligible students, and schools the LEA plans to fund with the grant money; and
- (e) the estimated cost per student.

(7)

- (a) The state board shall annually prepare, for inclusion in the State Superintendent's Annual Report described in Section 53E-1-203, a report on:
    - (i) the progress of LEA programs using grant money;
    - (ii) the progress of LEA programs in improving the academic achievement of children affected by intergenerational poverty; and
    - (iii) the LEA's coordination efforts with the Department of Workforce Services, the Department of Health and Human Services, and the juvenile courts.
  - (b) The state board shall provide the report described in Subsection (7)(a) to the Education Interim Committee upon request.
  - (c) An LEA that receives grant money pursuant to this section shall provide to the state board information that is necessary for the state board's report described in Subsection (7)(a).
- (8) The state board may use up to 8.5% of the money appropriated for the program in accordance with this section for administration and evaluation of the program.

Amended by Chapter 328, 2023 General Session

**53F-5-209 Grants for school-based mental health supports.**

- (1) As used in this section:
  - (a) "Elementary school" means a school that includes any one or all of grades kindergarten through grade 6.
  - (b) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.
  - (c) "Qualifying personnel" means a school counselor or school social worker who:
    - (i) is licensed by the state board; and
    - (ii) collaborates with educators and a student's family or guardian on:
      - (A) early identification and intervention of a student's academic and mental health needs; and
      - (B) removing barriers to learning and developing skills and behaviors critical for a student's academic achievement.
- (2) Subject to legislative appropriations and Subsection (3), the state board shall award a grant to an LEA to provide targeted school-based mental health support in an elementary school, including trauma-informed care, through employment of qualifying personnel.
- (3) In awarding a grant under this section, the state board shall give:
  - (a) first priority to an LEA that proposes to target funds to one or more elementary schools with a high percentage of students exhibiting risk factors for childhood trauma; and
  - (b) second priority to an LEA that proposes to target funds to one or more elementary schools with a high percentage of students experiencing intergenerational poverty.
- (4) To qualify for a grant, an LEA shall:
  - (a) submit an application to the state board that includes:
    - (i) measurable goals on improving student safety, student engagement, school culture, and academic achievement; and
    - (ii) how the LEA intends to meet goals submitted under Subsection (4)(a)(i) through the use of the grant funds; and
  - (b) provide local funds to match grant funds received under this section in an amount equal to one-half of the amount of the grant funds.
- (5) An LEA may not replace federal, state, or local funds previously allocated to employ qualified personnel with funds distributed under this section.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules specifying:
  - (a) procedures for applying for and awarding grants under this section, including:

- (i) a definition of risk factors for childhood trauma;
  - (ii) the duration of a grant; and
  - (iii) a schedule for submission of matching grant funds; and
- (b) annual reporting requirements for grantees in accordance with Subsection (7).
- (7) An LEA that receives a grant under this section shall submit an annual report to the state board, including:
- (a) progress toward achieving the goals submitted under Subsection (4)(a)(i); and
  - (b) if the LEA decides to discontinue the qualifying personnel position, the LEA's reason for discontinuing the position.
- (8) Beginning on or before July 1, 2019, the state board shall provide training that instructs educators on the impact of trauma on student learning, including information advising educators against practicing medicine, giving a diagnosis, or providing treatment.

Amended by Chapter 408, 2020 General Session

**53F-5-210 Educational Improvement Opportunities Outside of the Regular School Day Grant Program.**

- (1) As used in this section:
- (a) "Applicant" means an LEA, private provider, nonprofit provider, or municipality that provides an existing program and applies for a grant under the provisions of this section.
  - (b) "Existing program" means a currently funded and operating program, as described in Subsections 53E-3-508(1)(a) and (b).
  - (c) "Grant program" means the Educational Improvement Opportunities Outside of the Regular School Day Grant Program created in Subsection (2).
  - (d) "Grantor" means:
    - (i) for an LEA that receives a grant under this section, the state board; or
    - (ii) for a private provider, nonprofit provider, or municipality that receives a grant under this section, the Department of Workforce Services.
  - (e) "Local education agency" or "LEA" means a school district or charter school.
- (2) There is created the Educational Improvement Opportunities Outside of the Regular School Day Grant Program to provide grant funds for an existing program to improve and develop the existing program in accordance with the high quality standards described in Section 53E-3-508.
- (3) Subject to legislative appropriation and in accordance with Subsection (7):
- (a) the state board shall:
    - (i) solicit LEA applications to receive a grant under this section; and
    - (ii) award a grant based on the criteria described in Subsection (5); and
  - (b) the Department of Workforce Services shall:
    - (i) solicit private provider, nonprofit provider, or municipality applications to receive a grant under this section; and
    - (ii) award a grant based on the criteria described in Subsection (5).
- (4) To receive a grant under this section, an applicant shall submit a proposal to the grantor describing:
- (a) how the applicant proposes to develop and improve the existing program to meet the standards described in Section 53E-3-508;
  - (b) information necessary for the state board to determine the impact of the applicant's program on the academic performance of participating students;
  - (c) the total number of students the applicant proposes to serve through the existing program;

- (d) the estimated percentage of the students described in Subsection (4)(c) who qualify for free or reduced lunch; and
  - (e) the estimated cost of the applicant's existing program, per student.
- (5) In awarding a grant under Subsection (3), the grantor shall consider:
- (a) how an applicant's existing program proposes to meet the standards described in Section 53E-3-508; and
  - (b) the percentage of students in that program who qualify for free and reduced lunch.
- (6) An applicant that receives a grant under this section shall:
- (a) use the grant to improve an existing program in accordance with the standards described in Section 53E-3-508; and
  - (b) annually report to the grantor:
    - (i) the number of students served by the existing program;
    - (ii) the academic outcomes that the program is expected to have on participating students;
    - (iii) program attendance rates of participating students; and
    - (iv) other information required by the grantor.
- (7)
- (a) To receive a distribution of grant money under this section, an applicant shall identify and certify the availability of matching funds in the amount of the grant to be distributed to the applicant.
  - (b) Neither the state board nor the Department of Workforce Services shall be expected to seek matching funds for this grant program.
- (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to administer this section that include:
- (a) specific criteria to determine academic performance;
  - (b) application and reporting procedures; and
  - (c) criteria for an existing program to qualify for a grant under this section.
- (9) The Department of Workforce Services shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the grant program as described in Subsection (3)(b).
- (10) In accordance with 34 C.F.R. Sec. 99.35, the state board shall designate the Department of Workforce Services as an authorized representative for the purpose of sharing student data and evaluating and reporting the impact and effectiveness of the grant program.
- (11) The state board and the Department of Workforce Services may utilize up to 10% of the funds appropriated for administrative costs associated with the grant program and the report described in Subsection (12).
- (12) The state board shall report to the Education Interim Committee before November 30, 2019, regarding:
- (a) the grant program's effect on the quality of existing programs that participate in the grant program; and
  - (b) the impact of the existing programs on the academic performance of participating students.

Amended by Chapter 338, 2020 General Session

Amended by Chapter 408, 2020 General Session

**53F-5-214 Grant for professional learning.**

- (1) Subject to legislative appropriations, the state board shall award grants to LEAs to provide teachers in pre-kindergarten, kindergarten, and grades 1 through 3 with:
- (a) professional learning opportunities in early literacy and mathematics; and

- (b) the required early literacy professional learning opportunity described in Subsection (6).
- (2) The state board shall award a grant described in Subsection (1)(a) to an LEA that submits to the state board a completed application, as provided by the state board, that includes a description of the evidence-based, based on assessment data, professional learning opportunities the LEA will provide that are:
  - (a) aligned with the professional learning standards described in Section 53G-11-303; and
  - (b) targeted to attaining the local and state early learning goals described in Section 53G-7-218.
- (3) An LEA that receives a grant described in this section shall use the grant for the purposes described in Subsection (2).
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to establish:
  - (a) required elements of the professional learning opportunities described in Subsection (2);
  - (b) a formula to determine an LEA's grant amount under this section, including identifying the amount an LEA receives for:
    - (i) professional learning opportunities under Subsection (2); and
    - (ii) the required early literacy professional learning opportunity described in Subsection (6); and
  - (c) specifications regarding the LEA's provision of the required early literacy professional learning opportunity described in Subsection (6).
- (5) The state board shall annually report to the Education Interim Committee on or before the November interim committee meeting regarding the administration and outcomes of the grant described in this section.
- (6)
  - (a) As used in this Subsection (6), "early literacy professional learning opportunity" means the early literacy opportunity that the majority of recipients of grant funding under this section used before May 4, 2022, to provide professional learning opportunities in early literacy.
  - (b)
    - (i) Except as described in Subsection (6)(b)(ii), the following shall complete the early literacy professional learning opportunity before July 1, 2025, each:
      - (A) general and special education teacher in kindergarten through grade 3;
      - (B) district administrator over literacy;
      - (C) elementary school principal;
      - (D) school psychologist serving in an elementary school; and
      - (E) elementary school literacy coach who serves kindergarten through grade 3.
    - (ii) The following are exempt from the professional learning opportunity completion requirement in Subsection (6)(b)(i):
      - (A) an educator who has already completed the early literacy professional learning program;
      - (B) dual language immersion educators who teach in the target language;
      - (C) special education teachers who serve students with significant cognitive disabilities;
      - (D) teachers within one year of retirement; and
      - (E) other similar educator roles as the state board identifies in board rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
  - (c)
    - (i) Before the 2022-2023 school year, each LEA that serves elementary students shall apply for grant funding under this subsection (6) to provide the early literacy professional learning opportunity to each individual described in Subsection (6)(b)(i) within the LEA.
    - (ii) An LEA that receives a grant for use under this Subsection (6) shall:

- (A) use the grant to provide the early literacy professional learning opportunity at the maximum of the restricted rate for each educator described in Subsection (6)(b)(i) within the LEA; and
- (B) provide the early literacy professional learning opportunity as part of the educator's contracted time or daily rate.
- (d) In awarding grant funding under this section for the required early literacy professional learning opportunity, the state board shall award funding to an LEA to provide the opportunity to each individual described in Subsection (6)(c)(i), prioritizing applicants that have not yet participated in the early literacy professional learning opportunity.

Amended by Chapter 285, 2022 General Session

**53F-5-215 Elementary teacher preparation assessment grant.**

- (1) As used in this section:
  - (a) "Educator preparation program" means the same as that term is defined in Section 53E-6-302.
  - (b) "License" means a license that:
    - (i) is described in Section 53E-6-102; and
    - (ii) qualifies an individual to teach elementary school.
  - (c) "Required literacy preparation assessment" means the same as that term is defined in Section 53E-6-301.
- (2) Beginning September 1, 2021, subject to legislative appropriations, the state board shall award grants to educator preparation programs for the cost of the initial attempt of the required literacy preparation assessment for license applicants graduating from the institution or completing the preparation program during the year relevant to the grant.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may make rules to establish the license, type of license, or license concentration eligible for the grant described in this section.
- (4) An educator preparation program may apply for a grant described in this section by submitting to the state board an application, as provided by the state board, including an estimate of the number and names of prospective license applicants expected to graduate or complete the program in the year relevant to the grant application.
- (5) Notwithstanding Subsections (2) and (4), beginning July 1, 2020, and ending August 31, 2021, the state board may award grants under this section to institutions of higher education to pilot test a literacy preparation assessment.
- (6) The state board shall annually report to the Education Interim Committee on or before the November interim committee meeting regarding the administration and outcomes of the grant described in this section.

Amended by Chapter 285, 2022 General Session

**53F-5-217 Grants for new and aspiring principals.**

- (1) As used in this section:
  - (a) "Aspiring principal" means an educator who is:
    - (i) employed by an LEA; and
    - (ii) pursuing a school leadership license or license area of concentration through enrollment in a state board approved school leadership program.

- (b) "Educator" means an individual who holds a professional educator license described in Section 53E-6-201.
  - (c) "Eligible applicant" means one of the following that has established a mentoring program for new principals, or agrees to establish a mentoring program during the first year of funding, that meets the requirements as described in Subsection (6):
    - (i) a single LEA;
    - (ii) a group of more than one LEA that submits a joint application;
    - (iii) a regional education service agency as described in Section 53G-4-410.
  - (d) "Internship" means an extended supervised experience for an aspiring principal to engage in the work of a principal, designed to build and demonstrate the competencies required for a school leadership license or license area of concentration.
  - (e) "New principal" means a principal hired by an LEA within the previous three years who has not been previously employed as a principal by the LEA.
  - (f)
    - (i) "Principal" means a school-level leader with executive authority, including:
      - (A) a principal;
      - (B) an assistant principal;
      - (C) a charter school director; or
      - (D) another school-based administrator.
    - (ii) "Principal" does not include:
      - (A) a school district administrator; or
      - (B) a director of two or more charter schools.
  - (g) "Residency" means a clinical experience for an aspiring principal that:
    - (i) takes place in a new setting, other than the aspiring principal's current position; and
    - (ii) that is designed to build and demonstrate the competencies required for a school leadership license or license area of concentration.
- (2)
- (a) An eligible applicant may apply to the state board for a grant to provide professional learning and training activities for a new principal or an aspiring principal.
  - (b) Subject to legislative appropriations, the state board shall award a grant to an eligible applicant on a qualifying or competitive basis.
  - (c) The state board may award a grant to an eligible applicant for up to five years.
  - (d) The state board shall determine an eligible applicant's grant amount based on a formula determined by the state board as described Subsection (6).
- (3)
- (a) A grant recipient that receives a grant under this section may use the grant award:
    - (i) to provide mentoring activities to a new principal;
    - (ii) to provide job-embedded experiences such as an internship or residency to an aspiring principal to help the aspiring principal meet school leader standards and competencies required for licensure as a principal;
    - (iii) for activities designed to improve principal leadership, including:
      - (A) hiring a principal supervisor or a principal coach;
      - (B) providing professional learning activities to help a principal meet school leadership standards and competencies for principal licensure established by the state board; and
      - (C) other activities determined by the state board in Subsection (6); and
    - (iv) for planning purposes during the first year of the grant award.
  - (b) A grant recipient that receives a grant award under this section shall use the grant award for activities that are evidenced-based.



- (4) A grant recipient that receives a grant award under this section shall report to the state board on the performance measures and reporting requirements described in Subsection (6).
- (5) On or before the November 2026 meeting, the state board shall report to the Education Interim Committee on:
  - (a) the information described in Subsection (4); and
  - (b) for each grant recipient:
    - (i) how the grant recipient used the grant award;
    - (ii) the number and percent of principals receiving the professional learning and training activities described in Subsection (3);
    - (iii) survey data collected from participating new principals and aspiring principals regarding the quality and effectiveness of the professional learning and training activities described in Subsection (3);
    - (iv) retention rates for all principals;
    - (v) teacher retention rates in each school with a new principal or aspiring principal receiving the professional learning and training activities described in Subsection (3); and
    - (vi) school accountability data described in Title 53E, Chapter 5, Accountability, for each year the grant recipient uses the grant award to provide new and aspiring principals with the professional learning and training activities described in Subsection (3).
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules establishing:
  - (a) mentoring program requirements for new principals;
  - (b) grant application and award procedures including a formula for determining an eligible applicant's grant award amount;
  - (c) performance measures and reporting requirements for a grant recipient;
  - (d) principal leadership standards and competencies;
  - (e) a grant award distribution schedule; and
  - (f) professional learning activities to improve principal leadership for which a grant recipient may use a grant award.

Enacted by Chapter 362, 2020 General Session

**53F-5-218 Grow Your Own Educator Pipeline Program.**

- (1) As used in this section:
  - (a) "Paraprofessional" means an individual who:
    - (i) works with students in an LEA as a paraprofessional or in a similar teaching assistant position; and
    - (ii) is not licensed to teach.
  - (b) "Program" means the Grow Your Own Educator Pipeline Program that this section creates.
  - (c) "School counselor" means an educator who is:
    - (i) licensed as a school counselor in accordance with state board rule; and
    - (ii) assigned to provide direct and indirect services to students in accordance with a school counseling program model that the state board provides.
  - (d) "School counselor assistant" means a student who is:
    - (i) enrolled in an accredited bachelor's degree program in a related field; and
    - (ii) completing the student's practicum experience in a school counseling department under the supervision of a licensed school counselor.
  - (e) "School counselor intern" means a student who is:
    - (i) enrolled in an accredited school counselor master's degree program; and

- (ii) completing the student's hours of a supervised counseling internship by applying appropriate school counseling techniques under the supervision of a licensed school counselor.
- (f) "School psychologist" means an individual:
  - (i) whom the state board licenses to practice as a school psychologist; and
  - (ii) who is assigned to provide direct and indirect services to students within the relevant school or LEA seeking program grant funding.
- (g) "School social worker" means an individual:
  - (i) whom the state board licenses as a school social worker; and
  - (ii) who is assigned to provide direct and indirect services to students within the relevant school or LEA seeking program grant funding.
- (h) "Teacher" means an educator who has an assignment to teach in a classroom.
- (2) The Grow Your Own Educator Pipeline Program is a competitive grant program created to provide funding to LEAs to award scholarships to paraprofessionals, teachers, school counselor assistants, and school counselor interns within the LEA for education and training to become licensed teachers, licensed school counselors, licensed school psychologists, or licensed school social workers.
- (3)
  - (a) The state board shall use money appropriated for the program to provide funding to LEAs that are awarded grants under the program to award scholarships to eligible candidates.
  - (b) The state board shall:
    - (i) determine the amount of an award an LEA receives under the program; and
    - (ii) prioritize the amount of an award an LEA receives based upon an LEA's identified need.
  - (c) The principal within the participating LEA shall nominate a candidate for the scholarship awarded under this section.
- (4) An LEA that participates in the program may select a candidate for a scholarship award if:
  - (a) the candidate is a resident of the state; and
  - (b)
    - (i) for a paraprofessional:
      - (A) a school district or a charter school has employed the candidate as a paraprofessional for at least one year before entering the program; or
      - (B) subject to Subsection (5), the candidate has experience outside of the school district, the charter school, or the state that is equivalent to the experience described in Subsection (4)(b)(i)(A);
    - (ii) for a teacher, the candidate:
      - (A) was a paraprofessional who was awarded a scholarship;
      - (B) was offered employment as a teacher before the teacher completed the training to become a professionally licensed teacher; and
      - (C) is working as a teacher for the same LEA where the teacher previously worked as a paraprofessional and was awarded the scholarship;
    - (iii) for a school counselor assistant, the candidate:
      - (A) is enrolled in a bachelor's degree program in a related field; and
      - (B) demonstrates a commitment to continue the school counselor assistant's education after graduation in school counseling;
    - (iv) for a school counselor intern, the candidate is enrolled in a school counselor master's degree program accredited by:
      - (A) the Council for Accreditation of Counseling and Related Educational Programs; or

- (B) another regionally recognized accrediting body that meets the state board's standards for school counselor education programs;
  - (v) for a school psychologist student, including a student, practicum student, or intern, the candidate is enrolled in a school psychology education specialist or doctorate program that the National Association of School Psychologists accredits; or
  - (vi) for a candidate studying to become a school social worker, including a student or practicum intern, the candidate is enrolled in a masters level social work program that the Council of Social Work Education accredits.
- (5) The percentage of an LEA's paraprofessional scholarship recipients who are eligible for a scholarship using equivalent experience under Subsection (4)(b)(i)(B) may not exceed 20%.
- (6) A scholarship award under the program may only be used for:
- (a) tuition, books, fees, and certification tests for required coursework and licensure;
  - (b) stipends for mentors or school counselor assistants; and
  - (c) if the LEA pays 0.15 of a full-time equivalent and all employee benefits, payment of a 0.35 full-time equivalent for:
    - (i) a paraprofessional, up to one semester of student teaching; or
    - (ii) a school counselor assistant or school counselor intern, up to two semesters of practicum or internship hours.
- (7) An LEA shall ensure that a paraprofessional scholarship recipient is continuously employed as a paraprofessional by the paraprofessional's LEA while pursuing a degree using scholarship money under the program.
- (8) The state board shall make rules in accordance with this section and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the program, including rules regarding:
- (a) grant and scholarship application procedures;
  - (b) procedures for distributing scholarship money;
  - (c) assignment and eligibility of qualified mentors;
  - (d) stipends for mentors or school counselor assistants;
  - (e) administrative costs for regional education service agencies, as that term is defined in Section 53G-4-410; and
  - (f) eligibility requirements for potential candidates for scholarships regarding the completion of the Free Application for Federal Student Aid and the acceptance of other grants, tuition or fee waivers, and scholarships offered to the candidate.

