

1 **R277. Education, Administration.**

2 **R277-479. Funding for Charter School Students With Disabilities on an IEP.**

3 **R277-479-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) Utah Constitution [Article X, Section 3](#), which vests general control and
6 supervision over public education in the Board;

7 (b) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute
8 the Board's duties and responsibilities under the Constitution and state law;

9 (c) Subsection [53E-3-501\(1\)\(c\)\(vi\)\(A\)](#), which directs the Board to adopt rules
10 regarding services for persons with disabilities; and

11 (d) Section [53E-7-~~202~~206](#), which directs the Board to [~~set standards for state~~
12 ~~funds appropriated for students with disabilities]~~ administer state and federal special
13 education funds.

14 (2) The purpose of this rule is to specify standards and procedures for funding of
15 charter school students with disabilities on an IEP.

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17 **R277-479-2. Definitions.**

18 (1) "Base" means prior year special education add-on WPU.

19 (2) "Charter school" means a school authorized by a charter school authorizer
20 under:

21 (a) Section [53G-5-305](#);

22 (b) Section [53G-5-306](#); or

23 (c) Section [53G-5-304](#).

24 (3) "Charter school authorizer" or "authorizer" has the same meaning as that
25 term is defined in Subsection [53G-5-102\(3\)](#).

26 (4) "Common Data Committee" or "CDC" means a group comprised of
27 representatives of Board staff, the Legislative Fiscal Analyst's Office, the Governor's
28 Office of Management and Budget, and the Utah State Tax Commission, that reports to
29 the legislature with:

30 (a) estimates of the growth of students in Utah schools and how much it will cost
31 to fund those students; and

32 (b) estimates of the tax dollars the state will receive for education.

33 (5) "Estimated enrollment" means the enrollment projections done by the CDC
34 as approved by the Superintendent and used for legislative projections.

35 (6) "Foundation" means the average of self-contained and resource special
36 education students average daily membership over the previous five years.

37 (7) "Negative growth adjustment" means prior year special education add-on
38 WPU minus weighted negative growth.

39 (8) "New charter school" means a charter school with less than five years of
40 operation.

41 (9) "Positive growth adjustment" means prior year special education add-on
42 WPU plus weighted growth.

43 (10) "Prevalence rate" means the percentage of students with disabilities within
44 the total student enrollment.

45 (11) "Previous [~~five~~] four years" means the [~~five~~] four year span between the
46 [~~seventh~~] sixth and second prior fiscal year.

47 (12) "Significant expansion" means a substantial increase in the number of
48 students attending a charter school due to a significant event, such as the addition of
49 new grade levels or additions of sites, that is unlikely to occur on a regular basis.

50 (13) "Special education" means specially designed instruction and related
51 services to meet the unique needs of a student with a disability in accordance with
52 R277-750.

53 (14) "Student with a disability" means a student, evaluated in accordance with
54 Utah State Board of Education Special Education Rules, and determined to be eligible
55 for special education and related services.

56 (15) "Total enrollment" means the total number of students enrolled in all
57 campuses of a school as of the October 1 UTREx update.

58 (16) "Utah eTranscript and Record Exchange" or "UTREx" means a system that
59 allows:

60 (a) individual detailed student records to be exchanged electronically among
61 public education LEAs and the Superintendent; and

62 (b) electronic transcripts to be sent to any post-secondary institution that
63 participates in the e-transcript service.

64

65 **R277-479-3. Charter School Special Education Add-On Funding.**

66 (1) For existing charter schools, the Superintendent shall calculate the
67 foundation based on the average ADM of students with disabilities for the previous five
68 years.

69 (2)(a) For new charter schools, the Superintendent shall calculate the foundation
70 based on the average special education ADM for the number of years the new charter
71 school has been in operation beyond the first year, until the charter school completes its
72 ~~[fifth]~~ fourth year of operation.

