

**Effective 1/24/2018**

## **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 Salary Supplement for Highly Needed Educators 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 484, 2024 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 an LEA financially for an excessive loss in student enrollment due to factors beyond the LEA's control, the state board may allow a percentage increase in units otherwise allowable during a year when an LEA's average daily membership for the year drops more than 4% below the average for the highest two of the preceding three years in the LEA.

Amended by Chapter 124, 2024 General Session

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

- (1) In accordance with Subsection (5), 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 care, 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;
    - (ix) the flexible allocation, described in Section 53F-2-421; and
    - (x) 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 Salary Supplement for Highly Needed Educators 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) The state board shall provide all information necessary to calculate adjustments described in Subsection (1) to the Office of the Legislative Fiscal Analyst no later than October 15 of each year.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to ensure compliance with Subsection (2), including:
  - (a) establishing the necessary information from the LEA, including:
    - (i) fall student enrollment counts;
    - (ii) the number of educators the LEA employs; and
    - (iii) other information as the Utah Code identifies for each program described in Subsection (1); and
  - (b) requiring a deadline for an LEA to provide the information necessary for the state board to comply with Subsection (2).
- (4) If an LEA does not meet the deadline or provide the required information described in Subsection (3), the state board may not use the LEA's information to calculate growth as described in Subsection (1)(b).
- (5)
  - (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 (5)(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.

- (6) Beginning in the 2026 fiscal year, 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 6, 2025 General Session

Amended by Chapter 165, 2025 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

Sunset by Section 63I-2-253

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

***Superseded 7/1/2026***

**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 consensus between the commission, the Governor's Office of Planning and Budget, and the Office of the Legislative Fiscal Analyst 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, 2025, is \$810,593,200 in revenue statewide.
  - (b) The preliminary estimate of the minimum basic tax rate for a fiscal year that begins on July 1, 2025, is .001408.
- (3)
  - (a) The WPU value amount for the fiscal year that begins on July 1, 2025, is \$31,508,600 in revenue statewide.
  - (b) The preliminary estimate of the WPU value rate for the fiscal year that begins on July 1, 2025, is .000055.
- (4)
  - (a) On or before June 22, the commission, the Governor's Office of Planning and Budget, and the Office of the Legislative Fiscal Analyst shall by consensus 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 6, 2025 General Session

***Effective 7/1/2026***

**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) "Commission" means the State Tax Commission.
  - (c) "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).
  - (d) "Minimum basic tax rate" means a tax rate certified by consensus between the commission, the Governor's Office of Planning and Budget, and the Office of the Legislative Fiscal Analyst

that will generate an amount of revenue equal to the minimum basic local amount described in Subsection (2)(a).

- (2)
  - (a) The minimum basic local amount for the fiscal year that begins on July 1, 2025, is \$810,593,200 in revenue statewide.
  - (b) The preliminary estimate of the minimum basic tax rate for a fiscal year that begins on July 1, 2025, is .001408.
- (3)
  - (a) On or before June 22, the commission, the Governor's Office of Planning and Budget, and the Office of the Legislative Fiscal Analyst shall by consensus certify the minimum basic tax rate for the year.
  - (b) The estimate of the minimum basic tax rate provided in Subsection (2)(b) is based on a forecast for property values for the next calendar year.
  - (c) The certified minimum basic tax rate described in Subsection (3)(a) is 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.
- (4)
  - (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 minimum basic tax 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 (4).
    - (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 (4).
- (5)
  - (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 minimum basic tax rate; and
    - (ii) the basic levy increment rate.
  - (b)
    - (i) If the difference described in Subsection (5)(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 (5)(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.
- (6) Upon appropriation by the Legislature, the Division of Finance shall deposit an amount equal to the proceeds generated statewide by the basic levy increment rate into the Minimum Basic Growth Account created in Section 53F-9-302.
- (7) Nothing in the repeal of the tax rate indexed to the increase in the value of the WPU affects the ongoing appropriations to the Teacher and Student Success Account created in Section 53F-9-306.

Amended by Chapter 518, 2025 General Session

**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 LEA 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 LEA 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.
  - (d) If the calculations described in Subsections (4)(a) through (c) show a loss in enrollment for an LEA due to factors beyond the LEA's control, the state board may allow a percentage increase in units for the LEA to account for the loss.
- (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 124, 2024 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 Weighted pupil units for students in rural school districts and necessarily existent small schools.**

- (1) As used in this section:
  - (a) "Necessarily existent small school" means a school that:
    - (i) is located in an area with a National Center for Education Statistics locale code of 33 or higher;
    - (ii) is located more than 10 miles from an area with a National Center for Education Statistics locale code of 21 or less;
    - (iii) is not an online school, specialty school, technical school, alternative school, or charter school; and
    - (iv) has an average daily membership less than or equal to:

