

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 Teacher Salary Supplement Program provided in Section 53F-2-504;
 - (c) the extended year for special educators provided in Section 53F-2-310;
 - (d) the School LAND Trust Program described in Sections 53F-2-404 and 53G-7-1206; or
 - (e) a special education program within the basic school program.
- (6) An LEA governing board may not reallocate spending of funds distributed to the school district or charter school to a reserve account.
- (7) An LEA governing board that reduces or reallocates funds in accordance with this section shall report all transfers into, or out of, Minimum School Program programs to the state board as part of the school district or charter school's Annual Financial and Program report.

Amended by Chapter 456, 2022 General Session

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

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

Amended by Chapter 186, 2019 General Session

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

- (1) As used in this section:
 - (a) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C. Sec. 6301 et seq.
 - (b) "Program" means a program or allocation funded by a line item appropriation or other appropriation designated as:
 - (i) Basic Program;
 - (ii) Related to Basic Programs;
 - (iii) Voted and Board Levy Programs; or
 - (iv) Minimum School Program.
- (2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units in a program is underestimated, the state board shall reduce the value of the weighted pupil unit in that program so that the total amount paid for the program does not exceed the amount appropriated for the program.
- (3) If the number of weighted pupil units in a program is overestimated, the state board shall spend excess money appropriated for the following purposes giving priority to the purpose described in Subsection (3)(a):
 - (a) to support the value of the weighted pupil unit in a program within the basic state-supported school program in which the number of weighted pupil units is underestimated;
 - (b) to support the state guaranteed local levy increments as defined in Section 53F-2-601, if:
 - (i) local contributions to the voted local levy program or board local levy program are overestimated; or
 - (ii) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated;
 - (c) to support the state supplement to local property taxes allocated to charter schools, if the state supplement is less than the amount prescribed by Section 53F-2-704;
 - (d) to fund the cost of the salary supplements described in Section 53F-2-504; or
 - (e) to support a school district with a loss in student enrollment as provided in Section 53F-2-207.
- (4) If local contributions from the minimum basic tax rate imposed under Section 53F-2-301 or 53F-2-301.5, as applicable, 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 or 53F-2-301.5, as applicable, 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 382, 2021 General Session

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

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

Amended by Chapter 319, 2021 General Session

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

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

Amended by Chapter 186, 2019 General Session

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

- (1) In accordance with Subsection (2), the Legislature shall annually determine:
 - (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations to the following programs:
 - (i) education for youth in custody, described in Section 53E-3-503;
 - (ii) the Basic Program, described in Title 53F, Chapter 2, Part 3, Basic Program (Weighted Pupil Units);
 - (iii) the Adult Education Program, described in Section 53F-2-401;
 - (iv) state support of pupil transportation, described in Section 53F-2-402;
 - (v) the Enhancement for Accelerated Students Program, described in Section 53F-2-408;
 - (vi) the Concurrent Enrollment Program, described in Section 53F-2-409; and
 - (vii) the gang prevention and intervention program, described in Section 53F-2-410; and
 - (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year, the current fiscal year's ongoing state tax fund appropriations to the following programs:
 - (i) a program described in Subsection (1)(a);
 - (ii) educator salary adjustments, described in Section 53F-2-405;
 - (iii) the Teacher Salary Supplement Program, described in Section 53F-2-504;
 - (iv) the Voted and Board Local Levy Guarantee programs, described in Section 53F-2-601; and
 - (v) charter school local replacement funding, described in Section 53F-2-702.
- (2)
 - (a) In or before December each year, the Executive Appropriations Committee shall determine:
 - (i) the cost of the inflation adjustment described in Subsection (1)(a); and
 - (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).
 - (b) The Executive Appropriations Committee shall make the determinations described in Subsection (2)(a) based on recommendations developed by the Office of the Legislative Fiscal Analyst, in consultation with the state board and the Governor's Office of Planning and Budget.

Amended by Chapter 1, 2022 General Session

53F-2-209 Limited LEA budgetary flexibility.

- (1) Notwithstanding any other provision of the Utah Code, for fiscal years 2021, 2022, and 2023:
 - (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 resulting from the COVID-19 emergency, as that term is defined in Section 53-2c-102;
 - (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) Notwithstanding any other provision of the Utah Code, for any funds for which the state imposes restrictions on the use of the funds:
 - (a) any expenditure that would have been required to be made before the end of fiscal year 2021 without the application of this section is extended to fiscal year 2022;

- (b) any expenditure that would have been required to be made before the end of fiscal year 2022 without the application of this section is extended to fiscal year 2023; and
 - (c) any expenditure that would have been required to be made before the end of fiscal year 2023 without the application of this section is extended to fiscal year 2024.
- (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 1, 2022 General Session

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

- (1) For fiscal years 2021 and 2022, if data necessary for programmatic funding distributions to LEAs is inconsistent due to adjustments related to effects of the COVID-19 emergency, the state board may use the analogous data from fiscal year 2020 or the 2019-2020 school year, at the state board's discretion to execute programmatic funding distributions to LEAs.
- (2) The state board shall report to the Public Education Appropriations Subcommittee before September 30, 2021, on instances in which the board used fiscal year 2020 data under Subsection (1).

Enacted by Chapter 439, 2021 General Session

Part 3
Basic Program (Weighted Pupil Units)

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

- (1) The provisions of this section are not in effect for a fiscal year that begins on July 1, 2018, 2019, 2020, 2021, or 2022.
- (2) 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) "Equity pupil tax rate" means the tax rate that will generate an amount of revenue equal to the amount generated by the equity pupil tax rate as defined in Section 53F-2-301.5 in the fiscal year that begins July 1, 2022.
 - (e) "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;
 - (C) the amount generated by the equity pupil tax rate; and
 - (D) 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 (3)(a).
 - (f) "Minimum basic tax rate" means a tax rate certified by the commission that will generate an amount of revenue equal to the minimum basic local amount described in Subsection (3)(a).
 - (g) "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.
 - (h) "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 (4)(a).
 - (i) "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.
 - (j) "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 (4)(a).
- (3)
- (a) The minimum basic local amount for the fiscal year that begins on July 1, 2018, is \$408,073,800 in revenue statewide.
 - (b) The preliminary estimate of the minimum basic tax rate for a fiscal year that begins on July 1, 2018, is .001498.
- (4)
- (a) The WPU value amount for the fiscal year that begins on July 1, 2018, is \$18,650,000 in revenue statewide.
 - (b) The preliminary estimate of the WPU value rate for the fiscal year that begins on July 1, 2018, is .000069.
- (5)
- (a) On or before June 22, the commission shall certify for the year:
 - (i) the minimum basic tax rate; and
 - (ii) the WPU value rate.
 - (b) The estimate of the minimum basic tax rate provided in Subsection (3)(b) and the estimate of the WPU value rate provided in Subsection (4)(b) are based on a forecast for property values for the next calendar year.
 - (c) The certified minimum basic tax rate described in Subsection (5)(a)(i) and the certified WPU value rate described in Subsection (5)(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.
- (6)
- (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 (6).
 - (ii)

- (A) Except as provided in Subsection (6)(b)(ii)(B), 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 (6).
 - (B) For a calendar year that begins on January 1, 2018, the state is not subject to the notice and public hearing requirements of Section 59-2-926 if the state authorizes a combined basic rate that exceeds the tax rates authorized in this section.
- (7)
- (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;
 - (ii) the basic levy increment rate; and
 - (iii) the equity pupil tax rate.
 - (b)
 - (i) If the difference described in Subsection (7)(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 (7)(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.
- (8) 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;
 - (b) by the equity pupil tax rate into the Local Levy Growth Account created in Section 53F-9-305; and
 - (c) by the WPU value rate into the Teacher and Student Success Account created in Section 53F-9-306.
- (9) After July 1, 2021, but before November 30, 2022, the Public Education Appropriations Subcommittee:
- (a) shall review the WPU value rate, the impact of revenues generated by the WPU value rate on public education funding, and whether local school boards should continue to levy the WPU value rate; and
 - (b) may recommend an increase, repeal, or continuance of the WPU value rate.

Amended by Chapter 319, 2021 General Session

53F-2-301.5 Minimum basic tax rate for a fiscal year that begins on July 1, 2018, 2019, 2020, 2021, or 2022.

- (1) The provisions of this section are in effect for a fiscal year that begins before July 1, 2023.
- (2) 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 rate floor; and
 - (ii) the WPU value rate.
 - (c) "Commission" means the State Tax Commission.

- (d) "Equity pupil tax rate" means the tax rate that is:
 - (i) calculated by subtracting the minimum basic tax rate from the rate floor; or
 - (ii) zero, if the rate calculated in accordance with Subsection (2)(d)(i) is zero or less.
 - (e) "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 tax rate; and
 - (ii) set annually by the Legislature in Subsection (3)(a).
 - (f) "Minimum basic tax rate" means a tax rate certified by the commission that will generate an amount of revenue equal to the minimum basic local amount described in Subsection (3)(a).
 - (g) "Rate floor" means a rate that is the greater of:
 - (i) a .0016 tax rate; or
 - (ii) the minimum basic tax rate.
 - (h) "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.
 - (i) "WPU value amount" means an amount that is:
 - (i) 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 prior fiscal year; and
 - (ii) set annually by the Legislature in Subsection (4)(a).
 - (j) "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.
 - (k) "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 (4)(a).
- (3)
- (a) The minimum basic local amount for the fiscal year that begins on July 1, 2022, is \$645,921,400 in revenue statewide.
 - (b) The preliminary estimate for the minimum basic tax rate for the fiscal year that begins on July 1, 2022, is 0.001579.
- (4)
- (a) The WPU value amount for the fiscal year that begins on July 1, 2022, is \$24,952,000 in revenue statewide.
 - (b) The preliminary estimate for the WPU value rate for the fiscal year that begins on July 1, 2022, is 0.000061.
- (5)
- (a) On or before June 22, the commission shall certify for the year:
 - (i) the minimum basic tax rate; and
 - (ii) the WPU value rate.
 - (b) The estimate of the minimum basic tax rate provided in Subsection (3)(b) and the estimate of the WPU value rate provided in Subsection (4)(b) is based on a forecast for property values for the next calendar year.