73 (b) In its first operational year, a new charter school shall receive special
74 education funding based on estimated enrollment projections made by the CDC and
75 approved by the Superintendent for legislative projections.

76 (c) For a new charter school, the estimate of students with disabilities shall be
77 10% of the estimated enrollment.

78 (3) The foundation is the minimum amount a charter school may receive for
79 special education add-on funding.

80 (4)(a) The Superintendent shall apply a positive growth adjustment to a charter
81 school's foundation for weighted growth.

82 (b) ~~[Weighted growth is determined by comparing special education ADM and~~
83 ~~total ADM from the third and second prior fiscal years.] The Superintendent shall~~
84 determine weighted growth as set forth in Subsection [53F-2-307\(7\)\(e\)\(i\)](#).

85 (c) The rate of growth in special education ADM may not exceed the rate of
86 growth in total ADM.

87 (d) The Superintendent shall [~~multiply positive weighted growth by a factor of~~
88 ~~1.53 and add the result to a charter school's foundation~~] determine growth WPU as set
89 forth in Subsection 53F-2-307(7)(e).

90 (e) The Superintendent may not impose a funding cap based on the charter
91 prevalence rate because a charter school is designed and authorized specifically to
92 serve students with disabilities.

93 (f) When there is no growth, either because a charter school is new or because
94 the same number of students are enrolled, the Superintendent may not apply a positive
95 growth adjustment.

96 (5)(a) The Superintendent shall apply a negative growth adjustment to a charter
97 school's base for decline in special education ADM.

98 (b) The negative growth adjustment is the base multiplied by the percentage of
99 enrollment decline.

100 (c) The Superintendent shall subtract the result calculated under Subsection
101 (5)(b) from the base to determine WPU.

102 (d) When there is no decline in a charter school's enrollment of students with
103 disabilities, either because the charter school is new or because the same number of
104 students are enrolled, the Superintendent may not apply a negative growth adjustment
105 to the charter school's allotment.

106 (e) If a negative growth adjustment brings the WPU below the foundation, the
107 charter school shall receive the foundation WPU.

108 (6)(a) If an authorizer approves a significant expansion for a charter school,
109 during the first and second years of expansion, the Superintendent shall multiply the
110 projected increase in enrollment by the most recent prevalence rate to arrive at the
111 WPU supplement for the charter school.

112 (b) After the first and second years of a charter school's expansion, the special
113 education formula provided in this Section R277-479-3 shall account for the expansion.

114 (c) If an authorizer approves a significant expansion for a charter school during
115 the third year of operation and beyond, the Superintendent shall calculate a significant

116 expansion adjustment by estimating the number of students with disabilities to be 10%
117 of the projected enrollment, and provide funding for these anticipated students.

118 (d)(i) The Superintendent shall base the estimate under Subsection (6)(c) on a
119 projected expansion adjustment calculated by the Superintendent accounting for
120 expansion information provided by a charter school's authorizer.

121 (ii) The Superintendent shall multiply the projection by the prevalence rate of
122 students with disabilities for the charter school for the most recent year calculated in the
123 add-on formula.

124 (iii) The Superintendent shall allocate the resulting significant expansion
125 adjustment WPU as an expansion supplement to the charter school's add-on WPU.

126 (7) Notwithstanding this Section R277-479-3, if a new charter school or
127 significant expansion identifies a purpose and target population in its application
128 focusing on students with disabilities, the Superintendent shall estimate the number of
129 students with disabilities expected to enroll in consultation with the authorizer and the
130 school.

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132 **KEY: charter schools, students with disabilities**

133 **Date of Last Change: June 2, 2022**

134 **Notice of Continuation: March 12, 2022**

135 **Authorizing, and Implemented or Interpreted Law: [Art X, Sec 3](#); [53E-3-](#)**

136 **[501\(1\)\(c\)\(vi\)\(A\)](#); [53E-7-\[202\]206](#); [53E-3-401\(4\)](#)**