Amended by Chapter 136, 2023 General Session

Amended by Chapter 342, 2023 General Session

**53F-5-219 Local Innovations Civics Education Pilot Program.**

- (1) As used in this section:
- (a) "Core standards" means the core standards for Utah public schools adopted by the state board pursuant to Section 53E-4-202.
  - (b) "Digital citizenship" means the same as that term is defined in Section 53G-7-1202.
  - (c) "Evidence-informed" means that an approach:
    - (i) is developed using high-quality research outside of a controlled setting in the given field, as the state board further defines; and
    - (ii) includes strategies and activities with a strong scientific basis for use, as the state board further defines.
  - (d) "Innovative approach" means an evidence-informed approach to civics education.

- (e) "Local Innovations Civics Education Pilot Program" or "pilot program" means the civics education pilot program created in Subsection (2).
  - (f) "LEA" means:
    - (i) a school district;
    - (ii) a district school; or
    - (iii) a charter school.
  - (g) "Participating LEA" means an LEA that the state board selects to receive a grant as described in this section.
- (2) There is created a three-year pilot program known as the Local Innovations Civics Education Pilot Program to promote developmentally-appropriate innovative approaches that are:
- (a) aligned with core standards; and
  - (b) based on proven practices, including:
    - (i) promoting responsibility for preserving and defending the blessings of liberty secured by the Constitution of the United States;
    - (ii) building confidence in the foundations of American democracy, including:
      - (A) American civic and political institutions; and
      - (B) foundational constitutional concepts;
    - (iii) developing the skills and character traits essential for informed, productive, and thoughtful engagement in civic life, consistent with Subsection 53G-10-204(3);
    - (iv) after providing sufficient instruction in American civics and history to instill the confidence described in Subsection (2)(b)(ii), and after developing the skills described in Subsection (2)(b)(iii), promoting academic service learning and informed participation in civic life, including the policymaking process at different levels of government; and
    - (v) teaching media literacy and digital citizenship.
- (3) The state board shall:
- (a) in accordance with this section and subject to legislative appropriations, award a grant to a participating LEA;
  - (b) in selecting participating LEAs, prioritize LEAs that, in the LEA's proposal described in Subsection (3)(d)(iii):
    - (i) emphasize the proven practices described in Subsection (2)(b); and
    - (ii) demonstrate how the LEA's innovative approach aligns with core standards;
  - (c) strive to select participating LEAs:
    - (i) from a variety of geographic areas within the state;
    - (ii) representing students with diverse socioeconomic backgrounds; and
    - (iii) with a range of student population sizes; and
  - (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing:
    - (i) eligibility requirements for a participating LEA;
    - (ii) criteria for selecting a participating LEA;
    - (iii) an application process for an LEA to apply to participate in the pilot program, including:
      - (A) a requirement that an LEA submit a proposal that describes the LEA's innovative approach and how the innovative approach aligns with core standards; and
      - (B) requirements for a participating LEA that includes a proposal to contract with a third party as described in Subsection (4)(b);
    - (iv) a process for assessing the outcomes and measuring results of a participating LEA's innovative approach that includes a requirement that:
      - (A) feedback is solicited from parents and students in a participating LEA; and
      - (B) LEAs participate in the process for assessing outcomes and measuring results; and

- (v) requirements for a report that a participating LEA is required to submit to the state board at the end of the pilot program.
- (4) A participating LEA:
  - (a) shall:
    - (i) use a grant the state board awards to implement a developmentally-appropriate innovative approach based on at least two proven practices;
    - (ii) integrate the innovative approach described in Subsection (4)(a), into the school curriculum; and
    - (iii) submit a report to the state board in accordance with the rules described in Subsection (3)(d); and
  - (b) may use a grant the state board awards to contract with a third party to help the participating LEA implement the participating LEA's innovative approach if:
    - (i) the participating LEA includes a proposal to contract with a third party in the LEA's proposal described in Subsection (3)(d)(iii); and
    - (ii) the state board approves the third party contract in accordance with rules the state board makes under Subsection (3).
- (5) The state board may contract with a third party provider to:
  - (a) offer professional learning and mentoring for educators in a participating LEA;
  - (b) identify institutional barriers to achieving innovation in civic teaching and learning at the LEA level; or
  - (c) make recommendations for initiatives, public policy, or legislation to improve civics education.
- (6) Upon request of the Education Interim Committee, the state board shall report to the Education Interim Committee on the pilot program's progress and outcomes.

Enacted by Chapter 229, 2022 General Session

**53F-5-220 School Safety and Support Grant Program -- Rulemaking.**

- (1) The state board may award a grant to an LEA in response to an LEA request for proposal to provide a school with:
  - (a) school resource officer services;
  - (b) school safety specialists and school safety specialist training;
  - (c) safety and security training by law enforcement agencies for school employees;
  - (d) interoperable communication hardware, software, equipment maintenance, and training for first responder communication systems;
  - (e) enhanced physical security at a school upon completion of the school's threat assessment;
  - (f) first-aid kits for classrooms; or
  - (g) bleeding control kits.
- (2) An LEA may not apply for a grant under this section to fund services already in place, but an LEA may submit a request for proposal to fund an expansion of or enhancement to existing services.
- (3) The state board shall prioritize grant funding for LEAs with low student counts that have designated a school safety specialist in each school.
- (4) The state board may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer this section.

Enacted by Chapter 383, 2023 General Session

**53F-5-221 Management of energy and water use pilot program.**

- (1) As used in this section:
  - (a) "Energy" means natural gas or electricity.
  - (b) "Great Salt Lake watershed" means the drainage area for the Great Salt Lake, the Bear River watershed, the Jordan River watershed, the Utah Lake watershed, the Weber River watershed, and the West Desert watershed.
  - (c) "Rural school district or charter school" means a school district or charter school that is located within a county of the third, fourth, fifth, or sixth class.
- (2)
  - (a) On or after May 3, 2023, but before July 1, 2028, the state board may award a grant to a school district or charter school upon recommendation by the review panel created in Subsection (5) to implement a program to reduce the use of energy or water by a school district or charter school.
  - (b) When issuing a grant under this section, the state board shall prioritize outdoor water conservation projects.
  - (c) When issuing a grant under this section during the period beginning on May 3, 2023, and ending October 31, 2023, the state board shall prioritize, in the order the state board considers appropriate, a grant:
    - (i) to a rural school district or charter school;
    - (ii) to a school district or charter school that is located within the Great Salt Lake watershed; and
    - (iii) for an outdoor water conservation project.
- (3)
  - (a) Grant money may be used to pay for any of the following, provided the use is directly related to reducing the use of energy or water by the school district or charter school:
    - (i) computer equipment and peripherals;
    - (ii) software;
    - (iii) upgrades of existing computer equipment or software;
    - (iv) physical equipment used to deliver energy or water;
    - (v) upgrades of existing physical equipment used to deliver energy or water;
    - (vi) personnel to provide technical support or coordination and management;
    - (vii) staff or student management training;
    - (viii) recalibration of equipment for increased efficiency; or
    - (ix) another means of optimizing and measuring energy or water efficiency.
  - (b) Equipment or software purchased in compliance with Subsection (3)(a), when not in use to reduce energy or water, may be used for other purposes.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:
  - (a) establishing procedures for applying for and awarding a grant;
  - (b) establishing eligibility criteria;
  - (c) creating grant distribution thresholds;
  - (d) specifying how grant money is allocated among school districts and charter schools;
  - (e) requiring reporting of grant money expenditures and evidence showing that the grant money has been used to implement reduced use of energy or water; and
  - (f) establishing technology standards.
- (5) The state board shall establish a review panel to consider grant applications under this section, which shall include in addition to a representative for the state board, representation from the Office of Energy Development, the Department of Environmental Quality, the Division of Water Resources, and private energy providers.

- (6) By no later than the 2027 November interim meeting of the following, the state board shall report on the effectiveness of grants issued under this section to the following:
- (a) Education Interim Committee; and
  - (b) Natural Resources, Agriculture, and Environment Interim Committee.

Enacted by Chapter 142, 2023 General Session

## **Part 4**

### **Partnerships for Student Success Grant Program**

#### **53F-5-401 Definitions.**

As used in this part:

- (1) "Eligible elementary school" or "eligible junior high school" means a district school or charter school that has at least 50% of the school's students with a family income at or below 185% of the federal poverty level.
- (2) "Eligible partnership" means a partnership that:
- (a) includes at least:
    - (i) a local education agency that has designated an eligible school feeder pattern;
    - (ii) a local nonprofit organization;
    - (iii) a private business;
    - (iv) a municipality or county in which the eligible school feeder pattern is located;
    - (v) an institution of higher education within the state;
    - (vi) a state or local government agency that provides services to students attending schools within the eligible school feeder pattern;
    - (vii) a local philanthropic organization; and
    - (viii) a local health care organization; and
  - (b) has designated a local education agency or local nonprofit organization to act as lead applicant for a grant described in this part.
- (3) "Eligible school feeder pattern" means the succession of schools that a student enrolls in as the student progresses from kindergarten through grade 12 that includes, as designated by a local education agency:
- (a) a high school;
  - (b) an eligible junior high school that:
    - (i) is a district school within the geographic boundary of the high school described in Subsection (3)(a); or
    - (ii) is a charter school that sends at least 50% of the charter school's students to the high school described in Subsection (3)(a); and
  - (c) an eligible elementary school that:
    - (i) is a district school within the geographic boundary of the high school described in Subsection (3)(a); or
    - (ii) is a charter school that sends at least 50% of the charter school's students to the junior high school described in Subsection (3)(b).
- (4) "Local education agency" means a school district or charter school.

Amended by Chapter 186, 2019 General Session

**53F-5-402 Partnerships for Student Success Grant Program established.**

- (1) There is created the Partnerships for Student Success Grant Program to improve educational outcomes for low income students through the formation of cross sector partnerships that use data to align and improve efforts focused on student success.
- (2) Subject to legislative appropriations, the state board shall award grants to eligible partnerships that enter into a memorandum of understanding between the members of the eligible partnership to plan or implement a partnership that:
  - (a) establishes shared goals, outcomes, and measurement practices based on unique community needs and interests that:
    - (i) for students attending an elementary school within an eligible school feeder pattern, focus on:
      - (A) kindergarten readiness;
      - (B) reading proficiency, consistent with the science of reading, as defined by the science of reading panel described in Section 53E-3-1003; and
      - (C) grade 3 mathematics; and
    - (ii) for students attending a secondary school within an eligible school feeder pattern, focus on:
      - (A) grade 8 mathematics and reading proficiency;
      - (B) high school graduation;
      - (C) postsecondary education attainment;
      - (D) physical and mental health; and
      - (E) development of career skills and readiness;
  - (b) coordinates and aligns services to:
    - (i) students attending schools within an eligible school feeder pattern; and
    - (ii) the families and communities of the students within an eligible school feeder pattern;
  - (c) implements a system for:
    - (i) sharing data to monitor and evaluate shared goals and outcomes, in accordance with state and federal law; and
    - (ii) accountability for shared goals and outcomes; and
  - (d) commits to providing matching funds as described in Section 53F-5-403.
- (3) In making grant award determinations, the state board shall prioritize funding for an eligible partnership that:
  - (a) focus on early literacy and mathematics;
  - (b) includes a low performing school as determined by the state board; or
  - (c) addresses parent and community engagement.
- (4) In awarding grants under this part, the state board:
  - (a) shall distribute funds to the lead applicant designated by the eligible partnership as described in Section 53F-5-401; and
  - (b) may not award more than \$500,000 per fiscal year to an eligible partnership.

Amended by Chapter 36, 2022 General Session  
Amended by Chapter 285, 2022 General Session

**53F-5-403 Matching funds -- Grantee requirements.**

- (1)
  - (a) The state board may not award a grant to an eligible partnership unless the eligible partnership provides matching funds equal to two times the amount of the grant.
  - (b) The state board shall ensure that at least half of the matching funds provided under Subsection (1)(a) are provided by a local education agency.



- (c) Matching funds may include cash or an in-kind contribution.
- (2) A partnership that receives a grant under this part shall:
  - (a) select and contract with a technical assistance provider identified by the state board as described in Section 53F-5-404;
  - (b) continually assess progress toward reaching shared goals and outcomes;
  - (c) publish results of the continual assessment described in Subsection (2)(b) on an annual basis; and
  - (d) regularly report to the state board in accordance with rules established by the state board under Section 53F-5-406.
- (3) A partnership that receives a grant under this part may use grant funds only for the following purposes:
  - (a) to contract with a technical assistance provider identified by the state board as described in Section 53F-5-404; and
  - (b) to plan or implement a partnership, including:
    - (i) for project management;
    - (ii) for planning and adaptation of services and strategies;
    - (iii) to coordinate services;
    - (iv) to establish and implement shared measurement practices;
    - (v) to produce communication materials and conduct outreach activities to build public support;
    - (vi) to establish data privacy and sharing agreements, in accordance with state and federal law;
    - (vii) to purchase infrastructure, hardware, and software to collect and store data; or
    - (viii) to analyze data.
- (4)
  - (a) The state board shall establish interventions for a partnership that:
    - (i) fails to comply with the requirements described in this section; or
    - (ii) is not making progress toward reaching the shared goals and outcomes established by the partnership as described in Section 53F-5-402.
  - (b) An intervention under Subsection (4)(a) may include discontinuing or reducing funding.

Amended by Chapter 274, 2020 General Session

**53F-5-404 Technical assistance.**

- (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board shall identify two or more technical assistance providers that a partnership may select from to assist the partnership in:
  - (a) establishing shared goals, outcomes, and measurement practices;
  - (b) creating the capabilities to achieve shared goals and outcomes that may include providing leadership development training to members of the partnership; and
  - (c) using data to align and improve efforts focused on student success.
- (2) In identifying technical assistance providers under this section the state board shall identify providers that have a credible track record of providing technical assistance as described in Subsection (1).

Amended by Chapter 186, 2019 General Session

**53F-5-405 Evaluation -- Reporting.**

- (1) The state board shall annually evaluate a partnership that receives a grant under this part.
- (2) The evaluation described in Subsection (1) shall:

- (a) assess implementation of a partnership, including the extent to which members of a partnership:
  - (i) share data to align and improve efforts focused on student success; and
  - (ii) meet regularly and communicate authentically; and
- (b) assess the impact of a partnership on student outcomes using appropriate statistical evaluation methods.
- (3) Beginning in the 2020-21 school year, the state board shall:
  - (a) prepare an annual written report of an evaluation conducted under this section; and
  - (b) submit the report in accordance with Section 53E-1-201.
- (4) The state board may use up to 6% of money appropriated for the purposes described in this part to pay for administrative costs incurred in implementing the Partnerships for Student Success Grant Program, including costs to conduct the evaluation described in Subsection (1).

Amended by Chapter 274, 2020 General Session

**53F-5-406 Rules.**

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to administer the Partnerships for Student Success Grant Program in accordance with this part.

Amended by Chapter 408, 2020 General Session

**Part 5**  
**Personalized, Competency-based Learning Grants Program**

**53F-5-501 Definitions.**

As used in this part:

- (1) "Blended learning" means a formal education program in which a student learns:
  - (a) at least in part, through online learning with some element of student control over time, place, path, and pace;
  - (b) at least in part, in a supervised brick-and-mortar location away from home; and
  - (c) in a program in which the modalities along each student's learning path within a course or subject are connected to provide an integrated learning experience.
- (2) "Extended learning" means learning opportunities outside of a traditional school structure, including:
  - (a) online learning available anywhere, anytime;
  - (b) career-based experiences, including internships and job shadowing;
  - (c) community-based projects; and
  - (d) off-site postsecondary learning.
- (3) "Grant program" means the Personalized, Competency-Based Learning Grants Program created in this part.
- (4) "Institution of higher education" means an institution listed in Section 53B-1-102.
- (5) "Personalized, competency-based learning" means a system of learning in which the following principles influence the daily actions of the educational community:

- (a) students are empowered daily to make important decisions about the students' learning experiences, how the students will create and apply knowledge, and how students will demonstrate the students' learning;
  - (b) assessment is a meaningful, positive, and empowering learning experience for students that yields timely, relevant, and actionable evidence;
  - (c) students receive timely, differentiated support based on the students' individual learning needs;
  - (d) students progress based on evidence of mastery rather than by hours of attendance;
  - (e) students learn actively using different pathways and varied pacing;
  - (f) strategies to ensure equity for all students are embedded in the culture, structure, and pedagogy of schools and education systems; and
  - (g) rigorous, common expectations for learning, including knowledge, skills, and dispositions, are explicit, transparent, measurable, and transferable.
- (6) "Review committee" means the committee established under Section 53F-5-502.
- (7) "STEM" means science, technology, engineering, and mathematics.