- (c) The certified minimum basic tax rate described in Subsection (5)(a)(i) and the certified WPU value rate described in Subsection (5)(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.
- (6)
 - (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, a 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 (6).
 - (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 (6).
- (7)
 - (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 the revenue generated by the school district by the following:
 - (i) the minimum basic tax rate;
 - (ii) the basic levy increment rate;
 - (iii) the equity pupil tax rate; and
 - (iv) the WPU value rate.
 - (b)
 - (i) If the difference described in Subsection (7)(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 (7)(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.
- (8) 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;
 - (b) by the equity pupil tax rate into the Local Levy Growth Account created in Section 53F-9-305; and
 - (c) by the WPU value rate into the Teacher and Student Success Account created in Section 53F-9-306.

Amended by Chapter 1, 2022 General Session
Amended by Chapter 409, 2022 General Session

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

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 (4), charter school, determined as follows:

- (1) The number of units is computed by adding the average daily membership of all pupils of the school district or charter school attending schools, other than kindergarten and self-contained classes for children with a disability.

- (2) The number of units is computed by adding the average daily membership of all pupils of the school district or charter school enrolled in kindergarten and multiplying the total by .55.
 - (a) In those school districts or charter schools that do not hold kindergarten for a full nine-month term, the local school board or charter school governing board may approve a shorter term of nine weeks' duration.
 - (b) Upon LEA governing board approval, the number of pupils in average daily membership at the short-term kindergarten shall be counted for the purpose of determining the number of units allowed in the same ratio as the number of days the short-term kindergarten is held, not exceeding nine weeks, compared to the total number of days schools are held in that school district or charter school in the regular school year.
- (3)
 - (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.
- (4) In distributing funds to charter schools under this section, charter school pupils shall be weighted, where applicable, as follows:
 - (a) .55 for kindergarten pupils;
 - (b) .9 for pupils in grades 1 through 6;
 - (c) .99 for pupils in grades 7 through 8; and
 - (d) 1.2 for pupils in grades 9 through 12.
- (5) Notwithstanding Subsection (3)(c):
 - (a) for the 2020-2021 school year the state board may use a count of average daily membership on any day or days of the current school year in 2020 to calculate a growth factor for the 2020-2021 school year; and
 - (b) when calculating the growth factor as described in Subsection (5)(a), the state board shall comply with all applicable federal requirements.

Amended by Chapter 9, 2020 Special Session 6

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 Subsection 53F-2-302(3).
- (2) There is created the Enrollment Growth Contingency Program to mitigate funding impacts on an LEA resulting from student enrollment irregularities during fiscal years 2021, 2022, and 2023.
- (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:

- (a) for fiscal years 2021, 2022, and 2023 and for an LEA that has declining enrollment, pay costs associated with Subsection 53F-2-302(3) to hold LEA funding distributions at the prior year's average daily membership;
 - (b) for fiscal year 2022, fund ongoing impacts of student enrollment changes in the 2021-2022 academic year, including:
 - (i) assigning additional weighted pupil units to an LEA experiencing a net growth in weighted pupil units over the fiscal year 2022 base allocations associated with student enrollment increases following the student enrollment count; and
 - (ii) at the request of an LEA that experienced a significant decline in student enrollment during the 2020-2021 academic year, pre-fund significantly higher anticipated student enrollment growth before the student enrollment count; and
 - (c) for fiscal years 2022 and 2023, with any remaining weighted pupil units, pay other weighted pupil unit related costs in accordance with Section 53F-2-205.
- (4) If the state board pre-funds anticipated student enrollment growth under Subsection (3)(b)(ii), the state board shall:
- (a) verify the LEA's enrollment after the student enrollment count; and
 - (b) balance funds as necessary based on the actual increase in student enrollment.

Amended by Chapter 1, 2022 General Session

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

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

for the purposes of determining a school district's state guarantee money under Section 53F-2-601.

(5) This section does not apply to the 2020-2021 academic year.

Amended by Chapter 409, 2022 General Session

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

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

(i) an elementary school	160
(ii) a one or two-year secondary school	300
(iii) a three-year secondary school	450
(iv) a four-year secondary school	500
(v) a six-year secondary school	600
 - (c) An elementary school with fewer than 10 students shall receive the same add-on weighted pupil units as an elementary school with 10 students.
 - (d) A secondary school with fewer than 15 students shall receive the same add-on weighted pupil units as a secondary school with 15 students.
 - (e) If a necessarily existent small school generates ADM in both elementary and secondary grades, the state board may divide the school's ADM between an elementary and secondary distribution formula.

- (f) The state board shall prepare and distribute an allocation table based on the distribution formula to each school district.
- (6)
 - (a) To avoid penalizing a school district financially for consolidating the school district's small schools, additional weighted pupil units may be allowed a school district each year, not to exceed two years.
 - (b) The additional weighted pupil units may not exceed the difference between what the school district receives for a consolidated school and what the school district would have received for the small schools had the small schools not been consolidated.
- (7)
 - (a) The state board may allocate up to 208 weighted pupil units to support schools that:
 - (i) have isolating conditions, as defined by the state board, including geographic isolation; and
 - (ii) do not qualify for necessarily existent small schools funding due to formula limitations.
 - (b) The state board shall review funding allocations under this Subsection (7) at least once every five calendar years.
- (8) If the state board classifies a school as a necessarily existent small school in accordance with this section, the state board shall, subject to legislative appropriation, distribute small district base funding to the relevant school district in the following amounts:
 - (a) for a district with 500 students or less, 83 additional weighted pupil units;
 - (b) for a district with 501 to 1,000 students, 28 additional weighted pupil units; and
 - (c) for a district with 1,001 to 2,000 students, 14 additional weighted pupil units.
- (9) Subject to legislative appropriation, the state board shall give first priority from an appropriation made under this section to funding an expense approved by the state board as described in Subsection 53G-6-305(3)(a).
- (10)
 - (a) Subject to Subsection (10)(b) and after a distribution made under Subsection (9), the state board may distribute a portion of necessarily existent small schools funding:
 - (i) in accordance with a formula adopted by the state board that considers the tax effort of a local school board; or
 - (ii) to isolated small schools, as identified by the state board.
 - (b) The amount distributed in accordance with Subsection (10)(a) may not exceed the necessarily existent small schools fund in balance of the prior fiscal year.
- (11) A local school board may use the money allocated under this section for maintenance and operation of school programs or for other school purposes as approved by the state board.
- (12)
 - (a) Notwithstanding this section and subject to legislative appropriations, the state board may, in accordance with Subsection (12)(b), distribute one-time funding that the Legislature appropriates to mitigate funding losses as described in legislative appropriations.
 - (b) The state board may make the distribution described in Subsection (12)(a) to school districts that:
 - (i) enroll fewer than 5,000 students; and
 - (ii) do not pay local property tax proceeds into the Uniform School Fund as described in Section 53F-2-301.5.

Amended by Chapter 439, 2021 General Session

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

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

(a) Professional Staff Cost Formula

Years of Experience	Bachelor's Degree	Bachelor's +30 Qt. Hr.	Master's Degree	Master's Degree +45 Qt. Hr.	Doctorate
1	1.00	1.05	1.10	1.15	1.20
2	1.05	1.10	1.15	1.20	1.25
3	1.10	1.15	1.20	1.25	1.30
4	1.15	1.20	1.25	1.30	1.35
5	1.20	1.25	1.30	1.35	1.40
6	1.25	1.30	1.35	1.40	1.45
7	1.30	1.35	1.40	1.45	1.50
8	1.35	1.40	1.45	1.50	1.55
9			1.50	1.55	1.60
10				1.60	1.65
11					1.70

(b) Multiply the number of full-time or equivalent professional personnel in each applicable experience category in Subsection (1)(a) by the applicable weighting factor.

(c) Divide the total of Subsection (1)(b) by the number of professional personnel included in Subsection (1)(b) and reduce the quotient by 1.00.

(d) Multiply the result of Subsection (1)(c) by 1/4 of the weighted pupil units computed in accordance with Sections 53F-2-302 and 53F-2-304.

(2) The state board shall enact rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that require a certain percentage of a school district's or charter school's professional staff to be certified in the area in which the staff teaches in order for the school district or charter school to receive full funding under the schedule.

(3) If an individual's teaching experience is a factor in negotiating a contract of employment to teach in the state's public schools, then the LEA governing board is encouraged to accept as credited experience all of the years the individual has taught in the state's public schools.

(4) The professional personnel described in Subsection (1) shall include an individual employed by a school district, charter school, or the Utah Schools for the Deaf and the Blind who holds:

- (a) a license in the field of social work issued by the Division of Professional Licensing; and
- (b) a position as a social worker.

Amended by Chapter 415, 2022 General Session

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

(1) As used in this section:

- (a)
 - (i) "Charter school" means the same as that term is defined in Section 53G-5-601.
 - (ii) "Charter school" includes a charter school with satellite charter schools.