- (A) 27 in any individual grade band kindergarten through 6; or
- (B) 125 in any individual grade band 7 through 12.
- (b) "Scale of operations" means a cost function analysis conducted by the state board to determine the relative higher cost of providing educational services for students enrolled in smaller school districts when compared to larger school districts.
- (2)
  - (a) The state board shall adopt a formula to calculate additional weighted pupil units using a two-factor distribution described in Subsection (2)(b).
  - (b) The two-factor distribution shall be the sum of a scale of operations weighting and a rural-school weighting as follows:
    - (i) a scale of operations weighting that provides up to 1.5 weighted pupil units based on the cost function analysis the state board conducts and for each student enrolled in:
      - (A) a school district in a county of the fourth, fifth, or sixth class as described in Section 17-50-501; or
      - (B) a school district in a county of the third class as described in Section 17-50-501 with fewer than 2,000 students; and
    - (ii) a rural-school weighting for each necessarily existent small school that provides weighted pupil units for each grade band from kindergarten to grade 6 offered:
      - (A) with five or fewer students, a base of nine weighted pupil units;
      - (B) for each student above five students but fewer than 12 students, one additional weighted pupil unit for each additional student above five; and
      - (C) for each student above 12 students, one less weighted pupil unit for each additional student; and
    - (iii) a rural-school weighting for each necessarily existent small school that provides weighted pupil units for each grade band from grade 7 to grade 12 offered:
      - (A) with five or fewer students, a base of nine weighted pupil units;
      - (B) for each student above five students but fewer than 61 students, one additional weighted pupil unit for each additional student above five;
      - (C) for each student above 61 students, one less weighted pupil unit for each additional student; and
      - (D) for each necessarily existent small school with 15 or fewer students, the state board may provide the base level of nine weighted pupil units for each grade band offered.
  - (c) If any grade band under Subsection (2)(b) generates negative weighted pupil units, the weighted pupil units for that grade band shall be zero.
  - (d) The funding for a student who falls within the weighting factors described in Subsections (2)(b)(i) and (2)(b)(ii) shall be computed under both weighting factors.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to:
  - (a) establish the formula described in Subsection (2) including the scale of weighted pupil units described in Subsection (2)(b)(i) by:
    - (i) conducting a cost function analysis measuring the scale of operations weighting including factors identified by the state board for each small and rural school district compared to all school districts;
    - (ii) determining a weighting relative to the cost function prediction for each school district that is above the minimum prediction for all school districts;
    - (iii) establishing a percentile cutoff for a full weighted pupil unit that:
      - (A) provides a full weighting for districts enrolling fewer than 1,100 students; and

- (B) provides no scale of operations weighting described in Subsection (2)(b)(i) for school districts enrolling greater than seven times the full-weight cutoff; and
- (iv) based on the cost function analysis, establishing a gradually reduced weighted pupil unit for each school district above the percentile cutoff established;
- (b) establish a timeline for the distribution of funds to school districts provided under this section; and
- (c) for fiscal year 2030 and subsequently each fifth fiscal year:
  - (i) revise the:
    - (A) scale of operations weightings;
    - (B) county classifications; and
    - (C) relevant National Center for Education Statistics locale codes; and
  - (ii) report the results to the Public Education Appropriations Subcommittee by October 1 of the relevant fiscal years including recommendations for any change to the scale of operations or rural-school weightings for each school district.
- (4) A local school board shall use money distributed under this section to effectively operate schools in remote areas of the state and with low student populations.
- (5) If an allocation under this section to a school district would be less than the allocation the school district received for necessarily existent small schools in the 2025 fiscal year, the Executive Appropriations Committee shall:
  - (a) include a one-time appropriation in the public education budget to provide the 2025 fiscal year amount to the school district in the 2026 fiscal year; and
  - (b) decrease the amount described in Subsection (5)(a) to zero in the 2027 fiscal year.
- (6) During each five year review described in Subsection (3)(c):
  - (a) if a school or school district no longer qualifies under the criteria described in Subsection (2), the state board shall:
    - (i) review the conditions causing the school or school district to no longer qualify;
    - (ii) if the school or school district has an average daily membership increase of no more than 10% over the preceding five years, allow the school or school district to remain eligible for funding in an amount that is at least equivalent to the amount the school or school district received in the current fiscal year under this section; and
    - (iii) if the school or school district has an average daily membership increase of more than 10% but less than 30% over the preceding five years, make recommendations to the Public Education Appropriations Subcommittee regarding an extension of the funding received under this section; and
  - (b) if a school district is receiving an extension of funds as described in this Subsection (6), the state board shall:
    - (i) review the necessity and impacts of continued eligibility; and
    - (ii) make recommendations to the Public Education Appropriations Subcommittee regarding the renewal of eligibility.
- (7) If, after the review described in Subsection (6), a school or school district no longer qualifies for funding under this section, the Executive Appropriations Committee shall:
  - (a) include a one-time appropriation in the public education budget to provide the same amount of funding the school district received in the preceding fiscal year; and
  - (b) decrease the amount to zero in the next fiscal year.
- (8)
  - (a) A school district that intends to split a school that qualifies as a necessarily existent small school or has qualified as a necessarily existent small school within the past five years shall submit a proposal to the state board for review and approval.

- (b) The school district proposal shall include:
  - (i) the current enrollment and projected enrollment for the next five years for the existing school and the proposed new school;
  - (ii) a detailed explanation of the educational and operational reasons for the proposed split;
  - (iii) an analysis of the financial impact on the district and the state, including any changes in necessarily existent small school funding that would result from the split;
  - (iv) a plan for ensuring that educational quality will be maintained or improved in both the existing and new school; and
  - (v) any other information requested by the state board.
- (c) The state board shall review the proposal and may:
  - (i) approve the proposal if the state board determines that the split is educationally and operationally necessary and not primarily motivated by financial considerations related to necessarily existent small school funding;
  - (ii) deny the proposal if the state board determines that the split is unnecessary or primarily motivated by financial considerations related to necessarily existent small school funding; or
  - (iii) request additional information or modifications to the proposal before making a final decision.
- (d) If the state board approves the proposal, the state board shall submit a report to the Public Education Appropriations Subcommittee, which shall include:
  - (i) summary of the approved proposal;
  - (ii) the state board's rationale for approving the proposal; and
  - (iii) any recommended changes to necessarily existent small school funding allocations resulting from the approved split.
- (e) The Public Education Appropriations Subcommittee shall review the state board's report and may:
  - (i) approve the funding changes recommended by the state board;
  - (ii) modify the funding changes; or
  - (iii) deny the funding changes and require the school district to maintain the current funding allocation.
- (f)
  - (i) Subject to Subsection (8)(f)(ii), a school district may split a school that qualifies as a necessarily existent small school or has qualified as a necessarily existent small school within the past five years without submitting a proposal as described in this Subsection (8).
  - (ii) If a school district proceeds with splitting a necessarily existent small school without applying for or receiving approval from both the state board and the Public Education Appropriations Subcommittee, the schools created from the split may not qualify as necessarily existent small schools.
- (g) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
  - (i) the timeline and procedures for submitting and reviewing proposals;
  - (ii) criteria for evaluating the necessity and appropriateness of proposed school splits;
  - (iii) requirements for post-approval monitoring and reporting by a school district that has split a necessarily existent small school; and
  - (iv) any other provisions necessary to implement this subsection.

