

**Effective 5/9/2017**

**Renumbered 1/24/2018**

**53A-17a-109 Necessarily existent small schools -- Computing additional weighted pupil units -- Consolidation of small schools.**

- (1) As used in this section:
  - (a) "Board" means the State Board of Education.
  - (b) "Necessarily existent small schools funding balance" means the difference between:
    - (i) the amount appropriated for the necessarily existent small schools program in a fiscal year; and
    - (ii) 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 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 board rules adopted under Subsection (3).
  - (b) An application must be submitted to the board before April 2, and the board must report a decision to a local school board before June 2.
- (3) The 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) A one or two-year secondary school that has received necessarily existent small school money under this section prior to July 1, 2000, may continue to receive such money in subsequent years.
- (5) The board shall prepare and publish objective standards and guidelines for determining which small schools are necessarily existent after consultation with local school boards.
- (6)
  - (a) Additional weighted pupil units for schools classified as necessarily existent small schools shall be computed using regression formulas adopted by the board.
  - (b) The regression 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) Schools with fewer than 10 students shall receive the same add-on weighted pupil units as schools with 10 students.
  - (d) The board shall prepare and distribute an allocation table based on the regression formula to each school district.
- (7)
  - (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.
- (8) Subject to legislative appropriation, the board shall give first priority from an appropriation made under this section to funding an expense approved by the board as described in Subsection 53A-2-204(3)(a).
- (9)
  - (a) Subject to Subsection (9)(b) and after a distribution made under Subsection (8), the board may distribute a portion of necessarily existent small schools funding in accordance with a formula adopted by the board that considers the tax effort of a local school board.
  - (b) The amount distributed in accordance with Subsection (9)(a) may not exceed the necessarily existent small schools fund in balance of the prior fiscal year.
- (10) 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 board.