

Effective 1/24/2018

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 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 507, 2024 General Session

Contingently 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

Contingently 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

Superseded 7/1/2024

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

Effective 7/1/2024

53F-2-405 Educator salary adjustments.

- (1) As used in this section, "educator" means a person employed by a school district, charter school, regional education service agency, 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, each regional education service agency, 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, each regional education service agency, 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, each regional education service agency, 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, each regional education service agency, 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, each regional education service agency, and the Utah Schools for the Deaf and the Blind.
- (4) A school district, a charter school, each regional education service agency, 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, each regional education service agency, 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 468, 2024 General Session

Repealed 7/1/2024

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) As used in this section:

- (a) "State agency" means a department, division, office, entity, agency, or other unit of the state.
- (b) "State agency" includes the State Commission on Criminal and Juvenile Justice, the Administrative Office of the Courts, the Department of Corrections, and the Division of Juvenile Justice Services.

(2) 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 (3).

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

- (a) establish a formula to allocate program funding to schools in select school districts and charter schools that:
 - (i) uses the data reported to the state board, the State Commission on Criminal and Juvenile Justice, the Administrative Office of the Courts, the Department of Corrections, and the Division of Juvenile Justice Services;
 - (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; and
 - (iii) prioritizes school districts and charter schools that demonstrate collaborative efforts with local law enforcement agencies and community prevention.
- (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.

(4)

- (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 the prevalence of crimes committed by minors within the school district as described in Subsection (3)(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 (4)(a).

(5) The state board may not distribute funds to a school district or a charter school that fails to meet performance standards described in Subsection (3)(c).

(6) 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 (3)(c).

Amended by Chapter 301, 2024 General Session

Repealed 7/1/2024

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;
 - (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; or
 - (c) providing grants to LEAs as provided in Subsection 53F-2-522(5).

Amended by Chapter 73, 2024 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

Repealed 7/1/2024

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