Repealed and Re-enacted by Chapter 145, 2025 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 WPUs for the current year may not be less than the foundation special education add-on WPUs described in Subsection (7)(b).
  - (e)
    - (i) Growth WPUs 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 WPUs 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; and
    - (ii) 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; and
      - (B) 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) 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).
  - (c) An LEA may use funds received through the general allocation described in this Subsection (4) for Technology-Life-Careers and student leadership organizations.
- (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 165, 2025 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) The state board may use nonlapsing funds remaining under this section from a prior school year to provide the emergency funding described in Section 53F-2-316.
- (5)
  - (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 389, 2025 General Session

**53F-2-316 Emergency funding for schools with increased enrollment of students learning English.**

- (1) As used in this section, "student learning English" means a student, currently enrolled at a public elementary or secondary educational institution, whose most recent score on an English language proficiency assessment is the lowest score available under the given assessment.
- (2)
  - (a) An LEA may receive emergency funding from the state board if enrollment, at a school within the LEA, of students learning English increases by:
    - (i) 75% or more above the previous three-year average enrollment for students learning English in the school; and
    - (ii) 30 or more students above the previous three-year average enrollment for students learning English in the school.
  - (b) An LEA shall ensure that an application the LEA submits under Subsection (3)(a):
    - (i) demonstrates substantial need for the emergency funding;
    - (ii) includes the percentage by which the school's student learning English enrollment exceeds the previous three-year average for the school; and
    - (iii) demonstrates that the school has insufficient existing funds to adequately support the increased student learning English enrollment.
- (3) The state board shall:
  - (a) establish and oversee the application process to award emergency funding;
  - (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, create rules to:
    - (i) determine a method for measuring an increase in enrollment at a school; and
    - (ii) identify a school that meets the threshold requirement described in Subsection (2)(a); and
  - (c) subject to the availability of funds or legislative appropriations, prioritize applications and distribute funding based on:
    - (i) the greatest percentage increase in students learning English enrollment in the school; and
    - (ii) the severity of the financial need of the school.
- (4) An LEA shall use emergency funds received under this section to:
  - (a) provide training or certification to teachers on the instruction of a student learning English;
  - (b) reduce the number of students learning English in a class;
  - (c) hire an aide to assist with students learning English in the classroom; or
  - (d) provide other resources specific to the needs of a student learning English.

- (5) An LEA may not use emergency funding received under this section for administrative expenses.
- (6)
  - (a) The state board shall draw the emergency funding described in Subsection (2)(a) from nonlapsing funds remaining in the at-risk weighted pupil unit described in Section 53F-2-314.
  - (b) The state board may not draw, from the at-risk weighted pupil unit, more than \$500,000, per fiscal year, for the emergency funding described in this section.

Enacted by Chapter 389, 2025 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) except as provided in Subsection (1)(b), a student enrolled in kindergarten through grade 6 who lives at least 1-1/2 miles from school;
  - (b) a student enrolled in grade 6, if grade 6 is in a middle school, and 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 23, 2025 General Session

***(Contingently Effective)***

**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, 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 (1) in the school district, the charter school, each regional education service agency, or the Utah Schools for the Deaf and the Blind.
  - (b) Notwithstanding Subsection (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) for fiscal year 2026, the amount of the salary adjustment for each full-time-equivalent educator is:
    - (i) if Chapter 6, Part 4, Utah Fits All Scholarship Program, is funded and in effect, \$10,350; or
    - (ii) if Chapter 6, Part 4, Utah Fits All Scholarship Program, is not funded and in effect, \$5,175;
  - (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:
    - (i) reduce or supplant a compensation increase from an increase in the WPU value with an increase from the salary supplement in this section; or
    - (ii) 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 165, 2025 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

**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

**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-2-421 Flexible allocation.**

Subject to appropriations in accordance with Section 53F-2-208, 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.

Amended by Chapter 165, 2025 General Session

**53F-2-422 Education Support Professional Supplemental Stipend.**

(1) As used in this section:

- (a)
    - (i) "Education support professional" means an individual:
      - (A) whom an LEA or RESA employs and directly pays; and
      - (B) who is assigned to work in a school setting.
    - (ii) "Education support professional" includes the following categories that an LEA reports to the state board:
      - (A) instructional paraprofessionals;
      - (B) library paraprofessionals;
      - (C) student support; and
      - (D) school and other support, including employees like janitors, bus drivers, and food service.
    - (iii) "Education support professional" also includes an individual in LEA or RESA administration or administration support if the individual works exclusively in a school setting supporting students.
  - (b)
    - (i) "Qualifying employee" means an education support professional who was employed by an LEA or RESA as of September 1, 2025.
    - (ii) "Qualifying employee" does not include:
      - (A) a licensed school-level educator;
      - (B) school district employees who are assigned to work in the central administration of the school district, including superintendents, deputy and assistant superintendents, area and regional directors, curriculum specialists, and support staff; or
      - (C) individuals with whom an LEA contracts but does not directly pay the individual or report the individual to the state board in annual employment reports.
  - (c) "Regional education service agency" or "RESA" means the same as that term is defined in Section 53G-4-410.
  - (d) "Stipend" means the one-time Education Support Professional Supplemental Stipend.
- (2) There is created a one-time Education Support Professional Supplemental Stipend.
- (3)
  - (a) Subject to legislative appropriations, the state board shall allocate funds to a qualifying education entity to provide the stipend to qualifying employees as follows:
    - (i) for an education support professional, \$1,000; and
    - (ii) employer-paid benefits.

