

1                                   **STUDENTS WITH DISABILITIES AMENDMENTS**

2   2021 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Marsha Judkins**

5                                   Senate Sponsor: Michael S. Kennedy

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7 **LONG TITLE**

8 **General Description:**

9           This bill amends a formula related to add-on weighted pupil units for students with  
10 disabilities.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ amends a formula related to add-on weighted pupil units for students with
- 14 disabilities; and
- 15           ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 AMENDS:

22           **53F-2-307**, as last amended by Laws of Utah 2020, Chapter 408

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24 *Be it enacted by the Legislature of the state of Utah:*

25           Section 1. Section **53F-2-307** is amended to read:

26           **53F-2-307. Weighted pupil units for programs for students with disabilities --**

27 **Local school board allocation.**



28 (1) The number of weighted pupil units for students with disabilities shall reflect the  
29 direct cost of programs for those students conducted in accordance with rules established by the  
30 state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

31 (2) Disability program money allocated to school districts or charter schools is  
32 restricted and shall be spent for the education of students with disabilities but may include  
33 expenditures for approved programs of services conducted for certified instructional personnel  
34 who have students with disabilities in their classes.

35 (3) The state board shall establish and strictly interpret definitions and provide  
36 standards for determining which students have disabilities and shall assist school districts and  
37 charter schools in determining the services that should be provided to students with disabilities.

38 (4) Each year the state board shall evaluate the standards and guidelines that establish  
39 the identifying criteria for disability classifications to assure strict compliance with those  
40 standards by the school districts and charter schools.

41 (5) (a) Money appropriated to the state board for add-on WPU's for students with  
42 disabilities enrolled in regular programs shall be allocated to school districts and charter  
43 schools as provided in this Subsection (5).

44 (b) The state board shall use a school district's or charter school's average number of  
45 special education add-on weighted pupil units determined by [the previous five year's] the prior  
46 year's average daily membership plus growth and the preceding four years' average daily  
47 membership data as a foundation for the special education add-on appropriation.

48 (c) The growth factor described in Subsection (5)(b) is the percentage change in total  
49 enrollment of kindergarten through grade 12 students on the first school day of October in the  
50 current school year as compared to the total enrollment of kindergarten through grade 12  
51 students on the first school day of October in the previous school year.

52 ~~[(e)]~~ (d) A school district's or charter school's special education add-on WPU's for the  
53 current year may not be less than the foundation special education add-on WPU's described in  
54 Subsection (5)(b).

55 ~~[(f)]~~ (e) Growth WPU's shall be added to the prior year special education add-on  
56 WPU's, and growth WPU's shall be determined as follows:

57 (i) The special education student growth factor is calculated by comparing ~~Ŝ~~ → [S-3] S-2 ← ~~Ŝ~~  
57a total  
58 special education ~~[ADM of two years]~~ average daily membership of one year previous to the

59 current year to the ~~Ŝ~~ ~~→~~ ~~[S-3]~~ ~~S-2~~ ~~←~~ ~~Ŝ~~ total special education [~~ADM three~~] average daily membership  
 59a two  
 60 years previous to the current year, not to exceed the official October total school district or  
 61 charter school growth factor from the prior year.

62 (ii) When calculating and applying the growth factor, a school district's S-3 total  
 63 special education ADM for a given year is limited to [~~12.18%~~] the following percentage of the  
 64 school district's ~~Ŝ~~ ~~→~~ ~~[S-3]~~ ~~S-2~~ ~~←~~ ~~Ŝ~~ total student ADM for the same year[-]:

65 (A) for a school district in a county of the first, second, or third class, 14%; and

66 (B) for a school district in a county of the fourth, fifth, or sixth class, 20%.

67 (iii) Growth ADMs are calculated by applying the growth factor to the ~~Ŝ~~ ~~→~~ ~~[S-3]~~ ~~S-2~~ ~~←~~ ~~Ŝ~~  
 67a total special  
 68 education [~~ADM of two years~~] average daily membership of one year previous to the current  
 69 year.

70 (iv) Growth ADMs for each school district or each charter school are multiplied by  
 71 1.53 weighted pupil units and added to the prior year special education add-on WPU to  
 72 determine each school district's or each charter school's total allocation.

73 (6) If money appropriated under this chapter for programs for students with disabilities  
 74 does not meet the costs of school districts and charter schools for those programs, each school  
 75 district and each charter school shall first receive the amount generated for each student with a  
 76 disability under the basic program.