Amended by Chapter 129, 2021 General Session

**53F-5-502 Personalized Competency-Based Learning Grants Program -- State board duties -- Review committee -- Technical assistance training.**

- (1) There is created the Personalized Competency-Based Learning Grants Program consisting of the grants created in this part to improve educational outcomes in public schools through personalized, competency-based learning.
- (2) The grant program shall incentivize an LEA to establish personalized, competency-based learning within the LEA through the use of:
  - (a) personalized learning;
  - (b) blended learning;
  - (c) extended learning;
  - (d) educator professional learning in personalized, competency-based learning; or
  - (e) any other method that emphasizes personalized, competency-based learning.
- (3) The state board shall:
  - (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules:
    - (i) for the administration of the grant program and awarding of grants; and
    - (ii) to define outcome-based measures appropriate to the type of grant for an LEA that is awarded a grant under this part to use to measure the performance of the LEA's plan or program;
  - (b) establish a grant application process;
  - (c) in accordance with Subsection (4), establish a review committee to make recommendations to the state board for:
    - (i) metrics to analyze the quality of a grant application; and
    - (ii) approval of a grant application; and
  - (d) with input from the review committee, adopt metrics to analyze the quality of a grant application.
- (4)
  - (a) The review committee shall consist of STEM and blended learning experts, current and former school administrators, current and former teachers, and at least one former school district superintendent, in addition to other staff designated by the state board.
  - (b) The review committee shall:

- (i) review a grant application submitted by an LEA;
  - (ii) make recommendations to the LEA to modify the application, if necessary; and
  - (iii) make recommendations to the state board regarding the final disposition of an application.
- (5)
- (a) The state board shall provide technical assistance training to assist an LEA with a grant application under this part.
  - (b) An LEA may not apply for a grant under this part unless:
    - (i) a representative of the LEA attends the technical assistance training before the LEA submits a grant application; and
    - (ii) the representative is a superintendent, principal, or a person in a leadership position within the LEA.
  - (c) The technical assistance training shall include:
    - (i) instructions on completing a grant application, including grant application requirements;
    - (ii) information on the scoring metrics used to review a grant application; and
    - (iii) information on personalized, competency-based learning.
- (6) The state board may use up to 5% of an appropriation provided to fund this part for administration of the grant program.

Amended by Chapter 129, 2021 General Session

**53F-5-503 Planning grants -- Requirements.**

- (1)
- (a) The state board shall, subject to legislative appropriations, award a planning grant to an LEA:
    - (i) that submits a planning grant application that meets the requirements established by the state board, subject to Subsection (2);
    - (ii) if an LEA designee has attended the technical assistance training described in Section 53F-5-502; and
    - (iii) if the LEA planning grant application has been recommended by the review committee.
  - (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds no later than one calendar year after receiving the funds.
- (2)
- (a) A planning grant application shall include evidence that the LEA:
    - (i) can provide a general description of the program the LEA would like to plan;
    - (ii) is intending to plan for:
      - (A) schoolwide implementation; or
      - (B) if the LEA intends to implement initially with a population smaller than schoolwide, phasing the plan in schoolwide or districtwide over a specified period of time;
    - (iii) can describe the types of partners that will help with the plan and, eventually, implement the program;
    - (iv) planning activities and program will focus on:
      - (A) implementation of the core principles described in Section 53F-5-502;
      - (B) use of the methods, as applicable, described in Section 53F-5-502; and
      - (C) the outcome-based measures adopted by the state board under Section 53F-5-502;
    - (v) has:
      - (A) the capacity, qualifications, local governing body support, and time to successfully plan the program; and
      - (B) an intentional and feasible planning process;
    - (vi) will align the LEA's budget as necessary with the planning process; and

- (vii) will communicate and promote the plan with parents, teachers, and members of the community.
- (b) The state board may adopt other requirements in addition to the requirements in Subsection (2)(a).

Amended by Chapter 186, 2019 General Session

**53F-5-504 Implementation grants -- Requirements.**

- (1)
  - (a) The state board shall, subject to legislative appropriations, award an implementation grant to, subject to Subsection (1)(c), an LEA:
    - (i) that submits an implementation grant application that meets the requirements established by the state board, subject to Subsection (2);
    - (ii) if an LEA designee has attended the technical assistance training described in Section 53F-5-502; and
    - (iii) if the LEA implementation grant application has been recommended by the review committee.
  - (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds no later than two calendar years after receiving the funds.
  - (c) An LEA is not eligible to receive an implementation grant under this section unless the state board has previously awarded the LEA a planning grant under Section 53F-5-503.
- (2)
  - (a) An implementation grant application shall include evidence that the LEA:
    - (i) can logically articulate the proposed program's mission, theory of change, and the program's intended goals and outcomes;
    - (ii)
      - (A) program will have schoolwide implementation; or
      - (B) if the LEA intends to implement initially with a population smaller than schoolwide, program includes steps to phase the program in schoolwide or districtwide over a specified period of time;
    - (iii) has an understanding of similar programs and can use this knowledge to strengthen the LEA's program implementation;
    - (iv) program will focus on:
      - (A) direct alignment with the core principles described in Section 53F-5-502;
      - (B) use of the methods, as applicable, described in Section 53F-5-502; and
      - (C) the outcome based measures adopted by the state board under Section 53F-5-502;
    - (v) program will address a need, determined by data, in the LEA or community;
    - (vi) has a strong evaluation plan that will clearly measure the success of the LEA's program against the stated goals and objectives;
    - (vii) has a list of signatures of key stakeholders and partners who are committed to implementing the program;
    - (viii) has the capacity, qualifications, local governing body support, and time to successfully implement this program;
    - (ix) has an intentional and feasible scope of work to implement the program;
    - (x) will align the LEA's budget as necessary with the planning process; and
    - (xi) will communicate and promote the plan with parents, teachers, and members of the community.

- (b) The state board may adopt other requirements in addition to the requirements in Subsection (2)(a).
- (3) A program under this section may include:
  - (a) a waiver, subject to Section 53F-5-506, of required school hours attended or traditional school calendar scheduling; and
  - (b) an adjustment of educator compensation to reflect the implementation of a waiver under Subsection (3)(a).

Amended by Chapter 186, 2019 General Session

**53F-5-505 Expansion grants -- Requirements.**

- (1)
  - (a) The state board shall, subject to legislative appropriations and to expand an existing LEA program schoolwide or districtwide, award a grant to, subject to Subsection (1)(c), an LEA:
    - (i) that submits an expansion grant application that meets the requirements established by the state board, subject to Subsection (2);
    - (ii) if an LEA designee has attended the technical assistance training described in Section 53F-5-502; and
    - (iii) if the LEA expansion grant application has been recommended by the review committee.
  - (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds no later than two calendar years after receiving the funds.
  - (c) An LEA is not eligible to receive an expansion grant under this section unless the state board has previously awarded the LEA an implementation grant under Section 53F-5-504.
- (2)
  - (a) An expansion grant application shall include evidence that the LEA:
    - (i) has an established program that:
      - (A) has successfully met previous goals;
      - (B) has shown outcomes that are in alignment with the core principles described in Section 53F-5-502 and used methods, as applicable, described in Section 53F-5-502;
      - (C) is supported by LEA management and leadership;
      - (D) is suitable for expansion schoolwide or districtwide; and
      - (E) is the program, with any necessary modifications, that the LEA plans to expand if awarded the expansion grant;
    - (ii) can logically articulate the LEA's program mission, theory of change, and the program's intended goals and outcomes;
    - (iii) program as proposed for expansion is focused on:
      - (A) direct alignment with the core principles identified in Section 53F-5-502;
      - (B) use of the methods, as applicable, described in Section 53F-5-502; and
      - (C) the outcome based measures adopted by the state board under Section 53F-5-502;
    - (iv) that the program will directly address a need, determined by data, in the LEA or community;
    - (v) has clearly articulated core components that ensure, when expanded, the program will yield positive outcomes;
    - (vi) has a strong evaluation plan that will clearly measure the success of the LEA's program against the stated goals and objectives;
    - (vii) has a list of signatures of key stakeholders and partners who are committed to expanding the program;
    - (viii) has the capacity, qualifications, local governing body support, and time to successfully expand the program;

- (ix) has an intentional and feasible scope of work to expand the program;
  - (x) has a strategic budget that is aligned with the LEA's scope of work; and
  - (xi) will communicate and promote the plan with parents, teachers, and members of the community.
- (b) The state board may adopt other requirements in addition to the requirements in Subsection (2)(a).
- (3) A program under this section may include:
- (a) a waiver, subject to Section 53F-5-506, of required school hours attended or traditional school calendar scheduling; and
  - (b) an adjustment of educator compensation to reflect the implementation of a waiver under Subsection (3)(a).

Amended by Chapter 186, 2019 General Session

**53F-5-506 Waiver from state board rule -- State board recommended statutory changes.**

- (1) An LEA may apply to the state board in a grant application submitted under this part for a waiver of a state board rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that inhibits or hinders the LEA from accomplishing its goals set out in its grant application.
- (2) The state board may grant the waiver, unless:
- (a) the waiver would cause the LEA to be in violation of state or federal law; or
  - (b) the waiver would threaten the health, safety, or welfare of students in the LEA.
- (3) If the state board denies the waiver, the state board shall provide in writing the reason for the denial to the waiver applicant.
- (4)
- (a) The state board shall request from each LEA that receives a grant under this part for each year the LEA receives funds:
    - (i) information on a state statute that hinders an LEA from fully implementing the LEA's program; and
    - (ii) suggested changes to the statute.
  - (b) The state board shall report any information received from an LEA under Subsection (4)(a) and the state board's recommendations in accordance with Section 53E-1-203.

Amended by Chapter 408, 2020 General Session

**53F-5-507 Cooperation of institutions of higher education -- Transferring students not to be penalized.**

- (1) An institution of higher education:
- (a) shall, for purposes of admission, scholarships, and other financial aid consideration, recognize and accept on equal footing as a traditional high school diploma a high school diploma awarded to a student who successfully completes an educational program that uses, in whole or in part, personalized, competency-based learning; and
  - (b) cooperate with an LEA:
    - (i) as applicable, to facilitate the advancement of a student who attends a personalized, competency-based learning program; and
    - (ii) as requested, in the development of an LEA plan or program under this part.
- (2) If a student attending an LEA that establishes personalized, competency-based learning within the LEA transfers to another school within the LEA or to another LEA entirely that does not

have a personalized, competency-based learning program, the student may not be penalized by being required to repeat course work that the student has successfully completed, changing the student's grade, or receive any other penalty related to the student's previous attendance in the personalized, competency-based learning program.

Amended by Chapter 129, 2021 General Session

## **Part 6**

### **American Indian and Alaskan Native Education State Plan Program**

#### **53F-5-601 Definitions.**

As used in this part:

- (1) "American Indian and Alaskan Native concentrated school" means a school where at least 29% of the school's students are American Indian or Alaskan Native.
- (2) "Native American Legislative Liaison Committee" means the committee created in Section 36-22-1.
- (3) "State plan" means the state plan adopted under Laws of Utah 2015, Chapter 53, Section 7.
- (4) "Teacher" means an individual employed by a school district or charter school who is required to hold an educator license issued by the state board and who has an assignment to teach in a classroom.

Amended by Chapter 186, 2019 General Session

Amended by Chapter 246, 2019 General Session

#### **53F-5-602 Program created.**

- (1)
  - (a) In addition to the state plan adopted under Laws of Utah 2015, Chapter 53, Section 7, beginning with fiscal year 2020-2021, there is created a program administered by the state board to provide grants targeted to address the needs of American Indian and Alaskan Native students.
  - (b) The program shall consist of a grant program to school districts and charter schools to be used to fund stipends, recruitment, retention, and professional development of teachers who teach in American Indian and Alaskan Native concentrated schools.
  - (c) In determining grant recipients for at least two-thirds of the money appropriated to the program, the state board shall give priority to American Indian and Alaskan Native concentrated schools located in a county of the fourth, fifth, or sixth class with significant populations of American Indians and Alaskan Natives.
- (2) Up to 3% of the money appropriated to the grant program under this part may be used by the state board for costs in implementing the program.

Amended by Chapter 269, 2020 General Session

#### **53F-5-603 Grant program to school districts and charter schools.**

- (1) From money appropriated to the grant program, the state board shall distribute grant money on a competitive basis to a school district or charter school that applies for a grant and:
  - (a)



- (i) has within the school district one or more American Indian and Alaskan Native concentrated schools; or
  - (ii) is an American Indian and Alaskan Native concentrated school; and
  - (b) has a program to fund stipends, recruitment, retention, and professional development of teachers who teach at American Indian and Alaskan Native concentrated schools.
- (2) The grant money distributed under this section may only be expended to fund a program described in Subsection (1)(b).
- (3)
- (a) If a school district or charter school obtains a grant under this section, by no later than two years from the date the school district or charter school obtains the grant, the state board shall review the implementation of the program described in Subsection (1)(b) to determine whether:
    - (i) the program is effective in addressing the need to retain teachers at American Indian and Alaskan Native concentrated schools; and
    - (ii) the money is being spent for a purpose not covered by the program described in Subsection (1)(b).
  - (b) If the state board determines that the program is not effective or that the money is being spent for a purpose not covered by the program described in Subsection (1)(b), the state board may terminate the grant money being distributed to a school district or charter school.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may make rules providing:
- (a) criteria for evaluating grant applications; and
  - (b) procedures for:
    - (i) a school district to apply to the state board to receive grant money under this section; and
    - (ii) the review of the use of grant money described in Subsection (3).
- (5) The grant money is intended to supplement and not replace existing money supporting American Indian and Alaskan Native concentrated schools, except that the grant money is intended to replace grants awarded under pilot programs supporting American Indian and Alaskan Native concentrated schools that have ended.

Amended by Chapter 269, 2020 General Session

Amended by Chapter 408, 2020 General Session

**53F-5-604 Liaison -- Reporting -- Meeting.**

- (1) Subject to budget constraints, the superintendent of public instruction appointed under Section 53E-3-301 shall appoint an individual as the American Indian-Alaskan Native Public Education Liaison.
- (2) The liaison shall:
  - (a) work under the direction of the superintendent in the development and implementation of the state plan; and
  - (b) annually report to the Native American Legislative Liaison Committee created under Section 36-22-1 regarding:
    - (i) what entities receive a grant under this part;
    - (ii) the effectiveness of the expenditures of grant money; and
    - (iii) recommendations, if any, for additional legislative action.
- (3) The Native American Legislative Liaison Committee shall annually schedule at least one meeting at which education is discussed with selected stakeholders.

Amended by Chapter 269, 2020 General Session

**Chapter 6**  
**State Funding -- Programs Administered by Other Agencies**

**Part 1**  
**General Provisions**

**53F-6-102 Definitions.**

Reserved

Enacted by Chapter 2, 2018 General Session

**Part 4**  
**Utah Fits All Scholarship Program**

**53F-6-401 Definitions.**

As used in this part:

- (1) "Eligible student" means a student:
  - (a) who is eligible to participate in public school, in kindergarten, or grades 1 through 12;
  - (b) who is a resident of the state;
  - (c) who, during the school year for which the student is applying for a scholarship account:
    - (i) does not receive a scholarship under:
      - (A) the Carson Smith Scholarship Program established in Section 53F-4-302; or
      - (B) the Special Needs Opportunity Scholarship Program established in Section 53E-7-402;and
    - (ii) except for a student who is enrolled part-time in accordance with Section 53G-6-702, is not enrolled in an LEA upon receiving the scholarship;
  - (d) whose eligibility is not suspended or disqualified under Section 53F-6-401; and
  - (e) who completes, to maintain eligibility, the portfolio requirement described in Subsection 53F-6-402(3)(d).
- (2) "Federal poverty level" means the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States Department of Health and Human Services in the Federal Register.
- (3)
  - (a) "Home-based scholarship student" means a student who:
    - (i) is eligible to participate in public school, in kindergarten or grades 1 through 12;
    - (ii) is excused from enrollment in an LEA in accordance with Section 53G-6-204 to attend a home school; and
    - (iii) receives a benefit of scholarship funds.
  - (b) "Home-based scholarship student" does not mean a home school student who does not receive a scholarship under the program.
- (4) "Program manager" means an organization that:
  - (a) is qualified as tax exempt under Section 501(c)(3), Internal Revenue Code;

- (b) is not affiliated with any international organization;
  - (c) does not harvest data for the purpose of reproducing or distributing the data to other entities;
  - (d) has no involvement in guiding or directing any curriculum or curriculum standards;
  - (e) does not manage or otherwise administer a scholarship under:
    - (i) the Carson Smith Scholarship Program established in Section 53F-4-302; or
    - (ii) the Special Needs Opportunity Scholarship Program established in Section 53E-7-402; and
  - (f) an agreement with the state board recognizes as a program manager, in accordance with this part.
- (5)
- (a) "Program manager employee" means an individual working for the program manager in a position in which the individual's salary, wages, pay, or compensation, including as a contractor, is paid from scholarship funds.
  - (b) "Program manager employee" does not include:
    - (i) an individual who volunteers for the program manager or for a qualifying provider;
    - (ii) an individual who works for a qualifying provider; or
    - (iii) a qualifying provider.
- (6) "Program manager officer" means:
- (a) a member of the board of a program manager; or
  - (b) the chief administrative officer of a program manager.
- (7) "Qualifying provider" means one of the following entities that is not a public school and is autonomous and not an agent of the state, in accordance with Section 53F-6-406:
- (a) an eligible school that the program manager approves in accordance with Section 53F-6-408; or
  - (b) an eligible service provider that the program manager approves in accordance with Section 53F-6-409.
- (8) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
- (9) "Scholarship account" means the account to which a program manager allocates funds for the payment of approved scholarship expenses in accordance with this part.
- (10) "Scholarship expense" means an expense described in Section 53F-6-402 that a parent or scholarship student incurs in the education of the scholarship student for a service or goods that a qualifying provider provides, including:
- (a) tuition and fees of a qualifying provider;
  - (b) fees and instructional materials at a technical college;
  - (c) tutoring services;
  - (d) fees for after-school or summer education programs;
  - (e) textbooks, curricula, or other instructional materials, including any supplemental materials or associated online instruction that a curriculum or a qualifying provider recommends;
  - (f) educational software and applications;
  - (g) supplies or other equipment related to a scholarship student's educational needs;
  - (h) computer hardware or other technological devices that are intended primarily for a scholarship student's educational needs;
  - (i) fees for the following examinations, or for a preparation course for the following examinations, that the program manager approves:
    - (i) a national norm-referenced or standardized assessment described in Section 53F-6-410, an advanced placement examination, or another similar assessment;
    - (ii) a state-recognized industry certification examination; and

- (iii) an examination related to college or university admission;
  - (j) educational services for students with disabilities from a licensed or accredited practitioner or provider, including occupational, behavioral, physical, audiology, or speech-language therapies;
  - (k) contracted services that the program manager approves and that an LEA provides, including individual classes, after-school tutoring services, transportation, or fees or costs associated with participation in extracurricular activities;
  - (l) ride fees or fares for a fee-for-service transportation provider to transport the scholarship student to and from a qualifying provider, not to exceed \$750 in a given school year;
  - (m) expenses related to extracurricular activities, field trips, educational supplements, and other educational experiences; or
  - (n) any other expense for a good or service that:
    - (i) a parent or scholarship student incurs in the education of the scholarship student; and
    - (ii) the program manager approves, in accordance with Subsection (4)(d).
- (11) "Scholarship funds" means:
- (a) funds that the Legislature appropriates for the program; and
  - (b) interest that scholarship funds accrue.
- (12)
- (a) "Scholarship student" means an eligible student, including a home-based scholarship student, for whom the program manager establishes and maintains a scholarship account in accordance with this part.
  - (b) "Scholarship student" does not include a home school student who does not receive a scholarship award under the program.
- (13) "Utah Fits All Scholarship Program" or "program" means the scholarship program established in Section 53F-6-402.