- (b) The stipend shall be prorated for each employee based on full-time equivalent status.
- (c) Notwithstanding Subsection (3)(a), in the event that an allocation to an LEA or RESA is insufficient to provide the full stipend to each qualifying employee whom the LEA or RESA employs, the LEA or RESA shall reduce the amount of the stipend on a prorated basis.
- (4) An LEA or RESA that receives an allocation from the state board under Subsection (3) shall return any unexpended amounts to the state no later than December 31, 2025.

Enacted by Chapter 165, 2025 General Session

**53F-2-423 School meal program.**

- (1) As used in this section:
  - (a) "Education model health and wellness policy on nutrition" means state board policy emphasizing that an LEA promote efficient meal scheduling, provide adequate time for eating, and implement practices that help reduce food waste.
  - (b) "Eligible student" means a student enrolled in kindergarten through grade 12 who qualifies for reduced-price meals based on household size and income levels under the National School Lunch Program.
  - (c) "National School Lunch Program" means the same as that term is defined in 7 C.F.R. Sec. 210.2.
  - (d) "Share table program" means a system in a school where a student may return unopened, uneaten food or beverages to a designated location for redistribution to other students.
- (2) An LEA participating in the National School Lunch Program shall provide lunch to an eligible student on a school day at no charge.
- (3) The state board:
  - (a) shall:
    - (i) subject to legislative appropriations, reimburse an LEA for each reimbursable lunch provided under this section in an amount equal to the difference between the federal reimbursement rates for a meal and a reduced-price meal, as determined annually by the United States Department of Agriculture;
    - (ii) establish a reimbursement system where the board provides a monthly reimbursement to an LEA that provides a meal under Subsection (2); and
    - (iii) accept private donations and grants for the purpose of funding the school meal program described in this section; and
  - (b) may provide guidance and support to a school implementing the food waste prevention strategies described in Subsection (6).
- (4) An LEA may not:
  - (a) publicly identify or stigmatize a student unable to pay for a meal; or
  - (b) require a student to perform chores to pay for a meal unless the requirement applies equally to all students regardless of whether the student pays for the meal.
- (5) An LEA shall direct communications regarding a student's meal debt only to the student's parent.
- (6) An LEA participating in the National School Lunch Program shall consider, where feasible, reducing food waste by:
  - (a) following the education model health and wellness policy on nutrition; and
  - (b) establishing a share table program.
- (7)
  - (a) Notwithstanding Subsection (3)(a)(i), if appropriations are insufficient to fully reimburse each LEA for the cost of a reimbursable lunch described in this section, the state board shall

distribute the available funds in the fourth quarter of the fiscal year to each LEA on a pro rata basis, not exceeding the available funds.

- (b) An LEA may ask the parent of an eligible student to cover the remaining cost of a subsidized lunch under this section.

Enacted by Chapter 203, 2025 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-2-504 Salary Supplement for Highly Needed Educators.**

- (1) As used in this section:
  - (a) "Eligible teacher" means a teacher who:
    - (i) has a qualifying assignment;
    - (ii) qualifies for the teacher's assignment in accordance with an LEA's policy described in Subsection (2); and
    - (iii)
      - (A) is a new employee; or
      - (B) has not received an unsatisfactory rating on the teacher's three most recent evaluations.
  - (b) "High-needs area" means at least two and up to five teaching assignments that an LEA designates in a policy as challenging to fill or retain.
  - (c) "Program" means the Salary Supplement for Highly Needed Educators program.
  - (d) "Qualifying assignment" means a teacher who is assigned to a high-needs area.
- (2)
  - (a) An LEA shall create a policy describing the administration of the Salary Supplement for Highly Needed Educators program within the LEA, including:
    - (i) identifying the LEA's high-needs areas;
    - (ii) the amount of the salary supplement;
    - (iii) establishing an appeals process for a teacher to follow if the teacher does not receive a salary supplement, including:
      - (A) allowing a teacher to appeal eligibility as an eligible teacher with a qualifying assignment on the basis that the teacher has a teaching assignment that is substantially equivalent to a high-needs area; and
      - (B) requiring a teacher to provide transcripts and other documentation to the LEA governing board in order for the LEA governing board to determine if the teacher is an eligible teacher with a qualifying teaching background;
    - (iv) a process for determining if a teacher is an eligible teacher, including a verification process; and
    - (v) a process for certifying a list of eligible teachers to be awarded a salary supplement under this section.