- (b) "LEA" means:
 - (i) a school district; or
 - (ii) a charter school.
- (c) "Necessary cost" means a cost that is needed to provide special education and related services to students with disabilities.
- (d) "Reasonable cost" means a cost that, in nature and amount, does not exceed an amount that a prudent person would incur under the circumstances prevailing at the time the decision was made to incur the cost.
- (e) "Satellite charter school" means the same as that term is defined in Section 53G-5-303.
- (2) The number of weighted pupil units for students with disabilities shall reflect the direct cost of programs for those students conducted in accordance with rules established by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3)
 - (a) An LEA shall use special education program money to pay the costs of providing an LEA special education program, even if the programs or services provide an incidental benefit to a student who is not a student with a disability, including for the uses described in 34 C.F.R. Sec. 300.208.
 - (b) Costs of providing an LEA special education program include only costs that are in excess of funds allocated to an LEA for general education.
 - (c) In using special education program money, an LEA shall comply with federal regulations including:
 - (i) the prohibition on comingling state special education program money with federal funds as described in 34 C.F.R. Sec. 300.162; and
 - (ii) the requirements described in 34 C.F.R. Sec. 300.203 regarding maintenance of effort.
 - (d)
 - (i) An LEA may use state special education program money to supplement other state funds, local funds, or federal funds.
 - (ii) An LEA may not use state special education program money to supplant other state funds, local funds, or federal funds.
- (4) Notwithstanding Subsection (3), special education program money allocated to LEAs may be expended for constructing facilities or altering existing facilities if:
 - (a) the costs are necessary costs and reasonable costs;
 - (b) the costs are not for the general purpose of bringing facilities into compliance with:
 - (i) Section 504 of the Rehabilitation Act of 1973; or
 - (ii) the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.;
 - (c) the construction or alteration meets the needs of one or more students with disabilities; and
 - (d) the state board approves the expenditure in accordance with rules the state board makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5) The state board shall establish definitions and provide standards for determining which students have disabilities and shall assist LEAs in determining the services that should be provided to students with disabilities.
- (6) The state board shall annually evaluate, and amend as needed, the standards and guidelines that establish the identifying criteria for disability classifications to ensure that LEAs:
 - (a) comply with the standards and guidelines; and
 - (b) have flexibility to respond to the needs of students with disabilities.
- (7)

- (a) The state board shall allocate money appropriated to the state board for add-on WPUs 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;
 - (ii) Technology-Life-Careers; and
 - (iii) work-based learning programs.
- (2)
- (a) Weighted pupil units are computed for pupils in approved programs.
 - (b)
 - (i) The state board shall fund approved programs based upon hours of membership of grades 9 through 12 students.
 - (ii) Subsection (2)(b)(i) does not apply to the following programs:
 - (A) comprehensive guidance;
 - (B) Technology-Life-Careers; and
 - (C) work-based learning programs.
 - (c) The state board shall use an amount not to exceed 20% of the total appropriation under this section to fund approved programs based on performance measures such as placement and competency attainment defined in standards set by the state board.
 - (d) Leadership organization funds shall constitute an amount not to exceed 1% of the total appropriation under this section, and shall be distributed to each school district or each charter school sponsoring career and technical education student leadership organizations based on the agency's share of the state's total membership in those organizations.

- (e) The state board shall make the necessary calculations for distribution of the appropriation to a school district and charter school and may revise and recommend changes necessary for achieving equity and ease of administration.
- (3)
- (a) Twenty weighted pupil units shall be computed for career and technical education administrative costs for each school district, except 25 weighted pupil units may be computed for each school district that consolidates career and technical education administrative services with one or more other school districts.
 - (b) Between 10 and 25 weighted pupil units shall be computed for each high school conducting approved career and technical education programs in a school district according to standards established by the state board.
 - (c) Forty weighted pupil units shall be computed for each school district that operates an approved career and technical education center.
 - (d) Between five and seven weighted pupil units shall be computed for each summer career and technical education agriculture program according to standards established by the state board.
 - (e) The state board shall, by rule, establish qualifying criteria for a school district or charter school to receive weighted pupil units under this Subsection (3).
- (4)
- (a) Money remaining after the allocations made under Subsections (2) and (3) shall be allocated using average daily membership in approved programs for the previous year.
 - (b) A school district or charter school that has experienced student growth in grades 9 through 12 for the previous year shall have the growth factor applied to the previous year's weighted pupil units when calculating the allocation of money under this Subsection (4).
- (5)
- (a) The state board shall establish rules for upgrading high school career and technical education programs.
 - (b) The rules shall reflect career and technical training and actual marketable job skills in society.
 - (c) The rules shall include procedures to assist school districts and charter schools to convert existing programs that are not preparing students for the job market into programs that will accomplish that purpose.
- (6) Programs that do not meet state board standards may not be funded under this section.

Amended by Chapter 186, 2019 General Session

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

- (1) Money appropriated to the state board for class size reduction shall be used to reduce the average class size in kindergarten through grade 8 in the state's public schools.
 - (2) A school district or charter school shall receive an allocation for class size reduction based on the school district or charter school's prior year average daily membership plus growth in kindergarten through grade 8 as determined under Section 53F-2-302 compared to the total prior year average daily membership plus growth in kindergarten through grade 8 statewide.
- (3)
- (a) An LEA governing board may use an allocation to reduce class size in any one or all of the grades referred to under this section, except as otherwise provided in Subsection (3)(b).
 - (b)

- (i) An LEA governing board shall use 50% of an allocation to reduce class size in any one or all of grades kindergarten through grade 2, with an emphasis on improving student reading skills.
- (ii) If a school district's or charter school's average class size is below 18 students in kindergarten through grade 2, an LEA governing board may petition the state board for, and the state board may grant, a waiver of the requirement described in Subsection (3)(b)(i).
- (4) A school may use nontraditional innovative and creative methods to reduce class sizes with this appropriation and may use part of an allocation to focus on class size reduction for specific groups, such as at risk students, or for specific blocks of time during the school day.
- (5)
 - (a) An LEA governing board may use up to 20% of an allocation under this section for capital facilities projects if such projects would help to reduce class size.
 - (b) If a school district's or charter school's student population increases by at least 5% or at least 700 students from the previous school year, the LEA governing board may use up to 50% of an allocation received by the school district or charter school under this section for classroom construction.
- (6) This appropriation is to supplement any other appropriation made for class size reduction.
- (7) The Legislature shall provide for an annual adjustment in the appropriation authorized under this section in proportion to the increase in the number of students in the state in kindergarten through grade 8.

Amended by Chapter 9, 2020 Special Session 6

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

- (1) As used in this section:
 - (a) "At risk" means that a public education student:
 - (i) scores below proficient on a state board or LEA approved assessment; or
 - (ii) meets an LEA governing board's approved definition of an at-risk student.
 - (b) "Limited English proficiency" means that an English learner student received a score of 1-4 on an English language proficiency assessment.
- (2)
 - (a) Additional weighted pupil units for students who are at-risk are computed based on the number of students within each LEA on October 1 of the previous school year as follows, added to a base of five WPUs 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) For a year in which an allocation to an LEA under this section is less than the allocation to the LEA under the Enhancement for At-Risk Students Program in the 2021 fiscal year, the Executive Appropriations Committee shall include a one-time appropriation in the public education budget to supplement the difference between the two amounts, less any amount of state guarantee money that an LEA receives under Subsection 53F-2-601(2)(a), from weighted pupil units generated in Subsection (2).
- (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 409, 2022 General Session

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

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

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

- (4) To the extent of money available, school districts shall provide program services to adults who do not have a diploma and who intend to graduate from high school, with particular emphasis on homeless individuals who are seeking literacy and life skills.
- (5) Overruns in adult education in any school district may not reduce the value of the weighted pupil unit for this program in another school district.
- (6) School districts shall spend money on adult basic skills programs according to standards established by the state board.

Amended by Chapter 186, 2019 General Session

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

- (1) Money appropriated to the state board for state-supported transportation of public school students shall be apportioned and distributed in accordance with Section 53F-2-403, except as otherwise provided in this section.
- (2)
 - (a) The Utah Schools for the Deaf and the Blind shall use an allocation of pupil transportation money to pay for transportation of students based on current valid contractual arrangements and best transportation options and methods as determined by the schools.
 - (b) All student transportation costs of the schools shall be paid from the allocation of pupil transportation money specified in statute.
- (3)
 - (a) A local school board may only claim eligible transportation costs as legally reported on the prior year's annual financial report submitted under Section 53G-4-404.
 - (b) The state shall contribute up to 85% of approved transportation costs for each school district, subject to budget constraints.
 - (c) If in a fiscal year the total transportation allowance for all school districts exceeds the amount appropriated for that purpose, all allowances shall be reduced pro rata to equal not more than the amount appropriated.

Amended by Chapter 409, 2022 General Session

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

- (1) A student eligible for state-supported transportation means:
 - (a) a student enrolled in kindergarten through grade 6 who lives at least 1-1/2 miles from school;
 - (b) a student enrolled in grades 7 through 12 who lives at least two miles from school; and
 - (c) a student enrolled in a special program offered by a school district and approved by the state board for trainable, motor, multiple-disability, or other students with severe disabilities who are incapable of walking to school or where it is unsafe for students to walk because of their disabling condition, without reference to distance from school.
- (2) If a school district implements double sessions as an alternative to new building construction, with the approval of the state board, those affected elementary school students residing less than 1-1/2 miles from school may be transported one way to or from school because of safety factors relating to darkness or other hazardous conditions as determined by the local school board.
- (3)
 - (a) The state board shall distribute transportation money to school districts based on:
 - (i) an allowance per mile for approved bus routes;
 - (ii) an allowance per hour for approved bus routes; and

- (iii) a minimum allocation for each school district eligible for transportation funding.
- (b)
 - (i) Except as provided in Subsection (3)(b)(ii), the state board shall distribute appropriated transportation funds based on the prior year's eligible transportation costs as legally reported under Subsection 53F-2-402(3).
 - (ii) The state board shall distribute state appropriations for transportation for fiscal years 2021 and 2022 using fiscal year 2019 eligible transportation costs described in Subsection 53F-2-402(3).
- (c) The state board shall annually review the allowance per mile and the allowance per hour and adjust the allowances to reflect current economic conditions.
- (4)
 - (a) Approved bus routes for funding purposes shall be determined on fall data collected by October 1.
 - (b) Approved route funding shall be determined on the basis of the most efficient and economic routes.
- (5) A Transportation Advisory Committee with representation from school district superintendents, business officials, school district transportation supervisors, and state board employees shall serve as a review committee for addressing school transportation needs, including recommended approved bus routes.
- (6) A local school board may provide for the transportation of students regardless of the distance from school, from general funds of the school district.

