

Senator Lincoln Fillmore proposes the following substitute bill:

STUDENTS WITH DISABILITIES FUNDING AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Marsha Judkins

LONG TITLE

General Description:

This bill makes changes to provisions related to funding for students with disabilities.

Highlighted Provisions:

This bill:

- ▶ requires the State Board of Education (state board) to:
 - annually review standards and guidelines related to establishing disability classifications; and
 - ensure the standards and guidelines provide school districts and charter schools flexibility to respond to the needs of students with disabilities;
- ▶ permits disability program money to be used for facilities construction and alteration under certain circumstances;
- ▶ amends a formula related to add-on weighted pupil units for students with disabilities;
- ▶ defines terms; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **53F-2-307**, as last amended by Laws of Utah 2020, Chapter 408

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

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

33 **53F-2-307. Weighted pupil units for programs for students with disabilities --**

34 **Local school board allocation.**

35 (1) As used in this section:

36 (a) "Necessary cost" means a cost that is needed to provide special education and
37 related services to students with disabilities.

38 (b) "Reasonable cost" means a cost that, in nature and amount, does not exceed an
39 amount that a prudent person would incur under the circumstances prevailing at the time the
40 decision was made to incur the cost.

41 ~~[(1)]~~ (2) The number of weighted pupil units for students with disabilities shall reflect
42 the direct cost of programs for those students conducted in accordance with rules established by
43 the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

44 ~~[(2)]~~ (3) Disability program money allocated to school districts or charter schools is
45 restricted and shall be spent for the education of students with disabilities ~~[but may include~~
46 ~~expenditures for]~~.

47 (4) Notwithstanding Subsection (3), disability program money allocated to school
48 districts or charter schools may be expended for:

49 (a) approved programs of services conducted for certified instructional personnel who
50 have students with disabilities in their classes[-]; or

51 (b) constructing facilities or altering existing facilities if:

52 (i) the costs are necessary costs and reasonable costs;

53 (ii) the costs are not for the general purpose of bringing facilities into compliance with:

54 (A) Section 504 of the Rehabilitation Act of 1973; or

55 (B) the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.;

56 (iii) the construction or alteration meets the needs of one or more students with

57 disabilities; and

58 (iv) the state board approves the expenditure in accordance with rules the state board
59 makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

60 [~~(3)~~] (5) The state board shall establish [~~and strictly interpret~~] definitions and provide
61 standards for determining which students have disabilities and shall assist school districts and
62 charter schools in determining the services that should be provided to students with disabilities.

63 [~~(4) Each year the state board shall evaluate~~]

64 (6) The state board shall annually evaluate, and amend as needed, the standards and
65 guidelines that establish the identifying criteria for disability classifications to [assure strict
66 compliance with those standards by the school districts and charter schools:] ensure that school
67 districts and charter schools:

68 (a) comply with the standards and guidelines; and

69 (b) have flexibility to respond to the needs of students with disabilities.

70 [~~(5)~~] (7) (a) Money appropriated to the state board for add-on WPUs for students with
71 disabilities enrolled in regular programs shall be allocated to school districts and charter
72 schools as provided in this Subsection [~~(5)~~] (7).

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

77 (c) The growth factor described in Subsection (7)(b) is the percentage change in total
78 enrollment of kindergarten through grade 12 students on the first school day of October in the
79 current school year as compared to the total enrollment of kindergarten through grade 12
80 students on the first school day of October in the previous school year.

81 [~~(e)~~] (d) A school district's or charter school's special education add-on WPUs for the
82 current year may not be less than the foundation special education add-on WPUs described in
83 Subsection (7)(b).

84 [~~(d)~~] (e) Growth WPUs shall be added to the prior year special education add-on
85 WPUs, and growth WPUs shall be determined as follows:

86 (i) The special education student growth factor is calculated by comparing [~~S-3~~] total
87 special education [~~ADM of two years~~] average daily membership of one year previous to the

88 current year to the [S-3] total special education [~~ADM three~~] average daily membership two
89 years previous to the current year[~~, not to exceed the official October total school district~~
90 ~~growth factor from the prior year~~].

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

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

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

96 (iii) Growth ADMs are calculated by applying the growth factor to the [S-3] total
97 special education [~~ADM of two years~~] average daily membership of one year previous to the
98 current year.

99 (iv) Growth ADMs for each school district or each charter school are multiplied by
100 [~~1.53~~] the following weighted pupil units and added to the prior year special education add-on
101 WPU to determine each school district's or each charter school's total allocation[-]:

102 (A) for fiscal year 2023, 1.35 weighted pupil units;

103 (B) for fiscal year 2024, 1.15 weighted pupil units; and

104 (C) beginning in fiscal year 2025, and every fiscal year thereafter, 1.00 weighted pupil
105 units.

106 [~~(6)~~] (8) If money appropriated under this chapter for programs for students with
107 disabilities does not meet the costs of school districts and charter schools for those programs,
108 each school district and each charter school shall first receive the amount generated for each
109 student with a disability under the basic program.