- (b) An LEA shall update the policy described in Subsection (2)(a) annually and provide notice of any changes to teachers within the LEA.
- (3) Subject to legislative appropriations and an LEA having the policy described in Subsection (2), the state board shall allocate funding appropriated for the Salary Supplements for Highly Needed Educators program 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, for a new charter school, 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 (3)(a)(i); and
      - (B) 80% of the amount described in Subsection (3)(a)(i) on a per-student basis; and
  - (b) for school districts and the Utah Schools for the Deaf and the Blind:
    - (i) distributing the remainder of funds available for distribution after the distribution to charter schools under Subsection (3)(a)(i) by allocating to each school district:
      - (A) an equally divided portion of 20% of the amount described in Subsection (3)(b)(i); and
      - (B) 80% of the amount described in Subsection (3)(b)(i) on a per-student basis.
  - (c) An LEA shall use funds described in Subsections (3)(a) and (3)(b) to pay the LEA's proportional part of an eligible teacher's salary supplement if:
    - (i) the eligible teacher is an employee of a regional education service agency, as defined in Section 53G-4-410; and
    - (ii) the LEA is a member of the regional education service agency that employs the eligible teacher.
- (4)
  - (a) An LEA shall include employer-paid benefits in the amount of each salary supplement.
  - (b) Employer-paid benefits are an addition to the salary supplement amount established by an LEA under Subsection (2).
- (5) 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 quarter.
- (6) The state board shall annually report to the Education Interim Committee:
  - (a) which teaching assignments LEAs have designated as high-needs; and
  - (b) the number of eligible teachers.
- (7) An LEA may increase the amount of funds the LEA provides to the LEA's teachers under the program if the LEA:
  - (a) first ensures proper distribution of funds the LEA receives under the program to the the LEA's teachers; and
  - (b) experiences a carry forward or leftover balance.

Amended by Chapter 394, 2025 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:
  - (a) consult and receive recommendations from the endowed chairs and the integrated arts advocate;
  - (b) administer a program for an LEA to receive funds to hire highly qualified arts specialists, art coordinators, and other positions that support arts education and arts integration;
  - (c) beginning with the 2024-2025 school year, establish a uniform amount for the funds described in Subsection (4)(b);
  - (d) ensure the uniform amount described in Subsection (4)(c) does not duplicate state funding an educator receives under the educator salary adjustment described in Section 53F-2-405;
  - (e) provide up to \$10,000 in one-time funds for each new school educator described under Subsection (4)(b) to purchase supplies and equipment;
  - (f) engage in other activities that improve the quantity and quality of integrated arts education; and
  - (g) before June 1, 2024, report to the Public Education Appropriations Subcommittee the uniform amount described in Subsection (4)(c).
- (5)
  - (a) An LEA that receives funds under Subsection (4) shall provide matching funds equal to the difference between the uniform amount established in Subsection (4)(c) and the actual cost of the educator's salary.
  - (b) An LEA may not include administrative, facility, or capital costs to provide the matching funds required under Subsection (5)(a).
- (6) An LEA that receives funds 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 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 funds 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, including:
    - (i) an increase to the uniform amount established in Subsection (4)(c); and
    - (ii) increases for adding additional schools to the Beverley Taylor Sorenson Elementary Arts Learning Program.
- (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 124, 2024 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) "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:

- (i) at the time the teacher is considered by the state board for a salary bonus; and
- (ii) 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.
- (c) "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)(c)(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)(c)(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.
- (d) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.
- (e) "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.
- (f) "Program" means the Effective Teachers in High Poverty Schools Incentive Program created in Subsection (2).
- (g) "Standards assessment" means the assessments described in Section 53E-4-303.
- (h) "Student growth percentile" is a number that describes where a student ranks in comparison to students with similar achievement on standards assessments in previous years.
- (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; and
    - (iii) application requirements.
  - (c) The state board shall make an annual salary bonus payment in each fiscal year 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;
  - (c) publish a list of high poverty schools; and
  - (d) within 30 days of the data being available, provide notice to each teacher in the state who, for the current school year, achieved the criteria described in Subsection (1)(b) and include:
    - (i) a summary of the program, including:
      - (A) the amount of the annual salary bonus; and
      - (B) the remaining requirements to qualify for the annual salary bonus; and
    - (ii) the list of schools described in Subsection (5)(c).
- (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 363, 2024 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-2-520 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 on or before August 1, 2024.
  - (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 on or before August 1 of each 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.
  - (d) If an LEA governing board failed to make the determination required in Subsection (2)(a) on or before July 1, 2023, the LEA governing board shall determine whether the LEA will be a participating LEA for the 2024-25 school year and notify the state board of the determination on or before August 1, 2024.
- (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 August 30 of each year, submit a report on the screening programs to the State Suicide Prevention Committee created under Section 26B-5-611 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 approximate number of participating students referred to additional services or for whom intervention was required;
    - (iii) the names and number of:
      - (A) participating LEAs;
      - (B) non-participating LEAs; and

- (C) LEAs that failed to make and report to the state board the determination to be participating or non-participating LEAs;
  - (iv) information regarding:
    - (A) reasons why an LEA failed to make a determination to be a participating or non-participating LEA; and
    - (B) any LEA that determined to be a participating LEA but failed to implement a mental health screening program;
  - (v) an overview of how participating LEAs utilized distributed funds; and
  - (vi) 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) To distribute funds as described in Subsection (5)(a), the state board shall:
    - (i) distribute 90% of the available funds to participating LEAs based on the previous year's average daily membership count; and
    - (ii) distribute the remaining 10% of the available funds on an as-needed basis to participating LEAs if the LEA has exhausted the funds distributed under Subsection (5)(b)(i) and has additional need.
  - (c) 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 73, 2024 General Session  
Amended by Chapter 245, 2024 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-2-525 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

### **53F-2-526 Excellence in Education and Leadership Supplement.**

- (1) As used in this section:
- (a) "Center" means the Center for the School of the Future at Utah State University established in Section 53B-18-801.
  - (b) "Eligible teacher" means a teacher who is a top-performing teacher that the center determines using an LEA's assessment methods, including:
    - (i) student growth or achievement measures;
    - (ii) professional evaluations;
    - (iii) parent or student surveys; and
    - (iv) other data-driven criteria the LEA establishes and the center verifies for validity.