Amended by Chapter 303, 2021 General Session

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

- (1)
 - (a) By appropriation the Legislature shall fund the School LAND Trust Program, established in Section 53G-7-1206, on or before July 31 of each fiscal year:
 - (i) from the Trust Distribution Account, created in Section 53F-9-201; and
 - (ii) except as provided in Subsection (1)(b), in the total amount of the quarterly deposits made to the Trust Distribution Account for the School LAND Trust Program during the prior fiscal year.
 - (b) The amount described in Subsection (1)(a)(ii) may not exceed an amount equal to 3% of the funds provided for the Minimum School Program, in accordance with this chapter, each fiscal year.
 - (c) Independently from the appropriation for the School LAND Trust Program described in Subsection (1)(a), the Legislature shall make an annual appropriation to the state board from the Trust Distribution Account, created in Section 53F-9-201, for the administration of the School LAND Trust Program.
 - (d) Any unused balance remaining from an amount appropriated under Subsection (1)(c) shall be deposited into the Trust Distribution Account.
- (2)
 - (a) The state board shall allocate the money referred to in Subsection (1)(a) annually as follows:
 - (i) the Utah Schools for the Deaf and the Blind shall receive funding equal to the product of:
 - (A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the Blind divided by enrollment on October 1 in the prior year in public schools statewide; and
 - (B) the total amount available for distribution under Subsection (1)(a);
 - (ii) charter schools shall receive funding equal to the product of:

- (A) charter school enrollment on October 1 in the prior year, divided by enrollment on October 1 in the prior year in public schools statewide; and
- (B) the total amount available for distribution under Subsection (1)(a); and
- (iii) of the funds available for distribution under Subsection (1)(a) after the allocation of funds for the Utah Schools for the Deaf and the Blind and charter schools:
 - (A) school districts shall receive 10% of the funds on an equal basis; and
 - (B) the remaining 90% of the funds shall be distributed to school districts on a per student basis.
- (b)
 - (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules specifying a formula to distribute the amount allocated under Subsection (2)(a)(ii) to charter schools.
 - (ii) In making rules under Subsection (2)(b)(i), the state board shall:
 - (A) consult with the State Charter School Board; and
 - (B) ensure that the rules include a provision that allows a charter school in the charter school's first year of operations to receive funding based on projected enrollment, to be adjusted in future years based on actual enrollment.
- (c) A school district shall distribute its allocation under Subsection (2)(a)(iii) to each school within the school district on an equal per student basis.
- (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may make rules regarding the time and manner in which the student count shall be made for allocation of the money under Subsection (2)(a)(iii).

Amended by Chapter 408, 2020 General Session

53F-2-405 Educator salary adjustments.

- (1) As used in this section, "educator" means a person employed by a school district, charter school, or the Utah Schools for the Deaf and the Blind who holds:
 - (a)
 - (i) a license issued by the state board; and
 - (ii) a position as a:
 - (A) classroom teacher;
 - (B) speech pathologist;
 - (C) librarian or media specialist;
 - (D) preschool teacher;
 - (E) mentor teacher;
 - (F) teacher specialist or teacher leader;
 - (G) guidance counselor;
 - (H) audiologist;
 - (I) psychologist; or
 - (J) social worker; or
 - (b)
 - (i) a license issued by the Division of Professional Licensing; and
 - (ii) a position as a social worker.
- (2) In recognition of the need to attract and retain highly skilled and dedicated educators, the Legislature shall annually appropriate money for educator salary adjustments, subject to future budget constraints.

- (3) Money appropriated to the state board for educator salary adjustments shall be distributed to school districts, charter schools, and the Utah Schools for the Deaf and the Blind in proportion to the number of full-time-equivalent educator positions in a school district, a charter school, or the Utah Schools for the Deaf and the Blind as compared to the total number of full-time-equivalent educator positions in school districts, charter schools, and the Utah Schools for the Deaf and the Blind.
- (4) A school district, a charter school, or the Utah Schools for the Deaf and the Blind shall award bonuses to educators as follows:
 - (a) the amount of the salary adjustment shall be the same for each full-time-equivalent educator position in the school district, charter school, or the Utah Schools for the Deaf and the Blind;
 - (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; and
 - (c) a salary adjustment may be awarded only to an educator who has received a satisfactory rating or above on the educator's most recent evaluation.
- (5) The state board may make rules as necessary to administer this section in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (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 shall include salary adjustments for school administrators as specified in Subsection (7)(a).
 - (c) In distributing and awarding salary adjustments for school administrators, the state board, a school district, a charter school, or the Utah Schools for the Deaf and the Blind shall comply with the requirements for the distribution and award of educator salary adjustments as provided in Subsections (3) and (4).

Amended by Chapter 415, 2022 General Session

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

- (1) The state board shall distribute money appropriated for library books and electronic resources as follows:
 - (a) 25% shall be divided equally among all public schools; and
 - (b) 75% shall be divided among public schools based on each school's average daily membership as compared to the total average daily membership.

- (2) A school district or charter school may not use money distributed under Subsection (1) to supplant other money used to purchase library books or electronic resources.

Amended by Chapter 186, 2019 General Session

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

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

Amended by Chapter 378, 2020 General Session

53F-2-408.5 Early college programs.

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

- (2)
 - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to establish a formula to distribute money appropriated for the early college programs described in Subsection (2)(b).
 - (b) Subject to Subsection (2)(c), 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 may not allocate more than \$100,000 of an appropriation under this section for International Baccalaureate programs.
 - (d) 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 383, 2022 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 Gang prevention and intervention program.

Subject to legislative appropriations, the state board shall distribute money for a gang prevention and intervention program:

- (1) that is designed to help students at risk for gang involvement stay in school; and
- (2) to school districts and charter schools through a request for proposals process.

Repealed and Re-enacted by Chapter 319, 2021 General Session

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

(1) As used in this section:

- (a) "Eligible school" means a Title I school that has not achieved adequate yearly progress, as defined in the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq. in the same subject area for two consecutive years.
 - (b) "Paraeducator" means a school employee who:
 - (i) delivers instruction under the direct supervision of a teacher; and
 - (ii) meets the requirements under Subsection (3).
 - (c) "Program" means the Title I Schools in Improvement Paraeducators Program created in this section.
- (2) The program is created to provide funding for eligible schools to hire paraeducators to provide additional instructional aid in the classroom to assist students in achieving academic success and assist the school in exiting Title I school improvement status.
- (3) A paraeducator who is funded under this section shall have:

- (a) earned a secondary school diploma or a recognized equivalent;
- (b)
 - (i) completed at least two years with a minimum of 48 semester hours at an accredited higher education institution;
 - (ii) obtained an associates or higher degree from an accredited higher education institution; or
 - (iii) satisfied a rigorous state or local assessment about the individual's knowledge of, and ability to assist in instructing students in, reading, writing, and mathematics; and
- (c) received large group-, small group-, and individual-level professional development that is intensive and focused and covers curriculum, instruction, assessment, classroom and behavior management, and teaming.
- (4) The state board shall distribute money appropriated for the program to eligible schools, in accordance with rules adopted by the state board.
- (5) Funds appropriated under the program may not be used to supplant other money used for paraeducators at eligible schools.

Amended by Chapter 186, 2019 General Session

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

- (1) As used in this section:
 - (a) "Qualifying personnel" means a school counselor or other counselor, school psychologist or other psychologist, school social worker or other social worker, or 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.
 - (b) "Telehealth services" means the same as that term is defined in Section 26-60-102.
- (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 in a school targeted school-based mental health support, including clinical services and trauma-informed care, through:
 - (i) employing qualifying personnel; or
 - (ii) 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.
- (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 culture, 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):
- (a) based on the formula described in Subsection (2)(b); and
 - (b) if the state board approves the LEA's plan before April 1, 2020, in an amount of money that the LEA equally matches using local money, unrestricted state money, or money distributed to the LEA under Section 53G-7-1303.
- (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; or
 - (b) 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, the LEA's reason for discontinuing the position; and
 - (c) how the LEA, in providing school-based mental health support, complies with the provisions of Section 53E-9-203.
- (8) Beginning on or before July 1, 2019, the state board shall provide training that instructs school personnel on the impact of childhood trauma on student learning, including information advising educators against practicing medicine, giving a diagnosis, or providing treatment.
- (9) The state board may use up to:
- (a) 2% of an appropriation under this section for costs related to the administration of the provisions of this section; and
 - (b) \$1,500,000 in nonlapsing balances from fiscal year 2022 for the purposes described in this section to provide scholarships for up to four years to certain LEA employees, as defined by the state board, for education and training to become a school social worker, a school psychologist, or other school-based mental health worker.
- (10) Notwithstanding the provisions of this section, money appropriated under this section may be used, as determined by the state board, for:
- (a) the SafeUT Crisis Line described in Section 53B-17-1202; or
 - (b) youth suicide prevention programs described in Section 53G-9-702.

Amended by Chapter 409, 2022 General Session

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

- (1) The terms defined in Section 53G-7-1301 apply to this section.
- (2) Subject to future budget constraints, the Legislature shall annually appropriate money from the Teacher and Student Success Account described in Section 53F-9-306 to the state board for the Teacher and Student Success Program.
- (3) Except as provided in Subsection (5)(a), the state board shall calculate an amount to distribute to an LEA that is the product of:
 - (a) the percentage of weighted pupil units in the LEA compared to the total number of weighted pupil units for all LEAs in the state; and
 - (b) the amount of the appropriation described in Subsection (2), less the amount calculated, in accordance with state board rule, for:
 - (i) an LEA that is in the LEA's first year of operation; and
 - (ii) the Utah Schools for the Deaf and the Blind.
- (4) The state board shall distribute to an LEA an amount calculated for the LEA as described in Subsection (3) if the LEA governing board of the LEA has submitted an LEA governing board student success framework as required by the program.
- (5) In accordance with this section, Title 53G, Chapter 7, Part 13, Teacher and Student Success Program, and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board:
 - (a) shall make rules to calculate an LEA distribution for:
 - (i) an LEA that is in the LEA's first year of operation; and
 - (ii) the Utah Schools for the Deaf and the Blind, taking into account all students who receive services from the Utah Schools for the Deaf and the Blind, regardless of whether a student is enrolled in another LEA; and
 - (b) may make rules to distribute funds as described in this section.