Enacted by Chapter 1, 2023 General Session

**53F-6-402 Utah Fits All Scholarship Program -- Scholarship account application -- Scholarship expenses -- Program information.**

- (1) There is established the Utah Fits All Scholarship Program under which, beginning March 1, 2024, a parent may apply to a program manager on behalf of the parent's student to establish and maintain a scholarship account to cover the cost of a scholarship expense.
- (2)
- (a) The program manager shall establish and maintain, in accordance with this part, scholarship accounts for eligible students.
  - (b) The program manager shall:
    - (i) determine that a student meets the requirements to be an eligible student; and
    - (ii) subject to Subsection (2)(c), each year the student is an eligible student, maintain a scholarship account for the scholarship student to pay for the cost of one or more scholarship expenses that the student or student's parent incurs in the student's education.
  - (c) Except as provided in Subsection (2)(d), each year, subject to this part and legislative appropriations, a scholarship student is eligible for no more than:
    - (i) for the 2024-2025 school year, \$8,000; and
    - (ii) for each school year following the 2024-2025 school year, the maximum allowed amount under this Subsection (2)(c) in the previous year plus a percentage increase that is equal to the five-year rolling average inflationary factor described in Section 53F-2-405.

- (d) If a scholarship student enrolls in an LEA part-time in accordance with Section 53G-6-702, the program manager shall prorate the amount of the award described in Subsection (2)(c) in proportion to the extent of the scholarship student's partial enrollment in the LEA.
- (3)
- (a) A program manager shall establish a scholarship account on behalf of an eligible student who submits a timely application, unless the number of applications exceeds available scholarship funds for the school year.
  - (b) If the number of applications exceeds the available scholarship funds for a school year, the program manager shall select students on a random basis, except as provided in Subsection (6).
  - (c) An eligible student or a public education student shall submit an application for an initial scholarship or renewal for each school year that the student intends to receive scholarship funds.
  - (d)
    - (i) To maintain eligibility, a scholarship student or the scholarship student's parent shall annually complete and deliver to the program manager a portfolio describing the scholarship student's educational opportunities and achievements under the program for the given year.
    - (ii) The program manager may not disclose the content of a given scholarship student's portfolio except to the scholarship student's parent.
- (4)
- (a) An application for a scholarship account shall contain an acknowledgment by the student's parent that the qualifying provider selected by the parent for the student's enrollment or engagement is capable of providing education services for the student.
  - (b) A scholarship account application form shall contain the following statement:
    - "I acknowledge that:
      - (1) A qualifying provider may not provide the same level of disability services that are provided in a public school;
      - (2) I will assume full financial responsibility for the education of my scholarship recipient if I agree to this scholarship account;
      - (3) Agreeing to establish this scholarship account has the same effect as a parental refusal to consent to services as described in 34 C.F.R. Sec. 300.300, issued under the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.; and
      - (4) My child may return to a public school at any time."
  - (c) Upon agreeing to establish a scholarship account, the parent assumes full financial responsibility for the education of the scholarship student, including the balance of any expense incurred at a qualifying provider or for goods that are not paid for by the scholarship student's scholarship account.
  - (d) Agreeing to establish a scholarship account has the same effect as a parental refusal to consent to services as described in 34 C.F.R. Sec. 300.300, issued under the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
  - (e) The creation of the program or establishment of a scholarship account on behalf of a student does not:
    - (i) imply that a public school did not provide a free and appropriate public education for a student; or
    - (ii) constitute a waiver or admission by the state.
- (5) A program manager may not charge a scholarship account application fee.
- (6) A program manager shall give an enrollment preference based on the following order of preference:

- (a) to an eligible student who used a scholarship account in the previous school year;
  - (b) to an eligible student:
    - (i) who did not use a scholarship account in the previous school year; and
    - (ii) with a family income at or below 200% of the federal poverty level;
  - (c) to an eligible student who is a sibling of an eligible student who:
    - (i) uses a scholarship account at the time the sibling applies for a scholarship account; or
    - (ii) used a scholarship account in the school year immediately preceding the school year for which the sibling is applying for a scholarship account; and
  - (d) to an eligible student:
    - (i) who did not use a scholarship account in the previous school year; and
    - (ii) with a family income between 200% and 555% of the federal poverty level.
- (7)
- (a) Subject to Subsections (7)(b) through (e), a parent may use a scholarship account to pay for a scholarship expense that a parent or scholarship student incurs in the education of the scholarship student.
  - (b) A scholarship student or the scholarship student's parent may not use a scholarship account for an expense that the student or parent does not incur in the education of the scholarship student, including:
    - (i) a rehabilitation program that is not primarily designed for an educational purpose; or
    - (ii) a travel expense other than a transportation expense described in Section 53F-6-401.
  - (c) The program manager may not:
    - (i) approve a scholarship expense for a service that a qualifying provider provides unless the program manager determines that the scholarship student or the scholarship student's parent incurred the expense in the education of the scholarship student; or
    - (ii) reimburse a scholarship expense for a service or good that a provider that is not a qualifying provider provides unless:
      - (A) the parent or scholarship student submits a receipt that shows the cost and type of service or good and the name of provider; and
      - (B) the program manager determines that the parent or scholarship student incurred the expense in the education of the scholarship student.
  - (d) The parent of a scholarship student may not receive scholarship funds as payment for the parent's time spent educating the parent's child.
  - (e) Except for cases in which a scholarship student or the scholarship student's parent is convicted of fraud in relation to scholarship funds, if a qualifying provider, scholarship student, or scholarship student's parent repays an expenditure from a scholarship account for an expense that is not approved under this Subsection (7), the program manager shall credit the repaid amount back to the scholarship account balance within 30 days after the day on which the program manager receives the repayment.
- (8) Notwithstanding any other provision of law, funds that the program manager disburses under this part to a scholarship account on behalf of a scholarship student do not constitute state taxable income to the parent of the scholarship student.
- (9) The program manager shall prepare and disseminate information on the program to a parent applying for a scholarship account on behalf of a student, including the information that the program manager provides in accordance with Section 53F-6-405.
- (10) On or before September 1, 2023, and as frequently as necessary to maintain the information, the state board shall provide information on the state board's website, including:
- (a) scholarship account information;

- (b) information on the program manager, including the program manager's contact information; and
- (c) an overview of the program.

Enacted by Chapter 1, 2023 General Session

**53F-6-403 Qualifying providers.**

- (1) Before the beginning of the school year immediately following a school year in which a qualifying provider receives scholarship funds equal to or more than \$500,000, the qualifying provider shall file with the program manager a surety bond payable to the program manager in an amount equal to the aggregate amount of scholarship funds expected to be received during the school year.
- (2) If a program manager determines that a qualifying provider has violated a provision of this part, the program manager may interrupt disbursement of or withhold scholarship funds from the qualifying provider.
- (3)
  - (a) If the program manager determines that a qualifying provider no longer meets the eligibility requirements described in this part, the program manager may withdraw the organization's approval of the qualifying provider.
  - (b) A provider or person that does not have the approval of the program manager in accordance with the following may not accept scholarship funds for services under this part:
    - (i) Section 53F-6-408 regarding eligible schools; or
    - (ii) Section 53F-6-409 regarding eligible service providers.
- (4) If a qualifying provider requires partial payment of tuition or fees before the beginning of the academic year to reserve space for a scholarship student who has been admitted to the qualifying provider, the program manager may:
  - (a) pay the partial payment before the beginning of the school year in which the scholarship funds are awarded; and
  - (b) deduct the amount of the partial payment from subsequent scholarship fund deposits in an equitable manner that provides the best availability of scholarship funds to the student throughout the remainder of the school year.
- (5) If a scholarship student described in Subsection (4)(a) chooses to withdraw from or otherwise not engage with the qualifying provider before the beginning of the school year:
  - (a) the qualifying provider shall remit the partial payment described in Subsection (4)(a) to the program manager; and
  - (b) the program manager shall credit the remitted partial payment to the scholarship student's scholarship account.

Enacted by Chapter 1, 2023 General Session

**53F-6-404 State board procurement and review of program manager -- Failure to comply.**

- (1)
  - (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board shall issue a request for proposals, on or before June 15, 2023, and enter an agreement with no more than one organization that qualifies as tax exempt under Section 501(c)(3), Internal Revenue Code, for the state board to recognize as the program manager, on or before September 1, 2023.

- (b) An organization that responds to a request for proposals described in Subsection (1)(a) shall submit the following information in the organization's response:
- (i) a copy of the organization's incorporation documents;
  - (ii) a copy of the organization's Internal Revenue Service determination letter qualifying the organization as being tax exempt under Section 501(c)(3), Internal Revenue Code;
  - (iii) a description of the methodology the organization will use to verify a student's eligibility under this part;
  - (iv) a description of the organization's proposed scholarship account application process; and
  - (v) an affidavit or other evidence that the organization:
    - (A) is not affiliated with any international organization;
    - (B) does not harvest data for the purpose of reproducing or distributing the data to another entity; and
    - (C) has no involvement in guiding or directing any curriculum standards.
- (c) The state board shall ensure that the agreement described in Subsection (1)(a):
- (i) ensures the efficiency and success of the program; and
  - (ii) does not impose any requirements on the program manager that:
    - (A) are not essential to the basic administration of the program; or
    - (B) create restrictions, directions, or mandates regarding instructional content or curriculum.
- (2) The state board may regulate and take enforcement action as necessary against a program manager in accordance with the provisions of the state board's agreement with the program manager.
- (3)
- (a) If the state board determines that a program manager has violated a provision of this part or a provision of the state board's agreement with the program manager, the state board shall send written notice to the program manager explaining the violation and the remedial action required to correct the violation.
  - (b) A program manager that receives a notice described in Subsection (3)(a) shall, no later than 60 days after the day on which the program manager receives the notice, correct the violation and report the correction to the state board.
  - (c)
    - (i) If a program manager that receives a notice described in Subsection (3)(a) fails to correct a violation in the time period described in Subsection (3)(b), the state board may bar the program manager from further participation in the program.
    - (ii) A program manager may appeal a decision of the state board under Subsection (3)(c)(i) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
  - (d) A program manager may not accept state funds while the program manager:
    - (i) is barred from participating in the program under Subsection (3)(c)(i); or
    - (ii) has an appeal pending under Subsection (3)(c)(ii).
  - (e) A program manager that has an appeal pending under Subsection (3)(c)(ii) may continue to administer scholarship accounts during the pending appeal.
- (4) The state board shall establish a process for a program manager to report the information the program manager is required to report to the state board under Section 53F-6-405.
- (5) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and include provisions in the state board's agreement with the scholarship organization for:
- (a) subject to Subsection (6), the administration of scholarship accounts and disbursement of scholarship funds if a program manager is barred from participating in the program under Subsection (3)(c)(i); and



- (b) audit and report requirements as described in Section 53F-6-405.
- (6)
- (a) The state board shall include in the rules and provisions described in Subsection (5)(a) measures to ensure that the establishment and maintenance of scholarship accounts and enrollment in the program are not disrupted if the program manager is barred from participating in the program.
  - (b) The state board may, if the program manager is barred from participating in the program, issue a new request for proposals and enter into a new agreement with an alternative program manager in accordance with this section.
- (7)
- (a) On or before January 1, 2024, the state board shall:
    - (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a process for a scholarship student or a scholarship student's parent to appeal any administrative decision of the program manager for state board resolution within 30 days after the day of the appeal, including:
      - (A) scholarship expense denials; and
      - (B) determinations regarding enrollment eligibility or suspension or disqualification under Section 53F-6-405; and
    - (ii) make information available regarding the appeals process on the state board's website and on the scholarship application.
  - (b) If the state board stays or reverses an administrative decision of the program manager on appeal, the program manager may not withhold scholarship funds or application approval for the scholarship student on account of the appealed administrative decision unless as the state board expressly allows.
- (8) The state board may not include a provision in any rule that creates or implies a restriction, direction, or mandate regarding instructional content or curriculum.

Enacted by Chapter 1, 2023 General Session

**53F-6-405 Program manager duties -- Audit -- Prohibitions.**

- (1) The program manager shall administer the program, including:
- (a) maintaining an application website that includes information on enrollment, relevant application dates, and dates for notification of acceptance;
  - (b) reviewing applications from and determining if a person is:
    - (i) an eligible school under Section 53F-6-408; or
    - (ii) an eligible service provider under Section 53F-6-409;
  - (c) establishing an application process, including application dates opening before March 1, 2024, in accordance with Section 53F-6-402;
  - (d) reviewing and granting or denying applications for a scholarship account;
  - (e) providing an online portal for the parent of a scholarship student to access the scholarship student's account;
  - (f) ensuring that scholarship funds in a scholarship account are readily available to a scholarship student;
  - (g) requiring a parent to notify the program manager if the parent's scholarship student is no longer enrolled in or engaging a service:
    - (i) for which the scholarship student receives scholarship funds; and
    - (ii) that is provided to the scholarship student for an entire school year;

- (h) obtaining reimbursement of scholarship funds from a qualifying provider that provides the services in which a scholarship student is no longer enrolled or with which the scholarship student is no longer engaged;
  - (i) expending all revenue from interest on scholarship funds or investments on scholarship expenses;
  - (j) each time the program manager makes an administrative decision that is adverse to a scholarship student or the scholarship student's parent, informing the scholarship student and the scholarship student's parent of the opportunity and process to appeal an administrative decision of the program manager to the state board in accordance with the process described in Section 53F-6-404;
  - (k) maintaining a protected internal waitlist of all eligible students who have applied to the program and are not yet scholarship students, including any student who removed the student's application from the waitlist; and
  - (l) providing aggregate data regarding the number of scholarship students and the number of eligible students on the waitlist described in Subsection (1)(k).
- (2) The program manager shall:
- (a) contract with one or more private entities to develop and implement a commercially viable, cost-effective, and parent-friendly system to:
    - (i) establish scholarship accounts;
    - (ii) maximize payment flexibility by allowing:
      - (A) for payment of services to qualifying providers using scholarship funds by electronic or online funds transfer; and
      - (B) pre-approval of a reimbursement to a parent for a good that is a scholarship expense; and
    - (iii) allow scholarship students and scholarship student's parents to publicly rate, review, and share information about qualifying providers; and
  - (b) ensure that the system complies with industry standards for data privacy and cybersecurity, including ensuring compliance with the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99.
- (3) In advance of the program manager accepting applications in accordance with Section 53F-6-402 and as regularly as information develops, the program manager shall provide information regarding the program by publishing a program handbook online for scholarship applicants, scholarship students, parents, service providers seeking to become qualifying providers, and qualifying providers, that includes information regarding:
- (a) the policies and processes of the program;
  - (b) approved scholarship expenses and qualifying providers;
  - (c) the responsibilities of parents regarding the program and scholarship funds;
  - (d) the duties of the program manager;
  - (e) the opportunity and process to appeal an administrative decision of the program manager to the state board in accordance with the process described in Section 53F-6-404; and
  - (f) the role of any private financial management firms or other private organizations with which the program manager may contract to administer any aspect of the program.
- (4) To ensure the fiscal security and compliance of the program, the program manager shall:
- (a) prohibit a program manager employee or program manager officer from handling, managing, or processing scholarship funds, if, based on a criminal background check that the state board conducts in accordance with Section 53F-6-407, the state board identifies the program manager employee or program manager officer as posing a risk to the appropriate use of scholarship funds;
  - (b) establish procedures to ensure a fair process to:

- (i) suspend scholarship student's eligibility for the program in the event of the scholarship student's or scholarship student's parent's:
  - (A) intentional or substantial misuse of scholarship funds; or
  - (B) violation of this part or the terms of the program; and
- (ii) if the program manager obtains evidence of fraudulent use of scholarship funds, refer the case to the attorney general for collection or criminal investigation;
- (iii) ensure that a scholarship student whose eligibility is suspended or disqualified under this Subsection (4)(b) or Subsection (4)(c) based on the actions of the student's parent regains eligibility if the student is placed with a different parent or otherwise no longer resides with the parent related to the suspension or disqualification;
- (c) notify the state board, scholarship student, and scholarship student's parent in writing:
  - (i) of the suspension described in Subsection (4)(b)(i);
  - (ii) that no further transactions, disbursements, or reimbursements are allowed;
  - (iii) that the scholarship student or scholarship student's parent may take corrective action within 10 business days of the day on which the program manager provides the notification; and
  - (iv) that without taking the corrective action within the time period described in Subsection (4)(c) (iii), the program manager may disqualify the student's eligibility.
- (5)
  - (a) A program manager may not:
    - (i) disburse scholarship funds to a qualifying provider or allow a qualifying provider to use scholarship funds if:
      - (A) the program manager determines that the qualifying provider intentionally or substantially misrepresented information on overpayment;
      - (B) the qualifying provider fails to refund an overpayment in a timely manner; or
      - (C) the qualifying provider routinely fails to provide scholarship students with promised educational services; or
    - (ii) reimburse with scholarship funds an individual for the purchase of a good or service if the program manager determines that:
      - (A) the scholarship student or the scholarship student's parent requesting reimbursement intentionally or substantially misrepresented the cost or educational purpose of the good or service; or
      - (B) the relevant scholarship student was not the exclusive user of the good or service.
  - (b) A program manager shall notify a scholarship student if the program manager:
    - (i) stops disbursement of the scholarship student's scholarship funds to a qualifying provider under Subsection (5)(a)(i); or
    - (ii) refuses reimbursement under Subsection (5)(a)(ii).
- (6)
  - (a) At any time, a scholarship student may change the qualifying provider to which the scholarship student's scholarship account makes distributions.
  - (b) If, during the school year, a scholarship student changes the student's enrollment in or engagement with a qualifying provider to another qualifying provider, the program manager may prorate scholarship funds between the qualifying providers based on the time the scholarship student received the goods or services or was enrolled.
- (7) A program manager may not subvert the enrollment preferences required under Section 53F-6-402 or other provisions of this part to establish a scholarship account on behalf of a relative of a program manager officer.
- (8) The program manager shall:

- (a) contract for annual and random audits on scholarship accounts conducted:
    - (i) by a certified public accountant who is independent from:
      - (A) the program manager;
      - (B) the state board; and
      - (C) the program manager's accounts and records pertaining to scholarship funds; and
    - (ii) in accordance with generally accepted auditing standards;
  - (b) demonstrate the program manager's financial accountability by annually submitting to the state board the following:
    - (i) a financial information report that a certified public accountant prepares and that includes the total number and total dollar amount of scholarship funds disbursed during the previous calendar year; and
    - (ii) no later than 180 days after the last day of the program manager's fiscal year, the results of the audits described in Subsection (8)(a), including the program manager's financial statements in a format that meets generally accepted accounting principles.
- (9)
- (a) The state board:
    - (i) shall review a report described in this section; and
    - (ii) may request that the program manager revise or supplement the report if the report does not fully comply with this section.
  - (b) The program manager shall provide to the state board a revised report or a supplement to the report no later than 45 days after the day on which the state board makes a request described in Subsection (9)(a).