- (c) "Eligible teacher" includes an individual whom an LEA participating in the program employs and who holds:
    - (i) a license the state board issues; and
    - (ii) a position that includes a current classroom teaching assignment.
  - (d) "High poverty school" means the same as the term is defined in Section 53F-2-513.
  - (e) "LEA" means:
    - (i) a school district;
    - (ii) a charter school;
    - (iii) the Utah Schools for the Deaf and the Blind; and
    - (iv) a regional education service agency.
  - (f) "Program" means the Excellence in Education and Leadership Supplement created in Subsection (2).
  - (g) "Tier performance level" means the following levels of performance for a teacher in comparison to all teachers the center determines in accordance with Subsection (7):
    - (i) the top 5% of teachers;
    - (ii) the next 6%-10% of teachers; and
    - (iii) the next 11%-25% of teachers.
  - (h) "Top-performing" means the top 25% of teachers in comparison to all teachers the center determines using the methods described in Subsection (1)(b).
- (2) Beginning July 1, 2024, there is created a five-year pilot program known as the Excellence in Education and Leadership Supplement to provide a performance-based award to an eligible teacher in recognition for outstanding instructional talent.
- (3)
- (a) No later than December 31, 2024, an LEA shall declare the LEA's intent to participate in the program to the center.
  - (b) If an LEA declares an intent to participate in the program, the LEA shall:
    - (i) develop a process for a school principal or the principal's designee to assess a teacher's performance consistent with this section to determine if a teacher is an eligible teacher, including the corresponding tier performance level; and
    - (ii) create an appeals process for an employee who is not nominated to be an eligible teacher.
- (4) No later than July 1, 2025, an LEA shall:
- (a) attend a training that the center creates regarding the guidelines for developing a process described in Subsection (3); and
  - (b) develop and submit for approval the LEA's process described in Subsection (3) to the center.
- (5)
- (a) The center shall review the LEA's process described in Subsection (3) and approve the process or request that the LEA make changes to the submitted process.
  - (b) If the center requests changes to the LEA's submitted process, the LEA shall work with the center to make necessary changes to receive final approval from the center.
  - (c) No later than August 15, 2025, the center shall provide final approval or denial of an LEA's process.
- (6) Before August 31, 2025, an LEA with an approved process as described in Subsection (5) shall:
- (a) ensure each school principal or the principal's designee attends a training that the center creates regarding:
    - (i) how to effectively use the LEA's approved process to select and submit to the center nominations for eligible teachers, including the corresponding tier performance level; and

- (ii) how to protect student and educator data privacy when submitting nominations and applications, as described in Subsection (9)(b)(ii);
  - (b) provide information to teachers within the LEA regarding the program and how the school's principal or principal's designee will use the approved LEA process to make nominations of eligible teachers; and
  - (c) ensure each school principal or the principal's designee is able to use the LEA's approved process to evaluate and select which teachers within the school to nominate as eligible teachers, including the corresponding tier performance level.
- (7) In assessing if a nominated teacher is an eligible teacher, the center shall create an assessment process that:
- (a) uses the methods described in Subsection (1)(b);
  - (b) calibrates the submissions an LEA submits to determine, for all nominated teachers statewide, which teachers are eligible teachers, including the corresponding tier performance level;
  - (c) may use additional criteria as determined by the center in consultation with participating LEAs; and
  - (d) establishes a scoring rubric including the scores required for a designation in each tier performance level.
- (8)
- (a) The center shall collaborate with LEAs to create:
    - (i) selection and submission guidelines for:
      - (A) the approval of the LEA's process as described in Subsection (5); and
      - (B) the list of nominated eligible teachers described in Subsection (6);
    - (ii) methods to determine student growth and achievement measures for subject areas that do not have standardized assessment data;
    - (iii) the weightings for each element of the assessment process described in Subsection (7); and
    - (iv) the trainings described in this section.
  - (b) In addition to the requirements in Subsection (8)(a), an LEA may include the following if the LEA collaborates with the center to do so:
    - (i) methods to determine student growth and achievement measures for subject areas that have standardized assessment data; and
    - (ii) methods for combining measures described in Subsections (8)(a)(ii) and (8)(b)(i) as appropriate to assure compatibility across all subject areas.
  - (c) The center may provide program related technical assistance to an LEA.
- (9)
- (a) An LEA shall:
    - (i) apply to the center on behalf of the nominated eligible teachers within the LEA through a process and format that the center determines; and
    - (ii) ensure a school principal or the principal's designee reevaluates an eligible teacher's designation under this section every three years.
  - (b) The center shall:
    - (i) create an application process for an LEA to submit the list of nominated eligible teachers described in Subsection (9)(a), including a deadline for submission of the list of nominated teachers to the center;
    - (ii) coordinate with the state board in the creation of the application process described in Subsection (9)(b)(i) to ensure that any sharing of student and educator data during the application process:



