

**IN-PERSON INSTRUCTION PRIORITIZATION**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill addresses the use of allocated education funding to a local education agency that does not provide a broad-based in-person learning option for all students in kindergarten through grade 12 by a certain date.

**Highlighted Provisions:**

This bill:

► requires the State Board of Education to reallocate an amount equivalent to a portion of a weighted pupil unit from a local education agency (LEA) that does not provide a broad-based in-person learning option for all students in kindergarten through grade 12 by a certain date to a different LEA in certain circumstances; and

► requires an LEA that does not provide a broad-based in-person learning option for all students in kindergarten through grade 12 by a certain date to contract with a private school to provide certain funding in certain circumstances.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

This bill provides a coordination clause.

**Utah Code Sections Affected:**

AMENDS:



28 **53F-2-302**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 9

29 **Utah Code Sections Affected by Coordination Clause:**

30 **53F-2-302.1**, Utah Code Annotated 1953



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

32 Section 1. Section **53F-2-302** is amended to read:

33 **53F-2-302. Determination of weighted pupil units.**

34 The number of weighted pupil units in the Minimum School Program for each year is  
35 the total of the units for each school district and, subject to Subsection (4), charter school,  
36 determined as follows:  
37

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

41 (2) The number of units is computed by adding the average daily membership of all  
42 pupils of the school district or charter school enrolled in kindergarten and multiplying the total  
43 by .55.

44 (a) In those school districts or charter schools that do not hold kindergarten for a full  
45 nine-month term, the local school board or charter school governing board may approve a  
46 shorter term of nine weeks' duration.

47 (b) Upon LEA governing board approval, the number of pupils in average daily  
48 membership at the short-term kindergarten shall be counted for the purpose of determining the  
49 number of units allowed in the same ratio as the number of days the short-term kindergarten is  
50 held, not exceeding nine weeks, compared to the total number of days schools are held in that  
51 school district or charter school in the regular school year.

52 (3) (a) The state board shall use prior year plus growth to determine average daily  
53 membership in distributing money under the Minimum School Program where the distribution  
54 is based on kindergarten through grade 12 ADMs or weighted pupil units.

55 (b) Under prior year plus growth, kindergarten through grade 12 average daily  
56 membership for the current year is based on the actual kindergarten through grade 12 average  
57 daily membership for the previous year plus an estimated percentage growth factor.

58 (c) The growth factor is the percentage increase in total average daily membership on

59 the first school day of October in the current year as compared to the total average daily  
60 membership on the first school day of October of the previous year.

61 (4) In distributing funds to charter schools under this section, charter school pupils  
62 shall be weighted, where applicable, as follows:

- 63 (a) .55 for kindergarten pupils;
- 64 (b) .9 for pupils in grades 1 through 6;
- 65 (c) .99 for pupils in grades 7 through 8; and
- 66 (d) 1.2 for pupils in grades 9 through 12.
- 67 (5) Notwithstanding Subsection (3)(c):

68 (a) for the 2020-2021 school year the state board may use a count of average daily  
69 membership on any day or days of the current school year in 2020 to calculate a growth factor  
70 for the 2020-2021 school year; and

71 (b) when calculating the growth factor as described in Subsection (5)(a), the state board  
72 shall comply with all applicable federal requirements.

73 (6) (a) Notwithstanding Subsection (3), if an LEA other than an online-only charter  
74 school does not provide a broad-based in-person learning option for all students in kindergarten  
75 through grade 12 by February 8, 2021, for each student who was counted for the LEA in the  
76 enrollment count described in Subsection (3) for the 2020-2021 academic year who leaves the  
77 LEA during the 2020-2021 academic year:

78 (i) if the student enrolls in a new LEA, the state board shall reallocate from the  
79 previous LEA to the new LEA, for the remainder of fiscal year 2021, an amount equivalent to  
80 .5 WPU's and an equivalent proportionate amount of per-student funding received from the  
81 Related to Basic School Program; and

82 (ii) if the student enrolls in ~~Ŝ~~ **[a] an accredited** ~~←Ŝ~~ private school ~~Ŝ~~ , as that term is  
82a **defined in Section 62A-2-108.1, within the state that provides a broad-based in-person learning**  
82b **option** ~~←Ŝ~~ , the LEA shall contract with the private  
83 school to provide, during the 2020-2021 academic year and on behalf of the student, the greater  
84 of:

- 85 (A) 75% of the cost of the private school tuition; or
- 86 (B) an amount equivalent to three WPU's up to 100% of the cost of the private school  
87 tuition.

88 (b) The amount described in Subsection (6)(a)(ii)(B) may not exceed 100% of the cost  
89 of the private school tuition.

90 Section 2. **Effective date.**

91 If approved by two-thirds of all the members elected to each house, this bill takes effect  
92 upon approval by the governor, or the day following the constitutional time limit of Utah  
93 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
94 the date of veto override.

95 Section 3. **Coordinating S.B. 107 with S.B. 1 -- Substantive amendment.**

96 If this S.B. 107 and S.B. 1, Public Education Base Budget Amendments, both pass and  
97 become law, it is the intent of the Legislature that the Office of Legislative Research and  
98 General Counsel shall prepare the Utah Code database for publication by enacting Subsection  
99 53F-2-302.1(3) to read:

100 "(3) Subject to legislative appropriations, the state board, in consultation with the  
101 Office of the Legislative Fiscal Analyst and the Governor's Office of Management and Budget,  
102 shall use program funds to:

103 (a) for fiscal years 2021 and 2022 and for an LEA that has declining enrollment, except  
104 for an LEA other than an online-only charter school that does not provide a broad-based  
105 in-person learning option for all students in kindergarten through grade 12 by February 8, 2021,  
106 pay costs associated with Subsection 53F-2-302(3) to hold LEA funding distributions at the  
107 prior year's average daily membership; and

108 (b) for fiscal year 2022, fund ongoing impacts of student enrollment changes in the  
109 2021-2022 academic year, including:

110 (i) assigning additional weighted pupil units to an LEA experiencing a net growth in  
111 weight pupil units over the fiscal year 2022 base allocations associated with student enrollment  
112 increases following the student enrollment count;

113 (ii) at the request of an LEA that experienced a significant decline in student  
114 enrollment during the 2020-2021 academic year, pre-fund significantly higher anticipated  
115 student enrollment growth before the student enrollment count; and

116 (iii) with any remaining weighted pupil units, pay other weighted pupil unit related  
117 costs in accordance with Section 53F-2-205."