Enacted by Chapter 1, 2023 General Session

**53F-6-406 Qualifying provider regulatory autonomy -- Home school autonomy -- Student records -- Scholarship student status.**

- (1) Nothing in this part:
  - (a) except as expressly described in this part, grants additional authority to any state agency or LEA to regulate or control:
    - (i) a private school, qualifying provider, or home school;
    - (ii) students receiving education from a private school, qualifying provider, or home school;
  - (b) applies to or otherwise affects the freedom of choice of a home school student, including the curriculum, resources, developmental planning, or any other aspect of the home school student's education; or
  - (c) expands the regulatory authority of the state, a state office holder, or an LEA to impose any additional regulation of a qualifying provider beyond any regulation necessary to administer this part.
- (2) A qualifying provider:
  - (a) has a right to maximum freedom from unlawful governmental control in providing for the educational needs of a scholarship student who attends or engages with the qualifying provider; and
  - (b) is not an agent of the state by virtue of the provider's acceptance of payment from a scholarship account in accordance with this part.
- (3) Except as provided in Section 53F-6-403 regarding qualifying providers, Section 53F-6-408 regarding eligible schools, or Section 53F-6-409 regarding eligible service providers, a program manager may not require a qualifying provider to alter the qualifying provider's creed, practices, admissions policies, hiring practices, or curricula in order to accept scholarship funds.

- (4) An LEA or a school in an LEA in which a scholarship student was previously enrolled shall provide to the scholarship student's parent a copy of all school records relating to the student that the LEA possesses within 30 days after the day on which the LEA or school receives the parent's request for the student's records, subject to:
  - (a) Title 53E, Chapter 9, Student Privacy and Data Protection; and
  - (b) Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.
- (5) By virtue of a scholarship student's involvement in the program and unless otherwise expressly provided in statute, a scholarship student is not:
  - (a) enrolled in the public education system; or
  - (b) otherwise subject to statute, administrative rules, or other state regulations as if the student was enrolled in the public education system.

Enacted by Chapter 1, 2023 General Session

**53F-6-407 Background checks for program manager -- Bureau responsibilities -- Fees.**

- (1) As used in this section:
  - (a) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.
  - (b) "Department" means the Department of Public Safety.
  - (c) "Division" means the Criminal Investigations and Technical Services Division created in Section 53-10-103.
  - (d) "Personal identifying information" means:
    - (i) current name;
    - (ii) former names;
    - (iii) nicknames;
    - (iv) aliases;
    - (v) date of birth;
    - (vi) address;
    - (vii) telephone number;
    - (viii) driver license number or other government-issued identification number;
    - (ix) social security number; and
    - (x) fingerprints.
  - (e) "Rap back system" means a system that enables authorized entities to receive ongoing status notifications of any criminal history reported on individuals whose fingerprints are registered in the system.
  - (f) "WIN Database" means the Western Identification Network Database that consists of eight western states sharing one electronic fingerprint database.
- (2) The program manager shall:
  - (a) require an employee or officer of the program manager to submit to a criminal background check and ongoing monitoring;
  - (b) collect the following from an employee or officer of the program manager:
    - (i) personal identifying information;
    - (ii) a fee described in Subsection (4); and
    - (iii) consent, on a form specified by the program manager, for:
      - (A) an initial fingerprint-based background check by the bureau;
      - (B) retention of personal identifying information for ongoing monitoring through registration with the systems described in Subsection (3); and
      - (C) disclosure of any criminal history information to the program manager;

- (c) submit the personal identifying information of an employee or officer of the program manager to the bureau for:
    - (i) an initial fingerprint-based background check by the bureau; and
    - (ii) ongoing monitoring through registration with the systems described in Subsection (3) if the results of the initial background check do not contain disqualifying criminal history information as determined by the program manager;
  - (d) identify the appropriate privacy risk mitigation strategy that will be used to ensure that the program manager only receives notifications for individuals with whom the program manager maintains an authorizing relationship; and
  - (e) submit the information to the bureau for ongoing monitoring through registration with the systems described in Subsection (3).
- (3) The bureau shall:
- (a) upon request from the program manager, register the fingerprints submitted by the program manager as part of a background check with the WIN Database rap back system, or any successor system;
  - (b) notify the program manager when a new entry is made against an individual whose fingerprints are registered with the WIN Database rap back system regarding:
    - (i) an alleged offense; or
    - (ii) a conviction, including a plea in abeyance;
  - (c) assist the program manager to identify the appropriate privacy risk mitigation strategy that is to be used to ensure that the program manager only receives notifications for individuals with whom the authorized entity maintains an authorizing relationship; and
  - (d) collaborate with the program manager to provide training to appropriate program manager employees on the notification procedures and privacy risk mitigation strategies described in this section.
- (4)
- (a) The division shall impose fees that the division sets in accordance with Section 63J-1-504 for the fingerprint card of an employee or officer of the program manager, for a name check, and to register fingerprints under this section.
  - (b) Funds generated under this Subsection (4) shall be deposited into the General Fund as a dedicated credit by the department to cover the costs incurred in providing the information.

Enacted by Chapter 1, 2023 General Session

**53F-6-408 Eligible schools.**

- (1) To be eligible to receive scholarship funds on behalf of a scholarship student as an eligible school, a private school with 150 or more enrolled students shall:
- (a)
    - (i) contract with an independent licensed certified public accountant to conduct an agreed upon procedures engagement as the state board adopts, or obtain an audit and report that:
      - (A) a licensed independent certified public accountant conducts in accordance with generally accepted auditing standards;
      - (B) presents the financial statements in accordance with generally accepted accounting principles; and
      - (C) audits financial statements from within the 12 months immediately preceding the audit; and
    - (ii) submit the audit report or report of the agreed upon procedure to the program manager when the private school applies to receive scholarship funds;

- (b) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d;
- (c) provide a written disclosure to the parent of each prospective scholarship student, before the student is enrolled, of:
  - (i) the education services that the school will provide to the scholarship student, including the cost of the provided services;
  - (ii) tuition costs;
  - (iii) additional fees the school will require a parent to pay during the school year; and
  - (iv) the skill or grade level of the curriculum in which the prospective scholarship student will participate; and
- (d) require the following individuals to submit to a nationwide, fingerprint-based criminal background check and ongoing monitoring, in accordance with Section 53G-11-402, as a condition for employment or appointment, as authorized by the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248:
  - (i) an employee who does not hold:
    - (A) a current Utah educator license issued by the state board under Title 53E, Chapter 6, Education Professional Licensure; or
    - (B) if the private school is not physically located in Utah, a current educator license in the state where the private school is physically located; and
  - (ii) a contract employee.
- (2) A private school described in Subsection (1) is not eligible to receive scholarship funds if:
  - (a) the private school requires a scholarship student to sign a contract waiving the scholarship student's right to transfer to another qualifying provider during the school year;
  - (b) the audit report described in Subsection (1)(a) contains a going concern explanatory paragraph; or
  - (c) the report of the agreed upon procedures described in Subsection (1)(a) shows that the private school does not have adequate working capital to maintain operations for the first full year.
- (3) To be eligible to receive scholarship funds on behalf of a scholarship student as an eligible school, a private school with fewer than 150 enrolled students shall:
  - (a) provide to the program manager:
    - (i) a federal employer identification number;
    - (ii) the provider's address and contact information;
    - (iii) a description of each program or service the provider proposes to offer a scholarship student; and
    - (iv) any other information as required by the program manager; and
  - (b) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d.
- (4) A private school described in Subsection (3) is not eligible to receive scholarship funds if the private school requires a scholarship student to sign a contract waiving the student's rights to transfer to another qualifying provider during the school year.
- (5) To be eligible to receive scholarship funds on behalf of a scholarship student as an eligible school, an LEA shall:
  - (a) provide to the program manager:
    - (i) a federal employer identification number;
    - (ii) the LEA's address and contact information;
    - (iii) a description of each program or service the LEA proposes to offer to scholarship students; and
    - (iv) any other information as required by the program manager;
  - (b) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d; and

- (c) enter into an agreement with the program manager regarding the provision of services to a scholarship student through which:
  - (i) the scholarship student does not enroll in the LEA;
  - (ii) in accordance with Subsection 53F-2-302(2), the LEA does not receive WPU funding related to the student's participation with the LEA; and
  - (iii) the LEA and program manager ensure that a scholarship student does not participate in a course or program at the LEA except in accordance with the agreement described in this Subsection (5)(c) under the program.
- (6) An LEA described in Subsection (5) is not eligible to receive scholarship funds if:
  - (a) the LEA requires a public education system scholarship student to sign a contract waiving the student's rights to transfer to another qualifying provider during the school year; or
  - (b) the LEA refuses to offer services that do not require LEA enrollment to scholarship students under the program.
- (7) Residential treatment facilities licensed by the state are not eligible to receive scholarship funds.
- (8) A private school or LEA intending to receive scholarship funds shall:
  - (a) submit an application to the program manager; and
  - (b) agree to not refund, rebate, or share scholarship funds with scholarship students or scholarship student's parents in any manner except remittances or refunds to a scholarship account in accordance with this part and procedures that the program manager establishes.
- (9) The program manager shall:
  - (a) if the private school or LEA meets the eligibility requirements of this section, recognize the private school or LEA as an eligible school and approve the application; and
  - (b) make available to the public a list of eligible schools approved under this section.
- (10) A private school approved under this section that changes ownership shall:
  - (a) cease operation as an eligible school until:
    - (i) the school submits a new application to the program manager; and
    - (ii) the program manager approves the new application; and
  - (b) demonstrate that the private school continues to meet the eligibility requirements of this section.

Enacted by Chapter 1, 2023 General Session

**53F-6-409 Eligible service providers.**

- (1) To be an eligible service provider, a private program or service:
  - (a) shall provide to the program manager:
    - (i) a federal employer identification number;
    - (ii) the provider's address and contact information;
    - (iii) a description of each program or service the provider proposes to offer directly to a scholarship student; and
    - (iv) subject to Subsection (2), any other information as required by the program manager;
  - (b) shall comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d; and
  - (c) may not act as a consultant, clearing house, or intermediary that connects a scholarship student with or otherwise facilitates the student's engagement with a program or service that another entity provides.
- (2) The program manager shall adopt policies that maximize the number of eligible service providers, including accepting new providers throughout the school year, while ensuring



education programs or services provided through the program meet student needs and otherwise comply with this part.

- (3) A private program or service intending to receive scholarship funds shall:
  - (a) submit an application to the program manager; and
  - (b) agree to not refund, rebate, or share scholarship funds with scholarship students or scholarship students' parents in any manner except remittances or refunds to a scholarship account in accordance with this part and procedures that the program manager establishes.
- (4) The program manager shall:
  - (a) if the private program or service meets the eligibility requirements of this section, recognize the private program or service as an eligible service provider and approve a private program or service's application to receive scholarship funds on behalf of a scholarship student; and
  - (b) make available to the public a list of eligible service providers approved under this section.
- (5) A private program or service approved under this section that changes ownership shall:
  - (a) cease operation as an eligible service provider until:
    - (i) the program or service submits a new application to the program manager; and
    - (ii) the program manager approves the new application; and
  - (b) demonstrate that the private program or service continues to meet the eligibility requirements of this section.

Enacted by Chapter 1, 2023 General Session

**53F-6-410 Parental rights -- Optional assessment.**

- (1) In accordance with Section 53G-6-803 regarding a parent's right to academic accommodations, nothing in this chapter restricts or affects a parent's interests and role in the care, custody, and control of the parent's child, including the duty and right to nurture and direct the child's upbringing and education.
- (2)
  - (a) A parent may request that the program manager facilitate one of the following assessments of the parent's scholarship student:
    - (i) a standards assessment described in Section 53E-4-303;
    - (ii) a high school assessment described in Section 53E-4-304;
    - (iii) a college readiness assessment described in Section 53E-4-305;
    - (iv) an assessment of students in grade 3 to measure reading grade level described in Section 53E-4-307; or
    - (v) a nationally norm-referenced assessment.
  - (b)
    - (i) Notwithstanding any other provision of law, the entity administering an assessment described in Subsection (2)(a) to a scholarship student in accordance with this section may not report the result of or any other data pertaining to the assessment or scholarship student to a person other than the program manager, the scholarship student, or the scholarship student's parent.
    - (ii) The program manager may not report or communicate the result or data described in Subsection (2)(b)(i) to a person other than the relevant scholarship student and the scholarship student's parent unless the result or data is included in a de-identified compilation of data related to all scholarship students.
  - (c) In any communication from the program manager regarding an assessment described in this Subsection (2), the program manager shall include a disclaimer that no assessment is required.

- (d) The completion of an optional assessment under this section satisfies the portfolio eligibility qualification described in Subsection 53F-6-402(3)(d).

Enacted by Chapter 1, 2023 General Session

**53F-6-411 Program funding.**

- (1) If a scholarship student enters or reenters the public education system during a given school year:
  - (a) no later than five business days after the day on which the student enters or reenters the public education system, the program manager shall immediately remove the balance in the scholarship student's scholarship account for other use within the program;
  - (b) the state board may not distribute any remaining state funds to the program manager for the student; and
  - (c) the program manager may use the balance described in Subsection (1)(a) for another scholarship student.
- (2) At the end of a school year, a program manager shall withdraw any remaining scholarship funds in a scholarship account and retain the scholarship funds for disbursement in the following year.
- (3)
  - (a) To administer the program, the program manager may use up to the lesser of 5% or \$2,500,000 of the funds the Legislature appropriates for the program.
  - (b) Subject to Subsection (3)(a), the funds for program administration described in Subsection (3)(a) are nonlapsing.
  - (c) The program manager may not retain administrative cost balances in excess of 25% of total administrative costs in any fiscal year.

Enacted by Chapter 1, 2023 General Session

**53F-6-412 Reports.**

Beginning in 2025 and in accordance with Section 68-3-14 and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g:

- (1) the program manager shall submit a report on the program to the Education Interim Committee no later than September 1 of each year that includes:
  - (a) the total amount of tuition and fees qualifying providers charged for the current year and previous two years;
  - (b) the total amount of goods paid for with scholarship funds in the previous year and a general characterization of the types of goods;
  - (c) administrative costs of the program;
  - (d) the number of scholarship students from each county and the aggregate number of eligible students on the waitlist described in Section 53F-6-405;
  - (e) the percentage of first-time scholarship students who were enrolled in a public school during the previous school year or who entered kindergarten or a higher grade for the first time in Utah;
  - (f) the program manager's strategy and outreach efforts to reach eligible students whose family income is at or below 200% of the federal poverty level and related obstacles to enrollments;
  - (g) in the report that the program manager submits in 2025, information on steps the program manager has taken and processes the program manager has adopted to implement the program; and

- (h) any other information regarding the program and the program's implementation that the committee requests; and
- (2) the state board shall submit a report on the cost-effectiveness of the program to the Education Interim Committee no later than September 1 of each year.

Enacted by Chapter 1, 2023 General Session

**53F-6-413 Legal proceedings.**

- (1) In any legal proceeding against the state in which a qualifying provider challenges the application of this part to the qualifying provider, the state shall bear the burden of establishing that the law:
  - (a) is necessary; and
  - (b) does not impose an undue burden on the qualifying provider.
- (2) The following bear no liability based on the award or use of scholarship funds under this part:
  - (a) the state;
  - (b) the state board;
  - (c) the program manager; or
  - (d) an LEA.
- (3) If any provision of this part is the subject of a state or federal constitutional challenge in a state court, scholarship students and scholarship students' parents may intervene as a matter of right to defend the program's constitutionality, subject to any court order that all defending parents and scholarship students intervene jointly.

Enacted by Chapter 1, 2023 General Session

**53F-6-414 Severability.**

- (1) If any provision of this part or the application of any provision of this part to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remaining provisions of this part remain effective without the invalidated provision or application.
- (2) The provisions of this part are severable.

Enacted by Chapter 1, 2023 General Session

**53F-6-415 Procurement flexibility.**

For the year 2023, if the state board determines that it is not feasible to successfully meet a procurement and contracting deadline in this part, the state board may extend the deadline by no more than 90 days.

Enacted by Chapter 353, 2023 General Session

**Chapter 7  
State Funding -- Education Administration**

**Part 1**

## General Provisions

### 53F-7-101 Title.

This chapter is known as "State Funding -- Education Administration."

Enacted by Chapter 2, 2018 General Session

### 53F-7-102 Definitions.

Reserved

Enacted by Chapter 2, 2018 General Session

## Part 2 State Board of Education

### 53F-7-201 Appropriations from Automobile Driver Education Tax Account.

There is appropriated to the state board from the Automobile Driver Education Tax Account, annually, all money in the account, in excess of the expense of administering the collection of the tax, for use and distribution in the administration and maintenance of driver education classes and programs with respect to classes offered in the school district and the establishment of experimental programs, including the purchasing of equipment, by the state board.

Amended by Chapter 186, 2019 General Session

### 53F-7-202 Distribution of one-time funding for student and school support.

- (1) Subject to legislative appropriations, the state board shall allocate one-time funding appropriated for student and school support in accordance with this section by:
  - (a) for charter schools:
    - (i) distributing an amount that is equal to the product of:
      - (A) charter school enrollment on October 1 in the prior year, or projected enrollment for a charter school in the charter school's first year of operations, divided by enrollment on October 1 in public schools statewide in the prior year; and
      - (B) the total amount available for distribution; and
    - (ii) allocating to each charter school:
      - (A) an equally divided portion of 20% of the amount described in Subsection (1)(a)(i); and
      - (B) 80% of the amount described in Subsection (1)(a)(i) on a per-student basis; and
  - (b) for school districts, distributing the remainder of funds available for distribution after the distribution to charter schools under Subsection (1)(a) by allocating to each school district:
    - (i) a base allocation relative to student enrollment as follows:
      - (A) for a school district with enrollment less than 1% of total state enrollment, \$500,000;
      - (B) for a school district with enrollment of between 1% and 5% of total state enrollment, \$350,000; and
      - (C) for a school district with enrollment greater than 5% of total state enrollment, \$200,000; and
    - (ii) after the base allocation described in Subsection (1)(b)(i), the remainder on a per-student basis.

- (2)
  - (a) An LEA shall:
    - (i) use funds that the state board distributes under this section to support students and schools through one-time priorities that the relevant local governing board approves, including student safety, technology, instructional materials, and capital facility improvements; and
    - (ii) submit to the state board, using the survey described in Subsection (3), an accounting of the LEA's use of the funds that the state board distributes under this section for the given fiscal year.
  - (b) Subsection (2)(a) does not require state board authorization or approval of an LEA expenditure.
- (3) The state board shall:
  - (a) create a one-page survey to allow LEAs to report the LEA's expenditures as described in Subsection (2)(a); and
  - (b) after the close of each fiscal year, report to the Public Education Appropriations Subcommittee at or before the subcommittee's October meeting regarding expenditures described in this section statewide the previous fiscal year.
- (4) An LEA may use funds distributed under this section in a given fiscal year over multiple fiscal years.