Amended by Chapter 408, 2020 General Session

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

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

Amended by Chapter 408, 2020 General Session

53F-2-419 English language learner software.

- (1) Subject to legislative appropriations, the state board shall:
 - (a) allocate funds to LEAs for English language learner software; and
 - (b) make the allocation described in Subsection (1)(a) using a formula that provides:
 - (i) a base amount for each LEA that has English language learner students; and
 - (ii) a distribution of remaining funding 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 English language learner instruction.

Enacted by Chapter 439, 2021 General Session

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

- (1) As used in this section:
 - (a) "Eligible student" means a student:
 - (i) who has an IEP; and
 - (ii) for whom the cost of special education services described in the student's IEP exceeds three times the statewide average per-pupil expenditures.
 - (b) "Intensive Services Special Education Pilot Program" or "program" means the three-year pilot program created in Subsection (2).
 - (c) "Special education services" means the same as that term is defined in Section 53E-7-201.
- (2) There is created a three-year pilot program known as the Intensive Services Special Education Pilot Program to, subject to appropriations from the Legislature, provide funding to an LEA to supplement the other funding for educating an eligible student.
- (3) An LEA shall use a distribution under this section to fund special education services for an eligible student.
- (4) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing a distribution formula to allocate money appropriated to the state board under this section to LEAs for the program.

Enacted by Chapter 307, 2021 General Session

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.

- (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).

Amended by Chapter 251, 2021 General Session

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

- (1) As used in this section:
 - (a) "Program" means the Early Literacy Program.
 - (b) "Program money" means:
 - (i) school district revenue allocated to the program from other money available to the school district, except money provided by the state, for the purpose of receiving state funds under this section; and
 - (ii) money appropriated by the Legislature to the program.
- (2) The Early Literacy Program consists of program money and is created to supplement other school resources for early literacy.
- (3) Subject to future budget constraints, the Legislature may annually appropriate money to the Early Literacy Program.

- (4) An LEA governing board of a school district or a charter school that serves students in any of grades kindergarten through grade 3 shall submit, in accordance with Section 53G-7-218, a plan to the state board for literacy proficiency improvement that incorporates the following components:
 - (a) core instruction in:
 - (i) phonological awareness;
 - (ii) phonics;
 - (iii) fluency;
 - (iv) comprehension;
 - (v) vocabulary;
 - (vi) oral language; and
 - (vii) writing;
 - (b) intervention strategies that are aligned to student needs;
 - (c) assessments that support adjustments to core and intervention instruction;
 - (d) a growth goal for the school district or charter school that:
 - (i) is based upon student learning gains as measured by benchmark assessments administered pursuant to Section 53E-4-307; and
 - (ii) includes a target of at least 60% of all students in grades 1 through 3 meeting the growth goal; and
 - (e) at least one goal that is specific to the school district or charter school that:
 - (i) is measurable;
 - (ii) addresses current performance gaps in student literacy based on data; and
 - (iii) includes specific strategies for improving outcomes.
- (5)
 - (a) There are created within the Early Literacy Program three funding programs:
 - (i) the Base Level Program;
 - (ii) the Guarantee Program; and
 - (iii) the Low Income Students Program.
 - (b) The state board may use up to \$7,500,000 from an appropriation described in Subsection (3) for computer-assisted instructional learning and assessment programs.
- (6) Money appropriated to the state board for the Early Literacy Program and not used by the state board for computer-assisted instructional learning and assessments described in Subsection (5)(b) shall be allocated to the three funding programs as follows:
 - (a) 8% to the Base Level Program;
 - (b) 46% to the Guarantee Program; and
 - (c) 46% to the Low Income Students Program.
- (7)
 - (a) For a school district or charter school to participate in the Base Level Program, the LEA governing board shall submit a plan described in Subsection (4) and shall receive approval of the plan from the state board.
 - (b)
 - (i) The local school board of a school district qualifying for Base Level Program funds and the charter school governing boards of qualifying elementary charter schools combined shall receive a base amount.
 - (ii) The base amount for the qualifying elementary charter schools combined shall be allocated among each charter school in an amount proportionate to:
 - (A) each existing charter school's prior year fall enrollment in grades kindergarten through grade 3; and

(B) each new charter school's estimated fall enrollment in grades kindergarten through grade 3.

- (8)
- (a) A local school board that applies for program money in excess of the Base Level Program funds may choose to first participate in the Guarantee Program or the Low Income Students Program.
 - (b) A school district shall fully participate in either the Guarantee Program or the Low Income Students Program before the local school board may elect for the school district to either fully or partially participate in the other program.
 - (c) For a school district to fully participate in the Guarantee Program, the local school board shall allocate to the program money available to the school district, except money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000056.
 - (d) For a school district to fully participate in the Low Income Students Program, the local school board shall allocate to the program money available to the school district, except money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000065.
 - (e)
 - (i) The state board shall verify that a local school board allocates the money required in accordance with Subsections (8)(c) and (d) before the state board distributes funds in accordance with this section.
 - (ii) The State Tax Commission shall provide the state board the information the state board needs in order to comply with Subsection (8)(e)(i).
- (9)
- (a) Except as provided in Subsection (9)(c), the local school board of a school district that fully participates in the Guarantee Program shall receive state funds in an amount that is:
 - (i) equal to the difference between \$21 multiplied by the school district's total WPUs and the revenue the local school board is required to allocate under Subsection (8)(c) for the school district to fully participate in the Guarantee Program; and
 - (ii) not less than \$0.
 - (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive under the Guarantee Program an amount equal to \$21 times the elementary charter school's total WPUs.
 - (c) The state board may adjust the \$21 guarantee amount described in Subsections (9)(a) and (b) to account for actual appropriations and money used by the state board for computer-assisted instructional learning and assessments.
- (10) The state board shall distribute Low Income Students Program funds in an amount proportionate to the number of students in each school district or charter school who qualify for free or reduced price school lunch multiplied by two.
- (11) A school district that partially participates in the Guarantee Program or Low Income Students Program shall receive program funds based on the amount of school district revenue allocated to the program as a percentage of the amount of revenue that could have been allocated if the school district had fully participated in the program.
- (12)
- (a) An LEA governing board shall use program money for early literacy interventions and supports in kindergarten through grade 3 that have proven to significantly increase the percentage of students who are proficient in literacy, including:
 - (i) evidence-based intervention curriculum;
 - (ii) literacy assessments that identify student learning needs and monitor learning progress; or

- (iii) focused literacy interventions that may include:
 - (A) the use of reading specialists or paraprofessionals;
 - (B) tutoring;
 - (C) before or after school programs;
 - (D) summer school programs; or
 - (E) the use of interactive computer software programs for literacy instruction and assessments for students.
- (b) An LEA governing board may use program money for portable technology devices used to administer literacy assessments.
- (c) Program money may not be used to supplant funds for existing programs, but may be used to augment existing programs.
- (13) If an LEA governing board uses program money in a manner that is inconsistent with Subsection (12), the school district or charter school is liable for reimbursing the state board for the amount of program money improperly used, up to the amount of program money received from the state board.
- (14)
 - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to implement the program.
 - (b)
 - (i) The rules under Subsection (14)(a) shall require each LEA governing board to annually report progress in meeting goals described in Subsections (4)(d) and (e), including the strategies the school district or charter school uses to address the goals.
 - (ii) If a school district or charter school does not meet or exceed the school district's or charter school's goals described in Subsections (4)(d) or (e), the LEA governing board shall prepare a new plan that corrects deficiencies.
 - (iii) The new plan described in Subsection (14)(b)(ii) shall be approved by the state board before the LEA governing board receives an allocation for the next year.
- (15) The state board may use up to 3% of the funds appropriated by the Legislature to carry out the provisions of this section for administration of the program.
- (16) The state board shall make an annual report in accordance with Section 53E-1-203 that:
 - (a) includes information on:
 - (i) student learning gains in early literacy for the past school year and the five-year trend;
 - (ii) the percentage of grade 3 students who are proficient in English language arts in the past school year and the five-year trend;
 - (iii) the progress of school districts and charter schools in meeting goals described in a plan described in Subsection (4); and
 - (iv) the specific strategies or interventions used by school districts or charter schools that have significantly improved early grade literacy proficiency; and
 - (b) may include recommendations on how to increase the percentage of grade 3 students who are proficient in English language arts, including how to use a strategy or intervention described in Subsection (16)(a)(iv) to improve literacy proficiency for additional students.
- (17) The report described in Subsection (16) shall include information provided through the digital reporting platform described in Subsection 53G-7-218(5)(a).

Amended by Chapter 408, 2022 General Session

53F-2-504 Teacher Salary Supplement Program.

