

1 **STUDENTS WITH DISABILITIES AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Marsha Judkins**

5 Senate Sponsor: Michael S. Kennedy

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

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 ~~[(c)]~~ (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 ~~[(d)]~~ (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 S-3 total
58 special education ~~[ADM of two years]~~ average daily membership of one year previous to the

59 current year to the S-3 total special education [~~ADM three~~] average daily membership 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 S-3 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 S-3 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.