Amended by Chapter 467, 2023 General Session

**53F-7-203 Paid professional hours for educators.**

- (1) Subject to legislative appropriations, the state board shall provide funding to each LEA to provide additional paid professional hours to the following educators in accordance with this section:
  - (a) general education and special education teachers;
  - (b) counselors;
  - (c) school administration;
  - (d) school specialists;
  - (e) student support;
  - (f) school psychologists;
  - (g) speech language pathologists; and
  - (h) audiologists.
- (2) The state board shall distribute funds appropriated to the state board under Subsection 53F-9-204(6) to each LEA in proportion to the number of educators described in Subsection (1) within the LEA.
- (3) An LEA shall use funding under this section to provide paid professional hours that:
  - (a) provide educators with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging state academic standards; and
  - (b) may include activities that:
    - (i) improve and increase an educator's:
      - (A) knowledge of the academic subjects the educator teaches;
      - (B) time to plan and prepare daily lessons based on student needs;
      - (C) understanding of how students learn; and
      - (D) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on the analysis;
    - (ii) are an integral part of broad school-wide and LEA-wide educational improvement plans;

- (iii) allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;
  - (iv) advance educator understanding of:
    - (A) effective and evidence-based instructional strategies; and
    - (B) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of educators;
  - (v) are aligned with, and directly related to, academic goals of the school or LEA; and
  - (vi) include instruction in the use of data and assessments to inform and instruct classroom practice.
- (4)
- (a) An educator shall:
    - (i) on or before the fifth day of instruction in a given school year, create a plan, in consultation with the educator's principal, on how the educator plans to use paid professional hours provided under this section during the school year; and
    - (ii) before the end of a given school year, provide a written statement to the educator's principal of how the educator used paid professional hours provided under this section during the school year.
  - (b)
    - (i) Subsection (4)(a)(i) does not limit an educator who begins employment after the fifth day of instruction in a given year from receiving paid professional hours under this section.
    - (ii) An LEA may prorate the paid professional hours of an educator who begins employment after the fifth day of instruction in a given year according to the portion of the school year for which the LEA employs the educator.

Amended by Chapter 348, 2023 General Session

### **Part 3 Utah Schools for the Deaf and Blind**

#### **53F-7-301 Annual salary adjustments for Utah Schools for the Deaf and the Blind educators -- Legislative appropriation.**

Subject to future budget constraints, the Legislature shall annually appropriate money to the state board for the salary adjustments described in Section 53E-8-302, including step and lane changes.

Amended by Chapter 186, 2019 General Session

### **Chapter 8 Local Funding**

#### **Part 1 General Provisions**

#### **53F-8-101 Title.**

This chapter is known as "Local Funding."

Enacted by Chapter 2, 2018 General Session

**53F-8-102 Definitions.**

Reserved

Enacted by Chapter 2, 2018 General Session

**Part 2  
General Tax Provisions**

**53F-8-201 Annual certification of tax rate proposed by local school board -- Inclusion of school district budget -- Modified filing date.**

- (1) Prior to June 22 of each year, each local school board shall certify to the county legislative body in which the district is located, on forms prescribed by the State Tax Commission, the proposed tax rate approved by the local school board.
- (2) A copy of the district's budget, including items under Section 53G-7-302, and a certified copy of the local school board's resolution which approved the budget and set the tax rate for the subsequent school year beginning July 1 shall accompany the tax rate.
- (3) If the tax rate approved by the local school board is in excess of the certified tax rate, as defined in Section 59-2-924, the date for filing the tax rate and budget adopted by the local school board shall be that established under Section 59-2-919.

Amended by Chapter 186, 2019 General Session

**53F-8-202 Levy of tax -- Collection and deposit.**

- (1) After the valuation of property has been extended on the assessment rolls, the county legislative body shall levy a tax on the taxable property in the respective school districts at the rate submitted by each local school board under Section 53F-8-201.
- (2) These taxes shall be collected by the county officers in the same manner as other taxes are collected.
- (3) The county treasurer shall pay the tax revenues to the respective district's business administrator who shall hold the tax revenue subject to the order of the local school board.

Renumbered and Amended by Chapter 2, 2018 General Session

**53F-8-203 Payment out of tax money by county treasurer.**

- (1) Each county treasurer shall pay the appropriate proportionate share of delinquent taxes, together with interest and costs on all tax sales, to each affected school district.
- (2) The treasurer shall make payment as quickly as possible after collection or realization.

Renumbered and Amended by Chapter 2, 2018 General Session

**Part 3**

## Local Levies

### **53F-8-301 State-supported voted local levy authorized -- Election requirements -- Reconsideration of the program.**

- (1) The terms defined in Section 53F-2-102 apply to this section.
- (2) An election to consider adoption or modification of a voted local levy is required if initiative petitions signed by 10% of the number of electors who voted at the last preceding general election are presented to the local school board or by action of the local school board.
- (3)
  - (a)
    - (i) To impose a voted local levy, a majority of the electors of a school district voting at an election in the manner set forth in Subsections (8) and (9) must vote in favor of a special tax.
    - (ii) The tax rate may not exceed .002 per dollar of taxable value.
  - (b) Except as provided in Subsection (3)(c), in order to receive state support in accordance with Section 53F-2-601 the first year, a school district shall receive voter approval no later than December 1 of the year prior to implementation.
  - (c) Beginning on or after January 1, 2012, a school district may receive state support in accordance with Section 53F-2-601 without complying with the requirements of Subsection (3)(b) if the local school board imposed a tax in accordance with this section during the taxable year beginning on January 1, 2011 and ending on December 31, 2011.
- (4)
  - (a) An election to modify an existing voted local levy is not a reconsideration of the existing authority unless the proposition submitted to the electors expressly so states.
  - (b) A majority vote opposing a modification does not deprive the local school board of authority to continue the levy.
  - (c) If adoption of a voted local levy is contingent upon an offset reducing other local school board levies, the local school board shall allow the electors, in an election, to consider modifying or discontinuing the imposition of the levy prior to a subsequent increase in other levies that would increase the total local school board levy.
  - (d) Nothing contained in this section terminates, without an election, the authority of a local school board to continue imposing an existing voted local levy previously authorized by the voters as a voted leeway program.
- (5) Notwithstanding Section 59-2-919, a local school board may budget an increased amount of ad valorem property tax revenue derived from a voted local levy imposed under this section in addition to revenue from eligible new growth as defined in Section 59-2-924, without having to comply with the notice requirements of Section 59-2-919, if:
  - (a) the voted local levy is approved:
    - (i) in accordance with Subsections (8) and (9) on or after January 1, 2003; and
    - (ii) within the four-year period immediately preceding the year in which the local school board seeks to budget an increased amount of ad valorem property tax revenue derived from the voted local levy; and
  - (b) for a voted local levy approved or modified in accordance with this section on or after January 1, 2009, the local school board complies with the requirements of Subsection (7).
- (6) Notwithstanding Section 59-2-919, a local school board may levy a tax rate under this section that exceeds the certified tax rate without having to comply with the notice requirements of Section 59-2-919 if:



- (a) the levy exceeds the certified tax rate as the result of a local school board budgeting an increased amount of ad valorem property tax revenue derived from a voted local levy imposed under this section;
  - (b) the voted local levy was approved:
    - (i) in accordance with Subsections (8) and (9) on or after January 1, 2003; and
    - (ii) within the four-year period immediately preceding the year in which the local school board seeks to budget an increased amount of ad valorem property tax revenue derived from the voted local levy; and
  - (c) for a voted local levy approved or modified in accordance with this section on or after January 1, 2009, the local school board complies with requirements of Subsection (7).
- (7) For purposes of Subsection (5)(b) or (6)(c), the proposition submitted to the electors regarding the adoption or modification of a voted local levy shall contain the following statement:
- "A vote in favor of this tax means that the local school board of [name of the school district] may increase revenue from this property tax without advertising the increase for the next five years."
- (8)
- (a) Before a local school board may impose a property tax levy pursuant to this section, a local school board shall submit an opinion question to the school district's registered voters voting on the imposition of the tax rate so that each registered voter has the opportunity to express the registered voter's opinion on whether the tax rate should be imposed.
  - (b) The election required by this Subsection (8) shall be held:
    - (i) at a regular general election conducted in accordance with the procedures and requirements of Title 20A, Election Code, governing regular elections;
    - (ii) at a municipal general election conducted in accordance with the procedures and requirements of Section 20A-1-202; or
    - (iii) at a local special election conducted in accordance with the procedures and requirements of Section 20A-1-203.
  - (c) Notwithstanding the requirements of Subsections (8)(a) and (b), beginning on or after January 1, 2012, a local school board may levy a tax rate in accordance with this section without complying with the requirements of Subsections (8)(a) and (b) if the local school board imposed a tax in accordance with this section at any time during the taxable year beginning on January 1, 2011, and ending on December 31, 2011.
- (9) If a local school board determines that a majority of the school district's registered voters voting on the imposition of the tax rate have voted in favor of the imposition of the tax rate in accordance with Subsection (8), the local school board may impose the tax rate.

Renumbered and Amended by Chapter 2, 2018 General Session

**53F-8-302 Board local levy.**

- (1) The terms defined in Section 53F-2-102 apply to this section.
- (2) Subject to the other requirements of this section, a local school board may levy a tax to fund the school district's general fund.
- (3)
  - (a) For purposes of this Subsection (3), "combined rate" means the sum of:
    - (i) the rate imposed by a local school board under Subsection (2); and
    - (ii) the charter school levy rate, described in Section 53F-2-703, for the local school board's school district.

- (b) Beginning on January 1, 2018, a school district's combined rate may not exceed .0025 per dollar of taxable value in any calendar year.
- (4) In addition to the revenue a school district collects from the imposition of a levy pursuant to this section, the state shall contribute an amount as described in Section 53F-2-601.
- (5)
  - (a) For a calendar year beginning on or after January 1, 2017, the State Tax Commission shall adjust a board local levy rate imposed by a local school board under this section by the amount necessary to offset the change in revenues from the charter school levy imposed under Section 53F-2-703.
  - (b) A local school board is not required to comply with the notice and public hearing requirements of Section 59-2-919 for an offset described in Subsection (5)(a) to the change in revenues from the charter school levy imposed under Section 53F-2-703.
  - (c) So long as the charter school levy rate does not exceed 25% of the charter school levy per district revenues, a local school board may not increase a board local levy rate under this section if the purpose of increasing the board local levy rate is to capture the revenues assigned to the charter school levy through the adjustment in a board local levy rate under Subsection (5)(a).
  - (d) Before a local school board takes action to increase a board local levy rate under this section, the local school board shall:
    - (i) prepare a written statement that attests that the local school board is in compliance with Subsection (5)(c);
    - (ii) read the statement described in Subsection (5)(d)(i) during a local school board public meeting where the local school board discusses increasing the board local levy rate; and
    - (iii) send a copy of the statement described in Subsection (5)(d)(i) to the State Tax Commission.

Renumbered and Amended by Chapter 2, 2018 General Session  
Amended by Chapter 456, 2018 General Session

**53F-8-303 Capital local levy.**

- (1) As used in this section:
  - (a) "Cost of the basic program" means the cost of the programs described in Title 53F, Chapter 2, Part 3, Basic Program (Weighted Pupil Units) in a school district.
  - (b) "Low-revenue year" means a fiscal year for which the Legislature appropriates ongoing funding from the Public Education Economic Stabilization Restricted Account under Subsection 53F-9-204(3)(b).
- (2) Subject to the other requirements of this section, a local school board may levy a tax to fund the school district's:
  - (a) capital projects;
  - (b) technology programs or projects; or
  - (c) subject to Subsection (4), operational expenses for a low-revenue year.
- (3) A tax rate imposed by a school district pursuant to this section may not exceed .0030 per dollar of taxable value in any calendar year.
- (4) Except as provided in Subsection (6), for a low-revenue year, a local school board may transfer an amount of revenue from the school district's capital project fund to the school district's general fund for the local school board's school district for operational expenses in an amount equal to:

- (a) for a local school board in a county of the first, second, or third class, revenue generated by up to .0002 per dollar of taxable value of the capital local levy; or
- (b) for a local school board in a county of the fourth, fifth, or sixth class, up to the lesser of:
  - (i) 10% of the cost of the basic program; or
  - (ii) 25% of the revenue that the school district's capital local levy generates.
- (5) The state board shall notify local school boards, school district superintendents, and business administrators in the event of a low-revenue year.
- (6)
  - (a) For the fiscal years beginning on July 1, 2020, and July 1, 2021, a local school board may transfer revenue derived from a levy under this section from the school district's capital project fund to the school district's general fund for the local school board's school district for operational expenses.
  - (b) If a local school board transfers revenue for operational expenses under Subsection (6)(a), the local school board shall, in a public meeting:
    - (i) notify the public of the local school board's transfer of the funds for operational expenses, including describing how the local school board proposes to use the funds;
    - (ii) for the fiscal year beginning July 1, 2021, allow an opportunity for public comment during the board's budget hearing in accordance with the notice and hearing requirements described in Section 53G-7-303; and
    - (iii) approve the proposed use of the funds by majority vote of the local school board.

Amended by Chapter 2, 2020 Special Session 5

#### **Part 4 Obsolete Tax Levies**

#### **53F-8-402 Special tax to buy school building sites, build and furnish schoolhouses, or improve school property.**

- (1)
  - (a) Except as provided in Subsection (6), a local school board may, by following the process for special elections established in Sections 20A-1-203 and 20A-1-204, call a special election to determine whether a special property tax should be levied for one or more years to buy building sites, build and furnish schoolhouses, or improve the school property under its control.
  - (b) The tax may not exceed .2% of the taxable value of all taxable property in the district in any one year.
- (2) The local school board shall give reasonable notice of the election and follow the same procedure used in elections for the issuance of bonds.
- (3) If a majority of those voting on the proposition vote in favor of the tax, it is computed on the valuation of the county assessment roll for that year.
- (4)
  - (a) Within 20 days after the election, the local school board shall certify the amount of the approved tax to the governing body of the county in which the school district is located.
  - (b) The governing body shall acknowledge receipt of the certification and levy and collect the special tax.

- (c) It shall then distribute the collected taxes to the business administrator of the school district at the end of each calendar month.
- (5) The special tax becomes due and delinquent and attaches to and becomes a lien on real and personal property at the same time as state and county taxes.
- (6) Notwithstanding Subsections (3) and (4), beginning January 1, 2012, a local school board may not levy a tax in accordance with this section.

Amended by Chapter 186, 2019 General Session

**53F-8-403 School transportation levy.**

- (1) Except as provided in Subsection (5), a local school board may provide for the transportation of students regardless of the distance from school, from a tax rate not to exceed .0003 per dollar of taxable value levied by the local school board.
- (2) A local school board may use revenue from the tax described in Subsection (1) to pay for transporting students and for the replacement of school buses.
- (3)
  - (a) If a local school board levies a tax under Subsection (1) of at least .0002, the state may contribute an amount not to exceed 85% of the state average cost per mile, contingent upon the Legislature appropriating funds for a state contribution.
  - (b) The state board's employees shall distribute the state contribution according to rules enacted by the state board.
- (4)
  - (a) The amount of state guarantee money that a school district would otherwise be entitled to receive under Subsection (3) may not be reduced for the sole reason that the school district's levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 due to changes in property valuation.
  - (b) Subsection (4)(a) applies for a period of two years following the change in the certified tax rate.
- (5) Beginning January 1, 2012, a local school board may not impose a tax in accordance with this section.
- (6) The terms defined in Section 53F-2-102 apply to this section.

Amended by Chapter 186, 2019 General Session

**Chapter 9  
Funds and Accounts**

**Part 1  
General Provisions**

**53F-9-101 Title.**

This chapter is known as "Funds and Accounts."

Enacted by Chapter 2, 2018 General Session

**53F-9-102 Definitions.**

Reserved

Enacted by Chapter 2, 2018 General Session

**53F-9-103 Nonlapsing funds.**

All appropriations to the state board are nonlapsing, including appropriations to the Minimum School Program and all agencies, line items, and programs under the jurisdiction of the state board.

Enacted by Chapter 330, 2020 General Session

**Part 2  
Uniform School Fund**

***Superseded 1/1/2025***

**53F-9-201 Uniform School Fund -- Contents -- Trust Distribution Account.**

(1) As used in this section:

- (a) "Annual distribution calculation" means, for a given fiscal year, the average of:
  - (i) 4% of the average market value of the State School Fund for that fiscal year; and
  - (ii) the distribution amount for the prior fiscal year, multiplied by the sum of:
    - (A) one;
    - (B) the percent change in student enrollment from the school year two years prior to the prior school year; and
    - (C) the actual total percent change of the consumer price index during the last 12 months as measured in June of the prior fiscal year.
- (b) "Average market value of the State School Fund" means the results of a calculation completed by the SITFO director each fiscal year that averages the value of the State School Fund for the past 20 consecutive quarters ending in the prior fiscal year.
- (c) "Consumer price index" means the Consumer Price Index for All Urban Consumers: All Items Less Food & Energy, as published by the Bureau of Labor Statistics of the United States Department of Labor.
- (d) "SITFO director" means the director of the School and Institutional Trust Fund Office appointed under Section 53D-1-401.
- (e) "State School Fund investment earnings distribution amount" or "distribution amount" means, for a fiscal year, the lesser of:
  - (i) the annual distribution calculation; or
  - (ii) 4% of the average market value of the State School Fund.