- (1) As used in this section:

- (a) "Eligible teacher" means a teacher who:
 - (i) has a qualifying educational background or qualifying teaching background;
 - (ii) has a supplement-approved assignment that corresponds to the teacher's qualifying educational background or qualifying teaching background;
 - (iii) qualifies for the teacher's supplement-approved assignment in accordance with state board rule; and
 - (iv) is a new employee or received at least a satisfactory rating on the teacher's most recent evaluation.
- (b) "Field of computer science" means:
 - (i) computer science; or
 - (ii) computer information technology.
- (c) "Field of science" means:
 - (i) integrated science;
 - (ii) chemistry;
 - (iii) physics;
 - (iv) physical science; or
 - (v) general science.
- (d) "Qualifying educational background" means:
 - (i) for a teacher who is assigned a secondary school level mathematics course:
 - (A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or
 - (B) a bachelor's degree major, master's degree, or doctoral degree that has course requirements that are substantially equivalent to the course requirements for a bachelor's degree major, master's degree, or doctoral degree in mathematics;
 - (ii) for a teacher who is assigned a grade 7 or 8 integrated science course, chemistry course, or physics course:
 - (A) a bachelor's degree major, master's degree, or doctoral degree in a field of science; or
 - (B) a bachelor's degree major, master's degree, or doctoral degree that has course requirements that are substantially equivalent to the course requirements of those required for a bachelor's degree major, master's degree, or doctoral degree in a field of science;
 - (iii) for a teacher who is assigned a computer science course:
 - (A) a bachelor's degree major, master's degree, or doctoral degree in a field of computer science; or
 - (B) a bachelor's degree major, master's degree, or doctoral degree that has course requirements that are substantially equivalent to the course requirements of those required for a bachelor's degree major, master's degree, or doctoral degree in a field of computer science; or
 - (iv) for a teacher who is assigned to teach special education, a bachelor's degree major, master's degree, or doctoral degree in special education.
- (e) "Qualifying teaching background" means:
 - (i) the teacher has been teaching the same supplement-approved assignment in Utah public schools for at least 10 years; or
 - (ii) the teacher has a professional deaf education license issued by the state board.
- (f) "Supplement-approved assignment" means an assignment to teach:
 - (i) a secondary school level mathematics course;
 - (ii) integrated science in grade 7 or 8;
 - (iii) chemistry;
 - (iv) physics;

- (v) computer science;
- (vi) special education; or
- (vii) deaf education.

- (2)
- (a) Subject to future budget constraints, the Legislature shall:
 - (i) annually appropriate money to the Teacher Salary Supplement Program to maintain annual salary supplements for eligible teachers provided in previous years; and
 - (ii) provide salary supplements to new recipients.
 - (b) Money appropriated for the Teacher Salary Supplement Program shall include money for the following employer-paid benefits:
 - (i) retirement;
 - (ii) workers' compensation;
 - (iii) Social Security; and
 - (iv) Medicare.
- (3)
- (a) The annual salary supplement for an eligible teacher who is assigned full-time to a supplement-approved assignment is \$4,100 and funded through an appropriation described in Subsection (2).
 - (b) An eligible teacher who is assigned part-time to a supplement-approved assignment shall receive a partial salary supplement based on the number of hours worked in the supplement-approved assignment.
- (4) The state board shall:
- (a) create an online application system for a teacher to apply to receive a salary supplement through the Teacher Salary Supplement Program;
 - (b) determine if a teacher is an eligible teacher;
 - (c) verify, as needed, the determinations made under Subsection (4)(b) with school district and school administrators; and
 - (d) certify a list of eligible teachers.
- (5) An eligible teacher shall apply to the state board, as provided by the board to receive the salary supplement authorized in this section in accordance with state board rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (6)
- (a) The state board shall establish and administer an appeal process for a teacher to follow if the teacher applies for a salary supplement and does not receive a salary supplement under Subsection (8).
 - (b)
 - (i) The appeal process established in Subsection (6)(a) shall allow a teacher to appeal eligibility as an eligible teacher with a qualifying educational background on the basis that the teacher has a degree or degree major with course requirements that are substantially equivalent to the qualifying educational background associated with the teacher's supplement-approved assignment.
 - (ii) A teacher shall provide transcripts and other documentation to the state board in order for the state board to determine if the teacher has a degree or degree major with course requirements that are substantially equivalent to the qualifying educational background associated with the teacher's supplement-approved assignment.
 - (c)

- (i) The appeal process established under Subsection (6)(a) shall allow a teacher to appeal eligibility as an eligible teacher with a qualifying teaching background on the basis that the teacher has a qualifying teaching background.
 - (ii) The teacher shall provide to the state board evidence to verify that the teacher has a qualifying teaching background.
- (7)
- (a) The state board shall distribute money appropriated to the Teacher Salary Supplement Program to school districts and charter schools for the Teacher Salary Supplement Program in accordance with the provisions of this section.
 - (b) The state board shall include the employer-paid benefits described under Subsection (2)(b) in the amount of each salary supplement.
 - (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the salary supplement limits described under Subsection (3).
- (8)
- (a) Money received from the Teacher Salary Supplement Program shall be used by a school district or charter school to provide a salary supplement equal to the amount specified in Subsection (3) for each eligible teacher.
 - (b) The salary supplement is part of an eligible teacher's base pay, subject to eligible teacher's qualification as an eligible teacher every year, semester, or trimester.
- (9) Notwithstanding the provisions of this section, if the appropriation for the program is insufficient to cover the costs associated with salary supplements, the state board may distribute the funds in the Teacher Salary Supplement Program on a pro rata basis.

Amended by Chapter 328, 2021 General Session

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

- (1) As used in this section:
- (a) "Endowed chair" means a person who holds an endowed position or administrator of an endowed program for the purpose of arts and integrated arts instruction at an endowed university.
 - (b) "Endowed university" means an institution of higher education in the state that:
 - (i) awards elementary education degrees in arts instruction;
 - (ii) has received a major philanthropic donation for the purpose of arts and integrated arts instruction; and
 - (iii) has created an endowed position as a result of a donation described in Subsection (1)(b)(ii).
 - (c) "Integrated arts advocate" means a person who:
 - (i) advocates for arts and integrated arts instruction in the state; and
 - (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed chair.
- (2) The Legislature finds that a strategic placement of arts in elementary education can impact the critical thinking of students in other core subject areas, including mathematics, reading, and science.
- (3) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to enhance the social, emotional, academic, and arts learning of students in kindergarten through grade 6 by integrating arts teaching and learning into core subject areas and providing professional development for positions that support elementary arts and integrated arts education.
- (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts Learning Program, and subject to Subsection (5), the state board shall, after consulting with endowed

chairs and the integrated arts advocate and receiving their recommendations, administer a grant program to enable LEAs to:

- (a) hire highly qualified arts specialists, art coordinators, and other positions that support arts education and arts integration;
 - (b) provide up to \$10,000 in one-time funds for each new school arts specialist described under Subsection (4)(a) to purchase supplies and equipment; and
 - (c) engage in other activities that improve the quantity and quality of integrated arts education.
- (5)
- (a) An LEA that receives a grant under Subsection (4) shall provide matching funds of no less than 20% of the grant amount, including no less than 20% of the grant amount for actual salary and benefit costs per full-time equivalent position funded under Subsection (4)(a).
 - (b) An LEA may not:
 - (i) include administrative, facility, or capital costs to provide the matching funds required under Subsection (5)(a); or
 - (ii) use funds from the Beverley Taylor Sorenson Elementary Arts Learning Program to supplant funds for existing programs.
- (6) An LEA that receives a grant under this section shall partner with an endowed chair to provide professional development in integrated elementary arts education.
- (7) From money appropriated for the Beverley Taylor Sorenson Elementary Arts Learning Program, the state board shall administer a grant program to fund activities within arts and the integrated arts programs at an endowed university in the college where the endowed chair resides to:
- (a) provide high quality professional development in elementary integrated arts education in accordance with the professional learning standards in Section 53G-11-303 to LEAs that receive a grant under Subsection (4);
 - (b) design and conduct research on:
 - (i) elementary integrated arts education and instruction;
 - (ii) implementation and evaluation of the Beverley Taylor Sorenson Elementary Arts Learning Program; and
 - (iii) effectiveness of the professional development under Subsection (7)(a); and
 - (c) provide the public with integrated elementary arts education resources.
- (8) The board shall annually:
- (a) review the funding the Legislature appropriates for the Beverley Taylor Sorenson Elementary Arts Learning Program; and
 - (b) recommend any adjustments as part of the board's annual budget request.
- (9) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the Beverley Taylor Sorenson Elementary Arts Learning Program.

Amended by Chapter 264, 2020 General Session

Amended by Chapter 408, 2020 General Session

53F-2-507 Enhanced kindergarten early intervention program.

- (1) The state board shall, as described in Subsection (4), distribute funds appropriated under this section for an enhanced kindergarten program described in Subsection (2), to school districts and charter schools that apply for the funds.

- (2) An LEA governing board shall use funds appropriated in this section for a school district or charter school to offer an early intervention program, delivered through an enhanced kindergarten program that:
 - (a) is an academic program focused on building age-appropriate literacy and numeracy skills;
 - (b) uses an evidence-based early intervention model;
 - (c) is targeted to at-risk students; and
 - (d) is delivered through additional hours or other means.
- (3) An LEA governing board may not require a student to participate in an enhanced kindergarten program described in Subsection (2).
- (4) Except as provided in Subsection (5), the state board shall distribute funds appropriated under this section for an enhanced kindergarten program described in Subsection (2) as follows:
 - (a)
 - (i) the total allocation for charter schools shall be calculated by:
 - (A) dividing the number of charter school students by the total number of students in the public education system in the prior school year; and
 - (B) multiplying the resulting percentage by the total amount of available funds; and
 - (ii) the amount calculated under Subsection (4)(a) shall be distributed to charter schools with the greatest need for an enhanced kindergarten program, as determined by the state board in consultation with the State Charter School Board;
 - (b) each school district shall receive the amount calculated by:
 - (i) multiplying the value of the weighted pupil unit by 0.45; and
 - (ii) multiplying the result by 20; and
 - (c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b) are made, shall be distributed to applicant school districts by:
 - (i) determining the number of students eligible to receive free lunch in the prior school year for each school district; and
 - (ii) prorating the remaining funds based on the number of students eligible to receive free lunch in each school district.
- (5) Notwithstanding Subsection (4), the state board shall:
 - (a) distribute any increased funds appropriated under this section after January 1, 2022, for a full-day kindergarten program described in Subsection 53G-7-203(5) to LEAs with the greatest need for a full-day kindergarten program, as determined by the state board; and
 - (b) in making the distribution described in Subsection (5)(a), consider geography, socioeconomic need, the LEA's receipt of ongoing federal funding, and efforts to expand full-day kindergarten statewide.
- (6) If the amount appropriated for kindergarten under this section is equal to or greater than 80% of the potential cost of adjusting the WPU weighting for a kindergarten student under Section 53F-2-302 to a full WPU, the Public Education Appropriations Subcommittee shall study the feasibility of transferring kindergarten funding to the WPU.