- (A) complies with the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99;
  - (B) complies with Title 53E, Chapter 9, Student Privacy and Data Protection; and
  - (C) uses disclosure avoidance techniques, including aggregating and otherwise de-identifying data;
  - (iii) no later than October 1, 2026, determine if a nominated teacher is an eligible teacher through the process described in Subsection (7);
  - (iv) verify:
    - (A) the validity of the LEA's process and assessment of an eligible teacher as described in Subsections (4) and (5); and
    - (B) the nominations described in Subsection (7) with the LEA and school administrators;
  - (v) certify a list of eligible teachers, including the total amount of funding the LEA receives for the LEA's eligible teachers; and
  - (vi) provide the list described in Subsection (9)(b)(v) to the state board.
- (10)
- (a) Subject to legislative appropriations, the state board shall:
    - (i) within 45 days of receiving the list described in Subsection (9)(b)(v) from the center, disburse funding to an LEA in the amount the center verifies that an LEA qualifies to receive for performance-based awards under this section;
    - (ii) allocate up to 4.25% of the funds appropriated under this section to the center; and
    - (iii) develop a method to compensate an LEA for program administration that:
      - (A) does not exceed 4% of the total funds appropriated under this section;
      - (B) first compensates an LEA for fixed efforts associated with development and management of the LEA's teacher performance-based award program; and
      - (C) allocates any remaining balance to compensate an LEA for variable efforts associated with ongoing program administration and management.
  - (b) The annual performance-based award for an eligible teacher is:
    - (i) \$10,000 for a teacher in the top 5% of teachers;
    - (ii) \$5,000 for a teacher in the next 6%-10% of teachers; and
    - (iii) \$2,000 for a teacher in the next 11%-25% of teachers.
  - (c) If the eligible teacher is employed at a high poverty school, the eligible teacher shall receive an additional performance-based award that is equal in amount to the eligible teacher's performance-based award described in Subsection (10)(b).
- (11)
- (a) An LEA shall:
    - (i) within 45 days of receiving the LEA's funds from the state board for all eligible teachers, use the program funds to provide a performance-based award equal to the amount specified in Subsection (10) for each eligible teacher in each tier performance level; and
    - (ii) provide the performance-based award in an eligible teacher's regularly occurring compensation in equal amounts through the contracted school years related to the performance-based award.
  - (b) An LEA:
    - (i) may use money appropriated to the LEA for the performance-based award for employer-paid benefits;
    - (ii) may not include a performance-based award received under this section:
      - (A) in a retirement calculation; or
      - (B) as part of retirement contributions; and
    - (iii) may not reduce an eligible teacher's award to ensure the LEA maintains the funds described in Subsection (10)(a)(iii).

- (c) The performance-based award is not part of an eligible teacher's base pay, and is subject to the eligible teacher's designation as an eligible teacher.
- (12) Except as provided for in Subsection (11), if the appropriation for the program is insufficient to cover the costs associated with performance-based awards, an LEA may distribute the funds to each eligible teacher of the same tier of performance level on a pro rata basis.
- (13)
  - (a)
    - (i) In accordance with state and federal privacy laws, the state board shall provide the following data to the center:
      - (A) relevant student achievement data;
      - (B) relevant teacher data; and
      - (C) any other relevant data as the center determines.
    - (ii) If the center needs data from a non-participating LEA for purposes of the program, the state board:
      - (A) shall provide the data; and
      - (B) may provide the data in a de-identified manner, including providing an individual teacher's or student's data with a unique identifier that is not associated with the teacher's or student's name or school provided identification number.
  - (b) The state board shall:
    - (i) consult with the center; and
    - (ii) contract with a third party to obtain and house a secure web-based portal for authorized LEA and state board users to:
      - (A) allow a teacher to track the teacher's students' academic achievement and growth and assess within the teacher's LEA the teacher's individual progress toward becoming an eligible teacher nominee;
      - (B) report results of the chosen model or models at the district, school, and subject or grade levels;
      - (C) provide diagnostic data showing the growth and achievement trends for different groups of students associated with a teacher, school, charter system, or district; and
      - (D) provide resources for teachers to interpret the model results, training modules, and receive or request technical support.
  - (c) The state board shall use up to 2.5% of the total funds appropriated under this section for the web-based access portal described in Subsection (13)(b).
- (14)
  - (a) An eligible teacher that receives a performance-based award under the program has no vested property right in the performance-based award or the designation as an eligible teacher.
  - (b) An eligible teacher's performance-based award and designation under this section are void if the school principal or principal's designee, LEA, or the center made or certified the designation improperly.
- (15)
  - (a) Subject to prioritization of the Audit Subcommittee, unless the state board contracts a private auditor in accordance with Subsection (15)(b), the Office of the Legislative Auditor General established under Section 36-12-15 shall, in any fiscal year:
    - (i) conduct an audit of the program including:
      - (A) an evaluation of the implementation of the program; and
      - (B) the efficacy of the program, including program outcomes; and

- (ii) prepare and submit a written report for an audit described in this section in accordance with Subsection 36-12-15(6)(b).
  - (b) Subject to legislative appropriations, the state board may contract with an external auditor to perform the audit described in this Subsection (15).
- (16)
- (a) The center shall report to the Education Interim Committee no later than the 2024 October meeting the following:
    - (i) the methodology and process the center develops to achieve the requirements of Subsection (7);
    - (ii) relevant data and updates resulting from the collaborations described in Subsection (8);
    - (iii) any recommendations for future legislation; and
    - (iv) data regarding performance-based award programs, including:
      - (A) different approaches used to reward teacher performance, including different evaluation methods;
      - (B) research outlining the effectiveness and impact of different performance-based award amounts on teacher retention; and
      - (C) other considerations for impactful performance-based award programs in relation to teacher retention.
  - (b) Beginning November 1, 2026, the center shall provide an annual report to the Education Interim Committee regarding:
    - (i) the statewide metrics used in accordance with Subsection (7);
    - (ii) de-identified and aggregated data showing the number of:
      - (A) performance-based awards per school, including total number of eligible teachers in each school;
      - (B) eligible teachers in high poverty schools;
      - (C) eligible teachers in each tier performance level;
      - (D) eligible teachers in subject areas that do not have standardized assessments; and
      - (E) performance-based award denials per school, including the reasons for a denial;
    - (iii) proportion of eligible teachers in:
      - (A) school districts; and
      - (B) charter schools; and
    - (iv) teacher retention data for a school where an eligible teacher is employed.