(2) The Uniform School Fund, a special revenue fund, established by Utah Constitution, Article X, Section 5, consists of:

- (a) distributions derived from the investment of money in the permanent State School Fund established by Utah Constitution, Article X, Section 5;
- (b) money transferred to the fund pursuant to Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act; and
- (c) all other constitutional or legislative allocations to the fund, including:

- (i) appropriations for the Minimum School Program, enrollment growth, and inflation under Section 53F-9-201.1; and
  - (ii) revenues received by donation.
- (3)
- (a) There is created within the Uniform School Fund a restricted account known as the Trust Distribution Account.
  - (b) The Trust Distribution Account consists of:
    - (i) in accordance with Subsection (4), quarterly deposits of the State School Fund investment earnings distribution amount from the prior fiscal year;
    - (ii) all interest earned on the Trust Distribution Account in the prior fiscal year; and
    - (iii) any unused appropriation for the administration of the School LAND Trust Program, as described in Subsection 53F-2-404(1)(c).
- (4) If, at the end of a fiscal year, the Trust Distribution Account has a balance remaining after subtracting the appropriation amount described in Subsection 53F-2-404(1)(a) for the next fiscal year, the SITFO director shall, during the next fiscal year, apply the amount of the remaining balance from the prior fiscal year toward the current fiscal year's distribution amount by reducing a quarterly deposit to the Trust Distribution Account by the amount of the remaining balance from the prior fiscal year.
- (5) On or before October 1 of each year, the SITFO director shall:
- (a) in accordance with this section, determine the distribution amount for the following fiscal year; and
  - (b) report the amount described in Subsection (5)(a) as the funding amount, described in Subsection 53F-2-404(1)(c), for the School LAND Trust Program, to:
    - (i) the State Treasurer;
    - (ii) the Legislative Fiscal Analyst;
    - (iii) the Division of Finance;
    - (iv) the director of the Land Trusts Protection and Advocacy Office, appointed under Section 53D-2-203;
    - (v) the School and Institutional Trust Lands Administration created in Section 53C-1-201;
    - (vi) the state board; and
    - (vii) the Governor's Office of Planning and Budget.
- (6) The School and Institutional Trust Fund Board of Trustees created in Section 53D-1-301 shall:
- (a) annually review the distribution amount; and
  - (b) make recommendations, if necessary, to the Legislature for changes to the formula for calculating the distribution amount.
- (7) Upon appropriation by the Legislature, the SITFO director shall place in the Trust Distribution Account funds for the School LAND Trust Program as described in Subsections 53F-2-404(1)(a) and (c).

Amended by Chapter 456, 2022 General Session

***Effective 1/1/2025***

**53F-9-201 Uniform School Fund -- Contents -- Trust Distribution Account.**

- (1) As used in this section:
- (a) "Annual distribution calculation" means, for a given fiscal year, the average of:
    - (i) 5% of the average market value of the State School Fund for that fiscal year; and
    - (ii) the distribution amount for the prior fiscal year, multiplied by the sum of:
      - (A) one;

- (B) the percent change in student enrollment from the school year two years prior to the prior school year; and
  - (C) the actual total percent change of the consumer price index during the last 12 months as measured in June of the prior fiscal year.
- (b) "Average market value of the State School Fund" means the results of a calculation completed by the SITFO director each fiscal year that averages the value of the State School Fund for the past 20 consecutive quarters ending in the prior fiscal year.
  - (c) "Consumer price index" means the Consumer Price Index for All Urban Consumers: All Items Less Food & Energy, as published by the Bureau of Labor Statistics of the United States Department of Labor.
  - (d) "SITFO director" means the director of the School and Institutional Trust Fund Office appointed under Section 53D-1-401.
  - (e) "State School Fund investment earnings distribution amount" or "distribution amount" means, for a fiscal year, the lesser of:
    - (i) the annual distribution calculation; or
    - (ii) 5% of the average market value of the State School Fund.
- (2) The Uniform School Fund, a special revenue fund, established by Utah Constitution, Article X, Section 5, consists of:
- (a) distributions derived from the investment of money in the permanent State School Fund established by Utah Constitution, Article X, Section 5;
  - (b) money transferred to the fund pursuant to Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act; and
  - (c) all other constitutional or legislative allocations to the fund, including:
    - (i) appropriations for the Minimum School Program, enrollment growth, and inflation under Section 53F-9-201.1; and
    - (ii) revenues received by donation.
- (3)
- (a) There is created within the Uniform School Fund a restricted account known as the Trust Distribution Account.
  - (b) The Trust Distribution Account consists of:
    - (i) in accordance with Subsection (4), quarterly deposits of the State School Fund investment earnings distribution amount from the prior fiscal year;
    - (ii) all interest earned on the Trust Distribution Account in the prior fiscal year; and
    - (iii) any unused appropriation for the administration of the School LAND Trust Program, as described in Subsection 53F-2-404(1)(c).
- (4) If, at the end of a fiscal year, the Trust Distribution Account has a balance remaining after subtracting the appropriation amount described in Subsection 53F-2-404(1)(a) for the next fiscal year, the SITFO director shall, during the next fiscal year, apply the amount of the remaining balance from the prior fiscal year toward the current fiscal year's distribution amount by reducing a quarterly deposit to the Trust Distribution Account by the amount of the remaining balance from the prior fiscal year.
- (5) On or before October 1 of each year, the SITFO director shall:
- (a) in accordance with this section, determine the distribution amount for the following fiscal year; and
  - (b) report the amount described in Subsection (5)(a) as the funding amount, described in Subsection 53F-2-404(1)(c), for the School LAND Trust Program, to:
    - (i) the State Treasurer;
    - (ii) the Legislative Fiscal Analyst;

- (iii) the Division of Finance;
  - (iv) the director of the Land Trusts Protection and Advocacy Office, appointed under Section 53D-2-203;
  - (v) the School and Institutional Trust Lands Administration created in Section 53C-1-201;
  - (vi) the state board; and
  - (vii) the Governor's Office of Planning and Budget.
- (6) The School and Institutional Trust Fund Board of Trustees created in Section 53D-1-301 shall:
- (a) annually review the distribution amount; and
  - (b) make recommendations, if necessary, to the Legislature for changes to the formula for calculating the distribution amount.
- (7) Upon appropriation by the Legislature, the SITFO director shall place in the Trust Distribution Account funds for the School LAND Trust Program as described in Subsections 53F-2-404(1) (a) and (c).

Amended by Chapter 293, 2023 General Session

***Superseded 1/1/2025***

**53F-9-201.1 Appropriations to the Minimum School Program from the Uniform School Fund.**

- (1) As used in this section:
- (a) "Base budget" means the same as that term is defined in legislative rule.
  - (b) "Enrollment growth and inflation estimates" means the cost estimates regarding enrollment growth and inflation described in Section 53F-2-208.
- (2) Except as provided in Subsection 53F-9-204(3), for a fiscal year beginning on or after July 1, 2021, when preparing the Public Education Base Budget, the Office of the Legislative Fiscal Analyst shall include appropriations to the Minimum School Program from the Uniform School Fund, and, subject to Subsection 53F-9-204(3), the Public Education Economic Stabilization Restricted Account, in an amount that is greater than or equal to the sum of:
- (a) the ongoing Income Tax Fund and Uniform School Fund appropriations to the Minimum School Program in the current fiscal year; and
  - (b) subject to Subsection 53F-9-204(3)(b), enrollment growth and inflation estimates.
- (3) The total annual amount deposited into the Uniform School Fund, including the deposits through the distributions described in Sections 59-7-532 and 59-10-544, for a given fiscal year may not exceed the amount appropriated from the Uniform School Fund for that fiscal year.

Amended by Chapter 456, 2022 General Session

***Effective 1/1/2025***

**53F-9-201.1 Appropriations to the Minimum School Program from the Uniform School Fund.**

- (1) As used in this section:
- (a) "Base budget" means the same as that term is defined in legislative rule.
  - (b) "Enrollment growth and inflation estimates" means the cost estimates regarding enrollment growth and inflation described in Section 53F-2-208.
- (2) Except as provided in Subsection 53F-9-204(3), for a fiscal year beginning on or after July 1, 2021, when preparing the Public Education Base Budget, the Office of the Legislative Fiscal Analyst shall include appropriations to the Minimum School Program from the Uniform School Fund, and, subject to Subsection 53F-9-204(3), the Public Education Economic Stabilization Restricted Account, in an amount that is greater than or equal to the sum of:



- (a) the ongoing Income Tax Fund and Uniform School Fund appropriations to the Minimum School Program in the current fiscal year; and
- (b) subject to Subsection 53F-9-204(3)(b):
  - (i) enrollment growth and inflation estimates; and
  - (ii) to increase the value of the weighted pupil unit, as defined in Section 53F-2-102, an amount equal to a projected reduction in appropriations to the Minimum School Program from the Uniform School Fund for the given fiscal year related to a decline in student enrollment that the Office of the Legislative Fiscal Analyst recommends to the Executive Appropriations Committee, in consultation with the state board and the Governor's Office of Planning and Budget:
    - (A) for the fiscal years beginning on July 1, 2025, 2026, 2027, 2028, and 2029; and
    - (B) if the Legislature amends the sunset date described in Section 63I-1-253 after a sunset review, for the fiscal years beginning on July 1, 2030, 2031, 2032, 2033, and 2034.
- (3) The total annual amount deposited into the Uniform School Fund, including the deposits through the distributions described in Sections 59-7-532 and 59-10-544, for a given fiscal year may not exceed the amount appropriated from the Uniform School Fund for that fiscal year.

Amended by Chapter 187, 2023 General Session

**53F-9-203 Charter School Revolving Account.**

- (1)
  - (a) The terms defined in Section 53G-5-102 apply to this section.
  - (b) As used in this section, "account" means the Charter School Revolving Account.
- (2)
  - (a) There is created within the Uniform School Fund a restricted account known as the "Charter School Revolving Account" to provide assistance to charter schools to:
    - (i) meet school building construction and renovation needs; and
    - (ii) pay for expenses related to the start up of a new charter school or the expansion of an existing charter school.
  - (b) The state board, in consultation with the State Charter School Board, shall administer the Charter School Revolving Account in accordance with rules adopted by the state board.
- (3) The Charter School Revolving Account shall consist of:
  - (a) money appropriated to the account by the Legislature;
  - (b) money received from the repayment of loans made from the account; and
  - (c) interest earned on money in the account.
- (4) The state superintendent shall make loans to charter schools from the account to pay for the costs of:
  - (a) planning expenses;
  - (b) constructing or renovating charter school buildings;
  - (c) equipment and supplies; or
  - (d) other start-up or expansion expenses.
- (5) Loans to new charter schools or charter schools with urgent facility needs may be given priority.
- (6) The state board shall:
  - (a) except as provided in Subsection (7)(a), review requests by charter schools for loans under this section; and
  - (b) in consultation with the State Charter School Board, approve or reject each request.
- (7)
  - (a) The state board may establish a committee to:

- (i) review requests under Subsection (6)(a); and
  - (ii) make recommendations to the state board and the State Charter School Board regarding the approval or rejection of a request.
- (b)
- (i) A committee established under Subsection (7)(a) shall include individuals who have expertise or experience in finance, real estate, or charter school administration.
  - (ii) Of the members appointed to a committee established under Subsection (7)(a):
    - (A) one member shall be nominated by the governor; and
    - (B) the remaining members shall be selected from a list of nominees submitted by the State Charter School Board.
- (c) If the committee recommends approval of a loan application under Subsection (7)(a)(ii), the committee's recommendation shall include:
- (i) the recommended amount of the loan;
  - (ii) the payback schedule; and
  - (iii) the interest rate to be charged.
- (d) A committee member may not:
- (i) be a relative, as defined in Section 53G-5-409, of a loan applicant; or
  - (ii) have a pecuniary interest, directly or indirectly, with a loan applicant or any person or entity that contracts with a loan applicant.
- (8) A loan under this section may not be made unless the state board, in consultation with the State Charter School Board, approves the loan.
- (9) The term of a loan to a charter school under this section may not exceed five years.
- (10) The state board may not approve loans to charter schools under this section that exceed a total of \$2,000,000 in any fiscal year.
- (11)
- (a) On March 16, 2011, the assets of the Charter School Building Subaccount administered by the state board shall be deposited into the Charter School Revolving Account.
  - (b) Beginning on March 16, 2011, loan payments for loans made from the Charter School Building Subaccount shall be deposited into the Charter School Revolving Account.

Amended by Chapter 154, 2020 General Session

**53F-9-204 Public Education Economic Stabilization Restricted Account.**

- (1) There is created within the Uniform School Fund a restricted account known as the "Public Education Economic Stabilization Restricted Account."
- (2)
- (a) Except as provided in Subsection (2)(b), the account shall be funded from the following revenue sources:
    - (i) 15% of the difference between, as determined by the Office of the Legislative Fiscal Analyst:
      - (A) the estimated amount of ongoing Income Tax Fund and Uniform School Fund revenue available for the Legislature to appropriate for the next fiscal year; and
      - (B) the amount of ongoing appropriations from the Income Tax Fund and Uniform School Fund in the current fiscal year; and
    - (ii) other appropriations as the Legislature may designate.
  - (b) If the appropriation described in Subsection (2)(a) would cause the ongoing appropriations to the account to exceed 11% of Uniform School Fund appropriations described in Section 53F-9-201.1 for the same fiscal year, the Legislature shall appropriate only those funds

necessary to ensure that the ongoing appropriations to the account equal 11% of Uniform School Fund appropriations for that fiscal year.

- (3) Subject to the availability of ongoing appropriations to the account, in accordance with Utah Constitution, Article X, Section 5, Subsection (4), the ongoing appropriation to the account shall be used to fund:
- (a) except for a year described in Subsection (3)(b), one-time appropriations to the public education system; and
  - (b) the Minimum School Program for a year in which Income Tax Fund revenue and Uniform School Fund revenue are insufficient to fund:
    - (i) ongoing appropriations to the public education system; and
    - (ii) enrollment growth and inflation estimates, as defined in Section 53F-9-201.1.
- (4)
- (a) The account shall earn interest.
  - (b) All interest earned on account money shall be deposited in the account.
- (5) On or before December 31, 2023, and every three years thereafter, the Office of the Legislative Fiscal Analyst shall:
- (a) review the percentages described in Subsections (2)(a)(i) and (2)(b); and
  - (b) recommend to the Executive Appropriations Subcommittee any changes based on the review described in Subsection (5)(a).
- (6) In preparing budget bills for a given fiscal year, the Executive Appropriations Committee shall make the one-time appropriations described in Subsection (3)(a) by appropriating at least the lesser of 10% of the total amount of the one-time appropriations or the cost of providing 32 paid professional hours for teachers in accordance with Section 53F-7-203.

Amended by Chapter 386, 2022 General Session

Amended by Chapter 456, 2022 General Session

**53F-9-206 School Building Revolving Account -- Access to the account.**

- (1)
- (a) There is created within the Uniform School Fund a restricted account known as the "School Building Revolving Account" to provide short-term help to school districts to meet district needs for school building construction and renovation.
  - (b) The state superintendent shall administer the School Building Revolving Account in accordance with Chapter 3, State Funding -- Capital Outlay Programs, and rules adopted by the state board.
- (2) The state board may not allocate funds from the School Building Revolving Account that exceed a school district's bonding limit minus its outstanding bonds.
- (3) In order to receive money from the School Building Revolving Account, a school district shall:
- (a) levy a combined capital levy rate of at least .0024;
  - (b) contract with the state superintendent to repay the money, with interest at a rate established by the state superintendent, within five years of receipt, using future state capital outlay allocations, local revenues, or both;
  - (c) levy sufficient ad valorem taxes under Section 11-14-310 to guarantee annual loan repayments, unless the state superintendent alters the payment schedule to improve a hardship situation; and
  - (d) meet any other condition established by the state board pertinent to the loan.
- (4)

- (a) The state superintendent shall establish a committee, including representatives from state and local education entities, to:
  - (i) review requests by school districts for loans under this section; and
  - (ii) make recommendations regarding approval or disapproval of the loan applications to the state superintendent.
- (b) If the committee recommends approval of a loan application under Subsection (4)(a)(ii), the committee's recommendation shall include:
  - (i) the recommended amount of the loan;
  - (ii) the payback schedule; and
  - (iii) the interest rate to be charged.

Amended by Chapter 186, 2019 General Session

### **Part 3 Education Fund**

#### **53F-9-301 Charter School Levy Account.**

- (1)
  - (a) The terms defined in Section 53G-5-102 apply to this section.
  - (b) As used in this section, "account" means the Charter School Levy Account created in this section.
- (2) There is created within the Income Tax Fund a restricted account known as the "Charter School Levy Account."
- (3) The account shall be funded by amounts deposited into the account in accordance with Section 53F-2-703.
- (4) Upon appropriation from the Legislature, the state board shall distribute funds from the account as described in Section 53F-2-703.
- (5) The account shall earn interest.
- (6) Interest earned on the account shall be deposited into the account.
- (7) Funds in the account are nonlapsing.

Amended by Chapter 456, 2022 General Session

#### **53F-9-302 Minimum Basic Growth Account.**

- (1) As used in this section, "account" means the Minimum Basic Growth Account created in this section.
- (2) There is created within the Income Tax Fund a restricted account known as the "Minimum Basic Growth Account."
- (3) The account shall be funded by amounts deposited into the account in accordance with Section 53F-2-301.
- (4) The account shall earn interest.
- (5) Interest earned on the account shall be deposited into the account.
- (6) Upon appropriation by the Legislature:
  - (a) 75% of the money from the account shall be used to fund the state's contribution to the voted local levy guarantee described in Section 53F-2-601;

- (b) 20% of the money from the account shall be used to fund the Capital Outlay Foundation Program as provided in Section 53F-3-202; and
- (c) 5% of the money from the account shall be used to fund the Capital Outlay Enrollment Growth Program as provided in Section 53F-3-203.

Amended by Chapter 7, 2023 General Session

**53F-9-303 Charter School Reserve Account.**

- (1) The terms defined in Section 53G-5-601 apply to this section.
- (2) There is created within the Income Tax Fund a restricted account known as the "Charter School Reserve Account."
- (3) The reserve account consists of:
  - (a) money credited to the account pursuant to Section 53G-5-607;
  - (b) money appropriated to the account by the Legislature;
  - (c) all income and interest derived from the deposit and investment of money in the account;
  - (d) federal grants; and
  - (e) private donations.
- (4) Money in the reserve account may be appropriated by the Legislature to:
  - (a) restore amounts on deposit in a debt service reserve fund of a qualifying charter school to the debt service reserve fund requirement;
  - (b) pay fees and expenses of the authority;
  - (c) pay the principal of and interest on bonds issued for a qualifying charter school; or
  - (d) otherwise provide financial assistance to a qualifying charter school.

Amended by Chapter 456, 2022 General Session

**53F-9-304 Underage Drinking and Substance Abuse Prevention Program Restricted Account.**

- (1) As used in this section, "account" means the Underage Drinking and Substance Abuse Prevention Program Restricted Account created in this section.
- (2) There is created within the Income Tax Fund a restricted account known as the "Underage Drinking and Substance Abuse Prevention Program Restricted Account."
- (3)
  - (a) Before the Department of Alcoholic Beverage Services deposits any portion of the markup collected under Section 32B-2-304 into the Liquor Control Fund in accordance with Section 32B-2-301, the Department of Alcoholic Beverage Services shall deposit into the account:
    - (i) for the fiscal year that begins July 1, 2017, \$1,750,000; or
    - (ii) for each fiscal year that begins on or after July 1, 2018, an amount equal to the amount that the Department of Alcoholic Beverage Services deposited into the account during the preceding fiscal year increased or decreased by a percentage equal to the percentage difference between the Consumer Price Index for the second preceding calendar year and the Consumer Price Index for the preceding calendar year.
  - (b) For purposes of this Subsection (3), the Department of Alcoholic Beverage Services shall calculate the Consumer Price Index in accordance with 26 U.S.C. Secs. 1(f)(4) and 1(f)(5).
- (4) The account shall be funded:
  - (a) in accordance with Subsection (3);
  - (b) by appropriations made to the account by the Legislature; and
  - (c) by interest earned on money in the account.