Amended by Chapter 316, 2022 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 (7)(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;
 - (ii) an LEA plan to include measures to ensure that the LEA monitors and implements technology with best practices, including the recommended use for effectiveness;
 - (iii) an LEA plan to include robust goals for learning outcomes and appropriate measurements of goal achievement; and
 - (iv) an LEA to demonstrate that the LEA plan can be fully funded by grant funds or a combination of grant and local funds;
 - (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) a proposal to provide high quality professional learning for educators in the use of digital teaching and learning technology;
 - (c) a proposal for leadership training and management restructuring, if necessary, for successful implementation;
 - (d) clearly identified 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 408, 2022 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) "Cohort" means a group of students, defined by the year in which the group enters kindergarten.
 - (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 at the time the teacher is considered by the state board for a salary bonus, and:
 - (i) a full school year before the school year the eligible teacher is being considered by the state board for a salary bonus under this section, regardless of whether the teacher was employed the previous year by a high poverty school or a different public school, either:
 - (A) achieves a median growth percentile of 70 or higher while teaching in grade 4 through 8 at any public school in the state a course for which a standards assessment is administered as described in Section 53E-4-303; or
 - (B) achieves at least 85% of students whose progress is assessed as typical or better at the end of the year assessment while teaching kindergarten or grade 1, 2, or 3 at any public school in the state at which a benchmark assessment is administered as described in Section 53F-2-503 or Section 53E-4-307.5;
 - (ii) for a salary bonus awarded in the 2021-2022 school year, regardless of whether the teacher was employed the previous year by a high poverty school or a different public school, either:
 - (A) in the 2018-2019 school year, 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) in the 2018-2019 school year, achieves at least 85% of students whose progress is assessed as typical or better at the end of the year assessment while teaching grade 1, 2, or 3 at any public school in the state at which a benchmark assessment is administered as described in Section 53F-2-503; or

- (iii) for a salary bonus awarded to a grade 4 teacher in the 2022-2023 school year, regardless of whether the teacher was employed the previous year by a high poverty school or a different public school, teaches grade 4 and achieves the criteria under the method that the state board creates as described in Subsection (2)(b)(iv).
 - (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;
 - (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)(B) 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;
 - (iii) for the 2020-2021 school year, that met the criteria described in Subsection (1)(c)(i) or (ii) in the 2018-2019 school year; or
 - (iv) for the 2021-2022 school year, that met the criteria described in Subsection (1)(c)(i) or (ii) in the 2019-2020 school year.
 - (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.
 - (f) "Program" means the Effective Teachers in High Poverty Schools Incentive Program created in Subsection (2).
 - (g) "Student growth percentile" is a number that describes where a student ranks in comparison to the student's cohort.
- (2)
- (a) The Effective Teachers in High Poverty Schools Incentive Program is created to provide an annual salary bonus for an eligible teacher.
 - (b) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for:
 - (i) the administration of the program;
 - (ii) payment of a salary bonus;
 - (iii) application requirements; and
 - (iv) a method for:
 - (A) norm-referencing available reading assessment data for grade 4; and
 - (B) for using the data described in Subsection (2)(b)(iv)(A) to set criteria for the purpose of determining teacher eligibility for salary bonuses awarded in the 2022-2023 school year for teachers in grade 4.
 - (c) The state board shall make an annual salary bonus payment in a fiscal year that begins on July 1, 2017, and each fiscal year thereafter in which money is appropriated for the program.
 - (d) The state board shall make a partial payment of the annual salary bonus described in Subsection (2)(c), to an eligible teacher who has a part-time assignment in a regular or special education classroom at an eligible school, based on the number of hours the eligible teacher works in the classroom assignment.

- (3)
 - (a) Subject to future budget constraints, the Legislature shall annually appropriate money to fund the program.
 - (b) Money appropriated for the program shall include money for the following employer-paid benefits:
 - (i) social security; and
 - (ii) Medicare.
- (4)
 - (a)
 - (i) A charter school or school district school shall annually apply to the state board on behalf of an eligible teacher for an eligible teacher to receive an annual salary bonus each year that the teacher is an eligible teacher.
 - (ii) A teacher need not be an eligible teacher in consecutive years to receive the increased annual salary bonus described in Subsection (4)(b).
 - (b) The annual salary bonus for an eligible teacher is \$7,000.
 - (c) A public school that applies on behalf of an eligible teacher under Subsection (4)(a)(i) shall pay half of the salary bonus described in Subsection (4)(b) each year the eligible teacher is awarded the salary bonus.
 - (d) The state board shall award a salary bonus to an eligible teacher based on the order that an application from a public school on behalf of the eligible teacher is received.
- (5) The state board shall:
 - (a) determine if a teacher is an eligible teacher;
 - (b) verify, as needed, the determinations made under Subsection (5)(a) with the school district and school district administrators; and
 - (c) publish a list of high poverty schools.
- (6) The state board shall:
 - (a) distribute money from the program to school districts and charter schools 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 a school district or charter school 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 232, 2022 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 or 53F-2-301.5, as applicable, 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.

Renumbered and Amended by Chapter 2, 2018 General Session

Amended by Chapter 456, 2018 General Session

53F-2-519 Appropriation for school nurses.

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

Amended by Chapter 186, 2019 General Session

Amended by Chapter 446, 2019 General Session

53F-2-520 Rural school transportation reimbursement.

- (1) As used in this section:
 - (a) "Eligible LEA" means a school district or a charter school:
 - (i) that is located in a county of the fourth, fifth, or sixth class, as defined in Section 17-50-501; and
 - (ii) in which:
 - (A) for a fiscal year other than fiscal year 2021 or 2022, at least 65% of the students enrolled in the school district or charter school qualify for free or reduced price lunch; or
 - (B) for fiscal year 2021 or 2022, at least 65% of the students enrolled in the school district or charter school qualified for free or reduced price lunch in fiscal year 2019.
 - (b) "Eligible school" means a school:
 - (i) in an eligible LEA; and
 - (ii) that the eligible LEA has provided transportation to and from for a regular school day for students for at least five years.
 - (c) "LEA governing board" means:
 - (i) the local school board of a school district that is an eligible LEA; or
 - (ii) the charter school governing board of a charter school that is an eligible LEA.
- (2) An LEA governing board may annually submit a request to the state board to receive reimbursement for an expense that:
 - (a) the LEA governing board incurs transporting a student to or from an eligible school for the regular school day; and
 - (b) the LEA governing board does not pay using state funding for pupil transportation described in Section 53F-2-402 or 53F-2-403.
- (3)
 - (a) Subject to legislative appropriations, and except as provided in Subsection (3)(b), the state board shall reimburse an LEA governing board for an expense included in a request described in Subsection (2).
 - (b) If the legislative appropriation for this section is insufficient to fund an expense in a request received under Subsection (2), the state board may reduce an LEA governing board's reimbursement in accordance with the rules described in Subsection (4).
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that establish:
 - (a) requirements for information an LEA governing board shall include in a reimbursement request described in Subsection (2);
 - (b) a deadline by which an LEA governing board shall submit a request described in Subsection (2); and
 - (c) a formula for reducing an LEA governing board's allocation under Subsection (3).
- (5) Nothing in this section affects a school district's allocation for pupil transportation under Sections 53F-2-402 and 53F-2-403.

Amended by Chapter 303, 2021 General Session

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

- (1) As used in this section:
 - (a) "Division" means the Division of Substance Abuse and Mental Health.

- (b) "Participating LEA" means an LEA that has an approved screening program described in this section.
 - (c) "Participating student" means a student in a participating LEA who participates in a mental health screening program.
 - (d) "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.
 - (e) "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 participating LEA may implement a mental health screening for participating students using an evidence-based screening program.
- (3) The state board shall:
- (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
 - (i) 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, who may access and use a participating student's screening data; and
 - (iii) a requirement and a process for appropriate LEA or school personnel to attend annual training related to administering the screening program;
 - (b) in consultation with the division, approve an evidence-based student mental health screening program selected by a participating LEA that:
 - (i) is age appropriate for each grade in which the screening program is administered;
 - (ii) screens for the mental health conditions determined by the state board and division; and
 - (iii) is an effective tool for identifying whether a student has a mental health condition that requires intervention; and
 - (c) on or before November 30 of each year, submit a report on the screening programs to:
 - (i) the State Suicide Prevention Coalition created under Subsection 62A-15-1101(2); and
 - (ii) the Education Interim Committee in accordance with Section 53E-1-201.
- (4) A participating LEA shall:
- (a) in accordance with rules made by the state board under Subsection (3)(a), submit a selected screening program to the state board for approval;
 - (b) administer a screening program to participating students in the participating LEA;
 - (c) obtain 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 administers the screening program to a participating student; and
 - (d) if results of a participating student's screening indicate a potential mental health condition, notify the parent of the participating student of:
 - (i) the participating student's results; and
 - (ii) resources available to the participating student, including any services that can be provided by the school mental health provider or by a partnering entity.
- (5)
- (a) Within appropriations made by the Legislature for this purpose, the state board may distribute funds to a participating LEA to use to assist a qualifying parent to pay for resources described

- in Subsection (4)(d)(ii) that cannot be provided by a school mental health professional in the school setting.
- (b) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for:
 - (i) determining whether a parent is eligible to receive the financial support described in Subsection (5)(a); and
 - (ii) applying for and distributing the financial support described in Subsection (5)(a).
- (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.