Amended by Chapter 323, 2025 General Session

**53F-2-527 Appropriations for teaching supplies and materials.**

- (1) As used in this section:
- (a) "Classroom teacher" means a teacher who:
    - (i) is assigned by an LEA in a permanent teacher position filled by one teacher or two or more job-sharing teachers employed by an LEA;
    - (ii) is licensed and paid on an LEA's salary schedule;
    - (iii) is employed for an entire contract period; and
    - (iv) is primarily responsible to provide instruction or a combination of instructional and counseling services to students in public schools.
  - (b) "Teaching supplies and materials" means consumable and non-consumable items that are used for educational purposes by teachers in classroom activities that are approved by the LEA.

- (2) For the fiscal year that begins on or after July 1, 2024, and except as provided in Subsection (3), the state board shall distribute money appropriated for teaching supplies and materials as follows:
  - (a) \$500 to each classroom teacher position for pre-kindergarten special education and kindergarten through grade 6; and
  - (b) \$250 to each classroom teacher position for grades 7 through 12.
- (3) If funding is insufficient to provide the per-teacher amounts described in Subsection (2), the state board may proportionally adjust the per-teacher amount based on the amount of available funding.

Amended by Chapter 6, 2025 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) "Excess funds" means the difference between:
    - (i) the amount of state guarantee money a school district received in the 2025 fiscal year; and
    - (ii) the amount of state guarantee money a school district would receive based solely on the certified tax rate in effect for the 2025 fiscal year.
  - (c) "Capital local levy" means a local levy described in Section 53F-8-303.
  - (d) "Guaranteed local levy increment" means a local levy increment guaranteed by the state as described in Subsection (2).
  - (e) "Local levy increment" means .0001 per dollar of taxable value.
  - (f) "Voted local levy" means a local levy described in Section 53F-8-301.
- (2)
  - (a)
    - (i) In accordance with Subsection 53F-2-205(6) and 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)(B) and (3)(a), for each guaranteed local levy increment, an amount sufficient to guarantee for a fiscal year beginning on or after July 1, 2018, \$43.10 per weighted pupil unit.
    - (ii) 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.
  - (b)
    - (i) Subject to future budget constraints, 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, 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 the amount described in Subsection (2)(a)(ii); and
    - (B) the guaranteed amount described in Subsection (2)(a)(i).
- (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, if the school district applies the certified rate reduction proportionally to the district's voted local levy, board local levy, and capital local levy.
  - (b) Subsection (4)(a) applies for a period of one year following a change in the certified tax rate as described in Subsection (4)(a).
  - (c) Subsection (4)(a) does not apply if a school district:
    - (i) does not apply the certified rate reduction proportionally to the district's local levies in accordance with Subsection (4)(a); or
    - (ii) otherwise moves tax rate capacity from the board local levy or voted local levy to the capital local levy.
- (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 local school board of a school district that receives funds described in this section shall budget and expend the funds for public education purposes.
- (7)
  - (a) Beginning with the 2026 fiscal year, the amount of state guarantee money that a school district receives under this section may reduce as a result of changes in the certified tax rate under Section 59-2-924 due to changes in property valuation.
  - (b) For a school district receiving state guarantee money in excess of the amount the school district would receive based solely on the current certified tax rate, the excess funds:
    - (i) may not cause the amount the school district receives to exceed the total amount of state guarantee the school district received in the 2025 fiscal year; and
    - (ii) shall diminish over a three-year period as follows:
      - (A) in the 2026 fiscal year, the school district shall receive 100% of the excess funds received in the 2025 fiscal year;
      - (B) in the 2027 fiscal year, the school district shall receive 66% of the excess funds received in the 2025 fiscal year;

(C) in the 2028 fiscal year, the school district shall receive 33% of the excess funds received in the 2025 fiscal year; and

(D) in the 2029 fiscal year, the school district may not receive excess funds.

(c) The state board shall:

- (i) calculate the amount of excess funds for each affected school district;
- (ii) notify each affected school district of the phase-out schedule for the excess funds described in Subsection (7)(b); and
- (iii) oversee the phase-out process described in this Subsection (7).

Amended by Chapter 6, 2025 General Session

Amended by Chapter 165, 2025 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.

Amended by Chapter 186, 2019 General Session

**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 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;
    - (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 460, 2024 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

**53F-2-707 Allocations for adjustment of initial enrollment estimates for charter schools.**

- (1) As used in this section:
  - (a) "Enrollment deficiency" means the difference between:
    - (i) the initial enrollment of a new or expanding charter school; and
    - (ii) in accordance with Section 53F-2-208, the estimated enrollment of a new or expanding charter school the state board used in developing the state appropriation for the applicable budget year for the new or expanding charter school.
  - (b) "Initial enrollment" means the actual student enrollment count within a charter school's student information system following the completion of the regular registration process for the upcoming school year, but prior to the October 1 enrollment count of that school year.
- (2) The state board may provide an allocation to adjust funding for estimated enrollment to a new or expanding charter school if:

- (a) the charter school requests an adjustment from the state board;
  - (b) the enrollment deficiency is more than 10%; and
  - (c) in accordance with Section 53F-2-208, the initial budgetary estimates the state board used to develop the state appropriation for the new or expanding charter school did not include or underestimated the enrollment for the applicable budget year.
- (3) If the state board approves an allocation under Subsection (2), the state board may provide additional funding to cover costs until the completion of the fall enrollment counts and the mid-year or end of year updates to the estimated state funding distribution.
- (4) The state board may use unencumbered balances from the following programs, in priority order, to provide an allocation to a charter school under this section:
- (a) without the consent or approval of the State Charter School Board, balances remaining in the grants for charter school start-up costs under Section 53F-2-705;
  - (b) from prior year ending balances, balances remaining in the charter school levy state guarantee under Section 53F-2-704; and
  - (c) unrestricted balances in the basic school program.
- (5) The state board shall report actions the state board takes under this section to the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget.

Enacted by Chapter 287, 2025 General Session