- (5)
- (a) Except as provided in Subsection (5)(b), the state board shall use money in the account for the Underage Drinking and Substance Abuse Prevention Program described in Section 53G-10-406.
  - (b) If excess funds remain in the restricted account at the end of a given fiscal year after the use described in Subsection (5)(a), the state board may distribute the excess funds in the subsequent fiscal year through the block grant funding for public education prevention programs described in Section 53F-2-525.

Amended by Chapter 98, 2023 General Session

**53F-9-305 Local Levy Growth Account.**

- (1) As used in this section, "account" means the Local Levy Growth Account created in this section.
- (2) There is created within the Income Tax Fund a restricted account known as the "Local Levy Growth Account."
- (3) The account shall be funded by:
  - (a) amounts deposited into the account in accordance with Section 53F-2-301; and
  - (b) other legislative appropriations.
- (4) The account shall earn interest.
- (5) Interest earned on the account shall be deposited into the account.
- (6) The Legislature shall appropriate money in the account to the state board.

Amended by Chapter 7, 2023 General Session

**53F-9-306 Teacher and Student Success Account.**

- (1) As used in this section, "account" means the Teacher and Student Success Account created in this section.
- (2) There is created within the Income Tax Fund a restricted account known as the "Teacher and Student Success Account."
- (3) The account shall be funded by:
  - (a) amounts deposited into the account in accordance with Section 53F-2-301; and
  - (b) other legislative appropriations.
- (4) The account shall earn interest.
- (5) Interest earned on the account shall be deposited into the account.
- (6) The Legislature shall appropriate money in the account to the state board.

Amended by Chapter 7, 2023 General Session

**53F-9-307 Charter School Closure Reserve Account.**

- (1) As used in this section:
  - (a) "Account" means the Charter School Closure Reserve Account created in this section.
  - (b) "Charter school authorizer" or "authorizer" means an entity listed in Section 53G-5-205 that authorizes a charter school.
- (2) There is created within the Income Tax Fund a special revenue fund known as the "Charter School Closure Reserve Account."
- (3) The account consists of:
  - (a) appropriations of the Legislature;

- (b) amounts deposited into the account in accordance with this section; and
  - (c) interest earned on money in the account.
- (4)
- (a) The account shall earn interest.
  - (b) Interest earned on the account shall be deposited into the account.
- (5)
- (a) In a fiscal year that begins on or after July 1, 2021, a charter school shall annually contribute to the account \$2 per student enrolled in the charter school until the account balance reaches \$3,000,000.
  - (b)
    - (i) Beginning with the fiscal year following the first fiscal year in which the account balance reaches \$3,000,000, except as provided in Subsections (5)(b)(ii) and (iii), in any fiscal year in which the account balance is less than \$3,000,000, a charter school shall contribute to the account a prorated amount, not to exceed \$2 per student enrolled in a charter school, in accordance with Subsection (6).
    - (ii) Except as provided in Subsection (5)(b)(iii), if no funds have been withdrawn from the account due to a charter school closure, in a fiscal year that begins on or after July 1, 2024, in which the account balance is less than \$2,500,000, a charter school shall contribute to the account a prorated amount, not to exceed \$2 per student enrolled in a charter school, in accordance with Subsection (6).
    - (iii) If no funds have been withdrawn from the account due to a charter school closure, in a fiscal year that begins on or after July 1, 2026, in which the account balance is less than \$2,000,000, a charter school shall contribute to the account a prorated amount, not to exceed \$2 per student enrolled in a charter school, in accordance with Subsection (6).
  - (c) The state board shall ensure that the total contribution from charter schools described in Subsection (5)(b) equals the lesser of:
    - (i)
      - (A) in a fiscal year after the first fiscal year in which the account balance reaches \$3,000,000, an amount sufficient to maintain an account balance of \$3,000,000;
      - (B) in a fiscal year that begins on or after July 1, 2024, if no funds have been withdrawn from the account due to charter school closure, an amount sufficient to maintain an account balance of \$2,500,000; or
      - (C) in a fiscal year that begins on or after July 1, 2026, if no funds have been withdrawn from the account due to charter school closure, an amount sufficient to maintain an account balance of \$2,000,000; and
    - (ii) \$2 per student enrolled in a charter school.
- (6) The state board of education shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for:
- (a) calculating the amounts described in Subsections (5)(b) and (c);
  - (b) a process for collecting charter school contributions to the account described in this section; and
  - (c) a process for depositing charter school contributions to the account described in this section into the account.
- (7) Money in the account may only be used upon closure of a charter school that closes on or after January 1, 2021:
- (a) to pay debts that the charter school owes to:
    - (i) the state board; or
    - (ii) the state or federal government;

- (b) after the charter school has made other reasonable attempts to resolve debts the charter school owes to:
  - (i) the state board; or
  - (ii) the state or federal government; and
- (c) after a charter school liquidates the charter school's assets remaining after:
  - (i) the charter school's liabilities and obligations are paid under Subsection 53G-5-504(7); and
  - (ii) the charter school authorizer assigns assets to a public school under Subsection 53G-5-504(7)(c).
- (8) Money in the account may not be used to pay bond debt.
- (9) The state board, in partnership with a charter school authorizer:
  - (a) may authorize the use of money in the account, subject to the restrictions described in Subsections (7) and (8); and
  - (b) before authorizing the use of funds in the account as described in Subsection (9)(a), shall investigate all reasonable alternatives for a charter school to pay debt that the charter school owes to:
    - (i) the state board; and
    - (ii) the state or federal government.

Amended by Chapter 54, 2023 General Session

## **Part 4 General Fund**

### **53F-9-401 Autism Awareness Restricted Account.**

- (1) There is created in the General Fund a restricted account known as the "Autism Awareness Restricted Account."
- (2) The account shall be funded by:
  - (a) contributions deposited into the account in accordance with Section 41-1a-422;
  - (b) private contributions; and
  - (c) donations or grants from public or private entities.
- (3) Upon appropriation by the Legislature, the state superintendent shall:
  - (a)
    - (i) ensure the inventory of Autism Awareness Support special group license plate decals are in stock; and
    - (ii) transfer money to the Tax Commission to pay for the group license plate as needed;
  - (b) distribute funds in the account to one or more charitable organizations that:
    - (i) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;
    - (ii) has as the organization's sole mission to promote access to resources and responsible information for individuals of all ages who have, or are affected by, autism or autism spectrum related conditions;
    - (iii) is an independent organization that has representation from state agencies and private providers serving individuals with autism spectrum disorder and their families in the state;
    - (iv) includes representation of:
      - (A) national and local autism advocacy groups, as available; and
      - (B) interested parents and professionals; and
    - (v) does not endorse any specific treatment, therapy, or intervention used for autism.



- (4)
- (a) An organization described in Subsection (3) may apply to the state superintendent to receive a distribution in accordance with Subsection (3).
  - (b) An organization that receives a distribution from the state superintendent in accordance with Subsection (3) shall expend the distribution only to:
    - (i) pay for autism education and public awareness of programs and related services in the state;
    - (ii) enhance programs designed to serve individuals with autism;
    - (iii) provide support to caregivers providing services for individuals with autism;
    - (iv) pay administrative costs of the organization; and
    - (v) pay for academic scholarships and research efforts in the area of autism spectrum disorder.
  - (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may make rules providing procedures for an organization to apply to the state superintendent to receive a distribution under Subsection (3).

Amended by Chapter 408, 2020 General Session

**53F-9-403 Kiwanis Education Support Fund.**

- (1) There is created an expendable special revenue fund known as the "Kiwanis Education Support Fund."
- (2) The fund consists of:
  - (a) contributions deposited into the fund in accordance with Section 41-1a-422;
  - (b) private contributions;
  - (c) donations or grants from public or private entities; and
  - (d) money appropriated to the fund by the Legislature.
- (3) Subject to Subsection 41-1a-418(2), the State Tax Commission:
  - (a) shall expend money in the fund to pay the initial costs of ordering and issuing Kiwanis special group license plates; and
  - (b) as needed, may expend money in the fund to pay the costs of reordering Kiwanis special group license plates and decals.
- (4) On an annual basis, the State Tax Commission shall:
  - (a) evaluate the fund's ability to cover the costs described in Subsection (3); and
  - (b) based on the evaluation described in Subsection (4)(a), adjust the allocation of contributions described in Subsection (2)(a) deposited into the fund.

Enacted by Chapter 219, 2021 General Session

**Part 5  
Miscellaneous Revenue**

**53F-9-501 Hospitality and Tourism Management Education Account -- Uses -- Costs.**

- (1) There is created an expendable special revenue fund known as the "Hospitality and Tourism Management Education Account," which the state board shall use to fund the Hospitality and Tourism Management Career and Technical Education Pilot Program created in Section 53E-3-515.
- (2) The account consists of:
  - (a) distributions to the account under Section 59-28-103;

- (b) interest earned on the account;
  - (c) appropriations made by the Legislature; and
  - (d) private donations, grants, gifts, bequests, or money made available from any other source to implement Section 53E-3-507 or 53E-3-515.
- (3) The state board shall administer the account.
  - (4) The cost of administering the account shall be paid from money in the account.
  - (5) Interest accrued from investment of money in the account shall remain in the account.

Amended by Chapter 186, 2019 General Session

## **Part 6 Supplemental Capital Project Funding**

### **53F-9-601 Small School District Capital Projects Fund.**

- (1) As used in this section:
  - (a) "Capital development project" means the same as that term is defined in Section 63A-5b-401.
  - (b) "Fund" means the Small School District Capital Projects Fund created in this section.
- (2)
  - (a) There is created a capital projects fund known as the Small School District Capital Projects Fund.
  - (b) Subject to legislative appropriations, and except as provided in Subsection (4), money in the fund shall be used for a capital development project in accordance with this section and Title 53F, Chapter 10, State Funding -- Capital Projects.
  - (c) The fund shall:
    - (i) be funded by:
      - (A) one-time appropriations; and
      - (B) repayment and interest on loans described in Section 53F-10-302; and
    - (ii) accrue interest, which shall be deposited into the fund.
- (3) The state board shall authorize disbursements from the fund.
- (4) The state board shall administer the fund in accordance with this section.

Enacted by Chapter 407, 2022 General Session

## **Chapter 10 State Funding -- Capital Projects**

### **Part 1 General Provisions**

#### **53F-10-101 Definitions.**

As used in this section:

- (1) "Capital development project" means the same as that term is defined in Section 63A-5b-401, including new construction, capital expansion, and renovation.
- (2) "Capital local levy" means the levy that a local school board imposes under Section 53F-8-303.

- (3) "Capital Projects Evaluation Panel" or "panel" means the panel established in Section 53F-10-201.
- (4) "Capital projects funding" means funds distributed from the Small School District Capital Projects Fund.
- (5) "Division" means the Division of Facilities Construction and Management.
- (6) "Eligible school district" means a school district:
  - (a) in a county of the fourth, fifth, or sixth class; and
  - (b)
    - (i) that qualifies for state guarantee funding related to local levies under Section 53F-2-601; or
    - (ii)
      - (A) that has a project that the panel has approved; and
      - (B) that the state board approves, upon the state superintendent's recommendation.
- (7) "Small School District Capital Projects Fund" or "fund" means the capital projects fund created in Section 53F-9-601.

Amended by Chapter 467, 2023 General Session

**53F-10-102 Capital development project proposal process -- State board role.**

- (1) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a process for school districts to submit to the panel proposals for funding for capital development projects under this chapter, including:
  - (a) the panel's review, prioritization, and recommendation to the state board;
  - (b) the state board's consideration and approval, if applicable, of proposed capital development projects; and
  - (c) management of panel processes and administration.
- (2) The state board may fund direct costs and administration of the panel, not to exceed \$200,000.
- (3) The state board shall:
  - (a) evaluate recommendations of the panel regarding proposed capital development projects;
  - (b) approve proposed capital development projects, subject to the availability of capital development funding; and
  - (c) oversee the disbursement of capital development funding.

Enacted by Chapter 407, 2022 General Session

**Part 2**  
**Capital Projects Evaluation Panel**

**53F-10-201 Capital Projects Evaluation Panel.**

- (1) There is created the Capital Projects Evaluation Panel to review, prioritize, and approve proposals for state funding of capital projects under this chapter.
- (2) The panel consists of the following members:
  - (a) the state superintendent of public instruction or the state superintendent's designee, who serves as chair of the panel;
  - (b) the deputy superintendent for financial operations or the deputy superintendent's designee;
  - (c) two individuals with expertise in school construction whom the state superintendent appoints;

- (d) two individuals with construction and construction financing experience, at least one of whom being an employee of the division, whom the governor appoints; and
  - (e) the state treasurer or the state treasurer's designee, only in the case of panel action regarding a loan under Section 53F-10-302.
- (3)
- (a)
    - (i) Except as provided under Subsection (3)(a)(ii), an appointed member of the panel shall serve a term of two years.
    - (ii) Notwithstanding Subsection (3)(a)(i), a panel member's term ends on the day on which the member's position allowing the member to serve on the panel under Subsection (2) ends.
  - (b) The state superintendent and governor shall make the respective appointments:
    - (i) for the initial appointments, before July 1, 2022;
    - (ii) for subsequent terms, before July 1 of each even-numbered year, by:
      - (A) reappointing the panel member whose term expires under Subsection (3)(a)(i); or
      - (B) appointing a new panel member; and
    - (iii) in the case of a vacancy created under Subsection (3)(a)(ii), for the remainder of the vacated term.
  - (c) The state superintendent and governor may change the relevant appointment described in Subsection (2) at any time for the remainder of the existing term.
- (4) A panel member:
- (a) may not receive compensation or benefits for the member's service on the panel other than a member who is an existing state employee receiving the employee's existing compensation and benefits related to the employee's state employment; and
  - (b) may receive per diem and reimbursement for travel expenses that the member incurs as a panel member at the rates that the Division of Finance establishes under:
    - (i) Sections 63A-3-106 and 63A-3-107; and
    - (ii) rules that the Division of Finance makes under Sections 63A-3-106 and 63A-3-107.
- (5)
- (a) A majority of the panel members constitutes a quorum.
  - (b) The action of a majority of a quorum constitutes an action of the panel.
- (6)
- (a) The state board shall provide staff support to the panel.
  - (b) The division shall provide technical expertise to the panel as requested by the panel.

Enacted by Chapter 407, 2022 General Session

**53F-10-202 Panel duties.**

- (1) The panel shall:
- (a) determine criteria for:
    - (i) the allowed uses of capital project fund resources described in Sections 53F-10-301 and 53F-10-302 and the prioritization of proposed capital development projects, including the extent to which a proposed project:
      - (A) eliminates risks to student life and safety through renewal or replacement;
      - (B) enhances efficiency of use, including combining necessarily existent small schools, described in Section 53F-2-304;
      - (C) addresses essential program growth and capacity;
      - (D) provides a cost effective solution that is appropriate for the facility's need; and

- (E) comports with the school district's provision of matching funds and sufficient revenues for ongoing operation and maintenance;
  - (b) evaluate capital development project proposals to ensure viability, efficiency, and adherence to education and construction standards;
  - (c) prioritize capital development projects;
  - (d) recommend that the state board distribute capital project funding to school districts;
  - (e) if necessary based on the circumstances of the capital development project, in partnership with the division, oversee the capital development project; and
  - (f) report to the state board regarding the panel's actions.
- (2) The panel may:
- (a) determine that a technical assistance liaison is necessary for an eligible school district applying for capital project funding under this chapter to efficiently complete the project; and
  - (b) facilitate engagement with the division or a willing school district partner having the required technical expertise in similar capital development projects.

Enacted by Chapter 407, 2022 General Session

### **Part 3**

## **Local Capital Development Project Funding**

### **53F-10-301 Capital development project grants.**

- (1)
- (a) Except as provided in Subsection (1)(b), after reviewing an eligible school district's ability to independently generate project funding, the panel may recommend to the state board, and the state board may authorize a distribution of capital project funding in the following amounts to an eligible school district for a capital development project that the panel has prioritized:
    - (i) for an eligible school district with a capital local levy rate of at least 0.00105, up to 50% of the total cost of the capital development project as a 1:1 matching grant;
    - (ii) for an eligible school district with a capital local levy rate of at least 0.0015, up to 66.67% of the total cost of the capital development project as a 2:1 matching grant;
    - (iii) for an eligible school district with a capital local levy rate of at least 0.0018, up to 75% of the total cost of the capital development project as a 3:1 matching grant;
    - (iv) for an eligible school district with a capital local levy rate of at least 0.00225, up to 80% of the total cost of the capital development project as a 4:1 matching grant; and
    - (v) up to 100% of the total cost of the capital development project as a non-matching grant for an eligible school district that:
      - (A) has incurred debt equal to 90% of the debt limit imposed by Utah Constitution, Article XIV, Section 4; and
      - (B) unless the school district's capital local levy rate is at least 0.00225, increases the school district's capital local levy by 10% after March 24, 2022.
  - (b) Notwithstanding Subsection (1)(a), if increasing a capital local levy to a threshold described in Subsection (1)(a) would result in a per-household property tax that, based on county property tax data in the State Tax Commission's annual report, is higher than 125% of the statewide average of property tax as a percentage of household income, based on census household income data, the threshold necessary to qualify for the relevant level of grant funding shall

- be the capital local levy rate that would result in an overall per-household property tax that is equal to 125% of the statewide average of property tax as a percentage of household income.
- (2) The panel shall determine the terms of a grant described in Subsection (1), subject to approval by the state board.
  - (3) A school district that receives grant funding under this section shall demonstrate the ability to provide sufficient ongoing funding to support the operation and maintenance of the new or renovated facility resulting from the capital development project based on standards that the panel establishes.

Enacted by Chapter 407, 2022 General Session  
Revisor instructions Chapter 407, 2022 General Session

**53F-10-302 Capital development project loans.**

- (1) The panel may recommend and the state board may distribute capital project funding for a loan to an eligible school district to provide the required match amount described in Section 53F-10-301 for a capital development project that the panel has prioritized:
  - (a) at an interest rate that the state treasurer establishes that is equal to the state's most recent general obligation bond rate; or
  - (b) at no interest for a school district:
    - (i) with a per-household property tax that is higher than 125% of the statewide average of property tax as a percentage of household income, based on the data sets described in Subsection 53F-10-302(1)(b); and
    - (ii) that has incurred debt equal to 90% of the debt limit imposed by Utah Constitution, Article XIV, Section 4.
- (2) The panel shall determine the repayment terms of a loan described in Subsection (1), subject to state board approval, based on established standards.
- (3) Repayment of a loan described in Subsection (1) and associated interest shall be deposited into the Small School District Capital Projects Fund.
- (4) An LEA that receives loan funding under this section shall demonstrate the ability to provide sufficient ongoing funding to support the operation and maintenance of the new or renovated facility resulting from the capital development project based on standards that the panel establishes.

Enacted by Chapter 407, 2022 General Session