Enacted by Chapter 202, 2020 General Session

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

- (1) As used in this section:
 - (a) "National Board certification" means the same as that term is defined in Section 53E-6-102.
 - (b) "National Board-certified teacher" or "board-certified teacher" means a teacher who:
 - (i) holds a National Board certification; and
 - (ii) has an assignment to teach in an LEA.
 - (c) "Salary supplement" means a salary supplement for a board-certified or Title I school board-certified teacher described in this section.
 - (d) "Title I school" means a school that receives funds under Title I of the Elementary and Secondary Education Act of 1965, 20 U.S.C. Sec. 6301 et seq.
 - (e) "Title I school board-certified teacher" means a board-certified teacher who is assigned to teach at a Title I school.
- (2)
 - (a) Subject to future budget constraints, the Legislature shall:
 - (i) annually appropriate money to maintain annual salary supplements provided in previous years; and
 - (ii) provide salary supplements to new recipients.
 - (b) Money appropriated for salary supplements shall include money for the following employer-paid benefits:
 - (i) retirement;
 - (ii) workers' compensation;
 - (iii) Social Security; and
 - (iv) Medicare.
- (3)
 - (a) The annual salary supplement for a board-certified teacher is \$1,000.
 - (b) The annual salary supplement for a Title I school board-certified teacher is \$2,000.
 - (c) A board-certified teacher who qualifies for a salary supplement under Subsections (3)(a) and (b) may only receive the salary supplement that is greater in value.
 - (d) The employer paid benefits described in Subsection (2)(b) are in addition to an amount described in this Subsection (3).
- (4) The state board shall:
 - (a) create an online application system for a teacher to apply to receive a salary supplement;
 - (b) establish a deadline by which a teacher is required to apply in order to receive a salary supplement;

- (c) determine whether a teacher who applies for a salary supplement is a board-certified teacher or a Title I school board-certified teacher;
 - (d) verify, as needed, a determination made under Subsection (4)(c) with LEA or school administrators; and
 - (e) certify a list of board-certified teachers and Title I school board-certified teachers.
- (5) To receive a salary supplement, a board-certified teacher or a Title I school board-certified teacher shall apply to the state board before the deadline described in Subsection (4)(b).
- (6) The state board shall establish and administer an appeal process for a teacher who applies for but does not receive a salary supplement that allows the teacher to appeal eligibility by providing evidence to the state board:
- (a) of the teacher's National Board certification; or
 - (b)
 - (i) of the teacher's National Board certification; and
 - (ii) that the teacher is assigned to teach in a Title I school.
- (7) The state board shall:
- (a) distribute money appropriated for salary supplements to LEAs in accordance with the provisions of this section; and
 - (b) include the cost of employer-paid benefits described in Subsection (2)(b) in the amount distributed to an LEA for each salary supplement.
- (8)
- (a) An LEA shall use money received under this section to provide a salary supplement to each board-certified teacher and Title I school board-certified teacher in an amount equal to the amount described in Subsection (3).
 - (b) A salary supplement is part of a teacher's base pay, subject to the teacher's qualification as a board-certified teacher or Title I school board-certified teacher every year, semester, or trimester.
- (9) Notwithstanding the provisions of this section, if an annual appropriation for salary supplements is not sufficient to cover the costs associated with salary supplements, the state board shall distribute the funds on a pro rata basis.

Enacted by Chapter 9, 2020 Special Session 6

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

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

Enacted by Chapter 409, 2022 General Session

**Part 6
State Guarantee Funding**

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

(1) As used in this section:

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

(2)

- (a)
 - (i) In addition to the revenue collected from the imposition of a voted local levy or a board local levy, the state shall guarantee that a school district receives, subject to Subsections (2)(b)(ii)(C) and (3)(a), for each guaranteed local levy increment, an amount sufficient to guarantee for a fiscal year that begins on July 1, 2018, \$43.10 per weighted pupil unit.
 - (ii) Except as provided in Subsection (2)(b)(ii), the number of local levy increments that are subject to the guarantee amount described in Subsection (2)(a)(i) are:
 - (A) for a board local levy, the first four local levy increments a local school board imposes under the board local levy; and
 - (B) for a voted local levy, the first 16 local levy increments a local school board imposes under the voted local levy.
- (b)
 - (i) Subject to future budget constraints and Subsection (2)(c), the Legislature shall annually appropriate money from the Local Levy Growth Account established in Section 53F-9-305 for purposes described in Subsection (2)(b)(ii).
 - (ii) The state board shall, for a fiscal year beginning on or after July 1, 2018, and subject to Subsection (2)(c), allocate funds appropriated under Subsection (2)(b)(i) and the amount described in Subsection (3)(c) in the following order of priority by increasing:
 - (A) by up to four increments the number of voted local levy guaranteed local levy increments above 16;
 - (B) by up to 16 increments the number of board local levy guaranteed local levy increments above four; and
 - (C) the guaranteed amount described in Subsection (2)(a)(i).
- (c) The number of guaranteed local levy increments under this Subsection (2) for a school district may not exceed 20 guaranteed local levy increments, regardless of whether the guaranteed local levy increments are from the imposition of a voted local levy, a board local levy, or a combination of the two.

(3)

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

Amended by Chapter 319, 2021 General Session

Amended by Chapter 382, 2021 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:
 - (A) pupil transportation, up to the amount of revenue generated by a .0003 per dollar of taxable value of the school district's board local levy; and
 - (B) the Early Literacy Program described in Section 53F-2-503, up to the amount of revenue generated by a .000121 per dollar of taxable value of the school district's board local levy;
 - (iii) a capital local levy imposed under Section 53F-8-303; and
 - (iv) a guarantee described in Section 53F-2-601, 53F-3-202, or 53F-3-203.
 - (d) "District per pupil local revenues" means, using data from the most recently published school district annual financial reports and state superintendent's annual report, an amount equal to district local property tax revenues divided by the sum of:
 - (i) a school district's average daily membership; and
 - (ii) the average daily membership of a school district's resident students who attend charter schools.
 - (e) "Resident student" means a student who is considered a resident of the school district under Title 53G, Chapter 6, Part 3, School District Residency.
 - (f) "Statewide average debt service revenues" means the amount determined as follows, using data from the most recently published state superintendent's annual report:
 - (i) sum the revenues of each school district from the debt service levy imposed under Section 11-14-310; and
 - (ii) divide the sum calculated under Subsection (1)(f)(i) by statewide school district average daily membership.
- (2)
- (a) Subject to future budget constraints, the Legislature shall provide an appropriation for charter schools for each charter school student enrolled on October 1 to supplement the allocation of charter school levy per pupil revenues described in Subsection 53F-2-702(2)(a).
 - (b) Except as provided in Subsection (2)(c), the amount of money provided by the state for a charter school student shall be the sum of:
 - (i) charter school students' average local revenues minus the charter school levy per pupil revenues; and
 - (ii) statewide average debt service revenues.
 - (c) If the total of charter school levy per pupil revenues distributed by the state board and the amount provided by the state under Subsection (2)(b) is less than \$1,427, the state shall provide an additional supplement so that a charter school receives at least \$1,427 per student under Subsection 53F-2-702(2).
 - (d)

- (i) If the legislative appropriation described in Subsection (2)(a) is insufficient to provide an amount described in Subsection (2)(b) for each charter school student, the state board shall make an adjustment to Minimum School Program allocations as described in Section 53F-2-205.
 - (ii) Following an adjustment described in Subsection (2)(d)(i), if legislative appropriations remain insufficient to provide an amount described in Subsection (2)(b) for each student enrolled in a charter school, the state board shall:
 - (A) distribute to a charter school an amount described in Subsection (2)(b) for each student enrolled in the charter school under or equal to the maximum number of students the charter school serves, as described in the charter school's charter school agreement described in Section 53G-5-303; and
 - (B) distribute money remaining after the distributions described in Subsection (2)(d)(ii)(A) to a charter school based on the charter school's share of all students enrolled in charter schools who exceed the number of maximum students served by charter schools, as described in charter school agreements entered into under Section 53G-5-303.
- (3)
- (a) Except as provided in Subsection (3)(b), of the money provided to a charter school under Subsection 53F-2-702(2), 10% shall be expended for funding school facilities only.
 - (b) Subsection (3)(a) does not apply to an online charter school.

Amended by Chapter 136, 2019 General Session

Amended by Chapter 186, 2019 General Session

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

- (1)
- (a) The State Charter School Board shall use money appropriated for charter school start-up costs to provide grants to charter schools to pay for expenses for the planning and implementation of a charter school.
 - (b) The State Charter School Board:
 - (i) may use up to 8% of the money appropriated for charter school start-up costs for financial monitoring of new charter schools and to provide professional development or technical assistance for charter school governing board members and staff of new charter schools; and
 - (ii) in accordance with rules adopted by the state board, may use up to \$200,000 of the money appropriated for charter school start-up costs for a mentoring program for new and existing charter schools.
- (2) The amount of a grant for charter school start-up costs shall be based on the authorized enrollment of the charter school.
- (3) The state board shall make rules consistent with this section specifying:
- (a) procedures for applying for and awarding grants for charter school start-up costs;
 - (b) permitted uses of grant money; and
 - (c) requirements for a charter school to submit the following to the State Charter School Board:
 - (i) a budget for the grant money; and
 - (ii) a final report on the expenditure of the grant money.
- (4) The state board shall make rules establishing a mentoring program for new and existing charter schools.

Amended by Chapter 186, 2019 General Session

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

- (1) Subject to legislative appropriation, the state board shall distribute small charter school base funding in the following amounts to charter schools with 2,000 or less students:
 - (a) for a charter school with 300 students or less, \$40,000;
 - (b) for a charter school with 301 to 400 students, \$35,000;
 - (c) for a charter school with 401 to 500 students, \$30,000;
 - (d) for a charter school with 501 to 600 students, \$25,000;
 - (e) for a charter school with 601 to 1,000 students, \$20,000; and
 - (f) for a charter school with 1,001 to 2,000 students, \$15,000.
- (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 439, 2021 General Session